

Citizen Participation and Public Petitions Committee

7th Meeting, 2021 (Session 6), Wednesday
17 November 2021

PE1854: Review the adult disability payment
eligibility criteria for people with mobility needs

Note by the Clerk

PE1854: Lodged 3 February 2021

Petitioners	Keith Park on behalf of MS Society
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to remove the 20 metre rule from the proposed adult disability payment eligibility criteria or identify an alternative form of support for people with mobility needs.
Webpage	https://petitions.parliament.scot/petitions/PE1854

Introduction

1. The Committee last considered this petition at its meeting on [8 September 2021](#). At that meeting, the Committee agreed to write to the Department for Work and Pensions and the Scottish Government.
2. A summary of past consideration of the petition, submissions received since the petition was last considered and suggested areas for future investigation are provided for the Committee's consideration.
3. During its consideration of this petition, the Committee received 7 written submissions.

Minister for Social Security and Local Government

4. The Committee wrote to the Minister for Social Security and Local Government seeking clarity on the issue of delivering Adult Disability Payments on a "like for like" basis with Personal Independence Payments, specifically exploring the

risk of reserved benefits being automatically withdrawn as a consequence of making changes to the eligibility criteria.

5. In his submission, the Minister acknowledges that respondents to their [consultation on Adult Disability Payment](#) raised a number of key concerns:
 - That existing eligibility and payments should be protected with the introduction of any new benefit;
 - That benefit recipients should not have to reapply for benefits in order to maintain their current entitlements;
 - That existing eligibility criteria in relation to mobility does not adequately reflect the impact of certain disabilities and health conditions, with many responses focusing specifically on the 20-metre rule.
6. The Minister explains that this is why the Scottish Government has committed to prioritising a safe and secure transition to new disability benefits. In doing so he states it has “carefully considered the experience of DWP in migrating clients to newly introduced benefits and are persuaded that our approach of providing clients with their existing entitlement is the only way to meet this commitment.”
7. Ensuring that the eligibility criteria for ADP is broadly the same as PIP during this transition period is something the Scottish Government identifies as key to this.
8. The Minister notes that PIP eligibility provides clients with automatic entitlement to various reserved benefits and premiums, usually referred to as ‘passporting’.
9. The Minister reiterates the point made in the Scottish Government’s previous submission that “DWP have made clear that ‘passporting’ for ADP is subject to delivery of a “like for like” system”.
10. The Minister notes that there is currently no detailed definition of “like for like”, however highlights that DWP have “registered concerns about aspects of changes which one might consider to be relatively minor, such as, alterations to the “interpretations” section of the regulations.”
11. An agreement has been met with the DWP that passporting to reserved benefits for ADP clients will be assured in the immediate term. However, the Minister notes that any significant change to the eligibility criteria for ADP could risk undermining this agreement.
12. The Minister has written to the then UK Minister for Disabled People, Health and Work, requesting the DWP outline their criteria for extending this ‘passporting’ agreement to reach a more permanent solution.
13. In his submission, the Minister outlines a number of challenges he anticipates Social Security Scotland will face in introducing ADP and why he believes any

immediate changes to eligibility criteria (e.g. the removal of the 20-metre rule), could have a “significant impact” on the volume of applications and potentially cause significant delays to its launch. These factors influenced the Scottish Government’s decision not to make changes to the eligibility criteria in the early stages of the ADP’s introduction.

14. The Minister states that there will be an independent review of ADP in 2023 and work on this will begin next year. This review will include an opportunity for stakeholders to propose alternative ADP eligibility criteria.

Department for Work and Pensions

15. The Committee also wrote to the DWP on this matter.
16. In its response to the Committee, the DWP states that in order to access higher payments levels for some reserved benefits, individuals currently need to meet specified criteria, which may include being in receipt of other benefits or components of other benefits.
17. For example, if someone is in receipt of the daily living or enhanced daily living care component of PIP, the middle or higher rate of care component in Disability Living Allowance (DLA) or Attendance Allowance (AA), this can give rise to an additional amount for severe disability in Pension Credit.
18. The DWP states that once PIP, DLA and AA are replaced in Scotland, DWP will need to find an alternative way of identifying those with the relevant additional disability or care needs for the purposes of calculating entitlement to reserved benefits.

Petitioner submission

19. In their response to the submissions from the DWP and Minister for Social Security and Local Government, the petitioner requests that the petition is kept open. This would be to allow stakeholders and the Committee to examine the Scottish Government’s response to the findings of the Scottish Commission on Social Security, as well as take evidence from stakeholders.
20. The petitioner notes that ‘Scotland has the opportunity to build a world leading rights based social security service. Free from arbitrary, tick box tests like the 20-metre rule’ and whilst the petitioner welcomes changes to the assessment process itself, he notes that ‘it doesn’t matter what changes are made to how an assessment is carried out if people are being assessed against the same criteria.’
21. The petitioner believes that the examples provided by the DWP on passported benefits supports his position that an individual being eligible for the enhanced rate of mobility payment does not entitle them to any additional reserved benefits (potentially undermining the argument that a change to the 20m rule in the short term would cause recipients to be financially penalised).

22. The petitioner acknowledges that, should eligibility criteria be changed, then there is a risk in there being a higher rate of applications to ADP on roll-out of the new benefit. However, he believes this is a “relatively small risk” as it is based on the assumption that ‘people would have to stop claiming PIP to become eligible to apply for ADP’, something which he says is unlikely to happen as to do so would mean ‘people would be taking the risk of being without benefit payments for a period of time, possibly months, while their application is processed.’

Action

23. The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe

The following submissions are circulated in connection with consideration of the petition at this meeting -

- [PE1854/E Minister for Social Security and Local Government submission of 7 October 2021](#)
- [PE1854/F Department for Work and Pensions submission of 18 October 2021](#)
- [PE1854/G Petitioner submission of 9 November 2021](#)

The Scottish Parliament launched a new website at the end of Session 5.

All written submissions received on the petition before May 2021 can be viewed on the petition on the [archive webpage](#). Written submissions received on the petition after May 2021 can be viewed on its [new webpage](#).