

Petitioner submission of 28 June 2022

PE1854/M: Review the Adult Disability Payment eligibility criteria for people with mobility needs

Our Ask

- **We ask the Committee to continue to seek evidence on PE1854, with a view to producing a report to submit to the promised 2022 review on “moving around” descriptors within Adult Disability Payment.**

On the 17th of December 2021 the Minister for Social Security and Local Government wrote to the Social Justice and Social Security Committee, informing them the Disability Assistance for Working Age People (Scotland) Amendment Regulations 2022 had been laid in Parliament.

In the letter the Minister confirmed that in addition to the 2023 ADP review, the Government would bring forward an early review, focusing on eligibility criteria to begin in 2022. This was confirmed by the Minister during an appearance before the same Committee on the 27th of January 2022.

We have met the Government since then and they have been clear that they would value and consider contributions to the 2022 review from all stakeholders.

The MS Society Scotland believes this review presents an opportunity for the Public Petitions and Citizen Participation Committee to take forward the work it has already begun through its inquiries with this petition. With the evidence the Committee has gathered from a range of stakeholders including Citizens Advice Scotland, the Neurological Alliance of Scotland and the Department of Work & Pensions, we consider the committee is well placed to make a valuable contribution.

We consider the response from the Scottish Government on 10th June 2022 to reaffirm their earlier stated position that they welcome input and engagement from all stakeholders with respect to the review. We believe this indicates that the Government would welcome the input of the Committee.

As a marginalised group disabled people and their organisations have often found it difficult to have their voices heard within parliament. We consider that the committee, with a remit to encourage participative engagement is well placed to amplify these underrepresented voices.

We would suggest the Committee seeks further evidence from stakeholders including but not limited to those they have already spoken to. Focusing on both the need for a move away from arbitrary and degrading measures like the 20-metre rule at the earliest opportunity and how we can move towards criteria based in human rights, dignity and respect. We would welcome the opportunity to appear before the committee to offer our input.

We note that at the time of writing on the 29th of June 2022 the Government have not yet published or brought their plans for the 2022 review to parliament and this is another reason why we believe it would be premature to close the petition and shut down a potential avenue for engagement with disabled people.

We appreciate the Committee's consideration of our petition and would be interested in any other ways members believe the committee can investigate and take forward the petition.

Background on the 20-metre rule

The 20-metre rule was introduced as part of the eligibility criteria to access Personal Independence Payment (PIP). It means if you can walk one step over 20 metres you do not qualify for the enhanced rate of mobility support.

The rule does not take into account the nature of fluctuating conditions or the impact of physical and mental fatigue. It does not make allowances for those who live further than 20 metres away from services or shops.

The Scottish Government are replacing PIP with ADP. ADP replicates the eligibility criteria as it currently exists in PIP, retaining the 20-metre rule as part of the assessment criteria for accessing the enhanced rate of mobility support.

Throughout the policy process disabled people and their organisations identified the need to remove the 20 metre rule. However, the Government decided to retain the rule, stating their concern that any

changes risk the security of passported benefits and a “safe and secure” transition.

The Committee has received evidence from the MS Society and other stakeholders that do disagree with this position. However, we are encouraged by the Government’s willingness to engage constructively and by their announcement of an early review on the moving around component of eligibility criteria.

We note that while all parties voted for the ADP regulations when they appeared before the Social Security committee, opposition MSPs spoke strongly about their concerns with the regulations and noted that they felt they were a missed opportunity to get rid of the 20-metre rule.

We are pleased that representatives from all parties represented in parliament have publicly supported removing the 20-metre rule and note that the Government have stated that ADP as it is delivered on “day one” will not be “the limit of the Scottish ministers’ aspirations.”

Impact of the 20-metre rule

- Since its introduction one in three people with MS have had their support downgraded.¹
- 2% of people with MS gave up work altogether because they lost out on the enhanced rate of mobility support.²
- Around 611 people with MS gave up work due to a loss of mobility support between 2020 and 2022.³
- The rule has increased the cost to government of supporting people to live with MS due to additional costs to the NHS and a rise in claims for other income support.⁴

¹ MS Society – PIP: A step too far, June 2018

² MS Society – PIP: A step too far, June 2018

³ MS Society – PIP: A step too far, June 2018

⁴ MS Society – Cost of the 20m rule, April 2019