



**Appeals Tribunal Legally Qualified  
Member 2023**

**Assessment Centre**

**Situational Judgement Exercise  
Applicant Booklet**

## **Instructions to Applicants**

You have 40 minutes to read and prepare your responses to the attached Situational Judgement Exercise.

Please read the information attached and prepare your answers to the set questions that follow. After your 40 minutes preparation time is up, the Selection Committee will allow you up to 12 minutes to respond to the set questions, which will be followed by three follow up questions.

When your 12 minutes question and answer time is up, the Selection Committee will then move on to your interview questions which will relate to the Person Specification as set out in the Application Information Booklet and will last for a further 30 minutes approximately.

The questions asked in the Situational Judgement Exercise are intended to primarily assess the following areas of the Person Specification (but may also address other aspects):

- **Knowledge & Expertise**
- **Intellectual Capacity**
- **Exercising Judgement**
- **Communicating Effectively**

You may write notes during the 40-minute preparation time and bring them into the interview to aid you in responding to the questions.

The Situational Judgement Exercise is provided overleaf.

## **Situational Judgement Exercise**

### **Your Role**

For the purposes of the Situational Judgement Exercise assume you are sitting as a legally Qualified Member and Chair of the Appeal Tribunals for Northern Ireland alongside a Medical Member and a Disability qualified member. You are presented with the following case to hear.

You have also been provided with extracts from:

- Welfare Reform (Northern Ireland) Order 2015; part 5 (Annex 1)
- The Personal Independence Regulations (Northern Ireland ) 2016; parts 1, 2, and 3 and Schedule 1 (Annex 2) and

The panel members will assess the evidence presented to ascertain if the appellant is eligible for a Personal independence Payment (PIP). In conjunction with the Medically and Disability qualified members, appeals will be decided by considering the facts, researching as necessary, and applying the relevant law to them.

Below is a summary of the notes of the case.

### **Summary**

Peter is aged 20. When he was aged 9 it was determined that he had Autism Spectrum Disorder (ASD). He also has a specific learning difficulty, namely dyslexia. He received what he described as a 'lifetime 'award of the middle rate care component and lower rate mobility component of Disability Living Allowance (DLA) since the age of 10. His DLA award was converted to Personal Independence Payment (PIP) following the introduction of that benefit in Northern Ireland.

Peter did not really understand the PIP application form. He did not ask the Department to consider his DLA award papers and he gave a very limited account of himself and his problems when completing the form. The Department arranged for him to be seen by a Health Care Professional (HCP) who suggested that there was nothing wrong with him, that he was largely uncommunicative, boorish, very distant and somewhat rude. The Department rejected his claim.

His mother has only recently discovered that Peter's application has been rejected. She has submitted a supportive statement stating that he lives at home, spends all his time alone in his room, has no friends and that she and her husband must encourage Peter to do everything, including washing, dressing, eating and going out. He is fixated with everything to do with railway engines and spends most of his day watching YouTube videos about this interest. He will only leave the house in order to go to the local news agency once per week (late in the evening when there are few people around) in order to collect a magazine relating to railway engines. He goes nowhere else by himself. People who do not know him may believe him to be agitated, remote and uncommunicative. This sometimes manifests itself in verbal aggression requiring his mother to intervene. Last year he was barred from a local pub.

The Department had formally appointed Peter's mother to receive and deal with his benefits when he was a child however, she felt that when Peter became 18 it might be appropriate to allow him to manage his own financial affairs. She now regrets that decision. She says that Peter has ignored correspondence from the Department and from his bank. She has recently contacted the Department on his behalf and has discharged some of his unpaid bills. She intends to renew an application to be Peter's appointee.

Peter's appeal is listed for hearing before a tribunal chaired by you. Although he opted for an oral face to face hearing Peter does not turn up. His mother submits a letter on his behalf stating many of the points mentioned above. She also says that Peter does not regularly visit his GP because he does not want to leave the house. She said that because of this his medical notes and records will not give a proper reflection of his problems. She also states that his ASD diagnosis was made following a multidisciplinary assessment involving many professionals but that all relevant documents would not necessarily be included within the GP notes and records. She says that all those (multidisciplinary assessment) documents were available and relied on by the Department when they made the DLA award some years ago.

**END OF SITUATIONAL JUDGEMENT EXERCISE  
(Questions Overleaf)**

Please prepare your answers to the set question below:

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- a. How should this appeal be managed?
- b. Would you insist on receiving oral evidence from Peter? If so would you adjourn and what directions, if any, would you make?
- c. How would you deal with the absence of objective medical evidence? Would you ask for the previous DLA papers?
- d. What descriptors, if any, might be appropriate?

**A further three questions will be asked during the interview.**

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## STATUTORY INSTRUMENTS

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# 2015 No. 2006

## The Welfare Reform (Northern Ireland) Order 2015

### PART 5

#### Personal independence payment

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##### Modifications etc. (not altering text)

- C1** Pt. 5 modified (coming into operation in accordance with art. 1 of the amending Rule) by [The Social Security \(Ireland\) Order \(Northern Ireland\) 2019 \(S.R. 2019/77\)](#), [art. 2](#); 2020 c. 1, Sch. 5 para. 1(1)
- C2** Pt. 5 modified (1.1.2021) by [The Social Security \(Norway\) Order \(Northern Ireland\) 2020 \(S.R. 2020/357\)](#), arts. 1(2), [2](#), [Sch.](#)
- C3** Pt. 5 modified (coming into force in accordance with art. 1 of the amending Rule) by [The Social Security \(Switzerland\) Order \(Northern Ireland\) 2021 \(S.R. 2021/277\)](#), arts. 1(2), 2(2)(g), [Sch.](#)
- C4** Pts. 2, 5 modified (coming into operation in accordance with art. 1(1) of the amending S.R.) by [The Social Security \(Iceland\) \(Liechtenstein\) \(Norway\) Order \(Northern Ireland\) 2023 \(S.R. 2023/181\)](#), arts. 1(1), 2, [Sch.](#)

#### *Personal independence payment*

#### Personal independence payment

**82.**—(1) An allowance known as personal independence payment is payable in accordance with this Part.

(2) A person's entitlement to personal independence payment may be an entitlement to—

- (a) the daily living component (see Article 83);
- (b) the mobility component (see Article 84); or
- (c) both those components.

(3) A person is not entitled to personal independence payment unless the person meets prescribed conditions relating to residence and presence in Northern Ireland.

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##### Commencement Information

- I1** [Art. 82\(1\)\(2\)](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)
- I2** [Art. 82\(3\)](#) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(5\)\(a\)](#)
- I3** [Art. 82\(3\)](#) in operation at 20.6.2016 in so far as not already in operation by [S.R. 2016/215](#), [art. 3\(2\)](#)

#### Daily living component

**83.**—(1) A person is entitled to the daily living component at the standard rate if—

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, PART 5 is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the person's ability to carry out daily living activities is limited by the person's physical or mental condition; and
  - (b) the person meets the required period condition.
- (2) A person is entitled to the daily living component at the enhanced rate if—
- (a) the person's ability to carry out daily living activities is severely limited by the person's physical or mental condition; and
  - (b) the person meets the required period condition.
- (3) In this Article, in relation to the daily living component—
- (a) “the standard rate” means such weekly rate as may be prescribed;
  - (b) “the enhanced rate” means such weekly rate as may be prescribed.
- (4) In this Part “daily living activities” means such activities as may be prescribed for the purposes of this Article.
- (5) See Articles 85 and 86 for provision about determining—
- (a) whether the requirements of paragraph (1)(a) or (2)(a) are met;
  - (b) whether a person meets “the required period condition” for the purposes of paragraph (1) (b) or (2)(b).
- (6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the daily living component (see in particular Articles 87 (terminal illness) and 88 (persons of pensionable age)).

#### **Commencement Information**

- I4** [Art. 83\(1\)\(2\)\(5\)\(6\)](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)
- I5** [Art. 83\(3\)\(4\)](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(5\)\(b\)](#)

#### **Mobility component**

- 84.**—(1) A person is entitled to the mobility component at the standard rate if—
- (a) the person is of or over the age prescribed for the purposes of this paragraph;
  - (b) the person's ability to carry out mobility activities is limited by the person's physical or mental condition; and
  - (c) the person meets the required period condition.
- (2) A person is entitled to the mobility component at the enhanced rate if—
- (a) the person is of or over the age prescribed for the purposes of this paragraph;
  - (b) the person's ability to carry out mobility activities is severely limited by the person's physical or mental condition; and
  - (c) the person meets the required period condition.
- (3) In this Article, in relation to the mobility component—
- (a) “the standard rate” means such weekly rate as may be prescribed;
  - (b) “the enhanced rate” means such weekly rate as may be prescribed.
- (4) In this Part “mobility activities” means such activities as may be prescribed for the purposes of this Article.
- (5) See Articles 85 and 86 for provision about determining—
- (a) whether the requirements of paragraph (1)(b) or (2)(b) are met;

*Status: This version of this part contains provisions that are prospective.*

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(b) whether a person meets “the required period condition” for the purposes of paragraph (1) (c) or (2)(c).

(6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the mobility component (see in particular Articles 87 and 88).

(7) Regulations may provide that a person is not entitled to the mobility component for a period (even though the requirements in paragraph (1) or (2) are met) in prescribed circumstances where the person's condition is such that during all or most of the period the person is unlikely to benefit from enhanced mobility.

#### Commencement Information

**I6** Art. 84(1)(2)(5)(6) in operation at 20.6.2016 by S.R. 2016/215, art. 3(2)

**I7** Art. 84(3)(4)(7) in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(b)

#### Ability to carry out daily living activities or mobility activities

**85.**—(1) For the purposes of this Part, the following questions are to be determined in accordance with regulations—

- (a) whether a person's ability to carry out daily living activities is limited by the person's physical or mental condition;
- (b) whether a person's ability to carry out daily living activities is severely limited by the person's physical or mental condition;
- (c) whether a person's ability to carry out mobility activities is limited by the person's physical or mental condition;
- (d) whether a person's ability to carry out mobility activities is severely limited by the person's physical or mental condition.

(2) Regulations must make provision for determining, for the purposes of each of Articles 83(1) and (2) and 84(1) and (2), whether a person meets “the required period condition” (see further Article 86).

(3) Regulations under this Article—

- (a) must provide for the questions mentioned in paragraphs (1) and (2) to be determined, except in prescribed circumstances, on the basis of an assessment (or repeated assessments) of the person;
- (b) must provide for the way in which an assessment is to be carried out;
- (c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account.

(4) The regulations may, in particular, make provision—

- (a) about the information or evidence required for the purpose of determining the questions mentioned in paragraphs (1) and (2);
- (b) about the way in which that information or evidence is to be provided;
- (c) requiring a person to participate in such a consultation, with a person approved by the Department, as may be determined under the regulations (and to attend for the consultation at a place, date and time determined under the regulations).

(5) The regulations may include provision—

- (a) for a negative determination to be treated as made if a person fails without a good reason to comply with a requirement imposed under paragraph (4);



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- (b) about what does or does not constitute a good reason for such a failure;
  - (c) about matters which are, or are not, to be taken into account in determining whether a person has a good reason for such a failure.
- (6) In paragraph (5)(a) a “negative determination” means a determination that a person does not meet the requirements of—
- (a) Article 83(1)(a) and (b) or (2)(a) and (b) (daily living component);
  - (b) Article 84(1)(a) to (c) or (2)(a) to (c) (mobility component).

#### Commencement Information

**18** Art. 85 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(b)

#### Required period condition: further provision

**86.**—(1) Regulations under Article 85(2) must provide for the question of whether a person meets “the required period condition” for the purposes of Article 83(1) or (2) or 84(1) or (2) to be determined by reference to—

- (a) whether, as respects every time in the previous 3 months, it is likely that if the relevant ability had been assessed at that time that ability would have been determined to be limited or (as the case may be) severely limited by the person's physical or mental condition; and
  - (b) whether, as respects every time in the next 9 months, it is likely that if the relevant ability were to be assessed at that time that ability would be determined to be limited or (as the case may be) severely limited by the person's physical or mental condition.
- (2) In paragraph (1) “the relevant ability” means—
- (a) in relation to Article 83(1) or (2), the person's ability to carry out daily living activities;
  - (b) in relation to Article 84(1) or (2), the person's ability to carry out mobility activities.
- (3) In paragraph (1)—
- (a) “assessed” means assessed in accordance with regulations under Article 85;
  - (b) “the previous 3 months” means the 3 months ending with the prescribed date;
  - (c) “the next 9 months” means the 9 months beginning with the day after that date.
- (4) Regulations under Article 85(2) may provide that in prescribed cases the question of whether a person meets “the required period condition” for the purposes of Article 83(1) or (2) or 84(1) or (2)—
- (a) is not to be determined in accordance with the provision made by virtue of paragraphs (1) to (3);
  - (b) is to be determined in accordance with provision made in relation to those cases by the regulations.

#### Commencement Information

**19** Art. 86 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(b)

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**Status:** This version of this part contains provisions that are prospective.  
**Changes to legislation:** The Welfare Reform (Northern Ireland) Order 2015, PART 5 is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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*Entitlement and payability: further provision*

**Terminal illness**

**87.**—(1) This Article applies to a person who—

- (a) is terminally ill; and
- (b) has made a claim for personal independence payment expressly on the ground of terminal illness.

(2) A person to whom this Article applies is entitled to the daily living component at the enhanced rate (and accordingly Article 83(1) and (2) does not apply to such a person).

(3) Article 84(1)(c) and (2)(c) (required period condition for mobility component) does not apply to a person to whom this Article applies.

(4) For the purposes of this Article a person is “terminally ill” at any time if at that time the person suffers from a progressive disease and the person's death in consequence of that disease can reasonably be expected within <sup>F1</sup>12] months.

(5) For the purposes of this Article, where—

- (a) a person purports to make a claim for personal independence payment on behalf of another, and
- (b) the claim is made expressly on the ground that the person on whose behalf it purports to be made is terminally ill,

that person is to be regarded as making the claim despite its being made without that person's knowledge or authority.

(6) In paragraph (2) “the enhanced rate” has the meaning given by Article 83(3).

**Textual Amendments**

**F1** Word in [art. 87\(4\)](#) substituted (4.4.2022) by [Social Security \(Terminal Illness\) Act \(Northern Ireland\) 2022 \(c.7\)](#), s. 1(2)(b); [SR 2022/171](#), art. 2

**Commencement Information**

**I10** [Art. 87](#) in operation at 20.6.2016 by [S.R. 2016/215](#), [art. 3\(2\)](#)

**Persons of pensionable age**

**88.**—(1) A person is not entitled to the daily living component or the mobility component for any period after the person reaches the relevant age.

(2) In paragraph (1) “the relevant age” means—

- (a) pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995); or
- (b) if higher, 65.

(3) Paragraph (1) is subject to such exceptions as may be provided by regulations.

**Modifications etc. (not altering text)**

**C5** [Art. 88\(1\)](#) excluded (20.6.2016) by [The Personal Independence Payment \(Transitional Provisions\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/227\)](#), regs. 1, [27\(1\)](#)

*Status: This version of this part contains provisions that are prospective.*

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- C6** Art. 88(1) excluded (20.6.2016) by [The Personal Independence Payment Regulations \(Northern Ireland\) 2016 \(S.R. 2016/217\)](#), regs. 1, **27**
- C7** Art. 88(1) excluded (20.6.2016) by [The Personal Independence Payment Regulations \(Northern Ireland\) 2016 \(S.R. 2016/217\)](#), regs. 1, **25**
- C8** Art. 88(1) excluded by S.R. 2016/227, reg. 27A (as inserted (4.7.2019) by [The Personal Independence Payment \(Transitional Provisions\) \(Amendment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/118\)](#), regs. 1, **2**)

#### Commencement Information

- I11** Art. 88 in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), **art. 2(5)(c)**
- I12** Art. 88 in operation at 20.6.2016 in so far as not already in operation by [S.R. 2016/215](#), **art. 3(2)**

### No entitlement to daily living component where UK is not competent state

**89.**—(1) A person to whom a relevant EU Regulation applies is not entitled to the daily living component for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.

(2) Each of the following is a “relevant EU Regulation” for the purposes of this Article—

- (a) Council Regulation (EC) No 1408/71 of 14th June 1971 [<sup>F2</sup>, as amended from time to time,] on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;
- (b) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 [<sup>F3</sup>, as amended from time to time,] on the coordination of social security systems.

#### Textual Amendments

- F2** Words in art. 89(2)(a) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1085\)](#), regs. 1, **3(a)**
- F3** Words in art. 89(2)(b) inserted (15.11.2018) by [The Social Security \(Updating of EU References\) \(Amendment\) \(Northern Ireland\) Regulations 2018 \(S.I. 2018/1085\)](#), regs. 1, **3(b)**

#### Commencement Information

- I13** Art. 89 in operation at 2.5.2016 by [S.R. 2016/215](#), **art. 2(5)(d)**

### Care home residents

**90.**—(1) Regulations may provide that no amount in respect of personal independence payment which is attributable to entitlement to the daily living component is payable in respect of a person for a period when the person meets the condition in paragraph (2).

(2) The condition is that the person is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for the person are borne out of public funds by virtue of a specified statutory provision.

(3) In this Article “care home” means an establishment that provides accommodation together with nursing or personal care.

(4) The following are “qualifying services” for the purposes of paragraph (2)—

- (a) accommodation;
- (b) board;

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- (c) personal care;
- (d) such other services as may be prescribed.

(5) The reference in paragraph (2) to a “specified statutory provision” is to a statutory provision which is specified for the purposes of that paragraph by regulations or is of a description so specified.

(6) The power to specify a statutory provision for the purposes of paragraph (2) includes power to specify it only in relation to its application for a particular purpose.

#### Commencement Information

**I14** Art. 90 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(d)

### Hospital in-patients

**91.**—(1) Regulations may provide as mentioned in either or both of the following sub-paragraphs—

- (a) that no amount in respect of personal independence payment which is attributable to entitlement to the daily living component is payable in respect of a person for a period when the person meets the condition in paragraph (2);
- (b) that no amount in respect of personal independence payment which is attributable to entitlement to the mobility component is payable in respect of a person for a period when the person meets the condition in paragraph (2).

(2) The condition is that the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution in circumstances in which any of the costs of the treatment, accommodation and any related services provided for the person are borne out of public funds.

(3) For the purposes of paragraph (2) the question of whether any of the costs of medical or other treatment, accommodation and related services provided for a person are borne out of public funds is to be determined in accordance with the regulations.

#### Commencement Information

**I15** Art. 91 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(d)

### Prisoners

**92.** Except to the extent that regulations provide otherwise, no amount in respect of personal independence payment is payable in respect of a person for a period during which the person is undergoing imprisonment or detention in legal custody.

#### Modifications etc. (not altering text)

- C9** Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(3)**
- C10** Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(1)**
- C11** Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(6)**

#### Commencement Information

**I16** Art. 92 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(5)(e)

*Status: This version of this part contains provisions that are prospective.*  
**Changes to legislation:** *The Welfare Reform (Northern Ireland) Order 2015, PART 5 is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**I17** [Art. 92](#) in operation at 20.6.2016 in so far as not already in operation by [S.R. 2016/215, art. 3\(2\)](#)

### *Supplementary*

#### **Claims, awards and information**

**93.**—(1) A person is not entitled to personal independence payment for any period before the date on which a claim for it is made or treated as made by that person or on that person's behalf.

(2) An award of personal independence payment is to be for a fixed term except where the person making the award considers that a fixed term award would be inappropriate.

(3) In deciding whether a fixed term award would be inappropriate, that person must have regard to guidance issued by the Department.

(4) Information supplied under this Part is to be taken for all purposes to be information relating to social security.

#### **Commencement Information**

**I18** [Art. 93](#) in operation at 20.6.2016 by [S.R. 2016/215, art. 3\(2\)](#)

#### **Report to the Assembly**

**94.** The Department must lay before the Assembly an independent report on the operation of assessments under Article 85—

(a) within 2 years beginning with the date on which the first regulations under that Article come into operation; and

(b) within 4 years beginning with that date.

#### **Commencement Information**

**I19** [Art. 94](#) in operation at 20.6.2016 by [S.R. 2016/215, art. 3\(2\)](#)

### *General*

PROSPECTIVE

#### **Abolition of disability living allowance**

**95.** Sections 71 to 76 of the Contributions and Benefits Act (disability living allowance) are repealed.

#### **Amendments**

**96.** Schedule 9 contains amendments relating to this Part.

*Status: This version of this part contains provisions that are prospective.*

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#### Commencement Information

**I20** Art. 96 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(f)

#### Power to make supplementary and consequential provision

**97.**—(1) Regulations may make such consequential, supplementary or incidental provision in relation to any provision of this Part as the Department considers appropriate.

(2) Regulations under this Article may amend, repeal, revoke or otherwise modify any statutory provision.

#### Commencement Information

**I21** Art. 97 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(f)

#### Transitional

**98.**—(1) Regulations may make such provision as the Department considers necessary or expedient in connection with the coming into operation of any provision of this Part.

(2) Schedule 10 (transitional provision for introduction of personal independence payment) has effect.

#### Commencement Information

**I22** Art. 98 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(f)

#### Regulations

**99.**—(1) A power to make regulations under this Part includes—

- (a) power to make incidental, supplementary, consequential or transitional provision or savings;
- (b) power to provide for a person to exercise a discretion in dealing with any matter.

(2) Regulations made under this Part are subject to negative resolution.

#### Commencement Information

**I23** Art. 99 in operation at 2.5.2016 by S.R. 2016/215, art. 2(5)(f)

#### Interpretation of Part 4

**100.** In this Part—

“daily living activities” has the meaning given by Article 83(4);

“daily living component” means the daily living component of personal independence payment;

“mobility activities” has the meaning given by Article 84(4);

“mobility component” means the mobility component of personal independence payment.

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**Status:** This version of this part contains provisions that are prospective.

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**Commencement Information**

**I24** [Art. 100](#) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(5\)\(g\)](#)

**I25** [Art. 100](#) in operation at 20.6.2016 in so far as not already in operation by [S.R. 2016/215](#), [art. 3\(2\)](#)

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

The Welfare Reform (Northern Ireland) Order 2015, PART 5 is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Pt. 5 modified by [S.R. 2019/211 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Order revoked (19.12.2020) without ever being in force by [S.R. 2020/347](#), arts. 1(1), 2)
- specified provision(s) amendment to earlier commencing [S.R. 2009/4](#) by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/190](#) by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/190](#) by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing [S.R. 2017/216](#) by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing [SR 2016/46](#), art. 5(a) by [S.R. 2016/166 art. 3](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk](#) SR 2019/212 revoked (19.12.2020) by [SR 2020/348](#), art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)



## 2016 No. 217

### SOCIAL SECURITY

#### The Personal Independence Payment Regulations (Northern Ireland) 2016

*Made* ..... 3rd May 2016

*Laid*.....10th May 2016

*Coming into operation*..... 20th June 2016

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 82(3), 83(3) and (4), 84(3) and (4), 85(1) to (4) and (5)(a) and (c), 86(1), (3)(b) and (4), 88(3), 90(1), (5) and (6), 91(1) and (3), 92, 97(1) and 99(1)(a) of the Welfare Reform (Northern Ireland) Order 2015(a).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) of the Welfare Reform (Northern Ireland) Order 2015.

#### PART 1

##### General

#### Citation and commencement

1. These Regulations may be cited as the Personal Independence Payment Regulations (Northern Ireland) 2016 and come into operation on 20th June 2016.

#### Interpretation

2.—(1) In these Regulations—

“the 1998 Order” means the Social Security (Northern Ireland) Order 1998(b);

▶<sup>1</sup>“adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; ◀

“aid or appliance”—

(a) means any device which improves, provides or replaces C’s impaired physical or mental function; and

(b) includes a prosthesis;

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(a) S.I. 2015/2006 (N.I. 1)  
(b) S.I. 1998/1506 (N.I. 10)

“assessment” means the assessment referred to in regulation 4;

“C” means a person who has made a claim for or, as the case may be, is entitled to personal independence payment;

▶<sup>2</sup>“child disability payment” has the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021; ◀

“component” means the daily living component or, as the case may be, the mobility component of personal independence payment;

“descriptor” means a descriptor in column 2 of the tables in Parts 2 and 3 of Schedule 1;

“disability living allowance” means disability living allowance under section 71 of the Contributions and Benefits Act(a);

“medical treatment” means medical, surgical or rehabilitative treatment (including any course or diet or other regimen)▶<sup>3</sup>◀;

“prescribed date” means the date prescribed by regulation 14 or 15▶<sup>4</sup>or 15A◀;

“previous award” means an award of either or both components to which C has ceased to be entitled;

“revised” means revised under Article 10 of the 1998 Order and “revision” is to be construed accordingly; and

“superseded” means superseded under Article 11 of the 1998 Order(b) and “supersession” is to be construed accordingly.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered Article is to the Article of the Welfare Reform (Northern Ireland) Order 2015 bearing that number.

(3) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954(c), where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

## PART 2

### Personal independence payment assessment

#### Daily living activities and mobility activities

**3.—**(1) For the purposes of Article 83(4) and these Regulations, daily living activities are the activities set out in column 1 of the table in Part 2 of Schedule 1.

(2) For the purposes of Article 84(4) and these Regulations, mobility activities are the activities set out in column 1 of the table in Part 3 of Schedule 1.

#### Assessment of ability to carry out activities

**4.—**(1) For the purposes of Article 82(2) and Article 83 or, as the case may be, 84 whether C has limited or severely limited ability to carry out daily living or mobility activities, as a

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(a) 1992 c. 7; Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(b) Article 11 was amended by paragraph 17 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(c) 1954 c. 33 (N.I.)

result of C's physical or mental condition, is to be determined on the basis of an assessment taking account of relevant medical evidence.

- (2) C's ability to carry out an activity is to be assessed—
  - (a) on the basis of C's ability whilst wearing or using any aid or appliance which C normally wears or uses; or
  - (b) as if C were wearing or using any aid or appliance which C could reasonably be expected to wear or use.
- (3) Where C's ability to carry out an activity is assessed, C is to be assessed as satisfying a descriptor only if C can do so—
  - (a) safely;
  - (b) to an acceptable standard;
  - (c) repeatedly; and
  - (d) within a reasonable time period.
- (4) Where C has been assessed as having severely limited ability to carry out activities, C is not to be treated as also having limited ability in relation to the same activities.
- (5) In this regulation—

“reasonable time period” means no more than twice as long as the maximum period that a person without a physical or mental condition which limits that person's ability to carry out the activity in question would normally take to complete that activity;

“repeatedly” means as often as the activity being assessed is reasonably required to be completed; and

“safely” means in a manner unlikely to cause harm to C or to another person, either during or after completion of the activity.

### **Scoring for daily living activities**

**5.—**(1) The score C obtains in relation to daily living activities is determined by adding together the number of points (if any) awarded for each activity listed in column 1 of the table in Part 2 of Schedule 1 (“the daily living activities table”).

(2) For the purpose of paragraph (1), the number of points awarded to C for each activity listed in column 1 of the daily living activities table is the number shown in column 3 of the table against whichever of the descriptors set out in column 2 of the table for the activity applies to C under regulation 7.

- (3) Where C has undergone an assessment, C has—
  - (a) limited ability to carry out daily living activities where C obtains a score of at least 8 points in relation to daily living activities; and
  - (b) severely limited ability to carry out daily living activities where C obtains a score of at least 12 points in relation to daily living activities.

### Scoring for mobility activities

6.—(1) The score C obtains in relation to mobility activities is determined by adding together the number of points (if any) awarded for each activity listed in column 1 of the table in Part 3 of Schedule 1 (“the mobility activities table”).

(2) For the purpose of paragraph (1), the number of points awarded to C for each activity listed in column 1 of the mobility activities table is the number shown in column 3 of the table against whichever of the descriptors set out in column 2 of the table for the activity applies to C under regulation 7.

(3) Where C has undergone an assessment, C has—

- (a) limited ability to carry out mobility activities where C obtains a score of at least 8 points in relation to mobility activities; and
- (b) severely limited ability to carry out mobility activities where C obtains a score of at least 12 points in relation to mobility activities.

### Scoring: further provision

7.—(1) The descriptor which applies to C in relation to each activity in the tables referred to in regulations 5 and 6 is—

- (a) where one descriptor is satisfied on over 50 per cent. of the days of the required period, that descriptor;
- (b) where two or more descriptors are each satisfied on over 50 per cent. of the days of the required period, the descriptor which scores the higher or highest number of points; and
- (c) where no descriptor is satisfied on over 50 per cent. of the days of the required period but two or more descriptors (other than a descriptor which scores 0 points) are satisfied for periods which, when added together, amount to over 50 per cent. of the days of the required period—
  - (i) the descriptor which is satisfied for the greater or greatest proportion of days of the required period, or
  - (ii) where both or all descriptors are satisfied for the same proportion, the descriptor which scores the higher or highest number of points.

(2) For the purposes of paragraph (1) a descriptor is satisfied on a day in the required period if it is likely that, if C had been assessed on that day, C would have satisfied that descriptor.

(3) In paragraphs (1) and (2), “required period” means—

- (c) in the case where entitlement to personal independence payment falls to be determined, the period of 3 months ending with the prescribed date together with—
  - (i) in relation to a claim after an interval for the purpose of regulation 15 ▶<sup>5</sup> or 15A ◀, the period of 9 months beginning with the date on which that claim is made,
  - (ii) in relation to any other claim, the period of 9 months beginning with the day after the prescribed date;
- (b) in the case where personal independence payment has been awarded to C—
  - (i) during the period of 3 months following a determination of entitlement under a claim for the purpose of regulation 15 ▶<sup>6</sup> or 15A ◀, the period of 3 months ending with the prescribed date together with, for each day of the award, the period of 9 months beginning with the day after that date,

- (ii) in any other case, for each day of the award, the period of 3 months ending with the prescribed date together with the period of 9 months beginning with the day after that date.

### **Information or evidence required for determining limited or severely limited ability to carry out activities**

**8.—**(1) The Department may require C to provide any information or evidence required to determine whether C has limited ability or severely limited ability to carry out daily living activities or mobility activities.

(2) Where information or evidence is requested under paragraph (1), C must provide the information or evidence to the Department within one month from the date of the request being made or within such longer period as the Department may consider reasonable in the circumstances of the particular case.

(3) Where C fails without good reason to comply with the request referred to in paragraph (1), a negative determination in relation to the component to which the failure related must be made.

### **Claimant may be called for a consultation to determine whether the claimant has limited or severely limited ability to carry out activities**

**9.—**(1) Where it falls to be determined whether C has limited ability or severely limited ability to carry out daily living activities or mobility activities, C may be required to do either or both of the following—

- (a) attend for and participate in a consultation in person;
- (b) participate in a consultation by telephone <sup>7</sup>or by video <sup>4</sup>.

(2) Subject to paragraph (3), where C fails without good reason to attend for or participate in a consultation referred to in paragraph (1), a negative determination must be made.

(3) Paragraph (2) does not apply unless—

- (a) written notice of the date, time and, where applicable, place for the consultation is sent to C at least 7 days in advance; or
- (b) C agrees, whether in writing or otherwise, to accept a shorter period of notice of those matters.

(4) In paragraph (3), reference to written notice includes notice sent by electronic communication where C has agreed to accept correspondence in that way and “electronic communication” has the meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(a).

(5) In this regulation, a reference to consultation is to a consultation with a person approved by the Department.

### **Matters to be taken into account in determining good reason in relation to regulations 8 and 9**

**10.** The matters to be taken into account in determining whether C has good reason under regulation 8(3) or 9(2) include—

- (a) C’s state of health at the relevant time; and
- (b) the nature of any disability that C has.

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(a) 2001 c. 9 (N.I.); section 4(1) was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c. 21)

## **Re-determination of ability to carry out activities**

11. Where it has been determined that C has limited ability or severely limited ability to carry out either or both daily living activities or mobility activities, the Department may, for any reason and at any time, determine afresh in accordance with regulation 4 whether C continues to have such limited ability or severely limited ability.

## **PART 3**

### **Required period condition**

#### **Required period condition: daily living component**

- 12.—(1) C meets the required period condition for the purposes of Article 83(1) where—
- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Department would have determined at that time that C had limited ability to carry out daily living activities; and
  - (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Department would determine at that time that C had limited ability to carry out daily living activities.
- (2) C meets the required period condition for the purposes of Article 83(2) where—
- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Department would have determined at that time that C had severely limited ability to carry out daily living activities; and
  - (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Department would determine at that time that C had severely limited ability to carry out daily living activities.

#### **Required period condition: mobility component**

- 13.—(1) C meets the required period condition for the purposes of Article 84(1) where—
- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Department would have determined at that time that C had limited ability to carry out mobility activities; and
  - (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Department would determine at that time that C had limited ability to carry out mobility activities.
- (2) C meets the required period condition for the purposes of Article 84(2) where—
- (a) if C had been assessed at every time in the period of 3 months ending with the prescribed date, it is likely that the Department would have determined at that time that C had severely limited ability to carry out mobility activities; and
  - (b) if C were to be assessed at every time in the period of 9 months beginning with the day after the prescribed date, it is likely that the Department would determine at that time that C had severely limited ability to carry out mobility activities.

#### **The prescribed date**

14. Except where regulation 15(2) or (3) or regulation 15A(2) or (3) applies, the prescribed date is—

- (a) where C has made a claim for personal independence payment which has not been determined, the date of that claim or, if later, the earliest date in relation to which, if C had been assessed in relation to C's ability to carry out daily living activities or, as the case may be, mobility activities, at every time in the previous 3 months, it is likely that the Department would have determined at that time that C had limited ability or, as the case may be, severely limited ability to carry out those activities; and
- (b) where C has an award of either or both components, each day of that award.

**The prescribed date: claims for personal independence payment after an interval**

**15.—(1) Paragraphs (2) and (3) apply where—**

- (a) C makes a claim for personal independence payment (“the new claim”);
  - (b) C had a previous award<sup>9</sup> for personal independence payment or adult disability payment<sup>4</sup> which ended not more than 2 years before the date on which the new claim is made;
  - (c) the previous award referred to in sub-paragraph (b) <sup>10</sup>where that award was in respect of personal independence payment or adult disability payment<sup>4</sup> consisted of the same component as the one to which C is entitled (or would be entitled if C met the required period condition) under the new claim; and
  - (d) the Department determines that the entitlement under the new claim results from—
    - (i) substantially the same physical or mental condition or conditions for which the previous award was made, or
    - (ii) a new physical or mental condition which developed as a result of a condition for which the previous award was made.
- (2) In relation to the determination of entitlement under the new claim—
- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended <sup>11</sup>where that award was in respect of personal independence payment or adult disability payment<sup>4</sup>; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.
- (3) Where C is awarded either or both components under the new claim, in relation to continued entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—
- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended <sup>12</sup>where that award was in respect of personal independence payment or adult disability payment<sup>4</sup>; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if, for “the prescribed date” there were substituted “each day of the award”.
- (4) This regulation is subject to regulation 26.

**<sup>13</sup>The prescribed date: claims for personal independence payment after award of child disability payment**

15A.—(1) Where C makes a claim for personal independence payment (“the new claim”) and had a previous award of child disability payment, which ended not more than 2 years before the date on which the new claim is made, and is aged 16 years or over at the date of the new claim, paragraphs (2), (3) and (4) apply.

(2) In relation to determination of entitlement under the new claim—

- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment;
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to the new claim as if, for the words “the prescribed date” there were substituted “the date on which the new claim for personal independence payment is made”.
- (3) Where C is awarded either or both components under the new claim, in relation to entitlement to that component or, as the case may be, those components, for the period of 3 months following the date of the new claim—
- (a) the prescribed date for the purposes of regulations 12(1)(a) and (2)(a) and 13(1)(a) and (2)(a) is the date on which the previous award ended, where that award was in respect of child disability payment; and
  - (b) regulations 12(1)(b) and (2)(b) and 13(1)(b) and (2)(b) have effect in relation to that award as if for the words “the prescribed date” there were substituted “each day of the award”.
- (4) C is to be regarded as meeting such of the conditions (as modified by paragraphs (2) and (3) above) in—
- (a) regulation 12(1)(a) or (2)(a) (required period condition: daily living component);
  - (b) regulation 13(1)(a) or (2)(a) (required period condition: mobility component),
- as are relevant to C’s new claim, regardless of whether those conditions have been met. ◀

## PART 4

### Residence and presence conditions

#### Conditions relating to residence and presence in Northern Ireland

**16.** Subject to the following provisions of this Part, the prescribed conditions for the purposes of Article 82(3) as to residence and presence in Northern Ireland are that on any day for which C claims personal independence payment C—

- (a) is present in Northern Ireland;
- (b) has been present in Northern Ireland for a period of, or periods amounting in aggregate to, not less than 104 weeks out of the 156 weeks immediately preceding that day;
- (c) is habitually resident in the United Kingdom, the Republic of Ireland, the Isle of Man or the Channel Islands; and
- (d) is a person—
  - (i) who is not subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999(a), or
  - (ii) to whom, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(b), section 115 of that Act does not apply for the purpose of personal independence payment.

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(a) 1999 c. 33; section 115 was amended by paragraph 42 of Schedule 9 to the Welfare Reform (Northern Ireland) Order 2015. There are other amendments not relevant to these Regulations

(b) S.R. 2000 No. 71; regulation 2 was amended by paragraph 1(s) of the Schedule to S.R. 2002 No. 323, regulation 6 of S.R. 2003 No. 421, regulation 23(3) of S.R. 2008 No. 286, regulation 9(2) of S.I. 2008/3108 and regulation 3(5) of S.R. 2010 No. 6 and is amended by regulation 22(3) of S.R. 2016 No. 228



## SCHEDULE 1

Regulation 3

### Personal independence payment assessment

#### PART 1

##### Interpretation

In this Schedule—

“aided” means with—

- (a) the use of an aid or appliance; or
- (b) supervision, prompting or assistance;

“assistance” means physical intervention by another person and does not include speech;

“assistance dog” means a dog trained to guide or assist a person with a sensory impairment;

“basic verbal information” means information in C’s native language conveyed verbally in a simple sentence;

“basic written information” means signs, symbols and dates written or printed standard size text in C’s native language;

“bathe” includes get into or out of an unadapted bath or shower;

“communication support” means support from a person trained or experienced in communicating with people with specific communication needs, including interpreting verbal information into non-verbal form and vice versa;

“complex budgeting decisions” means decisions involving—

- (a) calculating household and personal budgets;
- (b) managing and paying bills; and
- (c) planning future purchases;

“complex verbal information” means information in C’s native language conveyed verbally in either more than one sentence or one complicated sentence;

“complex written information” means more than one sentence of written or printed standard size text in C’s native language;

“cook” means heat food at or above waist height;

“dress and undress” includes put on and take off socks and shoes;

“engage socially” means—

- (a) interact with others in a contextually and socially appropriate manner;
- (b) understand body language; and
- (c) establish relationships;

“manage incontinence” means manage involuntary evacuation of the bowel or bladder, including use a collecting device or self-catheterisation, and clean oneself afterwards;

“manage medication”<sup>45</sup> means take medication<sup>46</sup>, where a failure to do so is likely to result in a deterioration in C’s health;

<sup>47</sup>“manage therapy” means undertake therapy, where a failure to do so is likely to result in a deterioration in C’s health;

“medication” means medication to be taken at home which is prescribed or recommended by a registered—

- (a) doctor;
- (b) nurse; or
- (c) pharmacist;

►<sup>48</sup>“monitor a health condition” ◀ means—

- (a) detect significant changes in C’s health condition which are likely to lead to a deterioration in C’s health; and
- (b) take action advised by a—
  - (i) registered doctor,
  - (ii) registered nurse,
  - (iii) social worker regulated by the Northern Ireland Social Care Council, or
  - (iv) health professional who is regulated by the Health and Care Professions Council, without which C’s health is likely to deteriorate;

“orientation aid” means a specialist aid designed to assist disabled people to follow a route safely;

“prepare”, in the context of food, means make food ready for cooking or eating;

“prompting” means reminding, encouraging or explaining by another person;

“psychological distress” means distress related to an enduring mental health condition or an intellectual or cognitive impairment;

“read” includes read signs, symbols and words but does not include read Braille;

“simple budgeting decisions” means decisions involving—

- (a) calculating the cost of goods; and
- (b) calculating change required after a purchase;

“simple meal” means a cooked one-course meal for one using fresh ingredients;

“social support” means support from a person trained or experienced in assisting people to engage in social situations;

“stand” means stand upright with at least one biological foot on the ground;

“supervision” means the continuous presence of another person for the purpose of ensuring C’s safety;

“take nutrition” means—

- (a) cut food into pieces, convey food and drink to one’s mouth and chew and swallow food and drink; or
- (b) take nutrition by using a therapeutic source;

“therapeutic source” means parenteral or enteral tube feeding, using a rate-limiting device such as a delivery system or feed pump;

“therapy” means therapy to be undertaken at home which is prescribed or recommended by a—

- (a) registered doctor;
- (b) registered nurse;
- (c) registered pharmacist;
- (d) social worker regulated by the Northern Ireland Social Care Council; or
- (e) health professional regulated by the Health and Care Professions Council;

►<sup>49</sup>but does not include taking or applying, or otherwise receiving or administering, medication (whether orally, topically or by any other means), or any action which, in C’s case, falls within the definition of “monitor a health condition”; ◀

“toilet needs” means—

- (a) getting on and off an unadapted toilet;
- (b) evacuating the bladder and bowel; and
- (c) cleaning oneself afterwards;

“unaided” means without—

- (a) the use of an aid or appliance; or  
 (b) supervision, prompting or assistance.

## PART 2

## Daily living activities

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Descriptors</i>	<i>Column 3</i> <i>Points</i>
1. Preparing food.	a. Can prepare and cook a simple meal unaided.	0
	b. Needs to use an aid or appliance to be able to either prepare or cook a simple meal.	2
	c. Cannot cook a simple meal using a conventional cooker but is able to do so using a microwave.	2
	d. Needs prompting to be able to either prepare or cook a simple meal.	2
	e. Needs supervision or assistance to either prepare or cook a simple meal.	4
	f. Cannot prepare and cook food.	8
2. Taking nutrition.	a. Can take nutrition unaided.	0
	b. Needs – (i) to use an aid or appliance to be able to take nutrition, or (ii) supervision to be able to take nutrition, or (iii) assistance to be able to cut up food.	2
	c. Needs a therapeutic source to be able to take nutrition.	2
	d. Needs prompting to be able to take nutrition.	4
	e. Needs assistance to be able to manage a therapeutic source to take nutrition.	6
	f. Cannot convey food and drink to their mouth and needs another person to do so.	10
3. Managing therapy or monitoring a health condition.	a. Either – (i) does not receive medication or therapy or need to monitor a health condition, or (ii) can manage medication or therapy or monitor a health condition unaided.	0
	b. Needs ▶ <sup>50</sup> any one or more	1

	of the following ◀–	
	(i) to use an aid or appliance to be able to manage medication, ▶ <sup>51</sup> ◀	
	(ii) supervision, prompting or assistance to be able to manage medication ▶ <sup>52</sup> ◀.	
	▶ <sup>53</sup> (iii) supervision, prompting or assistance to be able to monitor a health condition. ◀	
	c. Needs supervision, prompting or assistance to be able to manage therapy that takes no more than 3.5 hours a week.	2
	d. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 3.5 but no more than 7 hours a week.	4
	e. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 7 but no more than 14 hours a week.	6
	f. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 14 hours a week.	8
4. Washing and bathing.	a. Can wash and bathe unaided.	0
	b. Needs to use an aid or appliance to be able to wash or bathe.	2
	c. Needs supervision or prompting to be able to wash or bathe.	2
	d. Needs assistance to be able to wash either their hair or body below the waist.	2
	e. Needs assistance to be able to get in or out of a bath or shower.	3
	f. Needs assistance to be able to wash their body between the shoulders and waist.	4
	g. Cannot wash and bathe at all and needs another person to wash their entire body.	8
5. Managing toilet needs or incontinence.	a. Can manage toilet needs or incontinence unaided.	0
	b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence.	2
	c. Needs supervision or	2

	prompting to be able to manage toilet needs.	
	d. Needs assistance to be able to manage toilet needs.	4
	e. Needs assistance to be able to manage incontinence of either bladder or bowel.	6
	f. Needs assistance to be able to manage incontinence of both bladder and bowel.	8
6. Dressing and undressing.	a. Can dress and undress unaided.	0
	b. Needs to use an aid or appliance to be able to dress or undress.	2
	c. Needs either –	2
	(i) prompting to be able to dress, undress or determine appropriate circumstances for remaining clothed, or	
	(ii) prompting or assistance to be able to select appropriate clothing.	
	d. Needs assistance to be able to dress or undress their lower body.	2
	e. Needs assistance to be able to dress or undress their upper body.	4
	f. Cannot dress or undress at all.	8
7. Communicating verbally.	a. Can express and understand verbal information unaided.	0
	b. Needs to use an aid or appliance to be able to speak or hear.	2
	c. Needs communication support to be able to express or understand complex verbal information.	4
	d. Needs communication support to be able to express or understand basic verbal information.	8
	e. Cannot express or understand verbal information at all even with communication support.	12
8. Reading and understanding signs, symbols and words.	a. Can read and understand basic and complex written information either unaided or using spectacles or contact lenses.	0
	b. Needs to use an aid or appliance, other than spectacles or contact lenses, to be able to read or understand	2

	either basic or complex written information.	
	c. Needs prompting to be able to read or understand complex written information.	2
	d. Needs prompting to be able to read or understand basic written information.	4
	e. Cannot read or understand signs, symbols or words at all.	8
9. Engaging with other people face to face.	a. Can engage with other people unaided.	0
	b. Needs prompting to be able to engage with other people.	2
	c. Needs social support to be able to engage with other people.	4
	d. Cannot engage with other people due to such engagement causing either – (i) overwhelming psychological distress to the claimant, or (ii) the claimant to exhibit behaviour which would result in a substantial risk of harm to the claimant or another person.	8
10. Making budgeting decisions.	a. Can manage complex budgeting decisions unaided.	0
	b. Needs prompting or assistance to be able to make complex budgeting decisions.	2
	c. Needs prompting or assistance to be able to make simple budgeting decisions.	4
	d. Cannot make any budgeting decisions at all.	6

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## PART 3

## Mobility activities

<i>Column 1</i> <i>Activity</i>	<i>Column 2</i> <i>Descriptors</i>	<i>Column 3</i> <i>Points</i>
1. Planning and following journeys.	a. Can plan and follow the route of a journey unaided.	0
	b. Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant.	4
	c. ► <sup>54</sup> Cannot◄ plan the route of a journey.	8
	d. ► <sup>55</sup> Cannot◄ follow the route of an unfamiliar journey without another person, assistance dog or orientation aid.	10
	e. Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant.	10
	f. ► <sup>56</sup> Cannot◄ follow the route of a familiar journey without another person, an assistance dog or an orientation aid.	12
2. Moving around.	a. Can stand and then move more than 200 metres, either aided or unaided.	0
	b. Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided.	4
	c. Can stand and then move unaided more than 20 metres but no more than 50 metres.	8
	d. Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres.	10
	e. Can stand and then move more than 1 metre but no more than 20 metres, either aided or unaided.	12
	f. Cannot, either aided or unaided, – (i) stand, or (ii) move more than 1 metre.	12