

What Does Disability Look Like?

Personal Independence Payments, Invisible Disability and Performing Disabled Identities

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PIP Statistics

5.2m claims

2.5m awards

for Personal Independence Payments (PIP) since April 2013

people asked for a Mandatory Reconsideration to dispute their decision, with 23% resulting in a changed award (rising to 57% in April 2020)

374,070

claimants attended an appeal but 37%* of claimants do not appeal because it would be too stressful

of decisions since 2013 decided in favour of the claimant and overturned the DWP decision

people who appeal have their decision overturned at tribunal

of appeals heard between Jan-Mar 2020 found in favour of the claimant and overturned the DWP decision

Data taken from Tribunal Statistics Quarterly (main tables Jan-Mar 2020), Personal Independence Payment: Official Statistics (data to April 2020) and Ipsos Mori: Personal Independence Payment Claimant Research- Final Report (2018).

*based on 475 participants in Ipsos Mori research (2018)

Invisible Disability

14.1m

disabled people in the UK

21%

of the population



more than 1 in 5

Family Resources Survey 2018/19 2020 (March 2020 update)



Most impairments are invisible/ fluctuate



Even mobility impairments are less visible than expected

Life Opportunities Survey (Sport England, 2016)



54%

reported chronic pain



47%

reported a long-term health condition



14%

reported a mental health condition



5-7%

of those with mobility impairments used a wheelchair

of people with severe disabilities did not use assistive devices (Survey of Income and Program Participation, US, 1994-5)



of respondents identified themselves as having a non-visible disability, with 20% having both visible and non-visible disabilities (Legally Disabled? Cardiff, 2020)

74%

90%

Disability, Assessments and Appeals

PIP Appeal Hearings



- * Has a panel with a legal expert, a medical expert and a disability expert
- * Panel has more time per case
- * Panel considers wider sense of justice
- * Takes an inquisitorial approach
- * Equal weight given to different evidence



PIP Assessments



- * One assessor (not an expert)
- * High volume of cases
- * Not much time to assess and write report
- * Contractual targets
- * More weight given to medical evidence than from claimant, carer or family



Performing Disabled Identities in the Tribunal?

Appeal hearing and assessment both use observations, oral and written evidence to assess the credibility of the claimant

2.5x

more likely to win with an oral appeal hearing compared with a paper hearing (Genn and Thomas 2013)

41%

of cases, primary reason for a Judge to overturn a DWP decision was "cogent oral evidence" of claimant (DWP, 2012)

There is currently no research on how people with invisible and/or fluctuating disabilities are assessed during the appeal process. Next steps- conduct qualitative interviews with tribunal judges, welfare advisers and legal representatives to shed light on how understandings of disability impact on the process.