

## Lower Rate Mobility Component

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### Introduction

- 1 This chapter covers the rules of entitlement to the lower rate of the mobility component of Child Disability Payment (CDP). The purpose of the mobility component is to help with the additional costs of an individual requiring assistance when moving around outdoors as a result of their disability.
- 2 To be entitled to the lower rate of the mobility component, an individual must be both:
  - at least 5 years of age<sup>1</sup>
  - although able to walk, be unable to move around outdoors without guidance or supervision from another person most of the time<sup>2</sup>.

*1 CDP regs, reg. 12(1)*

*2 CDP regs, reg. 12(2)*

- 3 The type of guidance or supervision that the individual needs to move around must be either:
  - substantially in excess of what is normally required for someone who is the individual's age but does not have a disability<sup>1</sup>
  - the kind of support which younger persons without a disability might need but which persons who are the same age as the individual (and who do not have a disability) would not need<sup>2</sup>.

*1 CDP regs, reg. 12(3)(a)*

*2 CDP regs, reg. 12(3)(b)*

- 4 This does not apply once the individual reaches 16 years of age<sup>1</sup>. This is because the needs of individuals aged 16 or more are not compared to those of people of the same or a younger age.

*1 CDP regs, reg. 12(4)*

- 5 No account is to be taken of the ability of individuals to follow familiar routes without guidance or supervision<sup>1</sup>.

*1 CDP regs, reg. 12(5)*

**Example: a child who is entitled to the lower rate of the mobility component who is able to navigate familiar routes**

Pietra is 10 and has a learning disability. She is able to move around outdoors but requires guidance and supervision to make sure she does not get lost or endanger herself by wandering off.

Pietra regularly spends time at her grandfather's house two streets away. She worked with her mother to memorise the route. She is now able to visit her grandfather without needing guidance or supervision.

The case manager determines that Pietra is entitled to the lower rate of the mobility component of CDP. This is because Pietra still requires guidance and supervision when navigating unfamiliar routes.

- 6 Individuals must also satisfy the backwards and forwards tests to be entitled to CDP. These tests are to distinguish short-term from long-term needs for assistance. An individual needs to satisfy both tests to be entitled to CDP.
- 7 The backwards test looks at how long an individual has met the criteria of entitlement<sup>1</sup>. The backwards test is 13 weeks.

*1 CDP regs, reg. 12(6)(a)*

- 8 The forwards test looks at how long an individual is likely to continue to satisfy the criteria of entitlement<sup>1</sup>. The forwards test is 26 weeks.

*1 CDP regs, reg. 12(6)(b)*

## **Guidance or Supervision**

### **Guidance**

- 9 Guidance can be provided by:
  - directing or leading someone by physical means
  - verbal suggestion or persuasion<sup>1</sup>.

*1 CDP regs, reg. 12(7)*

- 10 Guidance might include, but is not limited to:
  - helping the individual navigate the route to a destination
  - avoiding situations that the individual will experience distress
  - prompting or persuading the individual to walk
  - providing direction to an individual who is unable to understand any written information, signs or symbols.

**Example: a child who is entitled to the lower rate of the mobility component because he requires more guidance than is normal for someone his age**

Charlie is 10 years old and has Down's syndrome. He has significant difficulty remembering visual information and instructions. He is unable to navigate a route unless it is the one route he is familiar with. Charlie needs guidance when outdoors most of the time because he can only walk the one route he knows.

The case manager determines that Charlie is entitled to the lower rate of the mobility component of CDP. This is because Charlie requires more guidance than is normal for someone his age without a disability.

**Example: a child who is entitled to the lower rate of the mobility component because she requires guidance to move around outdoors safely**

Seonaid is 14 years old. She has recently recovered from a case of bacterial meningitis which has had an impact on both her memory and her ability to walk unaided.

Seonaid needs someone to guide her when moving around outdoors because her memory issues make it difficult for her to remember directions. She also has difficulty concentrating. She can get distracted easily or forget where she was going because of this. Finally, Seonaid has issues with coordination, movement and balance. This means she requires someone to steady her if she stumbles or falls.

The case manager determines that Seonaid is entitled to the lower rate of the mobility component of CDP. This is because Seonaid requires guidance to move around outdoors safely. The support that Seonaid requires to move around outdoors is substantially more than what is normally required for someone of Seonaid's age.

**Example: a child who is entitled to the lower rate of the mobility component because she requires guidance similar to what a younger child would require**

Rosie is 12 years old and has a learning disability. She is able to move around outdoors but needs guidance from another person. This is because she can easily get lost in unfamiliar surroundings and be unable to find her way back. Rosie is also unable to ask for directions because she does not communicate verbally.

The case manager determines that Rosie is entitled to the lower rate of the mobility component of CDP. This is because she is unable to move around outdoors without guidance most of the time. Children who are younger than Rosie may require this type of guidance, but children who are the same age as Rosie would not normally require this.

**Example: a child who is not entitled to the lower rate of the mobility component because she is able to move around outdoors without guidance most of the time**

Mana is 14 years old and has dyspraxia and dyslexia. Dyspraxia is a neurological condition which impacts an individual's ability to plan or carry out motor tasks. Dyslexia is a learning disability that involves difficulty reading due to problems identifying speech sounds and learning how they relate to letters and words.

Mana is able to move around outdoors but is often disorganised and forgets to pack items like her phone or schoolbooks. She also sometimes misses the school bus because she has difficulty keeping track of time. She often needs prompting and reminding about events.

Mana is able to meet friends in town but can have difficulty travelling home. She sometimes takes the wrong bus and has to return to her starting point to find the correct one. Mana is able to ask for directions and read timetables when this happens. However, this takes her a lot longer to do so than is normal for someone of her age without a disability.

The case manager determines that Mana is not entitled to the lower rate of the mobility component of CDP. This is because Mana can move around outdoors without guidance most of the time. She also does not need more guidance than is normal for someone of her age.

## **Supervision**

11 Supervision is the precautionary or anticipatory presence of another person to monitor an individual's physical, mental or emotional health.

12 This includes monitoring for obstacles or dangerous places and situations<sup>1</sup>.

*1 CDP regs, reg. 11(7)*

13 Supervision might include but is not limited to:

- keeping the individual away from danger
- monitoring the individual for signs of an event such as a seizure or loss of consciousness
- speaking to the individual to keep them calm and focussed on walking
- needing to be with the individual to comfort them if they become upset or distressed
- needing to be with the individual because of the risk of them falling.

14 The supervision which the individual needs to be able to move around outdoors does not need to be constant supervision. The criteria is satisfied if the individual requires supervision most of the time. This means more often than not. This section of the guidance is exclusively referring to mobility, and should therefore not be taken to support application of a "most of the time" test in relation to the care criterion.

15 Actual intervention may never be needed in some cases. However, what is needed is the readiness of the person accompanying the individual to intervene.

### **Example: a child who is entitled to the lower rate of the mobility component because she is unable to move around outdoors without supervision**

Isabella is 9 years old and was diagnosed with epilepsy as a very young child. Despite regular treatment and medication, her condition is largely uncontrolled.

This leads to frequent and unpredictable seizures. The seizures always require intervention from another person. Isabella must be accompanied by an adult who knows how to assist her if she has a seizure when she is outdoors.

The case manager determines that Isabella is entitled to the lower rate of the mobility component of CDP. This is because she is unable to move around outdoors without supervision. The level of supervision Isabella requires is greater than what is normally required for children the same age without a disability. It is similar to what may be needed for children who are younger than Isabella without a disability.

**Example: a child who is not entitled to the lower rate of the mobility component because he is able to move around outdoors most of the time**

Cailean is 6 years old and has asthma. His asthma is manageable with an inhaler most of the time. Cailean can experience exacerbations which make his asthma worse both indoors and outdoors. This is more frequent in winter. He can become breathless and need his inhaler when this happens. However, Cailean's asthma is not a problem for him most of the time when he is outdoors.

Cailean is always with a parent when he goes outdoors. They must keep him safe because he is not always aware of traffic or other dangers. This level of supervision is normal for someone of his age.

The case manager determines that Cailean is not entitled to the lower rate of the mobility component of CDP. This is because the level of supervision he requires is normal for someone his age. This means Cailean does not satisfy the need for supervision.

**Example: a child who is entitled to the lower rate of the mobility component because he requires supervision to make sure he does not endanger himself**

Zeek is 10 years old and has attention deficit hyperactive disorder. His behaviour is very impulsive and he has very limited awareness of danger. Zeek is likely to run towards something that interests him whether it is safe to do so or not. For example, Zeek understands that he needs to use the lights at pedestrian crossings. However, he often becomes impatient and does not wait until it is safe to cross.

The case manager determines that Zeek is entitled to the lower rate of the mobility component of CDP. This is because Zeek needs to be supervised when moving around outdoors so he does not put himself in danger. The level of supervision that Zeek requires to move around outdoors is substantially more than what a 10 year old would normally require.

**Example: a child who is entitled to the lower rate of the mobility component because he requires supervision to keep him calm and able to walk while outdoors**

Percy is 11 years old and has autism. He can become very distressed if there is a sudden change. This could involve needing to take a different route to a familiar place or a change in routine.

An example of this is roadworks requiring Percy and his mother to take a different route when walking to school. This can lead to extreme outbursts. Percy needs another person with him to keep him calm or redirect his focus so he can keep walking.

The case manager determines that Percy is entitled to the lower rate of the mobility component of CDP. This is because Percy's need for supervision is greater than what is considered normal for an 11 year old without a disability.

### **The Effects of Fear and Anxiety on Moving around Outdoors**

16 Individuals who cannot move around outdoors because of fear and anxiety are entitled to lower rate of the mobility component, if the fear and anxiety is caused by a mental disability.

#### **Example: a child who is entitled to the lower rate of the mobility component because her fear and anxiety are symptoms of her mental disability**

Katarina is 15 and has Obsessive Compulsive Disorder (OCD). Katarina's OCD means that she is hyper-aware of coming into contact with germs. This fear worsens outdoors, especially when she is in large crowds of people.

Katarina is able to move around outdoors but cannot do so without guidance and supervision from a family member. This is because they are able to keep her calm when she becomes agitated. This involves helping Katarina avoid crowded places or coaxing her if crowds are unavoidable.

The case manager determines that Katarina is entitled to the lower rate of the mobility component of CDP. This is because the guidance and supervision Katarina requires is because of fear and anxiety which are symptoms of OCD.

#### **Example: a child who is entitled to the lower rate of the mobility component because of fear and anxiety related to a mental disability and other mobility needs**

Arthur is 14 and has a heart condition which causes severe shortness of breath. Instances of severe breathlessness occur frequently, often caused by minimal exercise like taking the short walk to school.

Arthur also has agoraphobia. He is not able to leave his home unless another person is with him to provide guidance and supervision. This is because he can become highly agitated when he has to move around outdoors. He is also afraid of collapsing due to shortness of breath. This has led to panic attacks in the past. Arthur requires constant reassurance or he will become extremely anxious when outdoors.

The case manager determines that Arthur is entitled to the lower rate of the mobility component of CDP. Arthur's fear and anxiety are symptoms of his agoraphobia which is a mental disability. He also requires supervision to make sure he does not collapse when outdoors due to minimal exercise.

**Example: a child who is not entitled to the mobility component because her fear and anxiety are related to her physical disability but are not symptoms of a mental disability**

Natalie is 11 years old and has epilepsy. She is able to manage her condition with the help of her parents. She does not need guidance or supervision when moving around outdoors most of the time.

Natalie had a seizure while outside 2 months ago and injured herself when she fell. She is now very anxious about going outside and stays close to her parents when she has to leave their home. Natalie's parents also keep a closer eye on her because of her fall. However, Natalie is still able to move around outdoors without guidance or supervision.

The case manager determines that Natalie is not entitled to the lower rate of the mobility component of CDP. This is because Natalie's fear and anxiety are not symptoms of a mental disability, even though they are linked to her epilepsy.

## **Hospitals, Residential Settings and Legal Detention**

17 Entitlement to payment of the mobility component of CDP continues when an individual entitled to CDP enters alternative accommodation. This includes hospitals, care homes, residential educational establishments and legal detention.

18 It is only entitlement to the care component of CDP which is affected when an individual enters a care home, residential educational establishment or legal detention for more than 28 days<sup>1,2,3</sup>. No component of CDP is affected when an individual enters hospital<sup>4</sup>.

*1 CDP regs, reg. 17(1).*

*2 CDP regs, reg. 17(2)*

*3 CDP regs, reg. 17(2)*

*4 CDP regs, reg. 21*

19 Individuals in legal detention, a care home or residential educational institution when an application is made are entitled to payment of the mobility component when entitlement begins but not the care component. For more information on this, see the Legal Detention and Care Homes and Residential Institutions chapters.

## **Exceptions to entitlement to the lower rate mobility component**

20 An individual is not entitled to the mobility component of CDP unless, for most of that period, their physical or mental condition means they are able, from time to

time, to benefit from assistance for movement<sup>1</sup>. This means individuals unable to do this are not entitled to the mobility component.

*1 CDP regs, reg. 14*

- 21 The word “benefit” should be given a wide interpretation. It can include, for example, mental stimulation from being outside.
- 22 It would be rare to refuse an application solely for this reason. Individuals who are in a coma, or whose condition means that it is unsafe to be moved outdoors would likely not benefit from being outdoors. If the individual has a very severe mental health condition that means they would require a high degree of supervision and intervention to prevent injury to themselves or others would also likely not benefit from being outdoors.
- 23 If in doubt, a case manager should consider whether a case discussion would be helpful in making a determination.

**Example: a child is unable to move around outdoors because he requires the constant use of a ventilator**

Ken is 11 years old and has heart failure. This means he requires constant ventilation. He uses a machine which pumps re-oxygenated blood around his body. He is currently on the waiting list for a heart transplant.

This puts Ken at an extremely high risk of life threatening infection. It is therefore vital that he remains in as sterile an environment as possible until he receives his transplant.

Ken is not entitled to any rate of the mobility component of CDP. This is because Ken is unable to benefit from assistance for movement as he needs to remain in the sterile environment.

**Example: a child who experiences significant anxiety outdoors and cannot leave home unaccompanied**

Cody is 14 years old and was involved in a traumatic road accident. She experiences flashbacks, anxiety and palpitations when leaving the house, and is now schooled at home. Cody occasionally sits in the garden to talk to her friends, but she very rarely leaves the house. When she does leave the house, she is usually accompanied by her parents.

Whilst Cody may rarely leave the house as a result of her condition, being outdoors can have a positive, beneficial effect, even though it may also can Cody some distress. The case manager decides the Cody is entitled to the lower rate of the mobility component.