1. I also take very strong issue with the HCP’s observation **( p126 of the bundle**) that Mr X

Walked 37 metres to and from the assessment room at a slow pace , unaltered gait.

* 1. I take even more exception to the Respondent’s statements **(S3(3) page G of the** **Response)** in this context

DWP guidance states walking around a small supermarket is approx. 200 metres. DWP guidance also stated walking at a slow pace is approx. 40 to 50 metres per minute. A very slow pace is 40 metres per minute

1. I suggest that walking around a supermarket can not be any guide as to the speed or distance a person can walk for the simple reason that shopping in a supermarket involves frequent stops to inspect or take goods from the shelves.
2. This Tribunal is of course not bound by any so called DWP guidance. The Tribunal is bound by the law and I am reminded that Regulation 4(4)(c) of the Social Security (Personal Independence Payment) Regulations 2013 defines “reasonable time period” for the purposes of Regulation 4(2A)(d) as

“no more than twice as long as the maximum period that a person without a physical or mental condition “

* 1. The HCP purports to have measured the distance from Mr X’s seat in the waiting room to the assessment room (37 metres) but did not bother to measure the time it took Mr X to walk that distance. The HCP’s report is arguably worthless in this respect and as such it cannot be a report that “*accurately reflects Mr X’s ability to carry out the Daily Living and Mobility Activities”*, for the simple reason that the HCP did not report the time it took Mr X to move the supposedly measured distance and it is consequently not possible to determine whether it was a reasonable time period as defined by Regulation 4(4)(c)
  2. According to a meta-analysis of the scientific literature (R.W. Bohannon, A. Williams Andrews / Physiotherapy 97 (2011) 182–189) the average comfortable walking speed for a man of Mr X’s age is 143.3cm/second (85.98 metres per minute). It is arguable by analogy from CA/92/92 ( a case where the Commissioner considered the requirement in S72((1A) of the Social Security Contributions and Benefits Act for a comparison with younger persons in normal physical and mental health ) that this ought to be the speed that a person without a physical or mental condition would normally walk, so in the present case the time it would take for Mr X to walk 37 metres should be no longer than (37/ (85.98/ 2)) x 60 seconds i.e. 52 seconds.
  3. The HCP was supposedly commissioned by the Respondent to produce a report that would assess Mr X’s abilities in accordance with the provisions of Regulation 4. She has effectively rubber stamped that report despite it clearly being unfit for purpose.
  4. It is also strongly arguable that the Respondent’s own guidance as outlined above runs contrary to the provisions of Regulation 4(4)(c)