

## Daily Living Activity 2: Taking Nutrition

Descriptors	Points
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.	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.	8

### Legislative Definitions

“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.

### Select Case Law

- [\[2017\] AACR 17](#) – Taking Nutrition is restricted to the legislative definition and therefore involves the physical and mental acts needed to eat and drink, not considerations of the nutritious quality.
- [JW v SSWP \(CPIP\) \[2018\] UKUT 169 \(AAC\)](#) – In rare cases such as an eating disorder it may be possible to show prompting necessary to take nutrition [perhaps to an acceptable standard]

- [PM-v-DfC \(PIP\) \[2018\] NICom 27](#) – Endorses [2017] AACR 17, but on facts of case, accepts it is necessary to address evidence of weight loss, vomiting, anxiety and depression when reaching conclusions on prompting.
- [TK v SSWP \(PIP\): \[2020\] UKUT 22 \(AAC\)](#) – Distinguished on the facts from [\[2017\] AACR 17](#). TK case **not about the nutritious quality** of the food that he ate but instead about the prompting necessary to eat a **sufficient quantity of food to satisfy his calorific requirements**.
- [TA-v-DfC \(PIP\) \[2020\] NICom15](#) – Again references [2017] AACR 17 but acknowledges that the narrow interpretation does not prevent considerations of prompting. [35] *Accordingly, even if the wording of activity 2 is restricted to the act of eating and drinking, if it is accepted that a claimant cannot carry out this act without prompting or supervision then the claimant should score points under activity 2.*
- [SA v SSWP \[2015\] UKUT 512](#) – The need for encouragement or prompting to eat to an acceptable standard must be considered when assessing whether a claimant can maintain adequate nutrition.
- [PA v SSWP \[2019\] UKUT 270 \(AAC\)](#) – Tribunal erred in finding the claimant could improve her problems taking nutrition by consuming more food in liquid form. Questions if this amounts to taking nutrition and if so, would not be unaided.
- [CW v SSWP \(PIP\): \[2022\] UKUT 281 \(AAC\)](#) - It is not necessary for a claimant to satisfy all of the elements of the definition of “take nutrition” (cut/convey/chew/swallow) in order to score points under daily living descriptor 2(b).
- [SO v SSWP \(PIP\): \[2023\] UKUT 56 \(AAC\)](#) – Possibility over-eating can give rise to a claim under Activity 2 with a need for supervision or prompting – will depend on the facts and the causal condition.