

Daily Living Activity 4: Washing and bathing

Descriptors	Points
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

Legislative Definitions

“Bathe” includes get into or out of an unadapted bath or shower.

Select Case Law

- [SP v SSWP \[2016\] UKUT 190; \[2016\] AACR 43](#) - Considers the meaning of descriptor e: *Needs assistance to be able to get in or out of a bath or shower.* “Or” in this case has a disjunctive meaning – so if claimant can do one without assistance but not the other the points will still be satisfied.

Also confirms the bath must be unadapted following on from the interpretation of bathe.

- [DMCK-v-DfC \(PIP\) \[2022\] NICom17](#) – Endorses above decision in NI

Example:

Henry was unable to use his bath, so this was replaced by an adapted walk-in shower which he is able to use. He was awarded 2 points as it was determined he needed to use an aid to wash or bathe. However, based on the above case law, Henry should have scored 3 points. Although Henry can shower he is unable to bath himself in an unadapted bath and therefore should satisfy descriptor 4(e) instead.

- [\[2017\] AACR 32](#) – The lead case in the requirement for supervision and ability to complete a task safely involved one appellant who was found to be at risk when bathing as when they removed the cochlear implants they would not have been aware of a fire, burglary or other unexpected emergency which would normally be detected by sound.
- [SH v SSWP \(PIP\) \[2018\] UKUT 251](#) – Involved a profoundly deaf claimant and with reference to the above case determined that the level of risk from the bath was dependent on the facts of the individual case (para 34). However it was not acceptable to determine that the person with disability should minimise the time engaged in the activity to minimise risk (para 35).
- [KT and SH v SSWP \(PIP\): \[2020\] UKUT 252 \(AAC\)](#) - Disagrees with SH (above) that the level of risk to a profoundly deaf person is a subjective decision. Finds all profoundly deaf claimants at a risk that cannot reasonably or sensibly be ignored if cannot hear a fire alarm when bathing/showering [para 109]
- [NH-v-DfC \(PIP\) \[2021\] NICom 37](#) – Appellant that spent an hour in shower acting out repetitive and stereotyped pattern of behaviour associated with their autism spent considerably longer than an average 7-8 minutes and required prompting to shower in a *reasonable timeframe*.
- [MB v SSWP \[2018\] UKUT 139 \(AAC\)](#) – The Tribunal erred in finding that no points could be awarded for inability to wash the upper back simply because most people cannot reach the upper spinal area.