

Daily Living Activity 5: Managing Toilet Needs or Incontinence

Descriptors	Points
a. Can manage toilet needs or incontinence unaided.	0
b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence.	2
c. Needs supervision or prompting to be able to manage toilet needs.	2
d. Needs assistance to be able to manage toilet needs.	4
e. Needs assistance to be able to manage incontinence of either bladder or bowel.	6
f. Needs assistance to be able to manage incontinence of both bladder and bowel.	8

Legislative Definitions

“Manage incontinence” means manage involuntary evacuation of the bowel or bladder, including use a collecting device or self-catheterisation, and clean oneself afterwards.

“Toilet needs” means—

- (a) Getting on and off an unadapted toilet;
- (b) Evacuating the bladder and bowel; and
- (c) Cleaning oneself afterwards.

Select Case Law

- [GP v SSWP \[2015\] UKUT 498](#) – Toilet needs are clearly defined in the legislation (see above). This does not include difficulties dressing and undressing in order to use the toilet and therefore this consideration is irrelevant to points scoring for this activity (para 28).
- [GW v SSWP \[2015\] UKUT 570](#) – The terms outlined in the legislative definition of toilet needs should be given a disjunctive effect. Therefore, points are scored for toilet needs if *either* of the above terms (a) getting on and off an unadapted toilet; (b) evacuating the bladder and bowel; or (c) cleaning oneself afterwards; cannot be completed without an aid; supervision or assistance.
- [JM v SSWP \(PIP\) \[2016\] UKUT 269](#) – Colostomy bag is an aid.

- [FK v SSWP \(PIP\) \[2017\] UKUT 54](#) – Confirms grab rails are an aid or appliance.
- [CD-v-DfC \(PIP\) \[2018\] NI Com 30](#) - Chief Commissioner Mullan endorsed the decision of Upper Tribunal Judge Rowley in *BS v The Secretary of State for Work and Pensions (PIP)* [2016] UKUT 0456 (AAC). That decision in turn held that incontinence pads should be considered as an aid or appliance falling within descriptor 5(b).
- [SSWP VS NH \[2017\] UKUT 258](#) - Use of incontinence pads on a reasonably required precautionary basis for more than 50% of the days in a period would satisfy the test in reg.7 of the PIP Regulations although actual incontinence occurred on less than 50% of the days.
- [KO v SSWP \(PIP\) \[2018\] UKUT 78 \(AAC\)](#) – Incontinence at night is anytime during a 24hr period and satisfies the criteria (para 8). Where there is a risk of incontinence, it may be reasonable to use pads even on a precautionary basis for more than 50% of the time, regardless if pads are actually used (para 9).
- [RB v SSWP \(PIP\): \[2019\] UKUT 186 \(AAC\)](#) - Need to consider the use of an aid or ability to complete the task to a reasonable standard where hand condition impacts on ability to wipe oneself immediately after defecating.
- [EK v Department for Communities \[2024\] NICom 52](#) – Use of an ACE bowel irrigation procedure can fall within descriptor 5e (managing incontinence), as the term “including” means the descriptor is not limited to the listed devices. Assistance with preparing the equipment may also count separately as managing therapy under Activity 3.