

EAST RENFREWSHIRE COUNCILCABINET27 October 2016Report by Deputy Chief ExecutiveDRAFT CONSULTATION RESPONSE –
‘A NEW FUTURE FOR SOCIAL SECURITY’**PURPOSE OF REPORT**

1. To bring forward a draft response to the Scottish Government’s consultation on ‘A New Future for Social Security’ for Cabinet consideration.

RECOMMENDATION

2. It is recommended that Cabinet approves this draft response to the consultation on ‘A New Future for Social Security’.

BACKGROUND

3. The background to this paper can best be summarised by a recent LGiU Scotland Policy Briefing on social security powers and the Scotland Act 2016. “The Scotland Act 2016 devolves a range of social security powers to the Scottish Parliament. These include benefits payable to carers, disabled people, plus payments for funerals, maternity, cold weather and winter fuel. The Scottish Parliament will have the power to change the structure and value of these benefits, or replace them with new benefits. Scotland will also gain new powers over discretionary and top-up benefits, a power to create new social security benefits, and some regulatory powers relating to Universal Credit (UC). UC remains a reserved matter for the UK Government. A welfare budget of around £2.7 billion is being devolved; around 15% of the current benefit spend in Scotland.”

4. In July 2016, the Scottish Government launched a consultation on ‘A New Future for Social Security’ in Scotland, with a closing date of 28 October for responses – the summary of this consultation is attached as Annex 1 with the fuller document available at <http://www.gov.scot/Resource/0050/00504871.pdf>. This consultation is based on a March 2016 paper of the same title (<http://www.gov.scot/Resource/0049/00496621.pdf>).

5. The consultation is broken down into 3 main areas:

Principled approach

Embedding respectful principles

Which options are best to deliver that approach

Addressing equality issues

Devolved Benefits

11 separate individual payments

Factoring-in UC administration flexibilities

Focusing on a Scottish Identity to the delivery of the devolved social security benefits

Operational Policy

Looks at strategic functions

Prevention of Fraud

Provision of advice and information – handling complaints / appeals / reviews and overpayments

6. In parallel, the Scottish Government is also carrying out an option appraisal on the delivery of a new Scottish social security system. An initial report was published in March 2016 (<http://www.gov.scot/Resource/0049/00494859.pdf>) and it is anticipated that a Stage 2 option appraisal will be published early in 2017. This will focus on some of the costs that may arise, depending on the choices made about changes to devolved benefits in years to come.

7. The Scottish Government has also committed to a series of post-consultation events at locations around Scotland to develop engagement and thinking further. Officers will attend these events and use them to convey some of the more detailed, operational points from the consultation.

8. The onward process is that the Scottish Government intends to introduce its first devolved social security bill in 2017. Between February and summer 2018 the secondary legislative instruments will be put in place for each of the 11 benefits. The current best guess on a timescale for a new social security agency to be set up is 2 to 5 years, with suggestion that this will be more of an incremental development than a 'big bang' approach.

DRAFT RESPONSE

9. This is a particularly detailed and lengthy consultation, covering a range of sensitive topic areas which will have impact on the lives of local people. The consultation has had wider circulation throughout the Council and input to the draft response includes that from Money Advice and Rights; HSCP; Housing; Revenues/Benefits and economic development. The proposed draft East Renfrewshire Council response to the consultation is attached at Annex 2 for consideration. This broadly follows the CoSLA line.

10. Some of the areas of the consultation are very specific (e.g. detail of funeral payment grants) and it is proposed that officers are best to discuss some of this detail as part of the workshops being held in the autumn rather than address every issue in the attached response. The response highlights where we have taken this view.

FINANCE AND EFFICIENCY

11. Whilst supportive of the broad tenets of that outlined in this consultation, there is concern about affordability of the proposals. The Scottish Government has committed to further discussion on this issue in a stage 2 option appraisal due in 2017.

CONSULTATION

12. These proposals are subject to an ongoing consultation across Scotland. Various services across the Council and HSCP have had input to the proposed response at Annex 2.

13. This consultation is clearly linked to the forthcoming Child Poverty Bill which is also currently subject to its own consultation.

PARTNERSHIP WORKING

14. The Council has drawn this consultation to the attention of partner agencies involved in the Welfare Reform Steering Group and will ensure that the group remains involved in any future consultations on this topic and also in preparation for the new Local Outcome Improvement Plan (LOIP) which will replace the Single Outcome Agreement (SOA) in 2017.

IMPLICATIONS OF THE PROPOSALS

15. The proposals in this consultation could have implications both for local residents and for the delivery of some Council services, particularly in the area of benefits, money advice and rights and the HSCP. Whilst supporting the high level vision and principles of the proposals, it will be important to keep close to these developments in the next months and to assess what this means for East Renfrewshire more specifically.

16. The Scottish Government has carried out a partial Equality Impact Assessment and this will be upgraded to a full assessment to support the Bill. There are direct equality issues for disability benefit, carers' allowance and industrial injuries disablement benefit.

CONCLUSION

17. This is a detailed consultation paper which has implications for local people and service delivery. The draft response attached has been prepared by a cross section of officers giving cognisance to the needs of our local community and real-life examples of how current social security arrangements impact local people. Whilst the principles of the new proposals are to be commended, there remains concern about the affordability of these proposals and how they will be funded – the Scottish Government will set out further detail on this in 2017. The Council will continue to be involved in further stages of consultation and will be involved in practitioner groups looking at more detailed issues as more detailed proposals emerge.

RECOMMENDATION

18. It is recommended that Cabinet approves this draft response to the consultation on 'A New Future for Social Security'.

REPORT AUTHOR

Caroline Innes, Deputy Chief Executive

Report author: Louise Pringle, Head of Business Change & Revenue Services with consultation response by Brian Dunigan, Money Advice & Rights Team.

Cabinet contact: Councillor Ian McAlpine Convener for Corporate Services 0141 638 3860 (Home); 07890 592671 (Mobile)

4 October 2016

BACKGROUND PAPERS

- Welfare Reform Contingency Fund & Update on Welfare Reform, Cabinet 15 June 2016

KEYWORDS

This report proposes a response to the Scottish Government's consultation on 'A New Future for Social Security'. Keywords are: consultation; welfare reform; social security; benefits.

A New Future for Social Security

Consultation on Social Security in Scotland

Summary version



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A New Future for Social Security

Consultation on Social Security in Scotland

Summary version

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CONTENTS

<p>Introduction</p>	<ul style="list-style-type: none"> • Responding to this consultation 	
<p><u>Part 1: A Principled Approach</u></p>	<ul style="list-style-type: none"> • Fixing the principles in legislation • Outcomes and the user experience • Delivering social security in Scotland • Equality and low income • Independent advice and scrutiny 	
<p><u>Part 2: The Devolved Benefits</u></p>	<ul style="list-style-type: none"> • Disability Benefits • Carer’s Allowance • Winter Fuel & Cold Weather Payments • Funeral Payments • Sure Start Maternity Grant • Discretionary Housing Payments • Job Grant • Universal Credit flexibilities 	
<p><u>Part 3: Operational Policy</u></p>	<ul style="list-style-type: none"> • Information, advice and representation • Complaints, reviews and appeals • Residency and cross-border issues • Managing overpayments and debt • Fraud • Protecting your information • Uprating 	
	<p><u>Respondent Information Form</u></p>	

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Summary version of the Consultation on Social Security in Scotland

The Scottish Government is committed to working with people across Scotland, to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016. We believe that there should be opportunities for everyone to participate in the debates and decisions that matter to them, regardless of their circumstances or backgrounds.

A full consultation document, the [Consultation on Social Security in Scotland¹](#), and the events and engagement sessions that we will hold after its publication represents the next step in facilitating this participation. Holding an inclusive, informed and wide-ranging discussion will be essential to develop the necessary legislation and implement these new social security powers.

We recognise that this consultation is lengthy and, at times, complex but we still want to make it as accessible as possible. **That is why we have published this shorter, summary version of the consultation document, to help you decide which sections of the longer document you want to complete.**

Throughout this document you will also find references to the full consultation and should you wish to complete it, links will take you to the relevant webpages.

We are inviting responses to this consultation by **Friday, 28 October 2016**.

We have also made accessible alternative versions, including an EasyRead version, of the summary document available. This consultation is also available in alternate formats on request, including large print, braille, BSL and other languages. We are happy to receive responses in alternative formats, e.g. spoken responses, other languages etc. British Sign Language (BSL) users can contact us via [contactSCOTLAND-BSL](#)

Please contact us by email at socialsecurityconsultation@gov.scot or telephone on 0131 244 7763 or in writing at Social Security Consultation, 5th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU to request an alternative version.

We are also arranging an extensive programme of stakeholder events, which will take place after the consultation has been launched. These will be organised in partnership with a range of representative groups and other organisations. We hope that these events will provide opportunities for as many people who want to take part as possible, to come along to an accessible, friendly event and have their say.

¹You can find the full document at: <https://consult.scotland.gov.uk/social-security/social-security-in-scotland>

We will circulate details of these stakeholder events in our weekly newsletter which is sent out every Friday. If you would like details of our stakeholder events, you can sign up for our newsletter either by following this link - <http://register.scotland.gov.uk/subscribe> emailing us using the email address below or by phoning 0131 244 7763.

You can view and respond to this consultation online at <https://consult.scotland.gov.uk/social-security/social-security-in-scotland>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Friday, 28 October 2016**.

If you are unable to respond online, please send your response, along with the completed [Respondent Information Form](#) to:

socialsecurityconsultation@gov.scot

or

Social Security Consultation

5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU.

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>) you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the [Respondent Information Form](#). If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material,

responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Chris Boyland

5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow,
G2 8LU.

or

socialsecurityconsultation@gov.scot

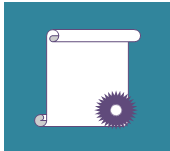
Part 1: A Principled Approach

In Part 1, we will look at how our vision and principles can be reflected in the following ways:

- In our legislation
- In our outcomes and the user experience
- In deciding how best to deliver social security benefits and services
- In addressing equality issues

We will also consider the role that independent advice and scrutiny can play, in keeping us to our promises and ensuring that we deliver what we say we will.

This summary version of the full consultation only provides limited text. To see all of the consultation text [please click here to access the full consultation](#)².



Fixing the principles in legislation

We are considering ways in which we can support our principles, such as the right of the individual to be treated with dignity and respect, in legislation.

The two options that we have considered are:

Option A - A Claimant Charter – creating an implicit social contract between the Scottish Government and the people of Scotland - meaning that the Scottish Government, its officials and its social security agency should commit to treating individuals claiming benefits in a certain way, in return for our staff being treated in the same way. Rather than just being implied or unwritten, this commitment could be set out in a claimant charter. This could be developed on a similar basis to [The Charter of Patient Rights and Responsibilities](#)³, which sets out what patients can expect when they use NHS services, and also details what the NHS in Scotland expects in return, to help it work effectively and make sure its resources are used responsibly.

Option B: Writing principles into legislation – for example, the forthcoming Social Security Bill, to be informed by this consultation, could contain principles which would help guarantee dignity and respect through openness, fairness and impartiality

² <https://consult.scotland.gov.uk/social-security/social-security-in-scotland>

³ <http://www.gov.scot/resource/0039/00390989.pdf>

for all. Examples of this approach can be found in the [Tribunals \(Scotland\) Act 2014](#)⁴ and the [Welfare Funds \(Scotland\) Act 2015](#)⁵.

There are some key differences between the two approaches which we have identified. For example, it's possible that we would be able to include more detail in a charter than we would be able to set out in legislation. A charter might be more accessible and more easily available for people to read and refer to than passages of legislation. On the other hand, writing the principles out in legislation might be easier to enforce in practice. We would like your views on these two approaches.

[Please click here to go to the section on our principles in the full consultation document](#)








Outcomes and the user experience

The Scottish Government has worked with individuals, groups and organisations to develop a set of high-level short/medium and long-term outcomes. In March, we published a paper called, "[The Strategic Case for Change and the Governance of Social Security in Scotland](#)",⁶ which included a set of short/medium and long-term outcomes. These outcomes will inform the social security system in Scotland and help us to evaluate its functions into the future. In other words, this list of outcomes is a statement of what we want our system to achieve. The table below sets out these short, medium and longer term outcomes.

⁴ <http://www.legislation.gov.uk/asp/2014/10/enacted>

⁵ <http://www.legislation.gov.uk/asp/2015/5/contents>

⁶ <http://www.gov.scot/Resource/0049/00494859.pdf>

Short and medium term outcomes		Long term outcomes
 <p>People applying for or in receipt of Scottish benefits and their families</p>	<p>People applying for or in receipt of Scottish benefits are:</p> <ul style="list-style-type: none"> • treated with dignity and respect. • can access help and advice to claim the benefits they are entitled to. • supported throughout the application assessment process. • given a choice about how their benefits are administered. • have positive experience of the Scottish social security system. 	<p>People in receipt of Scottish benefits and their families are enabled to have:</p> <ul style="list-style-type: none"> • an increased sense of control and empowerment over their lives. • an increased sense of confidence and security. • are happier and are more resilient • are better able to participate in society and fulfil their potential in life.
 <p>The Scottish social security system</p>	<p>The Scottish social security system is:</p> <ul style="list-style-type: none"> • administered in a swift and streamlined manner which meets the needs of recipients. • accessible, user friendly and simple to access. • aligned effectively as possible with the reserved benefit system. • aligned effectively as possible with other services to help ensure recipients get the support they need. 	<p>The Scottish social security system is:</p> <ul style="list-style-type: none"> • works effectively with the reserved benefit system. • effectively integrated with other services to ensure a person-centred service where recipients get the support they need when they need it. • advances equality by how it operates and what it delivers.
 <p>Scottish benefits</p>	<p>Scottish benefits:</p> <ul style="list-style-type: none"> • target the right people and seek to impact on poverty and inequality. • make a positive difference to recipients. • are paid to as many of those who are entitled to them as possible. • are paid at the right time and at the right amount to make a positive difference to recipients. 	<p>Scottish benefits continue to:</p> <ul style="list-style-type: none"> • target the right people and are impacting on poverty and inequality. • be paid to as many of those who are entitled to them as possible. • be paid at the right time and at the right amount to make a positive difference to recipients.
 <p>People resident in Scotland</p>	<p>People resident in Scotland:</p> <ul style="list-style-type: none"> • have an awareness of benefits and who and what they are for. • view the benefit and those who receive them positively . • see Scottish benefits as providing value for money . 	<p>People resident in Scotland:</p> <ul style="list-style-type: none"> • view benefit recipients positively and without stigma. • recognise the vital role that carers fulfil in society and to the economy. • value social security as they do other public services.
 <p>Other public and third sector services.</p>	<p>Other public and third sector services:</p> <ul style="list-style-type: none"> • experience less pressure due to the changes to social security in Scotland. <p>Alongside the health and social care system:</p> <ul style="list-style-type: none"> • social security has a part to play in enabling wellbeing, and in particular, to enable people to live healthier lives in their community. 	<p>Other public and third sector services:</p> <ul style="list-style-type: none"> • experience less pressure due to the changes to social security in Scotland. <p>Alongside the health and social care system:</p> <ul style="list-style-type: none"> • social security has a part to play in enabling wellbeing, and in particular, to enable people to live healthier lives in their community.

As well as thinking about the outcomes we want to achieve, we are also considering the way in which we want to go about providing social security services in Scotland. This includes ensuring that:

- Communications are clear and written in Plain English with respectful language and tone which does not stigmatise
- Individuals have the option to choose the method of communication that they are most comfortable with

- We involve people who receive the devolved benefits, or in other words ‘co-produce’ the design, development and testing of new systems, to ensure the technology works well for the people who need to use it. Modern IT systems could underpin a more sensitive approach to this

We would like your views on the outcomes which we have identified. In particular, we would like to know if you think there are any other outcomes, which should also be considered.

[Please click here to go to the section on outcomes in our full consultation document](#)



Delivering social security in Scotland

In this section, we would like you to consider how we should **deliver** social security in Scotland. On 1 March, 2016, the then Cabinet Secretary for Social Justice, Communities and Pensioners Rights, Alex Neil MSP, announced to the Scottish Parliament that, “we intend, after having examined all the available options, to set up a new social security agency for Scotland⁷.”

In time, our new social security system, operating as a single cohesive whole, with the agency at its heart, will deliver the outcomes which we described in the table on page 7. However, the overall system, with the agency and these core capabilities embedded, could still deliver the outcomes in different ways. At one end of the spectrum, the system could be configured with the agency at the centre delivering all benefits, at the other end, the role of existing Scottish public sector organisations could be extended to take on responsibility for social security.

The Scottish Government has already carried out a series of workshops with internal and external stakeholders to consider what is needed to deliver social security in Scotland. To help us progress this work, we would like your views on a Scottish social security system, with a new agency at its heart. The following prompts may be of some help, when you are thinking about this:

Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?

How can we best harness digital services for social security delivery in Scotland?

⁷ Scottish Parliament; Official Report, Meeting of the Parliament 1 March, col. 42

Should social security in Scotland make some provision for face to face contact?

Who should deliver social security medical assessments for disability related benefits?

Should we, as much as possible, aim to deliver social security through already available public sector services and organisations?

Should any aspect of social security be delivered by others such as the 3rd sector, not for profit organisations or the private sector?

[Please click here to go to the section on delivery in our full consultation document](#)



Independent advice and scrutiny

At the present time, there are two independent, UK social security advisory committees, called the Social Security Advisory Committee and the Industrial Injuries Advisory Council, which scrutinise draft regulations and provide advice to Ministers in the Department for Work and Pensions (DWP) on social security matters.

Members of both committees are appointed by the Secretary of State for Work and Pensions and are drawn from representatives of business, employees, social security law, academia, and the scientific sector.

The UK Government has decided that, after devolution, both committees should provide advice to UK Ministers and the Northern Ireland Social Security Agency only. This means that the Scottish Parliament will be able to determine arrangements for the future scrutiny of social security in Scotland. We would like to know if you think there should be an independent scrutiny body in Scotland, like the existing committees, after devolution and, if you do, how you would like a Scottish social security scrutiny body to be set up.

We are also exploring whether there might be a need for an independent function to oversee standards. In the past, DWP had a Decision Making Standards Committee, which reported to the Chief Executives of Jobcentre Plus, the Pensions Service and the Disability and Carers Service. The committee advised on the accuracy of reports, on standards of decision making and recommended improvements. We would like you to tell us if you think there should be a statutory body to oversee Scottish social security decision making standards and how you think that body should operate.

[Please click here to go to the section on independent scrutiny in our full consultation document](#)

[Return to Contents](#)

Questions

If you have printed this document or are reading it in paper form, please use the space provided below to write down your answers for Part 1. Please use additional paper if you wish.

In Part 1, we have set out approaches and proposals on:

- Fixing the principles in legislation
- Delivering social security
- Independent advice and scrutiny

You may want to provide feedback on all of these or just some of them. Please tell us which proposals you are providing feedback on when you answer the two key questions below:

What do you think about the proposals outlined in Part 1?

Do you have any further views on the topics covered in Part 1?

A large, empty rectangular box with a thin black border, intended for the user to provide their views on the topics covered in Part 1.

Part 2: Devolved Benefits

We would like to discuss powers over specific benefits which will transfer to Scotland. We will refer to these as the 'devolved benefits'. We understand that, when thinking about a new Scottish social security system, many people will think first and foremost about how this will affect the benefits that they currently receive. That is why we want to be clear, in relation to all of the devolved benefits, what we are considering and how we will take users views into account.

This summary version of the full consultation only provides limited text. To see all of the consultation text [please click here to access the full consultation](#)⁸.

Powers are being devolved over the following benefits:-

- [Ill Health and Disability Benefits](#) which means - Disability Living Allowance (DLA), Personal Independence Payments (PIP), Attendance Allowance (AA), Severe Disablement Allowance (SDA) and Industrial Injuries Disablement benefit (IIDB)
- [Carer's Allowance](#)
- [Sure Start Maternity Grants](#) (which we propose should be replaced by a Best Start Grant)
- [Funeral Payments](#)
- [Winter Fuel and Cold Weather Payments](#)
- [Discretionary Housing Payments](#)
- Some powers in relation to [Universal Credit](#) (i.e. to split payments between household members)

The Scottish Government also proposes to use its new powers in order to introduce a new [Job Grant](#) for young people, who have been unemployed for more than 6 months, and who are entering the labour market.

[Return to Contents](#)

⁸ <https://consult.scotland.gov.uk/social-security/social-security-in-scotland>



III Health and Disability Benefits

We wish to seek your views on existing UK disability benefits and how they operate. We would like to ask you some questions that will help us plan the transfer of powers over these benefits to the Scottish Government and the type of reform that is required.

Over 500,000 people in Scotland receive these benefits – currently delivered through Disability Living Allowance, Attendance Allowance and Personal Independence Payment – and this is an opportunity to gather views, insights and experiences that can help the Scottish Government to improve the process and to ensure that dignity and respect are firmly built into the new system.

We'd like to know what is right and wrong with the current system and the specific areas for change within all aspects of the process, such the criteria for making awards, the application, the assessment, the award and the overall purpose of the benefits.

In the short term, a secure and smooth transition to devolved disability benefit payments will be our priority. This is to ensure that transfer arrangements are well communicated and every recipient continues to receive their benefits. But, we are committed to improvements as soon as practicable. For example, a consistent theme that has emerged from our engagement with people over the past year has been that there should be a transparent and easy-to-access process of application, and that the approach to assessment and consideration of people's claims needs to be reformed to make sure it treats people with dignity and respect.

We are also looking at ways in which we can help lower costs for disabled people and carers. One way of doing this could be by looking to learn from the success of the Motability scheme. We would like to offer recipients the option to spend some their award on other services. For example, we have heard how disabled people face higher energy costs and we would like to offer discounted energy tariffs.

We also have aspirations for the longer term. For example, we want to ensure that disability benefits work as effectively as possible with other devolved services such as health and social care and housing, and to explore the potential for a 'whole-of-life' disability benefit that is responsive to people's needs at different stages of their lives.

[Please click here to go to the section on disability benefits in our full consultation document](#)



Carer's Allowance

There are around 759,000 unpaid adult carers in Scotland who fulfil a vital role in our society by caring for family, friends and neighbours, including people with multiple and complex needs.

Caring can be a rewarding and positive experience for both carers and those being cared for. However, caring is also associated with poor psychological wellbeing and physical health. It can restrict opportunities to participate fully in society, including in work and education.

The Scottish Government is committed to increasing Carer's Allowance so that it is paid at the same level as Jobseeker's Allowance. That is almost an 18% increase and eligible carers will each get around £600 more a year. We will also consider the introduction of a Young Carers Allowance to provide extra support for young people with significant caring responsibilities.

We want to develop a Scottish carer's benefit which helps deliver positive experiences and outcomes for carers, and is embedded in our wider carers' strategy. That means it should help, not hinder, access to opportunities to lead a fulfilling life beyond caring. This could be through better joining up with devolved services, and in the longer term, addressing the barriers to work and study in the current Carer's Allowance. This has to be achieved within the resources available and integrated with the wider social security system.

[Please click here to go to the section on Carer's Allowance in our full consultation document](#)



Best Start Grant

The Scottish Government proposes to introduce a new 'Best Start Grant', which will replace the existing Sure Start Maternity Grant, which pays qualifying families £500 on the birth of their first child only. The Best Start Grant will increase that payment to £600. It will also make a payment of £300 on the birth of second and subsequent children, and two new payments of £250 when children begin nursery and again when they start school.

The support provided through the new Best Start Grant will play an important part in reducing inequalities and will help close the gap in educational attainment. Our aim is to design a benefit that is easy to access and that provides effective support to

families at key transitions in the early years, as part of a wider package of early years support.

We wish to explore the important decisions to be made in designing the new benefit and consider the various options available.

[Please click here to go to the section on the Best Start Grant in our full consultation document](#)



Funeral Payments

The current DWP funeral payment is a grant for people on certain low income benefits who are responsible for paying for a funeral.

The Scottish Government sees the funeral payment as one of the ways to help tackle funeral poverty, and want to reach more people with the funeral payment to reduce the need for borrowing. We also want to create a more predictable benefit, so that people can make better informed decisions when they are committing to paying for a funeral.

We are seeking views on how you think this could be achieved.

[Please click here to go to the section on the Funeral Payments in our full consultation document](#)



Winter Fuel & Cold Weather Payments

The **Winter Fuel Payment** is a universal, annual tax-free payment made to pensioners to help towards their winter heating costs. In 2014-15 (the most recent statistics), over 1 million individuals received a Winter Fuel Payment in Scotland, with a total expenditure of over £180 million.

Cold Weather Payments are means-tested payments designed to help those on low incomes meet additional fuel costs during periods of cold weather. In 2015-16, there were an estimated 415,000 individuals eligible for Cold Weather Payments in Scotland with 119,000 actually receiving a payment and a total expenditure of £3.4 million.

[Please click here to go to the section on the Winter Fuel and Cold Weather Payments in our full consultation document](#)



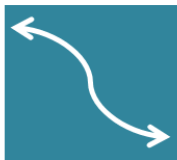
Discretionary Housing Payments

Discretionary Housing Payments (DHPs) are currently made by local authorities, with guidance from DWP, and are aimed at helping people who need further financial assistance to meet their housing costs.

Individuals whose housing benefit or Universal Credit (UC) has been reduced as a result of welfare changes such as the 'bedroom tax', the benefit cap or Local Housing Allowance can be awarded a DHP.

We propose that DHPs continue to operate in the same way once the Scottish Parliament has full control over all DHP funding.

[Please click here to go to the section on Discretionary Housing Payments in our full consultation document](#)



Universal Credit flexibilities

The Scotland Act 2016 provides Scottish Ministers with some flexibilities over the way UC is calculated and paid. The Scottish flexibilities are being introduced to make it easier for claimants to manage their UC payments. These are:

- Having the option of being paid UC twice a month rather than monthly
- Having the option of the rent element being paid direct to social landlords

These changes are intended to give the claimant more choice and control over their UC payments. Draft regulations for the first two flexibilities are being written and a further technical consultation is planned for these.

We also have the potential to introduce other flexibilities including the opportunity to offer tenants in the private rented sector the same choice of having their rent paid directly to their landlord and the power to vary the existing plans for single household payments of UC. These are the proposals we want to ask about in this consultation.

[Please click here to go to the section on Universal Credit Flexibilities in our full consultation document](#)



Job Grant

The Scottish Government proposes to introduce a new Job Grant to help young people aged 16-24 who are returning to work after a period of 6 months unemployment, and would be payment of £100, or £250 for those who have children. We plan to supplement this cash payment with free bus travel for a three month period.

[Please click here to go to the section on the Job Grant in our full consultation document](#)

[Return to Contents](#)

Questions

If you have printed this document or are reading it in paper form, please use the space provided below to write down your answers for Part 2. Please use additional paper if you wish.

In Part 2, we have set out approaches and proposals on:

- Ill Health and Disability Benefits
- Carer's Allowance
- Best Start Grant
- Funeral Payments
- Winter Fuel and Cold Weather Payments
- Discretionary Housing Payments
- Universal Credit
- Job Grant

You may want to provide feedback on all of these or just some of them. Please tell us which proposals you are providing feedback on when you answer the two key questions below:

What do you think about the proposals outlined in Part 2?

Do you have any further views on the topics covered in Part 2?

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Part 3: Operational Policy

Part 3 looks at the strategic functions that the social security system will need to carry out in order to operate competently. This means functions that aren't specific to any individual benefit but could apply to all of the devolved benefits. We refer to these functions as 'operational policy' areas'.

This section relates to anyone with an interest in social security in Scotland.

This summary version of the full consultation only provides limited text. To see all of the consultation text: [please click here to access the full consultation](#)⁹.



Advice and representation

Advice

There is a clear consensus that the right advice can have a transformative effect on service delivery by guiding people in need to the right support at the right times, assisting with processes such as applications and appeals and increasing take up. The Scottish Government wants ensure that people who need to access services are able to do so. We recognise that the transfer of responsibility for the devolved benefits, from DWP to a Scottish social security agency will place new requirements on the advice sector in Scotland that will need to be understood and managed.

The Scottish Government intends to work closely with the publicly funded advice sector to assess its current capacity and capability and identify strengths, weaknesses, opportunities and key risks. This will help us to:

- Understand the key drivers affecting advice services now and in the future
- Identify ways in which organisations and individuals can make the most of new opportunities, and manage any additional complexity resulting from the transfer of responsibility for social security to Scotland
- Find out if we can harness the transfer of responsibility for the devolved benefits to drive improvements to the provision of publicly funded advice in Scotland

As part of this work, we want to use this consultation to ask for peoples' views on the publicly funded advice that is currently provided. We would like you to think about the role that publicly funded advice providers should play in the development of a new

⁹ <https://consult.scotland.gov.uk/social-security/social-security-in-scotland>

Scottish social security system and whether the transfer of the devolved benefits to Scotland could be used to drive improvements in the provision of publicly funded advice.

[Please click here to go to the section on advice in our full consultation document](#)



Complaints, reviews and appeals

We want to provide high quality services and information to all who interact with Scotland's social security system. We recognise, however, that there will be occasions when standards that people experience fall short of this vision. It's important, therefore, that an effective complaints handling procedure is put in place.

We would like your views on the best way to handle individuals' comments, concerns and complaints. In particular, we believe that internal reviews would present an opportunity to improve decision making, by allowing the agency to scrutinise the initial decision and we would like you gives us your views on how a Scottish internal review process should work.

A key part of ensuring access to social security is by making sure that people are able to challenge decisions that they do not agree with. For this to happen, there must be an effective appeals process that is accessible to all. We are therefore committed to providing an appeals process for devolved benefits which is transparent and accessible, with guaranteed timescales for decisions. We propose that appeals against decisions made in relation to the devolved benefits should be decided by a tribunal and we would like you tell us what you think about this approach.

[Please click here to go to the section on complaints, reviews and appeals in our full consultation document](#)



Residency and cross-border issues

When Scotland begins delivering devolved benefits, there is a possibility that some cross border issues may arise. We will need to manage new administrative borders between the different social security regimes within Great Britain - i.e. between the social security systems in Scotland and England and Wales, and between Scotland and Northern Ireland.

The Scottish Government will need to set out who is entitled to the benefits it will deliver. This includes setting eligibility criteria about residency status for those who have come to the UK, residency status within Scotland and, where appropriate, how we define that someone receives devolved Scottish benefits rather than reserved UK benefits.

The Scottish Government expects that a residence test will be based on “habitual residence”. This means that assessment should be based on where a person is residing, and the reasons why they are residing there. The Scottish Government expects that all devolved benefits will include residency status criteria, amongst the eligibility criteria which will determine entitlement to each benefit. We would like you to tell us what you think about this approach.

[Please click here to go to the section on residency and cross-border issues in our full consultation document](#)



Managing overpayments and debt

Errors which result in overpayments reduce the amount of public money available to be spent on those who need it. Therefore, there must be controls in the system, to spot errors and put them right. We recognise that overpayments made by the social security system are often made as a result of error, either by public sector officials or by individuals themselves. Overpayments which are not the result of an error by the individual making the claim will not usually be recovered.

If we do seek to recover an overpayment, this does not mean that the individual is being sanctioned and it does not mean that we think the individual has attempted to commit fraud. The Scottish Government will not necessarily seek to replicate current DWP arrangements and processes for dealing with overpayments. However, we do want to gather users’ views on the current arrangements so that we can make an assessment as to what might be appropriate for Scotland. We would like you to tell us if the way that overpayments are currently recovered could be improved.

[Please click here to go to the section on overpayments and debt in our full consultation document](#)



Fraud

The Scottish Government intends to protect its investment in social security, on behalf of the people of Scotland, by taking a zero-tolerance approach to fraud. We are clear that people who have knowingly committed fraud should be punished. We also want to raise awareness of the individual's responsibilities in relation to social security fraud while designing processes which will be accessible and simple to use.

In order to protect against fraud, we propose that officials working for the Scottish Government or its agency, should investigate fraud in, broadly, the same way as "Authorised Officers" currently investigate fraud for DWP. We would like your views on these current arrangements and whether there are any improvements which could be made.

[Please click here to go to the section on fraud in our full consultation document](#)



Protecting your information

The Scottish Government believes that every individual has the right to privacy and that personal information should be protected.

We propose to take a '[Privacy by Design](#)' approach to information handling, to promote privacy, security and compliance with data protection regulations - from the initial stages of setting up the agency through to service delivery. We are clear that advances in technology should be used to support claimant applications better.

In order to meet the legitimate needs of our agency - to process applications for social security support while protecting individuals' privacy - we will securely source the minimum amount of information we need from other public sector organisations instead of storing large amounts of information in a 'data warehouse'. We would like your views on whether you would support the strictly controlled sharing of information in this way, if it would make the application process easier and led to improvements in our services. We would only ever do this when we have the individuals' consent.

[Please click here to go to the section on protecting your information in our full consultation document](#)



Uprating

We make it clear that we will maintain spending on disability benefits, uprating them in line with inflation. Uprating is the annual process by which the value of some of the benefits which people currently receive is increased. We would like your views on whether there should be a general, Scottish uprating policy for devolved benefits and payments which could simplify the system overall and make it easier to understand.

[Please click here to go to the section on uprating in our full consultation document](#)

[Return to Contents](#)

Questions

If you have printed this document or are reading it in paper form, please use the space provided below to write down your answers for Part 3. Please use additional paper if you wish.

In Part 3, we have set out approaches and proposals on:

Advice, representation and advocacy

- Complaints, reviews and appeals
- Residency criteria and cross-border issues
- Managing overpayments
- Fraud
- Protecting your information
- Uprating

You may want to provide feedback on all of these or just some of them. Please tell us which proposals you are providing feedback on when you answer the two key questions below:

What do you think about the proposals outlined in Part 3?

Do you have any further views on the topics covered in Part 3?

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Equality and low income

The Scottish Government has a duty to consider how its policies and proposals respond to the ways in which people are different from one another, in relation to particular 'protected characteristics': age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation. This helps us to ensure that, where possible, policy is shaped appropriately to advance equality on these grounds and meet people's varying needs as effectively as possible.

We take this duty very seriously. That is why we have developed a partial Equality Impact Assessment (EqIA) to support the Consultation. This is available as a separate Annex to the full-length version of the Consultation on Social Security in Scotland and is 'partial' in the sense that it reflects our thinking to date. The EqIA provides detail on the Scottish Government's engagement so far to understand the equality implications of the new social security powers. It then sets out general barriers people might face, many of which have equality implications, before discussing the individual benefits, including where we are proposing changes to existing UK benefits and how these impact on equality

If you would like to help us in producing the full and final EqIA to accompany the Social Security Bill [please click here to go to the section on equalities in the full consultation document.](#)

CONSULTATION ON SOCIAL SECURITY IN SCOTLAND

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response.
Please indicate your publishing preference:

- Publish response with name
 Publish response only (anonymous)
 Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

THIS IS THE END OF THE SUMMARY DOCUMENT

Please send your response to the consultation questionnaire with the completed [Respondent Information Form](#), available separately on the Scottish Government website to:

Socialsecurityconsultation@gov.scot

or

Social Security Consultation
5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

THANK YOU FOR TAKING THE TIME TO RESPOND



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www.gov.scot

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**EAST RENFREWSHIRE COUNCIL'S RESPONSE TO:
'A New Future for Social Security'**

Part 1: A Principled Approach

Q. Which way do you think principles should be embedded in the legislation?

A. East Renfrewshire Council would support a dual approach of a Customer Charter underpinned by legislation. The Charter has worked well for NHS Scotland, having its legal basis in Patient Rights (Scotland) Act 2011. A Charter has the benefits of being easily accessible to the public. It can also be written in an implicit and direct manner, being more detailed than legislation. Legislation underpinning the charter should demonstrate the Government's commitment to enshrine dignity and respect for service users and help tackle the stigma associated with claiming welfare benefits; this approach has worked well with the Welfare (Scotland) Act 2015.

A Charter should be drafted by a combination of service users, their representative groups and an advisory panel.

Outcomes and the User Experience

Q. Are the Outcomes the right high level outcomes to develop and measure social security in Scotland?

A. Yes, we would support the high level outcomes. We would give consideration to adding an outcome specifically for NHS Scotland related to the long term aim of improving the health and wellbeing of individuals in Scotland and remove existing pressures on the NHS. Similarly a specific target for education could be considered as the welfare system should be used to encourage opportunities for study and learning and support children and young people to engage in after school activities. Outcomes for children and Young People should be closely tied into the provision in the forthcoming Child Poverty Act and the current consultation on the bill. This would meet the principles of UN Convention on the Rights of the Child (UNCRC) which have been incorporated into Children and Young People (Scotland) Act 2014.

Q. How can the Scottish social security system ensure all social security communications are designed with dignity and respect at their core?

With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?

Are there any particular words or phrases that should not be used when delivering social security in Scotland?

Service users and their representative groups should be consulted through user panels to address communication matters. Currently recipients can receive too many letters within a short time frame, which are often difficult to understand. Communication should be sent only

when it is necessary. A range of communications could be used: letter, telephone, email, text, social media, face to face etc. The customer's preference could be recorded at first point of contact. Face to face contact will remain important for a number of user groups and the delivery of this needs some consideration.

Links and databases of local support agencies should also be established so that the customer can be notified of these at the point of any decision e.g. A customer receiving a negative benefit decision should be advised of the local Welfare Rights Team or Citizens' Advice Bureau (CAB) for support.

The words welfare, worklessness, dependency and claimant have negative connotations and should be avoided. Consideration should be given to using the term 'Entitlements' rather than benefits. The Government should consult with 'Crystal Clear' to ensure easy to understand, jargon free, Plain English information.

Delivering Social Security in Scotland

Q. Should the social security agency administer all social security benefits in Scotland?

A. All Scottish Social Security benefits should be administered on a national basis of entitlement. The Scottish Social Security System should be rights based.

Whilst all the elements of social security benefits may not merit being devolved there are those that have a natural fit within the local government family. Local authorities have extensive local knowledge and experience of administering various elements of social security type funds in Scotland both entitlement based and discretionary against a backdrop of financial reductions e.g. Housing Benefit and Council Tax Reduction. It is important to understand the needs and experiences of local communities. There is an inherent accountability that comes with local communities and this is important in supporting the most vulnerable. Councils have well established relationships with local partners and can help service users navigate support pathways to other local services – this should not be underestimated. Local Authorities already have a presence in communities across Scotland and already provide similar services. This is enhanced by other services including Personal Budgeting Support as part of the Universal Credit customer journey and there is an opportunity to align the support being provided to access DWP services with support required to access the new Social Security arrangements in Scotland.

Where elements of the system are delivered by councils, the Scottish Government should underwrite and guarantee that the need will be met from central resources and not council budgets; any financial risks should be borne centrally.

Digital services should be developed and used where appropriate. Contact via different methods should be encouraged to support the needs of the customer. Teleconferencing has been used with some success for the current Tribunal arrangements and has worked well. Similarly electronic and telephone benefit applications have had success with DWP. Delivery should utilise all methods and be flexible toward the customer's needs. A difficulty with the current UK model has been the move towards contact centres with decision-making being carried out remotely, inaccessible by the public and their representatives. Job Centres have been the main point of contact for face to face enquiries, however their main focus has increasingly become employability and not benefit delivery. Whilst recognising the importance of digital and channel shift, the Scottish Government should consider both paper-based claims and face to face appointments where appropriate to suit customer needs. Councils may have an important local role to play in the provision of this service and

consideration of the future delivery of Scottish social security should look at how functions can become an effective part of existing local partnership structures.

Q. Who should deliver social security medical assessments for disability related benefits?

A. Medical assessments require a complete overhaul in the new Scottish system. The decision making process should be redesigned to look more intensely at supporting evidence prior to a decision being reached. Evidence should be sought from GPs and other health care professionals as well as social work services, education services and other organisations at the point of application.

There should be groups whose condition is such that they should be granted automatic exemption from medicals (e.g. advanced Parkinson's disease). Frontloading of evidence would reduce the number of medical assessments required. It would be appropriate that proof of a medical diagnosis for a progressive and degenerative condition should exempt individuals from ongoing assessments. If no exemption is applied then it will be crucial that the best supporting evidence is used to make decisions about entitlement.

Evidence gained from a medical assessment or interview with the person may not always be the best way to establish the facts. Evidence from a range of sources, including those who know the person best, such as the person's family, carers or health and social care professionals, is a more effective approach. Any face-to-face assessments must be undertaken by staff who have an appropriate level of knowledge of the condition, as well as in a format which is suitable for the person and in an environment in which they are familiar. The current system places undue weight on the medical assessment and we would suggest that this should form only part of the consideration of entitlement.

East Renfrewshire's Health and Social Care Partnership is one of the longest established integrated models in Scotland. Our staff are used to co-operative working across services to meet local and national objectives. Our Occupational Therapists (OTs) currently work with our housing section to meet the demands of the housing legislation as well as providing services to the residents of East Renfrewshire. We would be keen to work in collaboration to provide evidence for the decision making process, however there are resourcing issues which need to be given further consideration given the demands already placed on this service and the challenging demographics and rising demand already being faced.

East Renfrewshire recognises that there will be times where a medical is necessary. Where a medical is required it should be carried out locally, perhaps in local health centres. Consideration also has to be given to domiciliary visits for people with mobility and mental health issues; evidence from GPs/Nurses could be used to confirm this requirement. We believe that the provision of medicals is a public function. The purpose is to determine a person's functional ability and as such should always be provided on a not for profit basis.

There are lessons to be gleaned from the Self-Directed Support (SDS) agenda that should be incorporated into any new model of Disability Benefit assessment. Concepts such as user involvement, autonomy, self-determination and independence should inform any assessment of Disability Benefit. The assessment itself should be predicated on a social, rather than exclusively medical, model of disability. The benefit, however, must remain a cash payment in recognition of the additional costs incurred by reason of impairment. Preserving the direct cash payment to a claimant is also an expression of wider society's collective responsibility and commitment to social justice for those in need. In addition the cash spend of Disability Benefits with its multiplier effect should not be underestimated as a key driver of the local economy.

Local Authorities have an important role to play in the service delivery of the new Scottish system. This needs to be agreed in advance with COSLA and local authorities. There is a risk of further cluttering the landscape for customers, with 85% of benefit spend retained south of the border and the role of the DWP; some delivered via a new Scottish Social Security Agency and the role of local agencies. Clear pathways are required to ensure transfer of information and excellent customer service. Relationships already exist between DWP and local authorities – another interface beyond this could increase expenditure and further confuse customers, which is against the principles of the Christie Commission.

Equality and low income

Q. How can the Scottish Government improve its partial EqiA so as to produce a full EqiA to support the Bill?

A. We should take this opportunity to develop the concept of poverty impact assessments to ensure that no legislation has an adverse effect on the well-being of disadvantaged groups. The Children and Young People's Scotland Commissioner (CYPSC) or the Ministerial Advisory Group on Child Poverty should feed into this to ensure that changes in legislation are poverty proofed, and with an emphasis on reaching child poverty targets. A guiding principle of the new Scottish system must be that no-one is worse off than under the current UK system.

There are direct equality issues for the disability benefit, Carers Allowance and Industrial Injuries Disablement benefit (IIDB).

Independent advice and scrutiny

Q. Do you think that there is a need for an independent body to be set up to scrutinise Scottish Social Security arrangements? If yes, does the body need to be established in law or would administrative establishment by the Scottish Government of the day be sufficient? If yes, what practical arrangements should be made for the independent body (for example, the law should state how appointments are made and the length of time an individual may serve on the body)?

A. In order for the Scottish system to work well and be built on the principles of equality, respect and dignity, independent scrutiny is required and must be able to operate independently of government and parliament and will be free to reach the best conclusion on the system removed from political consequence. This could work in much the same way as the current system in place across the rest of the UK

Q. Should there be a statutory body to oversee the Scottish social security decision making standards?

A. Decision makers should be appointed and subject to minimum standards of training and a certificate of authorisation. Independent scrutiny of decisions is important as is the promotion of a culture where mistakes are acknowledged and corrected rather than going to Tribunal.

The standard of decision making is usually assessed on the percentage of decisions overturned either on review or appeal. There is a need to consult with the appellant bodies on their view of decision making. It is also suggested that use could be made of a user panel to gather views about decision making to determine the effectiveness of the steps leading to decision making as well as the process of communication with claimants. In line with the current arrangements for Crisis and Community Care Grants, it is suggested that complaints

about standards and the decision making should be handled by the Scottish Public Services Ombudsman (SPSO).

Part 2: the Devolved Benefits

Disability Benefits

Q. Thinking of the current benefits, what are your views on what is right and what is wrong with them? Disability Living Allowance (DLA), Personal Independence Payments (PIP) and Attendance Allowance (AA).

What's right with Disability Living Allowance? DLA is disregarded for UK means tested benefits as well as Housing Benefit and Council Tax Reduction. It attracts premiums in the UK means tested benefits, which go some way to reducing the costs associated with having a disability. The two component system: Care and Mobility works well as does the differing levels of payment depending on needs arising from the disability (i.e. higher and lower mobility component; Lower, Middle and Higher rate care component). It is non-taxable. It allows scope for needs arising from both care that is reasonably required (which may not be received) and supervision to prevent worsening of a condition or danger to the claimant, property or another person. The lower rate care component is awarded either for a period of prolonged attention or on the basis of the hypothetical, cooking test, which allowed many with lower levels of impairment to gain support.

What's wrong with DLA? DLA is based on needs arising and the pattern of care reasonably required. This is open to interpretation from individual Decision Makers and Tribunals. Two decision makers looking at the same set of circumstances could each come to a different conclusion and each would be correct in law. This is difficult for claimants to understand.

DLA focuses on bodily functions and does not take into account the effect that a disabling condition has on an individual to function as an independent member of the community or the actual financial impact that a disability has (i.e. the cost of a disability diet). The ability to undertake basic household duties like loading a washing machine or changing a bed is also ignored.

Higher rate of the mobility is only available to people who are unable or virtually unable to walk or with some visual acuity provisions. This can be a financial inequality to people with severe mental health problems who are restricted with their mobility.

Both the past presence test (PPT) and the retrospective test of disability are a disadvantage of the benefit. The Past Presence Test restricts disability benefits to people who have been habitually resident in GB for 104 of the last 156 weeks. This impacts citizens returning to Scotland from abroad and has had an impact on asylum seekers (there is ongoing court action in connection with asylum claims). It is suggested that a return to the previous test of 26 weeks out of the last 52. The test varies for a baby under 6 months where a 13 week presence test applies until the 1st birthday; if DLA is claimed for a child aged 6-36 months the test is 26 weeks in the last 156 weeks. Crucially in the child cases DLA may be awarded, however the 104 of 156 weeks test applies to Carers Allowance and the carers of the disabled child will not have entitlement. Carers PPT and the Childhood DLA PPT should be equalised.

The Retrospective test requires an individual to have had a disability for 3 months prior to application and a forward test of the disability lasting 6 months. It is suggested that the retrospective test should be removed and the prospective tests set at 9 months, particularly where there has been a diagnosis of a life limiting progressive illness.

Prior to 2013 claimants wishing to appeal a DLA decision could submit an appeal directly to DWP. From 2013 this has been replaced with an intermediate of Mandatory Reconsiderations prior to appeal. Mandatory Reconsiderations have created a major obstacle to independent oversight and long delays in the decision making process prior to gaining appeal rights. It is suggested that, as was the case under the pre 2013 appeal system, decision makers should have the opportunity to change their decision before an appeal is listed but the onus should not be on the claimant to request a reconsideration before they can exercise appeal rights.

There is no scope for an award of Higher Rate Care Component without having day and night time needs.

A change of circumstances is considered a claim to PIP for working age people, rather than being dealt with within DLA criteria.

Lastly the provision of aids and adaptations can result in the removal of DLA without reducing the social and financial impacts of the disability.

Q. What is right with PIP?

PIP is disregarded for UK means tested benefits as well as Housing Benefit and Council Tax Reduction. It attracts premiums in the UK means tested benefits, which some way to reducing the costs associated with having a disability. The two component system; Care and Mobility work well. It is non-taxable. The points based descriptor system provides a degree of transparency on how a decision has been reached and removes the subjective decision making of a decision maker or Tribunal.

PIP allows an award of Enhanced Rate mobility for people with both physical and mental health impairments. Where aids and adaptations are used these can attract points towards getting the benefit. There is no distinction of day and night time needs.

Q. What is wrong with PIP?

The points based system is often too rigid and takes little account of varying conditions e.g. epilepsy. There is no provision for exceptional circumstances where an award would facilitate independent living or protect well-being but the individual has failed to reach the points threshold (similar to DLA's 'cooking test'). The descriptors take little account of supervision needs to prevent worsening conditions or danger to self or others. The requirement to reliably walk less than 20 meters is too rigid and takes no account of mobility restrictions affecting independent living.

Administrative delays have been problematic for the benefit. The number of face to face medical assessments should be reduced, and suggest that assessments are carried out by qualified specialists in the disability leading to a claim. Assessments should be carried out locally. Repeat assessments for chronic and degenerative conditions should be limited and, where necessary, not at unreasonable intervals.

The Past Presence Test and Retrospective test as in DLA above. PIP's prospective test is 9 months and we would submit this should be equalised with DLA. Mandatory reconsiderations as DLA above.

Q. What is right with AA?

A. AA is disregarded for UK means tested benefits as well as Housing Benefit and Council Tax Reduction. It attracts premiums in the UK means tested benefits, which go some way to

reducing the costs associated with having a disability. The two differing levels of payment depend on needs arising from the disability. It is non-taxable. It allows scope for needs arising from both care that is reasonably required (which may not be received) and supervision to prevent worsening of a condition or danger to the claimant, property or another person.

Q. What is wrong with AA?

A. AA focuses on bodily functions and does not take into account the effect that a disabling condition has on an individual to function as an independent member of the community or the actual financial impact that a disability has (i.e. the cost of a disability diet is ignored as is the ability to undertake basic household duties like loading a washing machine or changing a bed).

It starts at age 65 and takes no account of increasing UK pension age. The lack of a lowest rate care component (as in DLA) and a mobility component disadvantages claimants in this age group. Claimants with a physical or mental impairment affecting their mobility are disqualified from the benefit on the account of age alone. We would suggest that this does not support social inclusion or independent living.

The Past Presence Test and Retrospective test as in DLA above.

Q. How should the new Scottish social security system operate in terms of applying for a disability benefit, the assessment, provision and appeal?

A. Applications should be able to be made by a variety of methods; telephone, internet and paper based claims. The emphasis should be on frontloading of evidence gathering with a wide array of evidence taken into account to support an award. Undue weight should not be given to the medical assessment, which can be a snapshot of the day. Service users should also be given the option of face to face appointments for applications where necessary to meet the needs of the applicant. Anyone requiring assistance should be referred to local representation and advocacy provisions.

Opening hours should be extended to allow working applicants ease of access (similar to the DWP's current changes).

The number of face to face assessments should be greatly reduced with evidence being gathered prior to decisions. Where an assessment is required it should be carried out locally and when required a domiciliary visit undertaken.

Appeals should continue heard via the Scottish Tribunal Service; Tribunals should return to being inquisitorial rather than adversarial in nature. Any Presenting Officer should be there to assist the Tribunal and not to adopt an adversarial role.

Applicants should be advised of progress of their claim within set timeframes. Thought should be given to the use of digital means or text etc to advise on progress. A clear indication of timeframes should be given to all applicants and any delays fully explained. The use of technology and digital service provision will be vital and must be in place prior to commencement of the new system. Similarly data sharing arrangements must be in place. Where a customer approaches any relevant agencies to make a claim or report a change of circumstances it should be shared across all without further action being required from the customer. Agreement from the DWP will be required to ensure that when a customer communicates a Scottish matter to them that it will be passed on.

Q. What evidence and information should be required to support a claim, who should provide it and who should request it?

A. Claims should continue to be assessed as is: Personal details; national insurance number; details of anyone involved in the provision of care or support. Greater weight should be given to the social aspect of disability and evidence gathered from carers as well as medical evidence from the NHS. At the initial application stage the onus should be on the claimant to provide these details. With informed consent, decision makers should be able to request additional information from all public and health bodies. Where there are difficulties there should be reference onto local representation and advocacy provisions.

Q. Do you agree that the impact of a person's impairment or disability is the best way to determine entitlements to benefits?

A. Yes. However the assessment process should focus on a social rather than medical model of disability. The current eligibility for AA and DLA works well with the focus on personal care need, mobility and the need for supervision. PIP works well with including someone's ability to manage their budgeting. These aspects should be retained, however, more consideration is required about functional disablement that affects people's ability to do laundry, special dietary needs, change the bed and live an independent life. The focus should remain compensation for the extra costs of a disability and promoting independence and well-being.

Q. Currently there are only special rules for the terminally ill should there be others? Should there be automatic entitlement?

A. Yes. People with severe life limiting illness and profound disabilities should be brought under special rules. In such cases automatic entitlement could remove pressure on families. It would be possible to agree a list of conditions and stages where entitlement could be fast tracked and made automatic. Publically held records could be shared with consent. There is a role for the NHS in this; a system similar to the Macmillan cancer network could be used.

Q. Do you agree that the current UK wide PIP and AA process for supporting people with terminal illness is responsive and appropriate? Should there be flexibility?

A. No. The current probability of death criteria of 6 months is too short; this should be raised to 12 months. Often people do not meet the 6 month criteria having an increased survival rate but the quality of life is poor and will qualify at a later date.

Applications for claimants are fast tracked; however, there should also be an equivalent fast track for their carers.

The DS1500 fast track applies to the care and daily living components only; there is no automatic entitlement to mobility and this often necessitates a claim. Consideration should be given to automatic mobility where there is evidence of need.

The option of upfront payments should be explored if there is a demand for this. There would however have to be clear guidelines on how this works and what happens where survival has exceeded expectation.

Q. In the longer term do you think the Scottish Government should explore the potential for a consistent approach to eligibility across all age ranges?

A. Yes. Long term the Government should establish a single unified Disability Benefit. Life event and medical records could be checked to ensure continued entitlement without the need an assessment. The benefit should combine the best aspects of DLA, PIP and AA. Until this is achieved we would ask that there is a stop to the transfer of existing DLA to PIP

claims. Such a benefit would be easier and more accessible to the public and could reduce administration, reassessments and repeat applications.

Q. Could the current assessment process for disability benefits be improved?

A. A single local interface with relevant professional input from cross-sector (e.g. HSCPs)

Medical assessments require a complete overhaul in the new Scottish system. The decision making process should be redesigned to look more intensely at supporting evidence prior to a decision being reached. Evidence should be sought from GPs and other health care professionals as well as social work, education and other organisations at the point of application. The number of face to face assessments should be drastically reduced.

Assessments focus on bodily functions and do not take into account the effect that a disabling condition has on an individual to function as an independent member of the community or the actual financial impact that a disability has.

Where a medical is required it should be carried out locally, perhaps in local health centres and easily accessible. Consideration also has to be given to domiciliary visits for people with mobility and mental health issues; evidence from GPs/Nurses could be used to confirm this requirement. We believe that the provision of medicals is a public function. The purpose is to determine a person's functional ability and as such should always be provided on a not for profit basis. Telephone and digital assessment should be used where required. People should also have the option of requesting a face to face appointment where their oral evidence will be vital or there are communication difficulties.

Any face-to-face assessments must be undertaken by staff who have an appropriate level of knowledge of the condition, as well as in a format which is suitable for the person and in an environment in which they are familiar. The current system places undue weight on the medical assessment and this should form only part of the consideration of entitlement.

Assessments should be used to determine a level of functional impairment. The most important change to the assessment process involves a change in the cultural paradigm of the process. This can be achieved by the proper use of language and the correct questions being asked. The questions asked at an assessment should be open, inquisitorial and less open to interpretation than currently used. E.g. people are often asked at assessment whether they watch films. This is in recorded as the claimant can sit for two hours to watch a movie.

Q Could technology be used to support the assessment process?

A. Yes. Video conference has already been used with some success in the Tribunal Service.

Q. If the individual's condition or circumstances are unlikely to change should they have to be reassessed?

A. No. Periodic checks could be made to determine any change of circumstances. The onus on reporting changes should be on the customer. There are conditions that will never change or approve and these should not be reassessed.

Q. Do you think people should be offered some of their benefits given to provide alternative supports like reduced energy tariffs or adaptations to their homes?

A No. There is already existing provision for adaptations and lower energy tariffs. The benefit, however, must remain a payment in recognition of the additional costs incurred by reason of impairment.

Q. Would a lump sum payment be more appropriate in some cases?

A. For disability benefits, no. There may be some demand in cases of terminal illness but for most cases the benefit should be used for the on-going costs of a disability. For Industrial Injuries Disablement Benefit (IIDB) this may be of benefit to people. IIDB is treated as income for UK means tested benefits, any Scottish payment would be reduced through the application of the means tested. A one off lump sum would be treated as capital and may allow people enhanced and continued UK means tested benefits.

Q. Should the Scottish Social Security system continue to support the Motability scheme?

A. Yes. The Motability scheme has been a great success and a great support of independence for its users. Motability also administers the Specialised Vehicles Fund (SVF) on behalf of DWP. The SVF helps people who need a wheelchair accessible or heavily adapted vehicle (i.e. vehicles that cost more than the standard benefit amount) and we would support the Scottish Government continuing this.

Q. How could the Scottish system better support people of all ages with mobility problems?

A. Expand the scheme to allow access and benefit sacrifice from the care component of DLA and AA as well as the mobility component. This could be particularly useful for older people on AA who have never been eligible for help with mobility. Medical opinion could be used to differentiate Motability issues arising from physical and mental health problems and general aging if required.

Q. What kind of support should be available for people who need more help during the application and assessment process?

A. The provision of visiting officers and local hubs for support. In addition independent assistance should be signposted to the claimant. Local Authority income maximisation and welfare rights teams and CAB should be used as a source of impartial advice and support. These are effective local services which people rely on to provide local support and advice.

Q. How could disability benefits work more effectively with other services at national and local level?

A. Clearly defined pathways and data sharing protocols must be established between public providers. With customer consent two way information sharing could be established to provide a safety net.

Q. What is the role of Industrial Injuries Disablement Benefit?

A. IIDB is a worker compensation scheme. The scheme operates on a no fault basis and any reform should seek to keep this characteristic. The list of prescribed diseases for IIDB is weighted towards male dominated heavy industry. The assessment process is difficult to understand. Although compensation based benefit it is treated as income for means tested benefits, so often goes under-claimed. Industrial Injuries Disablement Benefit (IIDB) this may be of benefit to people. IIDB is treated as income for UK means tested benefits, any Scottish payment would be reduced through the application of the means tested. A one off lump sum

would be treated as capital and may allow people enhanced and continued UK means tested benefits.

Q. Should the Scottish Government work with the UK Government to reform the IIDB scheme?

A. Yes. As compensation based benefit IIDB should be disregarded from the means test. There may be more appropriate systems of compensation and this opportunity could be used to reform the system. Employer based insurance schemes, if based on a no fault model may be suitable. An exemplar could be the New Zealand model which offers no fault compensation for military, road and employment accidents paid for through general taxation and an employer levy.

Q. Do you agree with the Scottish Governments approach to Severe Disablement Allowance?

A. We agree that the remaining legacy cases should not be transferred to ESA and be supported through the Scottish system.

SDA also provides a possible future benefit to support the long term sick and disabled in Scotland as an alternative to the GB ESA system. The original SDA system worked well, providing support mainly to young people who were classed as 80% disabled and had not paid National Insurance Contributions. While recognising the cost implications placed on Scotland an ambitious aim would be to reconstitute SDA for the most severely sick in Scotland so that we may provide and legislate for their needs separately from the Westminster system.

Q. Do you agree with the Scottish Government's overall approach to developing a Scottish carers benefit? Short term, long term?

A. We agree with the Scottish Governments objectives of supporting and recognising Carers. We support the raising of the payment to equal Job Seekers' Allowance (JSA) as a basic minimum and the introduction of a Young Carers Allowance. Carers Allowance should remain exempt from any means testing. We would also like to see the wage restriction on carers allowance be increased from the current £110 per week. We welcome the legislative requirements of the Carers Act 2016 placing a duty on local authorities to assess the needs of young carers and offer advice, support, training and income maximisation.

We do not believe that payments of carers allowance should limit a person's capacity to study or work. Payment should not be restricted to caring for one person only. Carers Allowance should also be available to people of pension age and should be extended to people caring for more than one adult as well those caring for more than one child.

Any changes to the definition of the care given for the benefit award needs careful consideration and must be done in consultation with carers and their representative groups. Further consideration is required on the proposed 'twin track' approach.

Q. Do you have any comments about the Scottish Government's proposals for winter fuel and cold weather payments?

A. In general terms we welcome the commitment to extending winter fuel payments to families with a disabled child receiving higher rate of DLA.

Winter Fuel payment (WFP) is a pension top up and does not target people in fuel poverty. The Scottish Government's Advisor on Poverty and Inequality, Naomi Eisenstadt and the Marmot Review on reducing health inequalities have made arguments for proportionate universalism in this area, the charity Independent Age suggested taxing WFP for pensioners who pay income tax (a similar system is now used for child benefit for high earners), allowing resources to be targeted to those most in need. We also recognise that cold related illness is associated with people's behaviours and targeting WFP may contribute to this problem and increase costs to NHS Scotland and preventable winter deaths. As the fuel poverty working group and the rural poverty task force are producing reports in this area it would be prudent to have sight of their analysis before reaching a conclusion on this matter.

Cold Weather payments are unnecessary complicated and do not target resources effectively. The current criteria of 7 consecutive days at sub-zero temperature should be reduced and payments made every year to people at risk of full poverty.

NB. The next section of the consultation contained some very specific references to Funeral Payments. It is suggested that these are better handled in discussion at forthcoming workshops in the autumn by practitioners rather than dealt with in this response.

Q. What are your views on who should receive the Best Start Grant?

A. It is suggested that the current DWP criteria for Sure Start Maternity Grant (SSMG) should be reviewed to ensure that this grant goes to those most in need. Restoration of grants to second and subsequent children is required to meet Scottish Government proposals to reduce child poverty.

Q. Should we continue to use the same system to determine who is responsible for a child for the purposes of the BSG application?

A. Yes

Q. Do you agree that each of the three BSG payments should only be made once for each child?

A. In general Yes, In exceptional circumstances, such as Kinship Care arrangements or less formal arrangement following the death of a parent, repeat grants should be permissible for the new carers.

Q. Should we continue to use the same method as the SSMG to determine whether a child is the first child in a household?

Yes to avoid risk of paying the higher sum for additional children

Q. Do you agree that we should retain the requirement to obtain advice from a medical professional before making a maternity payment?

Yes

Please explain your answer - Key to preventing negative health outcomes for mother and child. Delivery should be linked with health services to maximise uptake and to ensure that there is an effective link between other Scottish policy on maternal health and early years.

Delivery should also be linked to receiving income maximisation and money advice for the Local Authority providers. The role of the health visitor is key here.

Q. Are there other points during the first five years of a child's life when families face greater pressure than at the start of nursery (other than birth and the start of school)?

On-going child care costs will affect circumstances

What are your views on defining 'the start of nursery' as the point of entitlement to a funded early learning and childcare place, for the purposes of making the second payment?

In general, this seems a reasonable approach

Are there any particular issues related to the nursery payment that you think we should consider?

Any additional child care costs

Are there any particular issues related to the school payment that you think we should consider?

Free school meal entitlement & clothing grants. Ensure that the payment is made at beginning of child's primary 1 education.

Should the school payment be payable to all eligible children who begin primary school for the first time in Scotland, or should an upper age limit be included?

As a general rule, it should be primary one, however, there may be exceptions eg Refugees starting in later years.

What are your views on our proposals in relation to the BSG application process?

In the main, applications should be made prior to the birth of the child so the grant can be used to buy the items that will be needed immediately on birth. The point of eligibility should be reviewed to make the application process smoother e.g. Applications could be made from the issue of the MAT1B and payment delayed to closer to the birth. Automatic payments should also be considered, this would involve greater input from the midwife in confirming eligibility and reinforce the link to health services. The link with health visitors is vital in meeting the role of a Named Person as a key part of the Children and Young People (Scotland) 2014 Act and the GIRFEC agenda.

What are your views on establishing an integrated application process for the BSG and Healthy Start?

Yes, this needs to be integrated.

What are the advantages and disadvantages of this approach?

The advantages are that the process is more joined up, and there is an opportunity to maximize take up. A disadvantage would be where the eligibility criteria for BSG and the healthy start are different, and those entitled may miss out if there is a lack of clarity / knowledge around the different schemes.

Could the option to receive items rather than a cash payment as part of the BSG have benefits?

Yes but only if this was the mother's preferred option.

Please explain why

It would assist the customer to ensure the items needed are provided, and would provide some security. There may be a stigma to clothing a baby in goods recognised as part of the maternity provision especially given that the grants are not universal.

Q Which services should promote awareness of the BSG to ensure that claimants know about it at the relevant time? –

The Scottish Government, Health services such as GP, midwife, health visitor, local authority staff such as income maximisation officers, welfare rights, Scottish welfare fund staff, customer services, local CAB offices.

Discretionary Housing Payment

Could the way that DHPs are currently used be improved?

Yes. Discretionary Housing Payments (DHPs) are currently made by local authorities, with guidance from DWP, and are aimed at helping people who need further financial assistance to meet their housing costs.

DHP can be unpredictable and unsatisfactory for tenants. Due to the discretionary nature of payments, tenants cannot feel confident payments will continue indefinitely. The best way to cover rental cost is through Housing Benefit or the Housing element of Universal Credit.

While we are keen to ensure that DHP's are not seen as a universal panacea, it is evident that they have played a significant part in keeping households with a roof over their heads and reducing the incidence of poverty which would otherwise have been inevitable. However, DHP should not be used as a long-term support – the payment means local authorities no longer have flexibility to award DHP in other situations, which may in the past have been paid.

The long term payment should be operated outwith DHP. The Scottish Government should take responsibility for any mitigating policy and ringfence this funding to local authorities separately from the DHP resource. Local authorities do not have any certainty on future funding for DHP and paying longterm awards would become unsustainable should funding for these not be forthcoming.

Going forward, there should be scope to consider claims from any customers in receipt of Council Tax Reduction, not restrict to Housing Benefit/Universal Credit. Varying the calculation of the housing element of UC might also go some way towards reducing the likelihood of households requiring DHP funding.

Q Could the administration of DHP applications be improved?

Yes. The Process currently works well. Good communications internally within local authority however DHP is now being used to cover a wide range of needs. It is important that Local Authorities are able to exercise their discretion on local priorities as Scotland has a different housing market. DHP is used to mitigate a number of welfare reforms i.e bedroom tax,

benefit cap and changes to LHA. It would be desirable if these measures could be calculated as part of Universal Credit Housing Costs rather using DHP for these purposes.

Does the guidance for local authorities on DHPs need amending?

Yes, updates as required.

Job Grant

Q What should the Scottish Government consider in developing the Job Grant?

It would be useful to look at the evidence required to enable the process of the payment and the travelling expenses. As many companies pay monthly and often in arrears it is essential that individuals have access to the payment and the travelling expenses support to help them with this period. A number of companies do not always issue paperwork to their new employees before they start working with them (e.g. job offer letters and contracts) which could cause problems regarding evidence for payment.

Also many grants are not paid until the individual starts employment which causes problems for individuals who cannot afford to pay their initial travelling expenses so it would be useful to look at how individuals will be able to access travelling expenses before the start of their employment.

Other points to consider - has the person found work, and if so, do they have a confirmed start date? If person has successfully found work, consider the job grant, but what do they need – it is clothing ? tools? – can we provide goods rather than cash? – Does the person have any resources to assist themselves? Would an investment in training be a better use of resource? E.g. confidence building or interview skills etc?

Universal Credit flexibilities

Q Should the choice of managed payments of rent be extended to private sector landlords in the future?

Yes

Please explain why

Customers who find it difficult to manage budgets will have the same difficulties whether in social rented accommodation or private rented accommodation. They should have the option to have rent paid directly to the landlord regardless of the type of landlord.

Should payments of Universal Credit be split between members of a household?

Yes

Please explain why

To protect the household from one party potentially mismanaging the monthly income.

If Yes, please indicate if you think the default position should be:

- a) Automatic payment to individuals, with the options to choose a joint payment
- b) Automatic household payments with the option to choose individual payments

Option B would be the best way forward

If Yes, how do you think payments should be split? For example 50/50 between members of a couple or weighted towards the person who is the main carer if the claim includes dependent children?

The award of UC should be weighted towards the person with main caring responsibility.

Do you have any other comments about how the Scottish Government's powers over Universal Credit administrative flexibilities will be delivered?

The Scottish Government should clarify how the payment for the removal of the spare room subsidy will be paid. Is it intended to continue the current set up where local authorities pass the shortfall via discretionary housing payments, or is there to be a sum paid as part of UC housing support to cover this amount? How will this be funded longer term? It would also be useful to have clarity on what IT changes specific to Scotland will be introduced to the DWP's system, and how these will be funded.

13. Universal Credit housing element

Do you have any comments about the Scottish Government's powers over the housing element of Universal Credit?

The Scottish Government should work closely with the DWP to ensure communications to customers are clear and any 'top up' of UC housing costs should be detailed separately in the UC award letter.

- A. Allowing UC claimants greater choice in how their payments are made also allows them the opportunity to have greater, more straightforward control over their budgeting and household management.
- B. Many UC claimants already advise us that they would prefer to have their housing cost element paid directly to their landlord on their behalf. This can be for a variety of reasons, but is often due to the familiarity of this method (given that housing benefit was paid in this way.) Some claimants also identify concerns that if housing costs payments are made to them directly, competing pressures might lead to rent arrears might build up.
- C. In both of these cases, UC claimants would be given the element of choice which the current system largely denies. While the current UC system is stated as being designed to encourage personal responsibility, by removing the element of individual choice, it may be said to enforce a generic notion of what is right, without taking individual circumstances into account.
- D. As numbers claiming UC rise, the current system of managed payments For UC claimants is likely to be unsustainable in the long-term. Creating an element of choice such as described would help to avoid many difficulties at a future date.
- E. As well as the advantages noted above, allowing claimants to have their housing costs paid directly to private landlords would hopefully avert a situation where the availability of privately accommodation is reduced due to landlord concerns that their rental income would be put at risk.
- F. Allowing the flexibility to split UC payments as required would also be a positive step in recognising the potentially difficult situations faced by members of some households.

Part 3 Operational Policy

Q What role[s] should publicly funded advice providers to play in the development of a new Scottish social security system?

What steps need to be taken, to understand the likely impact of the transfer of the devolved benefits on publicly funded advice in Scotland?

How could the transfer of the devolved benefits to Scotland be used to drive improvements in the provision of publicly funded advice?

Advice services should help support the new system and offer impartial advice, advocacy and representation for people. It should not be involved in the delivery or decision making, but assist people in maximising their entitlement and challenging decisions.

All advice services should be accredited to the Scottish National Standards and periodically audited on this basis. Similar reporting mechanisms should be used for information and data analysis.

Q. Do you think that Independent Advocacy services should be available to help people successfully claim appropriate benefits?

Yes. People should have a choice of where to go for help; they may build, or have already built strong relationships with one particular body. People should not be limited in where they can access help, and it's important the body / organisation of their choice are deemed to be independent of any new Scottish social security agency and of the Scottish Government policy makers.

What next steps would you recommend that would help the Scottish Government better understand the likely impact of the transfer of the devolved benefits on independent advocacy services?

The Scottish Government should carry out a mapping exercise on local provision.

Complaints, reviews and appeals

Q. Do you agree that we should base our complaints handling procedure on the SPSO statement of complainant handling

Yes

Q. How should an internal review work and within what timescales?

A. Prior to 2013 claimants wishing to appeal a DLA decision could submit an appeal directly to DWP. From 2013 this has been replaced with an intermediate of Mandatory Reconsiderations prior to appeal. Mandatory Reconsiderations have created a major obstacle to independent oversight and long delays in the decision making process prior to gaining appeal rights. It is suggested that, as was the case under the pre 2013 appeal system, decision makers should have the opportunity to change their decision before an appeal is listed but the onus should not be on the claimant to request a reconsideration before they can exercise appeal rights.

Where no further evidence is required or available a review could be completed within 14 days.

Q. should a Tribunal be used for dispute resolution?

Yes. The current tribunal system should be extended to the Scottish Benefits. This will allow the case to be subjected to independent judiciary scrutiny and ensure access to justice.

Appeals should be heard with 8 weeks of the Tribunal Service receiving all paper work.

Residency and cross-border issues

Q. Should Scottish Benefits be paid to individuals who are resident in Scotland?

Yes

What are your views on the Habitual Residence Test (HRT)?

This should continue for the Scottish benefits to ensure integrity of the scheme

Are there other residency rules to be taken into account?

Yes. The past presence test (PPT) is a disadvantage of the benefit. The Past Presence Test restricts disability benefits to people who have been habitually resident in GB for 104 of the last 156 weeks. This impacts citizens returning to Scotland from abroad and has had an impact on asylum seekers (there is ongoing court action in connection with asylum claims). We would suggest a return to the previous test of 26 weeks out of the last 52. The test varies for a baby under 6 months where a 13 week presence test applies until the 1st birthday; if DLA is claimed for a child aged 6-36 months the test is 26 weeks in the last 156 weeks. Crucially in the child cases DLA may be awarded, however the 104 of 156 weeks test applies to Carers Allowance and the carers of the disabled child will not have entitlement. Carers PPT and the Childhood DLA PPT need to be equalised.

What cross border issues need to be considered?

The HRT should be used to establish residence in Scotland. There has to be robust data sharing across agencies. People moving across the UK need to have a smooth automatic transfer of entitlement between the GB and Scottish systems.

Managing overpayments and debt

Q Could the existing arrangements for recovering social security overpayments be improved in the new Scottish social security system?

yes

If yes, please explain your answer

there can be additional flexibility built into the Scottish System for recovering overpayments.

Financial advice

Q What are your views on the role that financial advice can play in the recovery of overpayments?

Financial advice, such as a local authority money advice provider, can assist the individual with budgeting, and present a realistic picture of the person's income, and outgoings. The aim would be that the individual's budget is not impacted to such a level that it could have an adverse effect on health and wellbeing. Local Welfare Rights Service should also be available to challenge any recoverability decision

Fraud

Q Should the existing Scottish Government approach to fraud be adopted for use in our social security system?

Yes

If yes, should our existing counter-fraud strategy be adapted in any way?

Existing strategy sufficient

Q. How could the new Scottish social security system „design out“ errors and reduce the potential for fraud at the application stage?

Cross system verification, e.g. checking the claim against the information for that person already in system to see if any other benefits are in payment, what information was given in previous applications? Assess if the changes now should have an impact on other Scottish benefits, share information with DWP and look to have a regular matching process in place similar to Audit Scotland's national fraud initiative. Ensure that robust data sharing arrangements are in place and operate across all public bodies both at a Scottish and UK level.

Q. Should the Scottish social security system adopt DWP's existing code of practice for investigators?

Yes, current code of practice deemed fit for purpose

What are your views on the existing range of powers granted to investigators?

Existing powers are deemed to be at the correct level.

What are your views on conducting interviews under caution?

This is a necessary part of the process, and it conveys to the individual the seriousness of the situation.

What improvements could be made around conducting interviews under caution?

Need to ensure sufficient resource is available for Scottish benefit fraud investigators so interviews take place as quickly as possible after evidence gathering has taken place. Interviewees need to be fully informed of the situation and their rights prior to any meeting and should have access to representation via legal aid.

Should the Scottish Government retain the same list of offences which people can be found guilty of in terms of social security fraud?

Yes whether it is UK Government benefit or Scottish Government benefit the act of committing fraud needs to be taken equally as seriously. The penalties for committing Scottish benefit fraud should be no less severe than those for committing UK benefit fraud. It must be clear that any fraud is unacceptable and will not be tolerated.

Should the Scottish Government impose the same level of penalties for social security fraud as are currently imposed?

There should be no distinction between 'UK fraud' and 'Scottish fraud'.

Safeguarding information

We would support data sharing across all public bodies securely and with informed consent. The existing principles of identity management should be used. Transfer data should be proportionate and strictly controlled and audited. The use digital technology should be used whenever this is the customer's preferred option.

END

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