

A New Future for Social Security

Consultation on Social Security in Scotland

Answer Booklet

July 2016



Introduction to the Answer Booklet

This is designed to accompany the Consultation on Social Security in Scotland which can be found here: <http://www.gov.scot/Publications/2016/07/9955> . This booklet should be used if you can not or do not wish to provide an online response. Please refer to the consultation document to give context to the questions.

Send your completed response to:

socialsecurityconsultation@gov.scot

or

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

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. 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 If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.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.

Comments and complaints

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

Chris Boyland
5 Atlantic Quay, 5th floor
150 Broomielaw
Glasgow,
G2 8LU.

Or

E-mail: socialsecurityconsultation@gov.scot

RESPONDENT INFORMATION FORM



Scottish Government
Riaghaltas na h-Alba
gov.scot

Consultation on Social Security in Scotland to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016.

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

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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- Do not publish response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

Lead Scotland is a charity that enables disabled adults and carers to access inclusive learning opportunities. At a local level, we do this by providing direct support to learners through flexible person-centred learning opportunities and individualised guidance and support to help them plan their learning journeys. At a national level, we provide information and advice on the full range of post-school learning and training opportunities, as well as influencing and informing policy development.

Disabled people account for a significant proportion of Scotland's population, and make a vital contribution to our economy, culture and public life. Yet, they experience considerable inequalities in relation to education, employment and overall life chances. In comparison with their non-disabled counterparts, disabled people are around twice as likely to be unemployed¹, around three times as likely not to hold any qualifications² and twice as likely to live in poverty³.

Removing the barriers to inclusive learning and employment is therefore vital in terms of improving educational attainment and earning potential, reducing reliance on welfare benefits and facilitating access to life-enhancing experiences.

The Scottish Government's refreshed Employability Framework recognises the effect of recent developments on individuals' employability and life chances, including:

- The difficult economic conditions
- The ongoing effects of welfare reform
- The reform of public services and recent spending cuts
- Measures being introduced through the reform of post-16 education

Many of these developments disproportionately affect people with additional support needs, making it imperative to work towards improving learning and employment outcomes for a group already facing significant barriers to fully participating in society.

¹ The Annual Population Survey, March 2013

² Labour Force Survey, Quarter 2, 2012

³ Employers' Forum on Disability, 2012

CONSULTATION QUESTIONS

PART 1: A PRINCIPLED APPROACH

1. Fixing the principles in legislation

Q: Which way do you think principles should be embedded in the legislation?
(please tick the option/s you prefer)

A. As a 'Claimant Charter'?	
B. Placing principles in legislation?	X
C. Some other way, please specify	

Why do you favour this/these option/s?

Please explain your answer

Lead Scotland provides an advice and information service to disabled learners and their carers about access, support, funding and rights in post-16 education. In our experience, principles that are written down as guidance but not underpinned by specific legislation can be difficult to enforce. An example of this would be the Partnership Matters guidance. We have experienced difficulties supporting disabled learners and their carers to access the correct support from the appropriate partner, despite making reference to the guiding principles in Partnership Matters. This arises when individual agencies interpret the guidance differently and set their own policies accordingly. This can sometimes have the effect of disadvantaging the learner, despite the fact the guidance is supposed to remove barriers to learning. We would therefore favour an option that enforces agencies to treat individual claimants in an appropriate way, and uphold the other principles that deliver the overarching vision.

We do agree however that legislation can be difficult to interpret and understand, so we would propose that a more accessible version of the legislation outlining the key principles is made available in multiple formats to ensure ease of access and reduce inequalities. Another possibility would be to create both a claimant charter and legislation that work together in delivering both sound policy and practice.

If you think option A, ' a Claimant Charter' is the best way to embed principles in the legislation please advise:

Q: What should be in the Charter?

Please explain your answer

Q: Should the Charter be drafted by:

(please tick the option/s you prefer)

A. An advisory group?	
B. A wider group of potential users and other groups or organisations?	
C. Both	
D. Some other way, please specify	

Why do you favour this/these option/s?

Please explain your answer

Q: We are considering whether or not to adopt the name, "Claimant Charter". Can you think of another name that would suit this proposal better? If so, what other name would you choose?

Please specify below

Q: Do you have any further comments on the 'Claimant Charter'?

Please specify below

If you think option B 'placing the principles in legislation' is the best way to embed principles in the legislation, please advise:

Q: On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect? (please tick the option you prefer)

A. The Scottish Government	
B. The Scottish Ministers	
C. The Chief Executive of the Social Security Agency	
D. Someone else, please specify	X

Please specify below

Everyone involved either directly or indirectly in delivering social security should be responsible for abiding by this principle, including the ministers that set the legislation, the government that create the policy, the Chief Executive that oversees the service and all the staff contributing to frontline delivery.

Q: Do you have any further comments on placing principles in legislation?

Please specify below

Q: Do you have any further comments or suggestions in relation to our overall approach, to fix our principles in legislation? For example, do you feel that there is no need to fix principles in legislation?

(please tick one box)

Yes	
No	

Please explain your answer

2. Outcomes and the user experience

Q: Are the outcomes (shown in the table on page 17 of the consultation) the Part 2: Outcomes and the User experience

Are the outcomes (shown in the table on the previous page) the right high level outcomes to develop and measure social security in Scotland?

(please tick one box)

Yes	X
No	

Please explain your answer

Q: Are there any other outcomes that you think we should also include (and if so, why?)

Please specify below

In addition we would like to see more ambition set around poverty and inequality outcomes. The proposed long term outcome states that Scottish benefits will continue to impact on poverty and inequality, but we believe a fair and effective social security system in Scotland has the potential to have more than 'an impact'. Instead the system should be striving to contribute to eradicating poverty and reducing inequalities. We want to see an ambitious commitment that places social justice, equality and fairness for all Scottish people at its heart.

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

Please specify below

Q: 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?

Please specify below

We would recommend the Scottish Government consults with stakeholders who have a wide range of specific impairments, along with the organisations whom support them including RNIB Scotland, Dyslexia Scotland, Autism Scotland, Deaf Action and the Scottish Commission for Learning Disability. We also suggest engaging with the Scottish Accessible Information Forum (SAIF) as they provide extensive advice, information and training on producing accessible information.

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

(please tick one box)

Yes	X
No	

Please state below which words or phrases should not be used

We would recommend not referring to claimants as 'customers', as the DWP currently does. It sets up the wrong working relationship premise and implies a commercial agreement with a different set of underpinning principles. Individuals are not opting to buy a product or service, they are accessing a social security system that they themselves have contributed to, and at a time in their lives when they need it most, just as all citizens have the right to do. We would also recommend not to refer to 'people with disabilities' but instead talk about 'disabled people'. This is in line with the social model of disability and supports the principle that people are disabled by society, not by their impairment. Creating a fairer social security system that places respect and dignity at its core should therefore seek to remove these disabling barriers from society, rather than punishing individuals as per the current deficit/medical model utilised by the UK government.

Q: What else could be done to enhance the user experience, when considering the following?

- When people first get in touch
- When they are in the processes of applying for a benefit
- When a decision is made (for example, about whether they receive a benefit)
- When they are in receipt of a benefit

Please specify below

The most important aspect to consider with communication is around the cost to the claimant and the ease of access. The key issues we have heard about from individuals or witnessed ourselves has been in reference to the cost of the call to the benefits delivery centre and the time people are left on hold to speak to an advisor. It is not uncommon for individuals to be kept waiting for up to an hour or longer to get through. This is hugely frustrating and for some people it is completely prohibitive as they cannot afford the cost of the call. Individuals often have to rely on using telephones at a local support organisation rather than using the time for effective interventions/support. All calls to the Scottish social security agency should be free from mobiles and landlines and people should be able to opt for a call back at a suitable time rather than being left waiting on hold. This system has pushed individuals further into poverty with people missing out on rescheduling Work Capability Assessments and Work Focussed Interviews, resulting in them being unfairly sanctioned.

Q: How should the Scottish social security system communicate with service users? (For example, text messaging or social media)?

Please specify below

There should be a range of methods and options that suit all individuals. Many people have access to mobile devices and smart phones and find it easier to send and receive texts and emails or interact with social media, while conversely there is still a digital inclusion gap, with many people unable to access digital technology for a variety of reasons. Additionally, some people find it easier to communicate face to face, and people with certain impairments will require this option to support their communication needs.

Q: What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?

Please specify below

Q: We are considering whether or not to adopt the name “User Panels”. Can you think of another name that would better suit the groups of existing social security claimants which we will set up?

Please specify below

3. Delivering social security in Scotland

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

(please tick one box)

Yes	X
No	

Please explain you answer

While there may be advantages of devolving delivery at a more local level, ultimately ease of usability and consistency should be the most important factors when considering delivery for individuals claiming social security benefits. It is already confusing and frustrating for individuals to have to deal with multiple agencies including HMRC, DWP and their local authority, having to repeat themselves constantly and understand different processes and rules which can lead to unintended errors and sometimes personal penalisation. The system of delivery needs to be streamlined so that individuals only have to deal with one agency where all their data is stored.

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

(please tick one box)

Yes	X
No	

Please explain you answer

As much as possible the social security agency should provide benefits in cash only in order to allow individuals the freedom, dignity and respect they deserve to appropriately allocate cash benefits where they see necessary, in order to help reduce poverty and inequalities.

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

Please specify below

As previously stated, digital technology should feature as much as possible in order to create ease of access and usability for individuals claiming social security benefits as well as potentially offering cost reducing benefits. Social media, smart phone apps, email and text messaging are all widely used by Scottish citizens so the new Scottish Social Security System should seek to engage with individuals via these platforms. Consideration has to be given to those who are still digitally excluded though, either through their impairment, for financial reasons or lack of digital skills. The Scottish Government should continue to promote and drive forward their digital inclusion agenda, but they should make alternative methods of contact readily available to complement their digital communications platforms.

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

(please tick one box)

Yes	X
No	

Please explain you answer

See earlier answer. Face to face contact is an absolute necessity in widening access to people with a wide range of support and communication needs.

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

Please specify below

An individual's own GP/Healthcare team that knows them well, that the individual trusts and that the individual can easily access. A simplified and streamlined assessment should be carried out to avoid extra workload for GP's/doctors. People should not be put under unnecessary stress by being forced to repeatedly have their health condition or impairment verified. Financial incentives/reward should not factor into the outcome of the assessment to avoid unethical and incorrect decisions as widely witnessed when ATOS were carrying out Work Capability Assessments.

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

(please tick one box)

Yes	
No	

Please explain you answer

See earlier answer – if using services and organisations already available, they need to effectively communicate with each other and have highly sophisticated data sharing systems to reduce unnecessary duplication and stress for individuals claiming social security benefits.

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

<p>If yes, which aspects?</p>

4. 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?

These prompts could be helpful in framing your answer:

- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?
- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?
- Are there equality considerations for individual benefits that you would like to draw to our attention?
- Are there considerations about individual benefits for those on low incomes that you would like to draw to our attention?
- What are your views on how we can best gather equality information for the new Scottish benefits?
- What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?
- What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

Please specify below

5. 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?

(please tick one box)

Yes	X
No	

Please explain your answer

An independent body set up to scrutinise Scottish social security arrangements is absolutely paramount to ensure fairness and allow for necessary review and changes once policies are put into practice. This body should include individuals who use the system in order to learn from user experience.

Q: If you agree, does the body need to be established in law or would administrative establishment by the Scottish government of the day be sufficient?

(please tick one box)

Yes	
No	

Please explain your answer

Q: If yes, what practical arrangements should be made for the independent body (for example, the law could state how appointments to it are made and the length of time an individual may serve as a member of the body)?

Please specify below

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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Q: If yes, should this be a separate body in its own right?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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Q: Do you have any other views about the independent scrutiny of social security arrangements in Scotland (e.g. alternative approaches)?

Please specify below

PART 2: THE DEVOLVED BENEFITS

6. Disability Benefits (Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severed Disablement Allowance and Industrial Injuries Disablement Benefit)

Q: Thinking of the current benefits, what are your views on what is right and what is wrong with them?

Disability Living Allowance (DLA)

What is right with DLA?

DLA is an important benefit, necessary to support disabled people to cover the extra costs they may incur as a result of their impairment. In particular the option to exchange the higher rate mobility component for a motability vehicle is invaluable to many disabled people as it offers a significant amount of additional independence, thus allowing more opportunity for disabled people to fully participate in society. In addition, DLA passports individuals to other important benefits. In particular, we consider the opportunity to continue receiving ESA while studying full time if recipients are also in receipt of DLA as hugely important. Disabled people face significant disadvantages in accessing learning opportunities and are around three times as likely not to hold any qualifications and twice as likely to live in poverty, in comparison to non-disabled people. Therefore, not being financially penalised by embarking on a full time learning opportunity as part of a rehabilitation process is essential in contributing to reducing poverty and inequality amongst disabled people. Additionally, while students are normally not eligible to receive Housing Benefit, those in receipt of DLA are. We would therefore urge the Scottish Government to protect these rights in order to widen access to learning for disabled people.

What is wrong with DLA?

Personal Independence Payment (PIP)

What is right with PIP?

As with DLA, PIP is an important benefit to help reduce poverty and inequality amongst disabled people and it passports disabled learners to receive ESA and Housing Benefit. Again we would urge the Scottish Government to ensure these rights continue when PIP is devolved to the Scottish social security agency.

What is wrong with PIP?

While PIP is an important benefit necessary to reduce poverty and inequality for disabled people, the transition of moving people from DLA to PIP, the eligibility criteria and the application and assessment process have all proven to cause significant difficulties for some disabled people. Some people have lost out on their right to motability vehicles in the transition to PIP, which has had a substantial impact on independent living and active citizenship, as many disabled people rely on their vehicles to access work, learning and social opportunities. The application and assessment process has caused severe distress, anxiety, loss of dignity and ultimately loss of entitlement for some applicants. Applications can take too long, causing unnecessary delays in accessing vital cash benefits and other passport benefits. Face to face assessments can cause huge anxiety for people, especially those with mental health issues, resulting in some individuals missing out on entitlement due to fears associated with having to answer intrusive face to face questions. Other individuals are losing out on entitlement due to errors in judgement and incorrect decisions, based on an inefficient assessment process, sometimes carried out by unqualified people.

Attendance Allowance (AA)

What is right with AA?

What is wrong with AA?

Q: Is there any particular change that could be made to these disability benefits that would significantly improve equality?

Please specify below

People should have a range of options to apply for disability benefits including digital, face to face, online and paper, in order to ensure ease of access, taking into account a range of support needs. People should have easy access to local support to complete applications effectively and to understand the process. Assessments should only be made face to face in exceptional circumstances, if enough evidence cannot be gathered from data that has already been provided in order to reduce fears and anxiety in attending and ultimately increasing uptake and maximise entitlement. The Scottish social security agency should seek to gather evidence from GP's and health/social care workers who know the individual well and can verify the impact of their impairment. People with conditions that are not going to improve or unlikely to improve should not have to go through stressful repeated assessments.

We want to make sure that the process is clear and accessible from start to finish, and that people claiming devolved benefits understand how and when their claim will be dealt with.

Q: In relation to the above how should the new Scottish social security system operate in terms of:

- A person applying for a disability related benefit
- The eligibility criteria set for disability related benefits
- The assessment/consideration of the application and the person's disability and/or health condition
- The provision of entitlements and awards (at present cash payments and the option of the Motability Scheme)
- The review and appeal process where a person isn't content with the outcome

Please specify below

Q: With this in mind, do you think that timescales should be set for assessments and decision making?

(please tick one box)

Yes	X
No	

Please explain your answer

Up to 13 weeks (or longer in some cases) is too long to ask someone to wait to access essential financial support. The whole process should take no longer than one month to ensure disabled people can access the money they need, when they most need it.

Q: What evidence and information, if any, should be required to support an application for a Scottish benefit?

Please specify below

Evidence should be drawn from application forms, GP letters, health/social care workers and other records held about an individual's health, including the NHS, with the claimant's permission.

Who should be responsible for requesting this information?

Please specify below

Who should be responsible for providing it?

Please specify below

Please explain why

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Q: Should the individual be asked to give their consent (Note: consent must be freely given, specific and informed) to allow access to their personal information, including medical records, in the interests of simplifying and speeding up the application process and/or reducing the need for appeals due to lack of evidence?

(please tick one box)

Yes	X
No	

If no, please explain why

This will help to reduce duplication and unnecessary stress for the individual and speed up the process.

Q: If the individual has given their permission, should a Scottish social security agency be able to request information on their behalf?

(please tick one box)

Yes	X
No	

If no, please explain why

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

(please tick one box)

Yes	X
No	

If yes, which aspects of an individual's life should the criteria cover and why?

Yes, in most cases, an impairment can affect people in different ways and conditions can be fluctuating so presumptions shouldn't be made about the severity of impact. However certain lifelong and degenerative conditions should be exempt from assessment and individuals should be eligible at the point of diagnosis.

If no, how do you suggest entitlement is determined?

Q: Currently there are only special rules for the terminally ill but should there be others?

(please tick one box)

Yes	X
No	

Please explain why

Yes, see above. People with some lifelong and complex conditions should be eligible at the point of diagnosis to reduced stress and anxiety and increase respect and dignity.

How could this be determined?

Engage with medical specialists, people with a wide range of impairments and conditions and the organisations that support them in order to determine automatic entitlement.

Q: What do you think are the advantages and disadvantages of automatic entitlement?

Please specify below

Advantages include:

- Reducing undue stress and anxiety (which in turn can reduce likeliness of aggravating conditions, especially mental health conditions)
- Increasing uptake of benefit
- Maximising entitlement
- Impacting on reducing poverty and inequality quicker

Disadvantages could include incorrect presumptions being made about the impact of an impairment, but this would likely be in a very small minority of cases.

Q: Would applicants be content for their medical or other publicly-held records, for example, prescribing and medicines information or information held by HMRC, to be accessed to support automatic entitlement where a legal basis existed to do this?

Please specify below

In the majority of cases, most applicants will want to engage in a process that makes accessing social security benefits easier and quicker as long as they full understand their rights.

Q: Do you agree that the current UK-wide PIP and AA process for supporting people with terminal illnesses is responsive and appropriate?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, should this approach be applied to all disability-related benefits for people with a terminal illness?

If no, how could the approach could be improved?

Q: Should there be additional flexibility, for example, an up-front lump sum?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your reasons

Q: In the longer term, do you think that the Scottish Government should explore the potential for a consistent approach to eligibility across all ages, with interventions to meet specific needs at certain life stages or situations?
(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: What would the advantages and disadvantages of a single, whole-of-life benefit be?

Please specify below

Q: Could the current assessment processes for disability benefits be improved?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain how

Q: For those people that may require a face-to-face assessment, who do you think should deliver the assessments and how?

For example, private organisation, not-for-profit organisation, public sector body or professional from health or social care.

Please specify below

Q: What are the advantages and disadvantages of different types of assessments?

e.g. paper based, face-to-face, telephone

Please specify below

Q: How could the existing assessment process be improved?

Please specify below

Q: Could technology support the assessment process to promote accessibility, communication and convenience?

(please tick one box)

Yes	X
No	

Please explain why

Yes absolutely, people with a wide range of impairments rely on digital technology, so this should be harnessed as much as possible in order to promote equality amongst disabled people

Q: If yes, please explain what technology would be helpful

e.g. Skype, video conferencing

Please specify below

Q: If the individual's condition or circumstances are unlikely to change, should they have to be re-assessed?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please explain why

It is demeaning, distressing and disrespectful to ask a disabled person to repeatedly justify their need for financial support when that need has already been investigated and established and evidence shows there will be no change or it is very unlikely to change.

Q: What evidence do you think would be required to determine that a person should / or should not be reassessed?

Please specify below

Research and statistics from across the global health community as well as evidence drawn from the individual's personal perspective and experience and from their own health team.

Q: Who should provide that evidence?

Please specify below

Q: Do you think people should be offered the choice of some of their benefit being given to provide alternative support, such as reduced energy tariffs or adaptations to their homes?

(please tick one box)

Yes	
No	X

Please explain why

People may be entitled to alternative support through different schemes and funds, so in most cases individuals should be given cash benefits in order to maximise their income and give them the freedom to allocate funds appropriately.

What alternative support do you think we should be considering? (Please specify below)

Q: Would a one-off, lump sum payment be more appropriate than regular payments in some situations

(please tick one box)

Yes	X
No	

Please explain the reason for your answer

One off lump sum payments could be helpful in some situations if funds are needed quickly for a large outlay, but these should be made in addition to regular payments, which are necessary to support regular outlays and help with budgeting.

If yes, what are they?

Q: What would be the advantages and disadvantages of such an approach?

Please specify below

Q: Should the new Scottish social security system continue to support the Motability scheme?

(please tick one box)

Yes	X
No	

Please explain why

Yes, this scheme is widely regarded to be indispensable in supporting disabled people to live independent and active lives.

Q: How could the new Scottish social security system support older people with mobility problems not eligible for a mobility allowance?

Please specify below

Q: How could the new Scottish social security system better support people of all ages with mobility problems who are in receipt of a mobility allowance?

Please specify below

Q: What kind of additional support should be available for people who need more help with their application and during assessment?

Please specify below

There should be independent agencies contracted to offer as much support to claimants as they need during the application and assessment process. People should be able to get local face to face appointments to access support with understanding the process, their rights, completing the application, undergoing the assessment and appealing decisions. Too much pressure is currently put on agencies that have limited time/resources or a different remit when supporting people to apply for benefits.

Q: How could disability benefits work more effectively with other services at national and local level assuming that legislation allows for this e.g. with health and social care, professionals supporting families with a disabled child.

Please specify below

Q: How do you think this might be achieved?

Please specify below

Q: What are the risks?

Please specify below

Q: If DLA and PIP help meet the additional costs of disability, what is the role of Industrial Injuries Disablement Benefit (IIDB) and its supplementary allowances (Constant Attendance Allowance, Reduced Earnings Allowance etc) in the benefits system?

Please specify below

Q: In addition to the issues set out at page 47 of the consultation, please tell us:

What is right with the IIDB scheme?

What is wrong with the IIDB scheme?

Please explain your answer

Q: Should different approaches be taken for people with life limiting conditions compared to people with less severe conditions?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

What would be the advantages or disadvantages of such an approach?

Q: Are there situations where a one off lump sum payment would be more appropriate than a regular weekly IIDB benefit payment?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

What are they, and why? What would be the advantages and disadvantages of such an approach?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, what should the priorities be? What barriers might there be to this approach?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

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7. Carers Allowance

Q: Do you agree with the Scottish Government's overall approach to developing a Scottish Carer's Benefit?

(please tick one box)

Yes	X
No	

Please explain why

Lead Scotland welcomes the overall approach the Scottish Government are taking to developing a Scottish Carer's Benefit, as it recognises rather than penalises carers for the unpaid work they are carrying out and the sacrifices they are making. There is no justification for carer's allowance being paid at a lower rate than other income replacement benefits so we welcome the proposal to increase it to £73.10 per week, in line with Job Seekers Allowance.

However we believe carers should be financially recognised for the unpaid care work they do, regardless of how many hours per week they work. Caring can put enormous financial and emotional strain on a household and can cause detrimental effects to a carer's physical and mental wellbeing. Taking up employment does not only have an impact on maximising the household income, it can also have a significant effect on both emotional and physical wellbeing through providing opportunities for social interaction and a sense of personal reward – both key factors proven to improve wellbeing.

Lead Scotland supports carers to access learning, develop their skills and achieve their learning aspirations through direct one to one learning support, group learning and the provision of advice and information in relation to learning options. We see first-hand the impact learning can have on a carer's wellbeing with outcomes such as improved self-confidence, feeling more connected in their community, a sense of personal achievement, increased social circles and improved motivation and sense of purpose. Our support can also be a stepping stone for learners to enter more formal education when they feel more prepared and motivated to achieve their longer term goals – both for learning and employment. However, current Carer's Allowance rules prevent carers from studying for more than 21 hours per week. This can be devastating for an individual who has worked so hard to be at a point where they can take on this level of commitment, to only be told they cannot progress any further.

We would therefore urge the Scottish Government to remove the 21 hour study rule, which currently prevents carers from being able to take up a full time course of study while claiming carer's allowance. Carers should not have to choose between caring and education, especially young people who experience higher rates of unemployment. Young carers should have the same opportunities as other young people and we would like to see them being supported and rewarded for balancing their caring commitments with other aspects of their lives, rather than being penalised. We support the proposal in Child Poverty Action Group's briefing to consider adding a carer's premium onto Education Maintenance Allowance in order to encourage young carers to continue in education after their school leaving age.

Q: Do you agree with our proposed short to medium term priorities for developing a Scottish carer's benefit?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: How can we improve the user experience for the carer (e.g. the application and assessment process for carer's benefit)?

Please specify below

Q: Should the Scottish Government offer the choice of exchanging some (or all) of a cash benefit for alternative support (e.g. reduced energy tariffs)?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: What alternative support should be considered?

Please specify below

Q: How can we achieve a better alignment between a future Scottish carer benefit and other devolved services?

Please specify below

Q: How can we improve the support given to young people with significant caring responsibilities - beyond what is currently available?

Please specify below

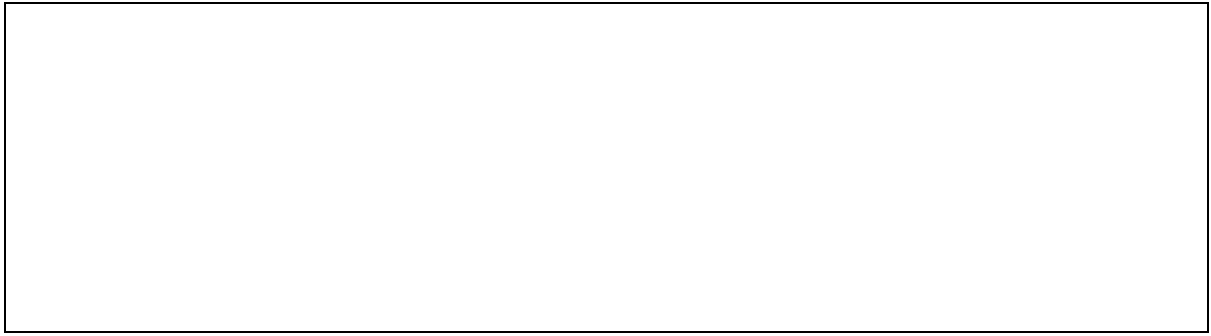
Q: Do you agree with our proposed long term plans for developing a Scottish Carer's Benefit?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: Do you have any other comments about the Scottish Governments proposals for a Scottish Carer's Benefit?



8. Winter Fuel and Cold Weather Payments

Q: Do you have any comments about the Scottish Government's proposals for Winter Fuel and Cold Weather Payments?

Please specify below

Q: Could changes be made to the eligibility criteria for Cold Weather Payments? For example, what temperature and length should Cold Weather Payments be made on in Scotland?

Please specify below

9. Funeral Payments

Q: Proposals for Funeral Payment: What should the benefit cover?

Please specify below

Please specify below

Q: Which of these elements do you think should be paid for by the Funeral Payment?

	YES	NO
Professional funeral director fees – advice and administration etc.		
Removal or collection of the deceased		
Care and storage of the deceased before the funeral		
Coffin		
Hearse or transport of the deceased		
Limousines or other car(s) for the family		
Flowers		
Death notice in a paper/local advertising to announce details of funeral (time and location)		
Fees associated with the ceremony e.g. for the minister or other celebrant		
Order of service sheets		
Catering for wake/funeral reception		
Venue hire for a wake/funeral reception		
Memorial headstone or plaque		
Travel expenses to arrange or attend the funeral		

Q: Are there other elements that you think should be included or explicitly excluded?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: How can we improve the process for identifying whether someone is responsible for the funeral and should receive the funeral payment?

Please specify below

Q: In terms of the Scottish Funeral Payment, are there any qualifying benefits (e.g. Pension Credit) that you would add to or take away from the current qualifying benefit list?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

Q: Is the three month application window for a Funeral Payment sufficient time for claimants to apply?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If no, please explain your answer and suggest an alternative length of time in which a claim could be made.

Q: What are your views on the options for speeding up and simplifying the payment?

Please specify below

Q: The other funds which are deducted from the DWP funeral payment are listed below. What sorts of funds do you think it is appropriate to deduct from a Scottish FP?

Funds in the deceased's bank account
Funeral plan/insurance policy
Contributions from charities or employers
Money from an occupational pension scheme
Money from a burial club

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Q: Are there any other funds that you think are appropriate to deduct?

Please specify below

Q: Which services should promote awareness of the funeral payment to ensure that claimants know about it at the relevant time?

Please specify below

Q: Are there any other points that you would like to raise in connection with the new Scottish Funeral Payment?

Please specify below

10. Best Start Grant

Q: What are your views on who should receive the Best Start Grant (BSG)?

Please specify below

Lead Scotland welcomes the Scottish Government's proposal of replacing the current Sure Start Maternity Grant with a Best Start Grant, thereby increasing the lump sum payments families receive on the birth of a child as well as at key transition points in a child's life. The Commission on Widening Access interim report found that the availability of opportunity and support in early years was a strong deterrent of educational and employment attainment later in life. Therefore providing extra financial support to low income families at these key points supports the recommendations of the report in contributing to closing these gaps and reducing inequalities. We have supported 'middle income' families via our helpline service, offering advice and information about accessing learning opportunities whilst maximising income. It is our view that these groups often miss out on much needed extra financial support due to being just above the earnings bracket to qualify. We would therefore support a policy that awards the Best Start Grant to as wide a group as possible, i.e., anyone in receipt of any Tax Credit or Universal Credit or living below the poverty threshold.

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

If no, what exceptions would you make to this rule?

Lead Scotland suggests making an exception for children with additional support needs who may need to transfer to different/special schools following a diagnosis or breakdown in placement. This can be an extremely stressful time for families and they may incur additional costs associated with the transfer including reduced earnings through the attendance of appointments and increased travel/transportation costs as well as all the other costs associated with starting a new school.

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

--

If no, what alternative method should we use?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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)?

Please specify below

Yes, as stated above, if a child is identified as having an additional support for learning need, this can cause huge pressure on the family in order to understand and come to terms with the diagnosis, seek advice and identify what support is available as well as attend medical and other related appointments. This can lead to loss of earnings, increased child care costs for siblings and potentially increased reliance on welfare and wellbeing services.

Q: 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?

Please specify below

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

Please specify below

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

Please specify below

Q: 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?

Please specify below

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

Please specify below

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

Please specify below

Q: What are the advantages and disadvantages of this approach?

Please specify below

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

--

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

Please specify below

--

11. Discretionary Housing Payment

Q: Could the way that Discretionary Housing Payments (DHPs) are currently used be improved?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: Does the guidance for local authorities on DHPs need amending?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

12. Job Grant

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

Please specify below

Lead Scotland welcomes the proposal of introducing a job grant to help pay for the upfront costs associated with starting a new job. Paying for childcare, new clothes and shoes as well as work based certificates and equipment such as PVG's and protective clothing can all be incredibly prohibitive and a major barrier to starting or sustaining work. Extending the job grant as a legal right to young people, rather than creating it as a discretionary fund would be a preferable option to ensure as many young people can benefit from it as possible.

We would like to see consideration given to the eligibility criteria, with as wide a scope as possible to ensure young people not in receipt of qualifying benefits can still access the grant. We would also like the age limit to be increased beyond the age of 24. All people with a low income regardless of their age need extra financial help to move into and sustain work, so it's disappointing to see that the policy only focusses on young people.

We are concerned that this policy could be particularly unfavourable for disabled people. Research shows disabled people can require longer to make the transition from school to education to work due to the extra barriers they face in accessing the appropriate support. People with long term, chronic or fluctuating health conditions may take significantly longer to move through the education system than their non-disabled peers for reasons related to their impairment, so the policy of offering the grant up to the age of 24 only, could potentially disadvantage disabled people. We would therefore urge the Scottish Government to consider increasing the age limit for disabled people, so that they can access the grant beyond the age of 24, hence widening their access to work opportunities and reducing the significant employment gap between disabled and non-disabled people.

In addition, we suggest creating a marketing campaign to raise awareness of Access to Work, as evidence from our information and advice service suggests not enough people know about it. This could be run in tandem with the new Work Able programme.

We would also suggest the Scottish Government considers extending the job grant to single parents beyond the age of 24 to take account of the necessary career breaks parents need to take in order to raise their children.

We also suggest giving consideration to when the grant can be claimed and how quickly it can be accessed. It is not uncommon for people to be offered a job interview and asked to start work the next day. People can require quick access to funds to cover these upfront costs, so we suggest minimising the level of administration involved, and potentially 'pre-registering' any eligible young people engaged in employability programmes for the grant, so they can receive the money in their account as soon as they have a job interview/offer. The funds could be devolved to employability programme providers to support ease of access and reduce administration. Nurseries often ask for one month's fees up front before they will confirm a child's place, so it is essential administrative delays in accessing the job grant doesn't become an unnecessary barrier to moving into employment.

13. Universal Credit flexibilities

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

(please tick one box)

Yes	X
No	

Please explain why

Many people on a low income live in private rented accommodation due to the lack of available social housing or because they do not meet the eligibility criteria. This flexibility would therefore increase the number of people in Scotland able to benefit from managed payments. We would strongly suggest it remains a choice though, as many people living in private rented accommodation do not disclose that they are in receipt of housing benefit for fear of discrimination from landlords, so having to declare this could result in the withdrawal of a tenancy by the landlord.

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

(please tick one box)

Yes	X
No	

Please explain why

Lead Scotland strongly supports the concerns widely expressed by Engender and Child Poverty Action Group in reference to the potential issues providing Universal Credit to a single household member could present. There is significant evidence to suggest more women are responsible for caring duties in comparison to men. This is echoed in our helpline data which shows a higher majority of female carers contact our information and advice service in reference to a disabled adult they care for in comparison to male carers. We therefore believe choice should be offered regarding who receives payment of UC's in order to promote equality, empower female carers and reduce the possibility of reinforcing power dynamics in a relationship.

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

a) automatic payments to individuals, with the option to choose a joint payment

(please tick one box)

Yes	X
No	

b) automatic household payments, with the option to choose individual payments?

(please tick one box)

Yes	
No	X

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?

Please specify below

Weighted towards the main carer.

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

Please specify below

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

Please specify below

PART 3: OPERATIONAL POLICY

14. Advice, representation and advocacy

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

Please specify below

Ensuring there are well funded and well resourced advice services in place across Scotland will be vital in supporting claimants to negotiate and understand what will undoubtedly be a confusing transition to the new Scottish social security system. Having to navigate between the UK and Scottish systems will be challenging for some and understanding the new rules, processes and eligibility criteria will need to be supported by advice services. Advice services are already under huge pressure, while support services are often unable to progress with their core functions until they effectively support clients to resolve benefit related crisis situations. Advice services should be readily available to all claimants across Scotland, they should be easy to access, well publicised and well prepared to support the transition.

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

Please specify below

- Mapping the current advice landscape and its capacity to respond effectively and in a timely manner will be essential in preparing for managing the devolved benefits.
- Consulting with advice agencies to understand what platforms can best be utilised to maximise the availability of free, clear and accessible information will also be important.
- Identifying the number of people likely to be affected and the key 'problem' areas likely to present in order to anticipate a response.

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

Please specify below

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

(please tick one box)

Yes	X
No	

Please explain why

The benefit and effectiveness of advocacy services cannot be underestimated. Lead Scotland runs an information and advice service for disabled learners and carers who want to access learning. The helpline deals with a wide range of topics and two of the key issues that come up include disability discrimination in education settings and the interaction of welfare benefits with student funding. The service is only funded for 10 hours per week, and yet frequently the nature of the calls tend to be complex and often require prolonged and intensive engagement, often involving liaison with multi-disciplinary professionals and is akin to undertaking casework. It is therefore vital that we are able to appropriately signpost to the Scottish Independent Advocacy Alliance when we reach our capacity in terms of supporting an individual. While the information and advice we provide over the telephone and by email can be indispensable to callers, at times it simply isn't fit for purpose if individuals require much more intensive face to face support in order to resolve issues, assert their rights and access appropriate appeal and redress as well as appropriate levels of student funding and welfare benefits. We therefore believe that advocacy services are a vital component of the advice sector and will always be necessary in supporting people to achieve positive outcomes when facing complex, stressful and adverse situations, especially when those people have communication difficulties, mental health problems or learning disabilities. We believe having access to appropriate advocacy should be a legal entitlement for this vulnerable group.

Q: 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?

Please specify below

15. Complaints, reviews and appeals

Q: Do you agree that we should base our CHP on the Scottish Public Services Ombudsman’s ‘Statement of Complaints Handling Principles’?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: How should a Scottish internal review process work?

Please specify below

Q: What would be a reasonable timescale for the review to be carried out?

Please specify below

Q: Should a tribunal be used as the forum for dispute resolution for the Scottish social security system?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: If no, are there any alternative methods of dispute resolution that you think would be preferable to a tribunal?

Please specify below

Q: How can we ensure that our values underpin the appeals process for a Scottish Social Security agency?

Please specify below

Q: Are there any other values that you feel should be reflected in the design of the appeals process?

Please specify below

Q: What do you consider would be reasonable timescales to hear an appeal in relation a decision on a devolved benefit?

Please specify below

Q: In order to ensure a transparent appeals process, what steps could be taken to ensure that those appealing fully understand and are kept informed at each stage of the appeals process?

Please specify below

Q: How could the existing appeals process be improved?

Please specify below

16. Residency and cross-border issues

Q: Should Scottish benefits only be payable to individuals who are resident in Scotland?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

Q: What are your views on the 'habitual' residence test currently used in the UK by DWP?

Please specify below

Q: Are there other issues that the Scottish Government should take into account when it comes to residency rules?

Please specify below

Q: What factors should Scottish Government consider in seeking to coordinate its social security system with other social security systems in the UK?

Please specify below

Q: How can the Scottish Government ensure that no-one either falls through the cracks or is able to make a 'double-claim'?

Please specify below

17. Managing overpayments and debt

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, please explain your answer

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

Please specify below

18. Fraud

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If no, what else should be used instead?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

Q: How could the new Scottish social security system ‘design out’ errors and reduce the potential for fraud at the application stage?

Please specify below

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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

Please specify below

Q: What are your views on conducting interviews under caution?

Please specify below

Q: What improvements could be made around conducting interviews under caution?

Please specify below

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

19. Safeguarding your information

Q: Should the existing Scottish Government approach to Identity Management and Privacy Principles be adopted for use in our social security system?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

Q: If yes, should our existing Identity Management and Privacy Principles be adapted in any way?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain how

Q: Who do you consider should be consulted in regard to the Privacy Impact Assessment and what form would this take?

Please specify below

Q: What are your views on privacy issues that may affect the new agency?

Please specify below

Q: Do you perceive any risks to the individual?

Please specify below

If Yes, What solutions might be considered to mitigate against these?

--

Q: Would you support strictly controlled sharing of information between public sector bodies and the agency, where legislation allowed, to make the application process easier for claimants? For example, this information could be used to prepopulate application forms or to support applications, reducing the burden on applicants.

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

--

Q: Would you support strictly controlled sharing of information between a Scottish social security agency and other public sector organisations (for example local authorities) to support service improvements and deliver value for money?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

--

Q: What are your views on having the option to complete social security application forms online? Can you foresee any disadvantages?

Please specify below

Q: What are your views on the new agency providing a secure email account or other electronic access to check and correct information for the purposes of assessing applications (noting that any such provision would need to be audited and regulated so that the security and accuracy of the information would not be compromised)?

Please specify below

20. Uprating

Q: What are your views on the best way to ensure that devolved benefits keep pace with the cost of living?

Please specify below

Q: Are there any devolved benefits in particular where uprating based on a measure of inflation would not be effective?

If so, please explain which benefits and why