

BRIEFING PAPER

Analysis of Written Responses to the Consultation on Social Security in Scotland

The Scottish Government consultation on '*A New Future for Social Security in Scotland*' marked another important step in the Scottish Government's journey towards delivering a uniquely Scottish social security system.

It also represented the next stage in the Scottish Government's work to ensure that the people closest to, and most impacted by, the devolution of social security powers have the opportunity to make their views known. The proportion of the Scottish social security budget that will devolve to Scotland amounts to £2.7 billion, or 15% of the total £17.5 billion spent in Scotland every year.

The consultation contained a total of 234 key questions. It was designed in order to allow people to focus on the areas of most interest of relevance to them.

Independent research to analyse the 521 responses to the consultation document was carried out by Research Scotland. This Briefing Paper provides a broad overview of the information received.

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Part One: A Principled Approach

Part one of the consultation explored views around:

- Fixing the principles in legislation.
- Outcomes and the user experience.
- Delivering social security in Scotland.
- Equality and low income.
- Independent advice and scrutiny.

Fixing the Principles in Legislation

- Overall, respondents welcomed the principles and were generally in favour of embedding them in legislation and creating a Charter.
- The Charter should be drafted by both an advisory group and a wider group of people with experience of the social security system.

Outcomes and User Experience

- Most respondents felt that the proposed outcomes were appropriate.
- Dignity and respect were frequently discussed as principles lacking in the current system.
- Respondents indicated that those in receipt of benefits felt stigmatised and uncomfortable, rather than feeling entitled to support.
- Respondents also commented on the language around social security, with most feeling that there were some words or phrases that were inappropriate and should not be used.
- A key point raised was the need for improved staff training and working conditions, which could help to change the overall culture and improve the user experience.

Delivering Social Security in Scotland

- Accessibility and choice were key issues raised by those who responded – access should be simple and easy.
- The idea of a local ‘one stop shop’ was often suggested as being beneficial.
- Information and communication should be clear, concise and available in the format most preferred by the individual.
- People should have choice in how services and support are delivered.
- The system should be fairer and more consistent, avoiding the current ‘postcode lottery’ that people said they currently experience. The use of existing infrastructure was suggested, where possible, to reduce costs and improve efficiency.
- Digital technology should be used where possible, but not imposed, as many people do not have access to it. The new system must make some provision for face to face contact.

Equality and Low Income

In order to improve the Equality Impact Assessment (EQIA), the Scottish Government should:

- Involve a wide range of stakeholders, including equality and human rights specialists, equality organisations and groups, as well as the public;
- Consider the cumulative impacts, intersectional impacts and relationships between devolved and reserved benefits;
- Use an approach which embeds human rights, and also considers other related impacts on child rights, health inequalities and the impact of rurality; and
- Embed equality from the beginning, and use the impact assessment to explore how to address inequalities identified – for example through adapting plans or using discretionary new or top-up benefits.

Independent Advice and Scrutiny

- There was repeated mention of the importance of a system that is transparent and accountable.
- There should be involvement of those who have experience of social security services and relevant third sector organisations to support the design and on-going improvement of the new system.



Part Two: The Devolved Benefits

Disability Benefits

Part two of the consultation explored the devolved benefits in detail. Many of the questions related to disability benefits. These questions covered:

- The current benefits of Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Attendance Allowance (AA).
- How the new Scottish system should operate in terms of disability related benefits.
- Proposals for eligibility.
- Terminal illnesses and a 'whole of life' approach.
- Proposals for assessments.
- Proposals for awards.
- Alternatives to cash.
- Mobility.
- Additional Support.
- Alignment with other devolved services.
- Industrial Injuries Disablement Benefit (IIDB).
- Severe Disablement Allowance (SDA).

Scope to modernise and simplify the approach

- Respondents highlighted the positive aspects of DLA, PIP, AA and IIDB, including that the approach was holistic and fair, and the benefits were non-means tested.
- There was also identification of a number of weaknesses with the current approach, which related mainly to the complex and stressful application and assessment processes. This was particularly the case for DLA and PIP, and also the perception that the eligibility criteria for DLA, PIP and AA discriminated against certain groups.

Accessible, person-centred and flexible approach

- Overall, respondents felt that the new system should be more flexible, accessible and person-centred.
- Applicants should be able to decide how to engage with the system, choosing from a range of options that suited them best, whether paper-based, online, by telephone, face to face, or using other types of technology.
- The importance of applicants being treated with dignity and respect throughout their dealings with the new agency was outlined.
- There was support for better joint working and communication between agencies.

The importance of advice and advocacy

- Access to this type of support is important, in order to be able to help applicants through the application, assessment and appeals processes, as and when required. This support should be clearly signposted.

Importance of transparency and fairness

- Eligibility criteria should be transparent and fair.
- The current approach to determining eligibility, based on assessing the impact of a condition or illness on an individual's daily life, was felt to be appropriate and fair overall.
- There was, however, a stress on the importance of ensuring that the eligibility criteria took account of a wide range of conditions or illnesses, including mental health, other fluctuating conditions, and learning disabilities.
- There was strong support for the 'special rules' that currently apply to terminally ill people to be extended to a wider range of conditions and illness.

Responsive, streamlined and fair

- In relation to terminal illness, most respondents felt that the current approach was responsive and appropriate – people are treated in a compassionate way, with claims being processed quickly in order to minimise stress and anxiety.
- There might be a role for the new agency to raise greater awareness amongst health professionals about the benefit support available to people with terminal illnesses.

Simplified approach based on evidence

- Current assessment processes could be improved, with respondents calling for a simplified approach that relied primarily on evidence from a range of key stakeholders.
- New Health and Social Care Partnerships should allow a more joined up approach to be adopted, making better use of data sharing where consent has been given.
- Face to face assessments should be the exception rather than the rule and, if required, should be undertaken by suitably qualified health professionals. They should take place in a location convenient to the person being assessed.

Minimise stress and anxiety

- People should not have to be re-assessed where their condition or circumstances were unlikely to change, as this causes great stress and anxiety.
- There was support for indefinite or lifetime awards for those whose conditions will not get better.

Increased choice and flexibility

- According to a large number of respondents, people should be offered the choice of spending their benefit on alternative support. This would offer increased choice to the individual and enable them to take control of managing their care and support needs. This is important in maintaining dignity and respect.
- Views were evenly split about whether receiving a one-off lump sum payment would be more appropriate than getting regular payments in certain situations. There were calls for flexibility around this – the individual should have the right to choose what best suits their own circumstances.

Other Benefits

The second half of part two of the consultation focused on a range of other benefits:

- Carers' Allowance.
- Winter Fuel and Cold Weather Payments.
- Funeral Payments.
- Best Start Grant.
- Discretionary Housing Payment.
- Job Grant.
- Universal Credit Flexibilities.

Continuing or expanding eligibility

- Respondents generally supported a broad continuation of current eligibility, with support for the expansion of some benefits, such as Carer's Benefit, Winter Fuel or Cold Weather Payments, Funeral Payments and Best Start.

Improved awareness and access

- There is a need for improved awareness raising and information provision.
- Some benefits are often not well known or understood and there is low take up as a result. Work is needed to improve general awareness amongst the public.
- There is stigma attached to receiving certain benefits. Respondents have asked for this to be considered when raising awareness or considering the alignment of different benefits.
- Information and application forms should be simpler and clearer.
- Some benefits currently take too long to access. Delays can often lead to crisis situations in some cases.

Person-centred services and choice

- Benefits should respond to individual needs and circumstances.
- Respondents supported greater choice across a range of areas – for example in relation to payment frequency, between goods and services, direct payments to landlords, or on issues such as split payments for Universal Credit (UC).

Simple Processes

- There was emphasis on the importance of ensuring that systems are simple and straightforward.
- There was also support for streamlining eligibility and assessment processes, with respondents looking for specific opportunities to build on existing activity or systems.

Improving fairness

- The system should operate in as fair a way as possible. There are aspects of the existing processes which are unfair to some groups. For example, restrictions on Carers Allowance means that individuals can only receive payments for caring for one person, and overlapping rules mean that people receiving other income-replacement benefits at a higher amount than Carers Allowance do not qualify for an additional support.
- Concerns were raised about the impact of recent welfare reform measures on some groups, particularly in relation to Universal Credit. This was the case in making one payment per household, as well as reductions or limitations on the housing element.
- Concerns were also raised around using Discretionary Housing Payments to mitigate the impact of the bedroom tax and the resulting reduction of resources available for those in housing crisis situations.

Part Three: Operational Policy

Part three of the consultation explored views around:

- Advice, representation and advocacy.
- Complaints, reviews and appeals.
- Residence and cross-border issues.
- Managing overpayments and debt.
- Fraud.

Advice and Advocacy

- Both advice and advocacy should be an important part of the new social security system. Demand is likely to increase in the short to medium term in the transition to the new system and this should be borne in mind.
- There is also a need for specialist advice available for people with particular needs, and equality of access to advice. Arguments were put forward to set out a right to advocacy in legislation.

Complaints, reviews and appeals

- There was broad support for the use of the Scottish Public Services Ombudsman's 'Statement of Complaints Handling Principles'.
- There was a clear desire to introduce a different review process from that used by the DWP, with many particularly requesting that mandatory reconsideration should not be used and that clear timescales are set for reviews.
- There was support for a tribunal system for dispute resolution, with respondents believing it to be proportionate and independent.
- The principles and values of the new system should be embedded throughout the complaint, review and appeals process, with a strong focus on a person-centred approach based on rights, equality and fairness.
- Clear and accessible communication, as well as staff training to ensure consistency, are key aspects of this approach.

Residency and Cross Border Issues

- Most respondents felt that Scottish benefits should only be payable to individuals resident in Scotland, but some felt that there should be a degree of flexibility. This is particularly the case for EU residents who are currently receiving DLA, PIP and AA.
- While some felt that the 'habitual residence' test used by the DWP was fine, others had significant concerns that it was restrictive, complex and unfair, and hard to reconcile with the principles of the new system.
- There is a need to have clear links with the UK Government, and to share data to ensure that people don't double claim or 'fall through the gaps'.

Managing Overpayments

Most respondents felt that the current system for recovering overpayments could be improved by:

- Considering the impact on individuals and families of the level of benefit deductions to recover overpayments;
- Requiring all appeals processes to be exhausted before any repayment was required;
- Considering whether some types of repayment should not be recovered; and
- Offering financial advice.

Fraud

- Most respondents were content with the approach to fraud, supporting the distinction between errors and fraud.
- While neither fraud nor errors could be completely designed out of the new system, these could be reduced through more verification of identity and circumstance and cross-checking data. A simpler system would also make a difference to this.



Full analysis of the consultation responses can be found at <http://www.gov.scot/Resource/0051/00514351.pdf>

More information on the Scottish Government's social security work can be found at <http://www.gov.scot/Topics/People/fairerscotland/Social-Security>

The Scottish Women's Convention response to 'A New Future for Social Security in Scotland' can be found at <https://www.scottishwomensconvention.org/content/resources/Social-Security-Consultation-Reponse.pdf>

