

Scottish Government:
A Consultation on Improving Disability Assistance in Scotland
May 2019

Introduction

The Scottish Government (SG) is consulting on whether the policy intent set out in the Scottish approach to Disability Assistance will meet the needs of the children and adults it is intended to help. They would like to gather views to ensure that they have identified the best possible approach to delivering this assistance before the benefit regulations are drafted.

Building on the work with Experience Panels, the SG are keen to gather further views of people with a working knowledge of social security, including disability benefits, and experience of applying for disability benefits. The Scottish Commission on Social Security (SCoSS) has been established and will scrutinise the Disability Assistance regulations which will be drafted in accordance with feedback from this consultation.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues set out in terms of navigating the new social security system.

Do you agree or disagree with the proposal to name Disability Assistance for clients aged 0-18 years old Disability Assistance for Children and Young People (DACYP)?

AGREE.

Do you agree or disagree with the proposal to name Disability Assistance for clients aged 16 years old to state pension age Disability Assistance for Working-Age People (DAWAP)?

Women have raised a number of concerns about the transfer from DACYP to DAWAP and how the Social Security Agency (SSA) intends to make this transition as smooth as possible further down the line. For instance, using the term working age may be seen as derogatory. This may imply the person should be working even if they cannot due to their disability. The term “adult” person may be better.

Regardless of the terminology used, it is vital that respect and dignity, which the Scottish Government is so keen to achieve as an integral part of the system, are borne in mind if words and phrases are changed.

Conversely, some women have said that the stigma is not so much to do with the language used, but the experience of accessing the system which needs to be changed. If people are genuinely treated with dignity and respect, from the moment they first get in touch until they are in receipt of the support they require, then existing words will take on a new meaning.

Do you agree or disagree with the proposal to name Disability Assistance for clients who are state pension age or older Disability Assistance for Older People (DAOP)?

AGREE. The connotations of the word “older” may be negative. It may be more useful to refer to this as disability assistance for individuals of state pension age.

Do you agree or disagree with the proposal to enable multiple application channels for Disability Assistance?

AGREE. Multiple channels is the optimum way to ensure a streamlined service that meets the requirements of clients and their accessibility needs. One key caveat, however, is that currently delays when applying for PIP mean that many individuals are out of pocket for a significant period of time. This must be addressed when moving forward.

BME women report particular difficulties around claiming benefits and getting into work. Letters, information booklets and other forms of communication should be translated into a full range of language options. Similarly, more bilingual staff would be a welcome addition to the system. The lack of different language options available with this service is a barrier to access for many BME women.

Do you agree or disagree with the proposal to implement a person-centred approach to making decisions about entitlement for Disability Assistance?

AGREE. It will be extremely beneficial given the errors under the current system. Not only will it allow an individual to feel more relaxed, it will also lay out for Scotland an idea of social security as a basic human right.

The SWC has heard from women about their personal experiences when applying for disability assistance. Non-physical impairments such as mental health issues are often not taken as seriously by assessors. Looking at the whole case is extremely important. There is not a one size fits all solution to social security. It is important that a tick box exercise does not severely damage women's health and living standards.

Do you agree or disagree with our proposed approach to the involvement of Specialist Advisors in Decision Making?

Yes, especially making empowerment a key component of case advisors. Specialist advisors will play a key role in the process for determining an application. It is also apt that this includes health and social care and should take account of other aspects which may not be purely health related. In regards to women, vulnerable situations may abound which have an extremely negative impact on the way in which they make an application. It is therefore essential that all advisors and case workers are aware of gender inequality and the unique issues that women face.

What factors should Case Managers take into account in deciding when a Specialist Advisor should be involved?

When negative decisions are made, these should be checked by a special advisor to confirm the decision and the decision making process. Applicants should be made aware of all aspects of this. This is particularly pressing in relation to mental ill health which may present itself in distinct ways that may often be hard for the applicant to communicate. A holistic and clear cut approach should be communicated at all times.

Do you agree or disagree that the decision making process for Disability Assistance for Children and Young People and for Older People should use existing supporting information and not through face-to-face assessments?

Agree. Where existing information is already available in order to sufficiently establish evidence, other processes should be viewed as unnecessary and complicated, causing much stress and anxiety where it is not needed.

What types of supporting information would be relevant in assessing an application for Disability Assistance eg. social work report, medical report?

Assessments for disability related benefits require a significant overhaul. At present, the system is seen as punitive, impersonal and not designed to fit the needs of individuals. The lack of empathy shown by assessors, who are not medically qualified, is causing more harm than the individual's own illness or condition. All relevant supporting information should be considered and should be assessed on a case by case basis including both medical and social

work reports. Third sector organisations, who may also provide support to the individual should also be consulted.

One of the key issues with the current system is the lack of continuity and confusion which often arises when claimants have to contact various different organisations in order to obtain information, make a claim etc. It is important to ensure that the new agency is responsible for all of the devolved benefits, as opposed to widening the remit of existing public services or giving Local Authorities more responsibility over any payments. This could avoid unnecessary errors and would also mean that additional pressure is not placed on existing resources.

Question 25. Do you agree or disagree with the proposal that clients have 31 days to request a redetermination?

No.

If you disagreed, please could you explain why.

Redetermination should be stressed as a second chance, completely different from the first assessment and promoted as such. At present, many view the current form as a hindrance to getting what they are duly entitled to. Furthermore, putting the onus on the applicant to apply for an appeal when it is the Agency's failure to carry out the decision making process in a timely manner is detrimental and does not take into account extenuating circumstances.

We have proposed that Social Security Scotland have a period of between 40 and 60 days to consider a redetermination of Disability Assistance. Do you agree or disagree with this proposal?

The fact that a time limit is proscribed for Social Security Scotland to re-determine is seen by women as a welcomed measure to a certain extent. This move to a more individualised system may have a beneficial impact: applicants will know there is a time limit on receiving decisions, preparing appeals and consulting options such as third sector representatives and advice agencies.

On the other hand, this runs a real risk of raising many disadvantages depending on such a long period of redetermination stage of up to two months. Short-term assistance is only available for *continuing* payments that have been stopped or reduced – not new claims.

Consequently, too many women feel that this process may act as an extra barrier to manoeuvre in order just to be given assistance. Some may give up at this stage because of financial, mental or physical hardship due to the toll of assessments. Lack of confidence is almost always cited as a significant problem. Too often, a woman's mind set and confidence is significantly altered throughout the entire process and made to feel they are a drain on the system.

Do you agree or disagree that for successful process decision appeals where the tribunal has overturned Social Security Scotland's decision, Short Term Assistance (STA) should become available at the point the decision is overturned rather than the date of the original request?

Disagree.

If you disagreed, please could you explain why.

In this case, the Social Security Tribunal would have successfully ruled that redetermination should take place. It is, therefore, only fitting in line with the other Short Term Assistance points, that this takes place from the original request.

Please outline any comments or experience you would like to share with us about overpayment recovery and the current DWP approach to deductions?

One of the key problems at present with recovery of overpayments is the manner in which they are administered. Many of those who have received overpayments are unaware that this has occurred until they receive notification, resulting in a significant amount of stress and financial hardship when recovery takes place. There is often little to no time to have finances in place to correct the imbalance that will occur from deduction.

Question 42. Do you agree or disagree with our proposal to provide entitlement to Disability Assistance for Children and Young People to clients aged 0-18 years?

AGREE.

Question 44. Do you agree or disagree with our proposal to extending eligibility, for those in receipt of Disability Assistance for Children and Young People before the age of 16, to age 18?

Not only does this encompass both children and young people whilst remaining consistent with current terminology, it also notifies that this particular benefit will now be extended up to the age of 18. Furthermore, taking away the term "allowance" is beneficial as it holds connotations that it is somehow a burden that they should be thankful for a handout from the state.

Do you agree or disagree with the proposal to make a £200 Winter Heating Assistance payment to families in receipt of the highest rate care component of Disability Assistance for Children and Young People?

Disagree.

If you disagreed, please could you explain why.

Receipt of Winter Heating Assistance being dependent upon receipt of only the highest rate care component still leaves many children in receipt of DACYP subject to fuel poverty. The high cost of electricity and gas, particularly for those who use pre-paid meters, is forcing too many women to have to choose whether to heat their homes or feed their families. Many women noted that this should be updated year on year with electricity and gas increases on average.

Fuel poverty has an impact on a significant number of families throughout Scotland. The Scottish Government should consider changing the eligibility criteria to make it available either as linked to income as some women think or available for all those under eighteen in receipt of Disability Assistance, regardless of the rate.

[Do you agree or disagree with our proposal to use a points based system to assess eligibility in relation to Disability Assistance for Working-Age People?](#)

Disagree

[If you disagreed, please could you explain why.](#)

In creating and implementing assessment processes which are specific to Scotland, the often crippling impact of mental health issues on individuals must be given key consideration. It is unfair to suggest that a person's ability to work should be solely based on physical ability. Again, joined up working with the NHS and claimants own GPs would ensure that those who need state support are given it and are not forced into work they cannot undertake.

Those with mental health issues can struggle to explain how their condition has an effect on their daily lives. Women who have experienced rape, sexual, domestic and other abuse in their past often do not realise how the legacy of this impacts on both their physical and mental health. Assessment officers do not ask these questions.

[Do you have any comments on the full list of descriptors \(provided at page 36\) currently used to assess claims for Personal Independence Payments?](#)

Assessments fundamentally must not be carried out the way they are at the moment, using a set list of specific questions which allow for very little elaboration or explanation on the part of the claimant. As well as GPs and other medical practitioners providing medical evidence in support of a claim, the individual must be given the opportunity to explain how their condition impacts on their daily life. Those conducting assessments must be given specific and significant training in order to be able to empathise with those who are applying for support. This will help to ensure that the Scottish Government's intended principle around respect and dignity is further realised.

[What types of observations, as part of a face to face assessment, do you believe are inappropriate?](#)

The value of face-to-face contact when people are claiming social security support for the first time cannot be underestimated. Interaction with a well-trained, sensitive, empathetic worker who is able to fully support a claimant through what is often a difficult time is a vital part of any decent social security system.

There is a perceived lack of humanity throughout the application and assessment process, at present. The number of computer-generated letters received by many claimants makes them feel as if they are under attack. A more person centred approach, which provides the opportunity to be able to communicate with a human being, must be a key consideration.

On the other hand, any informal observation which is seen as devaluing an individual's claim should not be allowed and should be put down to the likes of nerves or anxiety on behalf of the individual claimant.

In relation to assessments, what are your views on acceptable distances to travel?

This should be looked upon on a case-by-case basis and dependant on the conditions experienced. Women would benefit from the provision of more appropriate, locally based support and advice services when applying for benefits. This should be built in as part of the process through the new social security agency. Adequate resources for this type of organisation must be provided as part of a wider package of measures when establishing a new Scottish specific system.

While there is recognition that public transport can be a barrier to accessing social security services, it must also note the lack of provision that exists in rural areas. This has a particular impact on women for a number of reasons. Limited, and in some cases non-existent, public transport restricts women's ability to participate in work, which, in turn, makes them more reliant on assistance from state support.

What other circumstances should the Agency take into account?

Women would benefit from the provision of more appropriate, locally based support and advice services when applying for benefits. This should be built in as part of the process through the new social security agency.

In relation to assessments, how many times to do you think an individual should be able to reschedule, or fail to attend, an appointment?

There should not be an inflexible prescriptive timetable for the number of times an individual may miss an appointment. Dependent on an individual's circumstances, this should always be treated on an individualised and case by case basis. Many women face difficulties for a number of reasons which may prevent attendance at appointments and this should always be borne in mind. The likes of caring for elderly relatives or young children, transport restrictions or personal health problems may all impede women's ability and this should always be borne in mind.

There needs to be a recognition that those with severe disabilities and illnesses may be unable to attend an appointment at a location determined by the system. These claimants should be offered the opportunity for a worker to visit them at home, or to conduct an assessment over the telephone. All appointments should be backed up with medical evidence from a GP or consultant who has knowledge and understanding of the person's illness.

In relation to a missed assessment, do you have any comments on what should amount to exceptional circumstances (e.g. hospital admissions)?

The likes of limitations on public transport is a severe barrier for disabled women, who can struggle to physically get to assessments that they must attend in order to be eligible to receive the benefits they rely on. The lack of provision, coupled with a lack of knowledge about the geography of Scotland, such as the Highlands and Islands, creates unrealistic expectations for claimants.

Please provide any comments you wish to make about the audio recording of assessments.

Audio recordings should always take strictly into account Data Protection Regulations. However, if someone requests recording does not take place, protocols should be in use to ensure this does not impact on their assessment.

Do you agree or disagree with our proposal that Disability Assistance for Older People is provided to those who are state pension age or older?

Disagree.

If you disagreed, please could you explain why.

Concerns have been raised about the provision of payments and their linkages to ongoing changes in the State Pension age. The frequent increases to the age at which a woman is eligible for the State Pension mean the age at which an individual becomes eligible changes every year. This is seen as discriminatory by many.

The Scottish Government has thus far demonstrated a commitment to ensuring equality and respect. In order to ensure this carries on, consideration must be made to the continually fluctuating State Pension age and the detrimental impact this has on women.

Conclusion:

Establishing clear links between what assistance women need is a fundamental human right. Women are disproportionately impacted by cuts to the social security system. Obstacles are often doubly hard in areas where structural gender inequality is pervasive but reforms do not necessarily take into account the unique struggles of localities. The creation of a new Scottish Social Security System in a person-centred way with social security as a human right could pave the way for a fairer society within Scotland.

For further information, please contact

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The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission paper provides the views of women and reflects their opinions and experiences in a number of key areas relevant to social security.

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