

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 If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.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
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150 Broomielaw
Glasgow,
G2 8LU.

Or

E-mail: socialsecurityconsultation@gov.scot

RESPONDENT INFORMATION FORM

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

X 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:

- x 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 Do not publish response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?

- x Yes
 No

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'?	<input checked="" type="checkbox"/>
B. Placing principles in legislation?	<input checked="" type="checkbox"/>
C. Some other way, please specify	<input type="checkbox"/>

Why do you favour this/these option/s?

We support the proposal for a claimant charter similar to the charter for patient rights and responsibilities. This could also be supported by statutory guidance which has been helpful with the Scottish Welfare Fund in ensuring consistency of approach across local authorities. There is less of a need for this if there is to be a single Scottish Social Security Agency responsible for delivery. We agree that the principles should be enshrined in legislation as this will give greater status and enforceability.

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?

The charter should set out how claimants are expected to be treated (with dignity and respect) and should set out the minimum service standards to be provided.

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	x
D. Some other way, please specify	

Why do you favour this/these option/s?

The charter should draw upon the experience of claimants but also reflect what is achievable. The standards in the charter must be realistic and deliverable.

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?

No alternative suggestion is proposed. It will be necessary to ensure that it does not get confused with DWP’s claimant commitment.

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

No

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	x
C. The Chief Executive of the Social Security Agency	
D. Someone else, please specify	

We believe that the ultimate duty should sit with Scottish Ministers as they have responsibility for designing the system. The system must be set up in such a way as to ensure that this principle pervades throughout the whole system. The chief executive of the new agency will indeed have responsibilities to ensure that the agency treats all claimants with dignity and respect, but undoubtedly other stakeholders will also play a part in this too.

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

No

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	x

We agree that the principles should be enshrined in legislation as this will give greater status and enforceability.

Q: Are the outcomes (shown in the table on page 17 of the consultation) the right high level outcomes to develop and measure social security in Scotland?

(please tick one box)

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

Yes, but see answer below also.

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

Yes. We consider that the outcomes should also include the need for the social security provision to be affordable and viewed as equitable. Whilst this links closely to the outcome for “people resident in Scotland to view the benefit and those who receive them positively” it is slightly more specific and would complement it.

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

This will be achieved through staff training and consultation with relevant stakeholder groups on model communications to ensure they achieve this objective.

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?

Consultation should be carried out with a range of claimants covering all the main equalities groups along as well as stakeholder organisations such as local authorities, and third sector organisations who may have a role in providing advice and advocacy services.

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	

The Poverty Alliance “Stick your labels” campaign highlights many of the phrases that are unhelpful and this campaign has been endorsed by COSLA.

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

It would be advantageous for a one-stop shop approach to be followed wherever possible linking both benefits and social care assessments. Local authorities are ideally placed to act in this co-ordinating role. Employability and advice hubs could be created to bring relevant partners together in a single location on a local basis.

The processes to be followed must be clear and timescales for responses should be advised to claimants and met. There should be clear advice about how to appeal decisions, and easy access provided to support organisations. Contact should be offered through an appropriate range of channels.

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

It is desirable to use modern forms of communications such as email and text messages and to encourage the use of digital channels wherever these are open to claimants. However the system must not discriminate against those who are digitally excluded. There is a role for face to face contact when trying to help people make positive changes in their lives – it shouldn't just be about payment of benefits.

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?

We support the principles of co-production and ensuring those with experience of claiming benefits are involved in the design of a new system. We would like to see close liaison with local government and other key public sector agencies including DWP to ensure that services are provided on as integrated a basis as possible. We should aim to ensure that an initial claim is used as a gateway to a range of support which is broadly co-ordinated with the minimum of hand-offs. Co-location of a range of agencies has been shown as being the most effective way of achieving this.

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?

User panels suggests that other stakeholder groups might be excluded. We think there is merit in involving advice and advocacy bodies, local authorities and others with interest in these matters and finding an alternative name that encompasses a broader range of interests.

3. Delivering social security in Scotland

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

(please tick one box)

Yes	
No	x

We do not think this is achievable or desirable.

Local authorities current administer:

- Housing benefit
- Council tax reduction
- Discretionary housing payments
- School clothing grants
- Free school meals
- Educational maintenance allowance
- Concessionary travel
- Blue badges

A new agency would not be able to take on these responsibilities. Local authorities have an excellent track record of delivery in these areas and a local presence which adds delivery especially when this cannot all be digital. We also have to recognise that DWP will continue to administer reserved benefits and local authorities liaise closely with DWP already.

Any new system or agency should not duplicate that which already exists. Instead there should be a one-stop shop approach which would clearly benefit the claimant.

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 – a choice of goods and cash	x
No - cash only	

Generally benefits should be in cash. However it could be helpful to offer goods as an alternative to cash through providing access to certain national public sector contracts (e.g. domestic furnishings contract used by Scottish Welfare Fund). Fundamentally people should have choices.

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

We support the principle of Digital First and ensuring that those who can interact in this way. However those who are digitally excluded must be supported in alternative ways. Also digital interaction is not always best e.g. when assessing needs or working to assist people into employment, there is a clear role for face to face contact. DWP have seen the impact of postal signing on in rural areas and are now responding by providing more outreach services on a local basis along with advice agencies and local authorities which really help claimants. They now strongly advocate co-location and the new agency should learn from this.

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

(please tick one box)

Yes	x
No	

See above. There is a clear role for face to face contact locally from a one-stop shop.

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

This undoubtedly depends on circumstances. If the decision maker has access to medical records, it may be that decisions can be automated in some cases. In other cases a health assessment will be required and this should be carried out by a health practitioner who knows the individual and their circumstances well. Consideration will also need to be given to conflicts of interest, quality, and potential costs.

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	x
No	

Local authorities should be key partners in delivery. Roles need to be clearly defined and easy to follow from user viewpoint, with as few handoffs of the user to other organisations as possible.

Assessments required for disability related benefits should be co-ordinated i.e. don't have separate ones for PIP and other ones for blue badges

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	
No	x

If yes, which aspects?

There does not appear to be any appetite in Scotland for private companies to be involved. We would not rule out the involvement of third sector, not for profit and social enterprises, but we need to have consistent governance and coverage across the whole of Scotland and local authorities would be much better placed.

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?

- Disability and age are key characteristics around which benefits need to be designed and detailed engagement with relevant user groups is required to ensure this is done well.
- The partial EQIA has little consideration of other protected characteristics such as religion and belief, sexual orientation, gender and these aspects need to be considered to ensure that equalities groups are not disadvantaged in terms of being able to access the new services and being treated fairly.
- We must ensure that any new system is not costly for the user to access, especially users in rural areas, and those with no digital access.

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	

- An expert body could provide helpful advice and scrutiny.
- There should be clear appeals mechanisms to challenge decisions as well as a formal complaints process, and these should link to reviews of standards.

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 – in law	x
No - administrative	

Powers should be set out clearly in legislation in order to give the body authority.

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)?

The body should be able to make recommendations to ministers, the social security agency and other bodies involved in delivering social security powers.

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

(please tick one box)

Yes	x
No	

There needs to be a statutory body to handle appeals about decisions (similar to the Appeals Tribunals) and also a statutory body to handle complaints (similar to the SPSO). Existing bodies with expertise in these matters could take on these roles.

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

(please tick one box)

Yes	
No	x

As stated above, existing bodies with expertise in these matters could take on these roles

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

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?

No comments made as this is being replaced by PIP and this is unlikely to change.

What is wrong with DLA?

No comments made as this is being replaced by PIP and this is unlikely to change..

Personal Independence Payment (PIP)

What is right with PIP?

PIP is intended to reduce expenditure which has been growing to unaffordable levels and to do this through concentrating support on those who need it most. This provides additional incentive to those who don't qualify to obtain employment which is generally beneficial to their physical and mental health.

What is wrong with PIP?

The processes of applying for PIP are extremely long and complicated and costly. It is not yet clear if PIP is meeting its policy objectives.

Attendance Allowance (AA)

What is right with AA?

For the most part this is seen as being fit for purpose.

What is wrong with AA?

The application process and evidence requirements could still be improved further.

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

The timescales for review of awards must be closely linked to a customer's individual circumstances and their health prognosis.

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

- We agree that there should be a smooth transition to any new benefits for existing recipients
- Any assessments should be co-ordinated so that a single assessment for one benefit provides access to as wide a range of benefits as possible
- There needs to be a balance between lengthy awards and unnecessary re-assessments
- Not all disabilities prevent people from working, and those of working age should be encouraged to work where they can, with assistance provided to make this possible / easier which could include assistance to employers to make modifications, access to motability schemes etc
- There should be options to convert cash awards or parts of them to goods such as through the Motability Scheme which is well received.

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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Timescales should be set out in the customer charter and possibly also in legislation.

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

This must depend on the benefit being applied for and the related eligibility criteria. Wherever possible, through data sharing arrangements, the evidence should be obtained directly by the assessor rather than placing a burden on the applicant.

Who should be responsible for requesting this information?

It should be clear to the applicant what information should be provided along with their claim for benefit. If the information provided is insufficient, then the decision maker should request further evidence.

Who should be responsible for providing it?

That depends on the evidence required. Wherever possible it should be obtained directly via data sharing arrangements.

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

If no, please explain why

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?

The policy intent must be clearly stated as to whether, for example, the intention is to alleviate loss of income or cover expenses incurred through the disability or some combination. This would then help clarify how eligibility criteria should be framed.

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	
No	x

This would add complexity and confusion if there were lots of different rules for different groups.

The current rules for terminally ill are well understood.

How could this be determined?

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

Automatic entitlement would reduce time taken to make decisions, and reduce administrative costs and be less intrusive for claimants. However the criteria for automatic entitlement would need to be seen as fair and objective. It might be

difficult to design such a system which caters appropriately for all circumstances. Many local authority benefits involve the exercise of discretion to ensure that all are treated fairly in their own personal circumstances.

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?

Applicants would need to consent to this access explicitly as part of the application process.

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

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

Yes

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"/>

It is not clear if this question relates to all disability claimants or just to those who are terminally ill. There may be circumstances where up front lump sums can assist better than regular payments, but specific rules would need to be drawn up and these may be complex.

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	x
No	

Equalities impact assessment would have to be carried out.
Would also have to understand how these benefits interact with non-devolved benefits which tend to distinguish between working age and pensioners. However it would be worth examining further.

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

It might be easier to understand. Age does not necessarily change need.
However it might be difficult to link into other non-devolved benefits.

Q: Could the current assessment processes for disability benefits be improved?
(please tick one box)

Yes	x
No	

Any assessments should be co-ordinated so that a single assessment for one benefit provides access to as wide a range of benefits as possible. In particular there should be close links to social work assessments.

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.

Assessments should be carried out locally by a health professional who knows the individual and their circumstances.

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

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

Face to face and telephone assessments both allow for discussion with the claimant where they can be asked a range of specific questions about their circumstances and impacts on them that would not be possible when handling purely paper based or online submissions. Face to face contacts allow for some degree of verification, and also allow hand offs to other co-located agencies who may be able to provide support and advice.

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

Particularly for rural claimants Skype and other forms of video conferencing can improve accessibility and avoid the need to travel distances which can be time consuming and expensive for the claimant. Digital technology can also assist through providing access to supporting evidence automatically through data sharing with other agencies. It can also speed up processing and communication of decisions, appeals etc.

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

e.g. Skype, video conferencing

Skype, video conferencing, online applications and accounts, text messaging, social media, information on web sites all have a role to play.

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

(please tick one box)

Yes	
No	x

However it would need to be clear why the condition and circumstances were unlikely to change e.g. terminally ill. It could also be the trigger for a more light touch or less frequent review.

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

Medical evidence and review of circumstances e.g. working/ income levels

Q: Who should provide that evidence?

Medical evidence would need to be provided by NHS.
Income levels could be provided by DWP/HMRC

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	x
No	

As previously stated, generally benefits should be in cash, but claimants could be given choices to convert some of their benefits to other goods or services where these can offer better value than the claimant would be able to access on their own.

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

Please explain the reason for your answer

See below

If yes, what are they?

This would be very dependent on individual circumstances. For example funeral payments clearly should be a one-off payment as the need is not recurring and on-going.

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

Please specify below

This would allow a one-off need to be met.

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

(please tick one box)

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

The Motability scheme is well regarded.

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

Signposting to local advice and advocacy agencies would be very helpful.

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.

There would need to be data sharing arrangements and legislation put in place to support this. Such agencies need to be involved in the design of any new system to ensure that it is truly integrated and easy to access for a claimant with a single assessment providing access to a wide range of benefits wherever possible.

Q: How do you think this might be achieved?

Local authorities and health and social care partnerships must be at the heart of the design of a new system.

Q: What are the risks?

If this opportunity is wasted, the process becomes costly for both the claimant and for government.

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?

No comment

What is wrong with the IIDB scheme?

No comment

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?

No comment

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?

No comment

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?

No comment

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

No comment

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	
No	x

We do not understand why the Scottish Government is proposing not to means test Carers Allowance and to make it a universal benefit. This would be much more expensive and it is not clear why the country could afford this approach.

We agree that Carer's Allowance should be the same as Job Seekers Allowance or equivalent amount of Universal Credit payment for those of working age who aren't eligible for JSA or UC

Agree that alternatives to cash could be offered provided this is a choice

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

(please tick one box)

Yes	
No	x

We are concerned that there appears to be some degree of expectation that young people act as carers. Whilst we welcome the recognition that young carers require support, this caring role can have a negative impact on health and wellbeing and restrict access to opportunities which would otherwise be the norm for young people. Any Young Carer's Allowance would need very careful consideration, for example how it might interact with Education Maintenance Allowances.

As previously stated we do not agree that Carer's benefit should be a universal non-means tested benefit. We do agree that the amount should be increased to the same level of Jobseekers Allowance or equivalent under Universal Credit.

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

It might be possible to design a system where the assessment of benefit and care needs is done at the same time for both the carer and the person they care for.

We would like to see a single assessment that joins up financial assessment with an assessment of support needs.

We welcome the choice provided by self-directed support and would like to see this continued, and made as easy to access as possible.

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

This should be offered as a choice.

Q: What alternative support should be considered?

A range of alternative support could be considered including good value utility and internet providers, and access to good value domestic goods and furnishings contracts such as those used by Scottish Welfare Fund.

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

A single portal or one-stop shop approach with co-location of the relevant agencies would be beneficial, minimising hand-offs. Local authorities are ideally placed to

assist with this.

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 checked="" type="checkbox"/>

As previously stated we fundamentally disagree with the proposal for a universal, non-means tested benefit.

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

No comment

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?

We consider that both these benefits should be replaced by a new benefit which is targeted specifically at reducing fuel poverty. We would like to see a review of the whole system, including a new system of identifying those who need assistance and how such assistance should be delivered.

A new benefit should be simple to understand and plan for, and should include a mechanism to allow those in fuel poverty to access better value fuel tariffs. This include paying benefits direct to fuel providers.

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?

We agree that there is no good link between need for additional heating and the existing criteria for cold payments which ignore wind chill factors, and that there may be very local variations. However Cold Weather Payments amount to only £3.4m in 2014-15 compared with winter fuel payments of £180m, and at best can only have a very marginal effect on fuel poverty.

9. Funeral Payments

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

We are concerned that the current levels of funeral payment do not cover the costs of a funeral and that many people end up in greater debt because of a funeral. We would like to see a standard package be developed with undertakers which would be covered and payment then made direct to the undertaker. Families should be able to supplement the standard package where desired.

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.	x	
Removal or collection of the deceased	x	
Care and storage of the deceased before the funeral	x	
Coffin	x	
Hearse or transport of the deceased	x	
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	x	
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	x	

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

(please tick one box)

Yes	
No	x

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?

This does not appear to be an issue presently.

The main issue is the time delay in assessing eligibility and delays in making payment.

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 checked="" type="checkbox"/>

However, it may be necessary to review eligibility of Universal Credit claimants as this can cover a wide range of circumstances.

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

(please tick one box)

Yes	<input checked="" 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?

We believe it would be beneficial to offer a standard package which is paid for direct to the undertaker.

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?

	YES	NO
Funds in the deceased's bank account	X	
Funeral plan/insurance policy	X	
Contributions from charities or employers	X	
Money from an occupational pension scheme	X	
Money from a burial club	X	

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

Please specify below
No comment

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

Registrars could do this when deaths are being registered. In addition NHS, DWP, local authorities and advice and support agencies would all be able to promote awareness.

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

We agree that it would not be right to make deduction for contributions from family members.

10. Best Start Grant

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

The proposals are much more generous than the existing Sure Start Maternity Grant and therefore should be targeted to families on low incomes rather than covering all families in receipt of Universal Credit (which can include families with incomes of over £30,000).

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	x
No	

The Sure Start Maternity Grant works well and both those applying for it and making decisions on it are clear about the criteria.

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

(please tick one box)

Yes	x
No	

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

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	x
No	

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	x
No	

This helps to encourage take up of medical advice by pregnant mums. Those not receiving ante natal care have the poorest health outcomes.

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)?

Some pressure points arise when parents return to work too. However it is not clear what the purpose of a Best Start Grant is. This clarity would then assist in determining when it should be paid.

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
No comment

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

Please specify below
No comment

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

Please specify below

No comment

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

No comment

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

The maternity related payment could be initiated by the medical practitioner providing care during pregnancy.

Any later payments could be aligned to start of nursery/school and linked to registration by the provider.

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

Please specify below

No comment

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

Please specify below

No comment

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

This would be a choice and would allow access to good value contracts.

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

This could be promoted by a range of public sector and third sector agencies including NHS and local authorities.

11. Discretionary Housing Payment

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

(please tick one box)

Yes	x
No	

Most of the expenditure on DHPs is directed to mitigate against under-occupancy in the social rented sector. DHPs are granted to all such cases irrespective of hardship or any other considerations. This leaves very little funding to assist tenants in the private rented sector many of whom may be in much greater hardship. There is no equality of treatment between these two sectors.

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	x
No	

As stated above the bulk of DHP payments relate to mitigation of the impact of under-occupancy in the social rented sector. There is a huge amount of administration involved with the application of the under-occupancy provisions and then the re-instatement of these amounts as DHP – and then pay this out along with housing benefit so that the claimant ends up in the same position financial as if the under-occupancy reduction was not in place. The only effect is on the classification of the payment as DHP rather than as housing benefit and then on who funds this amount. The Scottish Government should come to an agreement on funding with DWP which allows all this costly administration to be removed.

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

(please tick one box)

Yes	
No	x

We think the DWP guidance is comprehensive and allows for the exercise of discretion in all cases, which we support.

12. Job Grant

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

When someone takes up a new job, some the key costs which they incur are to fund the travel to work, to buy suitable clothes for the job, and to fund the gap until the first pay is received. We note that this applies irrespective of age. However we are aware that the DWP's Flexible Support Fund can be used to address these issues and we are not particularly clear what purpose this grant to young people serves. We are generally supportive of the proposal for free bus travel for a period – could this be extended to older people also?

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	

We agree that UC claimants both in the social rented sector and private rented sector should have the option to have their housing costs element paid direct to their landlord. This should be a choice. However where there are rent arrears, landlords should be able to request these payments to be made direct in order to protect tenants from the risk of eviction.

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

(please tick one box)

Yes	x	But only where requested
No		

There is normally a single Universal Credit claim for a couple/family and it is submitted by a lead claimant. The payment should normally default to the Universal Credit claimant, but they should have an option to request it to be split between household members.

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	
No	x

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

(please tick one box)

Yes	x
No	

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?

We should not presume to specify a split. This will depend on the needs of the household and how they manage their finances. If payments are to be split, this should be on request with the ability to specify a desired split to suit the circumstances of the household.

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

The Scottish flexibilities to allow direct managed payments to landlords will be important to avoid the potential for large build up of rent arrears. This would have a negative impact on future housing supply.

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

These powers should be used to abolish the under occupancy provisions for those in the social rented sector which are currently fully mitigated by DHPs.

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?

Publicly funded advice providers have significant experience and should play a full part in being consulted about a new Scottish social security system.

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?

The provision of advice is very piecemeal. Much funding is short term and has to be applied for regularly. There is little funding for administrative overheads. This makes it very difficult for advice providers to plan for future provision. It also means that there can be significant gaps in provision. The opportunity should be taken to have a full review of what advice provision currently exists, how it is funded, and how this could be better organised to remove gaps and duplications.

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

This allows an opportunity to examine and agree a long term plan for ensuring that the full range of advice services from signposting, casework to representation are available across the whole of Scotland with consistent access and high quality provision available to all irrespective of geography.

DWP research has shown clearly the value of co-location of advice services in providing better take up of advice and benefits. We consider that the provision of employability and advice hubs should be encouraged.

We agree that it is helpful to be clear on the differences between signposting, case work and formal representation and advocacy services.

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	

We agree that independent advocates can assist in what can be stressful situations and provide personalised support to vulnerable claimants.

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?

See earlier responses on publicly funded advice services – the need for a full review and removal of gaps and duplications similarly applies to advocacy services.

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	x
No	

This aligns with well accepted complaints handling procedures.

Q: How should a Scottish internal review process work?

Reconsiderations or internal reviews are an important part of the process and there should be strict timescales for these just as there are for Scottish Welfare Fund first stage reviews. Reviews should be carried out by someone independent of the original decision maker. Often the claimant provides additional information when they request a review and this process allows this to be taken into account quickly and effectively.

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

The timescale will be dependent on the complexity of the case. It should be similar to the timescale for first stage consideration of the case, whilst also allowing for the time to arrange for selection of a different decision maker to review the case.

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

(please tick one box)

Yes	x
No	

Most appeals will be with respect to ongoing benefits rather than a one-off payment. We think such appeals should be dealt with similarly to council tax reduction and housing benefit appeals. It is beneficial if a single body hears all appeals and we would welcome consistency in decision making. We have had some cases where there have been different decisions for a housing benefit appeal and a CTR appeal where the facts have been identical but they have been heard separately by different panel members. It would be beneficial if a number of appeal matters relating to the same time period and claimant could be grouped together.

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

Please specify below
No comment

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

The values enshrined in legislation and in the claimant charter should also apply to the appeals system.

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

Please specify below

No comment

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

Timescales should be discussed with the bodies likely to hear appeals and with claimant representatives. They need to be commensurate with high quality services, but also recognising that claimants want decisions as fast as possible.

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?

Claimants should be notified of the timescales to be expected at the outset of the process and then given updates. This could be automated by emails or text messaging.

Q: How could the existing appeals process be improved?

Delays need to be minimised and claimants kept informed of progress. It would also be helpful if appeals could be handled by written submission as well as orally, and provision made for attendance by Skype/video conference for those who live in remote locations.

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	x
No	

Those living outwith Scotland are not part of the tax base.

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

We think this is generally acceptable. For cross border purposes, we think the residency test should follow the sole or main residence for council tax purposes. This is consistently applied both north and south of the border and works well for council tax.

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

Please specify below

No comment

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

No comment

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

No comment

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

The system needs to be designed to minimise the risk of overpayments occurring in the first place. It also needs to recognise that most recoveries are made from ongoing benefits and be designed to make this easy and quick to apply. Recoveries must be at a rate that is agreed to be affordable.

Recoveries should be made for some official errors. Where an individual should have known that an error has been made and fails to correct this, then it is equitable to recover the overpayment.

There should be a facility to make recoveries by a direct earnings arrestment for someone who is now in work and where there is no ongoing benefit in payment.

There should be some discretion to reduce a recovery where this is causing undue hardship.

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

Where an individual believes that the standard recovery rate will place them in excessive hardship, they should be required to obtain financial advice before asking for this to be reduced.

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"/>
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No	x
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If no, what else should be used instead?

The existing approach is not tailored to a benefits system. We would suggest that the opportunity is taken to work closely with DWP's Single Fraud Investigation Service.

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

(please tick one box)

Yes	
No	

Please explain your answer

No comment

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

We agree this should be an objective. This needs to be a key objective when the new system is being designed.

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

(please tick one box)

Yes	x
No	

Please explain your answer

No comment

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

These are generally appropriate.

No comment

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

We support the protection afforded through carrying out interviews under caution even though this is stressful for the individual.

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

We recommend that interviewees should normally be accompanied by an advice worker or other advocate.

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	x
No	

Please explain your answer

No comment

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

(please tick one box)

Yes	x
No	

Please explain your answer

No comment

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	x
No	

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	x
No	

There is an opportunity to promote the national MyAccount identity check as the standard way to verify identity for Scottish benefits. This is driven by NRS data and is rapidly being adopted by local authorities. It is already used for transport passes.

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

All potential stakeholders should be consulted.

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

Please specify below

No comment

Q: Do you perceive any risks to the individual?

Please specify below

No comment

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

No comment

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	x
No	

There should be data sharing with DWP to enable passporting of benefits and simplification of access to benefits, reducing the burden on applicants.

Further data sharing should be with the consent of individual and should be encouraged where it is to their benefit.

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	x
No	

Local authorities are responsible for providing many benefits directly and for many of these, DWP or Scottish benefits may act as a passport to provision. There should be data sharing with local authorities to enable passporting of benefits and simplification of access to benefits, reducing the burden on applicants.

Further data sharing should be with the consent of individual and should be encouraged where it is to their benefit.

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

Any new system should be designed as digital first. Assisted digital should be offered to those who might otherwise be digitally excluded.

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)?

We suggest that the national MyAccount identity validation service should be utilised.

20. Uprating

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

Where devolved benefits operate in line with the rest of the UK, then similar uprating should apply. Where benefits are quite distinct or standalone, then a more flexible approach should be taken which is commensurate with policy objectives and affordability.

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
No comment