

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 cannot or do not wish to provide an online response. Please refer to the consultation document to give context to the questions.

Send your completed response to:

socialsecurityconsultation@gov.scot

or

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

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 If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

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

Comments and complaints

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

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

Or

E-mail: socialsecurityconsultation@gov.scot

RESPONDENT INFORMATION FORM

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

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

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Scottish Borders Council

Contact Douglas Scott:Tel:01835 825155

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

Publish response with name

Publish response only (anonymous)

Do not publish response

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

Yes

No

CONSULTATION QUESTIONS

PART 1: A PRINCIPLED APPROACH

1. Fixing the principles in legislation

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

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

Why do you favour this/these option/s?

Developing a Claimant Charter and placing principles in legislation.

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?

Detail of how customers should expect to be treated and the standard of service they should receive. Sensitivity to diversity of population should be taken into account as well as accessibility, which is particularly relevant for those with disabilities and residents of rural areas.

It should also include the rights and responsibilities of the customer.

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?

In developing the Charter it is important to gain the expertise from those people with specialist expertise in social security together with users and groups who are involved in the provision of advice and support.

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?

The word 'claimant' can carry a level of stigmatisation. It may be better to name it quite simply 'Customer Charter'.

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

Although Scottish Government should ultimately have responsibility for the process, it is essential that those with lived experience of claiming, advising and processing should have the opportunity to contribute. It will be important to address issues of inequalities and rurality because of the challenges to individuals of accessibility to services, training and employment and the additional costs of living such as transport and fuel whilst ensuring the Charter is realistic.

If you think option B placing the principles in legislation is the best way to embed

principles in the legislation, please advise:

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

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

Everyone involved in any elements of Social Security in Scotland should have to abide by the principles that claimants should be treated with dignity and respect. This should be recognised at every stage in the process of claiming and decision making as well as in the promotion of entitlement.

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

Concepts such as 'treated with dignity and respect' can be open to interpretation and would be difficult to define in law. However, placing some overriding principles in legislation would add weight and purpose to the Charter.

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

No comment.

right high level outcomes to develop and measure social security in Scotland?

(please tick one box)

Yes	x
No	

These are sound outcomes but it is important to have clarity around how these can and would be monitored in order to identify that these are being achieved.

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

Effective integration with the reserved benefit system and other public services will be essential to ensure people get the support they need at the right time.

There should be an equitable service for everyone no matter where they reside in urban and rural areas.

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

It is important to ensure that all staff (frontline as well as supervisory and managerial) have effective training in dealing with people especially those with in equality protected characteristic categories and in particular, that there are appropriate levels of disability awareness training.

There should be a culture of dignity and respect within the organisation dealing with Social Security and an awareness that those accessing the benefits devolved may well have a number of barriers to claiming. This may include learning disabilities, sensory impairments, digital exclusion, language barriers, literacy issues, rurality and lack of transport amongst others.

There needs to be a variety of methods available to customers and a joined up approach from relevant services which removes barriers to claiming.

the use of language for social security in Scotland is accessible and appropriate?

A wide range of people with lived experience should be given the opportunity to share their views. This should be representatives from the different parts of Scotland including areas such as the Scottish Borders. Also consultation should be carried out with representatives of groups covering the Equality protected characteristic groups.

In thinking of the title of the service (s) consideration should be given to the fact that it is often not the word or phrase itself rather what develops and is associated with the word in time. For example in the 1980s Social Security became known as 'the Soash' and along with it came negative undertones.

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	

It is important to recognise that the media and others have contributed to negative stereotyping of benefit claimants. The language used can be both divisive and stigmatising, and can misinterpret the reality of people's lives.

Raising awareness amongst staff of words and phrases that are unhelpful is important. A number of local authorities have endorsed the work by the Poverty Alliance under the 'Stick your Labels' campaign which highlights many of these.

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

When people first get in touch:

- First contact should be in line with the adopted Charter.
- Knowledgeable staff should be at first line of contact who can give appropriate advice/guidance. This should actually help to reduce the number of transactions between customer and service.
- Signposting provided to support organisations if appropriate.
- Acknowledgment should be made of the applications and information received.
- An outline should be provided of what will happen next, with clear timescales.

When they are in the processes of applying for a benefit

- Where timescales are not being met the customer should be notified.
- Liaise with accessible contacts for more information, if appropriate, in order to assist the decision making process.

When a decision is made (for example, about whether they receive a benefit)

- Communicate clearly in plain English what the decision is and what options there are if the decision is not considered to be satisfactory.
- Information provided on how to challenge decisions should be straightforward with signposting for support where appropriate.
- If there is 'passporting' as a result of a decision this should be clearly stated.

When they are in receipt of a benefit

- Ensure that customers know what their responsibilities are around notification of changes etc.
- Take into account the accessibility of delivery services in terms of opening hours, location and method of contact.
- At any point, there should be an escalation process, with dedicated line for representatives to enable problems to be resolved directly.

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

Agree at outset with customer their preference for communication.

It is desirable to offer a range of methods of communication including email and text messages. However, it should be recognised that not everyone has access to digital communications and that even where it is available people may be unable to use it for a variety of reasons, such as costs or other restrictions such as disabilities for example.

General information about the service should be made widely available in a range of formats.

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?

A co-production and co-design approach will be essential if we are to develop a sustainable and effective service. Benefit matters are extremely complex so it will require input from those who have knowledge and experience of delivering existing services i.e. Department of Work and Pensions (DWP), Revenues & Benefits, Advice Services along with those who have experience of receiving benefits, and bodies providing advice and support.

This is a unique opportunity to develop a system which is cost effective and at the same time offer high levels of customer satisfaction. There is also scope to link this into other forms of help and support for customers.

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?

Some clarity is required around 'User Panels' and 'Advisory Panels' previously referred to. Given the complexity of the benefits system it may be beneficial to include those with knowledge of administering benefits on panels which could therefore not be referred to as User Panels.

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

There is considerable scope to utilise the skills, knowledge and experience within Local Authorities in order to administer some of the devolved benefits, particularly those which are lump sum one off payments. Local Authorities are already administering School Meals, Clothing Grants, Education Maintenance Allowance as well as Housing Benefit and Council Tax Reduction and are in a position, with agreement from DWP, to be able to use the existing infrastructure and accountability arrangements to administer some of the devolved benefits. Supporting customers with Personal Budgeting Support through the introduction of Universal Credit is also a role being undertaken by Local Authorities on behalf of DWP.

Councils demonstrated their ability to put new arrangements into place quickly and efficiently by delivering the Scottish Welfare Fund locally which was previously a national benefit. At a time when there is already a good deal of complexity and confusion around the benefit system it would seem sensible to build on the delivery role rather than create untested methods.

While recognising that delivery of claims through digital or telephony can be more cost effective, Local Authorities also have scope to see customers on a face to face basis. This is often necessary for certain vulnerable individuals when local authorities can work in collaboration with other partners and stakeholders to ensure a holistic approach. This is particularly relevant in rural areas.

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

(please tick one box)

Yes	x
No	

Generally, benefits should be in cash. There is limited information available as to what other services could be procured and there could be difficulties in recovery in event of overpayments if these are not in cash. There is also the issue of being stigmatised through non cash payments which may not be consistent with dignity and respect and will potentially 'label' customers. Further discussion/information is required.

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

Many rural areas of Scotland including the Scottish Borders have areas where there is no or poor broadband or mobile phone coverage. In these areas it should be recognised there will be considerable challenges for the Scottish Government to meet its 100% superfast broadband commitment by 2021. This coupled with individuals who have barriers to using a digital service means that there will be some significant challenges to overcome to ensure equality of Social Security Services in Scotland, particularly in more remote and rural areas.

It will be important that there are alternative options for those who need to claim.

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

(please tick one box)

Yes	x
No	

From experience of supporting vulnerable customers in Scottish Borders it is considered that a proportionate face to face provision will be necessary to ensure that customers do not miss out on entitlements or and require greater support to get back to the 'status quo'.

There should however be mechanisms in place to encourage and support customers, where appropriate, to develop skills which could allow them to become more independent in relation to using digital technology.

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

In many cases it should be possible to make a decision on disability benefits on the basis of medical evidence and/or health and social care reports, without the claimant attending for an assessment. This could reduce waiting times, costs and stress to customers. Assessments could be used for greater clarity of conditions or where no evidence is present.

Decision makers having access to the customer's medical records/care plans should help to facilitate this process but there would need to be wider discussion with interested parties as to how this could be achieved

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	

It would be sensible to utilise skills, experience, knowledge and frameworks which are already in existence. The Social Security System is already complex with a good deal of confusion amongst customers. To add another delivery source could add to this. It would be better to promote integration with local services to ensure a joined up approach which should be better for the customer and more cost effective in the longer term.

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

It will be important to work closely with the 3rd sector but it is considered at this stage that there is not the infrastructure and governance to make this workable.

Delivery by private sector could be problematic where there needs to be capacity to undertake face to face. The inclusion of private bodies would make the system difficult to navigate for customers and add complexities to sharing information.

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?

There needs to be more discussion of the impact on equality characteristic groups on the delivery of social security for customers living in the different parts of rural Scotland including the Scottish Borders. A key part of this analysis should be about transportation for individuals, which is not just about access but about the affordability. Also there has been a history in rural areas of low take up of benefits and this is a matter that needs to be addressed in the new social security legislation from an equalities perspective.

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	

It will be important to ensure that there is an independent scrutiny body reviewing the new Social Security arrangements, who will take account of how the arrangements are working and analyse performance data and feedback. It could be similar to the current UK process.

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	x
No	

The body should be established in legislation. This would allow investigative powers and requirements to feedback on performance data.

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 independent with wide representation including those with lived experience. There should be limited serving periods. The body should be able to comment on how policies are working to ministers, the social security agency and others delivering the benefits.

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

(please tick one box)

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

Yes, but could also be part of the role of the independent scrutiny group.

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

(please tick one box)

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

This could be the scrutiny body or other appropriate qualified public body.

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

No comment.

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?

The DLA:

- Recognises additional costs of having a disability.
- Takes account of need for supervision e.g. in some conditions such as epilepsy, mental health.
- Involves direct notification for Council Tax and Housing benefit which benefits Council and individual.
- Has a responsive enquiry service.
- Provides Indefinite awards.
- Allows longer review intervals.
- Responds well to terminal illness.
- Non means tested and non taxable.

What is wrong with DLA?

- There is a lengthy claims process which can be more than a month.
- There are lower rate and higher rate mobility component. This means that it is not a flexible component. It is one or the other.
- The assessment process is open to interpretation.
- Limited capability to allow for varying conditions.

Personal Independence Payment (PIP)

What is right with PIP?

- PIP takes account of both physical and mental disabilities when awarding mobility component.
- The scoring on PIP is clear and not open to interpretation.

- Direct notification for Council Tax and Housing benefit. This helps clients and local authorities.
- Non-taxable and non means tested
- Achieving points for using aids and appliances.

What is wrong with PIP?

- Pip does not recognise intermittent conditions and their effect.
- No recognition in PIP about the need for supervision e.g. in some conditions such as epilepsy, mental health for example.
- Scoring is clear but not open to any professional interpretation. There is less opportunity to meet descriptors. This means not meeting the needs of people who do not fit the descriptors and have needs out with them.
- Only short term awards are made under PIP. This mean there is a constant cycle of review and possible re-assessment e.g. 2 year award with review at end of 1st year. This review process is being undertaken when it may have taken a long time to get the award granted in the first place.

Attendance Allowance (AA)

What is right with AA?

- Consistent benefit rarely limited awards.
- Direct notification for Council Tax and Housing benefit which benefits Council and the individual.
- Made easy to apply for.
- Time scale for award is quick and not as much face to face assessment time.
- Non-means tested and non-taxable.

What is wrong with AA?

- Its name leads potential claimants to believe they must have carers in attendance already rather than they reasonably require assistance.
- No recognition of mobility difficulties outdoors.

Industrial Injuries Disablement Benefit (IIDB)

What is right with IIDB?

It is easy to claim.

What is wrong with IIDB?

IIDB could be perceived as an outdated benefit due to the change in industries and employment across the UK with a focus on male dominated employment. It impacts on means tested benefits and can often take people out of passporting. It does not cover conditions such as Post Traumatic Stress Disorder or other mental health issues.

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

Yes	x
No	

The changes that could be made are to:

- Review of age criteria to establish if differences are supported.
- Make all easier to apply for through a range of options.
- Offer support/signposting at application stage.
- Enable centralised processing.
- Consider that if the process is all self – assessment then there is a risk of fraud.

If all the assessments are face to face it is costly with more appeals depending on quality of assessment. In the meantime the customer is potentially made more vulnerable.

- Any assessments should be made as close to the applicant’s home as possible at an accessible venue, particularly taking account of accessibility issues that could arise in rural areas.

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

A person applying for a disability related benefit

- Reduce timescales from application to decision making.
- Keep people informed throughout.
- Well trained and informed staff who can answer questions directly.
- Needs to maintain quality.
- Needs to be cost effective.

The eligibility criteria set for disability related benefits

This will be in line with the type of benefit being applied for but at this stage.

The assessment/consideration of the application and the person's disability and/or health condition

Face to face assessment of all customers is costly and time consuming. In rural areas where there are poor transport links it is often unreasonable to expect people with significant disabilities to attend centralised assessment centres. This in turns increases the need for home visiting which is costly and often prolongs the waiting period for the assessment process to take place.

In many cases there would be adequate medical/social care information available which should allow the decision maker to make a decision without the need for a face to face assessment.

The provision of entitlements and awards (at present cash payments and the option of the Motability Scheme)

The current system or cash payment generally works well, as does the Motability Scheme. Recent changes through PIP are leading to uncertainty around the scheme and sudden loss of vehicles for some.

The review and appeal process where a person isn't content with the outcome

There should be a transparent process with the option to have the decision looked at again. If there is greater emphasis on the reconsideration process it should reduce the need for appeals which would reduce stress and anxiety for the customer and associated Tribunal costs.

An option to have an appeal heard by an independent Tribunal should be retained. Liaison with customer representatives could be beneficial in looking at ways to improve the appeal process.

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

(please tick one box)

Yes	x
No	

Reasonable timescales should be set for applications, assessments and decision-making and this information should be made available to people in a variety of formats at the outset. The decision making process can be slowed down due to difficulties in obtaining supporting evidence and this should be acknowledged in any guidance on timescales.

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

Proof of disability/long term condition and evidence of the effect e.g. condition; severity; impact on daily living and mobility.

Who should be responsible for requesting this information?

The agency making the decision.

Who should be responsible for providing it?

Any associated health or social care professional should be able to provide evidence.

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

(please tick one box)

Yes	x
No	

No comment.

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	

No comment.

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
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No	<input type="checkbox"/>
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Independent daily living and mobility.

If no, how do you suggest entitlement is determined?

No comment.

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

(please tick one box)

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

Permanent disabilities and illnesses with no chance of recovery or further improvement.

The decision should be taken by the Medical practitioner.

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

Advantages: speed; easy; decreased stress on individuals.

Disadvantages: potential fraudulent claims increase; may create unfairness and inequalities.

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?

This will depend on each individual case. The process must also be secure.

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	x
No	

AA/DLA is responsive.

If no, how could the approach could be improved?

PIP is not currently in line with the others.

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

(please tick one box)

Yes	
No	x

Possibly in exceptional circumstances? This should be exceptional with conditionality built in as there are risks that people may not use appropriately over a timeframe.

However this might 'clash' with other national benefits and the nature of this should be examined.

There needs to be a 'speedy way' of assessment and access to disability living aids for example.

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	

It should be explored but it could potentially end up as an umbrella benefit covering different stages in life with additional complexities.

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

A single whole of life benefit could speed up processes, decrease stress on individuals with less repetition of same information and more consistency.

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

(please tick one box)

Yes	x
No	

It could be improved by

- More evidence base at start to support award.
- Assessment from medical records and social care and health care plans.
- A telephone follow up by decision makers to professionals involved or customer representative if difficulties in establishing evidence.

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.

- It should not be not a private organisation.
- Create a process which includes multi disciplines e.g. a panel with medic, nurse, Occupational Therapist, Physiotherapist, Speech and language therapist etc. and then the most relevant person is assigned to undertake the assessment/claim.
- Be as close to the applicant's home as possible and accessible (this includes plan English, alternative formats).

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

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

All three (paper based, face-to-face, telephone) have advantages and disadvantages
Face to face – This can be stressful and it involves assessment usually from one person. This might not always be the best placed person, but can give the customer the opportunity to provide information assuming they are given the opportunity to do so.

Paper – This requires literacy skills and knowledge of how to complete the forms by the customer.

Telephone – This doesn't suit all people. It is impersonal but may be useful for clarification and follow up.

Q: How could the existing assessment process be improved?

This could be improved by collecting sufficient and relevant information at the beginning of the process prior to the decision being made. This reduces the cost of mandatory reconsiderations and appeals at a later stage.

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"/>

As long as this is not the only option as many people cannot access various technologies.

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

e.g. Skype, video conferencing

Online applications.
Skype/video conferencing is possible but only where there are suitable facilities.

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

(please tick one box)

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

Some conditions and impairments are lifelong, without hope of recovery and the re-assessing of these cases at regular intervals increases both the person's and carer stress. Reviews in these cases should be minimal.

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

Medical evidence.

Q: Who should provide that evidence?

A medical practitioner should provide evidence of lifelong impairments to daily living and mobility.

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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	

Generally benefits should be in cash but alternatives could be offered but without pressure to the customer to accept these. However it may be difficult to recover as overpayments.

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

No Comment

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

(please tick one box)

Yes	x
No	

This should be exceptional with conditionality built in as there is risk that people may not use such sums appropriately over a timeframe. One off lump sums may potentially have an impact on eligibility for other UK benefits by exceeding capital limits.

If yes, what are they?

No Comment

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

A one off lump sum could potentially assist with adaptations to a home for example.

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"/>

It is successful, popular and supports people well, particularly in rural areas with poor public transport links.

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

It could provide an opt-in to access it using other financial streams within the system such as mobility scheme. This is because social security system is intended to be designed to provide a total package to customers thereby reducing stress on people and carers.

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?

It could better support people by allowing the lump sum payment for some vehicles

on the Motability scheme to be paid over the lifetime of the contract rather than up front. The upfront payment is potentially a barrier to people being able to afford the most appropriate vehicle for their disability.

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

Everyone should be offered help appropriate to their needs: e.g. ensuring adequate support from advice services to enable more face to face support from advisors. Help should be offered as standard.

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.

- Contact with the relevant medical professional should be made early on.
- Links to people who can help if required should also be made. For example supporters, advocates and professional advisers.

Q: How do you think this might be achieved?

There should be local and national liaison and identified local contacts in each area.

Q: What are the risks?

This may lead to increased workload of some health professionals and possibility of delays/backlog which may affect the application processing times.

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

No comment

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

What is right with the IIDB scheme?

It is easy to claim.

What is wrong with the IIDB scheme?

The IIDB scheme is:

- Covered by old legislation and restrictive.
- Focussed on industrial injuries in roles undertaken predominantly by men - could be seen as an equality issue.
- Taken into account for means testing and as a result there is often no financial gain in claiming. This can take people out of passporting.

Finally the IIDB scheme doesn't specifically take into account more modern injuries e.g. Post-Traumatic Stress Disorders and other mental ill health concerns.

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

(please tick one box)

Yes	x
No	

This already happens as those with life limiting conditions tend to receive a higher award which would seem appropriate

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	x
No	

Those who are assessed as being less than 14% disabled miss out on a regular payment. It may be appropriate to award a one-off lump sum payment for those who have a lesser injury.

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

(please tick one box)

Yes	x
No	

The Scottish Government should look to review the IIDB scheme as part of the overall system in conjunction with UK Government. This is because there are difficulties with how it interacts with the overall UK benefits system if changed solely in Scotland.

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

(please tick one box)

Yes	
No	

We understand that there are now very few people of working age receiving Severe Disablement Allowance but there are those who have not transferred to State Retirement Pension. We see neither detriment or benefit in this but note that State Retirement Pension would be paid by UK Government.

7. Carers Allowance

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

(please tick one box)

Yes	x
No	

We believe that the impact of the costs of caring is very high and that a payment in line with Job Seekers Allowance could be seen as a more appropriate level. However, someone claiming carers allowance would currently be able to top up their income through Income Support/Universal Credit which would be payable through DWP. To change would mean an increased cost for the devolved system but with a significant number of people no better off.

There would of course be benefits to carers who have other earned or unearned income.

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

(please tick one box)

Yes	x
No	

There are concerns that entitlement can end completely when the person being cared for goes into hospital even though the caring responsibilities and costs remain in place. There is also a concern that in many cases with a small increase in income (above the £110 per week allowance) means losing the allowance completely.

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

The user experience can be improved if the process is made really simple and paid quickly.

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

(please tick one box)

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

Unsure. This is because there:

- Are administration difficulties associated with non-cash payments when care allowances are stopped and started.
- Can be some stigma attached.

It is also important to maximise existing concessions for example fuel reduced tariffs should be being offered already by the companies themselves from their profits as part of their contributions to society etc.

Q: What alternative support should be considered?

Carers should be consulted on this as they know what would be more useful for them.

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

Make sure this is connected with the Carer's Bill.

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

No Comment.

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

(please tick one box)

Yes	x
No	

Non means tested would be a good approach for a Scottish Carer's Benefit but there could be significant cost implications in this.

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

It is important to ensure that there is direct notification of awards of Carers Benefit to Local Authorities for Housing Benefit and Council Tax Reduction purposes. The entitlement to Carers Credit which allows a national insurance credits to help with gaps in the carers national insurance record should be retained.

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?

In its current form, the winter fuel payment is made to pensioners to help towards their winter heating costs but it is not targeted at those who are in fuel poverty. Consideration could be given to restricting it with a view to excluding higher rate tax payers for example and those not consistently resident in the UK over the winter period.

Extending winter fuel payments to families with disabled children on higher rate of Disability Living Allowance and those who live off the gas grid could be beneficial in the short term. However, identifying those who are in fuel poverty is problematic. It is difficult to compare the heating issues of an older person living in 'extra care housing' for example, which tends to be warm and well insulated, against someone of working age who is disabled with no children living in a rural property where income may be significantly less.

We welcome the intention to consider in the reports of the Fuel Poverty Strategic Working Group and the Scottish Rural Fuel Poverty Task Force.

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?

Consideration could be given to inclusion of Council Tax Reduction within the criteria which may assist those home owners with high fuel costs and low income, who are just missing out on means tested income benefits.

Again, we would welcome the intention to consider the reports of the Fuel Poverty Strategic Working Group and the Scottish Rural Fuel Poverty Task Force in relation to this.

9. Funeral Payments

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

See responses to the answers below.

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

	YES	NO
Professional funeral director fees – advice and administration etc.	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		X
Flowers		X
Death notice in a paper/local advertising to announce details of funeral (time and location)		X
Fees associated with the ceremony e.g. for the minister or other celebrant	X	
Order of service sheets		X
Catering for wake/funeral reception		X
Venue hire for a wake/funeral reception		X
Memorial headstone or plaque		X
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	x
No	

While we believe that fees for a minister or other celebrant should be included, it is our view that these should be capped.

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

The current practice of searching extensively for a relative who may not be in receipt of a qualifying benefit in order to take responsibility for the funeral can cause considerable financial hardship for the individual found responsible and can cause difficulties within the wider family. This needs to be discontinued.

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	x
No	

Consideration should be given to add Council Tax Reduction to the list of qualifying benefits. It may however be appropriate to introduce a limit on household income as this can vary considerably from basic Job Seekers Allowance to Pension Credit with inclusion of additional premiums.

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

(please tick one box)

Yes	
No	x

The current time limit should be extended to six months to allow decisions around qualifying benefits to be made and to reduce the need for a second claim. It also allows time for the funeral account to be received and families to work out how they are going to pay and to source help if necessary.

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

A fast-track application would be welcomed for those who are terminally ill (DS1500). However, there should be clarification around whether reassessment would be required in the event that the 6 month life expectancy is exceeded. Paying burial or cremation costs directly to the Funeral Director, Local Authority or Crematorium should ensure that the payment is made timeously. Improved data sharing between agencies should speed up the claim process. Funeral costs can vary significantly between areas so a fixed amount may lead to inequity. Given the complexity of the benefits system an online checker may be misleading with the potential for claimants to miss out.

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?

No Comment.

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

- Registrars.
- Department of Work and Pensions (DWP).
- Local Authorities.
- Advice Agencies.
- Health and Social Care Professionals.
- Third Sector Organisations.

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

People in our society no longer make provision for their future funeral as a matter of course in the same way that older generations did. In an effort to encourage people to save for their funerals, the development of a flexible funeral bond may be an option. The bond could be made available to those on low incomes who could save small amounts on a regular basis but have the option to take payment breaks.

10. Best Start Grant

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

We are concerned that some women are currently missing out of Surestart Maternity Grant and this needs clarified/amended (process, prompts, complexity).
We wish to ensure the BSG goes directly to the parent/carer who has parental responsibility for the child. Adequate safeguards need to be in place to make sure another adult cannot access and misuse the grant.

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	

Yes with some conditions

We wish to ensure the BSG goes directly to the parent/carer who has parental responsibility for the child. Adequate safeguards need to be in place for parents in exceptional circumstances.

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	

Yes, but we have limited experience to respond to this question.

There is a need to ensure that a young mother under 16 years of age living at home with other siblings would still be entitled to the full rate for the first child.

Similarly people who have accepted kinship care of children and then subsequently go on to have their own first child currently do not qualify for the SSG and provision should be made to ensure they are covered under the BSG.

--

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	

There should be room for exceptional circumstances e.g. those who have accepted kinship care of children and then subsequently go on to have their own first child currently do not qualify for the SSG and provision should be made to ensure they are covered under the BSG for their own first child as they may never have had necessary items for a new baby e.g. a kinship carer takes on responsibility for siblings or nephews/nieces and subsequently has her own children may never have had any SSG and have never accumulated equipment etc. needed such as a pram/cot.

If no, what alternative method should we use?

No Comment

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	

Yes in principle, with conditions

Please explain your answer

We agree with the principle of linking receipt of the grant to medical advice. However, such advice must be available in a flexible and accessible manner, with safeguards built in for the most vulnerable parents. Discussion around how health professionals would signpost / give advice across Scottish/English Border. Consideration should be given to other signatories and not just health professionals for both grants.

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)?

Any support should apply to all low income families.

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?

We would recommend using age as the point of entitlement because the date that a child actually starts nursery can vary for many reasons, especially in a rural area. Even if the child has not yet started nursery, the family may still experience financial need.

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

Parents may still need support with budgeting to manage these one off payments. There are ongoing costs associated with nursery/school that won't be managed

neatly by a one-off payment.

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

We recommend that the payment be linked to school enrolment, with provision made for home-schooled children. Parents may still need support with budgeting to manage these one-off payments. There are ongoing costs associated with nursery/school that won't be managed neatly by a one-off payment.

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?

We recommend that the payment be linked to school enrolment and this applies up until Primary One.

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

We welcome the 6 month window for applications. We agree there should be 3 separate applications and this should encourage and support dialogue between supporting professionals and eligible families at critical transition stages. Staff training will be crucial to ensure all eligible parents are made aware of their entitlement and supported to make applications.

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

We have mixed views about taking an integrated approach. Most are in favour of integration, provided some of the current concerns about complex processes are addressed and stages of the process are simple, streamlined and user-friendly to parents. Any helplines must be free.

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

See answer to the previous question.

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

(please tick one box)

Yes	x
No	

Yes should be an option in some cases

In some cases, the receipt of items could simplify the process for families with particular needs. It may also ensure that the benefit goes directly to the eligible child. However we share the concerns about dignity and respect for individuals, stigmatisation, loss of choice and the potential for catalogue items to be more expensive than direct purchase. We think this should be an available option in particular cases which could be trialled prior to roll out. Some “brands” should be included to reduce stigmatisation.

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

Practitioners and managers of all services operating across this age group, including agencies such as housing providers and Libraries as well as Health Visitors and Early years practitioners.

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	

Bedroom tax payments - This is a resource intensive means of paying what's not a discretionary award. The payments will be more difficult to award when universal credit rolls out. They take up a large amount of budget.

Local Housing Allowance rates for under 35's also have a significant impact on Discretionary Housing Payment budget.

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	x
No	

Additional top up from SG is not finalised until after the financial year ends which causes some uncertainty.

It is costly for local authorities to administer in particular, to continue awards on in a new financial year.

When Universal Credit (UC) is introduced local authorities won't have real time access to the information which will make the administration more difficult. There will be a delay in awards being made. The housing element of UC needs to be in payment before DHP is considered.

When UC rates change, local authorities need notified as it will affect DHP award. Delays in a local authority being notified could result in DHP being overpaid.

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

(please tick one box)

Yes	x
No	

Further clarification required on the Scottish element, such as bedroom tax. The guidance would need to be amended to meet the issues addressed above.

12. Job Grant

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

It is important to consider how making this payment integrates with local employability offerings so that public assistance has maximum impact.

The age range associated with this offering does not necessarily reflect the age profile of those who are unemployed and require assistance at a local level. This is particularly an issue in rural areas such as the Scottish Borders where there is a need to support older workers who become unemployed.

It is good to see the support given for transport and this needs to be extended to other older unemployed who have limited savings.

Also for the job grant consideration needs to be given to

- The definition of a job for this purpose
- The number of times an individual can access grants and the timescales between applications
- The evidence is required of securing a job.
- The eligibility checks that will be required.
- The administration of the grant.

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	

For individuals in vulnerable groups, the management of monthly payments for rent can be extremely difficult.

Based on current evidence, rent arrears are increasing for tenants who are in receipt of Universal Credit whether they rent from a private landlord or a social registered landlord. As a result we could see an increase in the number of tenants being declared homeless and the potential for fewer properties to be available for rent in the private rented sector. The key issue for homelessness prevention is direct payments for landlords to prevent rent arrears.

Whilst individuals should retain choice in payment options, with some exceptions, the criteria should be clear as to when direct payments will be made, the review period should be longer to ensure consistency. Where a client is sanctioned the housing element should automatically be paid to the landlord direct including the private sector.

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

(please tick one box)

Yes	x
No	

The option should be there in certain circumstances, for example customers who are subject to domestic abuse could become financially challenged and at greater risk in other ways.

However, there are risks that this may become overly complex to administer including potential recovery of overpayments.

There has been insufficient experience yet across all areas to establish how this might work under the current Universal full system where this is currently an option. Potential issues around payment of housing costs.

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

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

(please tick one box)

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

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?

It needs to be assessed based on the individual's circumstances with consideration given to caring responsibilities, paying rent, child care etc.

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

Allowing direct managed payments to Social Registered Landlords is viewed as important to mitigate the impact of the potential build-up of rent arrears.

Adjusting the frequency of payments for those used to managing on a weekly/fortnightly basis could be helpful as they may experience financial hardship nearing towards the middle/end of the month and in turn seek support through other methods i.e. foodbanks.

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

Cost of under occupation subsidy should be paid through Universal Credit or Housing Benefit and not administered through Discretionary Housing Payments.

There is a need to consider the impacts of using the housing element of Universal Credit against the following legislation and its implementation because of the importance of housing to achieve successful outcomes around prevention.

- Children and Young People Act 2014 continuing care and after care
- Housing Scotland Act and homeless provisions of them.
- Community Justice Scotland Act and the implementation of community justice at the local level. (A key element of supporting ex-offenders is around the stability of housing. Any decisions around the way benefit is paid would need to be in the spirit of what's in that legislation).

Any changes need to be flexible enough to address homeless needs and not just Local Housing Allowance rates.

There is a temporary accommodation funding issues that needs to be addressed, for example under 35s in homeless accommodation or people with specific accommodation needs (supported accommodation). Also short term temporary accommodation stays aren't being paid for.

The Scottish Government should revisit the delays in housing payments of up to 5 weeks. This is caused by the first week's payment not being made by DWP for a new customer, which means the payment is not made until the fifth week. This is because DWP pays out on a monthly basis. This means that customers start accruing one week's rent arrears in their tenancy that is replicated as circumstances change potentially.

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?

Publically funded advice services have a wealth of experience across the full range of social security benefits and can readily identify what works well and where there are shortfalls in the existing systems. To exclude them would risk losing insight which could assist in the development of a cost effective and efficient new 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?

There needs to be full understanding of how these changes may impact on different areas of Scotland as issues for those in city areas are very different to those in rural areas. Social Care and Health teams should also be involved in the process.

It is important to understand the current landscape in terms of advice providers across Scotland in order that potential impacts can be identified and assessed.

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

There is often a lack of clarity, misinformation, overlap and complexity in the current system which leads to advice services being involved. By improving the system it should reduce the need for a number of the transactions with advice services who could focus their stretched resources on dealing with more complex issues. Due to the nature of funding for advice services there is the risk of overlap and competition for funds. A longer term plan looking at what is required and where would be beneficial. Assessing services through Scottish National Standards for Information and Advice Providers would give a picture of what levels of advice provision are available and that they are working to a recognised standard.

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	

It is important that Independent advocacy services are available to assist those who are in need of additional support beyond what is offered by the advice sector.

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?

Understanding the current provision would help to assess what adjustments, if any, needs to be made.

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	

It would make sense to deal with it in this way.

Q: How should a Scottish internal review process work?

There should be capacity for internal review which is transparent, simple to request and easy to follow and which allows the resolution of disputes at the earliest stage possible. There should be published guidelines for the process with timescales stated.

Currently the DWP mandatory reconsideration stage does not appear to be as effective as it could be with high numbers of cases going on to appeal with the claimant being successful at that later stage. The process should allow for supporting evidence to be fully considered at review to prevent cases going onto appeal where possible. This is more cost effective in the longer term.

There should be a mechanism for feedback to decision makers.

Any timescales set need to be realistic.

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

Timescales should be discussed with those experienced in making decisions as well as those who have lived experience of making claims. This would allow realistic timescales to be set. Timescales may vary depending on the type of benefit.

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	

We would anticipate the tribunal system being used for ongoing benefit payments such as disability benefits as opposed to the one off payments of Best Start Grant etc. However, there does need to be some independent mechanism for appealing these one off payments.

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

No comment.

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

We would want to ensure that the appeals service worked within the guidelines of Claimant Charter even though they would be seen as an independent body.

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

It is important to ensure people can maintain their dignity at Tribunal.

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

It will depend on the benefit involved. There should be more emphasis on a mandatory reconsideration process which would reduce the need for appeals with the agency making the decision requesting the information.

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?

There should be:

- Clearer information on how to make an appeal should be available to the public in a range of formats.
- Communication with the customer in an agreed format.
- A process for sending out evidence at an early stage.

Q: How could the existing appeals process be improved?

There be:

- Opportunities for customer feedback on the Appeals experience as this can vary enormously.
- An Appeals service accepting email from representatives through a secure network.
- An emphasis on reconsideration before an Appeal is scheduled.
- A process for ensure equality for those unable to travel to a venue which is particularly important in rural areas such as the Scottish Borders.

6. 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	

Yes, though there needs to be greater clarification around definition of residency status. The definition of a 'Scottish Claimant' will be of particular relevance in Scottish Borders where people often move back and forward across the border to live and work.

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

While the current 'habitual' residence test is long established, decisions around residency can take a long time to be made and cases can be complex. This could be further complicated with different decisions being made by DWP and Scottish Social Security Agency on the same case about status. There are also complex associations with homeless requirements and benefits in relation to Habitual Residence Test.

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

Due to the rural nature of Scottish Borders there are often people who live in Scotland but have medical care in England and those who live in England who have medical and social care delivered in Scotland. There are also people who live in Scotland but work in England and vice versa.

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

There needs to be data sharing across the UK and Scottish systems or there will be the potential for people to make claims through both systems.

Would an award of disability or carers benefit need to be ended by a customer should they move from Scotland to England? If so what mechanism would there be in place to ensure that the Scottish benefit was ended prior to a new benefit being claimed? For example, although changes of Council Tax payers may be a trigger for notifications, this may not be appropriate in all cases.

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

This is complex and will rely on sound relationships between agencies as well as reciprocal agreements.

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	x
No	

There needs to be a joined up approach to the recovery of overpayments. The current situation often leads those claiming assistance further in to debt with unachievable repayment rates. There should also be greater emphasis on prevention of overpayments. It is potentially impossible to recover overpayments if benefit is paid in the form of adaptations or contribution to energy tariff.

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

Financial advice is very important in the recovery of overpayments but there should also be emphasis in prevention and early notification. Education, clarity of roles and responsibilities for customers and easy mechanisms to notify change would help to reduce overpayments.

8. Fraud

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

(please tick one box)

Yes	
No	x

While the Scottish Governments Counter-Fraud strategy and policy are both sound documents, together with the fraud response plan they have been developed specifically with the Scottish Government's current focus on procurement and low volume high value payments for grants and subsidies to farmers etc. The fraud risks in these cases are very different from those that the Scottish Social Security System will experience when making high volume and low value payments to a large number of people in diverse situations.

The existing fraud response plan seems to have an emphasis on reporting to Police Scotland to investigate any crime, in reality it is doubtful if Police Scotland will have the resources or ability to get involved in detailed frauds relating to individuals income or medical conditions. The Scottish Social Security System should be able to carry out its own investigations in these specialist areas and report directly to the Procurator fiscal as a specialist reporting agency.

Scottish Borders Council is not well enough informed to comment on the work or performance of the Scottish Government's Fraud Response Team, but it is felt that a change of this magnitude would warrant a fresh approach. Any group or organisation carrying out investigation work must be part of, or closely linked to the organisation administering the benefit and the community in which the claimants live.

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

(please tick one box)

Yes	
No	

No Comment

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

Scottish Borders Council does not think that it is possible to design out fraud but agree that the gateway to benefits should be carefully controlled. Traditional methods of collecting documentary evidence for items such as identity, residence and income often delays processing time and adds to administration costs. Claimants can be slow to produce information. It would be better to establish data sharing between organisations and authorities in Scotland so that claimants are not repeatedly asked for the same or similar information by different organisations. Each organisation should work to an agreed standard and work towards accepting applications on-line as a matter of course but where appropriate.

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

(please tick one box)

Yes	x
No	

Yes, but the code of practice may require some slight modification for example the code refers to Personal Information Notification System training which is only available currently to DWP staff, an alternative training package may be appropriate perhaps with a greater emphasis on compliance and data matching. In principal, the code should give a balance between the powers to obtain information and the responsibility to protect the rights of the individual.

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

The power to request information from banks and utility companies is an essential part of proving a case and would be necessary for any organisation doing such investigations. If the investigators are not part of the DWP there should be a formal arrangement which allows the gathering of information from the DWP such as access to their Customer Information System. There should also be a memorandum

of understanding covering joint working as some of the individuals under investigation may also have issues with other DWP benefits or those administered by Local Authorities and information should be shared freely and electronically. Investigations into Scottish Social Security fraud should not be delayed because the DWP or Local Authority is not able to complete their investigation or have set different priorities.

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

These are an essential part of the investigation and should be retained. Those administering Scottish Social Security should be trained and accredited to carry out such interviews.

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

There should be a standard code of practice but the emphasis should be on resolution of the situation with the individual without recourse to further legal action where the offence is of a minor nature and has been admitted. There should be a greater emphasis on providing support to individuals from organisations such as CAB, Welfare Rights Groups and Local Authorities. Interviews should be recorded on both audio and visual and copies should be made available to the interviewee regardless of whether a case will go to trial.

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	

Scottish Borders Council has no suggestions for additional offences.

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

(please tick one box)

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

There should be a broader range of remedies available both on a compulsory or voluntary basis. Scottish Borders Council recognises that there is a need for an effective deterrent but that there are also difficulties in enforcing penalties from individuals who have no income or assets against which to recover. Those committing fraud have often moved or used the proceeds by the time the fraud is identified and collection from ongoing benefits is often ineffectual or results in pressure on other areas such as DHP, Social Fund Payments, homelessness and Foodbanks. People can continue for many years with debt hanging over them. The Scottish Government should consider some innovative ideas such as voluntary community service orders backed by the authority of the Court. Where it can be shown that assets have been purchased with the use of fraudulent funds, powers to seize assets similar to the Proceeds of Crime Act should also be considered.

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	

The rights of the applicant are supported by the proposal and it appears that staff will be supported to be confident in managing and sharing information lawfully.

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

(please tick one box)

Yes	x
No	

There should be clear guidance on how the data sharing will be carried out and on who owns what. Clarity over ownership of shared information in the proposed secure email system is also required.

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

- All Local Authorities and Integrated Health and Social Care Partnerships (to include Social Work, Assessors/EROs, Mental Health, Homeless and Rehab. Services).
- Charities that support applicants and potential applicants such as CAB, Cancer Support Charities e.g. Macmillan, Carers Support, Disability Forums, MIND etc.
- Other Public Bodies – in particular Keeper of Records of Scotland, both Information Commissioners.
- Housing providers.
- Housing and Tenants Associations and Co-housing organisations.

The consultation should be in the form of roadshows to inform, engage with information providers and stakeholders and collect feedback, a survey, media/social media debate

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

We foresee problems in information collection as being seen as stealth approach to amassing personal files if the process is not clearly described and communicated. It is therefore important to have:

- A personal account for applicants that is fully viewable by them would help allay this fear.
- A secure email address/Customer Relationship Management for partner organisations to use would also help as it would help define the limits of data harvesting.
- A clear process to distinguish between application processing/ benefit assessment and use of data to prevent crime etc.

Q: Do you perceive any risks to the individual?

The main risk to individuals is the delay that might occur through multi-agency supply of information where there is a lack of capacity in back office arrangements of the agencies involved in the process.

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

The change process should be subject to regular review which allows for flexibility during transition and when in operation to make needed improvements fast.

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	

The example is a good one. Less repetition for the applicant is good but relies on all data sharing partners keeping their information up to date. Some claimants are highly itinerant and change names often. Exceptions handling should be part of the normal application process and should not happen after a claim has been stopped as a result of a data mismatch between agency supplied info.

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	

Yes, but the cost of managing information by sharing must not fall entirely on the information providers using existing budgets. Additional funding for the new burdens must be in place from the outset. If the intention is to operate a digital service there will be an expectation of 24/7 delivery.

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

This is a good idea and will help claimants identify key support agencies and help them find awareness campaigns and one to one support.

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)?

Secure e-mail is a good way of progressing this, but a personal account where the individual can see all the claim documentation would significantly reduce the amount of duplication of paperwork etc. for the applicant.

Alternatives to digital delivery/ or additional support must be in place for those who cannot use technology or, who, as part of their condition, have a fear of information being managed this way. This may involve engaging particularly with Carer associations and reviewing how Power of Attorney arrangements can work to develop digital empowerment/inclusion.

20. Uprating

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

Uprating is an important area which must be carefully considered against the landscape of reduced public spending. It needs to be looked at in terms of the actual assistance paid out but also around the way in which means tested benefits such as Council Tax Reduction are calculated to ensure those entitlements devolved to Scotland.

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

No comment.

