

A New Future for Social Security

Consultation on Social Security in Scotland

Answer Booklet

July 2016



Scottish Government
Riaghaltas na h-Alba
gov.scot

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 If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.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☐ Do not publish response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'?	X
B. Placing principles in legislation?	X
C. Some other way, please specify	X

Why do you favour this/these option/s?

The devolution of further social security powers to the Scottish Parliament offers policy-makers something more than the chance to merely tweak the benefits over which they are about to gain power, and presents the most meaningful opportunity yet to alter the culture that surrounds social security by designing and delivering a system of welfare which treats recipients with dignity and respect, works to reduce poverty (including child poverty) and income inequalities, and better reflects the Scottish Government's stated aim of creating a society built on the tenets of fairness and equality.

As was repeatedly demonstrated throughout the 81 meetings of the Scottish Parliament Welfare Reform Committee, the belief that the current system in place fails to respond to the needs of claimants, is overly punitive and serves to belittle recipients by working against them rather than for them, is widespread.

Children in Scotland believes that a change of ethos, culture and approach is necessary and we call on the Scottish Government to utilise every mechanism available to it in order to act as the agent of the change that we want to see.

To this end, Children in Scotland advocates a 'belt and braces' approach which would see the establishment of a Charter, embedding the principles identified in the consultation document in legislation and exploring further means in which the spirit of the legislation can be demonstrated – such as through the publication of guidance, the creation of a code of conduct for staff working in the field of welfare delivery, backed up by the establishment of regular, accredited training which would help ensure that these principles are properly embedded.

Q: What should be in the Charter?

The consultation document makes reference to the fact that the delivery of social security and support services will result in the establishment of an 'implicit social contract' between the Scottish Government and the people of Scotland.

If the rights of claimants and the obligations conferred upon the Scottish Government as a result of the Social Security Bill are to be something more than implicit, it is important that they are established and made permanent in primary legislation but also supported and made more accessible through the creation of a 'Claimant Charter'.

Recent developments in the form of the Scottish Social Housing Charter and the Charter of Patient Rights and Responsibilities have successfully demonstrated the value that can be derived from the creation of a document which clearly sets out the rights, obligations, standards and outcomes that may be expected from the introduction of a particular piece of legislation, and Children in Scotland believes that this approach would be well suited to the Social Security Bill.

The devolution of further powers over social security provides the Scottish Government an opportunity to develop a system of welfare which better serves the people of Scotland. It also offers a chance to make a palpable and deliberate break from the negative culture, ethos and perceptions association with the Department of Work and Pensions' (DWP) typified by its punitive regime of sanctions and the dehumanising application of pernicious rules and unnecessary and overly burdensome administrative procedures.

In order to make this break and clearly set out the Scottish Government's change in approach, Children in Scotland believes that there would be real benefit in making a statement of the Scottish Government's principles, highlighting what claimants should be able to expect from the social security system within the Charter. We support the following principles as suggested by the Child Poverty Action Group in Scotland (CPAG):

- I will be treated with dignity and respect
- I can expect the social security system to spend its money wisely and in the best interests of the people of Scotland
- My enquiries and claims to be dealt with quickly and efficiently
- I can expect the process of claiming benefits to be straightforward and to make sense to me.
- I can expect the social security system to provide support and help my family and I avoid poverty.
- I will be treated fairly and to be able to challenge decisions or processes that I think are wrong or unfair.

These statements should be accompanied by straightforward information about what to do and whom to contact if a person does not feel the principles have been upheld. This contact could then refer the individual on to the best route of challenge, whether that be complaints, the ombudsman or tribunal.

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

Why do you favour this/these option/s?

Children in Scotland would like to see the creation of an Advisory Group comprised of those with the skills and experience necessary to successfully draft the Charter.

Such a group would require representation from a broad cross-section of society and it would be preferable if the individual selected to participate had a mixture of professional experience as well as lived experience from having been in receipt of social security.

Children in Scotland also believes that their work should be influenced and informed by a separate consultation exercise which would seek to garner the views, opinions and testimony of a wider group of stakeholders, such as those who have been in receipt of social security payments and organisations in the voluntary sector with particular insight into this field. Including the views and perspectives of young people in this exercise will be particularly important.

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?

Children in Scotland supports the reasoning behind the establishment of a Charter but is less enthusiastic over the proposed name ‘Claimant Charter’.

There is an implication in the term ‘Claimant Charter’ that it serves to look after the interests of one particular group of people as opposed to having a more universal application that would encompass all people living and working in Scotland.

If we are to successfully change the culture surrounding social security and embed an attitude of dignity and respect, then it is essential that we move away from the ‘shirkers vs. strivers’ narrative that serves only to stigmatise and scapegoat those in receipt of social security support and move towards an understanding that social security exists for the benefit of all society and is a universal right for all.

‘Claimant Charter’, by definition alone, suggests that the Charter is for claimants only. This is a false and unhelpful distinction that fails to take into account the fact that each and every person living or working in Scotland is a stakeholder in our social security system. That being so, Children in Scotland would favour the terms ‘Citizens Charter’ or ‘Social Security Charter’.

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

Please specify below

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

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

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

Current constitutional convention dictates that placing an obligation on the Scottish Ministers has the legal effect of rendering the Minister involved accountable for all policies, decisions and actions taken within the field of their responsibility.

This being so, Children in Scotland believes that there is no need to create a further or separate legal duty on members of social security agency staff or on the Scottish Government as a whole.

This does not mean that those working in the delivery of social security should not be bound by the principles set out in the legislation, just that these principles will be enforced by whichever means the Minister deems most appropriate.

This might include specific provision in employment contracts, through professional development and training etc. promoted through employment contracts and professional development rather than via a legislative duty.

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

Scotland is bound by a number of international treaties and legislation which provides the framework upon which new legislation should be based and built on.

Access to social security is a right protected in Article 22 of the Universal Declaration of Human Rights, Article 9 of the International Covenant of Economic, Social and Cultural Rights and Article 28 of the Convention on the Rights of Persons with Disabilities.

In the case of the former, the right to 'dignity' and the 'free development of personality' is conferred, while the latter enshrines the right to equal treatment and freedom from discrimination.

Furthermore, the United Nations Committee that oversees the International Covenant on Economic, Social and Cultural Rights sets out several key elements which provides a framework of principles which should be reflected in any new legislation. They are:

- Availability – to ensure that benefits are provided for the relevant social risks and contingencies
- Adequacy – both in amount and duration in order that everyone may realise his or her rights to family protection and assistance
- Affordability – contributions (where required) should be stipulated in advance and must be affordable to all
- Accessibility – covering all persons without discrimination (including physical access)

These principles should not just be stated in the legislation but also embedded in the spirit of the legislation and clearly evidenced in implementation.

To align the legislation to child rights, it should also make reference to the United Nations Convention on the Rights of the Child, and in particular Article 26 which states that children have the right to help from the government if they are poor or in need.

Aligning the principles to international human rights standards would include a detailed process of meaningful and active engagement with people who access the system. As such, we recommend that a timetable for close consideration of the long term success, or otherwise, of the social security agency in meeting the principles set in the legislation should be established.

2. Outcomes and the user experience

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	X
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Children in Scotland believes that the outcomes listed on page 17 of the consultation are appropriate and welcome the fact that short, medium and long term objectives have been identified which set out a clear direction of travel for the future delivery of social security in Scotland. However we would like to see more direct reference to reducing poverty (including child poverty) and income inequalities within the objectives.

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

In line with the outcomes suggested by the Child Poverty Action Group (CPAG), Children in Scotland believes that the following outcomes should be present in any published account of the high level outcomes that are hoped to be achieved as a result of the Social Security Bill.

- People are given the time, opportunity and support to fully explain their needs and circumstances.
- People can challenge decisions in a way that is timely and fair, including access to independent appeal where appropriate.
- People feel comfortable making complaints and suggesting improvements to the social security system.
- The social security system is administered by staff who are knowledgeable, respectful and compassionate.
- The social security system delivers a consistent, fair and high quality service which is subject to minimum standards.
- The social security system is transparent, accountable and subject to effective oversight and scrutiny.
- Staff delivering social security in Scotland feel valued and rewarded in their role.

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

Communications received by claimants will be one of primary means of interaction between the Scottish Social Security Agency and claimants themselves.

Children in Scotland is aware that many recipients of communications from the DWP find that they are overly jargonistic or contain factual errors or misleading information which is difficult for claimants to challenge or amend without entering into a long and unnecessarily cumbersome administrative process.

This being so, care and attention must be devoted to ensuring that each communication is not only clearly written, accurate and issued in a timely manner, but they must also utilise language that is respectful in tone, focussing not only on the responsibilities and actions required on behalf of the claimant but also setting out the rights they enjoy, including rights to appeal a decision, challenge the information presented in the communication or access further information or independent advocacy.

Care must also be taken to ensure that any communication received is in a medium that may be accessible to the recipient – this is a particular priority as far as disability benefits are concerned and is an area where significant criticism has been levelled against the DWP in the past.

For example, with regard to the process set out for applying for Personal Independence Payment and the Part 1 telephone call that is required to start a claim, significant operational issues have caused claimants some serious difficulties, especially for those with sensory impairments, which make speaking at length on the telephone difficult.

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?

A wide selection of organisations would be well placed to offer advice on how to ensure the language used was appropriate. Citizens Advice Scotland, for example, has extensive experience of helping explain the meaning behind correspondence received from the DWP to members of the public, and one would expect that this experience would be invaluable in assisting the Scottish Government in this regard.

In line with the recommendations outlined by CPAG, Children in Scotland would also advocate that the Scottish Government attempt to obtain direct input from people in receipt of social security themselves and work with groups that might experience particular barriers to information. This might include, for example, people whose first language is not English, young people (who may have had limited contact with public services in the past), people with limited literacy skills and people with sensory impairments.

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

Yes	X
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Children in Scotland is concerned over the language that currently employed by the DWP and other agencies responsible for delivering and administering social security. For example, the Department for Work and Pensions (DWP) and Jobcentre have fixed on the term 'customer' when describing benefit claimants – terminology that we find to be grossly inappropriate in the context of social security.

Any terms or phrases that suggest a pecuniary or buyer/seller relationship should be avoided. Terms such as 'client' or 'customer' create an impression of commercial choice on the part of the claimant, implying that they are accessing a service in the same way that one might have a mobile phone contract or

Social security is an emotive subject and any terminology used must be very carefully considered so as not to cause offence or stigmatise those who receive support from the state. Choosing the right terminology is extremely important but also challenging, as language is not static and certain terms can take on different meanings through the process of time.

This being so, Children in Scotland would advocate the body responsible for independent oversight of the Scottish Social Security Agency (see below) setting up a standing committee tasked with reviewing communications, ensuring that they hit the right tone and remain cognisant of legislative changes, eligibility requirements and rates of payments.

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

The Scottish social security system should attempt to communicate with service users in the manner that they have identified as being most suitable for them, wherever practicable.

Letters delivered by post still have a number of advantages due to their permanency, the fact that they can be accessed, read and transferred without need for any computerised equipment and because a formal, written letter still enjoys a certain degree of official status within the minds of most people.

However, the Scottish Social Services Agency must stay up to date with technological developments and realise that while a written letter may meet the needs of some people, others may derive real benefit from a simple reminder by text or a message on social media, if this is something that they use often.

This approach has been utilised by GP practices in Scotland and has been highly successful. Therefore, we would encourage the use of alternative digital media to be examined further.

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?

Children in Scotland enthusiastically supports the utilisation of co-production wherever possible, as we believe that it offers the best possible approach to service design by drawing upon the skills, experiences and capacities of all stakeholders in order to deliver services that meet the needs of users as well as the specific requirements of service providers.

This approach, advocated in the Christie Commission and elsewhere, is regarded as a key driver of reform and improvement across the public sector and recognises that effective services must be designed with and for people and communities – not delivered ‘top down’ for administrative convenience.

Co-production should include both families and young people Children in Scotland is a leading partner in the For Scotland’s Disabled Children alliance, which has been effective in encouraging local authorities to work directly with parents and young people in order to develop policies and ultimately services that are better attuned to their needs.

In order to ensure that co-production is conducted in a meaningful and effective manner, it must be fully integrated at all stages of the service design and delivery process. This will pose certain challenges, and the Scottish Government should be mindful of the fact that co-production can be time consuming, that it necessitates the very highest skills of facilitation to be carried out effectively and must be conducted in a manner that properly supports those involved.

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?

The phrase ‘user’ is problematic as while in one context it can mean someone who uses or operates something, it can also mean a person who exploits others. Something empowering, such as Social Security Expert Panel, would be more appropriate, reflecting that individuals are expert in their own experience.

3. Delivering social security in Scotland

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

(please tick one box)

Yes	X
No	

The delivery of all social security benefits should be administered by the Scottish social security agency. This should include all core functions such as processing claims, assessment, decision-making and administering payments being performed by the Scottish social security agency.

This would, at least in theory, help to ensure consistency in approach. This would be especially welcome as far as decision-making is concerned and would confer real benefits where transparency is concerned, as having one body would allow for the development of clear structures of accountability, reporting and appeal and case review.

Another benefit of all delivery being performed by the Scottish social security agency is that the organisational structure would be simpler and easier for claimants and stakeholders to understand. Claimants would not need to navigate complex organisational structures because all benefits would be delivered by the same agency.

This would make processes such as making a claim and challenging decisions more intuitive and accessible.

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

In our response to the Scottish Government's consultation on the Scottish Welfare Fund, we advocated adhering to as flexible an approach as possible, as we believe that this is the best possible way of ensuring that social security is delivered in a manner that is responsive to the specific needs of claimants while taking their own views and preferences into account.

It may be the case that providing cash benefits could be the default position, and that the issuance of goods can be determined on the basis of a needs assessment – this approach would have particular utility where disability benefits are required for mobility aids, for example.

However, it should be stressed that this approach should only be adopted in cases where it meets with the claimants express wishes. The payment of goods in kind as opposed to cash could give rise to an underlying implication that they cannot be trusted to spend the money they are entitled to. This should be avoided at all costs.

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

The Scottish Social Security Agency should seek to digital technologies as much as possible, where it can be proven that they would improve accessibility and reduce the cost of delivering services.

However, the Scottish Government should recognise that the move to a 'digital first' approach carried the very real risk of severely disenfranchising certain groups, and though online interaction with social security may benefit some, for others it will present significant difficulties that may be insurmountable.

It is therefore essential that any initiative to increase the use of digital services in the delivery of social security is accompanied by efforts to improve levels of digital literacy and access to the internet.

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

(please tick one box)

Yes	X
No	

Children in Scotland believes that no matter how well designed and efficient telephone and online services are, there will always be a need for some level of face-to-face provision of contact, whether that be for the purposes of dispensing with advice, help and assistance or for conducting entitlement assessments.

This would confer significant benefits for those who presently feel excluded by the benefits system, either because they lack the digital skills or internet access required to make use of online services, or because their disability or impairment makes communication by phone or computer difficult.

Making provision for face-to-face contact would also have the added benefit of injecting some much needed human interaction to social security, which has become increasingly automated in recent years.

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

Children in Scotland believe that the Scottish Social Security Agency should conduct all aspects of social security delivery in Scotland, including conducting medical assessments where necessary.

It is important that all of those involved in conducting medical assessments are fully trained medical professionals with the skill to not only recognise and properly assess conditions which might impact on an individual's capacity for work, but also the 'soft skills' required to treat people with the respect and dignity that has been reported to have been lacking under the current system.

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	X
No	

The Scottish Social Services Agency should be responsible for all aspects of service design, delivery, case handling, information sharing, complaint resolution, assessment and appeal.

However, there are several areas in which Children in Scotland could imagine that organisations in the third sector could offer significant knowledge and expertise that would be helpful to individual claimants. For example, services like Enquire (the national advice service for additional support for learning) has the skills and expertise to offer specialist advice, information and assistance to parents and guardians of children and young people with support needs.

Other organisations, such as the Citizens Advice Bureau obviously have a huge contribution to make in this regard, and should be supported as much as possible to continue to deliver the high level of service that they currently offer, as there is undoubtedly going to be an increase on demand for advice with the coming into force of the Social Security Bill.

Advocacy and mediation services are much relied upon across Scotland, especially among groups who might have recourse to assistance with disability benefit applications. However, provision is far from uniform and where such services are available, many are facing increasingly difficult budgetary conditions. Children in Scotland enthusiastically support the use of such organisations wherever appropriate, but we call on the Scottish Government to provide extra support so they are able to meet the demands placed on them.

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?

Children in Scotland believes that the Scottish Government should be as innovative as it possibly can in its use of new powers over social security by targeting support towards the groups in society who are currently most marginalised and disenfranchised as a result of the poverty that they experience.

We echo the recommendations put forward by the Children and Young People's Commissioner, CPAG, Parenting Across Scotland, Common Weal and others and call on the Scottish Government to be bold in its approach by using the top up powers it has available to it in order to reduce socio-economic inequality and child poverty.

To that end, we recommend that the Scottish Government utilise the power to 'top-up' existing benefits and increase Child Benefit by £5 per week. Independent analysis conducted by CPAG has suggested that this could have a significant impact on reducing inequalities, and bring down rates of child poverty by up to 14% compared to current levels. This could set Scotland on a different trajectory from the rest of the UK, where levels of child poverty are set to rise dramatically in the coming years.

Topping up Child Benefit has the added advantage of having no impact on other benefits and having no effective marginal tax rate when re-entering work (100 per cent of Child Benefit is maintained on transition to employment). As it is delivered to everyone with a child, it has a 100% take up rate, there is no stigma attached to claiming it and it is a benefit that is thoroughly universalist in approach.

This will give the Scottish Government added confidence that the delivery of a Child Benefit top-up would achieve the intended aim of lifting children out of poverty.

In line with the recommendations submitted by Common Weal, we would like to draw attention to the fact that Child Benefit is only taxed for higher-rate taxpayers. If these tax benefits were to be shared across all income ranges, the expense of a Child Benefit top-up would be reduced and lower income families would benefit more than those with higher incomes, for example, those who are currently not taxed at all (earning £11,000 or below (£11,500 from April 2017)) would receive the full additional sum from the top-up.

Given the Scottish Government's commitment to tackling child poverty, it should also consider how top-up powers could be used to invest in working age child and family benefits currently frozen until 2020 by the UK government.

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	

Children in Scotland believe that as much transparency, accountability and independent scrutiny should be injected into the transfer and delivery of social security powers as possible, and believe that a body, independent from Parliament and the Scottish Social Security Agency itself should be established.

This is both necessary and desirable due to the fact that, as noted in the consultation document, the two independent scrutiny committees that are currently in operation (the Social Security Advisory Committee (SSAC) and Industrial Injuries Advisory Council (IIAC)) will provide advice to UK and Northern Ireland Ministers only.

This being so, there is clearly a deficit in independent scrutiny which will need to be filled. This should be set up on a statutory basis as this sends a clear message to the membership of the body as well as other interest groups, that the body's constitution and permanence is assured.

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)?

Appointments to the panel should be inline with established Scottish Government protocols for public appointments, administered by under a system regulated and monitored by the Commissioner for Ethical Standard in Public Life in Scotland. It's the Commissioner's role to ensure that appointments are made fairly and openly and are based on how well people match the skills needed for the role – there would be no reason to deviate from this approach.

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?

While Children in Scotland is pleased that the Scottish Government will have the opportunity to alter and adapt DLA to make it more responsive to the needs of people living with disability, as far as DLA for children is concerned, there are a few elements that Children in Scotland believe to have been quite positive and we would recommend are retained.

For example, DLA is not means tested and it does not matter what level of income or savings that a parent might have, the decision to award will be based purely on the child's condition and how this impacts their need for help with personal care or getting around.

Children in Scotland's experience with Enquire has taught us that parents can wait an extremely long time to receive a formal diagnosis of their child's condition – this is especially for conditions on the autism spectrum. This being so, we are positive about the fact that DLA can be applied for and awarded even when a child does not have a diagnosis – it is sufficient that their need for extra care or supervision is caused by a physical or mental condition, even if that condition has not yet been formally diagnosed.

Getting DLA can also help parents qualify for extra amounts of other means-tested benefits and tax credits as well as other benefits, such as Carer's Allowance. To that end, we have found that DLA can be an extremely valuable benefit for parents as it can act as a passport to further support.

Personal Independence Payment (PIP)

What is right with PIP?

The only purpose to PIP was to reduce the UK Government's welfare spending by removing the self-assessment aspects of DLA and making the eligibility criteria harder to meet.

The fact that PIP has been discontinued suggests that there was very little that can

be deemed 'right' with PIP.

What is wrong with PIP?

By even the most objective standards, PIP can be considered an unmitigated disaster in almost every aspect of its design, delivery and implementation.

Children in Scotland is aware of serious delays in the end to end process with PIP, from making a claim to getting a decision. Evidence submitted by the Citizens Advice Bureau drew attention to the fact that some claimants have faced delays of over six months for a decision and, in some extreme but not uncommon cases, having to wait for nine months or more. This includes major delays with both assessment providers Atos and Capita arranging face-to-face assessments of up to six months and reporting back to DWP decision makers after assessments of up to three to five months.

The Citizens Advice Bureau also reported significant delays in 'special rules' cases with some terminally ill clients – not expected to live longer than six months - waiting longer than four weeks for a decision.

Such delays have a serious and detrimental impact on the lives of individuals who need urgent support. Having to wait prolonged periods of time without recourse to financial assistance has left thousands facing extreme financial hardship with their condition worsening as a result of the uncertainty and stress caused by the delays.

This issue has been brought into sharp focus as a result of a Freedom of Information request which demonstrated that 2,380 people died between 2011 and 2014 shortly after being declared fit to work by an ATOS assessment.

Not only have decisions and assessment appointments been subject to extensive delay, official statistics released by the DWP have also shown that 52 per cent of initial Employment and Support Allowance assessments are overturned.

This should serve as a stark warning to the Scottish Government as it demonstrates the fact that large-scale reform of social security can be hugely challenging. The Scottish Government will want to do as much as possible to reform a system that is widely regarded to be failing the people of Scotland, however, implementing such change presents significant risks, both in terms of reputational damage to the Scottish Government, but most importantly in terms of the human cost that can be incurred when wide ranging reform goes wrong.

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	

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	

Children in Scotland echo the Alliance's call for the development of a Scottish Carer's Payment (rather than Scottish Carer's Benefit). In doing so, we encourage the Scottish Government to consider the following:

- The removal of the 21 hour study rule, which means that carers (including young carers aged 16-17) must choose between education and caring. This would be in keeping with the aspiration set out in the consultation document that "being a carer should not be a barrier to education and training, employment or personal development." Studying full time can support the wellbeing of carers and, in some cases, help them prepare them for when they are not in a caring role.
- The removal of the earnings limit for Carers Allowance or ensuring that it is uprated to take account of increases to the National Minimum Wage. The limit (and its 'cliff edge' nature) gives little flexibility to carers who wish to work a few extra hours on a particular week as any financial benefit is likely to be lost due to Carers Allowance being cut completely.
- Allowing people to claim a greater amount of Carers Allowance if caring for more than one person. At present, there are many situations where carers are caring for two or more disabled people can only receive one payment of Carers Allowance. This is despite the fact that caring for more than one person is more expensive, and carers who are caring for multiple people are less likely to be able to work outside of their caring role.
- Removal of overlapping rules, which prevent other payments from being made, or paid at a lower amount, alongside Carers Allowance. In particular, we encourage the Scottish Government to consider replacing Carers Allowance with a two-tier payment system for carers, as advocated for by the National Carer Organisations (NCOs)

10. Best Start Grant

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

Children in Scotland would like to echo the points called for in CPAG's submission and closely align ourselves with position they have articulated.

We enthusiastically support the move to increase the rate of the BSG over that of the Sure Start Maternity Grant. However, as CPAG have intimated, we believe that it is important that the increased payment does not lead to a narrowing of the financial eligibility criteria.

In terms of eligibility, BSGs should be available to all those families currently eligible for SSMGs. This includes those in receipt of:

- income support
- income-based jobseeker's allowance
- income-related employment and support allowance
- pension credit
- child tax credit at a rate higher than the family element (This qualifying condition will have to be altered given that the UK government intends to abolish the family element of child tax credit for claimants with children born on or after 6 April 2017)
- working tax credit that includes a disability or severe disability element
- universal credit

In addition, we would call for the Scottish Government to investigate the possibility of extending eligibility to include those who receive the following benefits and individuals who belong to the following groups:

- **Housing Benefit**
This would have the effect of capturing low income families who had not yet been transferred to UC but who want to access the Best Start Grant before the birth of their child. It would do so by removing the need for applicants to wait for child tax credit to be awarded before accessing the grant.
- **Council Tax Reduction Scheme**
Council tax reduction could also act as a passported benefit in the same manner as Housing Benefit. Crucially, however, it would also cover people with mortgages who are not eligible for housing benefit or the housing element of universal credit.
- **Kinship carers**
The specific inclusion of kinship carers is necessary if the BSG is intended to support children under a kinship care order, or with a parent appointed guardian, regardless of income, to recognise the additional costs they are taking on and maintain integrated streamlined support for these families.
- **Women under 18**
The specific inclusion of pregnant under 18s would bring eligibility for BSG into line with eligibility for Healthy Start, and provide support to young parents who are more likely to be vulnerable, moving between education, parental support and qualifying benefits.

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	
No	X

In respect to kinship carers, it will not be sufficient to use child benefit to determine responsibility for the child if the support is to be provided to carers of looked after children. Such carers are generally excluded from access to child benefit if another payment is made for the child's maintenance or accommodation out of public funds (i.e. kinship care allowance).

An example would be a looked after child who lives with kinship carers five days a week, and two days a week with the birth parent under supervision. In such a scenario the birth parent may continue to receive child benefit. Presumably the intention would be that the kinship carers should get the BSG. Again a specific inclusion relating to looked after children, kinship care orders and guardianship orders could be included to clarify this.

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

(please tick one box)

Yes	
No	X

No. The current limited circumstances in which the SSMG payment can be made more than once should be retained.

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	
No	X

The current method is unfair to many families, including 'blended' families (excludes woman having first baby who has a partner with older children) and families from abroad (refugees unable to bring baby items with them).

If no, what alternative method should we use?

An alternative method would be to determine whether the claimant has previously received a BSG or SSMG for a child under 16 who still lives in their household, or if there is another child under 16 who has lived in the UK (or EEA), in the same household as the mother since birth.

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	

Children in Scotland was extremely concerned by the decision taken by the UK Government to remove the automatic entitlement of Universal Credit recipients to receive Housing Benefit if they are aged 18 – 21.

Such a move will also have the effect of removing the entitlement of young people within this age bracket from being eligible for Discretionary Housing Payments.

We join organisations such as Shelter, Crisis and Centrepoin in our condemnation of the removal of this key benefit which acts as a crucial safety net for young people who, for a variety of reasons, feel that they need to support themselves in their own accommodation.

While Housing Benefit and its eligibility criteria will not be devolved, we would urge the Scottish Government to investigate whether Discretionary Housing Benefit may be utilised as a means of supporting young people to maintain their tenancy if extra support is needed.

12. Job Grant

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

There is a significant body of research which demonstrates the long term detrimental impact that periods of youth unemployment can have on an individual's future employment prospects, with individuals who have experienced unemployment in their youth earning 13-21% less on average by the age of 42¹.

It is for that reason that Children in Scotland very much welcomes the fact that the Scottish Parliament will have the ability to introduce a Scottish Jobs Grant, and would like to see as much as possible done to ensure that the scheme meets its objective of supporting young people who have experienced periods of unemployment into the world of work.

However, if it is to be truly effective, we would like the Scottish Government to investigate how it might go about altering the proposed eligibility criteria so that it more adequately encompasses the young people who need support most

For example, we welcome the decision to make the grant open to those aged 16 to 24, but the Scottish Government should be mindful of the fact that as these young people are more likely to have very recently left formal education, it will be more difficult to meet the requirement of having been unemployed for a period of at least six month.

Providing a positive destination as soon as possible after the end of education must surely be desired, therefore, we would like to see this criteria waived for school leavers and shortened as much as possible for everyone else.

Also, Children in Scotland believes that the grant should be made available as an entitlement (with a right to appeal) rather than as a discretionary payment. This will ensure that all applicants are given similar treatment and that young people can rely on and plan for receipt of the grant as they move back into employment.

It is also essential that the definition of 'unemployed' is wide enough to include those who don't receive universal credit or other means-tested benefits. Some young people don't qualify for UC (most under 18s for example) while others will fail to claim despite their entitlement or have had their benefit stopped because of sanctions. Consideration might also be given to an income threshold or receipt of a qualifying benefit by another person in the applicant's household if s/he still lives with her parent / carer.

¹ Paul Gregg, 2004 report on the wage scar from male youth unemployment
<http://discovery.ucl.ac.uk/18618/>

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?

Communities in Scotland are well served by a network of advice providers that provide a crucial and much relied upon service to those in need of independent, free, expert advice, guidance and support.

In this sense, advice providers such as Citizens Advice Scotland have a frontline role in supporting people to access the benefits that they are entitled to and the support that they need. This can have a tremendous, positive impact on the lives of the individuals concerned, but also confers significant socio-economic benefits to wider society. Official statistics demonstrate that up to £330m of DLA was under-claimed in 2015/16 alone – money that could be injected into the wider economy if it was claimed as it should be.

Advice providers could also play a leading role in the highlighting areas where improvements to social security may be necessary, either by reporting the impact that they have on the clients that they are supporting, or by means of the policy and research activities that many larger advice are routinely engaged in.

There may also be scope for publically funded advice agencies to have a more formal role in the development and operation of the Scottish social security system.

As we have intimated above, this could see advice agencies having a formal role as a first point of contact when people seek advice on the benefits that they might be entitled to.

However, whether a formal role is identified or otherwise, any change in social security design delivery or implantation has a very real and tangible effect on advice providers. Not only do they face a training burden to get fully up to speed on any changes, they also experience an increase in the rate of clients who come seeking advice.

When the UK coalition government engaged in the first major programme of welfare reform, the Scottish Government made significant resources available to the likes of Citizens Advice Scotland in order to prepare adequately for the pressures that they were to face.

We would strongly advocate that this approach is repeated as the Social Security Bill comes into being.

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

Children in Scotland manage Resolve:ASL, the largest mediation provider in Scotland. We believe that mediation offers an effective means of dispute resolution and is preferable to tribunal in many situations.

For one, mediation is generally less expensive than formal tribunal proceedings and can result in a much faster and less stressful means of reaching agreement. Parties generally tend to be more satisfied with solutions if they have mutually agreed and there is added benefit in the context of social security, as mediated settlements are able to address both legal and extra-legal issues. Mediated agreements often cover procedural and psychological issues that are not necessarily susceptible to legal determination.

20. Uprating

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

The 'triple lock' methodology that is utilised by the UK Government in respect to pensions uprating would appear to be a sensible model to follow. Under such a system, devolved benefits would increase each April by whatever is higher from the rate of average earnings, the Consumer Price Index (CPI) or 2.5%.