

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	

Why do you favour this/these option/s?

Throughout the consultation process, the Poverty Alliance has organised a series of events with members and people with direct experience of poverty to ensure that our response reflects the opinions of people who use the social security system. The people we spoke with said that the principles should be placed in legislation but there should also be a charter. It was, however, made clear that these people were not comfortable with the phrase 'claimant charter'.

People felt that it would give the principles of dignity and respect more weight to be included in legislation but thought that a charter would be a more useful way of ensuring that people using the system were aware of their rights. There was a level of concern that the charter could be meaningless if not done properly but it was generally acknowledged that it was a good starting point.

Q: What should be in the Charter?

People who attended our events thought the charter should set out what people can expect at each stage of the process. The charter should also contain information about the person's rights and who they can speak to if they feel that these are not being upheld. People suggested small, practical things which could be done easily and have a big impact. This included the right to choosing how you should be addressed, the right to choose your appointment times, being spoken to in a respectful manner, and most importantly being believed.

"You're just a number [at the Jobcentre or the work programme]. It's as if you don't matter. To have empathy, that's all I ask."

People made it clear that people with direct experience of poverty and the social security system must be included in the design of the charter in order to ensure it is meaningful. It was also thought that staff delivering benefits must have training to ensure that they understand what dignity and respect mean in practice.

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?

Please explain your answer

The Poverty Alliance believes that people with experience of the system are the experts, but we know from our work with activists we know that people would also like to ensure that the organisations that support them are involved.

The new social security agency has to be designed around the needs of the people that will rely on it. It is therefore essential that their voices are heard in the charter.

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?

Please specify below

The people who attended our events were not supportive of the use of the word claimant. There was no final agreement on what should be used instead but it was felt that neither the word claimant nor customer should be used.

There were mixed views on using the word citizen due to how this would be defined, and recipient which some felt was too passive. Participant was more popular but there was no overall conclusion.

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

People felt that the charter alone would not be sufficient to generate change. It was felt by activists that the best thing would be for this to be accompanied by Poverty Awareness Training for frontline staff.

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

Please specify below

This should be a duty of anyone involved in designing and delivering the social security system in Scotland, and depending on how it is drafted potentially include social security agency staff.

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

Alongside colleagues on the Scottish Campaign on Welfare Reform, we would be supportive of placing the right to independent adequacy in legislation to ensure consistency across Scotland.

Legislation alone however will not drive attitudinal change and in order to ensure that these principles are fulfilled there should also be a charter outlining the rights of claimants and poverty awareness training for frontline staff. There must also be an appropriate system of redress for when people have not been treated with dignity and respect.

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	X
No	

The Poverty Alliance is supportive of including the principles of dignity and respect in legislation but this alone will not lead to attitude change. As we seen with the Scottish Welfare Fund, it is people experience with those providing the service that matters the most and it is therefore important that the legislation is only the beginning of the process. Everyone involved in the design and delivery of social security in Scotland must be fully trained on what dignity and respect look like in practice, and there must be procedures in place for when people feel they have not been treated appropriately.

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

Please explain your answer

The Poverty Alliance broadly agrees with these high level outcomes but we believe there should be others added including:

- People have enough money to live a dignified standard of life
- People are able to access advice and support about social security when they need it
- The social security system is responsive to the needs of those who use it
- People with experience of using social security are involved in making decisions that affect them
- Scotland has a comprehensive anti-poverty strategy that cuts across all government departments and layers of government.

It is important that we are ambitious when setting outcomes, and in the context of the Fairer Scotland Action Plan it is important that these outcomes reflect the vision of a fairer Scotland. For our members, they were very clear that a Fairer Scotland is one where poverty does not exist and we would therefore like to see the outcomes reflect this.

Our members felt that it was not possible to fulfil the values of dignity and respect without addressing adequacy and unfortunately there is very little in this consultation about adequacy of benefit levels. There is little or no mention of the powers to top up reserved benefits and create new benefits which are substantial powers that could be used to ensure that people have enough to live on.

“My partner was put on tablets because he’s not been eating. He doesn’t have the money for food. But how do you take that to the media? How do you get people to listen? He had acid building up in his stomach from not eating, and it was causing him pain to then to even eat. I can only do so much to help. Stress has got to all of us because of the situation”

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

We believe that there are additional outcomes to be added and these are listed in answer to the previous question. These are needed if we are to truly create a fairer Scotland and tackle poverty and inequality once and for all.

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

“My plea to Scottish politicians and officials as we start to take forward new benefits powers is this -please examine your own attitude to benefit claimants. You may not be as compassionate as you think you are and remember, this could be you”.

The Scottish Government must consult with people who use the social security system to ensure that all communications are designed with dignity and respect at their core. People with direct experience must be at the heart of the decision making process and the system must be designed with the views in mind.

“if you’re unemployed then people totally judge you”

Communications must use language that is dignified and respectful. Stigmatising language must be avoided and in order to do this people must be asked what language they would prefer to see used.

People should be allowed to choose how they receive social security communications i.e. some people have told us they do not feel comfortable opening letters and would prefer to speak to someone over the phone, while others may prefer email or text messages.

“I just leave it [brown envelope] lying on the floor, I hate them, it makes you feel terrible that brown envelope. My stress goes [way up]. If you get another envelope instead of a brown one may make us feel easier.”

“The government should write what you can understand [in their letters], instead of all this jargon. Half of the time I don’t understand it. I have to ask one of my workers and maybe explain it to me what they’re trying to say. It may be better if they used a better phrase with “Dear,” and then a paragraph to say what the purpose of that letter is – i.e. this is merely to make you aware, just so you know what it’s about. A lot of people get it and they’re like ‘What does this mean?’ It makes people feel worse.”

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?

The Scottish Government should consult with people who rely on the social security agency and those that support them.

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	

People at Poverty Alliance events highlighted the following phrases as being unhelpful or unacceptable:

- Allowance (as in Carers Allowance or Attendance allowance) – it was thought that this was patronising and should be replaced with the word entitlement
- Claimants/users – both were thought to be stigmatising
- Customers/clients – some people did not mind the word customers but others felt this was not the appropriate term for the type of relationship
- Welfare
- Workless
- Citizen – as not everyone who relies on social security will be a citizen

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 contact the Social Security Agency, they should have the process explained to them and told what they can expect and what they will be expected to do in return.

They should be told all the options available to them including face to face applications, telephone or in writing. The agency should then advise the claimant that aware that they are able to access advocacy and advice to help with their claim and signpost them to local support organisations.

Once the claim has been processed, it is important that the client is kept up to date by their preferred method of communication.

All decisions made must be clearly explained to the person, and information on how to appeal if necessary.

Decisions should be issued both in writing and via the persons preferred method communication. It is important that the written letter is sent in order that the applicant can share this with any supporting organisations.

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

There should be a wide variety of communication methods made available, and people should be able to choose which method or methods are preferable to them.

In addition, all important information should communicated in writing in order to allow the person to share with any support organisations.

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?

The Christie Commission report recommended the approach of co designing services and we would welcome the approach that Scottish Government is taking in recognising the value of co-production within the new social security system.

In our experience of co-production work with people experiencing poverty, at the Poverty Alliance, for example research , policy forums and so on, there is several key lessons and values we would be keen to see embedded in any co production work undertaken.

- **Respect and Voice:**
Successful co-production work has emphasis on respect and real dialogue. The issues that are being dealt with are ones that have core influence on people's lives. Central to creating respectful dialogue is for all of those involved in processes both policy makers and end users in a two-way exchange, rather than a one sided extraction of information.
- **Focus and Clarity:**
The complexity of the issues and policies means there needs to be clarity and focus on the areas of work being co-produced, remits that are too large or wide ranging reduce the effectiveness of co-produced work. Clear areas of work mean more effective dialogue and change.
- **Adequate Timescales and Resources:**
Processes of participatory work cannot be rushed and take time and preparation to be effective. Resources must be built in to allow accessible ongoing processes with multiple routes and tools to feed in viewpoints and have dialogue in an inclusive and accessible manner. For some groups, a number of barriers must be considered and addressed about to allow them the opportunity to share their views and co-production processes must recognise and adhere to this.
- **Feedback:**
In line with the approach of dignity and respect, the importance of clear feedback on the use of dialogue and how this information has been used. This is critical to ensure accountability and transparency within the co-production processes.

The new system offers an opportunity for co-produced in an innovative and inclusive way. One key opportunity would be evaluation and monitoring of its delivery outcomes and administration. By applying innovative tools such as peer research for

example as undertaken in several projectsⁱ sensitive and often hidden issues can be explored and addressed using a co-produced model. Such evidence will provide a rich and meaningful approach to understanding the lived experience of the new services.

The government could also learn from other model of practice in co-production utilised in other public services across Scotland for example within Health and Social Care and draw upon best practice from these areas.

In addition the Government may wish to consider setting up a legal ombudsman or similar with a service user panel to ensure expertise of those experiencing poverty is utilised to the highest levels of accountability within the new system.

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?

None of the individuals we spoke with were supportive of the term user panels. There were a number of alternative suggestions such as:

- Peer groups
- Expert groups
- People with 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 overwhelming consensus at Poverty Alliance events was that all social security benefits should be delivered by the national agency. People were very clear that social security should not be contracted out, and they did not believe that the system should be run for profit. Examples such as ATOS were given as to why it is important that social security is kept in public hands.

There are also other advantages. Social security being delivered by one agency simplifies the process for claimants. People may be receiving benefits from more than one agency even without further devolution or contracting out so it is important that people know where to turn.

“These complicated systems [to do with benefits] undermine peoples’ sense of worth. You’re like a jigsaw piece that doesn’t fit anywhere.”

Having benefits delivered by one agency ensures consistency in entitlement, decision making and delivery across Scotland. One of the problems with the Scottish Welfare Fund was the postcode lottery that developed with awards being made in some local authorities while people in similar circumstances elsewhere had applications declined.

Having all information in one place also reduces the chances of miscommunication and makes accessing information easier for both the agency and the individual.

Some Poverty Alliance members suggested that the new Scottish Social Security Agency should also allow claimants to make enquiries about reserved benefits

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	

The Poverty Alliance strongly believes that all benefits should be paid in cash as a default. To do so in kind is at risk of undermining the principles of dignity and respect.

The Scottish Welfare Fund has highlighted around providing awards in kind including poor quality goods, lack of choice and stigma.

However, we do support the continuation of the mobility scheme, which operates effectively and is highly valued by disabled people. Any additional in kind support for disability benefits though must be offered as a genuine choice and there should be no pressure put of the individual to take this option. Claimants should also be able to change their mind at any time and should be able to access independent advice about what is the best option for them.

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

The Scottish Social Security Agency should make full use of new digital technologies to deliver a more accessible and responsive service. However, many of the activists we spoke with said they would not want to see a service that was digital only. They were keen that people were given a full range of options to access the service including via local offices, telephone and in writing.

Not only is not everyone IT literate, but many people are simply unable to access the internet because they don't have it at home and there are limited other options available. Participants at our events highlighted the vital role played by digital hubs in different parts of Scotland that assist people to access digital services but said that too often these hubs are underfunded and understaffed. People recommended additional investment in these hubs.

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

(please tick one box)

Yes	x
No	

Every person we spoke to highlighted the need for face to face provision. People said they would like there to be local offices, and an advisor that they could contact. They raised the fact that a named contact would be best, and it would be useful if there was a way of linking devolved and reserved benefits in the service. It was thought that face to face provision was particularly beneficial for those with mental health issues.

“People need people to help them in their time of need not machines”

Participants emphasised that the new social security agency must be properly resourced and that there should be better links to other areas including health, education and employment.

Issues surrounding confidentiality when applicants are engaging with social security staff were also raised, including the need for places to speak privately. It was also felt that a face to face process should be an engagement, not an interrogation, and that all minutes from the meeting should be cross checked with the claimant before the meeting ends.

“I don’t know anybody that’s went to the brew and they’ve said to you ‘do you want a cup of tea, coffee or water?’. Why not?”

People also felt that the current Job Centre Plus offices are an emotionally charged environment for applicants with security guards on the door, no toilets and nowhere for children to play. Participants said the new social security agency in Scotland should have local offices which were designed around people and helped people feel at ease.

“What would make it better at the Jobcentre? A smile. Stuff like that. A reflection of who the person is. A welcoming. It’s a curtesy thing. Its’s as if they’re in a rush to get you back out the door. It’s not a nice feeling. If you go in and you’re feeling that they just want you out, and then they say ‘I want to talk to you’...you’re thinking ‘what’s wrong with you?’ You’re suspicious.”

It essential that choice is at the heart of the process if we are to fulfil the principles of dignity and respect, and therefore people must have the option of face to face contact.

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

The Poverty Alliance would like to see the number of people referred for medical assessments reduced, with face to face assessments being the exception rather than the norm.

The people who attended our events spoke about the fear and complexity of the assessment process. Many said that their stress and anxiety levels were raised as a result of being called for reassessment, and not being told of the right to have someone accompany you was also raised as an issue.

We believe decision maker should be responsible for seeking additional information and that consideration must be given as to whether this evidence already exists before approaching people for further information.

Participants strongly argued that assessments should be carried out by medical professionals and that this should be done in the public sector and not for profit.

People also felt that there should be a clear decision making framework but that decision makers must also retain a level of discretion. The current system is seen as being too arbitrary and failing to take into account the realities of people's lives. Both people with mental health issues and fluctuating conditions felt that the current system did not properly take account of these.

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

The Poverty Alliance believes that a new Scottish Social Security Agency should be involved in delivery of benefits, as opposed to just setting a policy direction.

We would not support the delivery of benefits being devolved to local authorities due to the risk of unacceptable variations in practice across Scotland and the creation of potentially perverse incentives in relation to disability benefits and social care budgets.

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

4. Equality and low income

Q: How can the Scottish Government improve its partial EqIA so as to produce a full EqIA to support the Bill?

These prompts could be helpful in framing your answer:

- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?
- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?
- Are there equality considerations for individual benefits that you would like to draw to our attention?
- Are there considerations about individual benefits for those on low incomes that you would like to draw to our attention?
- What are your views on how we can best gather equality information for the new Scottish benefits?
- What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?
- What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

The Scottish Government should commission organisations with expertise in different equality strands to co-produce the Equality Impact Assessment of the Social Security Bill.

Whilst the partial EQIA comprises suggestions about how different equality groups are linked with particular policy areas, it does not systematically pose and consider a set of questions around each equality strand.

The Scottish Government needs to ensure that gender equality and other forms of equality are properly mainstreamed throughout the development of all legislation, policy and programmes. This means embedding the advancement of equality as an objective of social security policy, and establishing rigorous monitoring and evaluation measures to assess progress.

There is a very real need to improve disaggregated data collection. We are able to understand the binary gender composition of most devolved benefits, but there is a lack of information on ethnicity and other protected characteristics that means we are unable to properly develop an intersectional analysis.

Devolved benefits for which gender-disaggregated data have not been made available are Discretionary Housing Payments (DHPs), Funeral Payments and Cold Weather Payments. This information gap has to be plugged.

Women, disabled people, BME people, older and younger people all have less access to income than other groups in Scotland. This is compounded for people who face multiple discrimination, including disabled women and BME women. This question about the “right level of support” points very clearly to the question of adequacy, which is not properly addressed by this consultation, and it is difficult to see how we can achieve dignity and respect without giving people enough to live a dignified life.

The Scottish Parliament now has powers to top-up reserved benefits and create new benefits, but this consultation does not address these and we hope the Scottish Government will consult on them in the future. Analysis of the use of these powers to increase income for those living in poverty should be considered as part of this consultation process. It is hard to see how many of the ambitions set out in the consultation document and in the Fairer Scotland Action Plan can be achieved without additional investment to reduce income inequality.

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	

The Poverty Alliance supports the creation of an independent body to provide expert analysis and scrutiny of our new social security arrangements. We believe this is vital to ensuring that voices from outside government are involved in the development overseeing of the social security system in the longer term.

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	

As members of the Scottish Campaign on Welfare Reform, we value the statutory role of the Social Security Advisory Committee, and would support the establishment of a Scottish Social Security Advisory Committee.

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)?

Please specify below

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

(please tick one box)

Yes	X
No	

We would support the development of a statutory body to oversee the decision making standards of the Scottish Social Security Agency. Previously, the DWP had a Decision Making Standards Committee which reported to the Chief Executives of Job Centre Plus, the Pensions Service and the Disability and Carers Service. The Committee advised on accuracy of reports on standards of decision making, recommended improvements in decision making and considered specific issues on request. These are valuable functions that are essential to building fairness into the new Scottish social security system.

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

(please tick one box)

Yes	X
No	

Please explain your answer

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

Please specify below

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 fact that DLA is not means tested and does not reduce entitlement to other benefits is an obvious positive. This is true also of PIP and AA.

DLA was also very good for those with less severe disabilities who may not receive any services from local authorities.

What is wrong with DLA?

Personal Independence Payment (PIP)

What is right with PIP?

- Not means tested
- Does not reduce entitlement to other benefits

What is wrong with PIP?

The people we have spoken with have raised numerous issues around PIP. These include:

- The complexity of the application process

“The language is a barrier on the form; it’s designed to trap you”.

- Lack of transparency
- Lack of understanding for people with mental health conditions

“The form is too prescriptive. It’s only a half a question they’re asking. They don’t lead you into discussing things. It’s repetitive. And it’s directed at physical disabilities.”

- Lack of understanding of fluctuating conditions
- People being sent to assessment centres in towns miles from where they live
- System too rigid
- Lack of dignity and respect from people assessing

“When you’re doing a PIP form you need someone to listen, reassure, understand, be sensitive.”

- Not enough focus on medical evidence

“It’s ridiculous how they expect people with health conditions to go out and work. My best pal’s mum went into hospital with problems with her feet, she uses a big boot to walk ‘cause she has a hole in her foot and had a big toe cut off. She can’t move her hands but they still refused her PIP, that’s how bad it is.”

- People losing entitlement as they move from DLA to PIP:

“People are getting their benefit removed. The low rates are getting taken away in the vast majority.”

Attendance Allowance (AA)

What is right with AA?

- Not means tested
- Does not reduce entitlement to other benefits

What is wrong with AA?

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

People at Poverty Alliance events felt that these benefits were set at a level too low to cover the true cost of disability.

Also while not necessarily relevant to the disability benefits themselves, people raised concerns about the removal of disability premiums from Universal Credit. Strengthening universal disability benefits is the best protection against this but the Scottish Government may also wish to give consideration as to how top up powers could be used to replace the abolished disability premiums.

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

The first issue highlighted at our events was the need to keep disability benefits universal.

Every person we spoke with was clear that the application process was overly complicated and designed in a way that was not beneficial to the applicant. It was agreed that this needs to be made as straight forward as possible, and this means including as many different methods of application as possible.

People were keen that the new system starts from a system of trust with people being believed about the reality of their conditions.

“You don't know what someone's going through. You can't judge.”

It was also thought that more should be done to eliminate gatekeeping and ensure that staff actively promote the uptake of benefits.

The eligibility criteria should draw from the best of the DLA and PIP criteria and continue to use the impact of impairment as a proxy for the costs of disability. Additionally, an extended list of conditions should passport claimants to a particular rate of benefit.

The people we spoke with felt that there were too any face to face assessments causing needless stress and anxiety for applicants. It was thought that face to face assessments should be only used in exceptional circumstances. The Poverty Alliance also supports the removal of reassessments for people with lifelong conditions.

Once a decision has been reached, the applicant should be contacted in a timely fashion and made aware of the next steps – whether this be when awards or made or how to be appeal. They should also be sign posted to an independent organisation who can advise them on their rights.

As stated previously, the Poverty Alliance supports cash being the default for all awards. We believe that issuing awards in kind has the potential to disempower people and undermine the principles of dignity and respect.

We have welcomed the commitment from the Scottish Government to increasing

Carers Allowance in line with JSA but we believe much more needs to be done on this issue.

The first issue raised with us was the use of the word allowance which was felt to be patronising and people said they would like to see this replaced with the word entitlement.

The eligibility criteria for Carers Allowance also needs to be revamped. We believe that all carers should be valued, not just those who work very low hours or are out of work. We would therefore support the proposition from CPAG Scotland that there should be consideration to a two tier Carers Allowance with the first tier being universal and the second tier being paid to those on the lowest incomes.

We would also like to see more work being done as to how we can support young carers to stay in education – and it should not be the case that a student can only claim Carers Allowance if they work part time.

With regards to the proposed Young Carers Allowance, we are concerned that this may encourage more young people to become carers at the expense of their own education or socialising. The eligibility criteria for this needs to be given serious consideration and we would argue that for those under 16 money would be better spent in increasing support and investing in respite care.

When speaking with our community activists who have disabilities raised the fact that they did not want their children to become carers and said the Scottish Government should better support disabled parents in order to avoid this.

The appeals process must be transparent and straight forward. People must be informed of their write to appeal in writing, and signposted to relevant advice agencies.

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	

There should be realistic timescales set. Anecdotal evidence from some participants at the recent SCoWR event suggested the length of time between making a claim and receiving a decision can be over six months in some areas. Added to the effect

of having to appeal unfavourable decisions and an increased number of two year awards, some claimants were being reassessed within weeks of receiving PIP awards.

Claimants should have the right to be kept up to date on the progress of their application.

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

The evidence that needs to be gathered will depend on the eligibility criteria used. If entitlement is based on the impact that a disability has on the claimants ability to live independently then the evidence should come from the claimant and their support networks.

The claimant must be provided with adequate guidance and support to choose who they think would be the most appropriate people to provide evidence.

Furthermore, at our consultation event with the Star Project in Paisley it was noted that disability benefits should not just be about the disability or illness but about the nature of support required to help that person live independently. It was also noted that in many cases it is not easy to simply fit medical conditions into certain boxes on the descriptor.

Who should be responsible for requesting this information?

The responsibility for requesting evidence should lie with the decision maker and this should be done before deciding whether to refer the case for face to face assessment.

Our activists said:

“The assessment was disappointing because you see your own GP, a psychiatrist, they know you. But I don’t know if the DWP actually contact them before. It would help if they did. It’s important for them to do that and for me to know they’ve done that. If I knew this, I’d feel differently because they would probably take your psychiatrist’s word before yours. Your GP tries their best but they’re not specialists. They just say [in the letter] he’s suffering but it’s not always enough.”

Who should be responsible for providing it?

Please specify below

Please explain why

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

(please tick one box)

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

Consent must always be sought as privacy is very important particularly when it comes to medical records.

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	<input checked="" type="checkbox"/>
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No	<input type="checkbox"/>
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If no, please explain why

This would help speed up claim processing and may eliminate need for assessment.

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

If yes, which aspects of an individual’s life should the criteria cover and why?

Broadly speaking, the Poverty Alliance agrees that the impact of impairment is a helpful proxy for the additional costs that come with living with a disability. However, additionally the decision maker should consider the individual’s ability to fulfil their basic rights and live a full and dignified life.

If no, how do you suggest entitlement is determined?

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

(please tick one box)

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

People with lifelong conditions should not face reassessment

How could this be determined?

Medical evidence

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

Please specify below

Participants at the SCoWR meeting spoke positively about the simple, efficient nature of automatic entitlements. Cold weather and winter fuel payments for example were seen as the 'ideal' benefit in that they did not require form filling in and were less prone to error than assessment based applications.

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 is something that could be established by the new 'user panels'

Q: Do you agree that the current UK-wide PIP and AA process for supporting people with terminal illnesses is responsive and appropriate?

(please tick one box)

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

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

If no, how could the approach could be improved?

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

(please tick one box)

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

Please explain your reasons

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

Please explain why

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

Please specify below

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

(please tick one box)

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

People at Poverty Alliance events said they believed the process could be improved in number of ways:

1. Reduce the number of face to face assessments
2. Start from a position of trust
3. Use more medical evidence
4. Advise people better of their rights to bring someone with them

5. Ensure people are assessed at a suitable location
6. End reassessment for people with lifelong conditions

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.

Poverty Alliance members were very clear that they believed that assessments should be carried out by the public sector in a way that is respectful of the individual and takes into account their circumstances. They believed assessments should be carried out by medical professionals.

“When you go for a medical, it’s never a mental health professional.”

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

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

Each assessment type will have different advantages and disadvantages depending on the individual assessed. Some people will prefer to speak to an actual person while others prefer to deal with things in writing. Certain disabilities will also limit people from being able to apply in certain ways. There should be a wide range of assessment methods available and choice must be at the heart of this.

“I don’t like phones. If I need to do a call, most of the time a care worker does it. Talking to people on the phone makes me feel confused. I don’t really know what would be better.”

One of the issues raised at almost every consultation event we organised was the lack of free phone telephone numbers available. Activists spoke of running up large phone bills while on hold to the DWP, and it was pointed out that numbers must also now be free from mobiles as people are now less likely to have access to a landline.

Q: How could the existing assessment process be improved?

Choice of the individual and flexibility must be at the heart of the assessment process if we are to make the principles of dignity and respect meaningful.

This means choice of assessment process including face to face, in writing or over the phone. If a face to face assessment is necessary then the applicant must be made aware of their right to bring someone with them for support, and they must be given a choice as to where they are assessment.

The assessment process must be overhauled to ensure that it can better take account of mental health issues and fluctuating.

Activists at Poverty Alliance events also highlighted that there are very little things which could be changed that would make a big difference. Things such as asking people how they would preferred to be addressed or offering them a cup of tea or coffee can make the environment much more welcoming. Being believed by the assessor was also highlighted as a an important part of feeling respected.

Q: Could technology support the assessment process to promote accessibility, communication and convenience?

(please tick one box)

Yes	X
No	

Please explain why

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

e.g. Skype, video conferencing

Please specify below

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

(please tick one box)

Yes	
No	x

If someone's condition is unlikely to change then it does not make sense to put them through a needless and stressful assessment.

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

Some of the people we spoke to suggested that there should be more of a reliance on medical evidence but for those with lifelong conditions they may not see their GP regularly as there may be little that can be done to treat their condition. This means that some people who have a severe disability may have no medical input other than the issuing of repeat medication for years. Therefore medical evidence alone is not enough and the person's own testimony, and the testimony of those who know and support them, must be included.

"My GP hasn't a clue about me. I go only for my medication. They should have a separate section 'do you interact with an organisation? If so, who and how often do you see them?"

Q: Who should provide that evidence?

Please specify below

- Medical practitioners
- Support works
- The applicant
- People the applicant knows

“What they should be doing is go to the people who you see on a regular basis and ask for their input. While I was on my maddest time, to me I was absolutely normal. My wife would have known, and my two daughters would be frightened, but I wouldn’t know.”

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

Aside from the very obvious practical issues, e.g. would people be expected to give up more of their benefits when energy bills are higher in the winter?, there is a risk that this would stigmatise benefits claimants and undermine the principles of social security in Scotland.

People with direct experience of poverty who attended our events that people should have the power and control to decide how they spend their money and were concerned that this would be the first step towards a cashless social security system.

People who work would not be expected to sacrifice part of their benefits in return for lower fuel costs, and so it should not be the case of people in receipt of social security benefits.

Those attending our events were very clear that there should be no involvement of the private sector in the provision of social security.

Should the Government decide to go down this route, then it must be clear that this is a choice for people to opt-in to, with cash remaining as the default. They must also be able to opt out of this at any time.

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

We believe all benefits should be paid in cash, and the Scottish Government should use the power to top up benefits and create new benefits to ensure that people are able to afford a decent standard of living.

While poverty is about more than money, low incomes are at its heart and therefore

this is where we should focus policy direction.

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

(please tick one box)

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

Please explain the reason for your answer

If yes, what are they?

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

Please specify below

--

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

(please tick one box)

Yes	X
No	

The Poverty Alliance believes the Scottish Government should continue to support the motability scheme. Our activists generally felt that this scheme was useful and a vital lifeline for many.

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

The Scottish Government should ensure that the eligibility criteria for the mobility allowance is set at a level that ensures all people with mobility issues are eligible.

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?

The Scottish Government should use powers to create new benefits to consider how it can best ensure that people are able to access enough money to live a dignified standard of living.

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

It is important that people are able to access independent advice and advocacy

services and are advised of their right to do so. The Social Security Agency should signpost people to organisations that will be able to support them throughout the process.

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.

An income maximisation scheme with signposting from health staff and other organisations supporting families would be useful. All staff involved in supporting individuals should receive training on benefit entitlements and should be able to signpost, at the very least, onto organisations who can help families apply for their entitlements.

Q: How do you think this might be achieved?

Please specify below

Q: What are the risks?

Any data that is shared must be done so with the full consent of the individual involved.

It is vital that a Scotland-wide system of non-means-tested cash disability benefits is retained, and that these are not clawed back in care charges or reductions to other benefits.

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

We share the concerns of our colleagues at PCS that there is an underlying tone indicating that the benefit should be absorbed by other disability benefits. We believe that IIDB should be retained. Whilst the list of prescribed conditions should be reviewed to ensure it is equitable, there is no strong argument for disbanding it completely which we believe the UK Government will lean towards in their Green Paper.

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

What is right with the IIDB scheme?

What is wrong with the IIDB scheme?

Please explain your answer

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

(please tick one box)

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

What would be the advantages or disadvantages of such an approach?

Q: Are there situations where a one off lump sum payment would be more appropriate than a regular weekly IIDB benefit payment?

(please tick one box)

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

What are they, and why? What would be the advantages and disadvantages of such an approach?

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

(please tick one box)

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

If yes, what should the priorities be? What barriers might there be to this approach?

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

(please tick one box)

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

Please explain why

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	

Poverty Alliance supports the development of a Scottish Carers Benefit but members have been clear that they do not want this to be called an Allowance as this was thought to be condescending and not in line with the principles of dignity and respect.

It is also important to ensure that any additional social security payments provide a real increase in income for carers on the lowest incomes. Currently, any increase in the rate at which Carer's Allowance is paid reduces income from other benefits for those on the lowest incomes as a result of means testing. A potential solution would be to both invest in Carer's Allowance itself, and to top-up the premiums within the means-tested benefits system that those eligible for Carer's Allowance are able to access.

We believe there should be a broadening of the entitlement criteria as the current 35 hour measurement is too restrictive and the rules around studying prevent people from studying full time.

We also believe further consideration must be given to carers who do not work 35 hours a week, and as state previously would support the principle of a two tier carers allowance with the first tier being universal. All carers provide a vital role and should be acknowledged as such.

There are also issues around how people identify themselves with many people not recognising that they are in fact carers. There must be a pro-active effort made to identify carers so that they are aware of their support entitlement.

It is also important to note that the Poverty Alliance does not subscribe to the introductory statement that development of a Scottish Carer's Benefit "has to be within the resources available". We recognise that there are not unlimited resources but the Scottish Parliament will soon have substantial powers over income tax and if we are to create a fairer Scotland then these must be used.

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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	

In the short term, we are supportive of the Scottish Government's plan to increase Carers Allowance in line with Jobseekers Allowance but overall we must go further than this. We know that even at the new higher rate it is not a sufficient amount to have a decent standard of living and falls short of the minimum income standard.

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

The process should be simplified with as many different application methods as possible. There must be a proactive effort made to identify carers and make them aware of their entitlements.

The new Scottish Social Security Agency should also make an effort to signpost carers to organisations that can support them with the application and assessment process.

As with other benefits, the system must be flexible, responsive and have choice of the individual at its heart.

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	
No	X

Aside from the very obvious practical issues, e.g. would people be expected to give up more of their benefits when energy bills are higher in the winter?, there is a risk that this would stigmatise benefits claimants and undermine the principles of social security in Scotland.

People who work would not be expected to sacrifice part of their benefits in return for lower fuel costs, and so it should not be the case of people in receipt of social security benefits.

Those attending our events were very clear that there should be no involvement of the private sector in the provision of social security.

Should the Government decide to go down this route, then it must be clear that this is a choice for people to opt-in to, with cash remaining as the default. They must also be able to opt out of this at any time.

Q: What alternative support should be considered?

We believe all benefits should be paid in cash, and the Scottish Government should use the power to top up benefits and create new benefits to ensure that people are able to afford a decent standard of living.

Rather than looking at alternative support, the Scottish Government should consider what additional support they can provide for carers. Suggestions from activists have included respite and free bus passes for carers.

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

The Poverty Alliance is supportive of the proposal to ensure that a future Scottish

Carer's Benefit is aligned with the wider carer's strategy; however, our members have raised concerns about the potential implications of integrating social security and social care services. Budgets to support carers should not be intertwined with social care budgets and therefore the Scottish should ensure that this benefit, like other new benefits, is delivered by the new social security agency rather than at local authority level.

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

There needs to be further clarification on what is meant by the term young carer. While supportive of the idea of a young carers allowance we have concerns about extending the eligibility for this to under 16s. It was felt by Poverty Alliance members that for many young people time away from caring responsibilities would be more beneficial than a cash award.

There were also concerns raised that providing a cash award may put more pressure on the young person to continue with their caring responsibilities than focusing on their education or own personal lives.

Instead the focus should perhaps be on better investment in support for disabled parents and respite for young people.

Disabled parents we spoke to were very keen that their children should not end up as carers and would prefer the Scottish Government found a better way of supporting families with a disabled parent.

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

(please tick one box)

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

Please explain why

It is important to ensure that any additional social security payments provide a real increase in income for carers on the lowest incomes. Currently, any increase in the rate at which Carer's Allowance is paid reduces income from other benefits for those on the lowest incomes as a result of means testing. A potential solution would be to both invest in Carer's Allowance itself, and to top-up the premiums within the means-tested benefits system that those eligible for Carer's Allowance are able to access.

The following concerns were also raised by participants at the consultation event.

There should be a broader entitlement criteria for Carer's Allowance – the current 35 hour measurement is far too restrictive and the rules do not allow people who are able to combine caring with full-time study or more than a small amount of work, for example.

Consideration must be given to people who do not provide care for at least 35 hours a week – support should be available.

Proactive efforts must be made to identify carers so they are aware of their support entitlement.

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

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?

Participants at Poverty Alliance events were supportive of the automatic delivery of winter fuel and cold weather payments, and there was consensus that winter fuel payments should continue to be universal.

We are supportive of the proposal to extend winter fuel payments to families with a child in receipt of the higher rate of DLA/PIP. However, there must be more consideration as to how other groups at a higher risk of fuel poverty are targeted.

The Poverty Alliance believes that cold weather payments should be simplified. The current criteria are too arbitrary and do not protect a lot of families at risk of fuel poverty.

EAS has proposed a weighted system for CWP that offers higher payments for rural areas. For WFP, we propose a weighting on a geographic split north and south i.e. in line with the higher electricity network costs in the north of Scotland.

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?

The current temperature rules are restrictive and make entitlement difficult to predict. We would like to see increased investment in cold weather payments.

People still need to heat their homes even when it is above zero degrees so this should be increased and the length of time shortened.

9. Funeral Payments

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

Please specify below

For people who are eligible, a funeral payment only covers part of the cost. An average grant of £1400 is inadequate when basic funerals cost around £2000-3000, and this should be addressed.

We believe that the funeral payment should be enough to ensure that the family are not left struggling as a result.

There are issues with the framing of the question below in terms of transport for the family. This does not necessarily need to be a limousine but their transport costs should be covered.

In the 21st century, everyone should be able to give their family a decent funeral and so this means the benefit should cover all costs usually associated with having a funeral. Applicants should also get a decision in principle before evidence on costs is provided.

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.		
Removal or collection of the deceased		
Care and storage of the deceased before the funeral		
Coffin		
Hearse or transport of the deceased		
Limousines or other car(s) for the family		
Flowers		
Death notice in a paper/local advertising to announce details of funeral (time and location)		
Fees associated with the ceremony e.g. for the minister or other celebrant		
Order of service sheets		
Catering for wake/funeral reception		
Venue hire for a wake/funeral reception		
Memorial headstone or plaque		
Travel expenses to arrange or attend the funeral		

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

(please tick one box)

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

There should be a level of discretion with all items as different cultures may have different traditions and requirements.

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

Participants at the SCoWR consultation event felt that the current system of questioning the relationship between the deceased and surviving friends and family is intrusive and upsetting. Consideration should be given to basing eligibility on the status of the deceased's estate and if the deceased was in receipt of qualifying benefits rather than the surviving relatives.

Q: In terms of the Scottish Funeral Payment, are there any qualifying benefits (e.g. Pension Credit) that you would add to or take away from the current qualifying benefit list?

(please tick one box)

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

Please explain your answer

--

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

(please tick one box)

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

Extending the window of application or a grant can be made to six months from the date of death would ensure those were unaware of the scheme or unable to apply can access funds retrospectively and clear any debts related.

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

Participants at the SCOWR consultation event felt that the current system of questioning the relationship between the deceased and surviving friends and family is intrusive and upsetting. Thought could be given to basing eligibility on the status of the deceased's estate and if the deceased was in receipt of qualifying benefits rather than the surviving relatives.

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?

- Funds in the deceased's bank account
- Funeral plan/insurance policy
- Contributions from charities or employers
- Money from an occupational pension scheme
- Money from a burial club

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

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

Please specify below

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

Please specify below

Any service which interacts with families suffering bereavement should be involved in the promotion of this benefit.

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

At the recent SCOWR event, inconsistencies in the costs of funerals across local authorities was highlighted as an issue that should be dealt with by the Scottish Government.

The need to better promote information about funeral payments was also highlighted. It was felt that too many people miss out on help they are entitled to simply because they do not know about it.

10. Best Start Grant

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

The Poverty Alliance supports the Scottish Government proposals to increase the rate at which the Best Start Grant is paid in comparison to the Sure Start Maternity Grant. We were also very pleased to see the extension of this to include second and subsequent children.

It is essential that these payments reach those who need it most and therefore we believe that the following groups should be eligible for the Best Start Grant:

- Households in receipt of tax credits or universal credit
- Families in receipt of housing benefit, council tax reduction, income support, JSA, income related ESA or pension credit
- Any household with an income of under £26,000 a year (this is the level at which most families with one child would not be entitled to child tax credits)
- Looked after children regardless of income
- Under 18s, regardless of income

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	

Please explain why

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

(please tick one box)

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

It is important that discretion is built into the system as different families will have different needs, and the system needs to be responsive to this. No family should be forced into a crisis situation because they are unable to afford something at an important stage in their child's life such as birth, starting nursery or starting primary school.

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

Please explain why

The current method used by SSMG means that someone who cares for a child that many not be their own would not be eligible for the first child award, this is despite the fact that they may have never had a baby in the house before and therefore may not have items such as a pram or cot which represent a substantial cost.

If no, what alternative method should we use?

--

Q: Do you agree that we should retain the requirement to obtain advice from a medical professional before making a maternity payment?

(please tick one box)

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

Please explain your answer

This could be a barrier for those women who are less likely to engage with services – and too often this is linked to those on low incomes. There should be a better way of promoting antenatal care for women, than withholding payment from those who do not attend.

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)?

It was generally agreed by participants at our events that these were the most pressurised points of the first five years of a child’s life.

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?

The timing of nursery payments was raised as an issue by participants at the SCoWR consultation event. There is potential that this will lead to a disparity in the age that children qualify for the BSG.

The process would be made simpler and easier to administer if the eligibility for

childcare for two year olds and the eligibility for BSG were the same. This would mean increasing the eligibility criteria for two year olds.

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

Please specify below

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

These payments should be made before the child actually starts school in order to allow the parent to buy uniforms and school essentials before the term begins. This award should be triggered when the parent is notified of school acceptance.

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?

The school payment should be made payable to all children who begin primary school for the first time in Scotland because the costs are the same.

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

Ideally this would be an automatic payment but practically this could be difficult. Families should therefore be supported to access Best Start Grants through health staff for the payment at birth, and childcare and education staff for then nurse and schools payments. This support should be accompanied by an active referral to income maximisation services. We also support the proposal from CPAG that there should be an integrated approach to Best Start Grants and Healthy Start vouchers in order to simplify the process.

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

We would support establishing an integrated application process for BSG and Healthy Start vouchers. This would make the process simpler for families and hopefully encourage take up.

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

- Simplicity

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

(please tick one box)

Yes	
No	X

As stated throughout this consultation response, providing benefits in kind rather than cash can be both disempowering to individuals and can result in stigma. The Scottish Welfare Fund has clearly illustrated that by providing a limited choice of goods, they are often easily identified as coming from the welfare fund and therefore can cause stigma for the applicant.

Too often goods provided are also not suitable and not good value for money. We strongly believe that providing awards in kind undermines the principles of dignity and respect.

People also had concerns that making awards in kind was the first step in a move towards a cashless social security system similar to the US model of food stamps.

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

All services working with families and young children should promote the BSG. This includes, but is not limited to, GPs, midwives, health visitors, childcare staff and school staff.

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	

Discretionary Housing Payments were not intended to be used to mitigate against the bedroom tax. We hope that once the bedroom tax is abolished they can be used once again for their intended use.

At the moment, DHPs cannot be accessed by women fleeing from domestic violence, despite the fact that this is one of the main causes of homelessness in Scotland. This must be rectified to support women to leave abusive relationships.

DHPs should also be made accessible for those leaving refuge or other temporary accommodation so that they are able to start a new tenancy with some security.

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	X
No	

There should be more transparency and accountability in the system. We would also like to see all frontline staff receive Poverty Awareness Training to ensure that they are aware of the impact of their decisions and the importance of treating people with dignity and respect.

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

(please tick one box)

Yes	X
No	

Please explain why

The guidance on DHPs does not currently mandate local authorities to monitor the gender of those in receipt of payments. In order to help assess any underlying gender equality issues that should be addressed with regards to housing, gender-disaggregated data should be routinely collected.

12. Job Grant

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

Please specify below

We welcome proposals around the Job Grant but would argue that this should be extended to anyone returning the labour market after an extended period of absence, including carers.

We support supplementing this with a bus pass but we must go beyond simply meeting immediate needs and look at the long term surrounding the labour market.

Throughout the consultation period, people raised issues with us surrounding low paid, poor quality, insecure jobs. It is all very well supporting young people back into the labour market but there has to be jobs for them to go to and these jobs have to pay enough for them to live.

We need a joined up approach and for those in rural areas transport is often a barrier. A free bus pass will cover their costs for three months but transport after that is potentially too expensive for many to afford. The lack of a regular bus service is also an issue for many areas.

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	

This would afford private sector landlords the same choice given to tenants in socially rented accommodation. However, given the lack of regulation in the private rented sector in Scotland there must be safeguards in place.

It is also important that for all tenants, they are given the choice over who their rent is paid to. Payment to the landlord should not be the default if we are to uphold the principles of dignity and respect.

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

(please tick one box)

Yes	x
No	

The Poverty Alliance firmly supports split payments being the default option for Universal Credit payments. Payments to one person in the household can exacerbate power imbalances and this is particularly bad for women. We would therefore support splitting payments with a weighting towards the main care provider in the household.

We appreciate that there are complexities in this and as an interim measure would support payments being made to the main carer in the household. One potential way of identifying who this is might be by using the partner in receipt of child benefit.

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	X
No	

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

(please tick one box)

Yes	
No	x

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?

Please see above

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

Claimants should have the option to choose the frequency of payment and who the payment is paid to i.e. landlord, childcare provider etc.

"If I got paid monthly, I wouldn't have any money. Two weeks is a struggle as it is. Why do they not ask people, and talk to people who support them if maybe they're needing support to decide. It'll be very hard for people

Consideration should also be given as to whether the Scottish Government can use new powers to plug the 6 week gap before the first Universal Credit Payment is made. This will avoid claimants having to rely on short term benefit advances (the repayment of which can lead to hardship) or applying to the Scottish Welfare Fund.

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

The Scottish Government should give consideration to the impact of the LHA cap on the social rented sector, and if this can be mitigated against through the housing element of universal credit.

It is also important that the Scottish Government seeks to address the inadequate support for certain groups of PRS tenants, particularly young single people and those with minority care of children.

We support the Scottish Government's commitment to ending the bedroom tax and to restoring housing benefit to 18-21 year olds.

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?

Creating a new social security agency will create, even if only in the short term, an element of confusion and there is likely to be an increase in the number of people seeking advice. We would like to see the right to advice be embedded in legislation, and believe this is in keeping with the principles of dignity and respect.]

People providing advice should be responsible for ensuring that people are fully aware of all their rights, and entitlements and should be able to either support them through the process or signpost them to an organisation that can.

Q: What steps need to be taken, to understand the likely impact of the transfer of the devolved benefits on publicly funded advice in Scotland?

The Scottish Government should consult with publicly funded advice bodies in Scotland to develop an understanding of the potential impact and this should be monitored closely. There should be additional resources committed to advice agencies to ensure that they are able to support people adequately and in a timely manner.

Investing in advice services improves and simplifies benefit delivery for applicants, and reduces the number of errors made and therefore the number of appeals which are currently putting a high amount of pressure on advice services.

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

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	

By ensuring that people are claiming all the benefits they are entitled to we reduce poverty and inequality which not only benefits the individual but is better for everyone. It also ensures that there are less people reaching crisis stage and having to rely on the Scottish Welfare Fund or foodbanks. Spending on advice services can be seen as a preventative spend.

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?

The Scottish Government should speak with independent advocacy services who are best places to know how the potential changes will affect them.

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	

The SPSO's 'Statement of Complaints Handling Principles' appears to work well and we support that the suggestion that the CHP should be based on this.

Q: How should a Scottish internal review process work?

The use of mandatory reconsideration should be abolished in relation to benefits provided by the Scottish Social Security Agency. It has become increasingly apparent that Mandatory Reconsideration is a barrier to justice for too many people, given that MR is a slow over convoluted process.

The Scottish Government should instead consider an appeals process similar to the one used for housing benefit appeals, where the first tier review is an appeal to the decision maker and if the original decision is upheld then the appeal is passed to the courts and tribunal service.

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

Any appeal that is not resolved within one month should be passed to the Courts and Tribunal Service.

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	

As above

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

Please specify below

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

Applicants must be made aware of their right to appeal when they receive their award decision. They should be signed posted to an agency that can provide that with independent advice and support them throughout the appeals process. People must receive communications in writing and in any additional format they request

and all language must be plain and easily understandable. They must be given clear information on next steps and expected time scales. There should also be signposting to services such as the Scottish Welfare Fund if the person is likely to find themselves in hardship as a result of the decision.

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

Alongside dignity and respect, we believe fairness should be reflected in the design of the appeals process and the social security system more widely. It is also important that all people are treated equally regardless of status, gender, race, religion or any other characteristics.

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

Appeals must be dealt with in a timely manner but it is also important the decision makers are allowed time to correct all relevant information. We would support appeals being transferred to the Courts and tribunals service if they have not been favourably resolved within a month.

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?

It must be explained to the appellant exactly what will happen next and how long this is expected to take. They should be given a copy of all information in writing and signpost them to an organisation that can provide advice and support.

Q: How could the existing appeals process be improved?

Please specify below

16. Residency and cross-border issues

Q: Should Scottish benefits only be payable to individuals who are resident in Scotland?

(please tick one box)

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

Please explain why

Many of the areas of social security over which the Scottish Government will gain control are available for claimants not currently resident in the UK e.g. rules contain provisions for payments to be made to British nationals who are resident in EU states.

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

The habitual residence test currently used by the DWP is poorly understood and poorly administered. Given that habitual residence is not the primary residence test for the areas of social security being devolved it would be better to avoid employing it as a test and instead developing a simpler method of determining residence.

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

The current ‘past presence’ test for UK disability benefits, which requires presence in the UK for 104v out of the last 156 weeks) is too restrictive and should be reconsidered.

There are likely to be disputes about residence as new benefits are introduced in Scotland. For this reason, it is essential that the Scottish Government ensures that the interim payments are available while disputes about residence are resolved.

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

It is essential that the Scottish and UK Governments work together to develop reciprocal agreements relating on access to social security.

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

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	

Many overpayments occur as a result of overly complex award and notification communications, meaning the claimant is not actually aware if an overpayment is likely to occur. The complexity of letter notification delays prompt effective challenges of decisions that overpayments have been made.

Where an overpayment has occurred, discretion should be applied to ensure it is appropriate to recover the overpayment. The rate at which the overpayment is recovered should be fair and take the claimant's circumstances into account. Current recovery methods can leave claimants facing destitution which in turn has a knock on impact on other parts of the social security system.

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

Where an overpayment has been identified, the Scottish Social Security Agency should ensure that the claimant is signposted to an independent organisation where they can access advice, support and advocacy.

18. Fraud

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

(please tick one box)

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

It is important that the amount of benefit fraud in Scotland is not overstated. We know that benefit fraud accounts for only approximately 0.7 per cent of welfare spend, and it is therefore important that benefit fraud should not be prioritised at the

expense of ensuring that the social security system is open, accessible and treats all claimants with dignity and respect. Too often the activists we work with highlight the fact that they are treated as though they are trying to cheat the system and it is important that this is not replicated in a new Scottish social security agency.

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

(please tick one box)

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

Please explain your answer

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

Claimants must be provided with clear and digestible information about conditions of entitlement and ongoing duties. They must receive this information in a clear, understandable format in order to reduce errors.

Existing information held by the Scottish Government and others should also be used to cross check applications (where data protection rules allow this) and the claimant should be provided with a fair opportunity to explain any discrepancies or changes.

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

(please tick one box)

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

Please explain your answer

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

Please specify below

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

Please specify below

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

Please specify below

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

Please explain your answer

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 type="checkbox"/>

Please explain your answer

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

Please explain your answer

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

(please tick one box)

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

Please explain how

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

Please specify below

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

Please specify below

Q: Do you perceive any risks to the individual?

Please specify below

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

--

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

Please explain your answer

--

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

Please explain your answer

--

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

Please specify below

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)?

Please specify below

20. Uprating

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

The Poverty Alliance believes the best way to ensure that devolved benefits keep pace with the cost of living is to increase them in line with the Retail Price Index. The Scottish Government should also give consideration as to whether it is possible to triple lock certain benefits in the same way as the UK Government has done with pensions.

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

If so, please explain which benefits and why



ⁱ *'Beyond Four Walls Participatory Youth Research Project' (2015)*
http://www.povertyalliance.org/article/b4w_report