

Consultation on Social Security in Scotland

Annex A: Partial Equality Impact Assessment (EQIA)

Partial Equality Impact Assessment

Introduction

This is a partial equality impact assessment (EqIA) for the social security bill consultation. It is 'partial' in the sense that it reflects our thinking to date. We now need your help and advice to produce a full and final EqIA to accompany the social security bill.

After providing background information for context, the EqIA provides detail on the Scottish Government's engagement so far to understand the equality implications of the new social security powers. It then sets out general barriers people might face, many of which have equality implications before discussing the equality implications of the new social security agency, followed by the individual benefits, including where we are proposing changes to existing UK benefits. There is also brief discussion of appeals and tribunals.

To improve the EqIA, we have developed a set of prompts to help you with your feedback. We will develop a full EqIA, based on your feedback and advice, once the consultation is complete.

We recognise that this partial EqIA only makes limited or no references to ethnicity, religion, sexual orientation, and transgender. We therefore particularly welcome your feedback on these issues and will seek active engagement with representative groups and others over the consultation period.

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?

Background

The public sector equality duty requires the Scottish Government to assess the impact of applying a proposed new or revised policy or practice. It is a legislative requirement. The duty helps us consider how policy can respond to the ways in which people are different from one another, in relation to particular 'protected characteristics': age, disability, gender reassignment, gender including pregnancy and maternity, race, religion and belief, and sexual orientation. This consideration helps ensure that, where possible, policy is shaped appropriately to advance equality on these grounds and meet people's varying needs as effectively as possible.

The public sector equality duty requires the Scottish Government to consider, as appropriate, the need to:

- Eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a relevant protected characteristic.

An EqIA is key to these considerations. It aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact either positively or negatively on the protected characteristics.

Meeting the requirements of the public sector equality duty is important across government policy, but it is arguably particularly important in relation to social security, with many of the benefits being devolved to Scotland being crucial to disabled people. The new powers also raise questions about women's financial independence, about support for children and young people, and about helping those on low incomes more generally.

Because of this last point, this EqIA also looks at impacts on poverty from the new benefits. This reflects the Scottish Government's commitment to introduce a socio-economic duty that enables consideration of socio-economic disadvantage in strategic decision-making.

Engagement to date

We have already begun to seek views on the equality implications of introducing existing and new benefits through a Scottish social security agency. A range of engagement activities have been underway, including:

- **Fairer Scotland** conversations - Our new social security powers were one of the major areas for discussion in the Fairer Scotland consultation work. In June 2015, Scottish Government hosted an event attended by over 50 stakeholders. Through our engagement process since then, we have consulted widely with a range of stakeholders
- We have put in place a range of opportunities to allow people and stakeholders to have their say, **including digital surveys and workshops** with key sectors including local government, third sector, anti-poverty groups, older people organisations and ethnic minority groups. Officials have also attended and set out our position at a number of events organised by stakeholders
- We commissioned Poverty Alliance and Engender to take forward work on our behalf to ensure that we capture the voice of those who have experience of benefits. We also set out a range of questions on new powers that around 40 organisations have replied to, which will help to inform our thinking on plans for new powers. The themes that emerged have informed the vision and principles outlined by the Scottish Government
- We have also worked with Scottish Government policy colleagues working in areas where there are potential synergies with the areas to be devolved. This includes areas such as self-directed support, health and social care, carers, fuel poverty and maternal health. This has helped us to map out the connections between the areas that are already devolved and identify the scope for aligning these with new powers. There are also some clear links with other powers to be devolved in the Scotland Bill, most notably those over the employment programmes

The formal consultation (to which this EqIA is an annex) is a next stage in this broader consultation process. It asks a range of questions about the new powers, including about this particular document, which will be central to further development of equality considerations.

However, we have further plans to consult and engage as we move towards delivery.

- There is relatively little or no discussion of some of the protected characteristics in this partial EqIA: religion and belief, race, sexual orientation, and gender re-assignment. We will hold engagement meetings with relevant

representative organisations so we can include a wider discussion within the full EqIA

- Including disabled people and Disabled People's Organisations (known as DPOs) such as Inclusion Scotland, Independent Living in Scotland and others in the structure and governance of the social security agency and associated delivery bodies
- Including organisations such as Woman's Aid to explore potential negative unintended consequences for women disadvantaged in terms of any system which pays benefits to the 'household' or experiencing domestic abuse
- Establishment of an independent body, providing reviews and promoting continuous improvement in partnership with disabled people and the organisations that support them
- The establishment of a stakeholder reference group, and the use of panels and disabled people focus groups to help co-produce policies and processes will ensure that we foster good relations with equality groups - we are particularly committed to taking forward a range of mechanisms to ensure people in receipt of benefits have their voice heard
- A Disability Benefits Assessment Commission is also planned. This should help ensure that opportunities to advance equality through the disability benefits are identified and maximised as far as possible
- We will also take forward work with minority groups, women groups and disability groups through existing forums we've established

In due course, we will publish a full EqIA for the social security bill on the Scottish Government website. This will take account of your feedback on this partial EqIA and on the consultation more broadly. The final EqIA will consider how we can improve our understanding of potential impacts, both positive and negative; enhance actions to reduce poverty and inequality; avoid discrimination; take action to progress towards equality; and realise human rights.

General barriers

In establishing a Scottish social security system, which has a positive impact on equality, we want to address the various barriers that people can face when they share particular protected characteristics. These are barriers which can prevent people from accessing social security services and receiving the right kind of support. The main barriers people can face are:

Attitudinal barriers often have their roots in unquestioned assumptions and inaccurate stereotypes. Prejudice can prevent people from accessing social security services or receiving appropriate support. A range of barriers affect, for example, how disabled people are treated within the system, and how gender issues are considered to ensure equality.

Communication barriers affect people requiring communication support such as British Sign Language and people with visual impairment. They can affect people with dyslexia or learning disabilities and people who are finding the situation stressful or confusing. They can also be caused by the use of complex language and jargon.

Organisational barriers can arise because of the ways in which services are organised, the timing of events or appointments, or the inflexibility of officials' working patterns. This may be particularly relevant for people with caring responsibilities and disabled people.

Physical barriers are created by physically inaccessible buildings, raised kerbs or uneven pathways. These barriers impact particularly on disabled people and older people, and on people with prams and buggies.

Transport barriers are created by inaccessible or unavailable public transport and lack of parking spaces. Concern about personal safety while using public transport can be a significant barrier for some people.

Financial barriers affect people who have restricted access to earned income and those who have extra costs. We know that disabled people and minority ethnic groups are more likely to live in poverty. There may also be issues, particularly because of UK welfare reform, which disproportionately affected women.

Environmental barriers can result from unfamiliar or crowded places, poor signage, or poor lighting. For some people, the environment can also affect their sense of personal safety and this may be a particular concern for both women and men, disabled people, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, and minority ethnic groups.

As we develop the new social security system for Scotland, we want to hear your views about how we best address these and other barriers going forward.

Summary of key equality considerations

This partial EqlA is organised by benefit. We decided to take this approach because each of the benefits being devolved is different, with its own equality concerns.

When published, the full EqlA will also include an overview by protected characteristic. **You are very welcome to send us suggestions for issues we should consider in terms of such an overview.**

In addition to the discussion of each benefit, we also consider the introduction of the new social security agency appeals and tribunals issues, here. **If there are other issues/topics you would like us to consider in the full EqIA, please let us know.**

A summary of the main benefits to be devolved to Scotland is provided on the next page. These reflect the benefits as they are at present and do not refer to any planned changes to be made by the Scottish Government. Changes that have already been proposed are, however, discussed in the main section of this EqIA.

We already know that the information recorded by DWP for benefits to be devolved is not sufficient to make an informed assessment of equality impacts. In developing the data specification for new Scottish benefits, we will seek to gather more information so that we understand impacts better in the future. Gathering more information will need to be carefully balanced with the length of form and ensuring the dignity and respect of the applicant.

Please note that Severe Disablement Allowance is not discussed in this EqIA. That is because this benefit is closed to new entrants and no changes will be made to it, except that it will be administered by the new Scottish social security agency.

Benefit to be devolved to Scotland

Group	Benefit	Primary Purpose
For carers, disabled people & those who are ill	Attendance allowance	To help with personal care for individuals aged 65 or over with a physical or mental disability.
	Carer's Allowance	To help an individual look after someone with substantial caring needs. To be eligible the individual must be 16 or over and spend at least 35 hours a week caring for them.
	Disability Living Allowance	Help if your disability or health condition means one or both of the following are true: <ul style="list-style-type: none"> You need help looking after yourself You have walking difficulties DLA is closed to new working age claimants and being replaced by PIP.
	Personal Independence Payment	Helps with some of the extra costs caused by long-term ill-health or disability for individuals aged 16 to 64. Replacement for DLA for working age individuals.
	Industrial Injuries Disablement Benefit	For individuals who are ill or disabled as a result of an accident or disease caused by work or while you were on an approved employment training scheme or course.
	Severe Disablement Allowance	For working age individuals who are unable to work due to illness or disability. SDA is closed to new entrants
Currently part of the Regulated Social Fund	Cold Weather Payment	A payment for individuals on certain benefits when the temperature is either recorded as, or forecast to be, an average of zero degrees Celsius or below over 7 consecutive days.
	Funeral Payment	For individuals on low income and needing help to pay for a funeral they are arranging.
	Sure Start Maternity Grant	A one off payment of £500 to help towards the costs of having your first child for individuals who are in receipt of certain benefits.
	Winter Fuel Payment	A tax-free payment to help pay for heating bills if you were born on or before 5 July 1952 (Current SPA for women).
Other	Discretionary Housing Payments	Additional help for those in receipt of Housing Benefit and having difficulty meeting their rent payments. Paid at the discretion of the LA.

A. A NEW SOCIAL SECURITY AGENCY

A new Scottish social security agency was announced as being under development in March 2016. The configuration of the agency is currently under consideration. A key element of the new system will be to establish a new agency to administer social security payments. Although the decision to establish an agency should not in itself have a direct impact on equality, how the agency is set up – including how engaged representative groups are in the process - and the operation of the agency have the potential for considerable equality impact.

We have therefore taken advice from Scottish Government's own Public Bodies Unit and have become members of the New Public Bodies Network. This engagement will ensure that we are kept apprised of any and all requirements and benefit from experience and best practice. We are also engaging with equality leads within government to gain their insight and build links with other organisations out with the Scottish Government. And, as stated at the outset of this EqIA, we are already engaging with equality representative groups and will continue to do so as the agency is established.

The agency will, of course, be required to meet all public equality requirements but we will go further. Ministers are already reflecting that this agency must be an exemplar of equality for the Scottish public sector, both in terms of the support provided to all people across the protected characteristics and in terms of employment opportunities offered. This is in line, again, with published commitments of the Government in "A New Future for Social Security in Scotland"⁶².

A Scottish agency being established will not necessarily lead to more benefit payments being made to individuals and cannot, by itself, resolve long-standing equality concerns. However, our commitment to establish a Disability Benefits Assessment Commission is evidence of an ambition to advance equality. The Commission will make recommendations and develop guidance on how often assessments should take place, what conditions should be given an automatic and/or a lifetime award, and what eligibility criteria should be. The agency will operate in accordance with the vision and principles already established for social security in Scotland. This will help provide better support for those in receipt of benefits, treating them with dignity and respect and enabling more accessible systems, which in turn could have positive impacts on benefit uptake – for both devolved and reserved benefits.

⁶² <http://www.gov.scot/Resource/0049/00496621.pdf>

There will be employment opportunities created in the establishing and running of the Agency, and the delivery of social security in Scotland will add to the public sector landscape in Scotland.

B. THE MAIN DISABILITY BENEFITS - DLA, PIP, AND AA

Benefits that support disabled people with the additional costs of their impairment or health condition are being devolved to Scotland. The main benefits are Disability Living Allowance, (DLA), Personal Independence Payment (PIP) and Attendance Allowance (AA). These benefits serve to recognise that impairments and long-term health conditions require additional costs - cash benefits help address some of this inequality and are also intended to support health, wellbeing and social inclusion.

In November 2015, 309,540 individuals were in receipt of DLA, while 128,800 individuals received AA in Scotland. DWP has published more recent statistics for PIP: in January 2016, 73,219 individuals were in receipt of PIP. Women are more likely to be in receipt of AA (65% - 35%) and PIP (55% - 45%), but DLA levels are broadly similar (51% - 49%). (see Table).

Recipients of DLA, PIP and AA in Scotland by age and sex

	DLA	PIP*	AA
Age			
Female	51%	55%	65%
Male	49%	45%	35%
Sex			
0-15	11%	--	--
16-34	11%	20%	--
35-49	15%	29%	--
50-64	29%	46%	--
65-74	22%	5%	17%
75-84	10%		47%
85+	1%		36%
Total	100%	100%	100%

* An age breakdown is not available for PIP recipients aged 65 and over

DLA, PIP and AA are benefits paid weekly to disabled people to help meet the additional costs of living with a disability, impairment or long-term health condition. DLA is for people under 16, PIP is for people aged 16-64, and AA is for people who become disabled at 65 or over. Some people aged 16-64 are still getting DLA, but this is gradually being replaced by PIP. Depending on when they became disabled, people aged 65 and over could receive DLA, PIP or AA.

Much of the move of working age DLA recipients to PIP has yet to happen and in November 2015 only 11% of DLA claimants were aged under 16, 56% were aged 16-64 and 33% were aged 65 or over. Almost all PIP claimants were aged between 16 and 64. Almost half of AA claimants (47%) were aged 75-84 and over a third (36%) were aged 85 or over. (see Table)

To be eligible for DLA or PIP, applicants must have personal care needs and/or difficulty with walking because of physical or mental health issues. AA is paid on the basis of personal care needs only.

DLA and PIP have two components with levels within them for care and mobility needs. AA has one component paid at two levels. The table overleaf shows the components and rates.

These benefits are received by over 500,000 people in Scotland with an annual expenditure of over £2.1 billion.

Children (aged under 16) in receipt of DLA are more likely to be boys (70%) than girls (30%).

For working age adults the situation is more complex. Between the ages of 16 and 39 men are more likely than women to receive DLA and from 40 up women are more likely than men. Overall around 52% of working age DLA recipients are women. For PIP the picture is a little different – women make up a larger proportion than men for all ages from 25 up. Overall around 45% of working age PIP recipients are men.

The majority of pensioners receiving these benefits are women – related to the higher female life expectancy.

The current structure of the benefits means that people over 65 who become eligible for support can only qualify for care and living support and not mobility. The lack of mobility component for people who start to claim a disability benefit over the age of 65 is a negative impact and one which we are considering as part of the consultation and wider policy development process.

Benefit	Weekly Award
DLA	
Care Component	
Highest	£82.30
Middle	£55.10
Lowest	£21.80
Mobility Component	

Higher	£57.45
Lower	£21.80
PIP	
Daily living component	
Enhanced	£82.30
Standard	£55.10
Mobility Component	
Enhanced	£57.45
Standard	£21.80
Attendance Allowance	
Higher Rate	£82.30
Lower Rate	£55.10

Rates correct as at June 2016, Source DWP

Scottish Ministers are committed to maintaining the level of the disability benefits for individuals and raising them by at least the rate of inflation, using the Consumer Price Index as a starting point, once the powers are transferred. We have also committed to ensure that no child currently claiming DLA will have to be reassessed for PIP until they turn 18.

In the short term, a secure and smooth transition to devolved disability benefits payments, ensuring that transfer arrangements are well communicated and every recipient continues to receive their benefits, will be our absolute priority. But we are still committed to making improvements as soon as practicable, for example – a consistent theme from engaging with people over the past year has been that there should be a transparent and easy-to-access process of application, assessment/consideration⁶³, decision-making and award for people claiming the benefits. We want to make sure that the process from start to finish is clear and accessible, and that people understand how and when their claim will be dealt with.

We also have bold aspirations for the longer term. For example, we want to ensure that disability benefits work as effectively as possible with other devolved services such as health and social care and housing, and to explore the potential for a ‘whole-of-life’ disability benefit that is responsive to people’s needs at different stages of their lives. A single benefit across the age range could remove arbitrary age-related requirements for people to re-apply for a different benefit – for example, it might not be necessary for everyone to apply for a new benefit when they reach a specific age. A whole-of-life approach would allow a more person-centred approach to

⁶³ Where we use the phrase assessment, we mean some form of appraisal of eligibility, wherever possible this will not be conducted on a face-to-face basis.

reassessments and potentially offer a secure and more flexible benefit for disabled people.

At this stage of our policy development we are not aware of any impacts on gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation from introducing these benefits into Scotland. Our proposals to smooth age-related transitions should have a positive impact in relation to age and disability; however it is too early to assess the overall impacts of the policy decisions we may make in the future.

Engaging with people affected by the benefits and the organisations that support them has been and will continue to be a critical part of policy development creating options for how the system can be improved. Key organisations are Inclusion Scotland, Glasgow Disability Alliance, Lothian Centre for Inclusive Living, the Health and Social Care Alliance and Age Scotland.

These benefits are not income replacements and are not means tested but they provide a vital level of support for additional costs for such as additional heating, transport, therapies, clothing, diet and promoting independent living and social inclusion. It is a stable weekly cash benefit that can contribute to family and household costs. We know that there are significant proportions of disabled people living in poverty and while these benefits are not designed to tackle poverty, they will provide an important contribution to some of the additional living costs that disabled people may incur. The weekly cash benefits range from £21 to £139.75 dependent on the award, and are associated with financial premiums attached to Housing Benefit, Employment and Support Allowance, Tax Credits and also services like the Blue Badge Scheme and local concessions.

These benefits have a positive impact on disabled people and families with a disabled child by adding to their weekly income. Ministers are committed to maintaining the level of the benefits.

We are also consulting on how we might enable recipients of the benefits to reduce their outgoings in areas where disabled people may have additional costs. Specific areas we are considering are transport, where we plan to continue to support the current Motability scheme, and the potential to offer reduced energy tariffs for recipients of disability and carer benefits.

C. INDUSTRIAL INJURIES DISABLEMENT BENEFIT

Industrial Injuries Disablement Benefit (IIDB) provides financial support to people who have become ill or disabled through the course of work. IIDB is paid weekly to workers who are injured or who contract certain “prescribed diseases” through work,

such as asbestosis. The amount payable varies according to the degree of disablement, but must be above a certain threshold. IIDB can be claimed alongside other disability benefits.

In the third quarter of 2015, 26,780 individuals were in receipt of IIDB. The majority of recipients were men. In Scotland, 81% of new claimants were men, 19% were women. In terms of age breakdown, around 58% of people receiving the benefit across Great Britain are 65+.

IIDB can be claimed on top of DLA, PIP and AA, contribution based benefits and the State Pension. Income is not taken into account for eligibility, but IIDB is counted as income against means tested benefit such as Income Support, Housing Benefit and Working Tax Credits. So, the benefit will provide additional income for many recipients. For some people on low income who are reliant on income replacement benefits, financial support gained by IIDB will not translate into increased income. Income related benefits are reserved to the UK Government.

Our IIDB Advisory Group includes the Child Poverty Action Group and Clydeside Action on Asbestos which represents the interests of people made ill and disabled by contact with asbestos. The Disability Benefits Reference Group, which includes numerous organisations representing disabled people including Inclusion Scotland, has provided feedback on the IIDB questions within the consultation. We have spoken to recipients of IIDB in developing our approach and will expand this through the Social Security User Panels.

We intend to gather data on all the protected characteristics, and other groups who may find it challenging to access the benefit - for example, people in prison or people with no fixed address. Where evidence suggests particularly groups are unfairly underrepresented, we will consider whether action is appropriate to redress the balance.

D. CARER'S ALLOWANCE

Carer's Allowance provides financial support and recognition for those who have had to give up or limit their employment or study because of caring responsibilities. It is currently £62.10 per week and can be paid every 13 weeks, every 4 weeks or weekly. There are certain eligibility criteria - a recipient has to be 16 or over, spend at least 35 hours a week caring for a person who qualifies for specified disability benefits⁶⁴, not be in full-time education or earn more than £110 per week (after deductions). It can be paid alongside other benefits although certain rules apply.

⁶⁴ Personal Independence Payment - daily living component; Disability Living Allowance - the middle or highest care rate; Attendance Allowance; Constant Attendance Allowance at or above the normal

Evidence shows that 49% of carers left work to care with a further 23% reducing their hours and 17% accepting a less highly qualified job or turning down promotion.

In November 2015, 67,050 people were in receipt of Carer's Allowance to help them look after someone with substantial caring needs. Of those, 68% were women and 32% men. Over half of claimants were aged 40 to 59. 250 claimants were young people under 18. Any changes to Carer's Allowance will likely, therefore, affect women and older working age people most.

The Scottish Government has already committed to increase Carer's Allowance to the rate of Jobseeker's Allowance – currently £73.10 p/week - and to consider the introduction of a Young Carer's Allowance for those with significant caring responsibilities. This should help those on low incomes. A survey by Carers UK (2016) found that 48% of carers are struggling to make ends meet, and of those, 41% are cutting back on essentials like food and heating and 10% are falling into arrears with housing and utility bills. The increase in the benefit should also impact positively on women, who are the majority of carers, and potentially young people, depending on the outcome of the policy development. It may also foster improved relationships between young carers and the people they care for, who tend to be older.

There is also a commitment to increase Carer's Allowance for people who care for more than one disabled child to recognise higher costs. Again, because the majority of carers are women, this should advance equality for women, but also improve equality of opportunity for those disabled children affected.

The above assessment considers claimants. However, there are around 745,000 unpaid adult carers in Scotland providing care to one or more people – 17% of the adult population – and an estimated 44,000 young carers in Scotland aged 4 to 17. Overall 9% of carers are white Scottish / British / Irish population, compared to 5% of other ethnicities.

In order to improve uptake of Carer's Allowance, we intend to gather evidence against the protected equality characteristics, where possible, and on particular groups who may find it challenging to access the benefit. We have also established a Carer Benefit Advisory Group. The group includes MECOPP (Supporting Black and Ethnic Minority Carers) and Carers Scotland representing young carers. Our Expert Members Panel, which supplements the Advisory Group, includes the Child Poverty Action Group and NUS Scotland. Discussions on Fairer Scotland included Carers Scotland facilitating, on our behalf, a carer benefit specific session with the

maximum rate with an Industrial Injuries Disablement Benefit; Constant Attendance Allowance at the basic (full day) rate with a War Disablement Pension; Armed Forces Independence Payment

women's organisation Engender. As part of the consultation on the Social Security Bill we will focus on specific groups, including young carers.

E. WINTER FUEL PAYMENT

Winter Fuel Payment (WFP) is a benefit that is paid to people who are over the current female state pension age (regardless of gender) to cover the costs of heating their home over the winter months. In 2014/15, 1,076,870 people in Scotland received a WFP.

The rate for WFPs is currently set at a maximum of £200 a year for recipients who are younger than 80 and at £300 for those who are 80 or older. Recipients who live with their partner usually receive half of that amount each, ie £100 if younger than 80 and £150 if 80 or older. People aged 80 or over receive £200 if their partner is younger than 80, thus their household entitlement still amounts to £300. People in care homes receive the reduced allowance of either £100 or £150 depending on their age.

The eligibility criteria for WFPs, as they currently stand, mean that clearly, they are of particular benefit to older people. Within this group, as they comprise a higher proportion (55%:45%) of the population, women receive a higher proportion of the benefit of WFPs, compared to men.

However, the 2016 SNP manifesto contained the following commitment on WFPs:

“We'll extend eligibility for Winter Fuel Payment to families with children in receipt of the highest care component of the Disability Living Allowance. We'll also make payment early for those who are off grid, so they can take advantage of lower prices”.

Implementing the first of the two manifesto commitments noted above would be of particular benefit to families with children in receipt of the highest care component of DLA⁶⁵. As it is a condition of eligibility for the higher rate of DLA that the child must be in need of help or supervision through both the day and night, or be terminally ill, it is likely that in such households, the main carer and child would be in the home more of the time, and/or require the home to be heated to a higher temperature. This leads to higher fuel bills, and higher risk of fuel poverty.

In March 2011, the Scottish Government published a report, [Experiences of Muslims Living in Scotland](#)⁶⁶, which noted: “research has suggested that South Asian families

⁶⁵ In November 2015, 13,920 children qualified for the highest care component of DLA was 13,920. Of these, 9,820 (71%) were boys and 4,050 (29%) were girls.

⁶⁶ <http://www.gov.scot/resource/doc/344206/0114485.pdf>

with disabled children experience discrimination and disadvantage in accessing the health and care services needed (Bywaters et al 2003). A report from the Disability Rights Commission, citing statistics assembled by the General Registrar's Office for Scotland, noted that the proportion of children aged 10-15 years with limiting long-term illnesses, was higher among Pakistani, Bangladeshi and other South Asian households, and within Afro-Caribbean communities, compared to white households. This suggests that extending eligibility of WFPs has the potential to be of particular benefit to certain minority ethnic communities.

Implementing the commitment to make earlier payments to eligible households who are off-grid, could be of particular benefit to low income households in rural areas, where the cost of fuels such as heating oil, coal etc is a significant contributory factor in the higher levels of fuel poverty found in these areas.

As with other universal benefits, under current eligibility criteria, people on lower incomes gain more from WFPs in relation to their income, than do higher income households.

F. COLD WEATHER PAYMENTS

Cold Weather Payments (CWPs) are paid to households in receipt of certain benefits, when the temperature is either recorded as or forecast to be an average of 0°C or below over seven consecutive days. In 2014-15 136,000 payments were made to 119,000 recipients. Just under half (47%) of the recipients were older people in receipt of Pension Credit. The Scottish Government has no current proposals for change in respect of CWPs.

As CWPs are restricted to households on certain benefits, they are of particular benefit to lower income households. There has been some criticism that the "trigger" for the payments to be made, slightly favours households in the east of Scotland, compared to the west, due to weather patterns (with winters in the west of Scotland being in general slightly more wet and windy, while the east is colder but drier).

Given the higher prevalence of lower income and deprivation in the west, it may be that Ministers will wish to review the formula set out above.

G. BEST START GRANT

The Best Start Grant (BSG) is a new benefit that provides support at key transitions throughout early years, replacing the Sure Start Maternity Grant, which is a less generous maternity grant.

Availability of the Sure Start Maternity Grant is not limited to the mother, as family members of the mother can apply for and receive the grant. While we have no data from DWP about the makeup of the claimant group, we expect that in the majority of cases the claimant is the mother.

Throughout the policy development process, we have consulted a wide range of stakeholders including those with specific equality and poverty perspectives such as Engender, One Parent Families Scotland, Inclusion Scotland and the Child Poverty Action Group.

The benefit supports a particularly high proportion of pregnant woman and new mothers. We do not consider that replacing the Sure Start Maternity Grant with the BSG will have any negative impact on people who share protected characteristics. Indeed, by re-introducing a payment to second and subsequent children, the allowance will provide increased support for larger families who are more likely to be in poverty and to have minority ethnic origins.

Young children more generally are also likely to benefit, as the allowance may be used to buy basic, essential items through the early years. Disadvantage begins before birth and continues in a child's earliest years, and can have lifelong negative effects on their health and wellbeing. By providing increased financial support to low income families, the BSG will mitigate the effects of child poverty, helping to improve outcomes for children including reducing health inequalities and closing the attainment gap.

We are exploring opportunities to use the contact with pregnant women and new mothers through BSG to signpost to other relevant support. For example, there is evidence that pregnant women are more likely to face discrimination from employers, according to [research carried out by the Equality and Human Rights Commission](https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings).⁶⁷ There is also an opportunity to consider the way in which the grant is provided - for example, provision of adapted items instead of cash might benefit some disabled people. Accessible application systems and better integration with relevant services such as the family nurse partnership should improve take up for younger parents.

H. FUNERAL PAYMENTS

Funeral Payments are designed to help those on qualifying low income benefits pay for a funeral and reduce the need to borrow money through high cost loans, credit cards, or through informal routes. Reaching more people with the payment should result in reduced unsustainable debt and reduced stress for families, allowing for a

⁶⁷ <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-research-findings>

natural grieving process. We are also progressing a range of other activity intended to help people plan ahead for funeral costs and address rising funeral costs.

There is limited data from the DWP about who receives Funeral Payments at present. Published information shows that in 2015, 37.9% of awards were made due to receipt of Pension Credit, suggesting that, perhaps not surprisingly, older people are frequent users. Within this group, it is likely that more women will receive this benefit, as they make up higher proportion (55%:45%) of the older population compared to men.

We know that some faith groups provide for their own funerals and are less likely to use the benefit. The speed of processing may be an element in this. The way that burial costs are calculated may also disadvantage faith groups that have a limited choice of burial grounds.

We are committed to reaching more people with the Funeral Payment and to speeding up and simplifying the process to make it more predictable. Designing the new process will give us an opportunity to ensure that it is properly promoted by relevant services and to reflect the needs of equality groups. We have therefore engaged with a range of stakeholders and have established a Reference Group to advise on the development of the Funeral Payment. Membership includes representatives from: Citizens Advice Scotland, CPAG, bereavement organisations, money advice organisations, financial services providers, local authorities, the NHS, Scottish Older People's Alliance and faith groups.

I. UNIVERSAL CREDIT FLEXIBILITIES

This consultation contains questions on two further flexibilities re Universal Credit (UC) in Scotland: managed payment of rent to private sector landlords and split payments.

Managed Payment of rent in the private sector.

This policy aims to give UC claimants, who are tenants in the private rented sector, the option of having the rent element of their UC paid direct to their landlord. This option will be available to all claimants and will mean tenants in the private sector will have the same option as tenants in the social sector.

When UC is fully rolled out in Scotland, it is estimated there will be up to 700,000 claimants, though not all those will be householders.

Our initial assessment has identified no negative impacts for equality from managed payments of this kind. We are not aware of opportunities to deliver managed payments in any other way that would further progress equality.

Both UC flexibilities will help those on low incomes. Although they do not increase the amount of income coming into a household, they will help people to manage the household budget and avoid rent arrears, protecting tenants from eviction.

Split Payments for UC

UC is designed to be paid in one monthly payment per household. This payment includes all the elements that make up UC, including for dependent children. A couple claiming will need to nominate who is to receive the payment and what bank account it is to be paid into. This means that the main carer, often the mother, may not receive any of the UC directly.

This is a change from the current system where the main carer often received the child tax credits. It could be seen as a retrograde step for women, because in some cases it will essentially remove women's independent income. Single payments could also have negative impacts on children and other people who receive care from one member of the family, e.g. a disabled relative, if the main carer does not receive their own independent income.

Some stakeholders argue that all UC payments should be split between members of a household by default.

The consultation document itself asks if UC should be split between members of a household in all cases or if claimants should have a choice. Either of these policies could have a positive impact for women, although there may be issues for some women in households where they do not feel able to press for a choice – for example, because of the threat or experience of domestic abuse.

J. UNIVERSAL CREDIT HOUSING ELEMENT

This consultation asks for views on the Scottish Government's powers over the calculation of the housing element of UC. In Scotland, of the 23,300 households on UC, 8,800 (38%) have a housing [element](#).⁶⁸

We expect that using the UC powers to abolish the bedroom tax will have a positive impact for people on low incomes and we would want to ensure that any further

⁶⁸ <https://www.gov.uk/government/publications/universal-credit-data-on-alternative-payment-arrangements>

changes by the Scottish Government to the housing element of UC did not have any negative impacts for equality.

K. DISCRETIONARY HOUSING PAYMENTS

Discretionary Housing Payments (DHPs) provide support to people on Housing Benefit or the housing element of Universal Credit who need help to meet their housing costs. DHPs are often used to help people affected by aspects of welfare reform including the bedroom tax, which disproportionately affects disabled people, and the benefit cap, which mostly impacts families.

As we propose that DHPs continue to operate in the same way once they are devolved, we do not expect this to have an impact on the protected characteristics for equality.

The Scottish Government will have full control over the allocation of DHP funding, providing the opportunity to distribute funds according to need and in line with its priorities. The SG will continue to use DHPs to fully mitigate the bedroom tax for affected households in Scotland.

DHPs help those on low incomes by providing them with support to help meet their housing costs, such as funding to cover a shortfall in rent or to help with a deposit. They can be used to help those whose income has been further reduced by the impacts of welfare reforms. Support is awarded at the discretion of the local authority and can be short-term or long-term depending on the circumstances of the individual.

We expect that following the devolution of DHPs, they will continue to have a positive impact in helping people on low incomes who are experiencing difficulty meeting their housing costs.

L. JOB GRANT

The job grant is a new benefit, aimed at young people aged 16-24. The grant will help young people who have been unemployed for over six months but who are now starting work. The grant is a one off payment of £100, or £250 if the person has children, plus a three-month bus pass. We estimate that it will help between 6,500-8,500 young people per year.

Because this is a new benefit, we do not have a clear sense of how it might impact on protected characteristics. However, its focus on 16-24s reflects the idea that it is important to support young people as they start out on, or resume, their working

lives, particularly because the early effects of spells of unemployment can be damaging for younger workers over the longer term.

We expect that a greater number of men than women would receive job grant awards and the breakdown to be in the region of 70% to 30%. This is because a greater proportion of those who are unemployed and those who claim Jobseeker's Allowance are men and this is also true for the 16-24 age group. However, the larger payment for a person with children is likely to be helpful for younger women in particular, as women tend to be primary carers for children. This might be expected to be particularly helpful for lone parents.

The job grant does not provide help to older workers, some of whom may find it difficult to get back into work after a period of unemployment. However, it is our view that younger workers are particularly disadvantaged by long spells of unemployment, not least because they may not already have suitable clothes for work; and that focusing on this group is not unreasonable when resources are limited.

Disabled people under 25 may feel they need still more assistance to meet their needs than that being offered, and bus travel may be of limited help to some disabled people. We recognise the above concerns, but DLA/PIP and Motability should provide support for disabled people for the additional costs of living with disability and, for some, for transport to work. However, we will keep the scheme under review, once implemented, and will be able to make changes to it to accommodate other needs, as these emerge.

This new benefit will be of particular help to those on low incomes. When young people start work after 6 months unemployment, the initial weeks can be difficult as they wait for first wages and have to find travelling expenses: this is obviously particularly the case for those on low incomes and/or with no or few savings. This policy is designed to help young people over that period.

M. APPEALS AND TRIBUNALS

Equality considerations for the administration of devolved social security also includes the appeals system, and so is not restricted to the Scottish social security agency itself.

The appeals system for devolved benefits must be accessible to all, and must take account of all the protected characteristics when being developed and monitored. It will need to reflect and accommodate the needs of people receiving devolved benefits, who will include some of the most disadvantaged and vulnerable people in our society. It must also be able to protect rights across the protected characteristics, ensuring that particular groups are not being discriminated against in the initial decision making process.

NEXT STEPS

We recognise that there are currently some gaps in our evidence and understanding about potential impacts of some of the legislative proposals for some equality groups. Within the Bill consultation respondent information form, and below, we have asked a number of specific questions about this partial EqlA and would welcome your views and comments. These views and comments will be used to help us develop the final EqlA.

Questions

How can the Scottish Government improve its partial EqlA so as to produce a full EqlA to support the Bill? These prompts could be helpful in framing your answer:

- Are there any issues regarding the protected characteristics for equality that we need to consider in relation to our new social security powers or the new Agency?
- 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?