

SUBMISSION FORM DISABILITY AGENDA SCOTLAND

We note that, to date, evidence sessions heard by the Welfare Reform Committee have highlighted a number of recurring themes – including the complex area of eligibility for passported benefits after the introduction of the Universal Credit and the change from Disability Living Allowance to Personal Independence Payment.

Disability Agenda Scotland (DAS) welcomes the Committee's work in seeking to establish what eligibility criteria the Parliament could adopt to help mitigate some of the impact of the welfare reform programme. We believe it is important that the Committee does so, though this is particularly challenging given that there is a parallel process around the eligibility criteria currently going through the UK Parliament.

That said, DAS has had further discussions on what new eligibility criteria for passported benefits and entitlements may look like and we enclose our initial suggestions. Clearly, as many of the witnesses have recognised, the devil is in the detail with much of the reforms, and until the final details are established it is difficult to come to a definitive view.

Disability Agenda Scotland would like to offer the Committee a representative who would attend meetings of any implementation group that will be set up to mitigate the effects of the Welfare Reform Act for passported benefits.

Introduction

Founded in 1998, Disability Agenda Scotland (DAS) is an alliance of Scotland's major disability organisations. Together our experience, expertise and interests cover physical disability, sensory impairment, learning disability, challenging behaviour and mental health problems.

Working closely with the thousands of disabled children, young people and adults, families and carers involved with the member organisations, DAS aims to:

- 1 Influence public policy and legislation
- 2 Provide a forum for decision makers and influencers to obtain advice and information.
- 3 Promote a better understanding of the diverse experiences, needs and aspirations of disabled people.

DAS aims to promote the interests of disabled people whose views are hard to reach into the mainstream of public policy. Views may be hard to reach because people are not involved in consultation processes, are not included in or have no influence on lobby groups, have communication support needs which are not met or are poorly understood, or they may simply not be asked.

Members of Disability Agenda Scotland are: Capability Scotland; ENABLE; RNIB Scotland (Royal National Institute of the Blind, Scotland); Action on Hearing Loss Scotland; SAMH (Scottish Association for Mental Health); and Sense Scotland.

Passported benefits

A number of the benefits replaced within the terms of the Welfare Reform Act are known as 'passport benefits'. This is because they enable people to qualify for other entitlements. For instance, receipt of the higher rate of the mobility component of Disability Living Allowance enables people to qualify for concessionary travel and blue badge schemes.

Disability Agenda Scotland believes that there are four cohorts of people for whom future passporting needs to be considered.

- 1. People who currently qualify for passported benefits and will continue as a result of the Welfare Reform Act**
- 2. People who currently qualify for passported benefits but will lose out as a result of the Welfare Reform Act**
- 3. People who would have qualified for passported benefits under the old rules but will not qualify in the future**
- 4. Disabled People who don't currently have access to passported benefits**

Universal Credit

We agree with comments from the Scottish Campaign on Welfare Reform's submission to the Committee that "the design of new eligibility criteria for passported benefits must ensure that there is a simple structure without too many complicated rules." As such, we believe that Universal Credit claimants should qualify for available passported benefits as listed in the Annexe of the SPICE briefing on the Welfare Reform (Further Provision) (Scotland) Bill.

These include Educational Maintenance Allowance, student loan cancellation, legal aid – advice and assistance, Individual Learning Allowance, free glasses, free dental treatment, free travel to NHS treatment, free school lunches and court fees exemptions.

The introduction of the Universal Credit will see a reduction in the number of eligible claimants and spend. There will therefore be a consequential impact on the Scottish budget as fewer people are entitled to passported benefits. There is currently an absence of detailed modelling on disabled people and indeed on the Scottish budget. Detailed modelling would greatly inform subordinate legislation, guidance and regulations relating to passported benefits and entitlements.

Disability Living Allowance and Personal Independence Payment

We believe that people receiving Disability Living Allowance at present should continue to receive access to passported benefits after the introduction of the Personal Independence Payment. We would like to see eligibility for these benefits move to the following:

- **Blue Badge Scheme** – enhanced or standard rate mobility component of Personal Independence Payment
- **National Concessionary Travel scheme** – enhanced or standard rate mobility component or enhanced or standard rate care component of Personal Independence Payment

We are concerned to note that within the UK Government's second draft criteria for the Personal Independence Payment¹ the present cohort of people who receive the mobility component of Disability Living Allowance will reduce across the UK from 1,040,000 to around 760,000. This could mean as many as 30,000 people across Scotland who currently qualify for concessionary travel or blue badge could lose out.

It is vital to the independence of many disabled people that they continue to receive access to the National Concessionary Travel scheme. We believe that that Scottish Government should maintain access to passported benefits for this group of people as a bridging/transitional measure and review this at a later date. Disability Agenda Scotland would like to see the Scottish Government carry out a review of the process in 2015, in the lifetime of the implementation of the Universal Credit and the Personal Independence Payment.

We believe that people should be entitled to the Blue Badge Scheme and the National Concessionary Travel scheme on the production of evidence of receipt of Disability Living Allowance at any point between 1st April 2011 to 31st March 2013.

In our 2012 manifesto, Disability Agenda Scotland has called for local authorities to protect concessionary leisure activities and transport schemes for people who currently qualify through the Disability Living Allowance after the introduction of the Personal Independence Payment. We would like to reiterate this request and seek the support of the Scottish Government for this – through the issuing of guidance to local authorities in order to help mitigate the impact of welfare reform.

In respect to cohort 3, people who would have qualified for passported benefits under the old rules but will not qualify in the future, we believe that a number of pathways to qualification for passported benefits should be available.

These could include:

- Self-referral and written application
- Medical certificate
- Inclusion in assessment by Social Work services (see below)

Disability Agenda Scotland would also like to echo calls in Citizens Advice Scotland's evidence to the Committee for further investigation into "the dichotomy between some aspects of welfare reform and Scottish Government policy". In particular, the Committee should give a particular focus to the Scottish Government's Self-Directed Support (SDS) policy.

¹ <http://www.dwp.gov.uk/docs/pip-assessment-thresholds-and-consultation.pdf>

If implemented properly SDS will enable people to meet their own agreed outcomes and the value of passported benefits is not considered as part of their individual budget. If people lose this entitlement their outcomes may be impossible to achieve unless the local authority is able to increase their budget to meet the costs. This is at the same time that we are seeing the introduction of stricter eligibility criteria for social work services and increasing demand because of demographic and other pressures.

Existing systems that could be extended

Minimum Information Standards for Assessment and Care Planning for Adults

Social work departments provide services to adults following an assessment process. This assessment is done using Minimum Information Standards. We would like the Government to consider adjusting these so that they consider a number of passported benefits or entitlements. Furthermore, we think that consideration should be given to authorising GPs, District Nurses and other health professionals to allow them to authorise that individuals get access to passported benefits.

National Entitlement Card

Since 2006, there have been national rules for entitlement to a National Entitlement Card for free bus travel across Scotland. Eligibility for the card includes people whose ability to travel is impaired by a mental disorder that has persisted for more than a year and who need to travel in order to keep health or social care appointments or to take part in a treatment or rehabilitation.

Proof accepted includes signature of Form NCT002 (Transport Scotland, Certificate of Eligibility – Mental Health) by one of the following:

- Psychiatrist
- Community psychiatric nurse
- Educational psychologist
- Head Teacher of a Special School
- Occupational Therapist
- Mental Health Officer
- Social Worker – specialising in mental health
- Clinical psychologist
- Support Service manager
- Day Service manager

We would like the committee to consider adopting this model as one route to enable people to access passported benefits.

Conclusion

Disability Agenda Scotland (DAS) welcomes the Committee's work in seeking to establish what eligibility criteria the Parliament could adapt to help mitigate

some of the impact of the welfare reform programme. However, whilst much of the detail remains unclear, it is difficult to come to a definitive view. We invite the committee to consider some of the systems that we have proposed could be extended to achieve this aim.

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