

WELFARE REFORM COMMITTEE

THE FUTURE DELIVERY OF SOCIAL SECURITY IN SCOTLAND

WRITTEN SUBMISSION FROM THE HEALTH AND SOCIAL CARE ALLIANCE SCOTLAND (THE ALLIANCE)

How should the new welfare powers proposed by the Smith Agreement be used to improve or change social security?

The ALLIANCE has identified the following high level purposes are important to any potential new benefits system:

- Supporting people who live with long term conditions, disabled people and carers to be as independent as possible and supporting their right to live well
- Ensuring people have an adequate living standard
- Keeping people out of poverty where possible
- Addressing Scotland's significant health inequalities (which goes hand in hand with financial inequality)
- Avoiding more expensive interventions at a later date
- Supporting people through times of economic uncertainty
- Lender of last resort
- Supporting people to have a safe place to live

In addition, Scotland's National Action Plan for Human Rights¹ proposes a more systematic approach to ensure the realisation of human rights in practice. The action plan includes a commitment to underpin health and social care (and a range of other issues) with human rights based principles and approaches. The ALLIANCE strongly believes that any new welfare system should be underpinned by a human rights based approach. Therefore:

- The ALLIANCE calls a shift in perspective towards people who are entitled to disability, carers, and work related benefits.
- The ALLIANCE recommends that policy makers and the media contribute to a memorandum of understand promoting a positive use of language when referring to people who are entitled to disability, carers, and work related benefits.

Power to create new benefits and top-up reserved benefits

¹ <http://www.scottishhumanrights.com/application/resources/documents/SNAP/SNAPpdfWeb.pdf>

As we noted in our response to the Smith Commission², disabled people, people who live with long term conditions and unpaid carers often experience the impact of a disjointed and complex welfare benefits system. Our members have expressed concern that this would be exacerbated by a welfare system that is partially devolved.

By limiting the scope of policy discretion available to create new benefits or to top-up benefits, the ALLIANCE cautions that there is the potential to introduce further complexities to the social security system and create interdependencies which will have to be carefully managed to avoid a more inaccessible system for people who use support and services.

Disability related benefits

The UK Government's central assumption for the change from Disability Living Allowance to Personal Independence Payments (PIP) is a 20% reduction in caseload and expenditure once fully rolled out. This would lead to 70,000 disabled people in Scotland losing their eligibility to this support and also to passported benefits, such as blue badges, national concessionary travel schemes, and in some circumstances their carer's eligibility for Carers Allowance.

Our long standing fear is that, like the Work Capability Assessment before it, PIP assessments take place in a context in which applicants do not necessarily fully understand the criteria on which they are being assessed, or the particular significance of the answers they give. This means that power resides with assessors, immediately putting claimants at a disadvantage.

Whilst acknowledging that future Scottish Governments will have to find a method by which they will establish eligibility for disability benefits in future, we believe that this must follow these underpinning principles:

- Committing to finding a **person-centred solution** that seeks the best outcome for people (even where this does not include eligibility to disability benefits).
- Taking a **Human Rights Based Approach** focused on the outcomes that matter to people – rather than focusing on the outcome that matters to the system itself (i.e. saving money). Human Rights Based Approaches provides a fair, robust and legal basis for decision making and budgeting, particularly when public finances are constrained.
- **Accessible information** provided in a format that suits the individual's long term condition/disability (e.g. easy read). This must be provided both before and after the assessment.
- An approach which is not based on targets for assessors but on **accuracy of assessment** and avoiding the costly errors which result in lengthy appeals processes.

² http://www.alliance-scotland.org.uk/download/library/lib_54536c5a74736/

- **Trained staff**, aware of fluctuating needs, with an understanding of conditions outside of their own specialisms (e.g. understanding mental health).
- **Greater flexibility** in terms of venues of assessments and timings.
- Appropriately funded **advocacy support** linked to the assessment process, which learns from the ALLIANCE and Scottish Independent Advocacy Alliance's Welfare Advocacy Support Project (see Case Study).
- **A realistic and positive portrayal** of the value of social security from politicians.

Case Study: Welfare Advocacy Support Project

The ALLIANCE and Scottish Independent Advocacy Alliance (SIAA) are funded by the Scottish Government to deliver a one year pilot advocacy project in four areas of Scotland (Dundee City, Forth Valley, Glasgow, Midlothian/City of Edinburgh) from May 2015 to June 2016. The project is specifically tailored to support people with mental health problems, neurological conditions and learning disabilities.

The project aims to show the value that advocacy support **during assessment processes**. We believe that advocacy can:

- Provide an enhanced level of support for people during assessment processes.
- Go some way to empowering people in an inherently unequal situation.
- Acts as a barrier to inappropriate conduct by assessors.
- Enables a witness to inaccurate recording of findings in such processes.

As at 1 August 2015, the four areas had collectively received 100 referrals (40 in relation to Employment and Support Allowance and 60 in relation to Personal Independence Payment).

People are surveyed at the start of their engagement and at their final meeting about the way they are feeling about the assessment/felt at the assessment or afterwards with findings so far showing a positive impact on preparedness for assessment, ability to communicate at assessment, reduced stress and improved wellbeing.

Links to social care

Many social care services rely on contributions from the people who receive them, often through receipt of welfare benefits such as Disability Living Allowance (DLA). In the fiscal year 2009-10 local authority income from charges for social care services was £228m. Income for "non-residential services" amounted to £42.6m; 3% of the £3.6b gross expenditure on social care in Scotland.

To improve the integration of benefits and the social care system, the ALLIANCE believes that:

- Disability related benefits should no longer be required to contribute to the cost of social care. The ALLIANCE opposes charging disabled people for care received from the state. Disability Living Allowance is intended to meet costs of socially constructed barriers to inclusion. However, evidence from the Learning Disability Alliance demonstrates that charges have had a negative impact on their ability to seek or keep work. We believe that removing the ability of social services to charge for social care based on DLA income will increase people's
- There should be a longer period between re-assessments of Personal Independence Payments for individuals, for whom their condition implies life-long personal or practical support.
- An individual's request for assessment for either disability/carer benefits or social care support should trigger proactive engagement from the other agencies, e.g. local authorities or DWP.

Universal Credit

Many people who live with long term conditions already live in poverty or close to the poverty line. 60% of households containing at least one person who is disabled or who lives with a long term condition have an annual income of £15,000 or lower. Not only do they experience higher levels of unemployment, those that are in work are also more likely to occupy lower-status, less secure jobs.

At the same time, many people who live with long term conditions are able to work but require support to manage their condition. Much of this support is under threat as a result of public service cuts. To improve the life opportunity for people on Universal Credit, the ALLIANCE believes that:

- It is crucial that people who will be affected by the welfare reform have all the information necessary to apply for and be responsible for the benefits to which they are entitled.
- There should be clear, accessible advice for people in Scotland who are entitled to the passported benefits that accompany welfare as there will be a considerable complexity in the transformation from the current to the new system of Universal Credit.
- People should have adequate preparation of the changes to their specific circumstance and the Scottish Government should be committed to supporting individuals during the 'cooling off' period if it is likely that individuals will stop receiving benefits, both Universal Credit and PIP.
- People should be fully advised of the financial implication of receiving monthly benefits and supported with budgeting arrangements if this poses a difficulty to them.
- The sanctioning regime for ESA and JSA should be reserved only for those who consistently and deliberately refuse to engage in meaningful job search.

Work Programme and Work Choice

The current employability landscape in Scotland is multifaceted and diverse. While training for employment is a shared responsibility between the UK and Scottish Governments, employment services are reserved to the UK Government. In 2011, the Christie Commission concluded that the interface between reserved and devolved policies on employability (i.e. job search and support services) has compromised the achievement of positive outcomes and the extent to which this work has been coordinated at the local level. For this reason, it stated that the full devolution of competence for job search and support to the Scottish Parliament is required to achieve the integration of service provision in the area of employability.

Our members have called for a person centred approach to helping people into employment. Many people have poor experiences of employment programmes and the limitations of Job Centre Plus advisors. Tailored support must be available for people who live with long term conditions that recognises their individual needs.

Lived experience

“After losing out at a tribunal for Employment and Support Allowance, I had to sign on for Job Seekers Allowance to maintain my National Insurance and Pension Contribution. Due to my health condition I had to deal with a Disability Advisor.

The pressures that were put on me to look for work were extremely unfair. There was a constant threat of sanction if I did not complete my weekly tasks and I was scolded for having to re-arrange an appointment for later on the same day, due to a family funeral. I ended up going self-employed so I could work around my health. There was not a lot of information available about this when dealing with my Disability Advisor at Job Centre.

I was assigned onto a course for single mothers about setting up my own business as there was nothing available for people with health conditions.”

In implementing the new devolved settlement, the ALLIANCE calls for a commitment to ensure that the best outcomes for people who use support and services (including a smooth transition process) are the driving force behind the agenda, rather than structural change. To achieve such change, the ALLIANCE believes:

- Work programmes should be replaced with more personalised support for those who require person-centred approaches to finding and maintaining employment opportunities.

- The Sayce review³ recommendations of Access to Work should be implemented in full to: provide information on employer's record of support, make peer advice available, upskill employers on good practice and support available and empower job seekers to seize opportunities while supporting employers to tap into available talent.
- There should be a concerted effort to increase Apprenticeship opportunities to disabled young people and those who live with long term and multiple conditions.

APPENDIX

About the ALLIANCE

The ALLIANCE is the national third sector intermediary for a range of health and social care organisations. The ALLIANCE has over 1,200 members including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals. Many NHS Boards and Community Health and Care Partnerships are associate members. Our vision is for a Scotland where people who are disabled or living with long term conditions are and unpaid carers have a strong voice and enjoy their right to live well.

We welcome the opportunity to input the Scottish Parliament's thinking on how the new welfare powers proposed by the Smith Agreement be used to improve or change social security in Scotland. The ALLIANCE previously also input responses to calls for evidence to phase one⁴ and phase two⁵ of the Scottish Government's Expert Group on Welfare.

The ALLIANCE has three core aims; we seek to:

- Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

³ Getting in, staying in, and getting on; Liz Sayce 2011

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49779/sayce-report.pdf

⁴ http://www.alliance-scotland.org.uk/download/library/lib_5139f4007e672/

⁵ http://www.alliance-scotland.org.uk/download/library/lib_52aac525a83d8/