

# WELFARE REFORM COMMITTEE

## THE FUTURE DELIVERY OF SOCIAL SECURITY IN SCOTLAND

### WRITTEN SUBMISSION FROM THE NATIONAL DEAF CHILDREN'S SOCIETY

This response will focus on the devolution of power to implement Disability Living Allowance (DLA) and Personal Independence Payment (PIP) to Scotland, as outlined in the Smith Agreement.

#### **Background**

- 1.1. The National Deaf Children's Society (NDCS) is the leading charity in Scotland dedicated to creating a world without barriers for deaf children and young people. In Scotland, we have a dedicated team based in Glasgow and led by Heather Gray, Director for Scotland and Northern Ireland.
- 1.2. NDCS provides a dedicated Family Support Service across the country. Our early year's project, Your Child, Your Choices, delivers family sign language courses across specific geographical locations. NDCS also commissions research to inform the sector and provides training for professionals as well as running a programme of events and activities for deaf children and their families aimed at building skills and confidence.
- 1.3. NDCS also carries out policy and campaigning work, aiming to ensure deaf children and their families are a political priority in Scotland, and that their rights are realised.
- 1.4. NDCS is funded entirely from voluntary income and trusts and foundations in its delivery of services in Scotland.

#### **2. Context**

- 2.1. DLA and PIP are vital for families of deaf children. It can help with purchasing of equipment, communication support and transport costs to and from appointments. Cuts to DLA or tightening of eligibility criteria could leave many families unable to pay for the extra support their children need, leaving their children vulnerable to isolation, bullying, low levels of achievement, and unemployment and poverty in later life. Deaf children already have significantly poorer life outcomes than their hearing peers.
- 2.2. NDCS is concerned that the development of a new social security system in Scotland may be constrained and defined by the limits of the Scotland Bill in its current form, which does not allow Scottish Government control over all aspects of welfare.

- 2.3. In addition it is critical that the experiences of recipients of DLA and PIP are given careful attention in the development of any new social security model for Scotland. The experiences of many deaf young people who have attempted to transfer from DLA to PIP have been negative. The barriers they have experienced should be closely examined. As such NDCS welcomes the Committee's further "have your say" consultation exercise, to which NDCS will make a submission on 31 August 2015.
- 2.4. The UK wide context is one of a reducing welfare budget, as the current Government has confirmed its plans to make £12billion in savings from the welfare bill. NDCS is concerned this could mean further cuts to disability benefits such as DLA and PIP. The reduction of the welfare budget at the UK level will place significant restraints on the development of any new social security system in Scotland.

### **3. Practical suggestions to ensure that the principles of dignity, respect, support, equality and common sense are embedded in the new system.**

#### *3.1. Rhetoric of vulnerability*

NDCS is concerned about some of the rhetoric used by the UK Government when referring to supporting the "most vulnerable" disabled people. NDCS is concerned that there is an implication given that people with some disabilities are less 'vulnerable' or in need of support. NDCS would discourage the development of a new system in Scotland from following a similar ethos. Any changes must be made with a full consideration of the impact that deafness has on children and their families. In order to ensure these full considerations are made, it must be ensured that staff are well trained and have the knowledge and skills to make appropriate assessments.

In addition, the current system of claiming benefits often requires claimants to take a deficit approach by asking them to consider what they cannot do. The process can often leave claimants feeling disempowered and insecure. The development of a new system in Scotland offers the chance to redress this issue, and take a more assets based approach within the system.

#### *3.2. Problems with PIP*

NDCS is concerned about a number of issues in relation to PIP, which continue to undermine the experiences of deaf young people. The development of a new social security system in Scotland is an opportunity to fully address these in the future. In the meantime however, NDCS has been lobbying Westminster and calling on the rollout of PIP to be halted until its processes are made fully accessible.

### *3.2.1. Accessibility of the claims process*

NDCS remains concerned about the accessibility of the PIP application process for deaf young people. The application process assumes everyone can use the telephone and alternative ways of applying for the benefit are not clearly promoted or encouraged. We believe that this is a clear breach of the Equality Act 2010. The development of a new system in Scotland is an opportunity to promote independence among disabled people by ensuring its systems are fully accessible to those who require them.

### *3.2.2. Strengthening assessment processes*

NDCS is aware of a number of serious challenges which can undermine the assessment process for deaf young people. For example, it is vital that communication support is provided for deaf young people that request it for their PIP assessment. Communication support ensures that a deaf young person will fully understand what is being said at the meeting, which means they can communicate their case effectively as part of this process. If this support is requested ahead of the assessment and is not provided, any assessment should not go ahead.

NDCS is aware of cases where communication support has not been provided during assessment. This demonstrates an extreme lack of deaf awareness and could jeopardise the chances of the deaf young person being awarded PIP. It could also cause considerable stress to deaf young people.

### *3.2.3. Decision making of assessors and the DWP*

NDCS is concerned about the training of assessors when making their decisions and the DWP decision making processes. NDCS is aware of a number of cases where an assessor and the DWP have determined that a deaf young person is ineligible for PIP. The deaf young people in these cases have had to take legal action about the decisions. In one case the decision was reversed, the deaf young person was awarded PIP and the DWP apologised to the deaf young person and their family. These cases have placed a great deal of stress on the deaf young people involved.

The development of a new system of social security in Scotland presents the opportunity to ensure that assessors have appropriate levels of skills and knowledge to make informed decisions about eligibility for benefits. For example, a new system could make increased use of professionals who specialise in a particular condition either directly or indirectly in the assessment process. This is as opposed to relying solely on assessors with no experience or knowledge in a particular area. NDCS have entered into early discussions with DWP in relation to how assessors can gain the appropriate skills to assess deaf young people.

### *Provision of accessible information and advice*

The provision of accessible information and advice is critical to ensure families understand the benefits they are entitled to and the processes they must follow to make the necessary applications. In addition, the complex nature of the application process often means that families require support to complete these. The National Deaf Children's Society's Child and Family Support Officers support deaf young people and their families across Scotland to complete these application processes and appeal

decisions where required. Without support of this kind many families would be unaware of funding available or unable to complete applications successfully.

We recommend that the development of a new social security system in Scotland considers the need to invest also in independent advocacy structures in Scotland to ensure the new system works for everyone.

#### **4. Views on the integration of Scottish devolved benefits with existing devolved powers and any unintended consequences of changes.**

- 4.1. A raft of passported benefits exist for those who are eligible for PIP, including Carer's Allowance, Child Tax Credit (disabled child element), Working Tax Credit (disability element). It is crucial that any new system developed in Scotland does not unintentionally complicate the process of receiving these benefits.
- 4.2. The National Deaf Children's Society is concerned that reductions in the overall welfare budget will have significant implications for the development of any new system in Scotland. With the UK Government confirming their intention to cut £12 billion from the welfare budget, there will inevitably be a knock on effect at the point of transfer of the welfare budget to Scotland. A reduced budget in the future may affect important decisions regarding eligibility criteria and may undermine the ability to meet welfare demand in Scotland in the future.

#### **5. Systems of intergovernmental working in relation to benefit delivery**

- 5.1. The National Deaf Children's Society recommends that the Department for Work and Pensions would no longer be an appropriate body to assess applications and administer benefits. To limit duplication and confusion which already exists in some areas of welfare benefits such as employability programmes, a separate Scottish body would be required to have oversight of any new devolved system of welfare benefits.