

## **Submission from the Royal National Institute of blind people, Scotland (RNIB Scotland)**

1.1 RNIB Scotland is the leading charity working with blind and partially sighted people in Scotland. As a membership organisation we are dedicated to delivering services our members need and campaigning for their civil and welfare rights. We support children and adults with sight loss to live full and independent lives.

1.2 At present, around 35,000 people in Scotland are formally registered as blind or partially sighted, with up to 188,000 living with significant sight loss. However, the number of Scottish people with sight loss could almost double to 400,000 between now and 2030 due to our ageing population and the persistently poor health that continues to disadvantage many of our communities.

1.3 We welcome the opportunity to provide written evidence to the Welfare Reform Committee on the Welfare Reform (Further Provisions) (Scotland) Bill.

### **Views on the Bill as a whole**

#### **1. Are you generally in favour of the Bill and its provisions?**

1.1 RNIB Scotland accepts that, since the Scottish Parliament rejected aspects of the UK Welfare Reform Bill Legislative Consent Motion, this Bill is necessary to ensure that Scottish people will continue to have access to passported benefits on April 1<sup>st</sup>, 2013 when a range of current benefits are replaced by the new Universal Credit and Disability Living Allowance (DLA) is replaced by Personal Independence Payment (PIP). RNIB Scotland agrees that the Scottish Government needs the appropriate powers to amend legislation and introduce new regulations in relation to these changes.

1.2 Access to passported benefits for visually impaired people is a vital and necessary means of support.

RNIB Scotland agrees with the findings in the Social Security Advisory Committee report "Universal Credit: The impact on passported benefits" which shows the importance of passported benefits and found that:

"All passported benefits fulfil important needs, are highly valued by those who receive them, and make a significant contribution to the health, wellbeing and quality of life for adults and families who are out of work or living on a low income."

1.3 RNIB Scotland understands that the Scottish Government is dependent on further information from the UK Government on how Universal Credit and PIP will operate in practice, before it is able to finalise the regulations governing passported benefits. However, there is only a short time prior to the introduction of these changes to ensure that legislation and processes are in place and we would like to highlight our concerns that enough time must be allowed to enable a smooth transition and delivery of passported benefits by the Scottish Government, local authorities and various other stakeholders.

### **General Principles Underlying the Bill**

The Bill proposes that the Scottish Government be given powers to introduce regulations under the UK Welfare Reform Act and amend other Scottish legislation that relates to it. This would allow the Scottish Government to make the link between the devolved welfare matters for which it has responsibility and the reserved welfare matters which have been amended by the UK Welfare Reform Act. The Bill is necessary because in December 2011 the Scottish Parliament voted to take responsibility for these aspects rather than agreeing that the Westminster Parliament do so.

## **2. What are your views on this principle?**

2.1 RNIB Scotland agrees with this principle. We do hope that the regulations which follow from the Scottish Government, in addition to the policy on passported benefits, will be scrutinised by the Welfare Reform Committee. It must be emphasised that a great deal of work will be required by the Scottish Government, local authorities and various other stakeholders in establishing the new eligibility criteria.

### **Universal Credit**

Section 1 of the Bill contains provisions relating to the introduction of Universal Credit. It gives the Scottish Government powers to introduce regulations and amend existing legislation in relation to the introduction of Universal Credit in April 2013.

## **3. What are your views on the proposed powers in relation to Universal Credit?**

3.1 RNIB Scotland are seriously concerned about the impact that the introduction of Universal Credit will have upon the way in which people are able to manage their finances and as a result, live their day to day lives. We are therefore pleased that the Scottish Government has proposed powers in relation to Universal Credit.

3.2 RNIB Scotland share the view of the Scottish Campaign on Welfare Reform that entitlement to Universal Credit should give access to all passported benefits and that anyone currently eligible to passported benefits, but who will not be eligible for Universal Credit are not excluded under any new system. Passported benefits currently allow and will continue to allow visually impaired people maintain their independence, mobility, daily living and aids and equipment. We therefore welcome the new eligibility criteria which will be set up by the Scottish Government.

3.3 For many of those blind and partially sighted people who are likely to lose their entitlement to their disability benefits (such as ESA) through the introduction of Universal Credit, will also lose further benefits (via the introduction of PIP) and as a result, will no longer be classified as a disabled person with a visual impairment. Despite this, they will continue to experience the impact of living in society with a visual impairment and will continue to experience the difficulties they always have, without the financial support to ease their burden. Where those people are losing one or more of their current benefits due to the change in the new system, it is anticipated that they will require their passported benefits even more than before.

3.4 Whilst RNIB Scotland is pleased about the proposed powers, we are also very concerned about how the new legislation will safeguard passported benefits for those 'new' claimants who would normally qualify under the existing benefits, but who would fail to qualify under Universal Credit.

#### **4. Do you have any other comments on the introduction of Universal Credit?**

##### **Personal Independence Payments**

Section 2 of the Bill contains provisions relating to the introduction of Personal Independence Payments. It gives the Scottish Government powers to introduce regulations and amend existing legislations in relation to the introduction of Personal Independence Payments in April 2013.

4.1 RNIB Scotland is not opposed in principle to the introduction of the Universal Credit which could, in principle, simplify and streamline the process of applying for benefits. The Government has proposed that no one will be worse off when Universal Credit is introduced, however, the removal of the current systems of disability premiums and additions for ill and disabled adults, with replacement by the proposed new rates and structure of Universal Credit, will result in the new system being less generous than before and is likely to result in a significant loss of income for many visually impaired people.

4.2 RNIB Scotland welcomes the provision of rules for registered blind children in Universal Credit which will include an extra amount if a child is registered blind or in receipt of DLA high rate mobility. However, it shares the concerns of other organisations that many families with a disabled child will lose out under Universal Credit due to the proposed new rates of the lower and higher amounts. The new rates will be set at a lower level compared to the existing disability additions in the current system.

4.3 We also have concerns that the majority of people will need to communicate with the Department of Work and Pensions and make a claim for Universal credit online. RNIB Scotland believe that applying for Universal Credit will cause problems for those with a visual impairment who are on a low income and do not have access to the internet or the software required to enable them to access the internet.

4.4 Access to grants, equipment and other types of financial support for visually impaired adults and children can be dependent upon entitlement to means tested benefits that will be abolished by the introduction of Universal Credit and it will be essential to make sure that people are accurately assessed for benefits included in the Universal Credit and in particular, for the Contributory Employment Allowance (ESA). The experience of blind and partially sighted people being assessed for ESA raises serious questions about the accuracy of the Work Capability Assessment (WCA) and therefore the whole assessment process. Benefits assessors often underestimate the impact of a visual impairment on a claimant's wellbeing and care and mobility needs and people with a visual impairment in Scotland have reported very mixed experiences of assessment for ESA.

#### **5. What are your views on the proposed powers in relation to Personal Independence Payments?**

5.1 RNIB Scotland recognises the Scottish Government's difficulty in specifying the form that the regulations may take in relation to PIP. However, the proposed powers in the Bill are essential to ensure that access to various passport benefits will continue with the introduction of PIP and the abolition of DLA.

5.2 A key area for concern is the Blue Badge scheme which is viewed as a lifeline for many visually impaired people and their families. We believe that PIP recipients ought to have passported eligibility to the Blue Badge scheme; however, we would also be concerned about any regulation which sought to limit eligibility for those who did not qualify for PIP. This would seriously reduce the numbers of people with a visual impairment who were eligible for a Blue Badge, particularly as it would result in those older people with a visual impairment (who receive attendance allowance and not DLA/PIP) would be excluded from the scheme.

## **6. Do you have any other comments on the introduction of Personal Independence Payments?**

6.1 The powers in relation to both the Universal Credit and PIP are necessary, since it was in relation to these two elements of the UK Bill, which the Scottish Parliament voted to refuse in the Legislative Consent Motion. These powers must enable the Scottish Government to make secondary legislation which will set out entitlement to passported benefits which will in future, be linked to the entitlement of both Universal Credit and PIP.

6.2 RNIB Scotland has significant concerns about the introduction of PIP and in particular, the Westminster Government's stated intention to reduce expenditure on this benefit by 20%. In its consultation on the criteria for PIP and associated regulations, the Westminster Government revealed that of the 2.2 million people of working age who currently receive DLA, some 0.5 million people will not be eligible for PIP. We also have serious concerns about the assessment process and how PIP will interact with the current Health and Social Care system in Scotland.

6.3 It is very difficult to determine the numbers of people with a visual impairment who will lose their entitlement to DLA and will be unable to access PIP under the proposed criteria, however it has been suggested that the change in the system is likely to remove tens of millions of pounds from blind and partially sighted people across the UK. The criteria for the new benefit fail to recognise that sight loss is a serious disability and that you face extensive extra costs if you can't see. We are therefore very concerned about the implications of the proposed eligibility criteria for PIP on visually impaired people.

6.4 Research carried out by Neil Bateman, on behalf of RNIB, in March 2012 into the introduction of PIP identified some key themes and causes for concern when the new benefit is introduced. It noted that there are clearly substantial costs associated with visual impairment and that DLA in its current form is extremely important in enabling people to have a basic acceptable lifestyle. Participants in the research frequently mentioned how the withdrawal of DLA and failure to transfer on to PIP would mean that they would have to greatly reduce going out and participating in the community.

6.5 The UK Government has already determined that the budget for disability benefits will be cut by 20%. The change from DLA to PIP could result in one in three working age claimants no longer being entitled. RNIB Scotland is concerned that a significant number of visually impaired people who are currently in receipt of DLA will fail to qualify for PIP. Inclusion Scotland estimate 75,000 people of the 225,000, to be assessed and migrated from DLA to PIP will no longer be entitled to their

previous benefit. The length of PIP awards will be set and as a result, claimants will have to face the stress and uncertainty of continued assessment and potential loss of entitlement.

### **Subordinate Legislation**

Subordinate Legislation is legislation below the level of Parliamentary Bills – often regulations. Section 4 of the Bill contains provisions relating to subordinate legislation. It gives the Scottish Government powers to make regulations that relate to the UK Welfare Reform Act directly or indirectly.

Sections 1-3 of the Bill also include new subordinate legislation powers for the Scottish Government. Under these sections it may make regulations which amend Acts as well as old regulations.

### **7. What are your views on the proposed subordinate legislation powers in the Bill?**

No comments.

### **8. Do you have any other comments on regulations that would follow this Bill on 'passported' benefits and eligibility for them?**

8.1 It is essential that the Scottish Government considers its approach to passported benefits in relation to disability and more specifically, visual impairment. There are various benefits to which visually impaired people receive as a direct or indirect result of their eligibility to DLA which will potentially be lost as a result of a move to PIP.

8.2 Blue Badge and National Concessionary Travel Scheme: Registered blind people or those in receipt of the Higher Rate Mobility component of DLA currently meet the eligibility criteria for both the Blue Badge and National Concessionary Travel scheme including the "+1!" for companion travel as a result of registration.

8.3 Partially sighted people meet the criteria for the National Concessionary Travel scheme including the "+1" companion for travel if they are in receipt of DLA middle or high rate care component.

8.4 At the moment, there is an assumption that the middle rate care component will convert to the standard rate of PIP. However there is currently no formal link between the two benefits to ensure that those currently receiving DLA middle rate care component will continue to receive the same benefits and concessions under PIP. Partially sighted people are at risk of losing this vital concession if they fail to qualify.

8.4 RNIB Scotland believe that current recipients of the Blue Badge and NCT schemes should remain entitled if they received them previously and that the eligibility criteria for blind and partially sighted adults and children should remain under any new system.

## **Financial Memorandum**

The Financial Memorandum accompanying the Bill outlines the costs associated with this Bill and summarises them in a table at the end. However, as the Scottish Government states in the Memorandum 'the timetable being pursued by the UK Government presents limits to the Scottish Parliament's ability to assess the financial implications of legislation it considers.'

### **9. Do you have any views on the assumptions and calculations contained in the Financial Memorandum?**

9.1 The current information on financial assumptions and calculations is very limited given the restraints from the Westminster Government therefore RNIB Scotland feels unable to provide comments on the financial implications of this Bill.

### **Effects on Equal Opportunities, Human Rights, Island Communities and Sustainable Development**

The Policy Memorandum accompanying the Bill (para 21-25) outlines the assessments made by the Scottish Government on the potential impact of the Bill on equal opportunities, human rights, island communities and sustainable development. It notes that Equalities Impact Assessments will be published when it introduces subordinate legislation later in the year.

### **10. Are you satisfied in the assessments that have taken place in regard to these matters and in the conclusions reached by the Scottish Government?**

10.1 RNIB Scotland is aware that many of the details regarding Universal Credit and PIP are still unclear due to the delay in the introduction of regulations from the Westminster Government. Until these have been finalised, it is largely unclear what the true impact of these reforms will mean for Scotland and visually impaired people.

10.2 The Scottish Government will be required to undertake detailed assessment of all secondary legislation and future regulations to ensure that the impact of reforms on the Scottish population of visually impaired people is as minimal as possible.

RNIB Scotland  
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