

SUBMISSION FROM SCOTTISH INDEPENDENT ADVOCACY ALLIANCE

About the Scottish Independent Advocacy Alliance

The Scottish Independent Advocacy Alliance (SIAA) is a membership organisation which promotes, supports and defends Independent Advocacy in Scotland. It aims to ensure that Independent Advocacy is available to any vulnerable person in Scotland.

Independent Advocacy organisations do not provide any services other than advocacy. They are separate organisations in their own right, are financially independent, and all those employed in an Independent Advocacy organisation know that they are only limited in what they do by the principles of advocacy, resources and the law. This ensures they are able to assist vulnerable individuals whilst being as free as possible from any conflicts of interest.

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

The SIAA shares concerns about the impact of welfare reform in Scotland. Independent Advocates have provided evidence of the problems that reform has already caused with regards to the Work Capability Assessment and the concerns that individuals have expressed about the introduction of further welfare reform. We are therefore in favour of measures to address these concerns including the introduction of this Bill and its provisions. We look forward to seeing further detail about the secondary legislation to this Bill and have made suggestions for what they should include within this evidence to the committee.

2. What are your views on this principle?

Due to concerns about the impact of the Welfare Reform Act on vulnerable people in Scotland, we welcome this principle and are pleased that the Scottish Parliament and Government have taken steps by refusing full legislative consent and by introducing this enabling Bill to address some of the concerns raised around the impact of welfare reform, particularly its impact on passported benefits.

To ensure that any secondary legislation will help address the worst effects of the reforms, we believe more research and modelling is needed to gain a full understanding of the impact that the Welfare Reform Act will have. In addition, we believe that any secondary legislation should be subject to public consultation before it is laid before the Scottish Parliament. This will ensure that all those who will be affected by the changes, including Independent Advocacy organisations and the individuals that advocates support, are given the opportunity to consider and comment on them.

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

We welcome the proposed powers to make Secondary Scottish Regulations in relation to Universal Credit. We believe that the secondary legislation for both the Universal Credit and Personal Independence Payment should give all those going through welfare reform a right of access to Independent Advocacy. According to the

SIAA research report, 'More for Less?'¹, 95% of Independent Advocacy organisations have experienced increased demand for their services over the past two year and many organisations referenced benefit changes as a reason for the increase and expect this trend to continue.

'There was an increase in demand from people who were attending interviews to decide whether or not their benefits should be withdrawn – this caused many people a great deal of alarm.'

- An Independent Advocacy Organisation

'We anticipate more people will come to us in relation to benefit appeals. The changes to benefits including medical assessments relating to disability, coupled with increased demand on other organisations such as CAB, mean we will be picking up more cases. We also expect changes to housing benefit to result in increased demand.'

- An Independent Advocacy Organisation

Independent Advocacy is an important source of support for many going through the benefits system. Independent advocates support individuals to understand their rights and empower them to take control over their lives. Independent advocates might, where needed, help people to access welfare and benefits advice and might support people through appeals. We believe that a right to Independent Advocacy will help support individuals through the introduction of welfare reform in Scotland.

The regulations must also include measures to safeguard passported benefits for both new and existing claimants. This is particularly true for those who qualify for benefits under existing arrangements but will lose them under Universal Credit and the Personal Independence Payment and the impact this will have on their access to passported benefits. Appropriate legislation must be in place to ensure that a person who loses their status as a disabled person along with its accompanying benefits and who may be living with a health condition or impairment which impacts on their ability to live as independently as possible will still receive support to allow them to achieve a quality standard of living.

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

We believe that when the final details of the operation of Universal Credit are available the Scottish Government should consult further on what other measures should be introduced in Scotland to ensure that all individuals are given access to the support they need, including the revision of eligibility criteria for existing Scottish benefits. This should include local consultation to take into account the variations between local authorities and the potential impact on the provision of local services. Local and national consultations should engage with existing service user and equality groups and those with an expertise in the needs of the local area including Independent Advocacy organisations. Independent advocacy will also support people who may struggle to have their voices heard to take part in consultations, ensuring that any consultation will take into account the views of all those who will be affected by the changes.

¹ http://www.siaa.org.uk/images/books/1112sia08_moreforless.pdf

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

As with our response to question 3, we welcome the powers in relation to Personal Independence Payments and believe that the secondary legislation should provide a right of access to Independent Advocacy. We also believe this legislation should include safeguards for those who risk losing passported benefits under welfare reform.

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

At present it is unclear what the full impact of the replacement of the DLA with PIP will be as the criteria, thresholds and other details are still being consulted on. Once the exact nature of the PIP has been finalised the Scottish Government should undertake additional modelling, research and consultation to fully assess the impact of the new benefit and ensure that any secondary regulations established under the Welfare Reform (Further Provision) (Scotland) Bill are appropriate.

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

See our comments on subordinate legislation in response to previous questions.

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

No. See comments on passported benefits and eligibility in previous questions.

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

We are unable to comment in detail until further information is available about the operation of the PIP and Universal Credit and therefore who and how many will lose access to passported benefits including the Blue Badge Scheme, legal aid, and other essential benefits. It is only when this information is available that we will be able to accurately identify what the resulting financial and social costs of these changes will be.

When this information is available the Scottish Government should assess the impact of the reforms not only on individuals and public authorities, but also on third sector organisations including Independent Advocacy organisations that will be supporting individuals throughout the changes. The introduction of welfare reform in Scotland will place increased pressure on organisations that are already facing funding and capacity issues. The SIAA research, *More for Less*², found that 85% of Independent Advocacy organisations did not agree that the organisation's current level of funding was sufficient to meet demand for their services. As part of this

² http://www.siaa.org.uk/images/books/1112sia08_moreforless.pdf

assessment the Government should consider what funding will be needed to support these organisations.

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?

The Equalities Impact Assessments and consideration of wider human rights issues must have regard to the Convention on the Rights of Persons with Disabilities and be informed by the views of those who will be affected by the changes (see our comments in response to question 4 on the role of Independent Advocacy in supporting effective consultation).

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