

WELFARE REFORM COMMITTEE

THE FUTURE DELIVERY OF SOCIAL SECURITY IN SCOTLAND

WRITTEN SUBMISSION RECEIVED FROM SCOTTISH BORDERS COUNCIL

Introduction

Scottish Borders Council Officers believe that the new powers transferring to the Scottish Parliament presents an opportunity to adopt a more innovative approach in how the powers are used which could help tackle longstanding inequalities that exist in some of our communities. It is important that the approach to how these new powers are used is underpinned by the Christie Commission and its vision of changing public services to improve outcomes for our most vulnerable in our communities. Our comments below reflect these sentiments and principles.

Work Streams

a) How should the new welfare powers proposed by the Smith Agreement be used to improve or change Personal Independence Payments, Disability Living Allowance, Attendance Allowance and Carer's Allowance (plus Industrial Injuries Disability Benefit)?

Whilst we welcome the opportunity to utilise devolved powers to improve outcomes for claimants of disability benefits, we would suggest that given the complexities of the interconnection of these non means tested benefits in the wider benefits system that caution should be taken in the approach to changes in order to ensure equality.

As an authority bordering onto England we are aware of movement and close links across the Border. There is the potential for example for someone living in Scotland and in receipt of Attendance Allowance or Disability Living Allowance/Personal Independence Payment to have a carer claiming Carers Allowance in respect of them living in England or vice versa.

We would suggest that the current system of assessing Personal Independent Payment (PIP) has led to inequalities in relation to certain health conditions. For example, continual supervision, to prevent harm which was a feature of Disability Living Allowance is no longer taken into account through PIP. This lack of recognition of the need for continual supervision has impacted on people with physical conditions such as diabetes and epilepsy but is having a disproportionate effect on people with severe mental health conditions such as schizophrenia. We would suggest that changes to Personal Independence Payment or the introduction of a new benefit should consider this anomaly.

There are some lifelong and degenerative conditions where a person's abilities to undertake activities of daily living will never improve. When considering awards of disability benefits this should be taken into account with consideration given to lifetime awards. This would reduce stress to claimants and cost through reduced assessments and administrative procedures. In such cases levels of disability could be assessed by a GP or specialist who knows the claimant's condition. While there is cost attached to this, the current practice of sending customers by taxi for assessment out with the Borders is not only stressful for the individual but

questionable in terms of cost effectiveness. We believe that we should be working towards a system which avoids multiple assessments for customers.

We would suggest the removal of the current earnings limit for Carers Allowance and that it should remain a non means tested benefit. To be entitled to Carers allowance claimants must be caring for at least 35 hours per week, but if they earn the equivalent of only 16 hours at national minimum wage are not entitled to this allowance. This means that someone could be present to supervise or give care for as much as 152 hours a week but are excluded from claiming because of their work commitments. These commitments could be less than 16 hours if they receive a rate of pay higher than the minimum wage. We also believe that carers who are students should not be treated differently to other carers.

b) How should the new welfare powers proposed by the Smith Agreement be used to improve or change Universal Credit (housing element and administrative arrangements) and Discretionary Housing payments

The opportunities for flexibility in relation to the housing element of Universal Credit are welcome. Paying the housing element of UC directly to social landlords, unless directly requested not to, would be significant in tackling financial difficulties to claimants as well as the financial pressures on landlords. The current system with the payment being made to customers after 6 weeks is likely to lead to financial hardship for many with greater reliance on other Local Authority services and foodbanks.

We would consider it beneficial for SWF and DHP to be streamlined so they became an aligned fund instead of two separate funds. Consideration should also be given to bringing other discretionary funding schemes together and aligning statutory duties to provide one consistent scheme and single point of entry for customers needing such assistance. Administrative costs would be reduced, access made easier and funds would be better targeted and duplication avoided. The introduction of longer term stable caseload and geographical based funding would reduce current uncertainty and pressures facing local authorities and allow longer term service planning.

In addition, simplifying the application process for DHP would reduce administration costs and therefore help LAs to make additional savings whilst reducing the burden on applicants. Simplification should include the need for more transparency in the sharing, access to and use of customer applications across benefit streams and organisations.

Creation of additional benefit schemes or new topping up measures for existing schemes should be minimised to prevent over complication and duplication. Rather than create new complexities the DHP scheme for example could be modified and rebranded to become an all-encompassing scheme not solely based on the existing qualifying criteria. This would again simplify applications and access and improve consistency and targeting of the funds against need whilst reducing overall administrative costs.

c) How should the new welfare powers proposed by the Smith Agreement be used to improve or change the Work Programme and Work Choice?

A national and local employability strategy would focus the efforts of services in the local area. Locally contracted services would be helpful (as regards Work Programme and Workchoice) to meet local needs and would fit in well with any local strategy.

More effective Community Planning Partnership development of local services would lead to more and better partnerships amongst providers and should lead to more efficient use of resources and better outcomes for job seekers.

Consideration should be given as to how claimants could be placed more directly into the Support Group by Work Programmes if they are deemed not to be able to undertake work related activity.

d) How should the new welfare powers proposed by the Smith Agreement be used to improve or change the Regulated Social Fund, new benefits, top-ups and delivery of benefits overall?

The rural nature of much of Scotland should be taken into account in the administration and assessment of benefits. Delivery of benefits needs to be consistent in terms of both decision making and delivery performance whilst being efficient cost effective and adequately funded. Local access must be provided for and where the emphasis is on an online/self-serve basis as a core model it must allow sufficient local direct access and support.

Proposed changes should include sufficient guidance or statutory provisions together with performance monitoring to ensure that the above is achieved for customers.

If the Regulated Social Fund were to be devolved we would urge a review of the system of funeral payments. The average award for successful claimants is noted as around £1,225. This figure consists of a contribution of up to £700 for the funeral, plus burial/cremation and other associated fees (the contribution of £700 has not changed since 2003). Importantly the average FP award is significantly less than the average funeral and burial/cremation cost, which is around £3,500 and so consequently leaves a gap which needs to be met.

We consider that the effectiveness of the Mandatory Reconsideration/Appeal process should be reviewed in relation to disability benefits. While there needs to be a regulatory system in place the current procedure seems to be slowing down the process, and for many has become an obstacle for claimants reaching an appropriate outcome on their claim.

In general, the current assessment time for a number of benefits leads to claimants being without or reduced funds for a considerable time. This in turn means that they need to rely on other sources of funding via Local Authority as well as food banks. A system of prompt assessment and payment of benefits could help to reduce this.

LHA rates used for temporary homeless properties should be linked to the size of the property rather than an individual as they have no choice in selecting the property that is allocated to them. The limited supply of accommodation and urgency of the

requirement makes it difficult for Local Authorities to source and allocate properties of the appropriate size in the required locations.