

## **Scottish Government: Social Security Consultation**

### **Scottish Out of School Care Network response 28 October 2016.**

#### **Introduction**

There were over 120 questions in different sections in this online consultation on new powers for social security for the Scottish Government although it is important to note that the UK government still has responsibility for most social security benefits. We responded to mainly those questions which have a bearing on parents, children and childcare, including the overall principles involved. To reproduce all the questions and replies we made runs to 26 pages, therefore the main points we made are summarised in the two pages below, followed by an appendix with an edited selection of questions and answers, for those who want more detail.

#### **Overall Principles and outcomes**

While agreeing with the Scottish Government approach on dignity and respect we suggested linking social security more to human rights, including disability rights and children's rights. When thinking about standards to use we suggested linking to the overall principles of the new National Care Standards for Health and Social Care. In terms of criteria for assessment we thought that the Getting it Right for Every Child wellbeing indicators should be part of any assessment for children but could be extended to others entitled to benefits across the spectrum. We agreed there should be a legally backed charter which is enforceable so people know their rights and for redress if they are not met.

Throughout the consultation we either agreed with or pointed out that attitudes should change and people are entitled to help in their lives when they are in particular circumstances, there should be no stigmatising of social security users through language, behaviour or processes which make it hard for people to obtain such entitlements.

#### **Equality: Universal Credits**

We opposed a single benefits payment to one person in a couple household. This often leaves women vulnerable and financially dependent. We said everyone should have their own income and the main carer of children should have the amount of this share weighted towards this responsibility.

#### **Disability Living Allowance**

We said this should be able to be used for out of school care and holiday clubs for respite care and for the children to have opportunities to be with other children in their community.

In terms of all of the allowances mentioned, PIP, DLA etc. we support the Scottish Government view that:

"We intend to design a Scottish assessment process which is robust and person centred, which treats people with dignity and respect, and which embeds compassion and support into the system and the day to day culture. That is why the Scottish Government will look to reform assessment procedures, minimising the number of face-to-face assessments where possible and ensuring assessments work for service users"

**Is there any particular change that could be made to these disability benefits that would significantly improve equality?**

Yes. Making the assessment process simpler, clear and which upholds the dignity of the claimant. There should be a principle of "Occam's Razer" where if medical and other information is already in place and is sufficient for assessment, then no additional information is needed. Unless a significant reportable change people should not require frequent reassessments. This is especially the case for long term and unlikely to improve conditions for both children and adults.

### **Carer Allowance for children**

Welcoming the increase in extension of funding for this to jobseekers level and the principle of extending support to young carers we suggest that for younger carers that instead of cash there should be respite care and places should be sponsored in out of school care and holiday clubs to give young carers a chance to be children.

We also mention there should be consultations with young carers in the *Co-production* section.

### **Best Start Grant**

Welcoming the new starting nursery and starting school grants for eligible children we pointed out the CPAG Cost of the School Day research and how the £250 starting school payment could help with that. We mentioned that children might be starting out of school care or holiday clubs and parents might need to find deposits as out of school care is not funded directly. Parents might have to wait for tax credit claims to process. Therefore we suggest another payment to help with childcare deposits. We also pointed out that disadvantaged children of all ages need help with the costs of school and the transition to secondary school is also a costly time, therefore, where funds allow or for future expansion, their needs should also be considered.

The grant will also be for any eligible child *first* starting primary school in Scotland, we pointed out that this should apply to secondary school children as they too will have costs for starting at a new school.

The three suggested payments at maternity, Early Learning and Childcare, and School for eligible children are all one off and we disagreed with that by pointing out changes in circumstances a child might face which could trigger a need for a new start at another ELC or School e.g. divorce, bereavements, moving in and out of foster care or being looked after at home or residential care.

We also mention in *the funeral payments* section that the costs of a funeral service for a stillborn child should be met.

### **Job start grant for young people**

We mentioned advance childcare costs might be an issue and should be covered in another new grant. We said that a job start grant would be good for all returners to the labour market in time.

## **Appendix: edited questions and answers:**

### **Section: Fixing the principles in legislation**

#### **Which way do you think principles should be embedded in the legislation?**

The principles should be both expressed in a charter and embedded in legislation. Furthermore the principles, for example, of dignity, respect, fairness and equality should be linked to human rights, including children's rights under the UN Convention of the Rights of the Child.

Fundamental to this will be staff who are respectful, helpful, clear and caring when they receive calls or meet with people who may be entitled to support in person, and this includes arranging alternative communication support for those who need it. It should also include clear and specific targets on processing claims with information for people on each stage of the process, set out with expected timescales, as part of a principled approach which views claims as *entitlements of fellow citizens* in particular circumstances.

Similar to the Getting it Right for Every Child (GIRFEC) approach, the Scottish Social Security system should seek to avoid unnecessary duplication and bureaucracy while at the same time ensuring people's rights in terms of information sharing are protected.

#### **Claimant Charter Questions**

##### **What should be in the charter?**

The Charter should link to human rights and should be backed by legislation.

The overarching principles for the national care standards, produced by the Care Inspectorate in Scotland, are potentially a good starting point. Essential will be the involvement of people who are potential users of social security in drawing up the Charter.

##### **We are considering whether or not to adopt the name, "Claimant Charter". Can you think of another name that would suit this proposal better? If so, what other name would you choose?**

As stated previously Social Security should be seen as an entitlement to fellow citizens in particular circumstances; such circumstances many may experience at different points in their lives. We support the view of the Scottish Government in not using the term welfare and the connotations of a "charity hand out" associated with this. "Claimant" seems more neutral but still does not reflect the stronger citizen's entitlement focus we would want to see here; centred on human rights. Perhaps something along the lines of "Claimant's Rights Charter"?

##### **Do you have any further comments on the 'Claimant Charter'?**

Whatever is finally decided it should be clear, accessible, translated into all languages used in Scotland, including BSL, braille and easy read versions. It should be handed to or read out on the phone to every person making a claim, and embedded in the training and professional standards of the staff and decision

making bodies involved. It should also be included on posters and publicity materials about entitlements and in social media/ media campaigns.

## **Section: Outcomes and the User Experience**

### **Are the outcomes the right high level outcomes to develop and measure social security in Scotland?**

Yes. The outcomes follow on from the principles and importantly look at the entitlement of citizens to support rather than using stigmatising language which enforces negativity and makes things worse for people already facing up to particular circumstances.

### **Are there any other outcomes that you think we should also include (and if so, why)?**

We would add meeting human rights and children's specific rights as well as disability rights mentioned in this section as part of the high level outcomes. We believe human rights are the fundamental building blocks of a society which is inclusive, equal and fair, and, as an organisation working for children, their rights to be properly supported by states parties are embedded in our work.

### **How can the Scottish social security system ensure all social security communications are designed with dignity and respect at their core?**

By looking at examples from other countries/administrations (e.g. NISSA) as set out in the consultation where users of the system report user friendliness and satisfaction.

By consulting with users of the system and including them in meaningful participatory action where their views are really taken on board.

### **With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?**

Users of the system and expert organisations which work to support inclusion in our society. Academic expertise on media would also be useful in being able to demonstrate that changing the language used has a powerful effect on society and to help counteract the stigmatising discourse around social security in the UK.

### **What else could be done to enhance the user experience:**

Person centred friendly attitudes with a presumption that people are entitled to certain social security support and you are there to help them access it.

Keeping in touch to let people know what is happening and why.

A clear explanation of the criteria applied and what to do about it if they believe it has not been applied fairly.

Ensuring that it is paid on time and accurately administered. Ensuring that people know what change of circumstances could affect their entitlement and how this will be dealt with.

**How should the Scottish social security system communicate with service users (For example, text messaging or social media)?**

In every way possible while ensuring that the users preferred form of communication is used. A person with visual impairments might prefer phone calls to letters or texts, or those with a hearing impairment might prefer texts or letters. A person with both impairments might want and prefer a meeting with an interpreter.

Consideration must also be given to the cost of communication via phone or internet - there should always be a Freephone option - and this issue of course links with a wider strategy in terms of public services offering people free access to internet/ social media.

**What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?**

We fully support this approach.

We note in terms of benefits being considered that children who are carers could receive some support, they too should be involved in co-production of what they need and want here. There are a number of organisations and experts at participatory engagement with children and young people who could support this process.

**We are considering whether or not to adopt the name, "User Panels". Can you think of another name that would better suit the groups of existing social security claimants which we will set up? If so, what other name would you choose?**

"Expert advisory panels" This gives due respect to their expertise and experiences of being involved in the current system.

## **Section: Delivering social security in Scotland**

**Should the social security agency administer all social security benefits in Scotland?**

Yes . It makes sense to have one body responsible, following on from the principles discussed, it would make it easier to embed such principles across all levels of service.

**Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?**

Generally should be cash except for motability scheme and we suggest for children who are carers should have respite services including subsidised free access to play learning and care such as out of school care and holiday clubs.

### **Should social security in Scotland make some provision for face to face contact?**

Yes. Some individuals due to disability or age may not be able to fully use other methods of communication

### **Who should deliver social security assessments for disability related benefits?**

Medical professionals from our own NHS in Scotland; those that already know the individual and their condition, their own GP or specialist's information should be quite enough in most cases. Most children with disabilities and extra needs will already have a record of needs and a child development support plan, already created by professionals working on the child's behalf, which could save further duplication.

### **Should any aspect of social security be delivered by others such as the 3rd sector, not for profit organisations, social enterprises or the private sector? If yes, which aspects?**

Advice, information, advocacy and support from third sector, not for profit and social enterprises such as One Parent Families Scotland, Citizens Advice etc. Apart from that the Social Security service should be a public service, run by public servants answerable to us; not for profit making targets in the private sector.

## **Section: Equality and low income**

### **How can the Scottish Government improve its partial EqIA as to produce a full EqIA to support the Bill?**

The key will to at every stage seek feedback from a diverse range of people involve in using the system to access their entitlements to support. In terms of human rights, gender equality and ensuring funds meant to support children go to their main carers it is imperative that it is not household but individual payments of social security - apart from housing benefit paid direct to landlords/council tax rebate which may be by household.

## **Disability Benefits**

### **Please explain your views (both positive and negative) on disability living allowance.**

For children in receipt of DLA it should be able to be used to purchase childcare places as a form of respite care for the child to take part in their own community in play and care services such as out of school care and holiday services.

In terms of all of the allowances mentioned, PIP, DLA etc. we support the Scottish Government view that:

"We intend to design a Scottish assessment process which is robust and person centred, which treats people with dignity and respect, and which embeds compassion and support into the system and the day to day culture. That is why the Scottish Government will look to reform assessment procedures, minimising the number of face-to-face assessments where possible and ensuring assessments work for service users"

### **Is there any particular change that could be made to these disability benefits that would significantly improve equality?**

Yes. Making the assessment process simpler, clear and which upholds the dignity of the claimant. There should be a principle of "Occam's Razer" where if medical and other information is already in place and is sufficient for assessment, then no additional information is needed. Unless a significant reportable change people should not require frequent reassessments. This is especially the case for long term and unlikely to improve conditions for both children and adults.

**How should the new Scottish social security system operate in terms of a person applying for a disability related benefit?**

We agree with the approach set out by the Scottish Government.

**How should the new Scottish social security system operate in terms of the eligibility criteria set for the benefit?**

Eligibility should be consistent and fair and based on evidence from professionals who know the claimant or condition well. It should never be a stressful tick box exercise carried out with a barely

**How should the new Scottish social security system operate in terms the provision of entitlements and awards (at present cash payments and the option of the Motability Scheme)?**

Generally cash awards but we suggest younger carers should get in kind respite support to ensure they have breaks and time to be children. The Motability scheme seems to work well, again it is a matter of dignity for a choice to be offered.

**How should the new Scottish social security system operate in terms of the review and appeal process where a person isn't content with the outcome?**

Support advocacy in the process and provide clear answers within set timescales. Be open to review as people's disabilities and circumstances can change.

**We want to make sure that the process is clear and accessible from start to finish, and that people claiming devolved benefits understand how and when their claim will be dealt with. With this in mind, do you think that timescales should be set for applications, assessments and decision-making?**

Yes. Absolutely - it causes people a great deal of stress to not know when they are awarded a benefit or not. Only significantly complex with additional time needed cases should go beyond that - again informing the applicant of a new deadline and what is happening and why.

**What evidence and information, if any, should be required to support an application for a Scottish benefit?**

With consent sharing evidence and using the one trusted source like the GP or specialist, named person or support worker, would save time and endless duplication of paperwork and questions to the claimant/representative.



**Who should be responsible for requesting this information and who should be responsible for providing it? Please explain why.**

Once a person is diagnosed with a disability and how it is likely to affect their day to day activities, accounting for variations for conditions which come and go, then it should be standard for the professionals involved in the process to signpost the person or their carer to the social security entitlement claim process.

**Do you think that the impact of a person's impairment or disability is the best way to determine entitlement to the benefits? If yes, which aspects of an individual's life should the criteria cover and why?**

Generally yes, however, some symptoms of disabilities or chronic conditions are progressive, while others may come and go. In terms of impact assessment, it should be understood that the context a person finds themselves in can either lessen or increase the negative impact of the impairment.

We should look the impact in the round, as is done through GIRFEC - in the wellbeing wheel; which should be certainly used in terms of children with disabilities and extra support needs; e.g. how does this impact on how they will be: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible & Included. I really do not see why policy cannot be joined up using such a framework to determine the impact of conditions on any person's life.

**Currently there are only special rules for the terminally ill but should there be others?**

Yes, some conditions are permanent - it is very rare indeed for some impairments to be "cured" and this should be recognised to save people with such conditions from going through assessment and reassessment throughout their

**What do you think are the advantages and disadvantages of automatic entitlement?**

The first advantage is that of course it would save applicants stress at an already stressful time when first diagnosed or in transitions from childhood to adulthood with an existing condition, where this applies. It could also save time, energy and money used to carry out the reassessments/ assessments currently in place.

**In the longer term, do you think that the Scottish Government should explore the potential for a consistent approach to eligibility across all ages, with interventions to meet specific needs at certain life stages or situations?**

It makes sense to have a whole of life approach, just as the current system does not really make sense with conflicting different criteria across the benefits for the same conditions.

**How could the existing assessment process be improved?**

Attitudes must change. It should be treated as a courteous service towards people with a presumption that they are entitled to support and the social security agency and staff are there to help them at every step of the way. Currently - and there is much in the media at the moment to support this view - it seems to people

that the system and those working in it are gatekeepers trying to catch them out and putting obstacles in their way in terms of processing information or requiring yet another form, phone call, email or evidence.

**If the individual's condition or circumstances are unlikely to change, should they have to be re-assessed?**

No. Unless the criteria changes to exclude their condition why put people through the stress of reassessment? Also consider the cost savings involved in not carrying out such unnecessary processes. Mostly again it is about respect and dignity - most people with specific sensory impairments are highly unlikely to regain these faculties, in fact, more likely, though age, the conditions will get worse therefore reassessment might only then be required to increase levels of support if possible.

**What evidence do you think would be required to determine that a person's condition is not likely to change**

Medical evidence and specific expertise from specialist organisations

**Should the new Scottish social security system continue to include the use of mobility allowance to lease cars, wheelchairs or scooters?**

Yes It has a good reputation

**How could disability benefits work more effectively with other services at national and local level assuming that legislation allows for this e.g. with health and social care, professionals supporting families with a disabled child.**

We have already mentioned for a disabled child the GIRFEC approach should be used. Also consider allowing or aligning support for respite care for children themselves to experience a childhood through out of school care clubs and holiday clubs.

**Carer's Allowance:**

We agreed with the proposal to bring carers allowance up in line with jobseekers allowance and suggested below:

**How can we improve the support given to young people with significant caring responsibilities - beyond what is currently available?**

For young children before teenage years, with caring responsibilities we suggest that they be not a recipient of cash payments but have respite support purchased to allow them to be free of such responsibilities as often as possible. This should include sponsored places in out of school care so they have time for play, informal learning and fun with friends, or as teenagers, choices in youth work activities for similar time off options.

**Winter Fuel and Cold Weather Payments**

**Do you have any comments about the Scottish Governments proposals for Winter Fuel and Cold Weather Payments?**

## **Funeral payments Are there other elements that you think should be included or explicitly excluded?**

Though we have ticked yes to all items in the consultation list, items like the cars, flowers, coffin, travel etc. should have a reasonable limit set on numbers and expenses.

There should be a contingency fund to cover additional expenses in more unusual deaths; e.g. such as those where an inquest is held, or where the next of kin is abroad.

There should be flexibility within an overall limit of the type of funeral provided.

The cost of a death certificate and the doctor's cremation certificate should be included.

## **How can we improve the process for identifying whether someone is responsible for the funeral and should receive the funeral payment?**

It is very difficult and distressing for families to be asked questions about their siblings, for parental or their ex partner's income details, when often they do not know or are not in touch with every relative for their own personal reasons, therefore this should not be part of the questions asked.

## **In terms of the Scottish Funeral Payment, are there any qualifying benefits (e.g. Pension Credit) that you would add to or take away from the current qualifying benefit list?**

Yes. Not a qualifying benefit as such, but as part of a humane society, consideration might be given to providing a special funeral grant for a small service for when a child is stillborn. Not sure if this is already covered under the access to other benefits, but it should be.

## **Best Start Grant**

### **What are your views on who should receive the Best Start Grant?**

The priority should be families on a very low income but moving towards anyone on receipt of tax credit or universal credit as resources allow.

### **Do you agree that each of the three BSG payments should only be made once for each child?**

#### **If no, what exceptions would you make to this rule?**

Exceptional circumstances could include a child moving home/ ELC/School through; parental separation or bereavement/ loss of a parent, a kinship carer taking in children from the family, or a looked after child returning to the family home, a foster child moving between foster carers and changing ELC/ School setting through this. Basically if a major change in the child's own circumstances means they change ELC/ school settings.

### **Do you agree that we should retain the requirement to obtain advice from a medical professional before making a maternity payment?**

Yes. It is important that expectant mothers are receiving good ante natal care.

**Are there other points during the first five years of a child's life when families face greater pressure than at the start of nursery (other than birth and the start of school)?**

Yes. See answer above on frequency of payments; when there is a major change in who cares for a child/ their circumstances.

What are your views on defining 'the start of nursery' as the point of entitlement to a funded early learning and childcare place, for the purposes of making the second payment?

This seems reasonable as a point of entitlement. However, at the moment some minority of parents might use other forms of non funded ELC/ childcare or prefer not to use their entitlement and home school their child therefore eligibility should not be conditional on using the ELC place.

**Are there any particular issues related to the school payment that you think we should consider?**

For working parents, but still on low incomes, they may need access to out of school childcare before and after the school day and in school holidays. As out of school care services are not often supported financially, they often have to ask parents for a deposit or advance payment. While parents may be able to claim help with childcare costs through tax credits there is a time delay in this, therefore, they do not have the money to pay the deposit to secure their childcare place.

There should be consideration here or elsewhere in childcare policy of providing a cash deposit for low income families to access school age childcare or holiday care in the transition period from nursery to school. This should be in addition to the welcome suggested payment for starting school as the CPAG report "the cost of the school day" also highlights the social exclusion faced by children from low income families; there, the one off payment of £250 will help with upfront costs of providing a child with essentials they need in order to attend school.

While we understand that at present there has to be some limits set on best start grants but the needs of disadvantaged children do not go away when they reach school age. Throughout the school years and especially again at the transition to secondary school are all times when help with the costs of school are needed. Long term therefore we would like to see the age range extended upwards for such grants.

**Should the school payment be payable to all eligible children who begin primary school for the first time in Scotland, or should an upper age limit be included?**

- ☒ Payable to all eligible children who begin primary school for the first time in Scotland
- ☐ An upper age limit be included

Could we not also in this case include eligible children starting school for the first time in Scotland at any age? An Asylum Seeker 13 year old will still need school clothing and supplies on a very low income.

We also agreed with the proposals for applying for the grant and links to the healthy start.

**We know that there is a patchy awareness of the SSMG and that take up is low.**

Information should be in ELC centres, schools, out of school childcare and holiday services as all are places parents go.

There also should be a media campaign on all the social security entitlements mentioned in this consultation.

## **Job Grant**

### **What should the Scottish Government consider in developing the Job Grant?**

Many parents starting work might have to pay a deposit/ in advance payments before tax credits for childcare; therefore this should be considered as a cost to be incurred in setting a job grant amount.

Lone parents of any age returning to work could do with this support, indeed, in time and where overall costing allow for it this really should be a grant for anyone starting work.

## **Universal Credit flexibilities**

### **Should payments of Universal Credit be split between members of a household?**

We agree with this statement from Engender:

"Evidence shows the majority of out of work benefits that are jointly awarded to a couple are claimed by men and this pattern is unlikely to change under Universal Credit. This reduces women's access to an independent income, to be able to budget and to make decisions about household spending. It increases the opportunity for financial control, placing women experiencing domestic abuse at greater risk."

<https://www.engender.org.uk/content/gendermattersinsocialsecurity/>

And we would add that benefits linked to dependents should go to the main carer and that no individual, even if in a couple, should be forced to be financially dependent on their partner.

**If Yes, please indicate if you think the default position should be:**



**automatic payments to individuals, with the option to choose a joint payment**

**If Yes, how do you think payments should be split? For example 50/50 between members of a couple or weighted towards the person who is the main carer if the claim includes dependent children?**

Weighted towards the main carer of dependent children