



T: 0300 244 4000
E: scottish.ministers@gov.scot

Dr Jim McCormick
Chair: Disability and Carers Benefits Expert
Advisory Group
c/o Scottish Government

28 October 2019

Thank you for your advice of 11 April about supporting sources of information and 19 July about the Scottish Government's proposals for Disability Assistance for Children and Young People (DACYP).

I have now had the opportunity to consider all of your advice on this matter alongside the responses to the consultation. I am delighted to inform you that the Scottish Government has published today its analysis of responses to the Consultation on Disability Assistance, and its formal response. This will be followed by a debate on Disability Assistance in the Scottish Parliament tomorrow.

Recommendations on Disability Assistance for Children and Young People

I found your recommendations in this area very helpful and am pleased to confirm that I have fully accepted most of them. For clarity I have listed below all your recommendations in this area that I have fully accepted.

- 1b. The Agency will provide some information and signposting in relation to advocacy. There are plans to procure advocacy and it will be available to all disabled people who make an application for Social Security in Scotland.
- 2a. The date of claim will be set as the date on which an individual first contacts the Agency to make a claim.
- 2c. The Agency is committed to collecting management information which will allow for analysis of average application clearance times.

3a-c. Multiple communication channels and accessible methods of communication will be

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



available to provide information about the application process.

- 4a-b. The Agency will provide claims support is available to individuals making an application to DACYP. This will be available face-to-face, through local delivery services, by phone and online.
- 5a. All clients applying for Disability Assistance for Children and Young People can request either a face-to-face meeting or a telephone appointment, to explain their child's needs.
- 5c. Regulations will set out the rules of entitlement to DACYP.
- 6a-b. The process of decision-making, as well as the criteria for making decisions, will be monitored and reviewed.
- 7a. During the decision-making process, the Agency will keep applicants informed about their claim.
- 7b. The time allowed to request a redetermination will be extended to 42 days.
- 7c. Individuals will be able to make a late redetermination when 'good cause' exists. Guidance will be published which sets out 'good cause' reasons in more detail.
- 8a-b. The Scottish Government will communicate an appropriate rights-based message in relation to Disability Assistance to reduce the stigma of disability benefits.
- 9. The Scottish Government will seek to involve people with lived experience of disability in the development of training to Agency staff. To date the Agency has engaged with a range of disabled peoples' organisations to advise on the content and development of its learning programmes and materials. It will continue to work with them to ensure that this lived experience supports the design and delivery of training.
- 10a-b. The Agency will provide information on peer support organisations to those that need it.
- 12b. The Agency and the Scottish Government will provide tailored, accessible and multi-format communications on Disability Assistance.
- 13b. The Scottish Government will monitor the implementation of the 'Rising 16s' policy.

I am further pleased to advise that many more of your recommendations I broadly agree with and have partially accepted. This is explained below.

1a. *Clear information about rights and entitlements to other social security payments and services.*

Whilst Social Security Scotland will provide some information and signposting, it will not provide universal information about services and entitlements to reserved benefits or local authority services, given the complexity of the disability services landscape

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



across the private, public and third sector, as it is not possible to provide an exhaustive list.

- 5b. *Supporting evidence should only be required in the circumstances outlined in our previous advice note. Parents and carers are best placed to identify the most appropriate supporting evidence. Case managers should be aware that professionals who have contact with a child are not always aware of the child's full range of restrictions.*

Although parents are vital in application process and understanding the needs of their child, professionals can provide an alternative view and perhaps better understand the entitlement criteria of the benefit. I believe that the recommendation is reflected in the current policy position, that in most cases an individual's account will be supported by some further information which might be a diagnosis or another source of information, for example, professional opinion or the testimony of someone known to the individual such as a carer or relative.

- 7d. *That the Agency runs an evaluated trial giving claimants contact details within the agency to provide them with updates and any relevant information during the claim process and reflecting their preferred communication method.*

Our position is that the Scottish Government has and will continue to undertake appropriate design and testing work around the application process, including the digital portal, with people with lived experience of the current social security system. We will continue to respond to feedback and ensure that our processes work for disabled people.

- 11a. *People with direct experience of disability and caring should be encouraged to work with Social Security System as employees as well as volunteer advisers. Drawing upon their expert insights would actively build greater trust in the system.*

Social Security Scotland has undertaken significant work to try to increase and to attract people from a broad range of backgrounds and specifically people who either have a disability or have experience of disability. There are no current proposals to support a volunteer adviser service within Social Security Scotland, however, we will continue to listen to disabled people involved in the design and testing of the Agency's operations.

- 13a. *Further evaluation and exploratory work around the appointee system and potentially family mediation is needed to balance support for parents and carers with protection of the rights of young disabled people to fulfil their potential, have autonomy and live their lives as independently as possible.*

As set out in the Disability Assistance consultation, the policy proposal on appointees is to broadly replicate the current UK Government rules. There was limited stakeholder comment in relation to appointee proposals through the consultation feedback and no negative comments in relation to the proposed approach. Although further evaluation and consideration will be undertaken, the role of appointees relating to adults with incapacity is within the remit of the Mental Welfare Commission and the Office of the Public Guardian and that these bodies would support officials to



implement an appointee system that is proportionate and in line with current policies relating to adults with incapacity.

I felt that the Scottish Government could not accept a small number of recommendations. This is explained below.

- 1c. *Active referral pathways so that disabled children, young people and their carers can be referred to all appropriate services (including education, health, housing and transport) with monitoring of the effectiveness of different referral strategies (e.g. sign-posting, appointment referral, co-located and embedded support in local settings) and take up.*

This recommendation involves undertaking a broader, holistic assessment of need that is within the remit of local authority social work services, as well as primary care – as such it falls outwith the remit of Social Security Scotland. However, Social Security Scotland staff will provide signposting to individuals where possible and appropriate.

- 2b. *The individual should be allowed as long as they need to complete the claim and assessment process.*

It is currently proposed that, from a registered date of claim, an individual would have six weeks to complete their full application. The reason for introducing a time period is to ensure that clients receive the assistance that they are entitled to as soon as possible and to flag any issues where vulnerable clients have been unable to complete the process so that the Agency can support them to complete their application.

By removing this timeframe, there is a risk that clients would not submit their application for an extended period and, therefore, not have access to assistance for this period. The time period will also enable the Agency to manage workload and Disability Assistance caseload onflows effectively and where a large number of incomplete applications were pending in the system, the Agency would find it challenging to resource adequately to project the number of completed applications over a given timeframe.

In terms of recommendation 12a, namely that:

The Scottish Government should trial a routine enquiry where all parents are referred for a benefits check at certain key milestones. This should be developed with people with direct experience and other expert stakeholders and, if successful, be rolled out across Scotland.

Our position is that whilst individuals will be offered a referral to advice agencies or support services, where appropriate, this is not within the scope of Social Security Scotland's work. When consideration is given to the delivery of the benefits uptake strategy, my officials will consider this feedback in agreeing an appropriate approach.

Sources of Supporting Information

I have also had the opportunity to consider your recommendations of 11 April 2019 on sources of supporting information. Our approach is governed by the need to take a person-

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



centred approach. Every client will have the opportunity to tell us about the impact that their disability has on their day-to-day life. We also recognise that information provided by those who have a close insight into an individual's life could add significant value to their self-assessment.

Case Managers will apply the principle that all sources of supporting information are given equal weight, but in all cases, additional formal supporting information (for example, from health or social care services, education, or advocacy and support services involved in supporting a client) should be sought. We believe this provides a person-centred approach, by enabling individuals to provide, for example, supporting information from a family member and a third sector agency.

In order to ensure that the small minority of clients without any formal sources of information are not disproportionately negatively impacted by our approach, Case Managers will have the discretion to make an entitlement decision if that is appropriate in all the circumstances. We expect that there will be a small number of cases where a Case Manager is unable to make a decision on the basis of the available information. They may then further discuss the application with the client, seek advice from Specialist Advisers, or in the case of DAWAP, consider whether a face-to-face assessment is required.

I am sincerely grateful to all members of the Group for their time, commitment and expertise in formulating these recommendations, and others, to ensure that Disability Assistance meets the needs of disabled people in Scotland. I welcome the Group's continued input to ensure that we continue to build a system founded on the principles of dignity, fairness and respect, and look forward to your continued participation in this process.

SHIRLEY-ANNE SOMERVILLE

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020

