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

6 March 2020

Dear Jim,

Thank you for your letter of 26 November 2019 regarding Disability Assistance for Working Age People: Service Design and Home Visits. I am pleased to hear of your constructive visit with officials and welcome your feedback. I have considered all of your recommendations and am pleased to confirm that I broadly support them all. I would like to address each in turn.

Recommendation 1: The Scottish Government should create clear, publically available guidance detailing what and how much supporting information a Case Manager needs to make a positive determination.

I am committed to ensuring that clients receive clear guidance regarding the decision making process, including an outline of the types of supporting information which will support Case Managers in making a determination.

In reference to the quantity of supporting information provided, Case Managers will help clients identify what types of supporting information are most useful, and where necessary, will help clients to gather that information, or gather it on their behalf. This is intended to facilitate as many decisions as possible being made without a face to face assessment and based on the best form of information for that client. While there is no hierarchy of supporting information, Case Managers will be required to seek one formal source which supports the general care and/or mobility needs described in the application. Where the client's application and that formal source of information, do not provide sufficient details to enable the case manager to make a robust decision about the appropriate award, the Case Manager may seek further information, from either a formal or informal source - including carers and/or family members.

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I understand officials met with the Group recently and had a very fruitful discussion about the decision making process. You will have learned that Case Managers will be using a decision making tool that guides them through the process for making a determination, ensuring their discretion is used within appropriate parameters. This tool includes recording whether the Case Manager has received supporting information from the client, whether formal or informal, and prompts them to contact the client to identify with them the best source where further information is required. They will then, having made all reasonable efforts to obtain information from the sources suggested by the client, need to make a determination based on the information they have. It is important to note that Case Managers will be directed to gather sufficient information to make a decision about the appropriate level and length of award, rather than every piece of information that could be available.

In the minority of cases where no formal source of supporting information is available, if Case Managers are of the view that they can nonetheless make a robust decision about the appropriate award, they will have the discretion to make a determination. Decision making guidance will clearly set out how Case Managers should use their discretion in such circumstances.

Recommendation 2: Regulations should make it clear that, where this threshold is not met, Case Managers should still make a substantive determination using the information available.

I would like to confirm that in cases where the threshold of supporting information is not met, a substantive determination will be made using the information available. We are currently considering how Regulations might support that approach. Work is ongoing to design an appropriate process which balances the need for Case Managers to ensure they have exhausted all potential routes to gathering and obtaining information, making decisions in a timely manner, and the client's need for certainty.

Recommendation 3: Case Managers should be provided with significant training and a means of self and peer support, which embed reflective learning as a core tenant. Training should include people with lived experience providing insights into how their disabilities affect them.

This recommendation aligns with my commitment to ensuring that Case Managers carry out their roles in accordance with the Social Security Scotland values of dignity, fairness and respect, and fostering an environment within the Agency which encourages continuous improvement. Wherever possible, training will be developed in consultation with people with lived experience of health conditions and disabilities.

Recommendation 4: How assessments are delivered should be tailored to the needs of the individual via a simple, transparent process that is flexible to change.

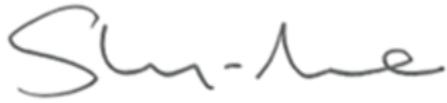
In keeping with my intention to create a person centred system of social security I am committed to ensuring that the assessment process fully takes into account the needs of the client. That will include the way in which the assessment is carried out and when it takes place. My commitment to transparency is informing the design of Disability Assistance processes and I am acutely aware of the importance of transparency in fostering trust in the assessments service.

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Thank you for your continued support as we work toward delivering Disability Assistance reflective of our ethos of dignity, fairness and respect.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

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