

# **Social Security**

## **A Consultation on Disability Assistance in Scotland**

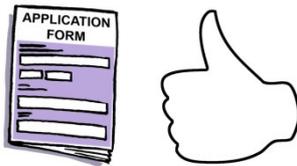
### **Easy Read**

**April 2019**

## Introduction



The Scottish Government has listened to people who have experience of getting disability benefits. They want to make sure that social security in Scotland meets the needs of people who will receive it.

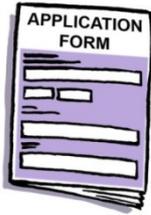


The Scottish Government held a consultation on social security in 2016. The most important things people said the Government should do for them were to:

- Treat everyone as an individual
- Make the process less stressful
- Give people choices about how they apply (online, phone, paper)
- Treat people with dignity and respect
- Let people work with advocacy and advice services when talking to Social Security Scotland
- Think about a wide range of disabilities and conditions when designing services and benefit rules



The Scottish Government has also set up the Experience Panels. These are people who have personal experience of disability benefits who are asked to give their views about how the Scottish Government says they will introduce the three new benefits.



The Scottish Government will launch new benefits that will replace Disability Living Allowance (DLA), Personal Independence Payment (PIP) and Attendance Allowance (AA).

The Scottish Government wants to deliver Disability Assistance safely and securely.



The Scottish Government has listened to people who have said that the most important thing is that people continue to get the right amount of money at the right time when their benefit transfers.

## About the Consultation



We want to hear from people about whether the way that we are planning to provide Disability Assistance will meet their needs.

All people who receive DLA, PIP or AA from the Department for Work and Pensions (DWP) will be affected by the changes we have described in this document. Welfare rights agencies, Disabled Peoples Organisations and public agencies including local authorities will also be affected.



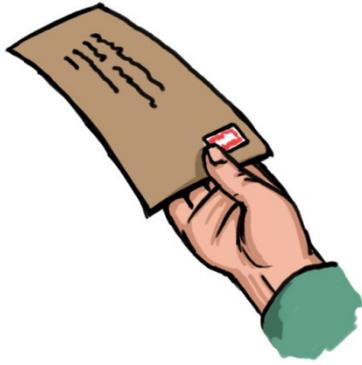
Responses to this consultation will be used to draft each set of regulations for Disability Assistance. Once these regulations have gone through parliament, they will be put into law.



We would like responses by 28 May. To submit your response online please visit: <https://www.gov.scot/publications/social-security-consultation-disability-assistance-scotland/>.



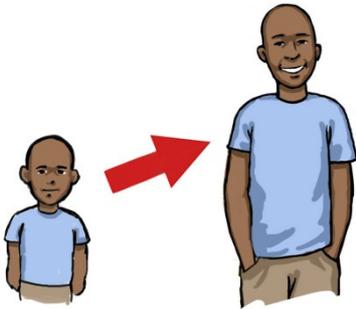
If you would prefer, you can email your response to: [disabilitybenefitsconsultation@gov.scot](mailto:disabilitybenefitsconsultation@gov.scot)



You can also complete this consultation and return it to:

**Social Security Policy Division  
Disability and Carers Benefits Policy  
Area 2C South  
Victoria Quay  
Edinburgh  
EH6 6QQ**

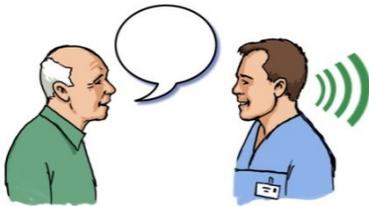
## Moving to the New System



There will be three types of Disability Assistance for different ages: young people, working age people and older people.

Too many changes at once would make creating the new system complicated and people might not get paid correctly or on time. We must make sure payments continue to be made on time when benefits change.

Some of the changes we have planned:



### Assessments:

- Social Security Scotland will deliver assessments.
- Assessments will look at each person's own situation.
- People will have a choice over the day and time of their assessment. Home visits will be available.
- We will collect information which supports an application and will let people know what will support a claim.
- We want to reduce reassessments.



### After the assessments:

- People will get a copy of the assessment report with their decision letter
- We will explain how we made the decision and what information we used



### **Application:**

- The application process for Disability Assistance will be easy to use.
- We will make sure that all communication and information is clear and easy to understand.



### **Young People 16-18:**

- We will give children and young people Disability Assistance up to the age of 18 if they get the benefit before they turn 16. This means that people will not have to apply for a new benefit when they are moving between child and adult services.



### **Terminal Illness:**

- Under special rules a terminally ill person's application will be handled more quickly so they can get the highest level of award they are entitled to.
- Medical staff can decide when a person can claim under these special rules.



### **Advocacy Services:**

- Disabled people will have a right to independent advocacy.
- We are developing 'advocacy service standards'.

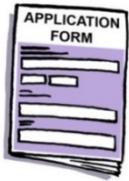


### **Accessible Communication:**

- We will communicate with people in a way they can understand.



We want to make changes as soon as we can. But we have to take time to do things properly, to make sure that people are paid the right money at the right time.



We will make sure that applying for Disability Assistance is as easy as it can be. We want to make sure that the whole process is clear and that people understand how and when we will deal with their claim.

## Disability Assistance in Scotland



Disability Assistance will give people extra money to help them pay for the care and support they need because of their disability or long-term condition.

### Disability Assistance for Children and Young People (DACYP)



We will replace DLA for Children with a new benefit called DACYP for children and young people aged 3 months to 18 years old.

The rate of DACYP will be based on the type of support, help or supervision a child needs during the day and/or night.

**Question 1: Should Disability Assistance for people aged 0-18 years old be called Disability Assistance for Children and Young People (DACYP)?**

Yes  No

**Comments**



DACYP will be paid from the ages of 3 months to 18 years if a child has had their disability for at least 3 months and it will last for at least another 6 months.

We will give Disability Living Allowance and Disability Assistance for Children and Young People (DACYP) to people up to age 18 who get DACYP before their 16<sup>th</sup> birthday. This will make sure that they will not have to apply for a new benefit at a time when they are moving between child and adult services.

**Question 2: Should we provide this support of Disability Assistance for Children and Young People to people aged 0-18 years?**

Yes  No

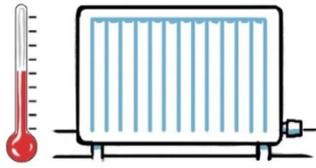
**Comments**

**Question 3: Should the rules be similar to DLA for the different types of support needed?**

Yes  No

**Comments**

## Winter Heating Assistance



We want to give a lump sum payment of £200 to children and young people who get the highest rate of Disability Assistance for Children and Young People.

**Question 4: Should we pay a £200 Winter Heating Assistance payment to children and young people who get the highest rate of Disability Assistance for Children and Young People?**

Yes

No

**Comments**

## Disability Assistance for Working Age People (DAWAP)



We will replace Personal Independence Payment with a new benefit called DAWAP, which will be for people aged 16 to state pension age.

The rate of DAWAP will depend on how a person's condition affects them.

**Question 5: Should Disability Assistance for people aged 16 years old to pension age be called Disability Assistance for Working-Age People (DAWAP)?**

Yes

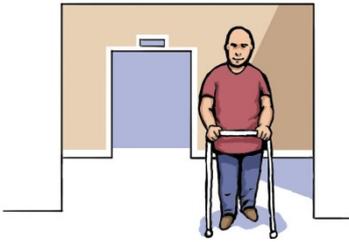
No

**Comments**

DAWAP is for people who have difficulties with everyday activities, getting around, or both.

To get this benefit a person will have had their condition for at least 3 months, and will expect to have their condition for another 9 months. This rule will not apply for people who are terminally ill.

We will make decisions about an award by looking at the supporting information and giving people points from a list of different activities.



At the moment, people are asked how far they can walk in metres to see how well they can move around. We think this is a difficult question to answer and want to find a better way of doing this.

**Question 6: Should we use a points based system for Disability Assistance for Working-Age People?**

Yes

No

**Comments**

**Question 7: Do you have any suggestions to help us understand people's mobility needs?**

## Disability Assistance for Older People (DAOP)



We will replace Attendance Allowance with a new benefit called DAOP, which will be for people who are state pension age or older.

To get this benefit, people will have needed help daily or nightly for at least 6 months. This rule will not apply to people who are terminally ill.

The rate for DAOP will depend on how a person's condition affects them.

**Question 8: Should Disability Assistance for people who are state pension age or older be called Disability Assistance for Older People (DAOP)?**

Yes

No

**Comments**

**Question 9: Should Disability Assistance for Older People be provided to those who are state pension age or older?**

Yes

No

**Comments**

**Who can get these benefits**



Case Managers will make decisions based on each person's situation. They will consider how each person's disability affects them.

Case Managers will need the right skills and experience to do this. They will be trained to do all their work with dignity, fairness and respect.

Treating people with dignity means listening to them and making sure we value them as a person. This is called a 'person-centred approach'.

**Question 10: Should a person-centred approach be used to decide who can get Disability Assistance?**

Yes

No

**Comments**

**Decision making**

Disability Assistance will be based on how a disability or condition affects each person.



In the Scottish social security system people with mental health conditions and other complex needs will be assessed by people who understand their condition or disability.



Assessors will have experience of health and social care. Some assessors will be trained in the impact of mental health conditions and learning disabilities.



Case Managers working on Disability Assistance will have information and advice from Specialist Advisors who have experience in an area such as health and social care.

**Question 12: Should Specialist Advisors be used to help make decisions?**

Yes

No

**Comments**

We would like to understand what kind of information people feel explains their condition in the best way.

**Question 11: What types of supporting information could be used for Disability Assistance eg. social work report, medical report?**

Supporting information will be used to decide if a person can get Disability Assistance for Children and Young People (DACYP) and Disability Assistance for Older People (DAOP). There will be no face-to-face assessments.

**Question 13: Should we use supporting information to make decisions about children and young people and for older people and not face-to-face assessments?**

Yes

No

**Comments**



If the Case Manager cannot make a decision using information we already have, we will contact the person or their parents or guardians to find out more.

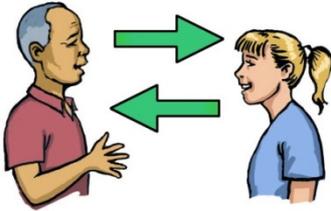
Some people may need a face-to-face assessment for Disability Assistance for Working Age People (DAWAP):

- If the information says different things about the person
- To fill a gap about the condition and how it affects the person
- If someone asks for a face to face assessment
- If a face-to-face assessment is needed to make the right decision.

## Face to face assessments



People will not need to have a face to face assessment unless it is the only way to make a decision. We will treat everyone fairly with dignity and respect.



Face to face assessments give the assessor the chance to make observations about a person. This can help them to understand how much help a person needs.

### Question 14: Should observations be part of a face to face assessment?

Yes

No

### Comments



People will have choice and flexibility when going to an assessment. We will think about how easy it will be for the person to travel when we arrange assessments.

To stop the assessment process taking too long we will have to limit the number of times a person can cancel or fail to attend unless they have a good reason.

Home assessments will be offered to people who need them.

**Question 15: What do you think is an acceptable distance to travel for an assessment?**

**Question 16: What else do we need to think about when arranging assessments?**

**Question 17: How many times to do you think a person should be able to change, or fail to attend, an appointment?**

**Question 18: What is a good reason to miss an assessment (e.g. hospital admissions)?**



We will record assessments. However some people may not be comfortable with this and can ask for the assessment not to be recorded.

**Question 19: Please provide any comments you wish to make about recording assessments.**

**When will this start**



We will deliver the three forms of Disability Assistance in stages to make sure we have time to get things right.

We will start taking new claims for Disability Assistance on the following dates:

- Disability Assistance for Children and Young People in Summer 2020
- Disability Assistance for Older People by the end of 2020
- Disability Assistance for Working Age People early in 2021

### **Applying for Disability Assistance**



We are developing an online application which will let people tell us about their own situation. People will have a choice of how to apply and forms will be available in different formats, for example on paper or online.

**Question 20: Should Disability Assistance have different ways to claim?**

Yes

No

**Comments**

**Where you live and who can apply?**



We plan to use similar rules to the UK Government's DWP (Department of Work and Pensions) to check whether people live in Scotland. We will also have the same rules as the UK to stop people from losing benefits if they are away from home for short periods.

**Question 21: Should we use the same rules as the DWP for being away from home for short periods?**

Yes

No

**Comments**

**Length of awards**



We want to give longer-term awards for people whose needs are not going to change. This will cut down the number of assessments a person needs to have.

**Question 22: Should we decide when to review an award when a person makes an application for Disability Assistance?**

Yes

No

**Comments**

**Question 23: If a person has a condition which is unlikely to change, should we set a date 5-10 years later to review their award?**

Yes

No

**Comments**

A review would not be needed if there is a change in employment status or personal details, like a change of address. We may only need to do a review if there is a change which affects the assistance a person needs.

**Question 24: Should we only review an award if a person reports a change to Social Security Scotland where it might mean the level of assistance they receive will change?**

Yes

No

**Comments**

## Looking at a decision again and appeals

Anyone who applies for Disability Assistance has the right to request a decision made by Social Security Scotland is looked at again. This is called a 'redetermination.'

People do not have to provide new supporting information to have their decision looked at again but if they do it will also be looked at. The decision and new supporting information will be looked at by a different member of staff.



People should ask to have the decision looked at again within one month. A request can still be made for up to a year if a person has a good reason for making the request late.

We will take between 40 to 60 working days to look at the decision again.



Once the decision has been looked at again the person can appeal to the First-tier Tribunal if they are still unhappy. They must make an appeal within 1 month.

**Question 25: Should anyone who applies have one month to ask for a redetermination?**

Yes

No

**Comments**

**Question 26: Should a redetermination be done by Social Security Scotland between 40 to 60 days after the request was made?**

Yes

No

**Comments**

### **Short-term assistance**



The Scottish Government will give Short-term Assistance (STA) if a person challenges a decision to reduce or stop their Disability Assistance. Short-term Assistance would pay the person the same rate as their benefit before it was reduced, until a final decision is made.

STA will not be available if the person is no longer living in Scotland.

**Question 27: Should Short-term Assistance only be paid to people living in Scotland?**

Yes

No

**Comments**

## **Paying back short-term assistance**

Short-term Assistance will continue payments of Disability Assistance until a decision has been looked at again. Therefore it should not be paid back. **If fraud has occurred then it would need to be paid back.**

**Question 28: Should STA not be paid back except when fraud has occurred?**

Yes

No

**Comments**

## Breaks in Disability Assistance



When someone has a break which means they can no longer get the benefit, like residential care, their benefit will stop after 28 days in most cases.

**Question 29: Should a person stop receiving the benefit if they are away from home for a longer period of time, such as being in residential care or hospital?**

Yes

No

**Comments**

## **Overpayments and deductions**

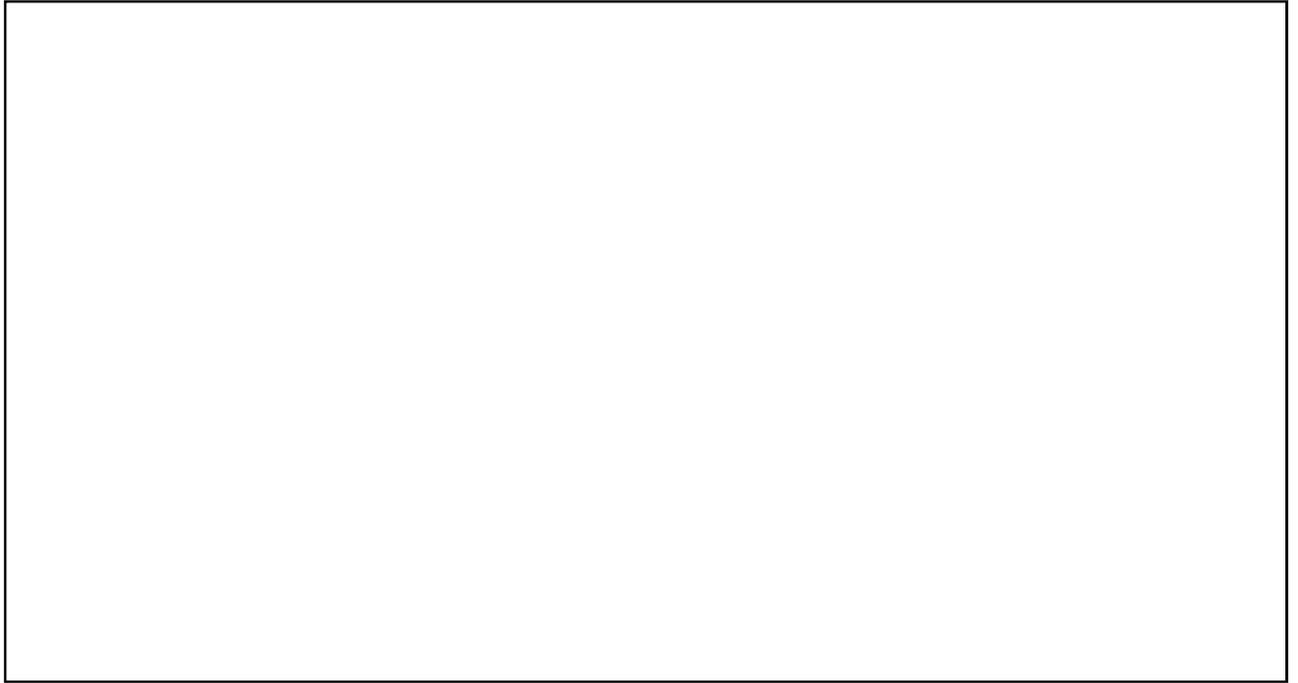
If we pay someone too much because of a mistake by Social Security Scotland we will not ask them to pay it back unless it is a large amount of money.

If the client has made a mistake we may ask them to repay the money.

We want to make sure that people paying money back do not suffer because of this. People should be treated with fairness, dignity and respect.

**Question 30: Please share your thoughts about overpayments and how the DWP deal with this?**

**Question 31: Do you have further comments?**

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