

## **Disability and Carers Benefits Expert Advisory Group: Assessments Workstream**

To: Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People  
By e-mail

17<sup>th</sup> December 2018

Dear Ms Somerville,

### **Suitably Qualified Assessors**

#### **Background**

At the meeting of the Disability and Carers Benefit Expert Advisory Group (DACBEAG) on 30<sup>th</sup> August, you asked for advice on suitably qualified assessors by the end of this calendar year. The Group's Assessments Workstream was established to carry out in depth investigation into disability assessments and includes non-members with relevant expertise to ensure advice is thorough and well-informed.

We welcome the commitment by the Scottish Government to ensure safe and secure delivery of the newly-devolved benefits, and to improve the claiming process for all recipients. Ensuring assessors are suitably qualified is likely to be a key factor in bringing that about. We understand that our advice may incur risks, implications and challenges for the Scottish Government. These will be made explicit in the current advice note and we aim, where possible, to signpost a proposed solution.

Our advice is based on the best information currently available to us, but makes some assumption about how the process of determining an entitlement to disability assistance will work. Should our assumptions prove incorrect, or new information become available, our advice may change.

We are grateful for the input of officials to gain an understanding of the current plans for determining entitlement. This advice is intended to assist in the implementation of Section 13 of the Social Security Act Scotland. This requires that any assessment of physical or mental health arranged by Scottish Ministers in connection with determining an entitlement to social security assistance must be carried out by a suitably qualified assessor.

#### **Recommendations**

Based on these assumptions, and our advice regarding sources of evidence, our main recommendations are:

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| <p><b>Recommendation 1:</b> The definition of "suitably qualified" should vary depending on whether an assessment is being carried out on paper by a decision-maker or as a face-to-face assessment, in light of the differences in role we would envisage for</p> |
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each form of assessment. In this letter, we offer proposed outlines of each role and what definitions of “suitably qualified” would therefore mean in each case.

**Recommendation 2:** On the assumption that face-to-face assessments only take place in certain circumstances, as outlined in our Sources of Evidence<sup>1</sup> paper, we have further identified certain groups, including individuals with mental health conditions and learning disabilities that may require an assessor who has specialist training and experience. The Agency may, over time, identify other groups that will require such.

**Recommendation 3:** As well as specific training and experience, we consider it essential that all assessors and decision-makers must uphold the Agency’s core values of dignity, fairness and respect, and the principle concerning the advancement of equality and non-discrimination.

## **Suitably Qualified Assessor – issues considered by the workstream**

We have taken the following work into consideration:

- Overview Paper on Suitably Qualified Assessors from the Disability and Carer Benefits Policy Unit – October 2018.

The overview paper provided by officials identified three questions for the workstream to consider, specifically:

1. *How should Social Security Scotland adapt its approach to suitably qualified assessors depending on whether a decision is being made about DLA, AA or PIP?*
2. *Should conditions, or groups of conditions, warrant the use of a suitably qualified assessor?*
3. *Which professionals are ‘suitably qualified’ to undertake assessments for the conditions identified above and what are the appropriate mix of skills?*

We found these questions helpful prompts in our discussion.

We note that much of the demand for SQAs has come from individual experiences of the current system. A new system, reflective of the Agency’s core values, the principles in the Act, and the commitments detailed in the Charter, could change individuals’ perception of the system. Nonetheless, the role of suitably qualified assessors remains important for a number of practical reasons.

In order to provide advice on who should carry out assessments and what “suitably qualified” should mean, we needed to reach some understanding of how we expect assessments will be undertaken.

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<sup>1</sup> Submitted 17<sup>th</sup> December 2018 with the current advice note

## **How Assessments Will Work**

Our expectation is as follows.

Under the new Scottish Social Security Agency, an assessment for disability benefits may take one of two forms:

- A desktop assessment carried out by a suitably qualified assessor (for paper-based assessments) who will have Agency training and guidance. They may choose to consult with others for advice to aid decision-making;
- A face-to-face assessment conducted by a suitably qualified assessor.

We have considered the proposal by officials of an additional stage: "...a desktop assessment conducted by a healthcare professional, where the application is referred to them as a result of the triage process, carried out by a decision maker" We are not clear on the purpose of this stage. We believe any desktop/paper-based assessment should be done by a suitably qualified assessor (for paper-based assessments) who is not a healthcare professional but who has access to a pool of suitably qualified assessors with specialised training and experience (as we detail later in the advice).

The specially trained assessors for mental health and learning disabilities we propose could also function as a pool of resource/knowledge that could be called upon by suitably qualified assessors (for both forms of assessments). However, it will be essential to learn from experience elsewhere with this type of provision to ensure that the resource is proactively deployed rather than depending on a decision-maker seeking it out. "Mental function champions" were developed for PIP and ESA with little evidence of effectiveness, so a different model would be required.

We assume that both forms of assessments will be framed and carried out in a sensitive and supportive manner, and will be designed to help the person give information that is beneficial to their claim rather than being entirely scripted with no room for flexibility. We note that the most common primary reason for decisions being over turned at an appeal is the claimants' own evidence. Therefore we anticipate that such a system will reduce the number of cases being overturned at Tribunal, due to more information being elicited from the individual during the determination process.

### **Purpose of paper-based assessments**

Before offering any advice on who is suitably qualified to carry out paper-based or 'desktop' assessments, it seems to us essential to be clear on their purpose. Paper-based assessments will constitute the majority of disability assessments, where an individual's account of functional impact is sufficiently detailed and consistent with diagnosis and where no further information is needed to determine eligibility. Should the assessor require more information on impact, they will have access to a pool of suitably qualified assessors with specialised training and experience.

## **Purpose of face-to-face assessments**

Before offering any advice on who is suitably qualified to carry out face-to-face assessments, it seems to us essential to be clear on their purpose. This is set out in detail in our Sources of Evidence advice note.

## **Definition of Suitably Qualified Assessors**

The Act states that when an assessment of physical condition or mental health is arranged, this assessment must be carried out by a suitably qualified assessor. However, the Act does not define “suitably qualified”. Given the different types of assessment which will be undertaken, and the need to avoid unnecessary complexity, it seems to us reasonable that the definition of “suitably qualified” will vary according to the type of assessment being undertaken. We set out definitions for three different groups:

- All assessors, including decision-makers.
- Face-to-face assessors undertaking general assessments.
- Face-to-face assessors specifically undertaking assessments of mental health problems and learning disabilities.

## **All Assessors**

We consider that some requirements should apply to all assessors, regardless of their role in the process. All assessors, including decision-makers, should be recruited in accordance with the values of the Agency and given a full understanding of the Charter and the Principles of the Act. They should also be given robust training and guidance (referred to below and a summary table is included in Annex A). Any assessor who may at any time have face-to-face contact with applicants should be trained in suicide intervention skills.

A values-based recruitment process for Agency staff will be paramount in ensuring candidates can uphold the values of dignity, fairness and respect.

The legislation provides that the definition of “suitably qualified” should be defined in relation to training, experience, or holding a particular position. We set out here our thinking on these requirements in relation to all assessors, including decision-makers, in addition to upholding the values of the Agency.

### *Training*

- All assessors should receive training from the Agency in the impact of common health conditions and disabilities.
- Such training should be co-produced and wherever possible delivered by people with lived experience of health conditions and disabilities.
- The Agency may define specific qualifications that it expects all assessors to hold.

### *Experience*

- Decision-makers should have experience in applying eligibility criteria to specific cases, though this need not be in a social security setting.

- All assessors should be able to demonstrate excellent communication skills.
- All assessors should be able to demonstrate a focus on individual needs.

#### *Holding a particular position*

We do not consider this should be required for all assessors.

### **Suitably Qualified Assessors (face-to-face assessments)**

We consider that there are specific requirements in order to ensure that face-to-face assessors are suitably qualified, in addition to the requirements outlined above.

#### *Training*

- All face-to-face assessors should receive training in the impact of common health conditions and disabilities.
- Such training should be co-produced and wherever possible delivered by people with lived experience of health conditions and disabilities.
- The Agency may define specific qualifications that it expects all face-to-face assessors to hold.

#### *Experience*

We consider that face-to-face assessors should have prior professional experience from fields including healthcare, social work or the provision of social care in the third sector. Given that these assessments are functional and not medical, we strongly encourage Scottish Government to consider expanding their pool of assessors beyond medical professionals. This would also assist in addressing concerns about a shortage of healthcare staff.

#### *Holding a particular position*

We do not consider that it is appropriate for us to specify particular positions, beyond the recommendations we have made under the Experience section. The Agency may wish to more specifically designate positions which it considers provide suitable experience.

### **Suitably qualified assessors (for face-to-face assessments requiring specialised knowledge of certain conditions, including mental health conditions and learning disabilities).**

#### *Training*

This subset of face-to-face SQAs will fulfil the same training criteria as outlined above for all face-to-face assessors with the inclusion of:

- Training specifically in the impact of mental health and learning disabilities, to enable them to carry out face-to-face assessments of people with these conditions.<sup>2</sup> Around 50% of current PIP claims are made on the basis of a

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<sup>2</sup> In cases where people have more than one condition, it will be important to be clear on the purpose of the face-to-face assessment. As outlined above, we consider that the primary reason for a face-to-face assessment is to fill a gap in the evidence available. Where that gap relates to the impact of a mental health condition or learning disability, then an assessor trained in that condition would be required. Where the person has a mental health problem or learning disability but the gap in evidence relates to another condition, then a specially trained assessor would not be required.

mental health problem and the experience of individuals is that they are not well assessed by a generic assessor.

- Following implementation, the Agency may find it necessary to train assessors specifically in other conditions, but this should be based on evaluation of the accuracy of assessments and on the demonstrated value of mental health and learning disability-specific assessors.

#### *Experience*

The group did not reach full agreement on this, but we agreed that there is scope to consider requiring experience of supporting people with lived experience of conditions such as mental health conditions and learning disabilities.

#### *Holding a particular position*

We do not consider that it is appropriate for us to specify particular positions, beyond the recommendations we have made under the Experience section. The Agency may wish to more specifically designate positions which it considers provide suitable experience.

### **A commitment to testing, learning and improving**

We caveat our advice with the expectation that the Agency will have a test and learn system. In particular we think it is essential that the Agency has access to Tribunal decisions about specific cases. This will enable the Agency to identify any consistent problems, and in particular to identify whether people with particular conditions are being badly served. Where this is the case, we would expect the Agency to train assessors to specifically assess these conditions.

In a briefing paper on the UN Inquiry into the Rights of Persons with Disabilities in the UK, from the House of Commons Library, it states that '*regular reassessment could cause anxiety and affect physical or mental health of vulnerable claimants.*' We would stress the importance of ensuring assessors are suitably qualified to prevent making the wrong decision in the first instance, or pushing for a face-to-face assessment when there is clear evidence of a diagnosis and consistency within the self-report functionality.

We would be pleased to discuss this note with you and your officials and look forward to hearing your response.

With best wishes,

**Tressa Burke**  
Workstream Co-chair

## Annex A

| <b>Suitably Qualified Assessors</b> |  |  |  |
|-------------------------------------|--|--|--|
| <b>Criteria</b>                     | <b>Paper-based SQA</b>   | <b>Face-to-face SQA</b>  | <b>Specialised subset of face-to-face SQA</b>  |
| <b>Training</b>                     | <ul style="list-style-type: none"> <li>•All assessors should receive training from the Agency in the impact of common health conditions and disabilities.</li> <li>•Such training should be co-produced and wherever possible delivered by people with lived experience of health conditions and disabilities</li> <li>•The Agency may define specific qualifications that it expects all assessors to hold</li> </ul> | <p>Same as paper-based SQA</p> <ul style="list-style-type: none"> <li>•Following implementation, the Agency may find it necessary to train assessors specifically in other conditions, but this should be based on evaluation of the accuracy of assessments and on the demonstrated value of mental health and learning disability-specific assessors.</li> </ul>   | <p>Same as face-to-face SQA with additions:</p> <ul style="list-style-type: none"> <li>•Should be trained specifically in the impact of mental health and learning disabilities, to enable them to carry out face-to-face assessments of people these conditions.</li> </ul> |
| <b>Experience</b>                   | <ul style="list-style-type: none"> <li>•Demonstrate a focus on individual needs</li> <li>• Experience in either carrying out assessments of individuals with a physical or mental health condition, or in providing health or social care</li> <li>•Demonstrate excellent communication skills</li> </ul>  | <p>Same as paper-based SQA with additions:</p> <p>We would not expect assessors to be less qualified than current DWP system (2 years) but would suggest the Minister consider expanding the criteria to include professionals with equivalent experience and qualifications which would allow for those from perhaps social work, social care and the third sector.</p> <p>The Agency may define specific qualifications that it expects all face-to-face assessors to hold</p> | <p>Same as face-to-face SQA with some additions:</p> <p>Consider experience of working with people with lived experience of mental health condition/learning disabilities.</p>   |
| <b>Position</b>                     | To be defined by Agency  | To be defined by Agency  | To be defined by Agency  |