

Cabinet Secretary for Social Security and Older People
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Dr Jim McCormick
Chair: Disability and Carers Benefits Expert
Advisory Group
c/o Scottish Government

9 June 2020

Dear Jim

Thank you for your letter of 20 December 2019 regarding Disability Assistance for Working Age People (DAWAP). I greatly appreciate your constructive advice and having considered all of your recommendations I am pleased to confirm that I broadly support them all.

Recommendation 1: safe and secure transition
Recommendations 2, 3 and 4: case law and decision making
Recommendation 9: 50% rule

I am pleased with your continued support for the safe and secure transition of Disability Assistance in your recommendation to not make any significant changes to the PIP Framework in the initial stages of delivery, including to the 50% rule. As you know I have nonetheless identified a number of measures which will ensure clients have a wholly different experience of accessing Disability Assistance in Scotland, one reflective of our values of dignity fairness and respect.

My officials welcomed the opportunity to participate in the short life working group DACBEAG established on translating PIP case law into legislative provisions. As you know, Scottish Tribunals will not be bound by existing UK case law but I remain committed to ensuring that, where appropriate, disability assistance policy reflects and protects existing rights. I am therefore grateful for your further advice of 12 March, which I will respond to separately.

Recommendation 5: Regular reviews

Fundamental to my commitment to design a decision making process which facilitates the right decisions being made first time, is Social Security Scotland's approach to continuous improvement. The process being established to carry out re-determinations of entitlement will be independent of the initial decision making process, with mechanisms built in to ensure learning can be fed back to Case

Managers. I agree that stakeholders should be involved in any review processes which need to be carried out if worrying trends appear in any decision making audit undertaken. This will enable individuals independent of the Agency to use their expertise to suggest how processes can be improved.

Recommendation 6: Relationships with stakeholders and take up

This recommendation aligns with activity being progressed in relation both to the Charter and to the Benefit Take-up Strategy. Work is underway to embed DAWAP within these frameworks so that clients, stakeholder organisations, those working in the public sector and other public sector organisations can continue to provide vital insights and ensure clients remain central to how DAWAP is delivered.

Recommendation 7: Robust data collection

The collection of robust data is central to Agency delivery of my commitment to continuous improvement. Officials are currently looking at what data needs to be captured in order to be able to evaluate policies and processes, including in relation to decision making. This data will be used in order to continuously improve the service provided and where appropriate, will be regularly published, including within Social Security Scotland's Annual Report.

Recommendation 8 & 11: Independent review

I want to reassure you that I am committed to a more substantive review of DAWAP following safe and secure transition and am pleased to accept your recommendation for such a review to be carried out. I am of the view that this requires some flexibility as it is important that the most effective process for undertaking a review is identified and indeed the most appropriate time for it to be undertaken. I will update the Advisory Group on this matter in due course. I also share your aspiration for a wholesale reconsideration of the role of disability benefits in a modern Scottish society. Delivery of Disability Assistance represents the beginning, not the end, of the transformation of the Scottish social security system and those with lived experience should be integral to that process.

Recommendation 12: Extension of DACBEAG

I note your suggestion that it would be appropriate for DACBEAG's timeline to be extended beyond 2021, which you also raised with me during our recent conversation. As discussed, I will give this consideration and respond to you in due course.

Recommendations 10:

I share DACBEAG's view that the Scottish Government should aim to reduce the impact on individuals of changes made to their entitlement to Disability Assistance. Short Term Assistance was introduced to ensure clients who challenge an entitlement decision do not experience a financial cliff-edge as they move between different rates of benefit, or when their award stops. I am therefore not persuaded

that a “tapered” payment should also be provided to clients who have a change in entitlement.

I greatly appreciate your continued advice and support as we continue to prepare for the delivery of Disability Assistance that is reflective of our ethos of dignity, fairness and respect, despite recent events. At this difficult time, I would like to extend my best wishes to you and each and every member of the Group. I hope that you and your families are safe and that you are able to make looking after yourself and them your priority.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Shirley-Anne".

SHIRLEY-ANNE SOMERVILLE