

Disability Assistance

Q. Which benefits for disabled people are being devolved to Scotland?

Personal Independence Payment, Disability Living Allowance, Attendance Allowance, Industrial Injuries Disablement benefit and Severe Disablement Allowance.

To remain consistent with the Social Security (Scotland) Act 2018 we intend to refer to Disability Assistance rather than “Disability Benefits”. We will consult on proposed name changes for each form of assistance. Our current proposed names for are:

- Disability Assistance for Children and Young People (to replace Child DLA)
- Disability Assistance for Working Age People (to replace PIP)
- Disability Assistance for Older People (to replace AA)
- Employment-Injury Assistance (to replace IIDB)

We are not proposing any name change to Severe Disablement Allowance, as it is a “closed” benefit. This means you can no longer claim SDA.

Q. When will the Scottish Government deliver new claims for disability benefits?

The timetable we have set out for Disability Assistance is:

- Our new claims service for Disability Assistance for Children and Young People (the Scottish replacement for Child Disability Living Allowance) in summer 2020
- Our new claims service for Disability Assistance for Older People (the Scottish replacement for Attendance Allowance) in winter 2020
- Winter Heating Assistance (Winter Fuel Payments) for children who receive the highest care component of Disability Assistance, in winter 2020
- Our new claims service for Disability Assistance for Working Age People (the Scottish replacement for Personal Independence Payment, or PIP) in early 2021
- Additional payments for carers of more than one disabled child in early 2021
- Our new claims service for Employment Injury Assistance (Industrial Injuries Disablement Benefit), from autumn 2022

Q: Why do you start new claims ahead of transfers?

Launching Disability Assistance in stages, with new claims being accepted before existing payments are transferred, allows us to ensure that the information provided to us by the DWP is complete and contains the information we need to begin administering each form of assistance.

Q. I'm already in receipt of disability benefits: what will happen?

We will arrange to transfer your case from DWP: you will not need to re-apply for your benefit. In addition, from early 2021 when we launch new claims for our new Disability Assistance for Working Age People (which replaces DWP's PIP), no-one will be subject to a face to face reassessment by DWP.

We are committed to ensuring that everyone in receipt of Disability Assistance will continue to receive the correct payment at the correct time.

We will also ensure that at the point we transfer a case, people will receive at least the same amount for the new Scottish benefit as they received for the equivalent UK benefit.

Q: How will I apply for Disability Benefits?

If you are already in receipt of benefits you don't need to take any action: when we start transferring claims we will keep you informed and you will not need to reapply.

If you want to apply for any form of Disability Assistance when we open new claims, you will have a choice of application channels - online, by telephone, using a paper form, or in person. You will be able to get help from our agency, Social Security Scotland including advice and support that will be available locally. If you have a disability you will have access to an independent advocacy service. We are working to have the service funded and in place for April 2020. You can also access advice from your local welfare rights organisations.

The Scottish Government has undertaken extensive work to establish a number of ways by which we will achieve an improved approach to the delivery of Disability Assistance. This includes the delivery of an accessible and transparent application process and delivering an assessment service that offers individuals choice and control.

We are committed to significantly reducing the number of face-to-face assessments and will only require an individual to attend an assessment when this is the only practical way to obtain the information necessary to make a decision.

Terminal Illness

Q: How will people who are terminally ill be treated?

People who are eligible under terminal illness rules will be fast tracked. They will not require an assessment of their care and mobility needs, instead they will automatically receive the highest rates of the Assistance that they are entitled to.

The Scottish Government is introducing a new approach to terminal illness which allows medical professionals to use their clinical judgement to determine whether an individual is entitled to Disability Assistance because they are terminally ill. It

recognises that it is the skill and expertise of the registered medical practitioner that is needed to determine a terminal diagnosis. The Chief Medical Officer is currently working with medical experts and stakeholders to develop this guidance. The guidance will be published on the Scottish Government's website before we begin delivery new claims for Disability Assistance.

Passporting

Q: How will the Scottish Government ensure that people continue to get access to reserved benefits and other passported support?

The Scottish Government is working closely with DWP and other organisations, with a view to ensuring that any existing form of support provided as a result of being in receipt of Disability Assistance will continue to be paid. After the consultation on Disability Assistance, the Scottish Government will confirm with DWP and other organisations in Scotland the approach being adopted.

This is exactly why we want to ensure we get the transfer of benefits right.

Motability

Q: Will people in receipt of Disability Assistance continue to be able to access the Motability Scheme?

We understand the vital role that disability benefits play in ensuring that people with long term conditions receive the support they need in relation to mobility. We will ensure that, when we begin delivering Disability Assistance in Scotland, clients continue to have access to a service that will enable them to transfer the mobility component of their Disability Assistance to lease accessible cars, powered scooters or electric wheelchairs.

We have heard from clients how important the current scheme is to them and will consider these comments in developing our approach to a service for people in receipt of devolved Disability Assistance.

Disability Assistance for Working Age People

Q: What are you doing with Personal Independence Payment (PIP)?

We will open new claims for Disability Assistance for Working Age People in early 2021.

We will create a fair and transparent system which respects the needs and rights of individuals. The Scottish Government remains committed to significantly reducing the number people required to attend a face-to-face assessment. People will not be required to do so unless it is the only practicable way to make a decision about their entitlement.

When a face-to-face assessment is carried out, we will make sure the process is right for people. We continue to work with people to consider what is needed from a social security system that ensures dignity and respect at every stage of an assessment for Disability Assistance and that people can trust in.

We will introduce rolling awards of up to 10 years for those clients with conditions unlikely to change. Reviews will be light touch and as little intrusive as possible.

We are exploring the potential for making changes to existing criteria which Experience Panel members and stakeholders have told us present particular barriers to individuals accessing the support they need. In particular, we are considering how best to establish the impact an individual's condition has on their mobility, and how to properly take into account fluctuating conditions.

Q: Will any changes be made to the way in which people's mobility is assessed?

The current mobility descriptor asks individuals how many metres they can walk is considered by many to be too inflexible to provide a full picture of a person's mobility needs. Our forthcoming consultation on Disability Assistance will seek views on alternative approaches to assessing mobility and will consider the options while ensuring that our commitment to safe and secure transition can be delivered.

Q: When will it be introduced?

We will begin delivering new claims for DAWAP in early 2021. In addition to delivering new claims for Disability Assistance, the Scottish Government also need to transfer people from DWP to our agency. This involves moving around half a million cases from one system to another. We will take the time to get this right, ensuring that it causes people minimal anxiety, whilst safeguarding the payments they're currently getting.

Many people on DWP disability benefits have been subjected to new systems and processes that are ill thought-through. While we are clearly anxious to take over

responsibility for delivering DAWAP as soon as we can, we will not be rushed into replicating the turmoil caused to individuals by benefits that are not fit for purpose.

We are building the systems for the different types of Disability Assistance in succession. Introducing Disability Assistance for Children, Younger People and Older People first will allow us to learn from and build on the systems already in place.

What will happen about face to face assessments?

We have committed to reduce the need for face to face assessments. Where these are necessary, we will provide people with choice and flexibility over their appointment, taking into account the distances people are expected to travel and their location preferences, when they are invited to an assessment. These assessments will be audio recorded as standard and individuals will routinely be provided with a copy of the report written by the assessor without having to request it. If an individual appeals Social Security Scotland's decision regarding their entitlement to assistance, the audio recording of any face to face assessment carried out will be provided to the tribunal. The tribunal can then choose whether to review the audio recording in reaching a decision.

This approach has been developed as we have heard from many people about their dissatisfaction with the way in which assessments are currently organised, including people who have had to travel for hours to get to assessments, those who are too ill to leave the house being refused home assessments and those who unavoidably miss their assessments being told they must start the entire application process again.

No individual will be subject to the DWP face to face reassessment process from when we begin delivering new claims in 2021. Although not all cases will transfer immediately, when an individual's award comes to a natural end or when they require a review, they will transfer and become the responsibility of the Social Security Scotland agency. This will ensure that they are treated with dignity, fairness and respect.

At the point of transfer of cases, clients will not be required to reapply and their current award will be honoured with no break in payment.

Disability Assistance for Children and Young People

Q: What are you doing with Child DLA?

We will open new claims for Disability Assistance for Children and Young People in summer 2020. As is the case currently, face to face assessments will not be used to determine entitlement to this form of assistance.

We are extending the age range up to 18. We want to ensure continuity for young people and their families at what we have been told is a difficult transition period for them. That is why we are extending the eligibility criteria from age 16 to age 18.

In addition, we will provide a £200 lump sum payment as Winter Heating Assistance to families with children in receipt of the highest care component of Disability Assistance for Children and Young People to supplement winter heating costs for families. This will start at the end of 2020.

We are working closely with DWP to ensure that those Scottish young people who are approaching age 16 are not invited to apply for UK PIP and are instead informed that they will be continue to receive DACYP to age 18.

As with all forms of Disability Assistance we will ensure there is a choice of inclusive application channels including the ability to apply online, by telephone or using a paper form.

Disability Assistance for Older People

Q: What are you doing with Attendance Allowance?

We will open new claims for Disability Assistance for Older People in winter 2020. As is the case currently, face to face assessments will not be used to determine entitlement to this form of assistance.

We will ensure older people who require Disability Assistance have a choice of inclusive application channels including the ability to apply online, by telephone or using a paper form or in person. We are working closely with stakeholders and users to establish the best way of raising awareness about this form of assistance. This is because we have heard many people are not aware of Attendance Allowance.

Our development of Disability Assistance for Older People has been influenced by user experience, initially steered by the 2016 consultation on Social Security and subsequently through engagement with key stakeholders and current users of the current Social Security System.

For more information on Disability Assistance go to:

<https://www.gov.scot/policies/social-security/benefits-disabled-people-ill-health/>