

DURATION OF AWARDS PROJECT – THE ILL HEALTH AND DISABILITY STAKEHOLDER REFERENCE GROUP

OVERVIEW

Purpose

To outline considerations undertaken and provide recommendations on award duration for the main disability benefits being devolved to the Scottish Government.

Background

The Scotland Act 2016 devolves power over a number of non-work related disability benefits to the Scottish Government, as well as other benefits to support those on low incomes. The main disability benefits being devolved to Scottish Government are: Disability Living Allowance, Personal Independence Payments, Attendance Allowance; they are all tax-free and non-means tested. Scottish Ministers are committed to exploring the feasibility of introducing an automatic entitlement in relation to the aforementioned disability benefits.

Devolved Disability Benefits

- *Personal Independence Payments (PIP)*: A benefit for disabled people who need help with mobility or care costs, which replaces DLA as the main disability benefit but only for working age claimants (aged 16 – 64 years). A gradual process to replace DLA with PIP started in April 2013, and is expected to be mostly concluded in 2019. PIP has two components, daily living and mobility, each has a standard or enhanced level of support.
- *Disability Living Allowance (DLA)*: Also benefit to assist with mobility and care costs. DLA is being phased out for those of working age, but continues for people under 16, and for people over 65 who are already on DLA and have not been migrated to PIP when reaching that age. DLA has two components, the care component has three tiers of support (low / middle / high), the mobility component has two tiers (low / middle).
- *Attendance Allowance (AA)*: Benefit to assist with care costs for people who become disabled as pensioners. AA has two tiers of care support (low / high), but no mobility component.

DURATION OF DISABILITY AWARD

The Scottish Government has committed to introducing longer-term disability benefit awards for conditions that are unlikely to get better, recognising the need to strike the balance between lengthy awards and implementing a flexible system that recognises the role of medical advances and that conditions can fluctuate. This would remove the need for unnecessary re-assessments, which are often distressing and frustrating for people whose circumstances are unlikely ever to get better, and for their families.

DURATION OF AWARDS SHORT-LIFE PROJECT

The Scottish Government established a Duration of Awards short-life project to consider approaches to award duration and inform policy development around Scottish disability benefits. The group's role was to ensure that the expertise and knowledge of the short-life project informs and influences the development of duration of awards made across the three main disability-benefit benefits being devolved to the Scottish Government – Disability Living Allowance (DLA), Personal Independence Payment (PIP), and Attendance Allowance (AA).

Members of the project were asked to advise on:

- The use and suitability of fixed-term and indefinite awards;
- Eligibility criteria for fixed term or indefinite awards.
- The evidence required to inform decision on award type (indefinite / fixed-term) and duration (number of years / months).
- The length of awards, including whether there should be minimum and / or maximum award durations for fixed-term awards.
- The implementation of approaches to award duration, including whether this should be set out in legislation, guidance or staff training.
- The type, timing and nature of award reviews, including self-directed reviews.
- How best to involve the views of people in receipt of a disability benefit, potentially through the Experience Panels later in the year.

Membership comprised of :

- Disability representatives
- Experts in welfare advice and social care
- Medical / clinical experts
- Scottish Government officials

OFFICIAL SENSITIVE – NOT FOR FURTHER CIRCULATION

[redacted]