

# Disability and Carers Benefits Expert Advisory Group (DACBEAG)

## REVIEW

### Final Report, December 2018

#### Purpose

The purpose of this report is to summarise the main findings from a review by the Scottish Government analysts of the Disability and Carers Benefits Expert Advisory Group (hereafter DACBEAG or simply 'the Group').

Scottish Government analysts have been tasked to undertake the review by the Cabinet Secretary for Social Security and Older People with additional steer not to assess whether the remit was correct but to assess whether the Group was fulfilling it effectively, and to discuss membership in relation to the effectiveness of the Group in fulfilling its remit without turning it into the main focus.

The report includes implications and recommendations stemming from the findings of this review. Most of these implications were identified by the researcher based on the analysis of collected data but some were explicitly raised by members and government officials.

#### Key messages

1. Both members of the Group and officials in the government are generally satisfied with the work that DACBEAG has done to date and with mutual relationships that enabled this work.
2. Acknowledging these positive views, this report places a greater focus on the critical observations made by members of the Group and officials. The purpose of this is not to criticise the Group but to identify areas where improvements could be made. It has to be noted that this review is a snapshot and both DACBEAG members and officials noted that there has been a trajectory of improvement.
3. One of the areas where improvements can be made is how the Group works in relation to its purpose and remit. Although survey respondents unequivocally expressed a view that they understood the purpose and remit of the Group, interview data and advice that has been provided by the group suggests that there may be differences in how these are interpreted by members and officials. Furthermore, officials in the government have acknowledged that their requests for advice could have been more aligned with the remit, too.
4. Four areas related to the nature of the advice that is given by the Group and how it is presented were identified as requiring improvement. These areas pertain to the degree to which the advice provides and conveys challenge, detail, evidence

and collective voice of the Group. Making improvements in these areas could enhance the effectiveness and impact of future advice.

5. A number of operational areas related to how the Group is set up and how it operates were identified as requiring further examination. These included issues of attendance and participation, membership, relationships with the officials, capacity (of members, the group as a whole and the secretariat), intra-group collaboration and the relationship between Group and its workstreams (i.e. how the Group feeds into and signs off outputs of workstreams).
6. These findings were the basis for drawing some recommendations for the Group and the Scottish Government. These are listed below and at the end of the report. References to specific chapters and sections in the report that form the basis of these recommendations are given in parentheses.

### **Implications and recommendations**

1. The Group may want to seek a closer alignment of the advice that it provides to its purpose and remit. Moreover, given some contrasting views among the interviewed DACBEAG members on how operational advice and issues of affordability fit with the remit and purpose of the Group, members may want to discuss among themselves their understandings of the details of the remit and purpose and seek clarity on these issues from the Scottish Government (see chapter 3).
2. The Scottish Government could consider how well its requests for advice are aligned with the remit of the Group (chapter 3). The Scottish Government may wish to consider whether the policy officials responsible for leading the relationship with the group in Government have a more explicit role in prioritising the requests that come to the Group from across the Scottish Government. The Group and the Scottish Government should commit to timely resolution of queries around the Group's priorities, and the relative importance and urgency of items in its work programme.
3. Officials across various areas could benefit from a better understanding of the remit of the Group and a greater clarity on how they can engage with it, especially in cases where the Group starts the engagement proactively. This could possibly allow the officials to benefit even more from the expertise the Group has to offer, for example in terms of formal requests/commissioning of advice services (section 5.4.3).
4. The Group may want to pursue a closer and more proactive engagement with Scottish Government. Given the capacity issues of the Group and its members (sections 5.5.1 and 5.5.2), closer relationships and proactive engagement with the Scottish Government could give the Group a better sight of future plans among policy makers. This would in turn enable the Group to prioritise, given limited resources and constraints of time (section 5.5.4).
5. In addition, the officials could be engaging with the Group earlier on in the policy-making process. According to survey and interview data, this could make the

Group better positioned to provide advice which is more challenging (section 4.1), detailed (section 4.2) and timely (section 5.5). This approach could help change the perception held by a handful of Group members that information from the Scottish Government has reached the Group late and that the Group was informed, not consulted (section 5.4.2). Importantly, both the Group members and the officials indicated that this has already been improving and this trajectory of development should be continued.

6. Given a lack of clarity on the terms of involvement and potential contribution among some officials in cases where the Group sought to give advice proactively (section 5.4.3), the Group may want to find ways of developing a clearer view of where its contribution may lie and seek to communicate it clearly.
7. Given the uncertainties about the nature of supporting evidence (section 4.3), the Group should seek clarity from the Scottish Government on the type of evidence that is required, and be more clear about the form, strength and value of evidence underlying its advice. In addition, given some critical views among DACBEAG members around the issue of evidence base the Group draws on, members may want to discuss and review the process that the Group goes through when it provides advice and the type and role of evidence in this process.
8. Given the uncertainties among some members around the clarity of the steer in relation to advice that is requested by the Scottish Government (sections 4.2 and 5.4.1), the Group may want to consider the nature of the steer (i.e. how specific it should be) that it would like to receive from officials and discuss it with them. In addition, the Group could benefit from asking proactively for a more detailed steer or clarification when required.
9. The Group and the Scottish Government may want to discuss what feedback mechanisms can be put in place to ensure that all (not just some) Group members understand the impact of advice, why some advice may appear as not having been taken on board (section 4.1), and how particular pieces of advice could be improved in terms of quality and relevance for policy purposes.
10. Although the work performed by the secretariat was highly praised by Group members, there were mixed views among the government officials and the Group members regarding resources available to the secretariat (section 5.5.3). Given this, the Group and the officials may want to discuss whether the secretariat is sufficiently resourced to meet the requirements and expectations on both sides and how this can be kept under review.
11. The Group and the Scottish Government may want to discuss membership with a view to ensure that the Group has skills and experience around the table that are more closely relevant to the remit (section 5.2) and that work is distributed more equally among members (section 5.1). Advancements in this area could make the Group more effective and able to work more timely.
12. The findings show that the Group may have to work with severe constraints of time among its members whose full-time jobs take priority (section 4.4. 5.5.1). Whilst it is recognised that the Group members are not supposed to act as

representatives of their organisations, some members may wish to consider whether special arrangements with their employers could enable them to formally set aside due time and resource to engage with the Group more actively. However, it has been noted by interviewees that this may be particularly difficult for small organisations and members from the academia.

13. The Group may wish to use this report to stimulate the discussion around what organisational approach to meetings, and/or working model with respect to producing proposals (e.g. producing proposals in meetings, or working from pre-developed proposals within set parameters), will be best able to meet the agreed remit and approach.
14. Absenteeism on Group meetings was an issue raised by some members of the Group but this issue should be addressed in ways other than sending substitutes (section 5.1).
15. Finally, the Group members may want to find ways of knowing each other better to enable more harmonious and effective collaboration (section 5.6).
16. There are apparent limits to which significant improvements can be made by the Group itself. Above all, members volunteer their time to be part of the Group. This has a range of implications for their ability to commit time to the Group which in turn set limits on what the Group can realistically achieve within tight time-scales.

## **Outline of this report**

The report starts with background information on DACBEAG followed by a summary of research methods used in this review. Research findings are then presented in three separate chapters. The first of these chapters identifies some of the key issues around the remit and purpose of the Group. The second chapter focuses on the effectiveness and impact of advice produced to date. It identifies four areas where improvements can be made in terms of the nature of advice the Group offers. Finally, the third chapter engages with more generic issues related to the Group's functioning by identifying what respondents to the survey questionnaire and interviewees perceived as strengths and weaknesses of the Group. The report ends with conclusions and recommendations.

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# 1. Background information

## Establishment of the Group

DACBEAG was established in April 2017, based on a 2016 SNP Manifesto commitment to establish a 'Disability Benefits Assessment Commission' to provide recommendations and guidance on assessments frequency, what conditions should be given an automatic or lifetime award, and eligibility criteria. Ministers subsequently decided that the remit of the group should be expanded to cover all disability and carer benefit related issues. Thus DACBEAG aims to advise Scottish Ministers on specific policy options for the following benefits:

- Disability Living Allowance
- Personal Independence Payment
- Attendance Allowance
- Severe Disablement Allowance
- Industrial Injuries Disablement Benefit
- Carers Allowance

## Purpose and remit of the Group

The purpose and remit of the Group are stated in full in Annex 1. In summary, DACBEAG is an independent group, reporting to the Cabinet Secretary for Social Security and Older People. The purpose of the Group is to provide recommendations and advice to Scottish Ministers, by request and proactively, on the policy and practice options being developed on disability and carers' benefits. This includes options for the benefits when powers over them are transferred to the Scottish Parliament, and options that would be implemented after the safe and secure transfer of the benefits. The Group's deadline for final recommendations is the end of this Parliamentary term.

## Membership of the Group

The Group consist of 20 members who come from a range of organisations reflecting a wide range of perspectives including those of people with physical and mental disabilities, care service provides, the medical profession, the social work profession, the academic profession, local authorities, charities focussed on poverty and other social issues. Nevertheless, members are there for their individual expertise and not as representatives of their organisations. The Group is chaired by Dr. Jim McCormick from the Joseph Rowntree Foundation and Dr. Sally Witcher from Inclusion Scotland who acts as deputy chair. Members are appointed by Scottish Ministers, taking into account the views of the Chair and existing members.

## Review of the Group

In establishing the EAG, it was agreed that the Group should be reviewed after 18 months and this is reflected in its terms of reference. This review was commissioned by the Cabinet Secretary for Social Security and Older People and is being conducted by the Social Security Analysis, Evaluation and Forecasting unit (SSAFE) in the Communities Analysis Division (CAD), Scottish Government.

## 2. Review methods

The review consisted of three stages. The first stage, carried out in late September, involved the analysis of the written advice produced by the Group thus far and the responses to that advice by the Scottish Ministers. The details of this written evidence are listed in the Table 1 (p. 8).

The second stage was carried out in October 2018 and involved collecting data via an online survey questionnaire that was sent to all DACBEAG members on 1 October 2018 using Questback online survey software. The survey closed on 14 October 2018 having received 16 responses from DACBEAG members. The survey was designed by researchers in the SSAFE unit at the Scottish Government who also sought feedback in respect of the subject matters from the Chair, deputy Chair and DACBEAG members. The survey consisted of 29 questions: 23 closed and 6 open questions. Annex 2 presents the results of the survey. Responses to open questions were categorised by themes to allow a systematic qualitative and quantitative analysis. The survey data was used to draft the interim report that was shared with all group members and key stakeholders in the government. All were invited to comment on this and have their feedback considered for this final report.

The third stage involved face-to-face and telephone interviews. Interviewees from the Group were selected based on their responses to survey questionnaire as well as their institutional affiliation. With regard to the latter point, members from various sectors (e.g. academic, voluntary, medical), and representing various groups (e.g. service users/benefit claimants with physical and mental disabilities, those on the delivery side, and service providers) were sought. Seven members of DACBEAG were interviewed. In addition, 9 officials working across areas who have had interactions with DACBEAG's were interviewed.

All interviews were audio recorded and interviews were either transcribed and coded or the audio recordings replayed to complement the notes taken during the interview. Following the completion of the final report, the draft was shared with key stakeholders in the Group and the government for quality assurance purposes.

# RESEARCH FINDINGS

## 3. Meeting the purpose and remit

### 3.1 What the evidence says

According to the information received from the secretariat of DACBEAG, the Group submitted 8 pieces of written advice over the period covered by this report. Four of these outputs were triggered by requests from the Scottish Government, one was suggested but not formally requested by the Scottish Government, and the remaining pieces of advice were produced proactively by the Group. Although exact dates when work commenced and was completed are not available for some pieces of advice, it appears that it took the Group approximately 3 months on average to produce each written output. This information is summarised in the table below:

**Table 1**

<b>Advice</b>	<b>Prompt</b>	<b>Requested / Work commenced</b>	<b>Advice submitted to the Scottish Government</b>	<b>Ministerial response received</b>
Independent scrutiny in social security	Requested by Scottish Government	30 <sup>th</sup> August 2017	12 Dec 2017	24 Jan 2018
Universal Credit Split Payments	Requested by Scottish Government	9 <sup>th</sup> March	8 Jun 2018	21 June 2018
Carer's Allowance Supplement	Requested by Scottish Government	Feb 2018	1 Jun 2018	11 June 2018
Assessment Workstream	Requested by Scottish Government	Early Feb 2018	11 July 2018	27 July 2018
Social Security Bill	Suggested by not formally requested by Scottish Government	May 2017	17 August 2017	None issued
Stakeholder engagement and equalities, Social Security Charter and Social Security Agency	Proactive	Early Dec 2017	Jan 2018	Jan 2018



Social Security Charter	Proactive	March 2018	8 June 2018	25 June 2018
Equalities analysis	Proactive	May 2018	6 July 2018	29 Aug 2018

The remit of DACBEAG is detailed in Annex 1 of this report. In very general terms, the remit of the Group is to advise on carer and disability benefits, specifically in relation to:

- reform of the assessment of disability and carer benefits (from application to final decision and including data and evidence)
- award periods, automatic awards and lifetime awards
- eligibility criteria for disability and carer benefits
- appeals
- accessibility
- take up of benefits
- Agency delivery and operation

The first piece of advice listed in Table 1 ('Independent scrutiny in social security') does not seem to be directly related to that remit. The advice comes in a form of a 18-page report that in response to a request from Ministers 'to provide advice and recommendations on scrutiny of the Scottish social security system'. This request refers to social security in general and as such is relevant but not directly related to the remit of the Group. The same can be said about the advice itself. Although one chapter of the report is concerned with the scrutiny of employment injury assistance regulations thus potentially having implications for the IIDB, the rest of the document talks about scrutiny in relation to the social security system in general.

The second piece of written advice in Table 1 ('Universal Credit Split Payments') comes in a form of a 1-page letter to the Minister of Social Security. Although this advice is concerned with an issue that is relevant to experience of people with disabilities, Universal Credit is not directly related to the remit.

The third piece of advice in Table 1 ('Carer's Allowance Supplement') comes in a form of a 2-page advice note. This advice is directly related to the remit of the Group because Carers Allowance is one of the benefits listed in the remit. Moreover, the advice focused on three particular issues related to the delivery of this benefit by Social Security Scotland: data sharing, communication (e.g. guidance to claimants), and process for challenge and complaint. In that sense, the advice was in line with some of the specific aspects of the remit listed in the bullet points above, such as: 'Agency delivery and operation', 'appeals', and perhaps 'accessibility' as well as 'take up of benefits'.

The fourth piece of advice in Table 1 ('Assessment Workstream') comes in a form of an 8-page letter to Cabinet Secretary for Social Security and Older People. This advice is directly related to the remit of the Group. The advice focuses on the issues of automatic entitlement, best sources of evidence for assessment, award durations and the delivery body for assessments. Therefore, it is aligned to the 'award periods, automatic awards and lifetime awards' element in the remit. It also refers to three

specific benefits which are within the remit of the Group - Personal Independence Payment, Disability Living Allowance and Attendance Allowance.

The fifth piece of advice in Table 1 ('Social Security Bill'), which comes in a form of a 4-page letter to the Minister of Social Security, talks about issues that are generic to social security system and not specific to disability benefits. It covers the issues of balance between primary and secondary legislation, right to cash or alternative assistance, recovery of overpaid assistance and operational culture. Although these issues are relevant to disability benefits, they are not directly related to the remit of the Group.

The sixth piece of advice in Table 1 ('Stakeholder engagement and equalities, Social Security Charter and Social Security Agency'), which comes in a form of a 3-page letter to the Minister of Social Security, is a brief summary of a discussion the Group had on three main issues: stakeholder engagement and equalities, social security charger, and social security agency.

- With regard to the first of these three issues, the letter talks briefly about the importance of engaging with people with lived experience of the current and future social security system and about the importance of 'the application of equality impact analysis processes of each new devolved benefit'. The stakeholder engagement is thus covered briefly and in generic terms in relation to social security system and as such is potentially relevant but not directly related to the remit. The part on equality analysis could be seen as directly related to the remit of the Group because it refers devolved benefits and all benefits within the remit of the Group are devolved benefits. On the other hand, however, some devolved benefits are not within the remit of the Group and therefore it could be argued that the advice is not specific enough to be said that it is directly related to the remit of the Group.
- With regard to the part of the letter related to Social Security Charter, it is simply explained that the Group agreed to set up a workstream to work on this issue.
- With regard to the part of the letter related to Social Security Agency, the Group makes practical recommendations on recruitment of new staff. In particular, it emphasises the importance of external recruitment as a tool for ensuring that that Agency has a desired operating culture and a diverse workforce. In that sense, the advice can be seen as related to the part of the remit of DACBEAG which talks about 'Agency delivery and operation' as one of the specific issues that the Group should advice on.

With regard to the seventh piece of advice in Table 1 ('Social Security Charter'), this comes in a form of a 3-page letter addressed to the Minister for Social Security which explains the proposed involvement of the Group in charter development and gives initial views of the Group on the charter. Interviews with officials indicated that much of the advice on the charter was communicated verbally or via e-mail and thus is not included in the advice reviewed for this report. Nevertheless, although relevant to experiences of disabled people, the charter itself is not directly related to the remit of the Group.

Finally, with regard to the last piece of advice in Table 1 ('Equalities analysis'), this comes in a form of a 3-page letter to the Cabinet Secretary for Social Security and Older People which focuses on the issue of data collection and analysis with regard to benefit take up and impact by different equality groups. The advice argues that adequate data collection and analysis process is a prerequisite for increasing take-up of benefits and in that sense this advice could be seen as directly related to the remit of the Group which explicitly mentions take-up of benefits as one of the areas the Group should advise on. However, this particular piece of advice does not refer explicitly to any of the benefits listed in the remit of the Group and does focus on disabled people (or carers) specifically as an equality group.

All in all, the summaries of the written pieces of advice offered above suggest that some pieces of advice were directly related to the remit of the Group whereas others were relevant to disability benefits or to experiences of people with disabilities more broadly but were not directly related to the remit of the Group. This seems to apply more or less equally to the advice that was requested by the government and the advice that the Group decided to work on proactively.

### **3.2 What the stakeholders say**

Government officials acknowledged that some of the advice the Group had been asked to provide was not within their remit. There was a recognition that the government relied on the Group to provide ad-hoc advice that it needed in areas beyond the Group's remit. Despite the value that this advice had to the government, it was recognised that in the future the government may need to ensure that its requests for advice are better aligned with the remit.

The majority of the Group members, who responded to the survey, agreed (9 respondents) or strongly agreed (2 respondents) that requests for advice made by the Scottish Government had been well aligned with the remit of the Group. However, there were 5 respondents who felt unsure about such alignment.

There may also be differences in how remit and purpose are interpreted by different members of the Group. On the surface, Group members may seem to have a good understanding of the purpose and remit of the Group. For example, a survey question presented respondents with the purpose and remit of the Group stated in full and asked them to assess their understanding of this prior to filling out the survey. Out of 16 people who responded to this question, 8 respondents said that they understood the stated purpose of the Group very strongly and 7 respondents said that they understood it strongly. Only one respondent expressed a weak understanding of the stated purpose of the Group.

However, qualitative survey and interview data suggests that there may be some nuanced discrepancies in what exactly members think falls within the remit and purpose of the Group. For example, one interviewee expressed an opinion that some of the asks for advice by the Scottish Government were not aligned with the remit of the group because they focused chiefly on the operational details whereas that respondent believed that the purpose of the Group was to provide strategic advice in terms of directions for policy development with only a high-level consideration for the

delivery aspects in order to ensure that advice was realistic. Another member reported being 'not sure if it [the Group] constituted "expert advice" in terms of reform rather the functional aspects of delivering on the means and payments in play', adding that there was 'a split in the membership from the "biggest" thinking to the operational thinking' and that the Group was 'a jumble of both'.

Commenting on this, another member suggested that the Group may want to check whether operational advice – understood as advice on implementation and delivery of policies - is indeed within the remit of the Group given the fact that Social Security Agency would now be dealing with implementation and delivery aspects but the remit of the Group was to provide advice to the Ministers, not to the Agency. This indicates that members may have different expectations and understanding of what type of expert advice falls within the remit of the Group and that these discrepancies may be exacerbated by the uncertainties posed by the changing landscape of social security in Scotland. These uncertainties, voiced by several Group members, are conveyed in one illustrative quote below:

*'Given that we've got the Scrutiny Commission coming in January, we now have the advisory body for the Agency – that says to me that the role the Group has to play should change. The role has to become more clearly defined and specific. We need to be very clear about how we can add value. We have to keep asking ourselves a question where is our space in this?'*

Another example of potential discrepancy in the detailed understanding of the remit among Group members can be seen in relation to the issue of affordability of the advice that is given. There was a view among the Group members that insufficient consideration was given to what was affordable. Some members contended that the Group should take into account financial implications of its advice, at least at the high level to ensure that advice that cannot be implemented is not produced. Conversely, there was a view that the question of affordability was not within the remit of the Group and that it should be left to the government. Interviews with a larger number of DACBEAG members would need to be conducted to explore the prevalence of such views but the available data highlights a possibility that there may be different interpretations of the remit and purpose of the Group among members.

## **4. Effectiveness and impact of the Group**

Regardless of the uncertainties around the remit and purpose of the Group highlighted above, most members who responded to the survey questionnaire believed that the Group had been effective in realising its stated purpose: 10 (out of 16) respondents agreed with the statement that the Group had been effective and further 3 respondents said that it had been very effective. Only 3 respondents were unsure about the effectiveness but no respondent disagreed with the statement that the Group had been effective. Likewise, most respondents believed that the Group had had a demonstrable impact: 12 respondents (out of 16 who responded to this question) agreed with this statement and one strongly agreed; 3 respondents were unsure but no respondent disagreed with a view that the Group had had a demonstrable impact.

In line with this, interview data suggests that the Scottish Government officials have found the advice produced by the Group very useful in advancing policy making in various policy areas. Expertise and insights from the Group was highly valued by all officials interviewed. However, in that context there were also critical views and it is those critical views that are discussed in this chapter in order to identify areas where improvements could be made. Five such areas were identified by both officials and Group members themselves and these are discussed in separate sections below.

### **4.1 Degree of challenge**

There was a view in the government that some of the advice given by the Group was not particularly challenging. This view resonated with some of the Group members who accounted for the lack of challenge in various ways that are discussed below.

First of all, several DACBEAG members explained the lack of challenge by the fact that there was a high level of consensus within the Group around the direction of social security reforms. It was suggested that members were on board with the main principles of much of the legislation around the creation of the new social security system and that indeed much of what was being proposed by the Scottish Government was what members of the Group had campaigned for through their organisations for many years. Moreover, it was suggested that the Group may have seen itself as part of a progressive change that it sought to assist rather than challenge.

One interviewee pointed also at a fact that the Group gave advice on the social security system that was being developed from scratch and explained that more challenging advice would have been given if the benefits system already in place was being changed. In the latter case, the process of change would inevitably produce winners and losers which would in turn raise a range of dilemmas and trade-offs that were simply not there because the system was being designed starting with a 'blank paper'. Following from this, it was indicated that more challenging advice is likely in the future as the policy process is moving into a new phase.

The two points above suggest that a lack of challenge in some advice may have been a time-limited and a context-specific problem related to the social security landscape in Scotland at a particular time.

Other explanations given by Group members were related to the strategic, long-term choices made by the Group. For example, it was argued that the Group tried to be as objective as possible in order not to become another lobbying body driven by interests of different organisations which its members were affiliated to. This pursuit of objectivity may have made the advice appear less challenging to some officials in the government. Related to this, two interviewees explained that the Group had to be smart and strategic about selecting areas where it wanted to be more challenging in order to build a working long-term relationship with Ministers. It was suggested that being critical to everything that the Government proposed, especially in the early phase after the Group was created, could have had a negative long-term impact on relationships with officials and Ministers. A member of the Group argued that it could have also generated 'noise' that would overpower the voice of the Group at times when there were really important issues to advise on. This would reduce the influence of the Group in the long-run because its critical voice may no longer be heard when this was really needed

Another type of explanation for the lack of challenge that emerged from the interview data pointed at the lack of access to relevant information. Some members felt that there were times when key information reached the Group too late to enable it to develop a challenging voice. There was also a view among some members that the Group was not consulted but informed about decisions after they had already been made. Work around the involvement of Capita in the new social security agency and the staffing issues in the Social Security Scotland were given as examples by one interviewee. One member noted that there were instances when some information came to light from sources other than the government. An argument was made by one member that giving expert advice in a rapidly evolving situation, when the Group did not always have access to the sort of information it needed, meant that the Group may not have been equipped to make stronger statements. However, this argument was immediately followed by a clarification that this was more of a problem in the early stages of the Group's functioning and that things had improved over time thanks to maturing relationships between the Group and officials in the Scottish Government.

The critical views above indirectly relate to what has been said by some officials who explained that engaging with the Group was more about making sure that the government has not missed something important and that officials have consulted relevant stakeholders. If some officials used the Group to gain such reassurance, then it is likely that some information reached the Group at relatively advanced stages of a policy making process.

Importantly, interviewees indicated ways in which the Group could become better at giving more challenging advice. For example, it was suggested that the Group could engage more closely and frequently with key officials within the government and ask for information more proactively. It was also proposed by one member that the Group may want to focus on "upstream" advice to ministers. Such upstream work would involve working with officials to give advice before the regulations come forward to Parliament, as well as working around long-term policy options in order to play a more proactive function in addition to simply responding to the government's requests for advice.

On the other hand, some members felt that where advice was challenging, it had not necessarily been acted upon by the Government. Given the small size of the Group and specific interests of some of its members, examples of such advice are not given here to prevent possible identification of individuals who have expressed such views.

## **4.2 Degree of detail**

There were views within the government that some of the advice lacked sufficient detail and depth. It was indicated that there were instances where the advice produced by the Group was too 'high level' to add significantly to the analytical work that had already been carried out by analysts in the Scottish Government to a high degree of nuance. It was suggested that 'high level' advice could be useful only if it provided fundamentally new thinking, which was not always the case.

It has to be noted, however, that one of the two instances of advice that were seen as too high level was potentially not within the remit of the Group.

Within the Group itself, there were 9 respondents (out of 15 who answered this question) who agreed with the statement that the group had been able to produce in-depth and detailed analysis and recommendations and 4 who strongly agreed. Only 2 respondents were unsure about this and none disagreed. At the same time, qualitative survey and interview data with members indicate that improvements could be made in three areas to help the Group provide more detailed advice.

First of all, it was noted in the chapter on remit and purpose (see above) that some members may consider highly detailed advice to fall outside of the Group's remit and may prefer to focus on giving more 'high level' advice on directions of the policy reform. Therefore, clarity of expectations among both Group members and officials could possibly help the Group to be more effective in providing the type of advice that is required.

Secondly, one member expressed a view that the Group should become more skilled at developing more specific (including technical/operational) advice. It was proposed that there could be two strands within the Group: one working on more specific and technical issues of social security policy delivery and the other one looking at the long-term, strategic and transformative aspects of social security reform. Another interviewee noted that the Group may not have sufficient skills around the table to provide very technical advice.

Thirdly, there was a view in the Group that the degree to which advice can be specific depends on how specific the ask from the Scottish Government is. This highlights the importance of effective communication. In relation to this, the majority of respondents agreed or strongly agreed (7 and 2 out of 16 respondents respectively) that expectations of the Scottish Government from the Group had been clear to them. However, 6 respondents were unsure about this statement and 1 respondent disagreed with it. This represents a somewhat higher rate of 'unsure' responses compared to other questions.

Qualitative survey and interview data corroborated the findings that several members of the Group thought that the steer from the government had not always been clear and that a clearer steer would have been welcomed. At the same time, some Group members felt that a lack of strictly defined steer gave the Group a fairly free hand to define its focus. Moreover, several survey respondents wrote that the steer, lines of communication, expectations, vision and brief from Ministers had been clear or reasonably clear.

There is a chance that the perception of the lack of clear steer may have been influenced by the lack of clarity on the terms of engagement that accompanied cases where the Group sought to provide advice proactively, but was perhaps also seeking some kind of “signal” or suggestion from the Scottish Government to aid its thinking. This touches upon a larger problem of how the Group engages with officials in the government when it seeks to give advice proactively and this is discussed in a separate section of this report (section 5.4.3).

With regard to the advice that was specifically requested by officials, the view in the government was that the Group was intentionally given a fairly free hand in terms of working within its remit and that even when advice on a specific topic was requested, the room was intentionally left for the Group to decide which aspects of the larger problem they would like to focus on. Officials said that they were not aware that the Group had found some of the steer unclear and explained that requests for a more specific steer would have been welcomed. A comment was made that officials can provide more specific steer in the future if this is what the Group needs. Another official suggested that this is already happening and that the government is trying to be more prescriptive in terms of asks and timescales

Last but not least, it was also indicated by one member of the Group that the degree of detail to which advice can be developed will ultimately depend on the nature of the issue – some issues are quite specific in their nature and thus may involve more specific advice than others. This represents limitations that are not avoidable.

### **4.3 Evidence base**

There were views in the government that some advice was not adequately evidence-based; that it was not so much grounded in the analysis of actual evidence as it was in discussions during meetings where members expressed their personal views and opinions, or views of the organisations they belonged to. It has to be noted that these inputs were still seen as valuable in their own right and officials recognised that views of members were informed by a good understanding of evidence and of lived experiences of individuals affected by particular policies, even though the link to the sources of evidence may not have been apparent. Related to this, officials said that they liked the ‘light-touch’ way in which advice was conveyed. However, there were also views that some advice could have been better grounded in evidence.

There were diverse views among the interviewed DACBEAG members as to what evidence the Group could and should draw on. One view expressed in a survey questionnaire was that the key inhibitors to Group’s effectiveness were ‘a lack of systematic review of objective evidence’ with a simultaneous strong influence of advocacy that represented particular interests of benefit recipients. However, a



number of other members emphasised the importance of knowledge of lived experience (of benefit claimants) in informing the advice produced by the Group. Among them, one interviewee stated that one of the strongest points about the new social security system was that it was being developed by acknowledging and valuing lived experience. It was also suggested that a perception among officials that some advice was not adequately evidence-based could have been caused by misperception about what constitutes evidence. Thus, one interviewee said that 'what officials can sometimes mean by evidence is quantitative data', pointing out that the evidence drawn from lived experiences of benefit recipients is qualitative in nature. This respondent suggested that in the future the Group could pay more attention to pinpointing where lived experience should be taken as robust evidence of what will work and what will not work, and where it is simply a matter of personal opinion of an individual.

Another interviewee proposed that the Group could also draw its evidence more extensively from the experience of front-end workers involved in the delivery of benefits as opposed to relying predominantly on the lived experience of benefit recipients. It was suggested that getting more of the views of those on the delivery side would expand the evidence base, helping to strike a better balance between views of different stakeholders thus making the process of developing policy advice and recommendations more democratic.

Beyond this, there was no clarity among interviewees what other sources of evidence they could draw upon, given the capacity issues (see section 5.5) that make it unrealistic for the Group to conduct its own analyses of evidence. Nevertheless, it was acknowledged that the Group could be more proactive in asking the Government to conduct specific analyses of evidence for them. Moreover, some members proposed that the Group could commission work to external experts or that it could be more active in organising events to engage outside experts, including experts in other countries.

#### **4.4 Collective voice**

Related to the issue of the evidence base, there was a view in the government that at times the Group seemed to operate as a collection of people with their own views and interests rather than as a group with a collective voice in its own right. It was noted that this may prevent the Group from adding value because the government already engages with various stakeholder organisations.

Several interviewees noted that organisational interests did occasionally spill over into the Group's discussions. It was indicated that this was something that may be hard to avoid in a group that is composed of members who are full-time employees at other organisations, including advocacy groups, and who can volunteer only a small proportion of their working time to activities related to DACBEAG. Nevertheless, it was also noted that it was important for the Group to mitigate such spill over in order to prevent DACBEAG from becoming yet another lobby group.

## **4.5 Chapter summary**

To sum up, this chapter highlighted some of the key areas related to the nature of advice produced by the Group where improvements could be made to increase effectiveness and impact of this advice, or at least to make them more consistent. In addition to the four areas discussed above, survey respondents and interviewees identified also factors of a more generic nature that may facilitate or inhibit the Group's ability to produce effective advice. These factors are discussed in the next chapter.

## 5. Facilitators and inhibitors to the Group

Answers to the open questions in the survey questionnaire shed light on what the Group members thought were the strengths of the Group that enabled it to be effective and make an impact. Below are the three most frequently mentioned themes that emerged spontaneously in answers to an open question in a survey questionnaire which asked directly about enabling factors:

- Members' commitment
- Fit-for-purpose membership
- Effective chair and deputy chair
- Good relationships and communication with the Scottish Government

On the flip side, the following themes appeared most frequently as factors that may have inhibited the Group to be more effective and fit for purpose:

- Constraints of time and capacity issues
- Limited resources of the Secretariat
- Intra-group cooperation
- Attendance issues

The discussion to follow unpacks these and other themes to draw a more nuanced picture of the functioning of the Group to date.

### 5.1 Members' commitment

Most respondents agreed (9 respondents) or strongly agreed (6 respondents) that Group members had been engaged and committed to the Group's affairs. Only one respondent was unsure about this and none disagreed. In addition, commitment and contribution by team members was one of the most frequently mentioned themes in a question about the enablers of the Group's achievements to date.

These views are reflected in the data on attendance to general meetings. The Group had 8 general meetings between April 2017 and November 2018. The average attendance on meetings was 14 members, with the highest attendance on a single meeting being 17 and a lowest attendance of 10. Three members attended all meetings; only 4 members attended half or less of the meetings and one of these 4 members did not attend any meetings at all. On average, a single member attended 6 meetings. In line with this, survey responses indicated that non-attendance was limited to a small handful of members. Nevertheless, there were views that this problem had a negative impact on the meetings and that it should be addressed.

In addition, some respondents complained that substitutes were often not sent by members who couldn't attend. However, there was a view in the government that membership was meant to be appointed by Ministers and substitutes were not meant to attend. In line with this, one Group member argued that sending substitutes is not an appropriate solution to absenteeism because members of the Group should attend meetings as individuals with their own views, experiences, and skills, not as

representatives of organisations who can be substituted by other employees from these organisations. Moreover, it was noted that the strength of the group was contingent on the quality of relationships among Group members and with officials and ministers, and that continuity was essential for these relationships. Because many of the discussions in meetings drew upon discussions the Group had previously, sending substitutes was seen as ineffective.

In addition to the problem of attendance and participation in meetings, a point was made that workload of the Group was distributed unequally among members due to a particular focus of workstreams:

*'The Group is large and diverse (which is good) however there has been an aspect of uneven distribution of workload due to the purpose being centred on 3 or 4 areas of heavy workstream activity which has fallen to about one third of the Group and their representatives.'*

The perception of commitment of Group members in general (as discussed above) broadly corresponded to self-perceived commitment – namely, 9 respondents agreed that they had been active participants in the Group's work and further 4 participants strongly agreed with this statement; 3 participants were unsure and none disagreed. Furthermore, all but one respondent said that they spent time working for the Group's work programme outside of the meetings.

## **5.2 Fit-for-purpose membership**

Respect for the expertise, knowledge and experience of fellow members was apparent in responses to open questions in a survey questionnaire and during interviews. Indeed, membership was seen as one of the key strengths of the Group. In line with this, there were 11 respondents who agreed with the statement that membership was fit for purpose; 2 were unsure and 2 other disagreed with this opinion. Qualitative data suggests that critical views on membership are likely to be related to the issue of low attendance by some members – a problem that was limited to a handful of individuals (see previous section).

However, it also surfaced in the interviews that the Group may be short of expertise in some areas. Examples given by the interviewees were related to expertise in local delivery of benefits and to skills needed to provide detailed technical advice as well as operational advice. There was also a view that it was important to regularly refresh the membership to make sure that the Group had right skills and that members themselves should self-reflect whether their own skills were relevant for the Group.

Survey data sheds some light on the latter point (i.e. the self-perceived alignment between members and the Group). First of all, most respondents felt that the Group provided a good platform for them to make a contribution to the Group's purpose – 9 respondents agreed and 4 strongly agreed with such a statement; 3 respondents were unsure but none disagreed. Some responses to open questions in the survey questionnaire indicate that there may have been a suboptimal alignment between professional interests/expertise of members and the focus of Group discussions.

Overall, 10 respondents agreed and 1 strongly agreed that being a member was in line with their expectations whereas 3 disagreed and 2 were unsure about this. Notably, the number of people who disagreed and were unsure about this statement was somewhat higher than in responses to most other questions in the survey whereas the number of people who strongly agreed was lower. Thus, these responses may be seen as indicating a possible mismatch between expectations about membership and what it actually involves.

### **5.3 Effective chair and deputy chair**

The effectiveness of the chair and deputy chair were another theme that frequently and spontaneously surfaced in responses to open questions in a survey questionnaire and in interviews with members of the Group. In line with this, 5 respondents strongly agreed and 10 other agreed with a statement that the general meetings were conducted in a way that enabled the Group to fulfil its remit. Only 1 respondent was unsure about this.

There was a view expressed by one of the members that although the Group chair strived to ensure that voices of members are equally valued, there were occasions when certain views within the Group were curtailed and that this reflected inequalities of power within the Group which corresponded to sectoral inequalities between organisations where members had their affiliation.

### **5.4 Good relationships with the Scottish Government**

Overall, the relationship with Ministers, and the Scottish Government more broadly, was the third most frequent theme that emerged spontaneously in responses to the open question which asked respondents to identify what enabled the Group to be effective. This relationship was described with the following adjectives: 'good', 'effective', 'constructive', and 'honest'. In addition, support by the secretariat was frequently praised. However, there were also some critical views.

Before these are discussed, it is worth noting that this review is just a snapshot of the Group and its relationships with stakeholders. There has been a trajectory of development within the Group and in its relationship with officials. Both the Group members and the officials reported that many of the challenges that they highlighted had already been resolved or that they occurred in the early stages just after the Group was set up. For example, one member of DACBEAG noted that engagement with officials became closer and more consistent from the start of 2018 following a letter of clarification from the then Minister for Social Security. Views of officials seemed to corroborate this opinion. Several officials noted that more recent advice was more impactful than the early advice produced by the Group and explained that this was in large part thanks to a closer collaboration between officials and the Group (e.g. more frequent meetings and phone calls, presentations by officials during the Group's meetings).

### **5.4.1 Clarity of steer from the Scottish Government**

Some interviewees felt that the steer from the government was not clear enough. However, as discussed in section 4.2 of this report, this critical point needs to be clarified. First of all, not all interviewees would agree with this view. Secondly, officials argued that the Group was not given a highly detailed steer intentionally, even when requests to look at specific problems were made. This may have resulted in the perception among some members that the steer was at times not clear enough. Lastly, government officials said that they were not aware that the Group had found some of the steer unclear as no such feedback had been received from the Group. There was an invitation to provide such critical feedback and assurance that the government can provide more specific steer in the future if this is what the Group needs.

### **5.4.2 Information sharing**

The second sort of critical views on the relationship between the Group and the officials was related to information sharing. There were views in the Group that the government shared information with the Group late. On a flipside, there was a recognition that the rapid pace of developments in social security reforms may limit the ability of officials to provide information more timely. There was also an invitation made by one official for the Group to ask for information more proactively.

### **5.4.3 Clarity on involvement and contribution when active proactively**

Highlighted by the very same officials who reported the high quality and usefulness of the advice or feedback they received from DACBEAG, was the problem of lack of clarity in the terms of Group's contribution to policy making in cases where the Group sought to provide advice proactively. In the absence of a specific request by the government, there was an expectation among officials that the Group would be clear about the sort of contribution it sought to make. However, some officials reported that there was no such clarity.

Even though all pieces of proactive advice were seen as 'extremely helpful' by the officials, the above suggests that the Group could unlock further impacts by developing a more concrete and concerted involvement with officials in areas where it proactively sought to give advice.

At the same time, officials may also want to develop better ways of utilising the Group's expertise in cases where the Group seeks to provide advice proactively. A quote below illustrates how this may have been stalled by uncertainty about how to engage with the Group:

*'But in fairness, maybe that's as much on us as it is on them. Maybe we should have been more proactive in going along with the ask. So rather than encouraging the discussion, maybe we should have kind of said 'well, here's the task'. But then I'm not sure I'm empowered to do that because they have a remit and agenda so I don't know how that fits.'*

The above corroborates a view of one Group member who pointed out that the Group had interactions with different individuals within the Scottish government who had a differing levels of understanding regarding the role and remit of the Group.

## **5.5 Time constraints and capacity issues**

Some officials noted that the ability of the Group to produce advice quickly enough was one of the concerns about the effectiveness of the Group. It was suggested that the Group needs to become more effective at delivering work to tight timelines. From the Group's perspective, half of survey questionnaire respondents (8) agreed that timescales for recommendations and advice set by the Scottish Government had been reasonable but none agreed strongly. A further 5 respondents were unsure about this and 3 disagreed. When thinking about workstreams specifically, 6 respondents (out of 11) agreed and 1 strongly agreed that the timescales for recommendations and advice set by the Scottish Government were reasonable; 3 respondents were unsure and 1 disagreed.

On balance, information in Table 1 (p. 8) suggests that it took the Group approximately 3 months on average to produce advice from inception. It is for the key stakeholders to discuss and agree whether such timescales and speed of work are sufficient or not, and what could be done to make improvements. To assist this discussion, the subsections below identify the key capacity issues that may inhibit the Group from making improvements in its ability to work to tight timelines.

### **5.5.1 Members' capacity**

Six respondents agreed and three strongly agreed that the scale of demands on their time had been reasonable. However, as many as five respondents were unsure about this and two disagreed. This represents one of the highest 'unsure' and 'disagree' response rates among all questions asked in the survey questionnaire.

Moreover, in response to open questions in the survey questionnaire, many members noted that time has been a major constraint on their ability to contribute more to the Group. Their involvement in the Group was often seen as a volunteering activity that they can pursue only to an extent to which their day jobs allow. Below are just a few illustrative quotes from different respondents that highlight this problem:

*'It's a volunteer group and everyone is busy with their day jobs'*

*'Time, I think, continues to be an issue both for individual group members and for the group as a whole.'*

*'I am acutely aware that I have not been able to contribute to the group in the way I would have wished due to time limitation.'*

*'Time is the only factor!'*

Interview data indicated that capacity to devote time to the Group may be particularly limited for members from small organisations as well as members from the academic

sector. Larger organisations have at times been able to pull in additional resources to conduct specific work by delegating work to other employees that were not members of the group. However, organisations with a handful of employees may not have this capacity. Likewise, it was suggested by another interviewee that members from the academic sector, who tend to have a highly specific expertise, may not be able to pull in additional support from within their organisations.

### **5.5.2 Group's capacity**

Overall, general meetings of the Group were seen as effective by most members: 6 out of 16 respondents to the survey questionnaire strongly agreed and 7 agreed that the general meetings were productive; 3 respondents were unsure and none disagreed.

However, responses to open questions in a survey questionnaire in interviews indicated that meeting agendas were usually packed and could not be fully covered during some meetings. It was common for meetings to run over the scheduled time. It is not sensible to attribute these problems to the way the meetings were chaired because several interviewees pointed out that the number of issues that the Group had to discuss was disproportionately large relative to the frequency of the meetings and that there were pertinent voices raised during meetings which could not have been silenced simply because of time constraints.

As a solution, several members suggested extending the duration of meetings. An alternative solution proposed was to increase frequency of meetings or to organise ad-hoc meetings when necessary to help complete specific pieces of work. However, it was noted that these solutions would likely result in further reduction of attendance as even the very committed individuals find it challenging to combine their day jobs with attending the meetings. Here we can see how the capacity issues discussed in the previous section have an impact on the capacity of the Group as a whole. On balance, 3 respondents strongly agreed and 8 agreed that the frequency of the general meetings was adequate, 3 respondents were unsure and 2 disagreed.

There was also a view that time constraints faced by individuals limited the capacity of the Group to produce the kind of evidence-based advice that the government may have expected. More specifically, it was suggested by more than one member that the Group may not be able to produce evidence that is based on a targeted and systematic analysis of evidence or literature because of capacity issues. Because of these issues, it was argued, the advice would necessarily need to be grounded primarily in members' expertise from their professional life. It was argued that there are obvious limits to what the Group can do as a non-statutory body and that it was for the Ministers to decide whether this model was good enough or whether it should be augmented:

*This won't be in a sense of what [a] literature review says; it will be evidence based on people's expertise from their professional life. It's for Ministers to decide whether this model is good enough or whether it should be augmented.*

Although examples of work where the Group was very effective in producing relevant advice within short period of time were given, these were qualified by a range of



conditions (e.g. the nature of an issue being specific, high commitment of time by group members) that may not always be present. This raises questions over sustainability of such effective performance.

There was also a view within the government that the size of the Group may have been another factor negatively impacting on its ability to deliver. Relatively large membership was perceived by some officials as posing difficulties for organising meetings, for attendance at those meetings, and for gathering views from members. In contrast to this, there was a view within the Group that the group being relatively large is an asset in terms of providing it with expertise necessary to work within its remit.

### **5.5.3 Secretariat's capacity**

On the one hand, all respondents felt that the Secretariat took forward decisions of the Group effectively. There was an equal split between those who agreed and those who strongly agreed with this statement (i.e. 8 responses for each category). In addition, a number of positive comments about the secretariat emerged spontaneously in answers to open questions about the strengths of the Group.

On the other hand, several members felt that secretariat remained under-resourced even after the arrival of the Modern Apprentice. It was suggested that the commitment and professionalism of the existing secretariat could not fully make up for the fact that it was still only '1.5 people' working in it (i.e. one person on full time and one on part-time basis). There was a view that a better resourced secretariat would allow the Group to produce advice more quickly. For example, it was suggested that a better resourced secretariat, in particular one with additional support from senior-level managerial and analytical staff, would increase analytical and stakeholder engagement capacity of the Group. Another interviewee argued that a more resourced secretariat could pull together group discussions and turn them into advice much quicker.

Contrary to this, there was a view within the government that the secretariat did produce pieces of advice quickly but they were then not processed adequately fast by the Group. This relates back to the capacity issues discussed above. A view of another official was that secretariat had experienced capacity issues but mostly in the early stages before the recruitment of the Modern Apprentice. It was argued that these issues had improved and resources currently available were not seen as particularly inhibiting.

### **5.5.4 Information sharing and capacity issues**

As exemplified in section 5.4.2, some members of the Group believed that the Scottish Government shared information with the Group late. This may have had a negative impact on the Group's ability to mobilise its limited resources to develop detailed, challenging and timely advice. At the same time, there was an indicator of members of the Group recognising the pressures under which officials operated and that these may have made it difficult for them to share information more timely.

Interview data indicated that keeping the Group sighted of broader and longer term plans as opposed to ad-hoc requests for advice on specific issues/benefits may help the Group better prioritise and manage its workload with its limited resources. In particular, there was a view that the Group has largely focused on individual benefits issues in isolation from the larger picture of social security reform. It was suggested that it may be more effective to focus on more generic, cross-cutting themes. It was explained that this required officials to keep the Group sighted on longer term plans. In line with this, it was suggested that the Group could benefit from having a wider sense of a range of ongoing and planned actions in the government in order to be able to strategically select issues of fundamental importance and those where it could really add value instead of 'getting bogged down in small-scale issues'.

A view in the government was that there was exchange of this sort of information. Officials explained that they did keep the group apprised of the overall policy landscape and trajectory of benefits delivery and that they shared all relevant information that they were allowed to share. It was also noted by several interviewees that collaboration between the Group and officials became closer over time. For example, one interviewee explained that the early-stage approach was to give an initial steer to the Group with some supporting information and then not hearing from the Group for a long time until the Group came with some advice. At that point, it was argued, officials were not aware of the discussions and thought process which informed this advice, nor what was the evidence that supported it. Over time, however, collaboration became closer and more effective (i.e. more frequent invitations for officials to give presentations to the Group, more frequent phone calls).

## **5.6 Intra-group collaboration**

All respondents agreed that the Group works harmoniously. Among them, exactly half agreed with this statement and the other half strongly agreed. However, qualitative survey and interview data indicated that several members felt that they did not know each other well and that this may have inhibited cooperation and a fuller utilisation of expertise within the Group. It was also argued that this may have impacted on the confidence of the Group to produce more challenging advice.

It was suggested by several interviewees that the Group could have benefited from team building early on. Although the Group did have an Away Day, this was not seen as particularly helpful in terms of members getting to know each other better.

## **5.7 Workstreams**

Most respondents (11 respondents) said that they had experience of working in one of the workstreams within the Group; 5 respondents said that they had not had such experience. In addition, 7 respondents agreed and 2 respondents strongly agreed that workstream(s) they worked in were able to produce in-depth and detailed analysis and recommendations. 1 respondent was unsure and 1 strongly disagreed.

There were many positive references to workstreams in answers to open questions. These were related to the commitment to workstreams shown by members as well as learning opportunities that workstreams presented to those involved.

However, it was also noted that effectiveness of some of the workstreams was limited by a lack of timely, clear and sufficient information. Some respondents argued that the consequence of this was that some workstreams were delayed in starting work in earnest and the momentum was lost.

Moreover, it was also suggested that the Group could develop a better procedure for signing off workstream outputs. Related to this, another member suggested that the problem was not simply about how workstream outputs were signed off but more fundamentally about the relationship between workstreams and the rest of the Group. In particular, it was argued that workstream output should not just be reported to the Group for signing off but instead the Group should engage more actively with workstream outputs by feeding into them more extensively.

## 6. Conclusions and implications

The first part of this report identified some of the key issues around the remit and purpose of the Group. Although quantitative data suggested that there was a strong understanding of the purpose and remit among Group members, it emerged from the interview data that the details of this understanding may vary among members. Furthermore, uncertainties around the remit and purpose of the Group may be aggravated in the future as result of the appearance of new actors in the social security policy landscape in Scotland (e.g. Scottish Commission on Social Security, Social Security Scotland).

The second research findings chapter of this report discussed the effectiveness of the Group thus far. It was noted that both the Group members and the officials acknowledged the value of advice offered by the Group. At the same time, both sides also saw limitations of this advice. Four aspects of the nature of the advice that may have inhibited its usefulness emerged from the survey and interview data. These were related to the extent to which the advice was challenging, detailed, and evidence based, and the extent to which it reflected a collective voice of the Group as opposed to reflecting particular organisational interests of select members. Each of these themes was unpacked in a separate section and views from members of the Group on what improvements could be made were identified.

The third research findings chapter of this paper focused on more generic issues related to how the Group has been set up and how it operates. This chapter identified what respondents to the survey questionnaire and interviewees perceived as strengths and weaknesses of the Group. This analysis pinpointed seven areas that determine effectiveness of the Group. Strengths and challenges of the Group in each of these areas were discussed in separate sections.

Taken together, these findings have several implications that both the Group and officials in the Scottish Government may want to consider to ensure that DACBEAG can be more effective in the future:

17. The Group may want to seek a closer alignment of the advice that it provides to its purpose and remit. Moreover, given some contrasting views among the interviewed DACBEAG members on how operational advice and issues of affordability fit with the remit and purpose of the Group, members may want to discuss among themselves their understandings of the details of the remit and purpose and seek clarity on these issues from the Scottish Government (see chapter 3).
18. The Scottish Government could consider how well its requests for advice are aligned with the remit of the Group (chapter 3). The Scottish Government may wish to consider whether the policy officials responsible for leading the relationship with the group in Government have a more explicit role in prioritising the requests that come to the Group from across the Scottish Government. The Group and the Scottish Government should commit to timely resolution of queries around the Group's priorities, and the relative importance and urgency of items in its work programme.

19. Officials across various areas could benefit from a better understanding of the remit of the Group and a greater clarity on how they can engage with it, especially in cases where the Group starts the engagement proactively. This could possibly allow the officials to benefit even more from the expertise the Group has to offer, for example in terms of formal requests/commissioning of advice services (section 5.4.3).
20. The Group may want to pursue a closer and more proactive engagement with Scottish Government. Given the capacity issues of the Group and its members (sections 5.5.1 and 5.5.2), closer relationships and proactive engagement with the Scottish Government could give the Group a better sight of future plans among policy makers. This would in turn enable the Group to prioritise, given limited resources and constraints of time (section 5.5.4).
21. In addition, the officials could be engaging with the Group earlier on in the policy-making process. According to survey and interview data, this could make the Group better positioned to provide advice which is more challenging (section 4.1), detailed (section 4.2) and timely (section 5.5). This approach could help change the perception held by a handful of Group members that information from the Scottish Government has reached the Group late and that the Group was informed, not consulted (section 5.4.2). Importantly, both the Group members and the officials indicated that this has already been improving and this trajectory of development should be continued.
22. Given a lack of clarity on the terms of involvement and potential contribution among some officials in cases where the Group sought to give advice proactively (section 5.4.3), the Group may want to find ways of developing a clearer view of where its contribution may lie and seek to communicate it clearly.
23. Given the uncertainties about the nature of supporting evidence (section 4.3), the Group should seek clarity from the Scottish Government on the type of evidence that is required, and be more clear about the form, strength and value of evidence underlying its advice. In addition, given some critical views among DACBEAG members around the issue of evidence base the Group draws on, members may want to discuss and review the process that the Group goes through when it provides advice and the type and role of evidence in this process.
24. Given the uncertainties among some members around the clarity of the steer in relation to advice that is requested by the Scottish Government (sections 4.2 and 5.4.1), the Group may want to consider the nature of the steer (i.e. how specific it should be) that it would like to receive from officials and discuss it with them. In addition, the Group could benefit from asking proactively for a more detailed steer or clarification when required.
25. The Group and the Scottish Government may want to discuss what feedback mechanisms can be put in place to ensure that all (not just some) Group members understand the impact of advice, why some advice may appear as not having been taken on board (section 4.1), and how particular pieces of advice could be improved in terms of quality and relevance for policy purposes.

26. Although the work performed by the secretariat was highly praised by Group members, there were mixed views among the government officials and the Group members regarding resources available to the secretariat (section 5.5.3). Given this, the Group and the officials may want to discuss whether the secretariat is sufficiently resourced to meet the requirements and expectations on both sides and how this can be kept under review.
27. The Group and the Scottish Government may want to discuss membership with a view to ensure that the Group has skills and experience around the table that are more closely relevant to the remit (section 5.2) and that work is distributed more equally among members (section 5.1). Advancements in this area could make the Group more effective and able to work more timely.
28. The findings show that the Group may have to work with severe constraints of time among its members whose full-time jobs take priority (section 4.4. 5.5.1). Whilst it is recognised that the Group members are not supposed to act as representatives of their organisations, some members may wish to consider whether special arrangements with their employers could enable them to formally set aside due time and resource to engage with the Group more actively. However, it has been noted by interviewees that this may be particularly difficult for small organisations and members from the academia.
29. The Group may wish to use this report to stimulate the discussion around what organisational approach to meetings, and/or working model with respect to producing proposals (e.g. producing proposals in meetings, or working from pre-developed proposals within set parameters), will be best able to meet the agreed remit and approach.
30. Absenteeism on Group meetings was an issue raised by some members of the Group but this issue should be addressed in ways other than sending substitutes (section 5.1).
31. Finally, the Group members may want to find ways of knowing each other better to enable more harmonious and effective collaboration (section 5.6).
32. There are apparent limits to which significant improvements can be made by the Group itself. Above all, members volunteer their time to be part of the Group. This has a range of implications for their ability to commit time to the Group which in turn set limits on what the Group can realistically achieve within tight time-scales.

# ANNEX 1 – Purpose and remit

## 1. Strategic context

The SNP Manifesto 2016 committed to establishing a 'Disability Benefits Assessment Commission to provide recommendations and guidance on how often assessments should be, what conditions should be given an automatic or lifetime awards, and eligibility criteria'.

Ministers subsequently clarified that this should be known as the Disability and Carers Benefits Expert Advisory Group ('the Group'). The benefits for consideration by the Group are those being newly devolved that seek to help to meet some of the additional costs of a disability, benefits that provide financial support for people injured or affected by 'prescribed diseases' in the course of their work and carers' benefits. The current benefits for consideration are Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severe Disablement Allowance, Industrial Injuries Disablement Benefit and Carers Allowance.

The Group will consider the feasibility of different options within the current policy and financial landscape.

## 2. Purpose

The purpose of the Disability and Carers Benefits Expert Advisory Group is to provide recommendations and advice to Scottish Ministers, by request and proactively, on the policy and practice options being developed on disability and carers benefits. This will include options for the benefits when powers over them are transferred to the Scottish Parliament, and options that would be implemented after the safe and secure transfer of the benefits. The Group's deadline for final recommendations is the end of this Parliamentary term.

## 3. Remit

To achieve this purpose, the remit of the Group is to:

- Provide advice to Ministers on the benefits which are in scope, i.e. those that seek to help to meet some of the additional costs of a disability, those that provide financial support for people injured or affected by "prescribed diseases" in the course of their work, and carers' benefits. Currently these are:
  - Disability Living Allowance (DLA)
  - Personal Independence Payment (PIP)
  - Attendance Allowance (AA)
  - Severe Disablement Allowance (SDA)
  - Industrial Injuries Disablement Benefit (IIDB)
  - Carers Allowance (CA)
- Specifically advise on key areas for reform, including, but not limited to:

- reform of the assessment of disability and carer benefits (from application to final decision and including data and evidence)
  - award periods, automatic awards and lifetime awards
  - eligibility criteria for disability and carer benefits
  - appeals
  - accessibility
  - take up of benefits
  - Agency delivery and operation
- Use evidence from a number of sources to provide recommendations and guidance to Scottish Ministers on specific policy options being developed by the Scottish Government on the benefits within scope, including options for the existing benefits when powers over them are transferred to the Scottish Parliament, and options that would be developed and implemented after the safe and secure transfer of the benefits.
  - Develop a Group workplan and order of priority for the development of advice and recommendations, taking into account the Scottish Government's programme plan for Social Security.
  - Fulfil their remit by engaging with separate workstreams as appropriate, including the Experience Panels, Collaboratives and existing reference groups. Work undertaken may make use of Scottish Government analysis in the first instance, and take a view on the extent to which independent analysis is commissioned.

#### **4. Timing and Review**

- The Group will meet around four times a year. Workstreams may meet additionally / outwith this timeline. Any matters which need to be decided on outwith the schedule of meetings may be dealt with by correspondence.
- The Group's programme of work will continue until the end of this Parliamentary session, with the potential for it to be extended.
- A review of the Group will be conducted after the first 18 months to ensure that the remit and membership remain fit for purpose.
- In addition to the review at 18 months, the Group will have the opportunity to formally consider and review this remit and terms of reference as necessary throughout the life of the Group. A degree of flexibility within the remit will be required as the Group progress with their programme of work.

#### **5. Accountability, Governance and Support**

- The Group is independent. Advice will be provided directly to Ministers. The Terms of Reference, a high level workplan, an annual report and minutes of meetings will be published. The Group retains an option to make other documentation and resources public where appropriate.



- The Group is not established on a statutory basis. It is therefore not subject to the formal public appointments process and the requirements of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland. Members are appointed by Scottish Ministers, taking into account the views of the Chair and existing members.
- Participation in the Group will not be remunerated. Any expenses such as travel and subsistence will be paid at normal Scottish Government rates, unless this is already covered by attendees regular working arrangements.
- Meetings will be attended by named members, and support workers if required, only. Substitutes will usually not be accepted, apart from by prior agreement with the Chair.
- Decision making will be as far as possible by consensus, or by majority if consensus is not reached, with the Chair having a casting vote if necessary. Attendance of 12 (out of the current 19) members will be considered quorate.
- Members will agree to abide by the following Group norms:
  - Attend the majority of meetings
  - Observe good time keeping
  - Take individual responsibility for engaging and completing tasks delegated to them
  - Switch off phones and electronic devices during meetings, apart from those being used for note taking etc.
- Meetings will take place in accessible locations. If members are able to offer suitable accommodation within their own organisations this would be appreciated. Although the Group is independent, suitable Scottish Government accommodation may be used if other accommodation is not available.
- Dedicated secretariat support will be provided by Scottish Government staff from within existing budgets.

## **6. Communications and Information Sharing**

- The Group will not be subject to Freedom of Information (FOI) and will not be required to respond to FOI requests. This is because the Group is not established on a statutory basis, and because it is clearly reflected within the Group's remit and appointment letters that they are independent.
- Any papers provided from the Group to Scottish Government Ministers or officials will become subject to the usual FOI requirements. This means that any e-mails, notes, initial or formative advice and communications to Scottish Government Ministers or officials, would immediately become Scottish Government documents for the purposes of FOI. The Scottish Government can apply exemptions to withhold certain information, for example if policy is still being formulated, but may not be applicable for other types of information. Documents withheld for policy development reasons are likely to become appropriate for release in the future, once policy in this area is fully formed.

- The Scottish Government Secretariat will keep the Group's records in a separate electronic file with restricted access. This will clarify that, for the purposes of FOI, the Scottish Government is holding these records only on behalf of the group and not in its own right.
- Information and papers sent to Group members are intended for viewing by those members only. There should be an assumption that papers will contain Official Sensitive level information and thus should not be shared with colleagues or third parties, either in hard copy or electronically, and their content should not be discussed outwith the Group or any of its agreed workstreams or sub-groups. Protocols will be developed for the distribution of information and papers.
- Group discussions are confidential and not for sharing with third parties.

## **7. Collaboratives and Relationships with Other Groups**

- The Group will be able to commission and draw on the work of Collaboratives drawn from the broad areas of Users, Practitioners and Deliverers. It is envisaged that the Group will engage proactively with the Collaboratives, and that the Collaboratives will report directly to the Group on specific issues. Alongside this, officials can provide a conduit for interaction and information flow between the Group, Collaboratives and existing representative groups as needed.
- The User Collaborative is intended to draw upon the experience of a range of recipients or ex-recipients of each of the benefits within scope. Members of this Collaborative will be drawn from the Experience Panels when these are fully established and operational by summer 2017. The Group will be able to commission specific pieces of work from the Experience Panels, and draw upon work already commissioned.
- The Practitioner Collaborative is intended to consist of the range of professionals who interact with benefit recipients on their user journey and may include:
  - GPs and other health care professionals
  - Staff providing social care on behalf of local authorities
  - Local authority, third sector and housing advice services staff
  - Independent advocates with experience of supporting people through the PIP assessment process
  - Union representation

This resource could be secured in the main from existing groups and networks, and the Group will establish the necessary links to prevent the duplication of work.

- The Deliverer Collaborative is intended to consist of staff with experience of benefit administration. The Group will be expected to liaise as necessary with Scottish Government analysis and procurement colleagues to explore options around obtaining input from appropriate staff and to prevent the duplication of work.

- Three representative groups already support Scottish Government policy development for disability, ill health and carers benefits: the Ill Health and Disability Benefits Stakeholder Reference Group, the Industrial Injuries Disablement Benefits Advisory Group and the Carers Benefit Advisory Group. These groups are remitted to advise the Scottish Government on:
  - the evidence base for policy decisions
  - potential impact of policy decisions
  - user and stakeholder engagement
  - fit with the wider public sector landscape
  - interaction with wider Scottish and UK social security benefits.

Much of this will also be considered by the Group, but these existing groups have a distinct role to play, principally in working closely with officials to develop options for consideration by the Group. In turn the Group will engage as appropriate with these existing groups around shared interests and will establish effective communication and feedback mechanisms. They also support officials to advise Ministers on these and broader issues. Their distinct roles include:

- engagement with representative organisations to take messages in
  - conduit for messages to wider stakeholder communities
  - support to implement co-production
  - expert input on detailed elements of policy development
- While the Group will operate independently of the Government, reporting directly to Ministers, these existing representative groups will continue to work directly with the Government. The Group will develop an understanding of the respective roles and potential contribution of these groups, while the other groups in turn may update their remits and membership to take into account the work of the Group.
  - In addition, the Welfare Reform: Health Impacts stakeholder group was established in 2012 by health officials to consider impacts of the social security reforms on people's health, and the work and findings of this group will also need to be taken into consideration.

## ANNEX 2 – survey questions including answers to multiple choice questions

1. Before today, how strong would you say your understanding of this purpose and remit was?

Answer	No of respondents
Very strong	8
Strong	7
Not sure	0
Weak	1
Very weak	0
<i>N</i>	16

2. The Group has been effective in realising this purpose.

Strongly agree	3
Agree	10
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

3. The Group has had a demonstrable impact.

Strongly agree	1
Agree	12
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

4. What are the factors that in your opinion have helped the Group to be more effective and fit for purpose?

5. What are the factors that in your opinion have inhibited the Group to be more effective and fit for purpose?

6. Expectations of the Scottish Government from the group have been clear to me.

Strongly agree	2
Agree	7
Not sure	6
Disagree	1
Strongly disagree	0
<i>N</i>	16

7. Requests for advice from the Scottish Government have been well aligned with the remit of the Group.

Strongly agree	2
Agree	9
Not sure	5
Disagree	0
Strongly disagree	0
<i>N</i>	16

8. The group has been able to produce in-depth and detailed analysis and recommendations.

Strongly agree	4
Agree	9
Not sure	2
Disagree	0
Strongly disagree	0
<i>N</i>	15

9. Timescales for recommendations and advice set by the Scottish Government have been reasonable.

Strongly agree	0
Agree	8
Not sure	5
Disagree	3
Strongly disagree	0
<i>N</i>	16

10. The Secretariat takes forward decisions of the Group effectively.

Strongly agree	8
Agree	8
Not sure	0
Disagree	0
Strongly disagree	0
<i>N</i>	16

11. Do you have anything to say about the relationship between the Scottish Government and the Group?

12. I have experience of working within one of the Group's workstreams.

*Note: if answer is Yes, the respondent was taken to question 10. If Not, the respondent was redirected to question 12.*

Yes	11
No	5
<i>N</i>	16

13. Workstream(s) that I worked in were able to produce in-depth and detailed analysis and recommendations.

Strongly agree	2
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Agree	7
Not sure	1
Disagree	0
Strongly disagree	1
<i>N</i>	11

14. Thinking of my experience of working within workstreams, timescales for recommendations and advice set by the Scottish Government were reasonable.

Strongly agree	1
Agree	6
Not sure	3
Disagree	1
Strongly disagree	0
<i>N</i>	11

15. The Group works harmoniously.

Strongly agree	8
Agree	8
Not sure	0
Disagree	0
Strongly disagree	0
<i>N</i>	16

16. Group members have been engaged and committed to the Group's affairs.

Strongly agree	6
Agree	9
Not sure	1
Disagree	0
Strongly disagree	0
<i>N</i>	16

17. The general meetings of the Group were productive.

Strongly agree	6
Agree	7
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

18. The general meetings of the Group were conducted in a way that enabled us to fulfil our remit.

Strongly agree	5
Agree	10
Not sure	1
Disagree	0
Strongly disagree	0

<i>N</i>	16
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19. Frequency of the general Group meetings was adequate.

Strongly agree	3
Agree	8
Not sure	3
Disagree	2
Strongly disagree	0
<i>N</i>	16

20. Membership of the group is fit for purpose.

Strongly agree	3
Agree	8
Not sure	3
Disagree	2
Strongly disagree	0
<i>N</i>	16

21. Do you have anything to say about the main meetings of the Group (e.g. frequency, attendance), membership and workstreams?

22. I have been an active participant in the Group's work.

Strongly agree	4
Agree	9
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

23. I spent time working on the Group's work programme outside of the meetings.

Yes	15
No	1
<i>N</i>	16

24. I have a clear understanding of my role in the Group.

Strongly agree	2
Agree	11
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

25. Being a member has been in line with my expectations.

Strongly agree	1
Agree	10

Not sure	2
Disagree	3
Strongly disagree	0
<i>N</i>	16

26. The scale of demands on my time has been reasonable.

Strongly agree	3
Agree	6
Not sure	5
Disagree	3
Strongly disagree	0
<i>N</i>	16

27. I feel that the Group provides a good platform for me to make a contribution to the Group's purpose.

Strongly agree	4
Agree	9
Not sure	3
Disagree	0
Strongly disagree	0
<i>N</i>	16

28. What do you think could enable you to make greater contribution?

29. What do you think could be done to maximise the effectiveness of the Group in fulfilling its remit?