

## FOI REQUEST 20/00092

### Key

**Section 38 (1) (b) Personal Information**

**Section 29 (1) (a) Policy formulation**

**Section 30 (b) Free and frank discusssion and advice**

**Section 30 (c) Prejudice to effective conduct of public affairs**

**Out of scope**

### Document 1

**From:** [redacted 38 (1) (b)] on behalf of Cabinet Secretary for Social Security and Older People  
**Sent:** 21 June 2019 11:05  
**To:** [redacted 38 (1) (b)]  
**Cc:** Cabinet Secretary for Social Security and Older People  
**Subject:** CORRESPONDENCE FROM SHIRLEY-ANNE SOMERVILLE, CABINET SECRETARY FOR SOCIAL SECURITY & OLDER PEOPLE  
**Attachments:** Cab Sec SSOP letter to Dr Jim McCormick - YCG - 21 June .pdf

Dear Dr McCormick,

Please find attached a letter from Shirley-Anne Somerville, Cabinet Secretary for Social Security & Older People.

Yours sincerely,

[redacted 38 (1) (b)]

**Deputy Private Secretary to Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People**

**St Andrews House, Edinburgh, EH1 3DG**

[redacted 38 (1) (b)]

\*\*\* PLEASE READ DISCLAIMER \*\*\*

**All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments**

**Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)**

## Document 2

Cabinet Secretary for Social Security and Older  
People  
Shirley-Anne Somerville MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000  
E: scottish.ministers@gov.scot

Dr Jim McCormick  
Chair of Disability & Carers Benefits Expert  
Advisory Group  
C/o Scottish Government

[redacted 38 (1) (b)]

21 June 2019

Thank you for your letter and accompanying report on the Young Carer Grant (YCG) draft regulations on 10 December 2018. Now that the consultation and scrutiny carried out by Scottish Commission on Social Security (SCoSS) has concluded, I am in a position to respond to your report as I will shortly be laying the YCG regulations.

I welcome the recommendations made by the Disability and Carers Expert Advisory Group (DACBEAG) in the report and I am pleased to confirm that I have accepted almost all of these.

It should be noted that a number of changes have been made to the draft regulations in response to the consultation and engagement with stakeholders and young carers since the DACBEAG issued their report.

### **Eligibility**

The Group made a number of comments on the eligibility criteria for YCG specifically on the issues of multiple applications and eligibility gaps.

The Group commented that a young carer should be eligible for YCG when another carer gets Carer's Allowance for the same cared-for person. The intent of YCG is to recognise the care provided by young people in a variety of situations. We therefore now intend to pay YCG to a young person providing care to someone with another carer who receives Carer's Allowance as suggested by **Recommendation 1**.

In line with **Recommendation 2**, young carers will be allowed to combine hours caring for up to three people to reach the 16 hour per week threshold. The Scottish

Government recognises that the total hours spent caring is what matters to young carers. The impact of this will be monitored.

The group commented that the eligibility criteria excluded young carers aged 18 who are not at school but who are at a pivotal transition period in their lives. This concern was also reflected in wider engagement with stakeholders and in the consultation. The policy has therefore been updated to widen eligibility to include all young carers between the ages of 16-18. There is no stipulation that they have to be in education to receive the grant. We therefore accept **Recommendation 3**.

### **Application process**

The report emphasises the need for a straightforward application process that does not place an unnecessary burden on young people. This is expressed in **Recommendation 4**. The Scottish Government is carrying out extensive user testing to ensure that the application process is concise, light-touch and easy to understand.

The application form will be made available in multiple formats including an easy read version in order to address a range of needs.

**Recommendation 5** suggests changing the definition of care as defined in the draft regulations to allow a more flexible definition of care. We recognise the need for any definition to capture a wide range of caring situations. Therefore we have altered the definition of care to make it less prescriptive.

However, we also recognise that young carers often do not self-identify as carers. Taking out the definition completely would risk removing an important tool for young people with caring responsibilities to identify as a young carer and understand that they are eligible for YCG.

Removing completely a definition of care would also turn the award of YCG into a decision making process rather than a discretionary benefit as it is intended at the moment. Agency staff would have to make a case by case decision on what constitutes care for each application without a standard definition to refer to. A flexible definition keeps the decision process consistent and helps young carers identify that they may be eligible for YCG.

The report advises monitoring whether a 31-day timeframe to request a re-determination is sufficient and whether there are particular impacts on different protected groups. We recognise that young people with no prior engagement with the benefits system may need more support with the process. We accept **Recommendation 6** and will monitor whether the 31 calendar day time limit for requesting a re-determination is sufficient following the launch of the grant.

### **Promotion and take-up/ signposting**

The report highlights the need for targeted promotion to reach young carers from marginalised or under-represented groups. We accept **Recommendation 7** to promote YCG to under-represented groups and to promote take up of other relevant support, including support services.

We have spoken to seldom heard groups including Gypsy Travellers, those living in more rural areas and the cared for person alongside the young carer. We have also reached out to other ethnic minority charities as we are aware there will be a higher proportion of young carers in these groups who face specific barriers and challenges.

We have spoken to a range of charities that support young carers who can no longer attend school due to their caring responsibilities. We have also arranged both research and testing with a charity who supports young carers in an armed forces family and are engaging with a BSL charity and intend to test the application form with those that use BSL to make sure the language works for them.

The eligibility criteria for all benefits will be clearly communicated and carefully marketed to ensure that there is no confusion when there are differences to who may be eligible. We will provide clear signposting to other financial and wider support services to young carers when someone comes into contact with social security Scotland.

The design of YCG has been carried out in collaboration with young carers. We are committed to further user testing and user research in order to tailor promotional materials to young carers with protected characteristics supported by evidence gathered through the Equalities Impact Assessment.

I am aware that you have been directly in touch with my officials regarding equalities issues. I have encouraged them to meet with you now that I have responded to your report and published the Equalities Impact Assessment.

### **Administering YCG**

The report recommends that flexible payment arrangements are offered to young carers. We accept **Recommendation 8** which recognises the needs of young carers without bank accounts.

YCG will be provided as a bank transfer payment as standard but we recognise that some young carers may not have a bank account. Therefore we will offer alternative payment methods through i-movo (in line with Agency wide policy) and we can also pay into a Credit Union account.

The report expresses concern over how best to support marginalised and disadvantaged groups. The Scottish Government has carried out an Islands Community Impact Assessment in order to understand how rural and remote communities will interact with YCG and a Children's Rights and Wellbeing Impact Assessment that assess YCG against the United Nations Convention on the Rights of the Child (UNCRC). The design of YCG has been carried out in collaboration with young carers.

The Scottish Government is carrying out a range of user research and testing to ensure that the application process is as simple as possible. This process will be guided by feedback from young carers.

## **Safeguarding**

The Scottish Government has carried out four impact assessments in total: an Equalities Impact Assessment; a Business and Regulatory Impact Assessment; a Children's Rights and Wellbeing Impact Assessment; and a Island Communities Impact Assessment.

The Scottish Government is committed to signposting to other support services. We recognise that mental health conditions are more prevalent among young carers in comparison to young people without caring responsibilities<sup>1</sup>. One of the aims of the YCG is to improve mental and physical health outcomes of young carers.

The report expresses concerns about the potential for incentivising care for young people. It was felt by many stakeholders and respondents to the consultation that £300 was an appropriate rate to recognise the contribution of young carers and to level the playing field between them and young adults who do not provide care.

YCG allows young carers to continue to care if they wish to but also to have a life alongside caring. It aims to improve health and education outcomes for young carers and remove some barriers to pursuing opportunities. The impacts of YCG on young carers will be monitored by the Scottish Government.

I trust that this reassures you of the extensive consideration we have given our recommendations and the valuable input you have made to the development of this policy.

**Shirley Anne-Somerville**

---

<sup>1</sup> Scotland's Census, 2011

### Document 3

**From:** [redacted 38 (1) (b)]  
**Sent:** 19 July 2019 15:36  
**To:** Cabinet Secretary for Social Security and Older People  
**Cc:** Kerr S (Stephen) (Social Security Director); McVie A (Ann); [redacted 38 (1) (b)]; Campbell J (Jeanette) (Special Adviser); Communications CSSE; DG Organisational Development & Operations; SSPD Stakeholder Insights and Strategic Engagement Unit; SSP : Disability Benefits Policy Unit; Tressa Burke; Jim McCormick [redacted 38 (1) (b)] Baron-Broadhurst L (Lisa); [redacted 38 (1) (b)] Wallace D (David); McClintock A (Andy); Byrne A (Alison); [redacted 38 (1) (b)]  
**Subject:** DACBEAG Correspondence regarding DACYP recommendations  
**Attachments:** DACBEAG Correspondance 19.07.2019 re DACYP.pdf

PS/Cabinet Secretary,

Please find attached the Disability and Carer Benefits Expert Advisory Group (DACBEAG) recommendations relating to Disability Assistance for Children and Young People (DACYP).

Officials will provide advice in relation to these recommendations in due course.

Kind regards,

[redacted 38 (1) (b)]  
Social Security Directorate  
[redacted 38 (1) (b)]

## Document 4

### Disability and Carers Benefits Expert Advisory Group: Disability Assistance for Children and Young People Project Team

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

19 July 2019

Dear Shirley-Anne,

Disability Assistance for Children and Young People (DACYP)

#### Background

Thank you for your letter of 7 February requesting advice on DACYP. The Group's DACYP Project Team<sup>2</sup> was pleased to consider this. In addition to core members of DACBEAG, the team involved individuals with relevant expertise to ensure the advice is thorough and well-informed. Please accept my apologies for reporting to you later than planned. This is a result of the phasing of the direct engagement meetings and limited opportunities for the project team to convene to develop and agree its advice.

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

We have had very productive discussions with your officials regarding the challenges raised in your letter and remain grateful for their support and co-operation.

We have taken part in a number of consultation sessions with legacy Child DLA applicants and recipients, mostly parents and carers of disabled children and young people, as well as some who had their claims rejected<sup>3</sup>. We are very grateful to families who gave up their time to meet us and to the organisations hosting these meetings. We present these findings and recommendations based on the consistent messages we heard. The recommendations are compiled by number, but represent composite recommendations, grouped by theme.

#### A Holistic Support System:

We heard that disability assistance is one important part of a whole range of support that parents and carers of disabled children need to access. The group noted that this support is provided by a wide range of voluntary and statutory services. In many of our conversations, parents and carers focused on the 'battles' they had routinely with education, health and social work services to ensure their children received the

---

<sup>2</sup> Project membership can be found in Annex A

<sup>3</sup> A list of the organisations hosting consultation sessions for the group can be found at Annex B

support they need. All of this takes an emotional and financial toll on family life. The legacy system “can seem hostile on top of this.” The strongest message we heard was that applying for social security assistance should not be ‘yet another fight’.

Example: Several parents spoke about the need to research and find support or services in their area, with one parent talking about being handed a ‘pack’ at diagnosis, which had contained some flyers for different groups but just leaving her to find a way to move forward after the diagnosis.

We were struck by how often parents or carers focused on common struggles with schools, health, housing and social work services, before moving onto the role of social security support. Often families face a lack of appropriate support and resourcing within these services. We heard examples of poorly understood conditions like Sickle Cell Disease, where there is a shortage of specialist knowledge within the NHS and education. This diminishes the evidence that can be drawn upon when applying for Child DLA and damages trust at the appeals stage – for example, where medical advisers have had to ask parents basic questions about the impact of such long-term conditions.

We are also aware that some disabled children, and their carers, are in contact with some services from pregnancy until transition to adult services. Many parents spoke of receiving information and support while their children were young, but this support stopped completely when they got older. Lack of support after transitions to adult services was a common concern among parents/carers. With the creation of Social Security Scotland (‘the Agency’), there is a unique opportunity to ensure that every child receives the support they need.

Referrals could be built into the Agency’s process and feed into the local delivery role that the agency is creating. This is also an opportunity for the Scottish Government to collect information about the services that are provided locally, identify gaps and look at improving local provision to be fit for purpose in the future. In this way, DACYP can be designed to serve as part of a wider system of support for children, young people and families.

Recommendation 1:

A claim for disability assistance should be part of a larger ‘holistic assessment’ and trigger referrals to other sources of support. The Agency should ensure:

- Clear information about rights and entitlements to other social security payments and services.
- Information and signposting to Advocacy services, with clarity on how disabled children, young people and families can use appropriate advocacy support to navigate the system.
- Active referral pathways so that disabled children, young people and their carers can be referred to all appropriate services (including education, health, housing and transport) with monitoring of the effectiveness of different referral strategies (e.g. sign-posting, appointment referral, co-located and embedded support in local settings) and take up.

### The Initial Application Process

We understand the application process to include both the initial contact with Social Security Scotland ('the agency') to make a claim and the completion of a selfassessment form providing details of the child's impairment, and where relevant long term conditions.

We heard that many parents and carers find the process of applying for DLA for their children to be stressful. When first faced with the claim form many individuals felt unable to complete it, were only able to provide partial information or completed it over a lengthy time period which caused them to lose entitlement.

"Extreme problems and barriers to getting a diagnosis meant we were only able to give part of the information. It was all an uphill struggle and waiting times for support caused delays too. People settle for less as the stress is terrible".

### Recommendation 2:

- Where an individual contacts the agency to make a claim for DACYP, the date of the claim should be set at that first point of contact.
- The individual should be allowed as long as they need to complete the claim and assessment process.
- That the Agency should monitor and report on the length of time it takes from first contact to completed application.

### Recommendation 3:

- Multiple communication channels are needed to provide information about the application process and should be available as a matter of course.
- The preferred communication methods for applicants should be recorded and used.
- Accessible approaches are often widely appreciated by people in general, not just those with specific communication barriers. As we have previously indicated in our advice on the Charter, we recommend using additional, innovative methods of communication, including infographics, interactive material and audio versions.

### Application Form

The group understands that the desire to make the form easier to complete must be balanced against the requirement for the case manager to get sufficient information to make an accurate determination. Where support is provided, the Child DLA form at present does allow the DWP to collect sufficient information to make a decision about entitlement, and this should not be lost when a DACYP form is developed.

However we heard that parents and carers have huge difficulties completing the application form. We were consistently told that the application process caused additional stress to the family. It was noted that those who are most in need of help, such as those with health problems themselves, find the system the most difficult to navigate.

Difficulties outlined included:

- The language of the forms and communication currently does not encourage people to apply,

“Make the application form more streamlined and simplified. There is far too much scope for duplication and they could cut down on repetitive questions”

- That the form focused on the problems faced by the child. Parents felt that they had to present the ‘bleakest day’ experiences of their child, rather than allowing for a fuller description of the child’s needs and the support they would benefit from.
- Many parents described it as upsetting and crushing to look over a written summary of their child’s difficulties and challenges and also felt that this process left them more anxious, depressed and concerned for their child’s future,

“It made my heart hurt when I looked back at the form and realised that was their life... and I felt terrified about their future”.

- Many described completing this kind of form as an acquired skillset or that the form was not intuitive or user-friendly. It was described as dauntingly long, including sections which were not considered age-relevant for their child, and did not sufficiently allow for information beneficial to the claim to be expressed easily,

“We applied for DLA and had to appeal 3 times. Then eventually, after 14 months, we were finally awarded middle rate care and low rate mobility- after attending a tribunal, with evidence from doctors and psychiatrists. Building a case takes a very long time because they don’t believe you and you need layers of evidence.”

However, we also heard that where individuals had the correct support, or had previous experience of the system, they were better able to navigate the application form and process. We were told that support depended on availability, and that individuals referred to support services were, in some instances, unable to get the support that was needed:

“Waiting times for Advice Services can be too long and they can’t always provide the specialist support needed.”

The group understand that DWP have provided such assistance in the past, which enabled some claimants to complete the claim and assessment form. Services such as the ‘Benefit Enquiry Line’, and visiting officers, were a useful resource for individuals making a claim for disability benefits. The group noted the distinction between advocacy, welfare rights advice, appointeeship and help with completing the application forms. While we heard some reservations from parents about placing trust in this kind of assistance being provided directly by an agency which also determines eligibility, we believe this should be tested and evaluated.

#### Recommendation 4:

- The agency should trial a system of claims support provided by the agency for any individual looking for assistance to claim DACYP. A claims support service provided by the agency would have the benefit of being available throughout Scotland and provide a consistent standard of support.
- This would be expected to complement the system of assistance available from welfare rights and other advice providers but would ensure timely support is still available where other local provision is patchy.

#### Assessment Process

There was a general consensus from the groups that we spoke to, whilst no child should be required to undertake a face to face assessment, any parent or carer should be able to request a face-to-face meeting with someone from the Agency to explain their child's needs if they feel this is the most effective way to do so. We agree that this would be a useful provision.

The group heard of many circumstances where other professionals who have contact with the child were not entirely aware of the child's full range of restrictions. Parents felt strongly that this was the case when teachers were asked to provide information about the child's needs in the school environment and many had examples of negative decisions being made and based on the information provided by teachers. We heard about 'masking' where a child has learned to present themselves as 'normal' to others in order to be accepted. Many parents, carers and kinship carers talk about a 'coke bottle' or 'pressure cooker' effect, where children try hard to fit in at school and that the stress of this may be missed by others and yet result in increased outbursts and distress at home. Kinship carers told us of the trauma-related symptoms experienced by children and young people (e.g. bedwetting, attachment anxiety) which were not visible to others. Again, we heard that many parents and carers felt that no one else understood their child in the way that they did and that they were the best person to provide a more holistic account that reflects the child's needs and capabilities across a range of aspects of the child's life.

“He plays the joker to cover up not understanding at school, comes home and it's like a pressure cooker. He masks the problem and then comes in the door, strips off and jumps in the shower screaming, but he's “fine” at school. Then the problem looks like it's at home”

Further testimony from parents and carers highlighted the primacy of their own supporting statements. It was also felt strongly that appropriate sources of supporting evidence are best identified by parents and carers and then contacted by the agency.

Example: One parent spoke about putting in two different applications for her two children. For one application no one was contacted in terms of her supporting evidence (she was turned down) and for the other they contacted everyone on her form and it was approved before a diagnosis was made. She therefore believed that

the system was very variable and heavily dependent on who processed the application.

The group have considered the importance of family testimony in relation to functional impacts and extra costs – for example, heating, laundry, transport. Particularly where there is a shortage of expertise around the impacts arising from an impairment or condition, the input from parents and carers need to be reflected more fully in the claims process.

The Advisory Group believe that the recommendations given in previous advice notes covering auto-entitlement and sources of evidence should apply to DACYP. The group noted that Child DLA legislation provides auto-entitlement to certain groups of claimants<sup>4</sup> and whilst we do not think this should be extended, these rules should continue to apply in DACYP. The group also noted that a claimant's entitlement to DLA is enshrined in legislation and this should be maintained in DACYP.

#### Recommendation 5:

- An individual claiming DACYP should be able to request a face to face meeting with the agency to explain the full range of their child's needs.
- Supporting evidence should only be required in the circumstances outlined in our previous advice note. Parents and carers are best placed to identify the most appropriate supporting evidence. Case managers should be aware that professionals who have contact with a child are not always aware of the child's full range of restrictions.
- The rules about entitlement to DACYP should be included in legislation to ensure that individuals have the same rights as they have under the current system.

#### Decision Making

We were increasingly made aware of the disparity in outcomes between families living with the same conditions. The ability to decide the limits of a condition can appear arbitrary, or based on a narrow understanding of functional impact which is often individualistic. There is a need to better reflect the range of impacts experienced and the needs that may be met through disability assistance.

Example: One parent spoke about having a nursery place for one of her two children with autism, 5 days a week. However, she is not able to reliably get on the bus with her son due to his severe distress. The distance is too far to walk. On some days she takes a taxi, but this is expensive and it means her son is only able to attend nursery a couple of days a week. She did not believe criteria for assessing mobility assistance were helpful in her case.

#### Recommendation 6:

- The group sees scope for revisiting the criteria for decision making following the safe and secure transition to DACYP.

---

<sup>4</sup> For example, some children on renal dialysis, some children who are visibly impaired or blind and deaf.

- The dichotomy of balancing individual needs against the need for a transparent and consistent system means the Group would see this as something that would need to be monitored and reviewed.

#### During the Decision Making Process

We heard that many individuals felt lost during the decision making process. Often they faced long delays and felt there was a lack of information available about their claim. The group would welcome a commitment to clear timescales. Often claimants talk about a mismatch in terms of deadlines, with more of the onus and pressure on applicants than the decision-making body. We are mindful of the need to balance timely responses with accurate decision-making and clear communication.

The group considered the proposed change under the Scottish system, so that a request for redetermination must be made within 31 days of the date of the determination, unless there is good cause for a later request. This new determination can then be appealed within 31 days, unless there is good cause for a later request. The Agency would have 40-60 days to carry out the redetermination. In contrast, in the GB reserved system, a claimant can request a 'mandatory reconsideration' within a month of the decision. A 'late' request can be made up to 13 months after the date of the decision. If the DWP refuse to accept a late request then the claimant has a legal right of appeal directly to the tribunal against the original decision. In practice this means that in the GB legacy system a decision can be challenged up to 13 months after a decision is made without having to show 'good cause'. The current proposals mean that individuals in the Scottish system would have more restricted appeal rights. We believe that individuals in the Scottish System should have the same rights as they currently have under the GB system.

We considered if it would be useful for the applicant to be given contact details of someone working on their case within the Agency. We are also mindful that we don't want to introduce additional delays into the process, and that there may be an obligation for different members of staff to deal with a claim at different points in the determination, re-determination and appeals process. However, we are aware that this is often a distressing time for families and having a point of contact at the agency may be useful for individuals and allow greater accessibility and transparency. Many parents said they felt ongoing communication with updates on progress would be helpful and reassuring.

#### Recommendation 7:

- That the Agency has clear policy and guidance in terms of how applicants can be kept informed about their claim.
- That the time allowed to ask for a re-determination is extended beyond 31 days to ensure that applicants in Scotland retain the rights that claimants of DWP disability benefits currently have.
- That the application of 'good cause' should be broad enough to ensure that individuals have the same rights as they currently enjoy.
- That the Agency runs an evaluated trial giving claimants contact details within the agency to provide them with updates and any relevant information during the claim process and reflecting their preferred communication method.

## Stigma

Parents and carers told us about the stigma they often felt around claiming social security benefits. Within the stakeholder sessions, repeated reference was made to people reporting that they felt distrusted in the application process or that the system was set up to 'trip them up'. Even when they were awarded benefits, this wasn't always enough to allay their suspicions. Many parents noted that they felt the need to justify what they did with the money.

Example: One parent noted that when the money arrived in her account it was before the letter informing her that she would receive it. She was scared to spend it.

Claimants repeatedly mentioned feeling judged by peers, medical professionals, those delivering social security and, in some cases, agencies that were providing support including schools, because often other people are not familiar with the needs of their child,

"I feel like we're being blamed or judged- not believed and listened to. I had to give up my job as it wasn't possible to balance caring and working so money is already tight. I feel guilty that I can't save up...for ...extras compared with working parents but we need it to live- to pay for the clothes, the transport, the heating- basically the extra costs of disability"

This stigma around social security is a barrier to some claimants making an application, and causes stress and worry for claimants during the process of claiming.

We recognise that the stigma associated with social security is felt by claimants across the range of benefits, and is not only an issue for DACYP, and we support the emphasis placed by the Scottish Government and the agency on reducing that stigma. In doing so, we advocate that communications incorporate a focus on the importance and value of supporting disabled people and children to fulfil their potential. The group welcomed the work that has been done by the Scottish Government to promote uptake of benefits for older people with the intention of challenging the stigma that has been created around claiming social security by use of a rights based approach.

### Recommendation 8:

- The way that the Scottish Government communicates in terms of social security payments plays a key role in fighting stigma. The group recommends the continued use of open communication as well as advertising of payments
- A clear message is needed about Social Security as an investment in the people in Scotland and specifically, that disabled people and children face additional costs and require assistance to have a life with dignity and reach their potential. This would be consistent with the distinctly Scottish approach of designing and delivering social security alongside people with direct experience, rooted in human rights.

### Training of Social Security Staff

A large part of the attitude towards those claiming benefits will be set by the Agency in the language used, communication methods and approach to engaging with applicants.

In addition to feedback from Experience Panels and Client Insight, there is a desire among Disabled People Led organisations as well as parents and carers to engage directly in training sessions with agency staff.

Direct participation has been found to be an effective and powerful tool in creating a respectful and responsive service which can be built on better understanding of people's needs, as embedded in the Christie Commission recommendations. In this way, people's lived experience can help to build understanding, insights and an improved quality and consistency of service provided by agency staff, especially assessors.

Young people with learning disabilities aged 15-18, taking part in a discussion hosted by the Scottish Commission for Learning Disability (SCLD), identified the qualities they wanted to see in social security staff:

- Using the right language for the right person e.g. BSL, Makaton
- Clear language, broken down: "don't use fancy words"
- Staff who "understand us" including some with experience of disability personally or within their families
- Being friendly, respectful, kind, honest, positive and mature in the way they speak
- Asking about your interests, not focusing only on disability

### Recommendation 9:

- People with lived experience of disability- in this case disabled children and young people, their parents and carers - should be fully involved in designing and delivering training to agency staff, both face-to-face and making use of existing resources <sup>5</sup>.

### Peer Support and Welfare Advice

Given the issues around stigma and take-up, parents reported that access to peer support for them and their children is an essential support mechanism. Most often the best information and practical advice comes directly from those with lived experience and parents/young people are more likely to trust those who share similar barriers and challenges:

"Parents themselves know best- look to them and learn, as they've been through it ahead of us"

---

<sup>5</sup> For example, film clips produced with disabled children, young people, parents and carers by Mindroom: [http://www.mindroom.org/index.php/help\\_and\\_support/resources\\_for\\_parents](http://www.mindroom.org/index.php/help_and_support/resources_for_parents)

The group noted that the support peer-to-peer organisations can provide is invaluable and that there is a need to provide this type of support system and assistance to parents at what is often a stressful and isolating time.

Welfare rights advice is needed to help individuals understand their entitlements and particularly when a claimant is unhappy with a determination or wants to challenge a decision. It is essential that such Welfare Rights advice is freely available, fully accessible and understanding of the particular needs of parents/carers, many of whom are themselves disabled people

#### Recommendation 10:

That the Scottish Government continues to support the work of peer support organisations, whilst developing a system to support applications within the Agency. Social Security Scotland should provide:

- Information about peer support organisation to ensure information about support, services and wider rights reaches those who need it.
- Information about peer support organisations which celebrate positive role models of both disabled children and young people and parents/ carers to offer hope and ‘know-how’ in terms of accessing wider opportunities.

#### Recommendation 11:

- People with direct experience of disability and caring should be encouraged to work with Social Security System as employees as well as volunteer advisers. Drawing upon their expert insights would actively build greater trust in the system.

#### Take Up

The group is aware that there are families who would be entitled to disability assistance and who do not current receive it. They welcome the commitment, enshrined in the Social Security Act, through a strategy to increase take up.

During consultation events, the Group heard that many eligible parents and carers do not consider themselves carers or their children disabled.

Example: One parent spoke about the difficulty of accepting this type of label for her child. She had struggled to accept a comment from her sister and had only really understood that there was something wrong with her child when the Health Visitor had sent her to a support group.

The group felt that different advertising messages may work better for different elements of the population, and that tailored messages for parents and carers of disabled children and young people will be needed.

#### Recommendation 12:

- The Scottish Government should trial a routine enquiry where all parents are referred for a benefits check at certain key milestones. This should be developed with people

with direct experience and other expert stakeholders and, if successful, be rolled out across Scotland.

- This would be in addition to tailored communications, designed alongside disabled children, young people parents and carers, to address the diverse needs of the population.

### Transition

The group felt that clear communication from the agency was important at any moment of transition and will be the most important element of the transition from the UK system to the Scottish system to minimise stress. We would like to emphasise the importance of stability, the need for open and transparent provision of information in advance, and the requirement for a system to help as quickly as possible anyone who falls through the net.

Parents welcomed the proposed increase in DACYP eligibility to age 18, but some felt that the upper age limit for DACYP should be at least 21, which fits with the age limit for accessing the Scottish ILF Transitions Fund. Parents experienced so many different age related transition points and were keen to see these streamlined as much as possible.

In terms of the child to adult transition from what is currently Child DLA to PIP, the group feel that any of 18, 21 or 25 years could be supportable, and welcomes the automatic extension of Child DLA to 18 years whilst the system is being transferred. We propose that the impact of setting the new threshold at age 18 is evaluated and subject to review.

It was noted that this child to adult transition will also be affected by the needs or ability of the child to take on financial responsibility. There will be children who are covered by 'guardianship' (where the parent or carer has legal responsibility for their financial and other affairs) alongside those who have capacity to manage their own money and can take responsibility for their benefits.

The group considered the current 'appointee' system, where children under 16 are represented by an adult. At age 16 the DWP makes a decision about whether the child can manage their own affairs. The group noted that although this appointeeship system works well for many families, we have also heard evidence from young disabled people and their parents that this can lead to unintended consequences in the longer term. Kinship carers in particular noted that the transition to working-age disability benefits at 16 can add an extra level of complexity to the family relationship based on the transition of benefits and with it more independence, or their ability to remain actively involved in decisions such as schooling. Whilst kinship carers voiced concerns as to the ability of young people turning 16 to be able to take on this responsibility (including concerns over vulnerability to financial coercion from others) they also noted the difficulty of the transition from carer of a disabled child.

The appointee system can appear arbitrary and largely unchecked. In addition, meanings of appointeeship and guardianship can become confused. Decisions about who manages benefits at age 16 can result in someone having rights over all

decisions for the rest of another person's life. This can lead to young disabled people who do have capacity to manage their affairs - with support - being held back in terms of fulfilling their potential to lead independent lives therefore undermining human rights – for privacy, for home and family life as adults, for their own adequate standard of living through work or benefits and across the whole range of life opportunities.

Recommendation 13:

- Further evaluation and exploratory work around the appointee system and potentially family mediation is needed to balance support for parents and carers with protection of the rights of young disabled people to fulfil their potential, have autonomy and live their lives as independently as possible.
- The impact of raising the transition from DACYP to DAWAP to age 18 should be evaluated fully and kept under review.

Terminal condition or illness

We have not yet been able to draw upon direct evidence from families of children and young people with a terminal condition. We will continue to review this, and if we are able to provide any potentially useful insights, will prepare a follow up note in the future.

I look forward to your response and we would be pleased to discuss this advice report with your officials.

With best wishes,

Jim McCormick  
Chair

Annex A

### Project Members:

Lorne Berkley  
Tressa Burke  
Etienne D'Aboville  
Ewan MacDonald  
Jim McCormick  
Ed Pybus  
Frank Reilly  
Andrew Strong  
Carol Tannahill

### List of Consultation Sessions:

- The Hope Project/Contact – [redacted 38 (1) (b)]
- DIFFERAbled – [redacted 38 (1) (b)]
- Family Fund – [redacted 38 (1) (b)]
- Glasgow Disability Alliance – group of parents and carers of disabled children and young people – [redacted 38 (1) (b)]
- Mindroom – [redacted 38 (1) (b)]
- [redacted 38 (1) (b)]– consulted parent and expert through experience
- In addition, we have drawn upon the findings of a consultation session arranged by the Scottish Commission for Learning Disability (SCLD) with pupils from Carrongrange High School – with thanks to [redacted 38 (1) (b)].

## Document 5

**From:** [redacted 38 (1) (b)]  
**Sent:** 24 July 2019 10:55  
**To:** Cabinet Secretary for Social Security and Older People  
**Cc:** Kerr S (Stephen) (Social Security Director); McVie A (Ann);  
[redacted 38 (1) (b)] Campbell J (Jeanette) (Special Adviser);  
Communications CSSE; DG Organisational Development &  
Operations; SSPD Stakeholder Insights and Strategic  
Engagement Unit; Baron-Broadhurst L (Lisa); [redacted 38 (1)  
(b)]; Wallace D (David); McClintock A (Andy); Byrne A (Alison);  
[redacted 38 (1) (b)]  
**Subject:** DACBEAG Membership Update Letter  
**Attachments:** Membership letter 24 July 2019.doc

PS/Cabinet Secretary,

Please find attached the Disability and Carer Benefits Expert Advisory Group (DACBEAG) letter providing an update on their Membership changes. It is understood that they are approaching additional potential members currently and therefore an additional letter regarding further changes is expected by the end of the year.

Officials will provide advice in relation to these recommendations in due course.

Kind regards,

[redacted 38 (1) (b)]  
Social Security Directorate  
[redacted 38 (1) (b)]

[redacted 38 (1) (b)]  
**Disability and Carers Benefits Expert Advisory Group | Social Security Policy Division**  
Scottish Government | Area 2c South | Victoria Quay | Edinburgh | EH6 6QQ  
[redacted 38 (1) (b)]



## Document 6

### **Jim McCormick: Chair, Disability and Carers Benefits Expert Advisory Group**

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

By e-mail

24 July 2019

Dear Shirley-Anne,

#### **Membership Changes**

As mentioned in my earlier letter (5 March), I am writing to advise you of proposed changes in Advisory Group membership following discussions on how to ensure high calibre input in the months ahead as we address the challenges relating to the second wave of social security delivery.

Our search is for individuals that fulfil the relevant skillset and have the required expertise and interest to contribute to our work. I would like to take this in stages, proposing three new members now and holding open the possibility of bringing in small number of others in line with our emerging work.

I am delighted that Tressa Burke agreed to become the Group's Deputy Chair following Sally Witcher's appointment as Chair of SCoSS. We are very grateful for all Sally brought to our work and especially her significant contribution in driving development of the Social Security Charter. As Deputy Chair, Tressa brings outstanding commitment, credibility and visible leadership on disabled people's priorities.

#### **Recommendations**

[redacted 30 (b)]

#### **Further members to be proposed**

[redacted 30 (b)]

#### **In summary**

Our proposed new membership (Annex A) offers a range of expertise on most aspects of disability and carer benefits issues, and will benefit from the addition of policy development, welfare rights and technical expertise. This leaves a small number of gaps to be addressed.

We look forward to hearing from you in response to these recommendations and would be happy to discuss further.

With best wishes,

**Jim McCormick**  
Chair

[redacted 38 (1) (b)]

CC: Group Secretary [redacted 38 (1) (b)]

**Proposed Membership – July 2019**

**Annex A**

<b>Member</b>	<b>Designation</b>
Dr Jim McCormick (Chair)	Associate Director for Scotland, Joseph Rowntree Foundation
Tressa Burke (Deputy Chair)	Chief Executive, Glasgow Disability Alliance
Shaben Begum	Director, Scottish Independent Advocacy Alliance
Fiona Collie	Policy and Public Affairs Manager, Carers Scotland
Etienne d'Aboville	Chief Executive, Glasgow Centre for Inclusive Living (GCIL)
Lucinda Godfrey	Chief Executive Officer, Dundee Carers Centre
Sarah Hammond	Manager, East Ayrshire Citizens Advice Bureau
Jatin Haria	Executive Director, Coalition for Racial Equality & Rights (CRER)
[redacted 38 (1) (b), 30 (b)]	[redacted 38 (1) (b), 30 (b)]
Professor Ewan MacDonald	Honorary Professor of Public Health, Institute of Health and Wellbeing, University of Glasgow
Dr Alan McDevitt	GP in Clydebank
Dr Angela O'Hagan	Senior Lecturer in Equalities and Public Policy, Glasgow Caledonian University
[redacted 38 (1) (b), 30 (b)]	[redacted 38 (1) (b), 30 (b)]
Frank Reilly	Director, Scottish Recovery Network
[redacted 38 (1) (b), 30 (b)]	[redacted 38 (1) (b), 30 (b)]
Andrew Strong	Assistant Director (Policy and Communications), Health and Social Care Alliance Scotland
Professor Carol Tannahill	Director, Glasgow Centre for Population Health

**Previous members (from April 2017)****Annex B**

<b>Member</b>	<b>Designation</b>	<b>Rationale</b>
Sandra Black	Chief Executive, Renfrewshire Council	[redacted 38 (1) (b), 30 (b)]
Chris Creegan	Chief Executive, Scottish Commission for Learning Disability (SCLD)	[redacted 38 (1) (b), 30 (b)]
Professor Jim McGoldrick	Convener of the Scottish Social Services Council	[redacted 38 (1) (b), 30 (b)]
Judith Paterson	Head of Advice and Rights, CPAG Scotland	[redacted 38 (1) (b), 30 (b)]
Billy Watson	Chief Executive, Scottish Association for Mental Health (SAMH)	[redacted 38 (1) (b), 30 (b)]
Ian Welsh	Chief Executive, Health and Social Care Alliance	[redacted 38 (1) (b), 30 (b)]
Sally Witcher	Chief Executive, Inclusion Scotland	[redacted 38 (1) (b), 30 (b)]

## Document 7

**From:** [redacted 38 (1) (b)] on behalf of Cabinet Secretary for Social Security and Older People  
**Sent:** 20 August 2019 09:11  
**To:** [redacted 38 (1) (b)]  
**Cc:** Cabinet Secretary for Social Security and Older People  
**Subject:** CORRESPONDENCE FROM SHIRLEY-ANNE SOMERVILLE, CABINET SECRETARY FOR SOCIAL SECURITY & OLDER PEOPLE  
**Attachments:** Cab Sec SSOP to JM - 20 August 2019.pdf

Dear Jim

Please find attached a letter from Shirley-Anne Somerville, Cabinet Secretary for Social Security & Older People

Many thanks.

[redacted 38 (1) (b)]  
Private Secretary to Cabinet Secretary for Social Security & Older People  
[redacted 38 (1) (b)] | E: [cabsecSSOP@gov.scot](mailto:cabsecSSOP@gov.scot)

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

## Document 8

Cabinet Secretary for Social Security and Older People

Shirley-Anne Somerville MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Jim McCormick  
Chair: Disability and Carers Benefits Expert Advisory  
Group c/o Scottish Government

20 August 2019

Dear Jim

### 1. MEMBERSHIP OF THE DISABILITY AND CARERS BENEFITS EXPERT ADVISORY GROUP (DACBEAG)

Thank you for your letter of 24 July detailing your proposed membership changes.

I've noted from your letter that these changes result in a decrease in the number of members of the Group. I understand your concerns in trying to find suitably informed members but would also note that a decrease in membership may result in a heavier workload for those who remain, particularly given the number of pieces of advice requested through to early 2021, as set out in my letter of 31 July.

I am content to accept the recommendations you made for Ed Pybus and Carolyn Lohead to join the Group and I'm grateful to them for committing to support the work of the Group. I note that Tressa Burke will now act as Deputy Chair.

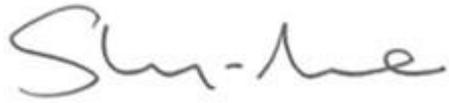
[redacted 30 (b)]

I am aware that you have requested my attendance at the next Group meeting on 29 August. Unfortunately I do not have availability to attend that meeting but my officials will liaise with the Group to arrange a mutually suitable date and time for a subsequent meeting.

I look forward to hearing from you in relation to the above and wish you success in identifying and considering further new members for the Group.

I will revert to you, in response to your advice on Disability Assistance for Children and Young People, in due course.

Yours sincerely



SHIRLEY-ANNE SOMERVILLE

Scottish Ministers, special advisers and the Permanent Secretary are [www.lobbying.scot](http://www.lobbying.scot) St Andrew's House,

Regent Road, Edinburgh EH1 3DG  INVESTORS  
IN PEOPLE | credited  
Ac Until 2020  

covered by the terms of the Lobbying (Scotland) Act 2016. See

[www.gov.scot](http://www.gov.scot)

## Document 9

**From:** [redacted 38 (1) (b)] on behalf of Cabinet Secretary for Social Security and Older People  
**Sent:** 04 September 2019 13:29  
**To:** [redacted 38 (1) (b)]  
**Cc:** Cabinet Secretary for Social Security and Older People  
**Subject:** CORRESPONDENCE FROM SHIRLEY-ANNE SOMERVILLE, CABINET SECRETARY FOR SOCIAL SECURITY & OLDER PEOPLE  
**Attachments:** Cab Sec SSOP to DACBEAG Assessments Workstream - Informal Observations Sept 2019.pdf

Dear Tressa,

Please find attached a letter from Shirley-Anne Somerville, Cabinet Secretary for Social Security & Older People.

Kind Regards,

[redacted 38 (1) (b)]

**Deputy Private Secretary to Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People**  
**St Andrews House, Edinburgh, EH1 3DG**

[redacted 38 (1) (b)]

\*\*\* PLEASE READ DISCLAIMER \*\*\*

**All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments**

**Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)**

## Document 10

Cabinet Secretary for Social Security and Older People

Shirley-Anne Somerville MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Tressa Burke  
Assessments Workstream  
Disability and Carer Benefits Expert Advisory Group  
By email: [redacted 38 (1) (b)]

4 September 2019

Dear Tressa,

Thank you for your advice and recommendations of 31 May about the use of informal observations during assessments. I am sharing my response with you in confidence at this stage. This policy will be announced in due course.

We know that the current approach to the use of such observations is not well received, often leading to inaccurate conclusions in assessment reports. For that reason, I was keen that the Consultation on Disability Assistance also sought views on this matter. A majority of respondents (72.9%) responded to the question on informal observations. Significant numbers of respondents made comments about how they perceived assessments should be conducted; a key concern being that informal observations need to be discussed openly during the assessment in order to be transparent.

Having now had the opportunity to consider your advice alongside the responses to the consultation, I can confirm that I am happy to accept the Workstream's recommendations that informal observations, both 'functional' and 'non-functional', be permitted subject to the following guidelines:

- specific guidance, training and resources are developed for assessors regarding informal observations;
- clients must be made aware of what informal observations are, why they are being made and what impact they will have on the decision;
- all observations must be shared and recorded, the clients response should also be recorded;

- all clients must be informed of what observations have been made in the assessment, what the assessor infers from them, and that either the client or their advocate are given the right to comment on or challenge these observations during the assessment; and
- Informal observations must be restricted to the assessment itself – observations cannot be made in the assessment centre (e.g. from the waiting room/car park etc. to assessment room) or on the person’s journey to and from the assessment centre.

I am grateful for the views and recommendations provided by the Workstream and the effort of its members in developing these. It is important that this policy is appropriately designed, communicated to individuals and that staff are supported to deliver it. Taking the approach outlined by the Workstream is in keeping with our commitment to treating people with dignity, fairness and respect and fosters trust between individuals and the Agency. This also supports a transparent and accessible assessments service, ensuring that clients are aware of what will happen at each stage of the process.

I will outline my support of these recommendations in the Scottish Government response to the Disability Assistance Consultation.

I wish you well in your continued consideration of these important matters and look forward to your next piece of advice.

Kind regards,



**SHIRLEY-ANNE SOMERVILLE**

Scottish Ministers, special advisers and the Permanent Secretary are [www.lobbying.scot](http://www.lobbying.scot) St Andrew’s House,

Regent Road, Edinburgh EH1 3DG



INVESTORS  
IN PEOPLE

credited

Ac  
Until 2020



covered by the terms of the Lobbying (Scotland) Act 2016. See

[www.gov.scot](http://www.gov.scot)

## Document 11

**From:** [redacted 38 (1) (b)]  
**Sent:** 25 September 2019 13:54  
**To:** Cabinet Secretary for Social Security and Older People  
**Cc:** Kerr S (Stephen) (Social Security Director); McVie A (Ann)[redacted 38 (1) (b)]; Campbell J (Jeanette) (Special Adviser); Communications CSSE; DG Organisational Development & Operations; SSPD Stakeholder Insights and Strategic Engagement Unit; SSP : Disability Benefits Policy Unit; Tressa Burke; Jim McCormick [redacted 38 (1) (b)] Baron-Broadhurst L (Lisa); [redacted 38 (1) (b)] Wallace D (David); McClintock A (Andy); Byrne A (Alison); [redacted 38 (1) (b)]  
**Subject:** DACBEAG Correspondence response to letter dated 31st July 2019  
**Attachments:** Letter to Shirley-Anne Somerville 25 Sept 2019.docx

PS/Cabinet Secretary,

Please find attached the Disability and Carer Benefits Expert Advisory Group (DACBEAG) response to the letter dated 31<sup>st</sup> July 2019, regarding; Long-term Priorities for the Disability and Carers Benefits Expert Advisory Group (DACBEAG).

Officials will provide advice in relation to these recommendations in due course.

With best wishes,

[redacted 38 (1) (b)]

[redacted 38 (1) (b)]

**Disability and Carers Benefits Expert Advisory Group | Social Security Policy Division**

Scottish Government | Area 2c South | Victoria Quay | Edinburgh | EH6 6QQ

📞 [redacted 38 (1) (b)]



## Document 12

### Disability and Carers Benefits Expert Advisory Group:

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

25<sup>th</sup> Sept 2019

Dear Shirley-Anne,

#### **LONG-TERM PRIORITIES FOR THE ADVISORY GROUP**

Thank you for your letter dated 31 July setting out the priority topics for the group to consider until the end of parliamentary term in March 2021.

During our recent group meeting on 29 August, we committed to developing advice in all of the areas you requested. We are working with your officials to firm up the specific timescale and have requested some detail for each theme. We also discussed some broader, cross-cutting issues, alongside the advice requests, which will guide our thinking in the months ahead. These are shared below.

The group sees monitoring and evaluation as a foundational element in creating a social security system which lives up to the principles in the Act and the Social Security Charter. We are therefore keen to know more about plans to gauge the impact of disability and carers assistance, building on learning to date from other payments already in place. We believe that an element of external evaluation should be built into an undertaking as significant as this. This would be consistent with independent advice-given at earlier stages in policy development.

We are committed to working with you to ensure we build greater understanding of outcomes in the Scottish social security system across equality groups. We will write to you shortly about Equality Impact Assessments following a recent meeting between group members and officials on Young Carer Grant Equality Impact Assessment. We are also keen to contribute to the Scottish Government's developing strategy on take-up.

We heard from your officials that that our latest advice (July 2019) has been useful in regards to shaping Disability Assistance for Children and Young People (DACYP). We understand that a balance has to be struck between regulations and guidance. However, we have some concerns that if too much of the detail is left to guidance, people in Scotland could end up with fewer rights than they currently have in the legacy GB system. This could undermine the smooth operation of the social security system and mean individuals' expectations of the system are not met. We would like to seek an early meeting with officials and those drafting the regulations to discuss this.

In preparing our advice note on DACYP, we were very aware of the high value placed by families on an integrated, holistic system of support. We recognise that the

social security system is a large-scale 'start-up' endeavour for the Scottish Government, being built separately from social care, housing or education for example. Nonetheless, group members would support early steps being taken to integrate different strands of support. For example, we have recommended that an application for DACYP becomes a gateway to wider types of financial and non-financial support that people may need in order to live a good life.

We would welcome discussion on these points and look forward to working with your officials to ensure we are providing advice that is specific enough to address the points raised for each request, while also considering the broader drivers of poverty reduction, realisation of rights and long-term sustainability.

Yours sincerely,

Jim McCormick  
Chair

## Document 15

From: [redacted 38 (1) (b)] on behalf of Cabinet Secretary for Social Security and Older People  
Sent: 15 October 2019 12:11  
To: [redacted 38 (1) (b)]  
Cc: Cabinet Secretary for Social Security and Older People  
Subject: CORRESPONDENCE FROM SHIRLEY-ANNE SOMERVILLE, CABINET SECRETARY FOR SOCIAL SECURITY & OLDER PEOPLE  
Attachments: Cab Sec SSOP - Cab Sec letter to DACBEAG.pdf

Dear Dr McCormick,

Please find attached a letter from Shirley-Anne Somerville, Cabinet Secretary for Social Security & Older People.

Kind Regards,

[redacted 38 (1) (b)]  
Assistant Private Secretary to Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People  
St Andrews House, Edinburgh, EH1 3DG  
[redacted 38 (1) (b)]

\*\*\* PLEASE READ DISCLAIMER \*\*\*

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

## Document 16



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

Cabinet Secretary for Social Security and Older People

Shirley-Anne Somerville MSP

T: 0300 244 4000

E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Dr Jim McCormick  
Chair of Disability & Carers Benefits Expert  
Advisory Group  
C/o Scottish Government

[redacted 38 (1) (b)]

15 October 2019

Dear Jim,

I am writing to confirm that Social Security Scotland will begin accepting applications for Young Carer Grant on 21 October 2019.

I greatly appreciate the Disability and Carer Benefits Expert Advisory Group's input into the drafting of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019, to help make this benefit a success.

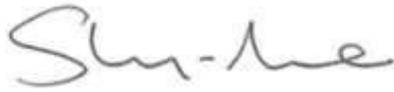
Being a brand new benefit targeting a demographic who may not have interacted with Social Security Scotland before, officials will work with partners to promote uptake of the new Young Carer Grant. Stakeholders will be sent an email announcing when Social Security Scotland will begin taking applications.

There are a range of communications products including posters and social media graphics, specific to the Young Carer Grant will be available to support awareness raising.

There will be a stakeholder toolkit available from Monday 21 October at:

<https://www.socialsecurity.gov.scot/what-we-do/stakeholder-resources/young-carergrant>

Yours sincerely,



**SHIRLEY-ANNE SOMERVILLE**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying

(Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG

[www.gov.scot](http://www.gov.scot)



INVESTORS  
IN PEOPLE

credited

Ac  
Until 2020



**Document 13**

**REDACTED - Out of scope**

## Document 14

### Disability and Carers Benefits Expert Advisory Group: Disability Assistance for Working Age People

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

20<sup>th</sup> December

Dear Shirley-Anne,

#### Disability Assistance for Working Age People

In your letter to the Advisory Group on 31 July 2019, you asked for advice on the currently named Disability Assistance for Working Age People (DAWAP), especially how the application and assessment process can be improved to better elicit relevant information about the client's needs and functional ability, by the end of this calendar year.

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

We have worked with officials to ensure that our advice is informed by information available at this time and relevant to the current policy landscape.

We have also worked closely with people with direct experience of claiming disability benefits and benefit advisers to hear their perspectives and views. We met with over fifty individuals in Kilmarnock, Dundee, Cumnock, and Glasgow in November and early December. They provided invaluable insights that have helped shape our advice and they are acknowledged at the end of this note.

Clearly, information and the current policy landscape may change in ways that cannot be foreseen at this time, so the advice we give now is with the caveat that this too may change in light of developments.

We set out below some issues arising from our discussions to which we wish to draw to your attention. Our recommendations are summarised at the end of this letter.

#### Priorities

[Redacted 29 (1) (a), 30 (b)]

#### Short term priorities

[Redacted 29 (1) (a), 30 (b), 30 (c)]

**Medium term priorities**

[Redacted 29 (1) (a), 30 (b), 30 (c)]

**Long Term Priorities**

[Redacted 29 (1) (a), 30 (b)]

[Redacted 29 (1) (a), 30 (b)]

I hope this is helpful and look forward to your response.

With best wishes,

**Dr. Jim McCormick**  
Chair

\*With special thanks to those who hosted and took part in discussion groups with PIP and DLA claimants and Welfare Rights advisers:

[redacted 38 (1) (b)] and colleagues, East Ayrshire CAB – Kilmarnock  
[redacted 38 (1) (b)] and colleagues, Dundee Carers Centre  
[redacted 38 (1) (b)] and colleagues, East Ayrshire CAB - Cumnock  
[redacted 38 (1) (b)] and colleagues, Glasgow Disability Alliance

APPENDIX A

**Issues for Further Consideration**

[Redacted 29 (1) (a), 30 (b), 30 (c)]

**Document 17**  
**Disability and Carers Benefits Expert Advisory Group**

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

26<sup>th</sup> November 2019

Dear Shirley-Anne,

**Disability Assistance for Working Age People: Service Design and Home Visits**

I am writing in relation to your letter of 31 July requesting the Disability and Expert Advisory Group (DACBEAG) feed into the development of Disability Assistance for Working Age People (DAWAP) service design and the use of home visits for assessments.

Six members of the Group attended a meeting with Scottish Government officials on 23 October. The reason for the meeting was to discuss the current state of policy and service design of the face-to-face assessment process for those DAWAP applicants who require one, including how home visits or other alternatives to attending an assessment centre should be utilised as part of this design. I have enclosed the list of attendees in the annex.

We welcome the commitment by the Scottish Government to ensure safe and secure delivery of the newly-devolved benefits, and to improve the claiming process for all recipients. It is clear that the current service design is looking at how disability benefit entitlement is assessed in the legacy system and making significant effort to improve the client journey to better promote dignity and respect.

**Service Development Policy**

[Redacted 29 (1) (a), 30 (b)]

**Service Design**

[Redacted 29 (1) (a), 30 (b)]

We are pleased to have had this opportunity to view the service design blue print development and to engage with officials on related aspects of building the new system of disability assistance.

I look forward to your response and we would be pleased to discuss this further with your officials.

Yours sincerely,

Jim McCormick  
Chair

DAWAP service design and home visits meeting  
4 Atlantic Quay, Glasgow  
23<sup>rd</sup> October, 10.00 until 14.00

Attendees:

**Dr Jim McCormick:** Chair of DACBEAG, Associate Director for Scotland, Joseph Rowntree Foundation

**Ed Pybus:** Welfare Rights Worker -Disabled Children and Families, Child Poverty Action Group, Carers Scotland

**Carolyn Lochhead:** Public Affairs Manager, Scottish Association for Mental Health (SAMH)

**Dr Alan McDevitt:** GP in Clydebank

**Frank Reilly:** Director, Scottish Recovery Network

**Bill Scott:** Senior Policy Advisor, Inclusion Scotland and Chair of the Poverty & Inequality Commission for Scotland

[redacted 38 (1) (b)]: Senior Policy Officer, Social Security Policy, Scottish Government

[redacted 38 (1) (b)] Project Lead, Social Security Programme Management and Delivery, Scottish Government

[redacted 38 (1) (b)]: Service Design User Researcher, Social Security Programme Management and Delivery, Scottish Government (Deloitte)

[redacted 38 (1) (b)]: Service Design, Social Security Programme Management and Delivery, Scottish Government (Deloitte)

[redacted 38 (1) (b)] Professional Adviser, Social Security Programme Management and Delivery, Scottish Government

## Document 18

**From:** [redacted 38 (1) (b)]  
**Sent:** 11 October 2019 15:45  
**To:** Cabinet Secretary for Social Security and Older People  
**Cc:** Kerr S (Stephen) (Social Security Director); McVie A (Ann); [redacted 38 (1) (b)] Campbell J (Jeanette) (Special Adviser); Communications CSSE; DG Organisational Development & Operations; SSPD Stakeholder Insights and Strategic Engagement Unit; SSP : Disability Benefits Policy Unit; Tressa Burke; Jim McCormick [redacted 38 (1) (b)]  
**Subject:** DACBEAG Correspondence to Ann McVie re Young Carer Grant Equality Impact Assessment  
**Attachments:** EQIA YCG letter to Cab Sec 11.10.2019 Final.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

PS/Cabinet Secretary,

Please find attached a letter from the Disability and Carer Benefits Expert Advisory Group (DACBEAG) for reference.

The letter includes a copy of a letter to Ann McVie in relation to Equality Impact Assessment for the Young Carer Grant.

With best wishes,

[redacted 38 (1) (b)]

[redacted 38 (1) (b)] [Disability and Carers Benefits Expert Advisory Group](#) | [Social Security Policy Division](#)  
Scottish Government | Area 2c South | Victoria Quay | Edinburgh | EH6 6QQ

📞 [redacted 38 (1) (b)]



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

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

11<sup>th</sup> October 2019

Dear Shirley-Anne,

### **LONG-TERM PRIORITIES FOR THE DISABILITY AND CARERS BENEFITS EXPERT ADVISORY GROUP (DACBEAG) EQUALITY IMPACT ASSESSMENT YOUNG CARER GRANT**

I am writing in relation to the request in your letter of 31 July, for members of the advisory group to provide advice in relation to the Equality Impact Assessment for Young Carer Grant regulations.

I am writing to update and inform you that, three members of the group attended a meeting within the Scottish Government on the 3<sup>rd</sup> of September. The topic of the meeting was the Equality Impact Assessment for the Young Carer Grant. I have enclosed the list of attendees in the annex.

We continue to be in contact with your officials, and look forward to engaging with them moving forward. I have attached in the annex our recent correspondence to officials for your reference.

Your sincerely,

Tressa Burke  
Deputy Chair

**Redacted – out of scope**

**Document 19**

From: <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>  
Date: Mon, 28 Oct 2019 at 10:33  
Subject: CORRESPONDENCE FROM SHIRLEY-ANNE SOMERVILLE, CABINET SECRETARY FOR SOCIAL SECURITY & OLDER PEOPLE - DISABILITY CONSULTATION  
To: [redacted 38 (1) (b)]  
Cc: <[CabSecSSOP@gov.scot](mailto:CabSecSSOP@gov.scot)>

Dear Jim

Please find attached a letter and accompanying attachments from Shirley-Anne Somerville, Cabinet Secretary for Social Security & Older People regarding the above.

Many thanks.

[redacted 38 (1) (b)]

Private Secretary to Cabinet Secretary for Social Security & Older People

T: [redacted 38 (1) (b)] | M: [redacted 38 (1) (b)] | E: [cabsecSSOP@gov.scot](mailto:cabsecSSOP@gov.scot)

The Scottish Government | St Andrew's House, Regent Road, EDINBURGH EH1 3DG

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Scottish Ministers, Special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not

permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---

Cabinet Secretary for Social Security and Older People

Shirley-Anne Somerville MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000

E: scottish.ministers@gov.scot

Dr Jim McCormick  
Chair: Disability and Carers Benefits Expert  
Advisory Group  
c/o Scottish Government

---

28 October 2019

Dear Jim

Thank you for your advice of 11 April about supporting sources of information and 19 July about the Scottish Government's proposals for Disability Assistance for Children and Young People (DACYP).

I have now had the opportunity to consider all of your advice on this matter alongside the responses to the consultation. I am delighted to inform you that the Scottish Government has published today its analysis of responses to the Consultation on Disability Assistance, and its formal response. This will be followed by a debate on Disability Assistance in the Scottish Parliament tomorrow.

Both documents are available on the gov.scot website – the analysis of responses (<http://gov.scot/isbn/9781839602689>), and the Scottish Government's response (<http://gov.scot/isbn/9781839602696>). We have also set out our model client experience and a comparison between the current UK Government and proposed Scottish Government approach in the attached documents.

Recommendations on Disability Assistance for Children and Young People

I found your recommendations in this area very helpful and am pleased to confirm that I have fully accepted most of them. For clarity I have listed below all your recommendations in this area that I have fully accepted.

1b. Social Security Scotland will provide some information and signposting in relation to advocacy.

There are plans to procure advocacy and it will be available to all disabled people who make an application for Social Security in Scotland.

2a. The date of claim will be set as the date on which an individual first contacts the Agency to make a claim.

2c. Social Security Scotland is committed to collecting management information which will allow for analysis of average application clearance times.

3a-c. Multiple communication channels and accessible methods of communication will be available to provide information about the application process.

4a-b. Social Security Scotland will provide claims support to individuals making an application to DACYP. This will be available face-to-face, through local delivery services, by phone and online.

5a. All clients applying for DACYP can request either a face-to-face meeting or a telephone appointment, to explain their child's needs.

5c. Regulations will set out the rules of entitlement to DACYP.

6a-b. The process of decision-making, as well as the criteria for making decisions, will be monitored and reviewed.

7a. During the decision-making process, Social Security Scotland will keep applicants informed about their claim.

7b. The time allowed to request a redetermination will be extended to 42 days.

7c. Individuals will be able to make a late redetermination when 'good cause' exists. Guidance will be published which sets out 'good cause' reasons in more detail.

8a-b. The Scottish Government will communicate an appropriate rights-based message in relation to Disability Assistance to reduce the stigma of disability benefits.

9. The Scottish Government will seek to involve people with lived experience of disability in the development of training to Agency staff. To date Social Security Scotland has engaged with a range of disabled peoples'

organisations to advise on the content and development of its learning programmes and materials. It will continue to work with them to ensure that this lived experience supports the design and delivery of training.

10a-b. Social Security Scotland will provide information on peer support organisations to those that need it.

12b. Social Security Scotland and the Scottish Government will provide tailored, accessible and multi-format communications on Disability Assistance.

13b. The Scottish Government will monitor the implementation of the 'Rising 16s' policy.

I am further pleased to advise that many more of your recommendations I broadly agree with and have partially accepted. This is explained below.

1a. *Clear information about rights and entitlements to other social security payments and services.*

Whilst Social Security Scotland will provide some information and signposting, it will not provide universal information about services and entitlements to reserved benefits or local authority services. This is due to the complexity of the disability services landscape across the private, public and third sector, rendering it very challenging to provide an exhaustive list.

5b. *Supporting evidence should only be required in the circumstances outlined in our previous advice note. Parents and carers are best placed to identify the most appropriate supporting evidence. Case managers should be aware that professionals who have contact with a child are not always aware of the child's full range of restrictions.*

Although parents are vital in application process and understanding the needs of their child, professionals can provide an alternative view and perhaps better understand the entitlement criteria of the benefit. I believe that the recommendation is reflected in our current policy position that in most cases an individual's account will be supported by some further information which might be a diagnosis or another source of information, for example, professional opinion or the testimony of someone known to the individual such as a carer or relative.

7d. *That Social Security Scotland runs an evaluated trial giving claimants contact details within Social Security Scotland to provide them with updates and any relevant information during the claim process and reflecting their preferred communication method.*

Our position is that the Scottish Government has and will continue to undertake appropriate design and testing work around the application process, including the digital portal, with people with lived experience of the current social security system. We will continue to respond to feedback and ensure that our processes work for disabled people.

- 11a. *People with direct experience of disability and caring should be encouraged to work with Social Security System as employees as well as volunteer advisers. Drawing upon their expert insights would actively build greater trust in the system.*

Social Security Scotland has undertaken significant work to try to increase and to attract people from a broad range of backgrounds and specifically people who either have a disability or have experience of disability. There are no current proposals to support a volunteer adviser service within Social Security Scotland; however, we will continue to listen to disabled people involved in the design and testing of Social Security Scotland's operations.

- 13a. *Further evaluation and exploratory work around the appointee system and potentially family mediation is needed to balance support for parents and carers with protection of the rights of young disabled people to fulfil their potential, have autonomy and live their lives as independently as possible.*

As set out in the Disability Assistance consultation, the policy proposal on appointees is to broadly replicate the current UK Government rules. There was limited stakeholder comment in relation to appointee proposals through the consultation feedback and no negative comments in relation to the proposed approach. Although further evaluation and consideration will be undertaken, the role of appointees relating to adults with incapacity is within the remit of the Mental Welfare Commission and the Office of the Public Guardian. We plan to work with these bodies to implement an appointee system that is proportionate and in line with current policies relating to adults with incapacity.

I felt that the Scottish Government could not accept a small number of recommendations. This is explained below.

- 1c. *Active referral pathways so that disabled children, young people and their carers can be referred to all appropriate services (including education, health, housing and transport) with monitoring of the effectiveness of different referral strategies (e.g. signposting, appointment referral, co-located and embedded support in local settings) and take up.*

This recommendation involves undertaking a broader, holistic assessment of need that is within the remit of local authority social work services, as well as primary care – as such it falls outwith the remit of Social Security Scotland. However, Social Security Scotland staff will provide signposting to individuals where possible and appropriate.

- 2b. *The individual should be allowed as long as they need to complete the claim and assessment process.*

It is currently proposed that, from a registered date of claim, an individual would have six weeks to complete their full application. The reason for introducing a time period is to ensure that clients receive the assistance that they are entitled to as soon as possible and to flag any issues where vulnerable clients have been unable to complete the process so that Social Security Scotland can support them to complete their application.

By removing this timeframe, there is a risk that clients would not submit their application for an extended period and, therefore, not have access to assistance for this period. The time period will also enable Social Security Scotland to manage workload and Disability Assistance caseload onflows effectively. If a large number of incomplete applications were pending in the system, Social Security Scotland would find it challenging to resource adequately to project the number of completed applications over a given timeframe.

In terms of recommendation 12a, namely that:

*The Scottish Government should trial a routine enquiry where all parents are referred for a benefits check at certain key milestones. This should be developed with people with direct experience and other expert stakeholders and, if successful, be rolled out across Scotland.*

Our position is that whilst individuals will be offered a referral to advice agencies or support services, where appropriate, this is not within the scope of Social Security Scotland's work. My officials will however consider this feedback in the context of our benefit take up work. .

#### Sources of Supporting Information

I have also had the opportunity to consider your recommendations of 11 April 2019 on sources of supporting information. Our approach is governed by the need to take a personcentred approach. Every client will have the opportunity to tell us about the impact that their disability has on their day-to-day life. We also recognise that information provided by those who have a close insight into an individual's life could add significant value to their selfassessment.

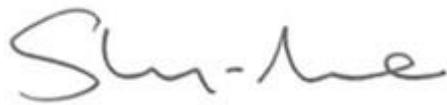
Case Managers will apply the principle that all sources of supporting information are given equal weight, but in all cases, additional formal supporting information (for example, from health or social care services, education, or advocacy and support services involved in supporting a client) should be sought. We believe this provides a person-centred approach, by enabling individuals to provide, for example, supporting information from a family member and a third sector agency.

In order to ensure that the small minority of clients without any formal sources of information are not disproportionately negatively impacted by our approach, Case Managers will have the discretion to make an entitlement decision if that is

appropriate in all the circumstances. We expect that there will be a small number of cases where a Case Manager is unable to make a decision on the basis of the available information. They may then further discuss the application with the client, seek advice from Specialist Advisers, or in the case of Disability Assistance for Working Age People, consider whether a face-to-face assessment is required.

I am sincerely grateful to all members of the Group for their time, commitment and expertise in formulating these recommendations, and others, to ensure that Disability Assistance meets the needs of disabled people in Scotland. I welcome the Group's continued input to ensure that we continue to build a system founded on the principles of dignity, fairness and respect, and I look forward to your continued participation in this process.

Yours sincerely

A handwritten signature in black ink, appearing to read "Shirley-Anne". The signature is written in a cursive, flowing style.

SHIRLEY-ANNE SOMERVILLE

## **The Model Client Experience**

### Thinking about Claiming

- We will have telephone and online services to advise on what payments are available, and explain clearly how people can go about claiming those.
- Local delivery staff will provide pre-claims advice across the country and support and encourage people to take up the payments that they are entitled to.
- We will provide this support in places where clients currently go. This could be from permanent co-located delivery sites, outreach offices or home, prison or hospital visits.

### Making the Claim

- We recognise that our clients will require options and choices for how they interact with Social Security Scotland and offer a multi-channel approach, including telephone, paper-based and face-to-face applications, to ensure that those who cannot or choose not to adopt digital methods will not become isolated through technology.
- We will design the application process in collaboration with disabled people, so that it is as simple and accessible as possible.
- We will explain the eligibility criteria for each form of Disability Assistance clearly and transparently, so that clients know how we will make decisions about their cases.
- Clients will be asked who best can tell us about their health condition; this could be a family member, healthcare professional, social worker or support worker.
- We will fast-track applications for clients with a terminal illness, and will ensure medical professionals can use their clinical judgement on a case-by-case basis to ensure that those individuals who need support receive it quickly, in accordance with guidance from the Chief Medical Officer.

### Supporting Information

□ Case Managers will help clients identify what types of supporting information are most useful to us, and where necessary, we will help clients to gather that information. This will help us make more decisions without the need for a face-to-face assessment.

### Making a Decision

- We will also use Specialist Advisers who can bring their knowledge and experience of work in health and social care to provide additional advice to Case Managers, further reducing the need for face-to-face assessments by resolving common questions about the impact of conditions, medication, treatment and symptoms.

- Case Managers will also have access to Decision Making Guidance and Agency Medical Guidance that we will develop further with our stakeholders. This Guidance will fully capture the impact of living with mental health conditions, other fluctuating conditions, and learning disabilities.
- Our Case Managers will be empowered to speak to clients to gain further information or to clarify details, and we will start from a position of trust in listening to what clients tell us.
- Case Managers will seek one source of supporting information from a formal source, such as confirmation of a diagnosis or letter from a support worker. This will be used to determine, on the balance of probabilities, that the individual's condition is consistent with the general care and mobility needs detailed on their application.
- No one will be disadvantaged by a lack of supporting information; our position is that face-to-face assessments will only be used when there is no other reasonable way to gather information about functional ability. Case Managers will have the discretion to make an award in the absence of supporting information.
- We have also said that children, young people and old people will not require a face-to-face assessment.

#### Advocacy

- The Scottish Government will ensure that there is an advocacy service in place - Advocacy workers will only speak for their clients if the client asks them to or is unable to do so.
- Advocacy workers will not tell their clients what to do but will support their clients to obtain the outcomes they identify.

#### Attending an Assessment (Disability Assistance for Working Age People only)

- We will significantly reduce the number of face to face assessments and will only ask someone to undertake a face-to-face assessment when it is the only practicable way to make a decision.
- No one will undergo an assessment carried out by a private sector provider.
- People will be given greater choice and control over their assessment, including the time and location of the assessment, and we will provide home based assessments where required.
- Our assessors will have professional experience in the provision of health and social care, which may include experience gained within the third sector, and be able to evidence time working within a relevant role.
- A proportion of assessors will be trained specifically in the impact of mental health conditions and learning disabilities, to ensure individuals with such conditions are assessed by someone qualified to do so.

- This will include training on the impact of common health conditions. Wherever possible, that training will be developed in consultation with and delivered in conjunction with people with lived experience of health conditions and disabilities.
- Individuals will routinely be given a copy of their assessment report. As part of our commitment to trust and transparency, assessments will be audio recorded as standard and, should a case go to tribunal, the tribunal will be given a copy of that recording.
- Social Security Scotland will explain why the individual is required to attend a face to face assessment and will set out what consideration has been given to their preferences and impact on them.
- We will tell all clients during the assessment if any observations about them have been made, including any inferences the assessor has drawn from them.
- We will avoid the unnecessary stress and anxiety caused by repeated reassessments – for clients whose disability is unlikely to change, this will be between five and ten years from the date of decision.
- We will also do more with stakeholders to consider the feasibility of making indefinite awards for clients with the most severe and enduring health conditions and disabilities,

#### Reviewing Awards

- If Social Security Scotland do decide to review a client's award early, we will provide reasons why, and a client's award will continue during a review period to avoid any cliff-edges.
- Our reviews will be light-touch and designed in such a way as to reduce stress and anxiety, which is why we'll continue to work with Experience Panels and stakeholders to understand what this will look like.

#### Redeterminations

- In the event that we make a decision to reduce or stop an award, clients will have longer to ask us to make a redetermination (42 calendar days), and during the redetermination period will have the option of accessing short-term assistance.
- Social Security Scotland will have 56 calendar days to make a redetermination; this balances the need to make decisions on vital support quickly, with the need to collect supporting information, where required.
- If we fail to make a redetermination within this time, clients have the right to appeal to the First-Tier Tribunal for Scotland directly.
- Short Term Assistance will ensure there is no disincentive to challenge decisions. It will not be repayable. This is something entirely new and will help to strengthen Disability Assistance as a safety net for disabled people.



Existing UK Government Approach	Scottish Government Approach
<b>Thinking about claiming</b>	
<ul style="list-style-type: none"> <li>• Limited advice is available from Jobcentre Plus staff and online about disability payments on gov.uk, and there is no take-up strategy.</li> <li>• There is no pre-claims advice service, and limited local presence through Department for Work and Pensions visiting officers.</li> </ul>	<ul style="list-style-type: none"> <li>□ We will have telephone and online services to advise on what payments are available, and explain clearly how people can go about claiming those.</li> <li>□ Local delivery staff will provide pre-claims advice across the country and support and encourage people to take up the payments that they are entitled to.</li> <li>□ We will provide this support in places where clients currently go. This could be from permanent co-located delivery sites, outreach offices or home, prison or hospital visits.</li> </ul>
<b>Making the claim</b>	
<ul style="list-style-type: none"> <li>• All claims for Personal Independence Payment must be started by phone; Disability Living Allowance/Attendance Allowance must also be if client wants to take advantage of backdating. There is no electronic service and no face-to-face application.</li> <li>• The Personal Independence Payment descriptors are not immediately obviously found on gov.uk, and feedback from disabled people is that the guidance does not make it easy to understand what is required.</li> <li>• Clients with a terminal illness must meet a strict test – death must reasonably be expected within six months in consequence of a terminal illness.</li> </ul>	<ul style="list-style-type: none"> <li>□ We recognise that our clients will require options and choices for how they interact with Social Security Scotland and offer a multi-channel approach, including telephone, paper-based and face-to-face applications, to ensure that those who cannot or choose not to adopt digital methods will not become isolated through technology.</li> <li>□ We will design the application process in collaboration with disabled people, so that it is as simple and accessible as possible</li> <li>□ We will explain the eligibility criteria for each form of Disability Assistance clearly and transparently, so that clients know how we will make decisions about their cases.</li> <li>□ Clients will be asked who best can tell us about their health condition; this could be a family member, healthcare professional, social worker or support worker.</li> <li>□ We will fast-track applications for clients with a terminal illness, and will ensure medical professionals can use their clinical judgement on a case-by-case basis to ensure that those individuals who need support receive it quickly, in accordance with guidance from the Chief Medical Officer.</li> </ul>

<b>Supporting information</b>	
<p>□ There is limited information on what supporting information is useful, and for Personal Independence Payment, the majority of claims go direct to face-to-face assessment as a matter of routine.</p>	<p>□ Case Managers will help clients identify what types of supporting information are most useful to us, and where necessary, we will help clients to gather that information. This will help us make more decisions without the need for a face-to-face assessment.</p>

Existing UK Government Approach	Scottish Government Approach
<ul style="list-style-type: none"> <li>• Case Managers don't routinely seek supporting evidence, and the onus is firmly on the client to do this.</li> <li>• The lack of supporting information can significantly affect the outcome of a claim.</li> <li>• Case Managers don't routinely speak to clients about their decision –A small number of Attendance Allowance cases require a face-to-face assessment.</li> </ul>	<ul style="list-style-type: none"> <li>□ We will use Specialist Advisers who can bring their knowledge and experience of work in health and social care to provide additional advice to Case Managers, further reducing the need for face-to-face assessments by resolving common questions about the impact of conditions, medication, treatment and symptoms.</li> </ul> <p>Case Managers will also have access to Decision Making Guidance and Agency Medical Guidance that we will develop further with our stakeholders. This Guidance will fully capture the impact of living with mental health conditions, other fluctuating conditions, and learning disabilities.</p> <ul style="list-style-type: none"> <li>□ Our Case Managers will be empowered to speak to clients to gain further information or to clarify details, and we will start from a position of trust in listening to what clients tell us.</li> <li>□ Case Managers will seek one source of supporting information from a formal source, such as confirmation of a diagnosis or letter from a support worker. This will be used to determine, on the balance of probabilities, that the individual's condition is consistent with the general care and mobility needs detailed on their application.</li> <li>□ No one will be disadvantaged by a lack of supporting information; our position is that face-to-face assessments will only be used when there is no other reasonable way to gather information about functional ability. Case Managers will have the discretion to make an award in the absence of supporting information.</li> <li>□ We have also said that children, young people and old people will not require a face-to-face assessment.</li> </ul>
<b>Advocacy</b>	
<ul style="list-style-type: none"> <li>□ Department for Work and Pensions do not offer an advocacy service.</li> </ul>	<ul style="list-style-type: none"> <li>□ The Scottish Government will ensure that there is an advocacy service in place - Advocacy workers will only speak for their clients if the client asks them to or is unable to do so.</li> </ul>

	<ul style="list-style-type: none"> <li>□ Advocacy workers will not tell their clients what to do but will support their clients to obtain the outcomes they identify.</li> </ul>
--	--

Existing UK Government Approach	Scottish Government Approach
Attending a face to face assessment (Personal Independence Payment/Disability Assistance for Working Age People)	

<ul style="list-style-type: none"> <li>• There is limited choice and control over when and where a face to face assessment takes place, and it can be difficult to obtain a home visit. There is limited flexibility around cancelling and re-arranging appointments.</li> <li>• Assessment reports are only routinely provided as part of the appeals process, and audio recording is not standard.</li> <li>• Department for Work and Pensions does not need to explain to clients why a face-to-face assessment is necessary.</li> <li>• Department for Work and Pensions uses short awards and will often call disabled people on Personal Independence Payment for a reassessment up to a year in advance of their award ending. Feedback from disabled people tells us that this can cause a cycle of stress and 'fear of the brown envelope'.</li> <li>• Department for Work and Pensions assessments are contracted out to private contractors.</li> </ul>	<ul style="list-style-type: none"> <li>• We will significantly reduce the number of face to face assessments and will only ask someone to undertake a face-to-face assessment when it is the only practicable way to make a decision.</li> <li>• No one will undergo an assessment carried out by a private sector provider.</li> <li>• People will be given greater choice and control over their assessment, including the time and location of the assessment, and we will provide home based assessments where required.</li> <li>• We will seek to be flexible about cancellations, as we understand circumstances outside of the client's control may affect their ability to attend.</li> <li>• Our assessors will have professional experience in the provision of health and social care, which may include experience gained within the third sector, and be able to evidence time working within a relevant role.</li> <li>• A proportion of assessors will be trained specifically in the impact of mental health conditions and learning disabilities, to ensure individuals with such conditions are assessed by someone qualified to do so.</li> <li>• This will include training on the impact of common health conditions. Wherever possible, that training will be developed in consultation with and delivered in conjunction with people with lived experience of health conditions and disabilities.</li> <li>• Individuals will routinely be given a copy of their assessment report. As part of our commitment to trust and transparency, assessments will be audio recorded as standard and, should a case go to tribunal, the tribunal will be given a copy of that recording.</li> <li>• Social Security Scotland will explain why the individual is required to attend a face to face assessment and will set out what consideration has been given to their preferences and impact on them.</li> <li>• We will tell all clients during the assessment if any observations about them have been made, including any inferences the assessor has drawn from them.</li> </ul>
--	--

Existing UK Government Approach	Scottish Government Approach
	<ul style="list-style-type: none"> <li data-bbox="1133 240 2085 328">☐ We will avoid the unnecessary stress and anxiety caused by repeated reassessments – for clients whose disability is unlikely to change, this will be between five and ten years from the date of decision.</li> <li data-bbox="1133 352 2123 440">☐ We will also do more with stakeholders to consider the feasibility of making indefinite awards for clients with the most severe and enduring health conditions and disabilities.</li> </ul>
<b>Reviewing Awards</b>	
<ul style="list-style-type: none"> <li data-bbox="112 539 898 563">• Department for Work and Pensions can review an award early.</li> <li data-bbox="112 595 1084 651">• The process tends to involve filling out further assessment questionnaires, and attending a further assessment.</li> <li data-bbox="112 691 1099 746">• There is no equivalent to Short Term Assistance – if an award stops, it can have significant financial repercussions.</li> <li data-bbox="112 786 1066 842">• There is no time limit on Department for Work and Pensions reconsidering an award,</li> <li data-bbox="112 882 1088 938">• Clients have a strict time limit of one month to request a redetermination, which may not be enough to engage with support services and get an appointment.</li> <li data-bbox="112 978 1104 1034">• Clients cannot appeal to a tribunal until Department for Work and Pensions have considered their decision.</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="1133 539 2123 627">☐ If Social Security Scotland do decide to review a client’s award early, we will provide reasons why, and a client’s award will continue during a review period to avoid any cliff-edges.</li> <li data-bbox="1133 667 2101 754">☐ Our reviews will be light-touch and designed in such a way as to reduce stress and anxiety, which is why we’ll continue to work with Experience Panels and stakeholders to understand what this will look like.</li> <li data-bbox="1133 794 2119 906">☐ In the event that we make a decision to reduce or stop an award, clients will have longer to ask us to make a redetermination (42 calendar days), and during the redetermination period will have the option of accessing short-term assistance.</li> <li data-bbox="1133 946 2114 1034">☐ Social Security Scotland will have 56 calendar days to make a redetermination; this balances the need to make decisions on vital support quickly, with the need to collect supporting information, where required.</li> <li data-bbox="1133 1066 2119 1209">☐ If we fail to make a redetermination within this time, clients have the right to appeal to the First-Tier Tribunal for Scotland directly. Short Term Assistance will ensure there is no disincentive to challenge decisions. It will not be repayable. This is something entirely new and will help to strengthen Disability Assistance as a safety net for disabled people.</li> </ul>



**Document 20**  
**Disability and Carers Benefits Expert Advisory Group:**

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

27th Sept 2019

Dear Shirley-Anne,

**LONG-TERM PRIORITIES FOR THE DISABILITY AND CARERS BENEFITS EXPERT  
ADVISORY GROUP (DACBEAG)-DIGITAL PORTAL DEVELOPMENT**

I am writing in relation to the request in your letter of 31 July, for members of the advisory group to feed into development of the digital portal.

I am writing to update and inform you that, five members of the group attended a meeting within the Scottish Government on the 14<sup>th</sup> August. The topic of the meeting was a DACYP Digital Portal presentation, along with some information on; the Application Process, Evidence Gathering, Decision Making and Staff Training. I have enclosed the list of attendees in the annex.

We continue to be in contact with your officials, and look forward to engaging with them moving forward. I have attached in the annex our recent correspondence to officials for your reference.

Your sincerely,

Jim McCormick  
Chair

**Document 20**  
**Redacted – out of scope**