

Disability and Carers Benefits Expert Advisory Group
Meeting 7: Thursday 30th August 2018, 11.00 am – 3.00 pm
Crags Sports Centre, Bowmont Place, Edinburgh

Note of Meeting

Welcome and Introductions

Present: Jim McCormick (chair) (JMcC); Sally Witcher (deputy chair) (SW); Shaben Begum (SBe); Tressa Burke (TB) (pm only); Fiona Collie (FC); Chris Creegan (CC); Etienne d'Aboville (Ed'A); Angela O'Hagan (AO'H); Judith Paterson (JP); Frank Reilly (FR); Carol Tannahill (CT); Lucinda Godfrey (LG); Jim McGoldrick (JMcG); Billy Watson (BW) (am only); Andrew Strong (AS) (delegate for Ian Welsh)

Apologies: Sandra Black (SBI); Alan McDevitt (AMcD); Sarah Hammond (SH); Jatin Haria (JH); Ewan MacDonald (EMacD)

In Attendance/guest speakers: Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People; Ann McVie (Scottish Government) (AM)

Secretariat: Nicola Radley (NR); Katherine Ross (KR)

JMcC welcomed everyone to the meeting. He introduced the newly-appointed Cabinet Secretary for Social Security and Older People Ms Shirley-Anne Somerville MSP and thanked her for attending.

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

The Cabinet Secretary considered this a great opportunity to meet Group members directly, during a busy summer picking up her new remit, and following the recent announcement of Carer's Allowance Supplement (CAS) delivery date.

The Cabinet Secretary thanked Group members for their work to date. She acknowledged that the Group had to grapple with complex issues, and reflected how decisions taken now towards social service delivery will impact for years to come.

She welcomed the independent voice and challenge that the Group could bring: these were the point of the Group's existence.

She highlighted the need for timely advice. She did not wish the Group to feel they were missing out on the information needed to give this advice, and emphasised the ongoing need for officials and members to continue to work iteratively and share information.

The Cabinet Secretary proposed three key areas that she indicated would benefit from the Group's expertise.

1. Assessments

She reflected that this area continued to be one of the most criticised of the current system and acknowledged the Group's recent work and stakeholder engagement on sources of evidence and automatic entitlement.

- She requested that the Group consider **duration of awards** and expand their advice on **sources of evidence**.
- She also asked for advice on the definition of **suitably qualified assessors**. Officials were preparing materials on this and would engage with the Group.
- She asked for advice on all these topics **by the end of the calendar year**.

2. Young Carer's Grant

The Cabinet Secretary welcomed the Group's advice on CAS, including their recognition that delivery of this first benefit would be a means of building public trust in the social security system and its values of dignity and respect.

- The Cabinet Secretary requested that the Group consider **Young Carer's Grant by early December**, in line with proposed public consultation timetables.
- She requested that this advice encompass the aspects and implications of time spent caring for different people to inform how best to alleviate the current barriers faced by young carers.

3. The Charter

The Cabinet Secretary welcomed the Group's interest in contributing to this area. She reflected on the importance of taking what the Act and Agency mean, and turning this into tangible actions.

- She indicated she would very much welcome **further input from members throughout the Charter development process by the end of the year** to coincide with its presentation at Parliament.

The Cabinet Secretary recognised the Group had additional areas of interest, for example Agency staff recruitment, and that the Group should feel free to follow these aspects. She also encouraged individual members to participate in wider stakeholder engagement as representatives of the Group. This would maximise Group influence across a wide range of issues, an example being a Group member sitting on the Terminal Illness Stakeholder Reference Group.

Review

The Cabinet Secretary addressed the issue of the Group's 18 month review as outlined in its Terms of Reference. She indicated that in her view the Group was still needed, should continue to provide independent advice, and the remit was valid, therefore a 'back to basics' review would not be needed. She indicated she did not want a prolonged review that would hinder Group productivity.

She proposed that an official from the Communities Analysis Division carry out the review. This would ensure the reviewer had sufficient knowledge of social security whilst maintaining appropriate distance from Group members and the secretariat.

She indicated that she would not take a view on matters relating to membership and remit and also welcomed the review as an opportunity for Group to carry out some self-reflection on these matters if they wished.

The Cabinet Secretary concluded by saying she was keen to receive feedback from members and hoped she would be invited to attend future Group meetings. She welcomed an ongoing dialogue with the Group going forward.

JMcC thanked the Cabinet Secretary for her very clear and comprehensive guidance and invited questions or comments from members.

Carer's Allowance Supplement and Agency go live

Questions and comments from Group members:

- Is the Agency prepared for a high volume of calls on CAS, particularly from people asking if it will affect their other benefits?
- The building of trust and clear communication to help carers navigate the new system are paramount. A recent stakeholder event emphasised the need for simple, less technical information.
- It is encouraging to see officials actively making connections within Local Authorities with an interest to speak directly with carers.
- It is reassuring that the Agency is a Carer Positive employer.

The Cabinet Secretary had been given assurance from the Agency and the DWP that they are well-prepared to attend to any queries or concerns. She stressed the importance of raising public awareness of the new Agency and indicated this would be achieved via communication outlets including social media, local advertisements, and leaflets included in CAS correspondence. She reflected on the importance of not only thorough planning but successful delivery, and was heartened by the enthusiasm of staff at a recent visit to the Agency headquarters in Dundee.

The Cabinet Secretary commented on the success of the CAS summer roadshows in engaging with carers and their experiences. This success was despite the absence of a known delivery date at that time.

Assessments

Questions and comments from Group members:

- There is a balance to be struck between the credibility of the individual's account and robust sources of evidence. Stakeholder engagement has been necessary and beneficial but there is a need to take this learning forward.
- It is an incredibly complex area e.g. getting it right for people with learning disability and long term conditions. There is a need to improve and streamline the system whilst giving due regard to the provision of robust support mechanisms for people with differing support needs.
- The workstream would continue to draw on relevant expertise from outside the Group to build capacity and to reach agreement on contested issues.

The Cabinet Secretary acknowledged that providing advice in this area would be neither easy nor quick. However, work would need to be driven forward in this area in order to make the much needed changes to the current system, and because people's response to the Agency will be shaped by this issue.

Charter

Questions and comments from Group members:

- There is concern over the lack of clarity around whether the Charter is a statement of people's rights or a statement of standards people can expect. It should be early enough in the developmental process for changes to be made if required, such as to plug gaps in the composition of the Core Group.
- There has been an ambition for the Charter to be co-produced with the people of Scotland in a timeframe of months, which is very tight. Co-production means an evolving, unpredictable but exciting process, and officials report that the outputs from the Core Group so far had more than met expectations.
- It is necessary to consider the purpose and impact of the Charter. The impact must be wide-reaching as a means of advancing rights and equalities, and promoting transformative change.
- CAS is being delivered before the completion of the Charter and the inception of a scrutiny body (the Scottish Commission on Social Security). How will we extract and apply the learning over the next 4 to 6 months?

The Cabinet Secretary welcomed the challenging and honest feedback from members and looked forward to what can be learned and what can be facilitated. She respected the Core Group's need for space to work in this new and iterative way.

She agreed that the Charter should not exclusively reflect a legal route to compliance, but also a meaningful commitment to upholding standards and getting decisions right for a diverse population.

The Cabinet Secretary acknowledged the absence of these processes for CAS but stressed that delaying would pose significant challenges. She remained confident there had been sufficient consultation on CAS prior to delivery. She recognised the need for continuous self-checking throughout the development of the system, and feedback to be encouraged from staff as well as service users.

Other Issues / General

Questions and comments from Group members:

- There is a recurring concern among Group members with respect to evaluating impact and how learning is applied to ensure continuous improvement in the system.
- What assurance is there that wider engagement is taking place with the people of Scotland testing the process out with people that have no obvious current stake in the system?

- Whatever its many faults, there is transparency regarding the claiming process and entitlements in the current social security system that does not exist e.g. in some Local Authority processes. Is there any aspect of the current system that would be kept?

Regarding evaluation, the Cabinet Secretary recognised the importance of questioning the purpose and impact of processes in the new system. She stressed the importance of safe and secure transition, and then the need to commit wholeheartedly to the development and improvement of the new system to ensure Scottish people have the necessary support.

Regarding wider engagement, she reflected on the importance and innovation of Experience Panels but recognized this method was not sufficient to gauge wider public opinion, where consultation had a useful role. She also saw the Group's role as providing reminders at each stage to ensure that the system is being appropriately co-designed.

The Cabinet Secretary stated any positives from the current system will be taken on board. She did however stress that it is not the ambition to improve a fundamentally flawed system but create a distinctly Scottish system that will be open and transparent. She reflected on the need to engage in frank and challenging discussions with the Group, as well as other organisations, to see where change is needed most to ensure a robust social security system now and in the years ahead.

JMcC thanked the Cabinet Secretary on behalf of the Group and wished her well in her new role.

Social Security Directorate Update

Ann McVie, Scottish Government Deputy Director of Social Security Policy presented to the Group on the directorate's progress on devolved benefits and how this will shape the Group's future work. She welcomed questions and comments from members.

She provided an update from the Programme Board and touched on current and future complexities and interdependencies. She gave a brief update on the status of regulations, the Agency, planning for the Agency and CAS go-live to ensure a manageable and deliverable process, and an overview of the steps involved to support delivery of wave 1 and beyond.

A question was raised regarding additional payments for carers caring for more than one disabled child and AM confirmed this was being taken into consideration.

A question was asked on how expectations will be managed and how the public will be informed of the separate responsibilities held by the DWP and the Agency, particularly any potential confusion for individuals entitled to both devolved and reserved benefits.

AM confirmed that the Scottish Government does not underestimate the scale of the challenge and has ensured robust communication channels are in place ahead of CAS delivery. She also highlighted the Agency's role in providing local delivery staff to reach individuals affected by current and future changes.

AM provided an overview of the processes involved in the planned CAS delivery. Payments will be rolled out in batches on a postcode basis. Service level and data sharing agreements are in place with DWP, and a phone script for enquiries has been agreed.

A question was raised regarding the legal responsibility for Carer's Allowance uprating. AM confirmed that regulations would need to be completed to allow uprating, while the benefit itself would continue to be delivered under UK legislation until responsibility for delivering Carer's Allowance was taken over.

AM summarised the current and future activities in social security legislation and made reference to the ongoing work in establishing the new scrutiny body, the Scottish Commission on Social Security (SCoSS), which will be operational early next year.

She made reference to potential areas of interest to the Group, outlining current and future activities around the Young Carer's Grant, the Charter, terminal illness, and assessments.

Members identified the risk of drafting guidance for terminal illness without access to real cases and data. AM outlined that the Stakeholder Reference Group had been asked to devise a number of test cases, although acknowledging this was not the same as live testing. JMcG and AS confirmed their membership of the Stakeholder Reference Group and indicated they would keep the Group apprised of progress.

Regarding assessments, AM reflected on decisions around duration of award and suitably qualified assessors having an impact on the premises, number of staff and working arrangements needed. A question was raised regarding whether stakeholder engagement would take place on these issues. AM confirmed that advice from the Ill Health and Disability Benefits Stakeholder Reference Group, this Group and user testing would inform the next stages.

Members sought assurance that training for Agency staff would take an equalities and human rights approach. AM confirmed that a learning development team was in place and that the Scottish Human Rights Commission had already delivered some training for SG staff.

Actions from last meeting

DACBEAG7/300818/Paper 1: Action Tracker

The action tracker and issues log had been previously circulated. JMcC invited reflections on the morning session.

The Group considered its working relationship with the new Cabinet Secretary and was encouraged by her emphasis on impact and promoting an inclusive organisational culture. Members remained positive about their work now and in the future.

Members discussed capacity and ways of working in consideration of the priorities for advice identified by the Cabinet Secretary. There was agreement to work towards these specific priorities whilst leaving capacity for long term proactive thinking. The Group were mindful of the need to consider the bigger picture: purpose, impact and outcomes.

Members also welcomed the links made between the social security system and health and social care with respect to terminal illness. It was agreed interactions like this should occur more frequently across other issues.

Workstream Updates

Assessment Workstream Update

DACBEAG7/300818/Paper 2.1: Assessment Workstream Highlight Report

Assessment workstream co-chair TB commented on the challenging journey to complete the recent assessment advice note. She made reference to the productive stakeholder engagement session and numerous advice iterations that were necessary to reach agreement on contested issues. TB considered whether future advice on assessments should be more specific and comments were made regarding the possibility of producing advice that may not align with current government thinking.

Another issue was the wide range of opinions, attitudes and experiences likely to exist within Experience Panels. This fed into a broader discussion of how the Group can advise on weighing up diversity of views and reflecting this in future advice notes. Further comments were made about the balance between flagging up risks/concerns and framing advice constructively, with alternative options outlined where possible.

Members commented on the assessment priorities outlined by the Cabinet Secretary and discussed how the workstream is functioning and if further external expertise should be sought. Regarding suitably qualified assessors, members considered the influence of assessors' life experience, as well as their professional experience, on reaching decisions. Members also raised the importance of physical premises where face-to-face assessments would take place and highlighted the practical benefits of co-location with decision makers.

Members identified the challenging workload ahead and the need to sustain momentum. TB sought confirmation of the proposed workstream meeting.

DACBEAG/7/300818/Action 1:

Assessment Workstream members to confirm availability for the proposed meeting dates as circulated via email.

Action for: workstream members, secretariat

Action by: after meeting (as soon as possible)

Charter Workstream Update

DACBEAG7/300818/Paper 2.2: Charter Workstream Highlight Report

Charter workstream chair SW commented on her role as chair of the Stakeholder Core Group (SHCG) meeting, in her capacity as member of DACBEAG. The first meeting on 17 August had been productive in surfacing issues with the development process and direction. The Charter development process was making rapid progress and there are opportunities available for the Group to add value.

SW outlined the issues identified in the annexed summary of the Charter highlight report. She welcomed reflections on the summary.

- Timings were still tight, but realistic. There was an acceptance that the Charter would not be in place for CAS.
- The Group discussed the need for clarity on whether the Charter should primarily be about rights or standards. The point was raised that standards should flow from rights, and that the Charter, if done well, could be a touchstone which balanced both.
- SW noted that the completion of the Charter would not be an end point as there would be ongoing monitoring and evaluation to be considered.
- Although the composition of the Core Group had not been made available, it had been confirmed that there were gaps in terms of some protected characteristics. Officials had suggested a plan to address this.
- The Core Group had 'gelled' and capacity building had taken place. This would mean that care would have to be taken with giving equal status and levels of capacity building to any additional members brought in to address the gaps.

The points raised in the last two bullets here were also reflected upon in the equalities and evaluation discussion below.

SW said that there may be a possibility that DACBEAG could host a joint meeting for both the Core and Stakeholder Groups ahead of Charter completion to foster collaboration and be an opportunity for a robust feedback session. This is something we may want to come back to, subject to how the Charter development process evolves.

SW asked if there were any members with interest and capacity to contribute to advising on the Charter. This might involve acting, e.g. via a virtual network, as a sounding board and/ or ad hoc advice on key points to relate to officials.

DACBEAG7/300818/Action 2:
Volunteer members to liaise electronically regarding Charter.
Action for: SW, TB, SB, Ed'A, AO'H, FC
Action by: ongoing

Agency Workstream Update

DACBEAG7/300818/Paper 2.3: Agency Workstream Highlight Report

NR confirmed Agency officials are keen to seek Group input regarding inclusive recruitment. Due to a packed agenda for the current meeting, it was proposed that a dedicated Agency session be held in early October for members with interest and capacity to contribute.

Members discussed the importance of Agency recruitment but highlighted a broader need to ensure inclusive Agency culture and values in practice.

NR outlined that other Agency requests included guidance on local delivery and complaints. Members agreed that a separate workstream could add an unnecessary delay to output and decided upon an ad hoc basis of contribution. This was in consideration of the upcoming Agency Advisory Body and Commission which will evaluate Agency performance.

A suggestion was made to outline what success should look like in the Agency and detail that to officials. The Group concluded it would frame a response to officials' request for advice and discuss how the Group and the Agency's priorities align in the proposed session in October.

DACBEAG7/300818/Action 3:
Secretariat to outline Group's priorities for the Agency ahead of the session with officials in October.
Action for: Secretariat, Chair, Deputy
Action by: ahead of meeting in October

Equalities and Evaluation

This discussion followed receipt of the Cabinet Secretary's response to the Group's advice of equalities, which had been received that morning. It also reflected some aspects of the Charter workstream update.

Members reflected on the limitations of 'tick-box' minimal compliance when government departments draw up equalities impact assessments, and agreed that a more robust and pro-active approach will be needed for Scottish social security.

Members reflected on the core goal of transforming people's lives and that this cannot be achieved through technical fixes or compliance exercises but through wider understanding of purpose. Problems often arise due to conceptual barriers and not only data limitations or process failures.

It was agreed that more could be done, via tried and tested social research methods, to gather additional equalities information from Experience Panel members in a sensitive and secure way. JMcC suggested that these recurring issues be highlighted in the forthcoming Annual Report. Members agreed there was a need for the Scottish Government to commit to high quality monitoring and evaluating processes to ensure continuous learning as more benefits are delivered.

DACBEAG7/300818/Action 4:
Annual Report to raise awareness of the need for ongoing development of equalities data, research and evaluation.
Action for: Secretariat, Chair, Deputy
Action by: ahead of publication in October

Preparation for mid-term review

DACBEAG7/300818/Paper 6: Review Preparation

The Group outlined the importance of undertaking a process of self-evaluation to feed back into the review.

DACBEAG7/300818/Action 5:
Members to provide feedback electronically on the review paper and the Cabinet Secretary's review preference.
Action for: Group
Action by: end September

JMcC proposed that a response would be drafted to the Cabinet Secretary outlining the Group's response to her priorities and review option.

DACBEAG7/300818/Action 6:
Chair to write to the Cabinet Secretary outlining the Group's response to her proposed advice priorities and review option.
Action for: Secretariat, Chair, Deputy
Action by: end September

JMcC thanked the secretariat for their work and indicated that the Group was now better resourced to undertake the proposed advice requests.

The next meeting of the Group will take place on **Thursday 1st November** [*Post meeting note: venue: Calton Heritage Centre, Glasgow*].

Thanks and Close