

# **Social Security Experience Panels: Enhanced Administration Powers - re-determinations and appeals, fraud and special measures for COVID-19**



**EQUALITY, POVERTY AND SOCIAL SECURITY**

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## Findings at a glance

- The research with Social Security Experience Panels members involved a total of 5 focus groups and 35 individual interviews with 61 research participants. The second stage of the research consisted of a survey with 340 Social Security Scotland's Client Panels members.

### Re-determinations and appeals

- Most participants highlighted that clients may want to withdraw a re-determination request as the process is felt to be stressful and/or intimidating.
- Some participants expressed a concern that people may withdraw a request if placed under pressure by the Department for Work and Pensions (DWP) or Social Security Scotland. This was based on a few describing previous experiences in which DWP staff pressured clients to withdraw their appeal.
- Some participants who agreed with the proposal to stop an appeal process if a mistake has been made and a new determination award is offered said it would save time and money for the clients and all the parties involved.
- Most participants agreed that a new award decision should only be offered if it would give the client everything that they could get from the tribunal.
- Many participants stated that the choice to appeal should remain after a client receives information about their new award.

### Alternatives to prosecution for low-value fraud

- Several participants noted that the complexity of forms can be a barrier to understanding what a person needed to do when their circumstances change.
- The most common reasons suggested as a reasonable excuse for not notifying of a change in circumstances related to the impact of significant life events or crises.
- Most participants wanted to see some nuance around how alternatives to prosecution were used. They suggested that this would be more suitable for cases of low-value and unintentional fraud.

### Special measures for late re-determinations, appeals and applications

- Many participants agreed that it was the right time to stop the COVID-19 measures for late re-determinations and applications, as they felt that there was no longer as high a risk from the pandemic.
- Some participants disagreed that the measures should now be stopped, citing the continuing health risks of the virus.
- Some participants suggested a client or a member of their family being ill should be a good reason for a late application, including for mental health reasons.

### Reasons for late applications

- The majority of survey respondents (84 per cent) felt that an applicant being seriously ill to the extent where their normal life and ability to carry out tasks is considerably impacted was a good reason for allowing late benefit applications.
- 65 per cent of respondents noted that a close family member of an applicant being seriously ill was a good reason for late applications.
- Most survey respondents (82 per cent) said that an applicant having to wait for supporting information to be supplied by someone else to aid their application constituted a good reason for Social Security Scotland accepting late applications.

# Executive summary

## Introduction

The Scottish Government set up the [Scotland's social security system: enhanced administration and compensation recovery consultation](#) to gather views on a number of proposed changes aimed at improving the experience of clients and the efficiency of the system. The proposed changes involve a range of topics including re-determinations, determinations after an appeal is lodged, alternatives to prosecution for low-value fraud, and special measures for late re-determinations, appeals and applications. This research explores the views of Experience Panels members on these topics.

The research with Social Security Experience Panels members took place between October and November of 2022. In total, 61 research participants took part in 5 focus groups and 35 individual interviews.

This research project included a second stage with Social Security Scotland's Client Panels members to explore their views on late applications. A survey ran between December 2022 and January 2023. In total, 340 Client Panels members responded to the survey.

The sections below provide an overview of the main themes and findings from this research.

## Re-determinations and appeals

### The right to withdraw a re-determination

Research participants were asked if a client should be able to withdraw a re-determination request before Social Security Scotland has made a re-determination decision. Mixed views were highlighted by participants.

A few participants who agreed noted the following possible reasons: a lack of advice or being unsure of a positive outcome; receiving advice which suggested the re-determination would have a negative outcome; the fear that an award may be withdrawn entirely or the level of award reduced.

Most participants highlighted that clients may want to withdraw a re-determination request as the process is felt to be overwhelming, stressful, difficult and/or intimidating. This was often mentioned as an issue for people with mental health conditions.

Some participants expressed a concern that people may withdraw a re-determination request if placed under pressure by the Department for Work and Pensions (DWP) or Social Security Scotland. This was based on a few describing previous experiences in which DWP staff pressured clients to withdraw their appeal.

Other suggestions included the provision of clear guidance on the process of withdrawing. A few participants noted that additional support and advice should be provided to fully explain what a withdrawal entails.

### **Making a new determination after an appeal is lodged**

Research participants were asked their views on if a client's appeal process should be stopped if it is discovered that a mistake has been made by Social Security Scotland and a new determination can be offered, removing the need for an appeal to continue.

### **Positive impacts of the proposal**

Some participants agreed with the proposal, stating that it would save time and money for the clients, the government, tribunals and advocacy organisations. Others noted that it would avoid the high levels of stress, worry and anxiety for clients that often accompany an appeal. Some also stated that being informed a mistake had been made by Social Security Scotland would encourage positive feelings of trust toward the benefits system and improve their opinion of it.

However, a few participants noted that they would be unsure of withdrawing an appeal at this stage, highlighting previous negative experiences with the DWP which have left them suspicious of the benefits system.

Many participants noted that there might be different reasons why a client may want to continue with the appeals process. These included having the opportunity to highlight mistakes made in their original determinations, or if they disagreed with the duration, timescale or other aspects of the award given.

### **Being offered the highest level of the award and the right of continuing an appeal**

Most participants agreed that a new award decision should only be offered if it would give the client everything that they could get from the tribunal (i.e. top level awards for both elements of their benefits). However, participants expressed mixed views on some elements of the proposal.

Some said that the duration of the award offered could influence a client's decision on whether to continue with the appeals process or not. A few stated that the tribunal should only be stopped if top-level awards are being granted for an indefinite period of time due to lifelong health conditions that will not improve.

Many participants stated that the choice to appeal should remain after a client receives information about their new award. A few said that regardless of the award being granted the decision of whether to continue or stop an appeal should remain with the client.

### **Comprehensive information, clear communication and guidance**

Many participants highlighted that the client should be provided with comprehensive and clear information about the new award, appeals process and future choices

they have. Many felt that having more information would improve the transparency of the decision-making process.

Many participants highlighted the importance of using clear, two-way communication when explaining how decisions have been reached and for providing information about the award and clients' options for the process going forward from that point. Some participants also wanted to see comprehensive, clearly worded guidance, and for this to be available in a range of formats to meet the different communication needs of clients.

### **The new determination and giving consent**

Participants were asked if they agreed or disagreed that clients should be asked for their consent before a new determination is made. Mixed views were given.

Many participants who agreed that consent should be part of the process felt that this was an appropriate legal element of the process. A few felt that consent would be required if the new award was time limited. Others noted that consent should be a requirement as clients may want to continue with their appeal regardless.

Participants felt that it should be possible to give consent through a variety of communication channels. A few highlighted that it would be important for the consent to be formally recorded.

Some participants who did not agree that clients should be asked for their consent felt that this would be an unnecessary step so long as the highest possible award was being given, and the reasons and process going forward were clearly explained.

### **The right to challenge the new determination**

Most participants stated that the choice to challenge a decision made by Social Security Scotland should be the right of the client. A few participants highlighted that they felt providing the choice to challenge a new determination was a legal obligation for Social Security Scotland.

## **Alternatives to prosecution for low-value fraud**

Participants were asked for their views on what they understand fraud to be and the definition of fraud used by Social Security Scotland. They were also asked what barriers they thought may exist that could prevent someone from notifying of a change of circumstances, how to reduce or remove these barriers, and what they believed could constitute a reasonable excuse for failing to inform of a change in circumstances. Finally, participants were also asked for their opinion on alternatives to prosecution for cases of low-value fraud.

### **Understanding fraud**

The majority of participants described fraud as gaining something by deception, and felt it was similar to theft. Most participants emphasised that they felt fraud had to be a deliberate act.

Participants were also asked for their views on the following definition of fraud used by Social Security Scotland:

- Obtaining assistance by deceit.
- Failing to notify a change of circumstances.
- Causing a failure to notify a change of circumstances.

Some participants felt that the definition offered by Social Security Scotland was clear and aligned with their understanding of fraud. However, participants questioned the definition for a variety of reasons. Differing understandings of the notion of “intent” was a key theme amongst those querying or disagreeing with the definition, and most participants felt that fraud had to be an intentional act.

Most participants perceived a grey area between what counts or would be recognised as a “genuine error”, and what Social Security Scotland considered to be intentional fraud.

This was particularly the case around “failing to notify of a change in circumstances.” Some participants were unclear what would constitute a change in circumstances, especially for those with fluctuating conditions. Others were concerned that a failure to notify of a change of circumstances would be defined as a fraudulent act, even if this was accidental.

### **Barriers to notifying of a change of circumstances**

Participants noted a variety of barriers which could prevent someone from notifying of a change in circumstances. The most commonly suggested ones related to a significant change in life circumstances, both positive and negative.

Several participants highlighted that the complexity of forms and the benefits system in general can be a barrier to understanding what a person is required to do when their circumstances change. Some participants also mentioned a fear of the consequences to notifying of a change in circumstances, where it could lead to a drop in award level or a total loss of support.

Participants suggested a variety of ways to reduce barriers to notifying of a change in circumstances. These included providing multiple means of contacting Social Security Scotland, providing additional support to clients, and ensuring that there is clear messaging and consistent deadlines applied to requirements around notifying of a change in circumstances.

The most common reasons suggested by participants as a reasonable excuse for not notifying of a change in circumstances related to the impact of significant life events or crises, such as bereavement, breakdown of relationships, traumatic events, and medical reasons including long-term illness and forgetfulness or confusion caused by a condition.



## **Alternatives to prosecution**

Participants were asked for their opinion on if Social Security Scotland should have an alternative measure to prosecution available for cases of fraud where only small amounts of money were involved. Most participants agreed that there should be an alternative available, although with variations in responses. The most common reason was to avoid stress for the client involved and to save resources such as money and time through avoiding lengthy court processes.

Most participants did want to see some nuance around how alternatives to prosecution were used, suggesting that this would be more suitable for cases of low-value and unintentional fraud. A number of suggestions were offered by participants for what alternatives to prosecution could be used, including unpaid work or voluntary service and small fines.

Not all participants agreed that Social Security Scotland should have an alternative to prosecution available. Most participants agreed that where a clear case of intentional fraud had been identified this should lead to prosecution.

## **Special measures for late re-determinations, appeals and applications**

### **Views on measures introduced during the COVID-19 pandemic for late re-determinations and appeals**

Special measures were implemented during the pandemic which allowed clients to submit a re-determination or appeal request beyond one year of the determination or re-determination if the reason for the lateness was due to coronavirus (COVID-19). Participants were asked if they agreed that it is the right time to stop these measures. Mixed views were provided.

Many participants agreed that it was the right time to stop these COVID-19 measures, as they felt that there was no longer as high a risk from the pandemic, or that the pandemic was effectively over.

Others noted that although the pandemic is continuing it has become normalised and is no longer an exceptional event. Some participants also noted that the public are now better protected through vaccinations.

Some participants disagreed that the measures should now be stopped, citing the continuing health risks of the virus and the fact that many people with disabilities have conditions which make them more vulnerable to the effects of the virus.

### **Special measures for late applications**

Special measures are also in place for late benefit applications if the delay is due to a reason related to COVID-19. Research participants were asked if they agreed or disagreed that applications for assistance to Social Security Scotland should no longer be able to be treated as valid where they are made late and the reason for that delay is related to COVID-19. The reasons given for and against this proposal

were similar to those expressed for the special measures relating to re-determinations and appeals, outlined above.

Participants were then asked for their views on whether the ability to apply late with a 'good reason' should be extended to reasons other than COVID-19. Most participants agreed with this proposal. Some participants suggested a client or a member of their family being ill (regardless of the nature of the illness) should be a good reason for a late application, including for mental health reasons. Other participants suggested that gathering supporting information, receiving advice and support, or coping with unexpected life events could also be good reasons for a late application.

### **Reasons for late applications: follow-up survey**

A follow-up survey was carried out with Client Panels members to explore their views on reasons for late applications. The survey asked respondents whether they thought late applications should ever be accepted by Social Security Scotland for a range of benefits (detailed later in this report). Around half of respondents (48 per cent) said 'yes' and just over a quarter (28 per cent) said 'maybe'.

The survey asked respondents about certain situations applicants might experience and their thoughts on whether these situations should allow for Social Security Scotland accepting late benefit applications.

#### **An applicant being seriously ill to the extent where their normal life and ability to carry out tasks is considerably impacted**

The majority of survey respondents (84 per cent) felt that this situation would constitute a good reason for allowing late benefit applications. Respondents felt that this was a good reason as it was something outside of the applicant's control, and that applicants would (or should) be focussing on their health and feeling better. For those who disagreed that this was a good reason, it was suggested that those who are ill could get support from others, or that this should only apply in cases of serious illness.

#### **A close family member of an applicant being seriously ill**

The majority of respondents were supportive of Social Security Scotland accepting late applications in this scenario, with around two thirds (65 per cent) answering 'yes'. The most common reason given in this scenario was that applicants would be too preoccupied with other tasks and would be focussing on the health of the family member in question. For those who disagreed, it was suggested that this should only apply where it is a close family member, where the illness is serious, or where the applicant is responsible for providing care.

#### **An applicant having a severe case of COVID-19 or long COVID**

A little over two thirds (69 per cent) of respondents felt that Social Security Scotland should accept late applications for applicants affected by severe COVID-19 or long COVID, with the most common reason being the negative impact on an individual's physical and mental health. For those who disagreed with this being a good reason

for a late application, several mentioned that this would need to be assessed on a case-by-case basis or that this could be falsely used as a reason.

### **An applicant having to wait for supporting information to be supplied by someone else to aid their application**

The majority (82 per cent) of survey respondents answered 'yes' when asked if late benefit applications should be accepted in this scenario. The most common reason given was that it is a circumstance largely outside of the applicant's control and services may be under strain due to COVID-19 and other factors. However, those who disagreed felt that responsibility to gather supporting information lay solely with the applicant and failure to do this on time should not mean that a late application should be accepted.

### **An applicant waiting for support from professionals outside of Social Security Scotland to help with their application (such as advocates or the Citizens Advice Bureau (CAB))**

A little over two thirds (69 per cent) of respondents believed that late applications should be accepted in this scenario. For those who agreed the most common reason given was that support services which people may be using for support during applications are stretched, causing delays in receiving appropriate support. For those who disagreed, the most common reason was that applicants should have to supply proof they had sought support in a timely manner.

### **An applicant experiencing an ongoing or unexpected serious life event that is very difficult to cope with**

The majority of respondents (83 per cent) felt that this situation should constitute a good reason for Social Security Scotland accepting late applications. For those who agreed with this, the most common reason was that applicants would likely be preoccupied with this serious event and its repercussions across different aspects of their life. For the few who disagreed, it was suggested that there would need to be proof of the serious event and its impact on an applicant.

### **Other circumstances where Social Security Scotland should accept late applications**

Survey respondents were asked if there were other scenarios that Social Security Scotland should consider for accepting late benefit applications. Just over a third (37 per cent) of survey respondents felt that there were additional circumstances which should warrant acceptance of a late benefit application. Just under a third (31 per cent) answered 'no' and a fifth (20 per cent) answered 'maybe'. One of the most common reasons suggested was the death of a close family member. Others included applicants being unaware of eligibility, not having sufficient information to apply, and being subject to financial or domestic abuse.

### **Cross-cutting reasons**

When survey respondents were asked to give their reasoning for their question answers, some themes arose repeatedly throughout the survey responses. This was true for reasons in favour of allowing late applications and also where respondents were against or had mixed views about late applications.

### **In favour of allowing late applications**

Many respondents felt that to live by its values of dignity, fairness and respect, Social Security Scotland should accept benefit applications that are late. Others suggested that there should not be any deadlines for applications so that clients can access support whenever they need.

### **Against or mixed views about allowing late applications**

Across most questions in the survey many people gave reasons that were mixed or against accepting late benefit applications that related to the logistics of making a benefit application/s. These included the deadlines already being long enough, applications being easy to submit and the ready availability of support.

### **Timeframes for lateness of applications**

Respondents were asked to choose a specific timeframe for how long they thought benefit applications could be submitted after the benefit deadlines listed. The most common response was '1 – 3 months', which a third (33 per cent) of respondents answered. This was followed by 'up to 1 month', which just over quarter (26 per cent) of respondents answered. The third most common time frame was '4 – 6 months', answered by 17 per cent of respondents. The least common responses were '7 – 9 months' (2 per cent of respondents) and 'applications should not be accepted when at all late' (4 per cent of respondents).

# Background and methodology

## Background

The Scottish system of social security is founded on dignity, fairness and respect; and it takes a rights-based approach to delivering devolved welfare powers.

The principles which guide the Scottish social security system are set out in the [Social Security \(Scotland\) Act 2018](#). These principles include the following ones: opportunities are to be sought to continuously improve the Scottish social security system in ways which put the needs of those who require assistance first, and the system is to be efficient and deliver value for money. The Scottish Government set up the [Scotland's social security system: enhanced administration and compensation recovery consultation](#) to gather views on a number of proposed changes aimed at addressing these principles. Therefore, these proposals aim to improve the experience of clients and the efficiency of the system.

The proposed changes set out in the consultation are wide ranging. A number of the proposals have relevance or possible impacts on future Social Security Scotland clients, including re-determinations, determinations after an appeal is lodged; alternatives to prosecution for low-value fraud; and special measures for late re-determinations, appeals and applications.

The aim of this research was to understand the views of Experience Panels members on the proposals of the topics mentioned above which were included in the enhanced administration and compensation recovery consultation. The views of panel members on some of these topics have previously been explored in earlier [Experience Panels research](#).

## Methodology

The Scottish Government is becoming responsible for some of the benefits previously delivered by the DWP. As part of the work to prepare for this change, the Scottish Government set up the Social Security Experience Panels. Panel members are people from across Scotland who have recent experience of at least one of the benefits coming to Scotland.

Over 2,400 people registered as Experience Panels members when it launched in 2017. The Scottish Government is working with panel members to design a new social security system that works for the people of Scotland, based on the principles of dignity, fairness and respect.

Experience Panels members were invited to take part in focus groups and interviews<sup>1</sup> to give their views on proposed changes on:

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<sup>1</sup> A further topic was explored with research participants during this fieldwork: their views on the eligibility criteria and assessments for Adult Disability Payment (ADP). The findings on this topic will be published later this year as part of a separate consultation.

- Re-determinations and appeals processes
- Alternatives to prosecution for low-value fraud
- Special measures for late re-determinations, appeals and applications<sup>2</sup>

The research with Social Security Experience Panels members took place between October and November of 2022. In total, 61 research participants took part in 5 focus groups and 35 individual interviews.

This research project included a second stage with Social Security Scotland's Client Panels members to explore their views on late applications. In total, 340 Client Panels members responded to the survey.

Participation in research with Experience and Client Panels members is optional. The data have been analysed by Scottish Government researchers. It is important to note, that the findings contained in this report only represent the views of panel members who took part in the project. Assumptions cannot be drawn on the wider applicability of these findings to panel members as a whole or for those with experience of the social security system in general.

## **Interviews and focus groups**

All active Experience Panels members were invited to take part in focus groups and interviews between October and November of 2022.

A total of five focus groups with 30 participants<sup>3</sup> took place in Glasgow. Furthermore, 31 individual interviews were carried out with Experience Panels members. Of those interviews, 26 were carried out remotely by telephone or video call. The remaining 5 interviews were conducted face-to-face in Inverness.

Quotations from the focus groups and interviews are used to illustrate the findings discussed in the report. Edits to improve readability were made as appropriate. Those who took part in an interview or focus group are referred to as participants throughout the report.

Where possible, information from participants was matched to demographic information supplied previously by Experience Panels members. Linking was not possible where there was missing or unclear information. The following demographic information is included to give context to the findings of this report. A full breakdown is provided in Annex A.

More women than men took part in this research: three-fifths of participants (60 per cent) identified as female, woman or girl. The majority (86 per cent) said they were heterosexual or straight. Nearly one in ten (8 per cent) were from a minority ethnic

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<sup>2</sup> Social Security Scotland's Client Panels were also invited to take part in a survey to give their views on late applications.

<sup>3</sup> 27 Experience Panels members and 3 carers of panel members were part of the focus groups.

group. Almost two-thirds (64 per cent) cared for an adult or child with long term health condition, or an adult who needs support due to old age.

Two-fifths of participants (40 per cent) were aged 45 to 59 and 44 per cent were aged 60 to 69. A large majority of participants (89 per cent) said they had a disability or long-term condition. Over three quarters (77 per cent) lived in an urban area.

## **Survey with Client Panels members**

At the end of the focus groups and interviews, a sample of 2,453 Client Panels members were invited to take part in a survey about whether late applications to Social Security Scotland should be accepted in a range of different circumstances. This sample was selected to include Client Panels members who had experience of Social Security Scotland benefits which have a deadline for applying. This survey built on the findings from the focus group and interview data relating to special measures for late applications introduced due to COVID-19.

Established in 2020, the Client Panels are made up of people who have applied for or received a payment from Social Security Scotland and opted in to taking part in research. The survey ran between December 2022 and January 2023. A total of 340 panel members completed the survey. Throughout the report, Client Panels members who completed the survey are referred to as respondents or survey respondents.

Where possible, information from survey respondents was matched to demographic information supplied previously by Client Panels members. Linking was not possible where there was missing or unclear information. The following demographic information is included to give context to the findings of this report. A full breakdown is provided in Annex B.

The majority of respondents (79 per cent) identified as female, woman or girl. Most respondents (88 per cent) said they were heterosexual or straight. A little under a fifth of respondents (17 per cent) were from a minority ethnic group, with 82 per cent identifying as white. Just over a third of respondents (35 per cent) cared for an adult or child with long term health condition, or an adult who needs support due to old age.

A little over half of respondents (54 per cent) were aged 35 to 44 and a quarter (25 per cent) were 25 to 34. Just over a third of respondents (36 per cent) said they had a disability. The majority (87 per cent) lived in an urban area.

## Re-determination and appeal processes

Participants were asked their views on the options available to a client once they have asked for a re-determination or an appeal.

### The right to withdraw a re-determination

The re-determination process is designed to help resolve any incorrect decisions without having to go through an appeal. Once a client has asked for a re-determination Social Security Scotland is under a statutory duty to make a new determination. A client has no way of withdrawing that request. Social Security Scotland has to make a fresh determination, regardless of whether or not that client has changed their mind since asking.

Research participants were asked if a client should be able to withdraw a re-determination request before Social Security Scotland has made a re-determination decision. Mixed views were highlighted by participants.

### Circumstances and reasons to withdraw re-determination requests

A few participants who agreed with the proposal noted that one reason to withdraw a re-determination request could be not receiving sufficient advice, or not being sure of getting a positive outcome. Others mentioned that receiving external advice which suggests that the re-determination will not be successful would also be a reason for a client to withdraw a re-determination request.

“I think it’s important for people to be able to withdraw their re-determination application, particularly if they haven’t had advice.” (Interview participant)

“If an award decision was received that the client was unhappy with and then they decided to go for a re-determination; but then they have further advice from a third party who actually advises them that the re-determination will be unsuccessful.” (Interview participant)

Others noted that a reason for someone withdrawing a re-determination could be the concern that all or some of their current award would be lost.

“‘Maybe I am better off just withdrawing and staying with what I got because they may take it all away’ [...] I don’t know how the process is going to be with [Adult Disability Payment (ADP)], but for a lot of people it is going to be [lurking] at the back of their mind, there is no fallback, there is no safe fallback if the person is re-assessing and they can actually come away with nothing [...] The only scenario I can think of is when someone is worried that they might lose everything through re-determination and there is too much at risk, that’s the only scenario.” (Focus group participant)



A few participants mentioned that an improvement in the client's health condition or circumstances could be a reason for withdrawing a re-determination request. One participant highlighted that another reason could be the client moving out of Scotland.

"...it could be that the person who suffers from a condition may have improved due to advances in medical technology so, that may have stopped them from being in a position [where] they need to utilise the [social security] service or it may be that they may have moved out of Scotland." (Interview participant)

Most participants highlighted that clients may prefer to withdraw a re-determination request as the process is felt to be too overwhelming, stressful, difficult and/or intimidating. However, a few noted that withdrawing because of those feelings would not necessarily imply that they are not legally entitled to get a higher award.

"It's stressful. For people with mental health needs, they might decide it's too much." (Focus group participant)

"I know some of my friends find it really stressful and wish they could stop the [re-determination] process. I think if they went for that process and their mental health deteriorated, they should be able to stop it if they wanted to." (Interview participant)

Similarly, some participants mentioned that mental health conditions can be exacerbated by re-determination and appeal processes, which could lead to clients withdrawing. A few noted that this is particularly the case when clients do not have professional advice and support.

"A charity helped me to do the re-determination and appeal and I wouldn't like to think of someone being pressured [...] When people have poor mental health, it's really hard. [...] There would need to be someone empathetic, to speak to the person and find out [why they want to give up]. People will give up because they can't face it. A friend's daughter has multiple sclerosis and had her benefit refused and hasn't appealed, it's awful. A lot of people would withdraw cause they're not coping." (Interview participant)

A few participants were concerned that a client may withdraw a request due to being under pressure from DWP or Social Security Scotland staff to make that decision. This view was based on those participants reporting past examples of when DWP staff had pressured clients to withdraw their appeal.

"What used to happen in DWP is they put pressure on people to withdraw, so that is the issue that concerns me. I don't agree with the whole re-determination thing, but if they do exist there should be a right to withdraw. My concern would be Social Security Scotland putting pressure on clients to withdraw, and ringing up people and putting on pressure to withdraw. (Interview participant)

“I’m a member of various groups where people have been put under pressure from DWP where they say there’s no point in appealing, as long as there’s no pressure, I think it’s fine...” (Interview participant)

Some participants could not think of circumstances in which a client would like to withdraw once they had decided to start a re-determination process.

“I am thinking you have actually setting your request for re-determination so you have gone through that thinking, I mean it is a lot of heavy thinking and that emotional turmoil in the whole process at that point I would have thought the vast majority of people are committed. At that point, I just can't think a scenario after all that [to] think 'oh no, I need to withdraw'.” (Focus group participant)

### **Suggestions and considerations**

Participants gave various suggestions for factors to be taken into consideration regarding the proposal of a client being able to withdraw a re-determination.

#### The impact on the mental health of the client

As mentioned above, many participants noted that clients may withdraw a re-determination due to being unable to cope with the process due to stress, frustration and/or mental health conditions. As a result, some highlighted that it is important to identify the reasons for a client withdrawing a request.

“Understanding why they are withdrawing, it is important. People may withdraw due to anxiety, but they are entitled to [the benefit]. It’s stressful. Yes, clients should have the opportunity to withdraw. I have concerns that people will withdraw because it’s too stressful but they may be legally entitled to it. I know how stressful the process is with DWP. I was awarded the highest level of [Personal Independence Payment (PIP)], but my [relative] who is in worse health than me was awarded less than me. We have to go through a re-determination and it’s too stressful for her to do without help from me. If people do withdraw, there should be an option for them to say why. If the reason is ‘it’s too stressful’ then there should be an option to continue with assistance.” (Interview participant)

#### Withdrawing a re-determination request as a choice

Many participants indicated that clients should have the option to withdraw a re-determination as a choice or right. A few suggested that the proposal of withdrawing a re-determination should be framed in a way that avoids pressuring the client to do so.

“...maybe someone’s circumstance can change or they might not feel that they’ve got the strength to go through with it at that particular time, and I don’t think anything should be held against them. If payment is involved then that has to be adjusted or stopped, but yeah, I think that’s all very fair. As long as it’s coming from [the clients] directly. As long as it’s their decision entirely and there’s not been any pressure put on them.” (Interview participant)

### Clear guidance

Some participants said that a client should be provided with a clear explanation of the process for withdrawing a re-determination alongside all the necessary information they need to make an informed decision. This guidance should also explain the consequences of withdrawing a request and what the client may lose as a result (e.g. Short Term Assistance).

“But the important thing is people communicate and try to help the person that’s pulling out, and make it very clear that they’re not trying to be difficult and apply for money you’re not entitled to. People have to be given the choice and make it in a way that they understand, because I feel that sometimes it’s alright getting a document sent to you, but sometimes people don’t have support – even verbally over the phone so that someone understands what their choices are. Just give them advice, let them decide but give them the information that would help them make a decision. There’s no wrong answer.” (Interview participant)

### Advice and support service

Related to the above, a few participants noted that clients should be provided with support and advice about what the best options are for them. This support should prevent the client losing what they may be legally entitled to, and/or avoid the client withdrawing a re-determination request because they feel under pressure to do so.

“Everyone who asks for a withdrawal should be given support and advice. CAB is overwhelmed so I feel there should be some form of advisers, independent of the Scottish Government, who can take on advocacy and support for people undergoing re-determinations and appeals.” (Interview participant)

### Timescales

One participant mentioned that there should be timescales for when the client can withdraw a re-determination request and those timescales should be clearly communicated.

“There should be a timescale, or there should be a time window where you can withdraw.” (Interview participant)

## Making a new determination after an appeal is lodged

If Social Security Scotland has completed a re-determination and the client still disagrees with its decision they can appeal. Clients can also appeal if Social Security Scotland fails to make a re-determination on time. Appeals are made to the Social Security Chamber of the First-tier Tribunal for Scotland, which was created in November 2018. The tribunal is run by the Scottish Courts and Tribunals Service, which is independent of the Scottish Government.

Currently, once a client has appealed a benefit decision, Social Security Scotland cannot make a new determination even if it is established that the client's award of assistance is wrong. Social Security Scotland would like to introduce a way of making a new determination at this stage so that errors can be rectified more quickly. This would mean that a client would be offered a new determination without needing the appeal to continue through to a tribunal. Social Security Scotland is also considering whether the option to stop an appeal should only be available if a client is being given everything that they could get from the tribunal. Research participants were asked their views on whether, if a client is offered a new determination, the appeal should end as a consequence. Most participants agreed with the proposal.

### Positive impacts of the proposal

Some participants thought that stopping an appeal as a result of a new determination being offered is a reasonable approach, as it will avoid people going through an unnecessary process if the involved parties all agree with the new outcome of the award. It would also save them time.

“Its common sense. What is the point in wasting everyone’s time and money?”  
(Interview participant)

Many participants highlighted that not going through the appeal process would avoid the high levels of stress, worry, anxiety and/or stigma that participants mentioned they had experienced when going through appeals processes in the past.

“A huge positive would be that you wouldn’t have to attend a tribunal and be put through the process [...] being in court having to explain my health to three strangers, in my opinion was degrading. It made me feel a lesser person.” (Focus group participant)

“It takes stress off people. The tribunal is a really stressful process, it’s a lot of pressure, it can cause suicide. Waiting for the tribunal causes anxiety and some people can’t take it.” (Interview participant)

Many also noted that not going through the appeal process would provide financial savings to the government, tribunals service, and advocacy organisations.

“I dread to think what my appeal costed, a huge folder of paper, the judge and the doctor read it all, not to mention the folk that work in the DWP and the chap from the charity - and it cost me a huge amount of stress. The mental cost plus the financial cost to government and charity must have been enormous.” (Interview participant)

A few highlighted that receiving a new determination would involve shorter timescales for getting the award as opposed to the lengthy timescales involved when going through the appeal process and a tribunal.

“If a person gets a new decision, they should be given opportunity to withdraw [their] appeal. This means their payment will go ahead quicker and they will not be dealing with the stress and length of time waiting for a tribunal.” (Interview participant)

Many participants mentioned that they would have positive feelings such as joy, relief and trust in the system if receiving a new determination at this stage. Those positive views were also highlighted in relation to avoiding the appeal process.

“If my appeal was ended and I got a new re-determination I would have been pleased because mistakes can be made and appeals can be scary.” (Interview participant)

Participants also noted that receiving an apology and acknowledgement of the error by Social Security Scotland would reassure them that the Scottish Government is delivering an improved system – particularly when comparing this new approach with those used by the DWP.

“...for a government body to be honest, that would be a huge thing; because dealing with DWP you know the lies that are told. For a government body to hold its hands up and say we recognise there was a mistake, that would be really positive.” (Focus group participant)

However, a few participants noted that they would still feel unsure and suspicious about being offered a new determination at this stage due to previous negative experiences with DWP.

“My main concern would be that they would try and fob me off at a lower level [of the award].” (Interview participant)

### **Being offered the highest level of the award and the right of continuing an appeal**

Participants were asked if they agreed or disagreed that a new award decision should only be offered at this stage if it gives the client everything they could get from the tribunal (i.e. top level awards for both elements of their benefits). Most

participants agreed with this proposal and – as above – they mentioned that it would save costs and time alongside reducing worry and stress for the client.

However, participants also highlighted mixed views on some aspects of the proposal. Many thought that the appeal process through the tribunal should only be stopped if the client receives the highest level of the award for both components of their award (i.e. daily living and mobility).

“It should only be the case if it was for the highest award for both elements.”  
(Interview participant)

Some participants said the duration of the award offered could influence the decision of clients to continue with the appeal process. Related to this, a few felt that the tribunal should only be stopped if the top-level awards were granted for life/an indefinite duration, due to health conditions that are not going to improve.

“There’s the time limit on it, you might not get the time that you wanted on it, because some of them can be quite short. Me and my husband got timescales put on things where we have lifelong conditions and I think that might be something that would make people want to go ahead with an appeal, if they have a short time on the award.” (Interview participant)

“Why should we have to keep reapplying when our conditions are only going to get worse? If the award is top level for both elements and for life then the tribunal should be cancelled. But that’s the only circumstance.” (Interview participant)

Many participants stated that the choice to appeal should remain after a client receives information about their new award. A few said that regardless of the award being granted the decision of whether to continue or stop an appeal should remain with the client.

“Social Security Scotland should not be able to stop the appeals, even if the client gets max benefits. Only the clients should have the right to stop the appeals [...] Under all circumstances, I oppose Social Security Scotland being able to stop an appeal. The right of appeal is that of the claimant and it should be for the client to decide to stop the appeal, not the Agency.” (Interview participant)

Some participants interpreted the meaning of ‘maximum award’ differently, which led to different perspectives regarding consent. They noted that clients have different disabilities and illnesses so the award offered and its elements are variable. Thus, decisions around the new determination and appeal process should be the option of the client.

“...everyone is different, illnesses cause different symptoms. It depends on the client in terms of elements. Decisions should depend on the client.” (Interview participant)

### **Comprehensive information**

Some participants highlighted that the client should be provided with comprehensive and clear information about the new award, the appeal process, and the future choices that they have. Furthermore, a few participants highlighted that Social Security Scotland and/or the tribunal service should also have all the necessary information to avoid making an incorrect decision.

“...what I would say is that so long as the client gets everything they can and nothing is missed out, because what we find is that if even a bit of information is missed out that could have an impact on what the appeal decision would be. So that’s very important, they’ve got to get all information so that they can make a proper informed decision.” (Interview participant)

Many participants made suggestions about the kind of information that clients should be provided with when being offered a new determination. Some highlighted that being given information on how the decision has been reached would improve transparency.

“It would be good to see the history showing the trail of what has happened. Don’t see any issue with transparency in the system, if they’re not providing transparency they are depriving you of a potential resource you could use in the future.” (Focus group participant)

Many participants said that they would want an explanation which provides the reasons for offering the new award and identifies any mistakes that were made.

“I would like to know what mistake has been made and at what stage.” (Interview participant)

“I would want to know what information had changed their minds. If they got new evidence what was it. That will help me ensure that next time I have to apply I can provide all the necessary information. I have been through this with DWP and they got it wrong but they didn’t want to back down and say they had got it wrong. So, it is down to interpretation and lack of understanding of disabilities. DWP think we are all scam artists trying to get money for nothing.” (Interview participant)

Others mentioned that they would like to know what evidence has been considered and the duration of the new award.

“I would want to know what evidence the change was based on – did my doctor send them something new, for example. If one person looked at it and said stick with original and then a few months down the line the decision is changed I would want to know why [...] I would want to know how long I’m going to get my award for so I can start preparing myself for a review.” (Interview participant)

### **Clear communication and guidance**

Many participants highlighted that the client should be provided with comprehensive and clear information about the new award offered, appeals process and future choices that they have. A few mentioned that communication with the client should also offer advice and support if required. Others stated that this support should be provided more broadly for all processes involving re-determinations and appeals.

“...it’s all about communication, it’s all about talking to the client or the person; what you’re talking about and explaining to them what it’s all about so that they understand, and make it a clear picture so that they know if they want to go and do a further appeal and they know exactly where they stand, because if something happens they can go back and have the evidence there. It’s all about how people are treated and how they speak to them, and whether it’s face to face or over the phone, it’s important that they’re not there to catch you out like some people would do. They may want to appeal, it’s putting across to make it so they know they have the right to appeal [...] it’s all to do with communication and speaking about it.” (Interview participant)

Relatedly, a few participants suggested that clients should have a ‘cooling off’ period after receiving a new award offer so that they have enough time to get support and consider whether to accept this offer or not.

“Cooling off periods is a good thing for [getting] advice and support, if there was some other area that you think could be useful, maybe a named person or a named department that they could get in touch with.” (Interview participant)

Concerning channels of communication, many participants suggested that Social Security Scotland should have a diverse range of ways to communicate with clients and inform them of the new award. Participants felt that having a range of methods available would address the different communication needs of each client.

“It would be good to know how the decision has been reached. They should receive this information in a way that suits the individual; [for instance] by email, letter or a phone call.” (Interview participant)

Additionally, a few participants suggested that the wording of the information provided should be in plain English, using friendly and simplified language.

“Speak to a person in their terms, no big words [...] Word things in a different way. Wording in a way that people with communication difficulties can understand. Some



people can't read and write, so might sign something without knowing what they are signing." (Interview participant)

Some participants noted that it is important to have all information regarding the new determination provided in letters or emails so that clients can keep a hard copy, in case they are needed as evidence for accessing other services (e.g. blue badge) or for other benefit decisions in the future.

"A letter might give you more information and you've got proof, I would prefer a letter or email something I could physically keep in case I needed it in the future." (Interview participant)

### **Reasons for wanting the appeal process to continue**

Many participants noted some situations in which a client may want to continue with the appeal process even if offered a new determination. A few participants noted that a client may want to go to court to highlight what has happened to their claim and to show the evidence/proof which was not considered from the start of the application.

"...some people might want to have their day in court and highlight what's happened..." (Interview participant)

Some participants mentioned that a client may want the appeal process to continue if one of the two components of the award has not been upgraded with the new determination. Others said that a client may decide the appeal process should continue if they do not agree with the duration of the new award they are offered. This can particularly be the case for clients with lifelong conditions.

"If Social Security Scotland upgrade one element but not the other element; I think the tribunal should continue. I have been awarded PIP for life, but my sister also has lifelong conditions and only has her award until next year. We have to go through the whole process again next year to go through the application. I understand Social Security Scotland is going to make everyone re-apply every 5 years. Why should we have to keep re-applying when our conditions are only going to get worse?" (Interview participant)

### **The new determination and giving consent**

Participants were asked if they agree or disagree that the client should be asked for their consent before a new determination is made. Mixed views were given.

Many participants who agreed that the client should be asked for their consent before a new determination is made either thought it would be appropriate or felt it would be an important legal element that should be part of the process.

"From a legal point of view I would like to have consent be part of the process." (Focus group participant)

A few participants said that the client should be asked for consent if the award is time limited and there are discrepancies about the length of the award. Others noted that consent should be a requirement as the client may decide to go through a tribunal regardless of being offered a new award.

“You might still need consent depending on how long the award is going to be for. If the appeals process would give a longer award then it may be better going through the appeal, so then maybe consent should be given. If there was to be a discrepancy between the length of the award then consent should be given.”  
(Interview participant)

Length of time would be another factor. If it is a time limited higher award then their consent should be asked for. (Interview participant)

One participant noted that asking for the client’s consent shows that the system cares about the client, and that this would represent a change from the negative narrative perceived when communicating with DWP.

“Yes, consent would be a good thing. At any stage if anything was changing I think the client would, it would be better to maybe ask for a client’s consent. It shows you’re caring about what the client’s problem is [...] I suppose if I was asked for my consent it would show that there is some sort of care or that you actually care what I think about things, you actually want my consent about what is happening, rather than the DWP attitude where it’s just ‘like it or lump it’ kind of thing, which I really detest. It’s much better to be asked than just to be told that this is what we do, just accept it.” (Interview participant)

Some participants who disagreed or were not sure that the client should be asked for their consent mentioned that as long as the client has been offered the highest award, the award has been comprehensively explained, and the client knows the next steps; the new determination should be automatic. Furthermore, one participant noted that asking for consent may also create unnecessary stress and/or confusion on the client.

“If it goes entirely in your favour, there would be no point.” (Focus group participant)

“Disagree, because giving information every time is confusing.” (Interview participant)

When asked how the consent should be given, participants suggested various channels of communication such as phone, email, text, and in person meetings. Some participants mentioned that there should be different formats available depending on the needs of the client. A few participants also highlighted the need to have the consent signed so it is formally recorded.

“Something again that shows, that can be used as evidence if needed, a form sent by email that has to be signed and sent back or something similar. You need to have a record of all these things. I’ve kept everything just in case and it is handy to do that just in case.” (Interview participant)

“Consent should ALWAYS be asked for and ALWAYS be written and signed as emails and verbal consent can go missing. If consent has to be renewed again it should be written signed consent.” (Interview participant)

### **The right to challenge the new determination**

Participants were asked their thoughts about the right to challenge decisions in these circumstances. They gave mixed views on the preferences that the client may have in terms of getting a re-determination only, going directly to an appeal or using both mechanisms to challenge decisions. Regardless of the client’s preferences, most participants highlighted that the choice to challenge a decision made by Social Security Scotland should be the right of the client.

“People should have a choice if they want to go straight to appeal. If people thought re-determinations were fair they would be more likely to go for a re-determination instead of straight to appeal.” (Interview participant)

“The DWP and Social Security Scotland make the decision so we should be able to challenge the decision.” (Interview participant)

Some participants suggested that a re-determination should be the first option and if the client still disagrees they could then opt for going to an appeal. A few participants also mentioned that if the re-determination involves an objective ‘fresh look’ of the decision that should happen before the choice of an appeal.

“Re-determination first, as it says that you disagree with a decision, please inform me why this decision was made, and if you still disagree you can then go to appeal.” (Focus group participant)

“I think you need the re-determination process there, but I think that it should go to a different person or even a different person in a different office so colleagues can’t discuss the matter. It should be there as a stepping stone, going straight to tribunal could turn people off.” (interview participant)

Other participants highlighted that the choice of an appeal should be the last resource as it is a more daunting experience.

“I think appealing is quite daunting, I still think the re-determination thing would be quicker [...] if there’s anything they want to ask you, you should be told that they will phone and ask you, personally if it was me – it could save a lot of waiting in the long run. I would prefer the re-determination first.” (interview participant)

A few participants highlighted that there is a legal obligation to provide the option to challenge the new determination. One participant noted that if clients were not provided with options to challenge a decision, it could be perceived as Social Security Scotland trying to avoid a legal dispute.

“Could be seen as a way for Social Security Scotland to avoid a legal challenge, so that could be another issue.” (Focus group participant)

“Re-determination first, then appeal. You need to have these processes when dealing with taxpayers’ money and for legal reasons. These processes must be evidence based. (Interview participant)

# Alternatives to prosecution for low-value fraud

Participants were consulted on fraud and proposed enhanced fraud powers. They were asked for their own personal understanding of fraud, and their opinion of the definition currently used by Social Security Scotland. Participants were also asked for their opinion on alternatives to prosecution for low value fraud, and what they think should happen if fraud is detected before any money is lost.

## Understanding fraud

### Participants' understandings of fraud

Participants were asked to describe their own understanding of fraud. There were only small variations between participants' answers, with most participants describing fraud as gaining something—often money—by deception. Some comparisons were made between fraud and theft.

“Fraud means gaining monies by deception, property, or anything—it’s basically stealing.” (Interview participant)

Most participants emphasised that they felt fraud had to be a deliberate act.

“People who are trying to get money that they are not entitled to is fraud, but it’s the intention to deceive.” (Interview participant)

### Opinion on Social Security Scotland’s definition of fraud

Participants were asked about their thoughts on the following definition of fraud used by Social Security Scotland:

- Obtaining assistance by deceit.
- Failing to notify a change of circumstances.
- Causing a failure to notify a change of circumstances.

Some participants felt that the definition offered by Social Security Scotland was clear and aligned with their understanding of fraud. One participant stated that they agreed that a lack of intent is not a sufficient excuse where fraud has been committed (for example, failing to notify of a change in circumstances).

“Not knowing isn’t a defence – you’re doing something wrong, even though you don’t know it. Doing something without intent can still be fraud. People maybe not realising, but that still is fraud: not telling, that their circumstances have changed. I think it encompasses deliberate fraud and non-deliberate, sort of, misleading in the forms.” (Interview participant)

### Querying or disagreeing with the definition

However, participants questioned the definition for a variety of reasons. Differing understandings of the notion of “intent” was a key theme amongst those querying or disagreeing with the definition, and most participants felt that fraud had to be an intentional act.

Responses illustrated that most participants perceived a grey area between what counts or would be recognised as a “genuine error”, and what Social Security Scotland considered to be intentional fraud.

“It’s not as simple as one might think. In the information you’ve just read out, it talks about people do make genuine mistakes, so it’s a very fine line between what is a mistake—because people don’t always understand what their responsibilities are—and life takes over, and you forget things, as opposed to what is actually intent: intent to deceive, to obtain money by deception, to tell lies, basically!” (Interview participant)

The uncertainty around what would be considered an intentional act of fraud—as opposed to a genuine error—was a particular issue in relation to “failing to notify of a change of circumstances.” Some participants were unclear what would constitute a change in circumstances, especially for those with fluctuating conditions.

“[My wife] changed her diagnosis [...] and that was a problem because there are extra points or extra money given [...] it could have been fraud, because I didn’t realise— [I thought her new diagnosis] was the same as [her first diagnosis]: it’s not. So, it’s actually quite easy to do things like that. It’s very difficult to do when you’re dealing with a crisis.” (Interview participant [some details are redacted for confidentiality])

“When you have a disability, you fluctuate all the time. If you have several conditions, you have several fluctuations. At what point does it change from fluctuations to a change of circumstances?” (Interview participant)

Some participants were also concerned that a failure to notify of a change of circumstances would be defined as a fraudulent act, and worried that even if this was accidental it could be classed in that way.

“[Failing to notify] may not be intentional. You need to add the word intentional in there – I have got stress induced memory loss, I forget things. I put notes down to things and find them six months later. I may have something that’s a priority but something else crops up that’s just a complete and utter disaster and my mind has to focus on that. It could be that I could potentially forget to inform, accidentally forget to inform you, but it wouldn’t be intentional.” (Interview participant)

One participant stated that failure to notify of a change of circumstances was specifically not fraud, as they felt it expanded the usual definition of fraud beyond having intent.

“As you’ve described it, you say a failure to notify of a change of circumstances is fraud. I wouldn’t agree with that. And then you qualify that by saying it’s only fraud if there’s no reasonable excuse. That’s entirely inverting—in other words, the person now has to show they did have a reasonable excuse, whereas fraud is normally having the intention. As described, this definition of fraud goes much bigger than I would regard as fraud.” (Interview participant)

Others were concerned that if the definition of fraud encompasses acts that can be committed without deliberate intent, there needs to be very clear messaging from Social Security Scotland to ensure that claimants are fully aware.

“See, causing a failure to notify in a change in circumstances, it’s not fraud – again is it intentional? If it’s going to be used as a definition of fraud that message of you must tell us of a change of circumstances, they need to make sure it’s communicated clearly. They have to drive forward that you must tell; any changes in circumstances must be notified. There’s got to be not just that on its own, you’ve got to embellish what you say in there, because it’s setting out to criminalise people before they’ve even started.” (Interview participant)

## **Barriers to notifying of a change of circumstances**

Participants were asked what barriers they thought existed which could prevent someone from reporting a change in their circumstances. A variety of barriers were noted, but the most commonly suggested ones related to a significant change in life circumstances. Many participants included positive or neutral events—such as moving home or the birth of a child—together with negative ones: family bereavements, long hospital stays, long-term illness, and the breakdown of marriages or other long-term relationships.

“People get carried away with life, if you’ve got a couple moving in together, they’re not going to be thinking about their benefits. Or you’ve got those where the relationship has broken down, there may be difficulties where the woman doesn’t have the tools there to get in contact with you, relying on a women’s refuge or friends and it’s not easy for them to do that.” (Interview participant)

Some participants noted that their day-to-day life could be particularly complex due to caring responsibilities, which may cause distraction and forgetfulness.

“I am currently caring for three different people, to different extents. I have to say to myself, that I’m working full-time I don’t have time to do everything and some things get dropped accidentally. You have to have consideration of the person who should have done the informing, of their situation, you know, were they overwhelmed with life at that time?” (Interview participant)

Others highlighted that some people receiving disability benefits may have difficult personal circumstances where mental and physical health issues could present a barrier through creating chaotic conditions in everyday life.

“Some people may struggle with capacity to understand that they need to [inform of a change in circumstances]. People who are on the edge of a ‘chaotic’ lifestyle but not tipped over into the realm of having someone acting for them.” (Interview participant)

Other participants commented that their conditions, or those of friends/family members, may affect literacy or make it difficult to understand when and why they would need to contact Social Security Scotland about a change in circumstances.

“The letters you get from DWP state quite clearly that you must report – but the first barrier is literacy and understanding. I'm an appointee for my [close relative] with learning difficulties and know she wouldn't understand something like that. She wouldn't understand that she would have to report, say, her health getting better.” (Interview participant)

Several participants highlighted that the complexity of forms and the benefits system in general can be a barrier to understanding what a person is required to do when their circumstances change.

“It's very easy to make a mistake, I would definitely say that, because the forms are so complicated it's very easy to make a mistake on the form, and misinterpret something that you've put down, but once somebody said to you and actually explained it to you, you realise ‘Oh that's not what I meant.’ So, I think there has to be some forgiveness for a person who's made a mistake out of a wee bit of ignorance.” (Interview participant)

“The first one is failing to understand what a change of circumstances means...certainly, the DWP system is so fiendishly complicated, and the amount of paperwork is so daunting [...] the biggest obstacle, I would have thought, is people not understanding the system.” (Interview participant)

Relatedly, several participants noted from previous experiences that it could be difficult to get through to someone to notify of a change in circumstances, or that they would be unsure of which department or benefit agency to contact.

“Trying to get through on the telephone and knowing which department to contact. [My wife and I] are both on different benefits from different benefits offices. There's no one port of call where they can take all the information and put it to the different departments.” (Interview participant)



A fear of the consequences to notifying of a change in circumstances was also highlighted as a barrier. Some participants commented that they were fearful that it could lead to a drop in the level of benefits, or a total loss of support.

“I think the fear is that [any change in my condition] will be misinterpreted and lead to a drop in support and then that goes into a vicious circle, in that if you have a drop in support that affects your ability to manage your condition.” (Interview participant)

Other participants described negative experiences with the DWP in the past, which had left them afraid to speak about their benefits with anyone from the agency.

“I [was] getting a divorce, [and a payment] went into my bank first, then most of it went to [my ex] but the tax people spotted it and then the DWP gave me a bollocking. The whole experience was very stressful and it’s left me even now feeling like I’ve committed a crime. I can’t phone the DWP, I’m scared that I’ll get shouted at.” (Interview participant)

“I guess fear of contacting Social Security Scotland. A lot of people are still going to have the fear of DWP. Until Social Security Scotland actually proves itself as being better than the DWP that fear is still going to be there.” (Interview participant)

### **Suggestions for reducing barriers**

Some participants made suggestions as to how barriers to notifying of a change of circumstances could be reduced. These included providing multiple means of contacting Social Security Scotland when someone has to notify of a change in circumstances; this was related to difficulties that some participants had experienced getting hold of someone by telephone.

“I think you need to offer people lots of ways so that they don’t have any barriers. Phone, letter, library, doctors’ surgery.” (Interview participant)

Another suggestion was to provide support (including advocates) to clients who need it to ensure that they have full understanding of what is required of them, or where situations may cause people to feel worried or stressed about the outcomes. Other participants highlighted that some people may need additional support completing forms or accessing online resources and means of communication.

“There’s people who are embarrassed or ashamed that they can’t understand these letters. I think that would have to be taken into account.” (Interview participant)

Some participants also stated that it was important to ensure that there was clear messaging and consistent deadlines applied to requirements around notifying of a change in circumstances, in order to ensure that there was no confusion.

“You’ve got to be clear with these things right at the start, timescales, what evidence you need, what is a change of circumstances, so people understand right from the start. You need to be clear – what a change of circumstances means, when it starts, how long it has to go on for.” (Interview participant)

“But you can’t have different times—two weeks for a change of address, three weeks for a birth and four weeks for something else—you know, I think you’ve gotta, you have to set a deadline otherwise you’re just sending out mixed messages. It has got to be absolutely clear.” (Interview participant)

### **Reasonable excuses for failing to notify of a change in circumstances**

Participants were asked what they would consider to be a reasonable excuse where someone has failed to notify Social Security Scotland of a change in circumstances. One participant noted that it was hard to say what was reasonable as in most cases the underlying cause may be forgetfulness.

“Define reasonable. In most cases, where it is a genuine error, it’s going to be, ‘Sorry, I forgot.’” (Interview participant)

However, the most common reasons suggested as a reasonable excuse for not notifying of a change in circumstances related to the impact of significant life events or crises. These included:

- bereavement
- breakdown of a long-term relationship
- traumatic events, such as being the victim of assault
- forgetfulness or confusion, particularly when caused by a medical condition
- medical reasons, such as a long-term illness or hospitalisation

“Being too ill to actually do it. Being in hospital or something [...] Also if you have had a traumatic experience, like assault or bereavement, serious illness with a family member.” (Interview participant)

One participant also suggested that there may be different circumstances which affect the length of a delay, relating to individual reactions to adverse life events, and that this should be taken into account when considering how Social Security Scotland responds to any delays.

“There’s the person who because of the grief [of a bereavement], just forgets, well that’s obviously in my opinion a reasonable excuse. There’s also the person who knows that the payment is still coming in, and they really ought not to be having it but because ringing up or contacting would mean having to go over that whole [traumatic event], and it’s just too upsetting for them, and that just puts them over the line of criminality, potentially. I would say though that compassion would say that it would be better dealt with just by getting the money back without any taint of criminality or fine.” (Interview participant)

## Alternatives to prosecution

Participants were asked for their opinions on whether or not Social Security Scotland should have an alternative measure to prosecution available for cases of fraud where only small amounts of money were involved.

### Agree

Most participants agreed that there should be an alternative to prosecution available, although with variations in responses. The most common reasons that participants gave for having an alternative available were to avoid stress for the client involved, and to avoid wasting resources such as time and money because of lengthy court processes.

“The courts are too busy to be held up for someone who’s accidentally claimed an extra £200.” (Interview participant)

Having an alternative to prosecution was often suggested as being more relevant for cases of fraud where only small sums of money were involved. Several participants placed this at around a £500-£1000 limit.

“For anything under £500-£1000 it’s not worth taking them to court. For one small issue. But people can’t be let off with it, there should be some kind of penalty.” (Interview participant)

Other participants suggested that any action needs to take account of peoples’ circumstances to avoid pushing people further into poverty, or where hardship and deprivation are driving their actions. Some commented that there is a need to be compassionate when handling cases of fraud, as people on disability benefits are already financially insecure and especially vulnerable to any drop in income. They were concerned that fines or penalties may therefore have a disproportionate impact on people with disabilities.

“I think if it’s intentional you deserve to be prosecuted. But what does that serve? It cuts people out of a lot of jobs, so yes, people have to bear the consequences, but if there’s an alternative, if you’ve got a woman who maybe needs extra money for heating or children’s clothes, but you’ve got a damn good reason for doing it, to criminalise her doesn’t solve anything. A monetary fine is also going to be, going to put her into hardship, because the benefits which are paid out aren’t a great deal.” (Interview participant)

This was also another topic where the distinction between “intentional” and “unintentional” was raised. Participants suggested that cases of unintentional fraud—for example, where small sums are claimed accidentally—should not be automatically criminalised, but that intentional fraud should still be prosecuted.

“Yes, I think so, but again it maybe comes down the question of intent as well. If it was clearly a deliberate attempt to defraud the system then that should be a criminal offence I think, unless it was very minor sums. But if it was accidental then that shouldn’t be automatically criminalised.” (Interview participant)

## Suggestions

Participants were asked for suggestions as to what alternatives to prosecution could look like. The following were suggested:

- Unpaid work, such as community service or within a voluntary organisation. Participants suggested this may be more suitable where a monetary fine would be inappropriate (for example, where the person concerned was already experiencing financial hardship).
- A small fine, or fines that operate on a sliding scale dependent on the level of fraud involved.
- Withdrawal of benefits.
- Providing the opportunity for the money to be paid back, with no further action taken.
- Educational courses, similar to those used for some driving offences.

“You know how for some things you can go on a course or something, like driving offences they maybe have driver safety courses or...I don’t know if they even do things like this in this country [...] as an alternative to prosecution. Something like, this is how the system works, this is where you went wrong or where you may have gone wrong, something like that.” (Interview participant)

## Disagree

Not all participants agreed that an alternative to prosecution should be available. One felt that replacing prosecution with another measure would not be correct, as the level of proof required for prosecution is higher. This participant felt that this would better protect individuals from punitive measures, particularly for cases of unintentional fraud.

“This one of admin penalties, if you haven’t got the powers to do it, then you haven’t got the powers to do it. And that’s the end of that. I think that’s a good thing. The chances of anyone being prosecuted for small-scale fraud, as defined by Social Security Scotland, is pretty slim. If it’s a small value, it’s a small value. Are you really going to take that to the Sheriff’s Court? It’s one thing to penalise people for forgetfulness or stupidity, at a very low level—you punish them just for being feckless, in a way—but the word fraud should only be applied when the claimant intended to cheat the public purse.” (Interview participant)

Another felt that if Social Security Scotland had the option to fine people or impose penalties, this would place undue pressure on individuals to accept these in order to avoid further punishment, even if the fraud had been unintentional. This participant suggested that there would need to be additional checks and safeguards

in place to protect people against the power imbalance that may exist in these situations.

“The only thing I’m worried about is where someone has made a genuine error, but the system isn’t sure, and Social Security Scotland suggest that they think the person should pay a fine and the money be recovered, that person might think ‘Well I can’t risk going to court, I can’t afford for that to happen, even though I think I’ve had a reasonable excuse here, but they’re not accepting it.’ I just wonder if they will accept the fine because they feel it’s the easier thing to do, or because it’s the easier thing to do, or they feel pressured to do that, rather than to pursue it to its full conclusion.” (Interview participant)

One participant stated that if fraud was intentional, this should always be placed against someone’s record, even where this was just for a small sum and did not lead to prosecution, in order to identify patterns of offending or repeat offenders.

“Well, clearly a fine. I’m just a wee bit worried that if it’s a deliberate fraud that a fine needs to find some way of being recorded against that person. The fact that you have committed a fraud [for a small sum], not a huge amount but not insignificant, something says to me that ought to go against a person’s record [...] the reason I say that is, they may have defrauded Social Security Scotland of £1000, if that’s not recorded anywhere, if they’re also engaged in low-level frauds in several other ways; if that was all recorded that would then perhaps trigger somebody saying ‘That needs to be referred to criminal proceedings.’” (Interview participant)

### **Intent to commit fraud**

Participants were asked what they thought should happen in cases where fraud is identified before any money has been claimed, but there is clear intent. They were given the example of an application being submitted using someone else’s identity. Most participants agreed that clear cases of intentional fraud, such as those involving identity theft, should lead to prosecution.

“That’s obviously a deliberate attempt to defraud, I think something like that should be prosecuted. You don’t just accidentally make an application using someone else’s name. That’s kind of clear cut, deliberate.” (Interview participant)

One participant suggested that even where intentional fraud is identified, there should be consideration of individual circumstances, for example if the individual involved is experiencing extreme hardship.

“If you’ve got people who are absolutely destitute and have [...] committed a fraud, even though they wouldn’t want to do it, they were driven to it, then I think making them pay back by a cash payment, even a couple of quid a week [...] it’s going to cost more to recover that money in a fine, whereas if you could give that person some work to do they would be of service and they would be useful.” (Interview participant)

## Other comments and suggestions

Participants made some other comments and suggestions outside of the planned interview topics:

- There should be an investigative team with relevant expertise to investigate potential cases of fraud.
- Investigations for fraud should encompass a welfare check to ensure that the claimant is OK.
- Where something identified as fraud is detected, but it is not a clear case of intentional fraud, people should be contacted first to explain what is happening and to see if the issue can be resolved without further action.

“When you’re looking at fraud, let the people know you’re investigating it, give them a chance to withdraw their claim, but don’t stop the benefits. Just tell them that if fraud is proven they will have to pay plus there will be penalties, because they may be totally innocent but you have made their lives worse, and their conditions worse, by stopping the benefits in the first place.” (Interview participant)

Some participants noted that the issue of fraud constantly affects them as a benefit claimant due to the stigma and assumptions made about benefit clients. Even when they have done nothing wrong, and that even in cases where they are proved innocent, there can be long-term negative impacts<sup>4</sup>.

“And when I have a good day and I think I might walk to the end of the pavement, instead of using the wheelchair, then you think what if someone sees you and thinks, “Oh, you can walk”. Fraud really does affect everybody who’s claiming disability, because it makes you feel everyone’s watching you, and thinking “I wonder if she really is disabled”. How big a problem it is, I don’t know, I’ve no idea...but I think they should know the effect it has on everyone.” (Interview participant)

“I was accused of fraud by someone [...] They contacted the DWP and they stopped my [family members’] benefits because of this person contacting them. I had to then prove my innocence. So, it was like we were assumed to be liars. Rather than, you said in your statement you assume innocence until proven guilty. They assumed guilty until I proved my innocence. [...] But the stress of that, of being accused of being a fraudster, having the benefit stopped straight away. I got into so much debt over that 18 month period that I had to support my [family members] financially, that my mental health went really, really, bad, because I wasn’t earning enough to support them financially.” (Interview participant)

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<sup>4</sup> This aligns with previous research, which highlighted that people would find being investigated for fraud very distressing, regardless of the outcome. For further detail see [Scottish Government \(2020\), Social Security Experience Panels: Fraud investigation notifications](#)

# Special measures for late re-determinations, appeals and applications

## Views on measures introduced during COVID-19 for late re-determinations and appeals

Special measures were implemented during the pandemic which allowed clients to submit a re-determination or appeal request beyond one year of the determination or re-determination if the reason for the lateness was COVID-19<sup>5</sup>. Participants from the focus groups and interviews were asked if they agreed that now is the right time to stop these measures for COVID-19. Mixed views were provided.

Many participants who agreed that it is right to stop COVID-19 measures said that the pandemic does not represent as high a risk as it was when it started. Some felt that the pandemic is now over, so COVID-19 cannot be a reason for any lateness in requesting a re-determination or an appeal.

“I agree to stop measures. I know it is wrong to say that COVID-19 is on [the] way out, but it is not necessarily as bad it was when everything was shut down. Maybe the time is right [for] everything to move forward. You can't use COVID as an excuse now.” (Interview participant)

Other participants noted that although the pandemic is continuing it has become normalised and is no longer an exceptional event and can no longer be regarded as a sufficient excuse for any delays.

“I think that what we know is that COVID-19 is going to be around for many years to come and we're going to have to live with it. If that's going to be the norm, then the rules should go back to the norm. How can you wait a year then suddenly decide, nope I've got COVID [...] using COVID as a reason now, it's not a good enough reason for people not putting in paper work.” (Interview participant)

Other participants who agreed that it is the right time to stop COVID-19 measures noted that the public are now better protected through vaccinations and safety measures and that public services are largely back to normal; hence the rules about late re-determinations and appeals should also go back to their pre-pandemic state.

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<sup>5</sup> One year was the maximum prescribed period for late requests for re-determinations and appeals before the [Coronavirus \(Scotland\) Act 2020](#).

“Yes, I think it is the right time to stop them now. I think the majority of things are pretty much getting back to normal now. I don’t think it’s necessary to continue. A year is more than enough time to do these things, even if you have problems getting hold of somebody, I think it’s a good idea just to let it go now.” (Interview participant)

“We are all more and less vaccinated now so we don’t have it as bad now.” (Interview participant)

Some participants who disagreed or were not sure if it is the right time to stop the COVID-19 measures mentioned that some people experience long covid and due to its health effects, they should be allowed a longer period of time for their re-determination and appeal requests.

“...basically they’ve already said that COVID will flare back up and if we are going to go through anything like we’ve been through in the past, it’s not the right time. Taking it away too quick could be to the detriment of people. People could be lying ill in bed for a year with long COVID, the effects of that could be horrendous. If that person is the only one doing their application, they might need longer still.” (Focus group participant)

Some participants disagreed with stopping the COVID-19 measures because they noted that levels of infections are still high, and the health effects of COVID-19 can still be very serious.

“There’s still a lot of infections, but it’s not as present in the media. There are still millions of people infected. It’s being a little bit premature. [...] I think still allow for COVID because we don’t know the full extent of the after effects of COVID. Some people have been floored and have long COVID and cannot work. This could have an effect on their benefits and their claims and how they claim. I wouldn’t drop it yet, maybe revisit it. It may be an overreaction, but you need to know that you are still thinking about it and care about it.” (Interview participant)

Others who disagreed with stopping the COVID-19 measures noted that there are some vulnerable and disabled people who cannot have the vaccine, meaning that they can still get seriously ill and that this could consequently result in delays to their re-determination and appeal requests.

“...some people on ADP can’t have the vaccine, some are still vulnerable, so some people are still very affected. If COVID is the reason, they should still have that option.” (Focus group participant)



### **The timescale for late re-determination and appeal requests**

When asked about their views on stopping the COVID measures some participants highlighted that one year is a fair and long enough timeframe for late requests, and that there are no justifiable reasons to delay a request beyond one year.

“No conceivable justification for that kind of leeway anymore as COVID pandemic largely over. No reason to extend beyond a year for any reason. That is more than a reasonable amount of time for someone to appeal a decision.” (Interview participant)

Two participants who acknowledged the health effects of experiencing long COVID suggested that one year is still a sufficient period for submitting re-determination and appeal requests.

“I think you have to allow for long COVID. If someone says they have long COVID they should be allowed a longer period. I think one year is a fair cut off.” (Interview participant)

### **Special measures for late applications**

Special measures are also in place for late benefit applications if the delay is due to a reason related to COVID-19. For some benefits there is already legislation that allows an application to be treated as made ‘on time’ if there is good reason for the delay, but for other forms of assistance there is no flexibility for late applications other than the COVID-19 reason.

### **Views on COVID-19 as a valid reason for late applications**

Research participants were asked if they agreed or disagreed that applications for assistance to Social Security Scotland should no longer be able to be treated as valid where they are made late and the reason for that delay is related to COVID-19. Similar views to the ones conveyed for late re-determination and appeals requests and COVID-19 were highlighted by participants

Participants who agreed that COVID-19 should not be a valid reason for late applications noted that people are now used to living with the pandemic, and are also better protected because of the vaccines. Hence, the COVID-19 measures are no longer relevant.

“Yes, take it away we are all getting used to COVID now [...] we have to learn to live with it and that's why the vaccines are there to help.” (Interview participant)

One participant noted that having COVID-19 alone is not a good enough reason to postpone administrative tasks such as completing applications.

“You set lots of timeframes and people will apply within that time, I think the slippage is on the other side and there should be penalties for that. Using COVID as a reason now, it’s not a good enough reason for people not putting in paper work.” (Interview participant)

Some participants who disagreed with removing the special measures for late benefit applications highlighted that COVID-19 still affects people’s health, particularly vulnerable people.

“I disagree. I think COVID should still be considered as a reason for being late. People are still catching it and becoming ill from it [...] I know far too many vulnerable people and I wouldn’t want to put them at risk. I think it’s the same as any infectious illness.” (Interview participant)

A few participants mentioned that some people can experience long COVID or that there is still a risk of hospitalisation because of COVID, both of which could delay submitting applications.

“If they are hospitalised because of COVID then that’s a valid reason. There has to be some flexibility and common sense.” (Interview participant)

Others noted that some people cannot work on the application process when infected with COVID, especially when they do not have any support to help them with completing application forms or requests.

“COVID-19 is still a valid condition. If it’s a single person who doesn’t have assistance, that would be a valid reason for a delay. Trying to get medical information can take 6 weeks so applications can be late because of this.” (Interview participant)

### **Reasons for late applications**

Participants were asked if they agreed or disagreed that the ability to apply late with a ‘good reason’ should be extended to reasons other than COVID-19. Participants agreed with this proposal. They gave various ‘good reasons’ that can be valid for late applications.

#### Client or family member being ill

Some participants stated that a client or their family member being ill is a good reason for an application being delayed. They mentioned that a range of illnesses may include long-term health conditions which can become worse, or which may have a long-term effect. Mental health conditions were also noted as good reasons. Many participants mentioned stays in hospitals as a valid reason.

“Yes, you can apply late with a reasonable excuse at the moment. I consider a good reason to be hospitalised, for example.” (Interview participant)

Some participants had contrasting ideas about which illnesses should be considered as valid reasons for late applications. Whereas a few mentioned that all illnesses should be considered, others noted that 'your everyday illnesses' (for example, flu or chicken pox) should not be considered as good reasons for delaying submitting applications.

"Application might be late because a family member was ill, not COVID; but might have broken a hip and been in hospital or just come out of hospital and haven't filled in a form or forgotten to fill in a form. The other reasons would have to be quite strong, not I had the flu, I forgot, my child had chicken pox. It would have to be a strong reason. Otherwise, there would be too many loose ends." (Interview participant)

"I'm not being funny, but I think it should be for everything, if it's a health-related issue it could be that you've had to go to the hospital to get tests or anything, or it could be that you've had a bad flu, if you've had a bad flu, you don't want to be dealing with applications and that. I think any reason could be a good reason." (Interview participant)

#### Supporting evidence

Some participants said that getting supporting information/evidence from health professionals can take longer than the timeframe for applications, and these delays could be a good reason for late applications.

"A lot of the time when you are putting stuff together it takes time. If you are trying to get information from the GP, it takes time." (Interview participant)

"If you were waiting on some supporting evidence, that should be taken into consideration." (Focus group participant)

#### External support

Some participants highlighted that a client may need external support from third sector/advocacy organisations to complete applications, however the waiting period for that support may be longer than the timescales to complete and submit applications.

"We had a deadline but by the time we got involved with the financial inclusion team this brought us over the deadline ... " (Interview participant)

#### Family reasons

A few participants noted some family circumstances such as caring responsibilities or having a baby as good reasons for late applications.

“Should be extended to other reasons, for example if someone has just had a new baby or young children they might forget. Some people are sick for a very long time and struggle to function. You should be able to have a year to do a re-determination if you have a new baby, you can’t get out of bed because of illness and you had no mental facility to deal with it at that time.” (Interview participant)

#### Unexpected life events

A few participants mentioned accidents, family bereavement, breakdown of a relationship or moving house as good reasons for late applications.

“Illness, bereavement, trauma and unexpected accidents, relationship breakdown, moving house.” (Interview participant)

#### Other reasons

Some participants mentioned other circumstances such as delays in receiving forms, having no support to complete forms, or coming out of prison as reasons that could impact on whether an application was submitted on time. Others also mentioned that the reasons for late applications should be assessed on case-by-case basis.

“Can’t have a definitive list of reasons, but a client would give a reason and it would have to be assessed. A case-by-case basis. Need to say that you reserve the right not to accept their reason.” (Interview participant)

# Reasons for late applications: follow-up survey<sup>6</sup>

A follow-up survey was carried out with Client Panels members to explore their views on reasons for late applications. The survey asked respondents whether they thought late applications should ever be accepted by Social Security Scotland for the benefits listed below:

- Best Start Foods
- Best Start Grant – Pregnancy and Baby Payment
- Best Start Grant – Early Learning Payment
- Best Start Grant – School Age Payment
- Funeral Support Payment
- Job Start Payment.

These benefits were chosen because they have deadlines for applying for them. The survey and all its findings therefore relate specifically to these benefits. Around half of respondents (48 per cent) said ‘yes’. Just over a quarter (28 per cent) said ‘maybe’. Less respondents answered ‘no’ or ‘no strong opinion’ (16 per cent and 7 per cent, respectively). Analysis was carried out to determine if survey respondents with different demographic characteristics and experience of different benefits gave significantly different answers. However, there were no significant differences in answering trends found across these groups.

**Table 1.** Do you think applicants of Social Security Scotland should be allowed to apply for the benefits listed above later than their deadlines? (n=339)

	Number of respondents	% of respondents*
Yes	164	48
Maybe	96	28
No	54	16
No strong opinion	25	7

\* Figures may not add to 100 per cent due to rounding

The survey asked respondents about certain situations applicants might experience and their thoughts on whether these situations should allow for Social Security Scotland accepting late benefit applications. For each situation, respondents were

<sup>6</sup> Findings presented on this section are based on the survey responses from Client Panels members.

asked to answer a closed question on whether they thought late benefit applications should be allowed. Respondents were then asked to explain their reasoning for the response they gave in an open text response. The specific situations are covered in detail below.

**An applicant being seriously ill to the extent where their normal life and ability to carry out tasks is considerably impacted (for example, by a stay in hospital).**

The majority of survey respondents (84 per cent) felt that this situation should be acceptable for allowing late benefit applications. A tenth (10 per cent) answered ‘maybe’ and much lower proportions answered ‘no’ or ‘no strong opinion’ (4 per cent and 2 per cent respectively).

**Table 2.** An applicant being seriously ill to the extent where their normal life and ability to carry out tasks is considerably impacted (for example, by a stay in hospital) (n=337)

	Number of respondents	% of respondents*
Yes	282	84
Maybe	35	10
No	12	4
No strong opinion	8	2

\* Figures may not add to 100 per cent due to rounding

**Respondents’ reasoning for answers**

In favour of allowing late applications

The most common reason given by survey respondents was that illness would be outside of the applicant’s control and therefore, they should not be penalised for this leading to their benefit application being submitted late.

“The person may not be able to/find it hard to make the application. It would be unfair for them to miss out on something they may be entitled to, because of circumstances out of their control.” (Survey respondent)

“An applicant being seriously ill is something that isn't in their control so there should be exceptional circumstances.” (Survey respondent)

Other common reasons raised included that applicants would (or should be) focusing on their health and feeling better. Some respondents suggested that, in some cases, applicants could be too physically or mentally unwell to complete the application. Similarly, others said that applicants may be too stressed with too much else going on to focus on benefit applications.

"Being ill is a scary situation for most at the best of times but adding in pregnancy and/or having children adds extra pressures. People should be allowed to concentrate on getting better and back on their feet without the added stress of time limits set by benefit agencies." (Survey respondent)

"I'm in heart failure myself and if I've been admitted to hospital or recovering from a bout of illness (which generally affects heart patients more severely), the last thing on my mind will be applying for benefits. It's to survive. It's why it took me 2 years to apply to PIP." (Survey respondent)

"I have suffered depression and this can be completely debilitating to the point of not caring for yourself. Suffering this I can understand how applicants can be late." (Survey respondent)

Several respondents noted that applicants would be unable to get information on benefits or support to complete an application. Others raised the issue of applicants struggling to access the internet or technology needed to apply if staying in hospital.

"The person may not be aware of forms needing to be completed due to not being at home. Struggle with reading and writing and gaining assistance to complete forms." (Survey respondent)

"If they are in hospital they might not have all the information needed." (Survey respondent)

"Sometimes internet and phone reception is terrible in hospitals also they may not be well enough to contact effectively especially if on hold for a long time." (Survey respondent)

"If someone is hospitalised due to illness, they might not have access to devices to apply online." (Survey respondent)

#### Against or mixed views about allowing late applications

Several respondents said that applicants who are ill could get support from others to apply. Some respondents said acceptance of a late application in this situation should only be allowed if the applicant was in a critical condition. A few people felt that most people would still have the means to apply despite their illness.

"Because I'm sure they would have a family member that can do it for them if they know they have a deadline." (Survey respondent)

"Every situation is different but unless you're two thirds dead, you've been told so you shouldn't be allowed a late application." (Survey respondent)

"It's a hard one. Who decides what illness would deem you unable to apply. All hospitals have Wi-Fi so most people would still be able to apply from a hospital bed." (Survey respondent)

### A close family member of an applicant being seriously ill

The majority of respondents were supportive of Social Security Scotland accepting late applications in this scenario, with around two thirds (65 per cent) answering 'yes'. A fifth (20 per cent) answered 'maybe' and lower proportions of respondents answered 'no' or 'no strong opinion' (13 per cent and 3 per cent respectively).

**Table 3.** A close family member of an applicant being seriously ill (n=331)

	Number of respondents	% of respondents*
Yes	214	65
Maybe	65	20
No	42	13
No strong opinion	10	3

\* Figures may not add to 100 per cent due to rounding

### Respondents' reasoning for answers

#### In favour of allowing late applications

The most common reason given was that, in this situation, applicants would have too much else going on to focus benefit applications. Similarly, some respondents said that applicants would be focusing on their family member, since this would be the priority for them.

"As the child of a parent who was terminally ill, I know how much this impact can have on your day-to-day thinking. Paying bills etc, everything goes to the back of your mind. I know it did for me as an adult when I was rushing back and forwards to the hospital for my mum." (Survey respondent)

"Because when someone is ill, it's difficult to think about anything else." (Survey respondent)



Other respondents talked about there being no time to complete applications in this situation (especially if the applicant is caring for the family member) and the situation being outside of the applicant's control.

"If the person had to care for their ill relatives as well as themselves and themselves and/or children etc then it should be taken into consideration that they might not have had the time to apply due to extra demands on their time." (Survey respondent)

"Circumstances out with persons control seriously impacts ability to do such applications when clearly more pressing matters at hand." (Survey respondent)

A few respondents mentioned how the family member who is ill could be a person who normally supports the applicant with benefit applications.

"Because they would be preoccupied and maybe rely on that family member for help with forms." (Survey respondent)

#### Against or mixed views about allowing late applications

Some respondents felt that late applications should only be allowed in this situation in certain circumstances. For example, some felt that a late application should be accepted only if the family member who is ill is a close relation. Others felt it depended on how critical a condition the family member was in or if the applicant was caring for the family member.

"It would depend if they become a care giver of the ill person. It would cause more to think about and a lot less time for their own life." (Survey respondent)

"Depending on who it was and how it impacts their life, e.g. close relative or distant relative, are they the carer? Are they directly responsible for the person that's ill?" (Survey respondent)

"I think it depends how seriously ill they are." (Survey respondent)

### **An applicant having a severe case of COVID-19 or long COVID that has considerably impacted their normal life and ability to carry out tasks**

A little over two thirds (69 per cent) of respondents felt that Social Security Scotland should accept late applications for applicants affected by severe COVID-19 or long COVID. The next most common response was 'maybe', with 17 per cent of respondents giving this answer. 'No' and 'no strong opinion' were the least common responses (9 per cent and 4 per cent respectively).

**Table 4.** An applicant having a severe case of COVID-19 or long COVID that has considerably impacted their normal life and ability to carry out tasks (n=338)

	Number of respondents	% of respondents*
Yes	233	69
Maybe	58	17
No	32	9
No strong opinion	15	4

\* Figures may not add to 100 per cent due to rounding

### Respondents' reasoning for answers

#### In favour of allowing late applications

The reasons that respondents most often gave for this being an acceptable reason for late applications was that COVID-19 or long COVID could leave applicants physically or mentally unable to apply on time. Many respondents stated that this was outside of applicants' control. The mental health effects of having Covid-19 and of the pandemic were specifically mentioned.

"I know when I had COVID my brain went to mush and I was very unwell. I think this is definitely a reason for a late application. I could barely function never mind remember to fill out forms." (Survey respondent)

Other respondents spoke about how applicants would have too much else going on and would be too stressed to focus on benefit applications. Many spoke about how the applicants' health and caring for their families would be prioritised over benefit applications.

"Their day-to-day life is impacted by their health. To care for their children might be difficult enough and will be their main priority. Having to apply for a benefit will be down on their list of what to do and possibly forgotten until it's too late." (Survey respondent)

"If their normal life has been considerably impacted, I can only imagine that getting well or at least back to some sort of normality would be their top priority. Due to this, the application deadlines etc, may not be something that they have been thinking about at the time." (Survey respondent)

Several respondents mentioned how COVID-19 or long COVID could make it logistically difficult to apply for benefits on time, for example, applicants may not be able to access support to complete applications, information on benefits or supporting evidence.

"Would expect somebody would help them apply, however COVID related anything freaks people out so it may be harder to access help." (Survey respondent)

"If long COVID keeps applicant in house, unable to be made aware of benefits." (Survey respondent)

Against or mixed views about allowing late applications

Many respondents felt that whether late applications should be accepted in this situation depended on the severity of the illness. Several people mentioned how long COVID can affect people in very different ways and this would require late applications in this situation to be assessed on a case by case basis.

"Depends on level of impact. Hospital stay really being only reason why to accept." (Survey respondent)

"The recovery process is very different for everyone so it's not a one box for all in this circumstance. Many factors should be thought about in this situation, low energy, exhaustion, memory loss, lacking basic communication skills, no support etc." (Survey respondent)

Several respondents felt that suffering from COVID-19 or long COVID could be falsely used as an excuse for late benefit applications if there was no supporting medical evidence.

"Without medical evidence to confirm "long COVID" would be too easy for anyone to try and use this as a reason, therefore, subject to abuse." (Survey respondent)

### **An applicant having to wait for supporting information to be supplied by someone else to aid their application (for example, from an employer, Funeral Director or health professional)**

The majority (82 per cent) of survey respondents answered 'yes' when asked if late benefit applications should be accepted in this scenario. A tenth (10 per cent) of respondents answered 'maybe', 5 per cent answered 'no,' and 2 per cent answered 'no strong opinion'.

**Table 5.** An applicant having to wait for supporting information to be supplied by someone else to aid their application (for example, from an employer, Funeral Director or health professional) (n=333)

	Number of respondents	% of respondents*
Yes	273	82
Maybe	34	10
No	18	5
No strong opinion	8	2

\* Figures may not add to 100 per cent due to rounding

### Respondents' reasoning for answers

#### In favour of allowing late applications

The most often given reason in support of late applications in this situation was that the delay on waiting for information could be outside of the applicant's control or not their fault, so they should not be penalised for this.

"A person can't be held accountable for how long it takes for someone else to give them information they need. If it's out with their control then exceptions could be made." (Survey respondent)

"I have been there and it's a stress and strain when you're waiting and the control is out of your hands, especially the DWP they are a nightmare for obtaining a thing I have needed over the years." (Survey respondent)

Many respondents spoke about how many systems and services that applicants rely on for supporting information are under pressure from COVID-19 and other factors, meaning delays in getting information can be even more likely.

"Definitely. Especially with the back logs of mail and how busy the professionals are right now. Everything is taking much longer." (Survey respondent)

"Everyone is short staffed etc since COVID & there's not enough staff just to deal with their jobs, e.g. a school or doctors surgery doesn't have enough staff to deal with the problems already never mind a backlog of supporting letters for benefit application that may result in person losing out if it's not done quick." (Survey respondent)

#### Against or mixed views about allowing late applications

Some respondents felt that whether applications should be accepted late in this circumstance was dependent on different things. For example, several people said

that proof should be provided that applicants had requested supporting information in good time.

"Only if individual can demonstrate how they have tried to hurry the other individual along to provide data, copies of emails/messages asking them to provide." (Survey respondent)

"I think that if they had given themselves plenty time when asking for the documents, but are hindered by someone else then that isn't really their fault so maybe there should be some discretion there. However, if everything was left until last minute then that is really their own fault." (Survey respondent)

Several respondents suggested that late applications could be avoided by applications still being progressed or submitted without supporting information, which could be added later.

"The application can still be made on time and then the information could be given at a later date yes it would slow the application down but it still would have been made." (Survey respondent)

However, some respondents felt that responsibility to gather supporting information lay solely with the applicant and failure to do this on time should not mean that a late application should be accepted.

"Should supply all evidence at application. Your responsibility not Social Security Scotland's." (Survey respondent)

### **An applicant waiting for support from professionals outside of Social Security Scotland to help with their application (such as advocates or the Citizens Advice Bureau).**

Respondents most commonly felt that late applications should be accepted in this situation, with a little over two thirds (69 per cent) of respondents answering 'yes'. There were 17 per cent of respondents who answered 'maybe' and lower proportions answered 'no' or 'no strong opinion' (6 per cent and 8 per cent respectively).

**Table 6.** An applicant waiting for support from professionals outside of Social Security Scotland to help with their application (such as advocates or the Citizens Advice Bureau) (n=337)

	Number of respondents	% of respondents*
Yes	233	69
Maybe	57	17
No	20	6
No strong opinion	27	8

\* Figures may not add to 100 per cent due to rounding

### Respondents' reasoning for answers

#### In favour of allowing late applications

The most common reason given here was that support services that people may be using for support during applications are stretched and therefore there may be a long delay in receiving appropriate support. Many respondents felt that applicants should not be penalised for this situation which is outside of their control.

"An applicant may not have access to internet, understand the question, fill the form or how to operate computer. I remember when my contract at my workplace finished and my son was diagnosed with [health condition] at the same week. I have to applied for universal credit but cannot fill the form because of some questions I don't understand. But I did not get appointment on the same week with Citizens Advice Bureau but waiting for another four weeks." (Survey respondent)

"These services are critical but over stretched and therefore take time, these circumstances are out with of applicants ability and should be taken into consideration when accepting applications." (Survey respondent)

Many respondents spoke about how some people – especially those with disabilities – rely heavily on organisations to complete benefit applications. Some respondents felt that it was unfair to discriminate against those who rely on these services by not accepting late applications when they cannot be accessed.

"Because if someone relies on help to work through the application process then surely it is discrimination if they are not given enough time to get that help." (Survey respondent)

"Applicants who perhaps don't have the capacity to understand or ability to apply should not be penalised. As they are waiting for outside help, this is through no fault of their own." (Survey respondent)

## Against or mixed views about allowing late applications

The most common responses given were that applicants should have to prove they have sought support and that they should have done this in a timely manner for late applications to be accepted. One respondent mentioned how this reason could be subject to abuse or falsified if proof is not provided.

"If it is a situation beyond the individual's control, as long as they have proof they made an appointment within the time frame of the benefit." (Survey respondent)

"Dependent upon if individual can evidence this was an actual delay as [Citizen's Advice Bureau] were too busy, otherwise again subject to abuse." (Survey respondent)

Several respondents mentioned that late applications should not be accepted as applicants should be able to find support to fill in applications aside from official support services. One respondent mentioned that Social Security Scotland should provide this support.

"These applications are straightforward and if such an arrangement couldn't be met in time then friends or family could help." (Survey respondent)

A few respondents felt that it is the applicant's responsibility to ensure they are supported in time to meet the application deadline.

"These applications are straightforward and if such an arrangement couldn't be met in time then friends or family could help." (Survey respondent)

## **An applicant experiencing an ongoing or unexpected serious life event that is very difficult to cope with (for example, becoming homeless)**

The majority of respondents (83 per cent) felt that this situation should constitute for Social Security Scotland accepting late applications. Just under a tenth of respondents (9 per cent) said 'maybe' and low proportions of respondents said 'no' or 'no strong opinion' (both 4 per cent).

**Table 7.** An applicant experiencing an ongoing or unexpected serious life event that is very difficult to cope with (for example, becoming homeless) (n=336)

	Number of respondents	% of respondents*
Yes	279	83
Maybe	30	9
No	13	4
No strong opinion	14	4

\* Figures may not add to 100 per cent due to rounding

### Respondents' reasoning for answers

#### In favour of allowing late applications

The most common reason given for allowing late applications in this scenario was that applicants would likely have too much else going on and be too stressed to focus on submitting benefit applications on time. Several respondents spoke specifically about the mental health effects of difficult circumstances and how this could lead to late applications.

"When people are in high-stress situations they tend to focus on what they need to do to get through the day and applying for benefits can be overwhelming on top of just trying to survive." (Survey respondent)

"These type of events impact every aspect of a person's life. Ability to think clearly etc. probably being one of the main issues." (Survey respondent)

"Mental instability, depression and other concerns as a result of their circumstance caused them to apply late." (Survey respondent)

Many respondents also spoke about how experiencing such difficult life experiences could prevent applicants from being able to access the internet, appropriate technology or the support and information they need to apply for benefits.

"Sometimes if someone is homeless for example, it is inevitable that they may not be able to have to hand documents or make/get to appointments." (Survey respondent)

"These big life changing moments may mean you are unable to access your computer or you might have so much to be thinking about it's not a top priority for you to be providing information required." (Survey respondent)

#### Against or mixed views about allowing late applications

Of the few respondents who were against or had mixed views about accepting late applications in this situation, some said that Social Security Scotland should require



proof of the situation to accept late applications. Others felt that, despite the applicants' situations, they would be able to find support to help apply on time.

"If they have no physical way of applying in the time frame and can evidence this then yes. However I do feel there is support out there to help in these situations."  
(Survey respondent)

One respondent felt that this reason could be falsely used as an excuse for late applications.

"Feel the vagueness of what life event is would cause applicant to use this excuse for late applications so making Social Security Scotland's job more difficult."  
(Survey respondent)

### Other circumstances where Social Security Scotland should accept late applications

Survey respondents were asked if there were other scenarios that Social Security Scotland should consider for accepting late benefit applications. Just over a third (37 per cent) of survey respondents felt that there were additional circumstances to the ones mentioned in the survey that should warrant acceptance of a late benefit application. Just under a third (31 per cent) answered 'no' and a fifth (20 per cent) answered 'maybe'. A further 13 per cent of respondents said they had 'no strong opinion'.

**Table 8.** Do you think there are any other circumstances other than those already listed where Social Security Scotland should accept late applications to benefits? (n=332)

	Number of respondents	% of respondents*
Yes	122	37
Maybe	66	20
No	102	31
No strong opinion	42	13

\* Figures may not add to 100 per cent due to rounding

Some of the additional reasons suggested could be said to fall under the broader themes of the other situations discussed in the survey. However, scenarios that were suggested that differed significantly from the existing themes are explored below.

One of the most common reasons that was suggested as an acceptable reason for a late benefit application was the death of a close family member.

"Families coming to terms with the passing of a loved one." (Survey respondent)

The other most common reason mentioned related to applicants not knowing they were eligible for benefits or not having information on features of the benefits within the deadlines required for applications.

"Should they not have known the benefit existed at all. We don't make it known who can apply for what or what they are entitled to therefore they may discover it too late but that is the fault of the government for not making it widely known. Perhaps a leeway of sorts." (Survey respondent)

Several respondents spoke about how an applicant experiencing domestic or financial abuse may submit late benefit applications and that this should be allowed.

"There are so many life events can cause trauma, leading to the applicant [not being able to] carry out basic tasks. For example domestic violence, assault, sexual assault." (Survey respondent)

Some respondents spoke about how the complexities of situations that might make a person late in submitting benefit applications mean that each case should be assessed on an individual basis.

"I think the list could go on and I think it should be a case by case acceptable reason. Everyone is human and I cannot imagine someone purposely wants to miss out on the opportunity to have extra money for them and their child/children especially in this current climate." (Survey respondent)

Several other reasons were raised by one or very few respondents. These included applicants applying late because they are applying for adopted children, going through custody disputes, if applicants are travelling or if there is a language barrier.

### **Cross-cutting reasons**

When survey respondents were asked to give their reasoning for their question answers, some themes arose repeatedly throughout the survey responses. This was true both for reasons in favour of allowing late applications and where respondents were against or had mixed views about late applications. Some of these themes are covered above under specific questions where it was useful to explore this alongside the context of the questions. Other broader themes are explored below.

#### **In favour of allowing late applications**

Many respondents spoke about Social Security Scotland's values of dignity, fairness and respect. Many felt that in order to live by its values, Social Security Scotland should accept benefit applications that are late.

"A person should not be penalised for being seriously ill. Social Security Scotland would not be living up to its ethos of fairness, dignity & respect if it refused to accept late applications due to serious illness." (Survey respondent)

"Everyone has the right to live with dignity." (Survey respondent)

Across a few different questions, several respondents spoke about how Social Security Scotland benefits should not have deadlines for applications and how clients should be able to access support they are entitled to without worrying about deadlines.

"Even if an applicant doesn't have extenuating circumstances, these grants should be open all year round for applicants to access, otherwise you further a person's vulnerable financial situation, and limit support - it's undignified to withhold access or introduce a time constraint. Accessibility should be your main priority." (Survey respondent)

Several respondents spoke about how facing the situations listed in the survey would mean that applicants are even more in need of the benefits they are applying for, so allowances should be given for late applications.

"This person is in even more need as a result of their situation, not making allowances for them, makes them even poorer." (Survey respondent)

"Unfair to miss out while going through difficult time and need it most, morally right thing to do." (Survey respondent)

#### Against or mixed views about allowing late applications

Across most questions in the survey many respondents gave reasons that were mixed or against accepting late benefit applications that related to the logistics of making a benefit application/s. Many felt that the deadlines for applying for benefits are already long enough, so late applications should not be allowed.

"Because they have plenty of time to apply for each benefit. The onus is on them to apply on time." (Survey respondent)

Others said that applications are easy and quick to make and that applicants still have the means and time to apply in most of the situations explored in the survey.

"The benefits take a few minutes to apply for, can be done while in bed at night via phone/computer." (Survey respondent)

"Long COVID is hard going but most applications are online and even with covid/long covid people have phones in their hands." (Survey respondent)

Others felt that there would always be someone who could support applicants with their application within the allotted timeframes.

"Almost all the benefits listed allow you to apply over quite a lengthy period of your child's age. So if you are in need of the benefit then there is always someone who can help apply." (Survey respondent)

"It wouldn't prevent them from being able to apply online or asking either a family member or friend to apply on their behalf." (Survey respondent)

### Timeframes for lateness of applications

Respondents were asked to choose a specific timeframe for how long they thought benefit applications could be submitted after the benefit deadlines listed. The most common response was '1 – 3 months', which a third (33 per cent) of respondents answered. This was followed by 'up to 1 month', which just over quarter (26 per cent) of respondents answered. The third most common time frame was '4 – 6 months', answered by 17 per cent of respondents. The least common responses were '7 – 9 months' (2 per cent of respondents) and 'applications should not be accepted when at all late' (4 per cent of respondents).

Analysis was carried out to determine if survey respondents with different demographic characteristics and experience of different benefits gave significantly different answers. However, there were no significant differences in answering trends found across these groups.

**Table 9.** How long after the application deadlines is the latest you think applicants should be able to apply for Social Security Scotland benefits? (n=337)

	Number of respondents	% of respondents*
Applications should not be accepted when at all late	14	4
Up to 1 month	88	26
1 - 3 months	111	33
4 - 6 months	56	17
7- 9 months	8	2
10 - 12 months	27	8
More than 12 months	33	10

\* Figures may not add to 100 per cent due to rounding

## What's next?

The Scottish Government will continue to work with stakeholders and the Experience Panels in the design and development of Scotland's social security system.

The findings of this research will help to inform the Scottish Government's social security policies as they are refined and developed, in line with the Scottish Social Security Principles.

We also commissioned an independent research company to conduct the analysis of responses to the [Scotland's social security system: enhanced administration and compensation recovery consultation](#), and we will publish the analysis report on the Scottish Government website. We will also publish the consultation responses, where permission has been given to do this, on Citizen Space.

## Annex A: About interview and focus group participants

Where possible, information from participants was matched to demographic information supplied previously by Experience Panels members. The following demographic tables are included to give context to the findings presented in this report. The tables show proportions based on available information and the total number of respondents is given as (n) in the table title.

**Table 10:** Gender of participants (n= 54)

	Number of participants	% of participants*
Female/woman/girl	32	60
Male/man/boy	19	35
Non-binary	<10	4
Other response	<10	2

\* Figures may not add to 100 per cent due to rounding

**Table 11:** Age of participants (n=55)

	Number of participants	% of participants*
25-44	8	15
45-59	22	40
60-79	24	44
80 or over	<10	2

\* Figures may not add to 100 per cent due to rounding

**Table 12:** Ethnicity of participants (n=49)

	Number of participants	% of Participants
White	44	90
Ethnic minority	<10	8
Prefer not to say	<10	2

**Table 13:** Disability or long-term health condition (n=55)

	Number of participants	% of participants
Yes	49	89
No	<10	11

**Table 14:** Caring responsibilities (n=55)

	Number of participants	% of participants
Yes <sup>7</sup>	35	64
No	20	36

**Table 15:** Location of participants (n=57)

	Number of participants	% of participants
Urban	44	77
Rural	13	23

**Table 16:** Sexual orientation (n=49)

	Number of participants	% of participants*
Heterosexual/straight	42	86
Prefer not to say	<10	6
Gay/lesbian	<10	2
Bisexual	<10	2
Pansexual	<10	2
Other response	<10	2

\* Figures may not add to 100 per cent due to rounding

<sup>7</sup> Caring for: an adult or adults with long-term health physical/mental ill-health/a disability, a child or children with long-term physical/mental ill-health/a disability or for an adult or adults who needs support due to old age.

## Annex B: About survey respondents

Where possible, information from survey respondents was matched to demographic information supplied previously by Client Panels members. The following demographic tables are included to give context to the findings presented in this report. The tables show proportions based on available information and the total number of respondents is given as (n) in the table title.

**Table 17:** Gender of participants (n=316)

	Number of respondents	% of respondents*
Female/woman/girl	249	79
Male/man/boy	65	21
Prefer not to say	<10	1

\* Figures may not add to 100 per cent due to rounding

**Table 18:** Age of survey respondents (n=311)

	Number of respondents	% of respondents*
16-24	10	3
25-34	79	25
35-44	167	54
45-54	31	10
55-64	15	5
65 or over	<10	3

\* Figures may not add to 100 per cent due to rounding

**Table 19:** Ethnicity of survey respondents (n=309)

	Number of respondents	% of respondents*
White	252	82
Ethnic minority	53	17
Prefer not to say	<10	1

\* Figures may not add to 100 per cent due to rounding



**Table 20:** Disability or long-term health condition (n=317)

	Number of respondents	% of respondents*
Yes	114	36
No	185	58
Prefer not to say	18	6

\* Figures may not add to 100 per cent due to rounding

**Table 21:** Caring responsibilities (n=302)

	Number of respondents	% of respondents*
Yes <sup>8</sup>	105	35
No	179	59
Prefer not to say	18	6

\* Figures may not add to 100 per cent due to rounding

**Table 22:** Location of respondents (n=308)

	Number of respondents	% of respondents*
Urban	269	87
Rural	39	13

\* Figures may not add to 100 per cent due to rounding

**Table 23:** Sexual orientation (n=313)

	Number of respondents	% of respondents*
Heterosexual/straight	276	88
Gay/lesbian	11	4
Bisexual	<10	0
Prefer not to say	25	8

\* Figures may not add to 100 per cent due to rounding

<sup>8</sup> Caring for: an adult or adults with long-term health physical/mental ill-health/a disability, a child or children with long-term physical/mental ill-health/a disability or for an adult or adults who needs support due to old age.

## Annex C: Number of participants by topic

Participants for the interviews and focus groups were able to choose which topics they were consulted on during the fieldwork. As a result, participant numbers varied by topic<sup>9</sup>. The table below shows a breakdown of the number of interview and focus group participants by each topic.

**Table 24:** Number of participants by topic

Topic	Interviews*	Focus group	Total**
Re-determinations and appeals	16	8	24
Fraud	15	0	15
COVID	16	8	24

\* Remote and in-person interviews.

\*\*As interviews commonly covered more than one topic, the sum of totals by topic is higher than the total number of participants for the research overall.

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<sup>9</sup> No focus groups were conducted on the topic of alternatives to prosecution for low-level fraud.

## **Annex D: List of abbreviations**

List of Commonly used abbreviations in this report

ADP: Adult Disability Payment

CAB: Citizens Advice Bureau

COVID-19: Coronavirus

DWP: Department for Work and Pensions

PIP: Personal Independence Payments

### **How to access background or source data**

The data collected for this social research publication:

- are available in more detail through Scottish Neighbourhood Statistics
- may be made available on request, subject to consideration of legal and ethical factors. Please contact [socialsecurityexperience@gov.scot](mailto:socialsecurityexperience@gov.scot) for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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