

## Response ID ANON-YSPB-XTSB-Y

Submitted to **Consultation on Social Security in Scotland**  
Submitted on **2016-10-25 15:34:17**

### Information About You

#### What is your name?

**Name:**  
Muriel Mowat

#### What is your email address?

**Email:**  
enquiry@siaa.org.uk

#### Are you responding as an individual or an organisation?

Organisation

#### What is your organisation?

**Organisation:**  
Scottish Independent Advocacy Alliance

#### The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (anonymous)

**We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

### Fixing the principles in legislation

#### Which way do you think principles should be embedded in the legislation?

C. Some other way

#### If other, please specify:

A Claimants' Charter should be developed alongside the principles being placed in legislation.

#### If you think option A 'a Claimant Charter' is the best way to embed principles in the legislation.

#### What should be in the charter?

##### What should be in the charter:

The Charter should include making clear, both to those applying for benefits and to those administering them, the rights of claimants to respect, dignity etc and also make clear what they can expect from the Social Security Officers in terms of timescale, information and direction to forms of support where required.

#### Should the charter be drafted by:

Both

#### If other, please specify:

**We are considering whether or not to adopt the name, "Claimant Charter". Can you think of another name that would suit this proposal better? If so, what other name would you choose?**

**We are considering whether or not to adopt the name, "Claimant Charter". :**

#### Do you have any further comments on the 'Claimant Charter'?

other comments - claimant charter:

**If you think option B 'placing the principles in legislation' is the best way to embed principles in the legislation.**

**On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect?**

The Scottish Government

**If someone else, please specify:**

**Do you have any further comments on placing principles in legislation?**

**further comments on placing principles in legislation:**

The principles should be placed in legislation along with procedures for actions if these are not met. Principles to be included in any future legislation should be developed in co-production with people who use social security systems and organisations that represent them. Principles should build on the existing Scottish Government principles and make reference to:

- Dignity
- Respect
- Transparency
- Active and constructive participation of people who use the system
- Safeguarding wellbeing of people who use the system
- Continuous improvement.

**Do you have any further comments or suggestions in relation to our overall approach, to fix our principles in legislation? For example, do you feel that there is no need to fix principles in legislation?**

**comments or suggestions in relation to our overall approach, to fix our principles in legislation:**

## **Outcomes and the User Experience**

**Are the outcomes the right high level outcomes to develop and measure social security in Scotland?**

Not Answered

**Please explain why.:**

**Are there any other outcomes that you think we should also include (and if so, why)?**

**ny other outcomes that you think we should also include:**

**How can the Scottish social security system ensure all social security communications are designed with dignity and respect at their core?**

**Scottish social security system ensure all social security communications are designed with dignity and respect at their core:**

**With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?**

**With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?:**

All social security communications should be designed in different formats to take account of specific communication needs of individuals, for example easy read, braille, large print etc.

The Scottish Government should consult with people who will access the social security system and organisations that work with those individuals when developing the language and means of communication to make sure that it is accessible and appropriate.

**Are there any particular words or phrases that should not be used when delivering social security in Scotland?**

Not Answered

**If yes, please state which words or phrases should not be used.:**

**What else could be done to enhance the user experience:**

**When people first get in touch?:**

**When they are in the process of applying for a benefit?:**

**When a decision is made (for example, about whether they receive a benefit)?:**

**When they are in receipt of a benefit?:**

**How should the Scottish social security system communicate with service users (For example, text messaging or social media)?**

**Scottish social security system communicate with service users:**

**What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?**

co-production and co-design approach:

**We are considering whether or not to adopt the name, "User Panels". Can you think of another name that would better suit the groups of existing social security claimants which we will set up? If so, what other name would you choose?**

**We are considering whether or not to adopt the name, "User Panels".:**

## **Delivering social security in Scotland**

**Should the social security agency administer all social security benefits in Scotland?**

Not Answered

**Please explain your answer.:**

**Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?**

Yes

**Please explain your answer.:**

The default position should be that all disability benefits should be made in cash rather than alternative support (excluding where this may apply to Motability arrangements). Any potential "in-kind" support should be offered to the person by way of free choice, without pressure placed on the claimant to select specific forms of support.

**How best can we harness digital services for social security in Scotland?**

**How best can we harness digital services for social security in Scotland?:**

**Should social security in Scotland make some provision for face to face contact?**

Yes

**Please explain your answer.:**

This should be based on the preference of the individual applying for benefits. For some of the most vulnerable, those with mental health problems, those with learning disabilities, some may find face to face contact easier for them to communicate their circumstances while others may find face to face contact difficult.

**Who should deliver social security assessments for disability related benefits?**

**Who should deliver social security assessments for disability related benefits?:**

**Should we, as much as possible, aim to deliver social security through already available public sector services and organisations?**

Not Answered

**Please explain your answer.:**

**Should any aspect of social security be delivered by others such as the 3rd sector, not for profit organisations, social enterprises or the private sector?**

Not Answered

**If yes, which aspects?:**

## **Independent advice and scrutiny**

**Do you think that there is a need for an independent body to be set up to scrutinise Scottish social security arrangements?**

Not Answered

**Please explain your answer.:**

**If you agree, does the body need to be established in law or would administrative establishment by the Scottish Government of the day be sufficient?**

Not Answered

**Please explain your answer.:**

**If yes, what practical arrangements should be made for the independent body (for example, the law could state how appointments to it are made and the length of time an individual may serve as a member of the body)?**

what practical arrangements should be made for the independent body :

### **Further considerations & Independent scrutiny of standards**

**Should there be a statutory body to oversee Scottish social security decision making standards?**

Not Answered

**Please explain your answer.:**

**If yes, should there be a separate body in its own right?**

Not Answered

**Please explain your answer.:**

**Do you have any other views about the independent scrutiny of social security arrangement in Scotland (e.g. alternative approaches)?**

about the independent scrutiny of social security arrangement in Scotland :

### **Advice, representation and advocacy**

**What role[s] should publicly funded advice providers to play in the development of a new Scottish social security system?**

**What role[s] should publicly funded advice providers to play in the development of a new Scottish social security system?:**

**What steps need to be taken, to understand the likely impact of the transfer of the devolved benefits on publicly funded advice in Scotland?**

**What steps need to be taken, to understand the likely impact of the transfer of the devolved benefits on publicly funded advice in Scotland?:**

**How could the transfer of the devolved benefits to Scotland be used to drive improvements in the provision of publicly funded advice?**

**How could the transfer of the devolved benefits to Scotland be used to drive improvements in the provision of publicly funded advice? :**

**Do you think that Independent Advocacy services should be available to help people successfully claim appropriate benefits?**

Yes

**Please explain why.:**

There is a significant amount of evidence demonstrating the need for access to independent advocacy to support some of those who are most vulnerable in applications and assessments for benefits. Advocacy organisations report on many examples of people facing real difficulties in relation to benefits claims and assessments, the support offered by advocacy and resultant positive outcomes.

That is in the existing system, however even with a change in culture and approach it is unlikely that all social security staff will have appropriate levels of experience and understanding of the difficulties that may be experienced by some of the most vulnerable individuals applying for social security benefits. There is evidence to suggest that some of the most vulnerable of those needing to make such applications will be unable to engage with the process, to fully understand what is required of them and to give clear information in communicating with social security staff.

Being able to access advocacy provides support that can reduce levels of anxiety and will help ensure the individual understands the process and what is required of them. Advocacy support will help ensure that social security staff have clear information from and understanding of the individual and are therefore equipped to deal with each application as efficiently and thoroughly as possible.

Several advocacy organisations have supported individuals through claims and assessments and have examples of the positive impact advocacy support has had.

Case study 1 – A 40 year old woman with learning disabilities and mental health problems had been assessed as being capable to work, been put on to Job Seeker's Allowance and then sanctioned due to her lack of response to communications from the benefits agency. She had had no benefits for 6 weeks. She cannot read and did not understand what she was being asked to do. When she went to the Agency she was arrested following an incident in the office and was taken to hospital by the police. She was discharged very quickly but was referred at that point to her local advocacy organisation.

She told the advocate that she did not understand what they wanted her to do and that they told her she would not be receiving any further benefits until she had done whatever it was. She had felt very frustrated and anxious and had shouted at staff in the Agency.

Her advocate went with her to the Benefits Agency. When the officer told her that she would be expected to carry out job searches online and keep a diary detailing what she had applied for her advocate explained that she did not have a computer: she could not read; she suffered from anxiety and depression; she had a learning disability and had difficulty in understanding processes and instructions.

Following this interview she was sent for a medical assessment and has now been awarded ESA.

Case Study 2 – John, a 23 year old man with Asperger's, who suffered very high levels of anxiety, was called attend an ESA Assessment. He contacted his local advocacy organisation and explained that he was afraid he would have to sign on for Jobseekers Allowance.

• His advocate supported John to think about and have recorded the difficulties he has experienced and to prepare himself for the assessment interview.

- His advocate supported him during a long wait in the assessment centre for his delayed appointment and helped him to remain calm when he felt stressed and anxious.
- His advocate supported him to explain his difficulties to the assessor and giving specific examples of how these would impact on his ability to hold down a job, which he struggled to understand himself.

As a result of the support John felt that he was listened to. ESA was awarded and he believes that the support from his advocate made a real difference.

Case Study 3 - Miss C has a diagnosis of PTSD and anxiety. Her mental health fluctuates and when she is unwell she withdraws from social contact. On one occasion, while unwell she failed to attend an assessment for PIP. She did not contact the assessment centre until several days later and was informed that her PIP would be stopped as she had not attended the assessment. Her Community Psychiatric Nurse was worried about the resulting deterioration in her mental health and referred her to her local advocacy organisation.

The advocate supported her to contact the DWP explaining the reason for her non-attendance and requesting another assessment. Her advocate helped her to prepare for the assessment, thinking about what she needed to explain about her condition, the advocate also attended the assessment with her. She was awarded enhanced rate care and standard rate mobility from the assessment date and, following the award, her advocate helped her to request that the award be backdated which has now happened.

Advocacy organisations have been receiving referrals from people living in fear of upcoming assessments and experiencing increased levels of anxiety making it difficult for them to deal with these issues. Organisations are also hearing reports of individuals encountering staff who do not have any understanding of or interest in difficulties that people face.

Even with a real shift in culture and approach by the proposed social security agency some of the most vulnerable people are likely to feel stressed and anxious when engaging with social security staff. Having advocacy support can not only reduce their levels of anxiety but also support clear communication thus ensuring that staff have the correct information needed to ensure that applications for benefits are dealt with efficiently and correctly.

Further evidence on the benefits of independent advocacy for people being assessed for benefits can be seen in the report on the findings of the recently completed Welfare Advocacy Support Pilot.

**What next steps would you recommend that would help the Scottish Government better understand the likely impact of the transfer of the devolved benefits on independent advocacy services?**

**What next steps would you recommend that would help the Scottish Government better understand the likely impact of the transfer of the devolved benefits on independent advocacy services?:**

Early findings from the SIAA Map of advocacy 2015/2016 edition show steadily increasing demand alongside shrinking resources. Many organisations are now required by their Contracts or Service Level Agreements (SLAs) to prioritise those facing compulsory measures under the terms of the Mental Health (Care & Treatment) (Scotland) Act 2003. As a result there is ever more limited availability of advocacy for anyone with other issues, even for those with mental disorder who already have a statutory right of access to independent advocacy. Even in those areas where such prioritisation is not stipulated by funders advocacy organisations themselves have been forced to introduce some forms of prioritisation responding to the most urgent issues and so being unable to carry out any real preventative work.

The Scottish Government funded Welfare Advocacy Support Pilot was run in 4 areas of Scotland and resulted in significant levels of demand which now cannot be met since funding for the pilot ceased. These levels of demand were reached without any real awareness raising exercises and advocacy organisations reported that latterly many of the referrals were as a result of word of mouth.

## **Complaints, reviews and appeals**

**Do you agree that we should base our CHP on the Scottish Public Services Ombudsman's 'Statement of Complaints Handling Principles'?**

Not Answered

**Do you agree that we should base our CHP on the Scottish Public Services Ombudsman's 'Statement of Complaints Handling Principles':**

**How should a Scottish internal review process work?**

**How should a Scottish internal review process work?:**

**What would be a reasonable timescale for the review to be carried out?**

**What would be a reasonable timescale for the review to be carried out? :**

**Should a tribunal be used as the forum for dispute resolution for the Scottish social security system?**

Not Answered

**Please explain why.:**

**If no, are there any alternative methods of dispute resolution that you think would be preferable to a tribunal?**

**If no, are there any alternative methods of dispute resolution that you think would be preferable to a tribunal?:**

**How can we ensure that our values underpin the appeals process for a Scottish Social Security agency?**

**How can we ensure that our values underpin the appeals process for a Scottish Social Security agency? :**

**Are there any other values that you feel should be reflected in the design of the appeals process?**

**Are there any other values that you feel should be reflected in the design of the appeals process? :**

**What do you consider would be reasonable timescales to hear an appeal in relation a decision on a devolved benefit?**

**What do you consider would be reasonable timescales to hear an appeal in relation a decision on a devolved benefit:**

**In order to ensure a transparent appeals process, what steps could be taken to ensure that those appealing fully understand and are kept informed at each stage of the appeals process?**

**In order to ensure a transparent appeals process, what steps could be taken to ensure that those appealing fully understand and are kept informed at each stage of the appeals process? :**

**How could the existing appeals process be improved?**

**How could the existing appeals process be improved?:**