



# SIAA Response - Consultation on Disability Assistance in Scotland

May 2019



Scottish  
**Independent  
Advocacy**  
Alliance

## Introduction

The Scottish Independent Advocacy Alliance (SIAA) is a membership organisation that has the overall aim of ensuring that independent advocacy is available to any vulnerable person in Scotland. Independent advocacy safeguards people who are marginalised and discriminated against or whom services find difficult to serve, empowering people who need a stronger voice by enabling them to express their own needs and make their own decisions.

This response draws on the experiences of our members and their expertise in supporting vulnerable people to have their voices heard throughout the process of making social security claims. This provides a clear evidence-base in terms of what currently works and what needs to change in order to create a system that meaningfully promotes dignity, fairness and respect.

## Summary of SIAA's Position

SIAA would like to see Scotland's social security system as one that is purposefully designed to:

- embed and enact the Scottish Government's underlying principles of dignity, fairness and respect
- embed and enact a human rights based approach (underpinned, for example, by the PANEL principles of participation, accountability, non-discrimination and equality, empowerment, and legality)
- recognise and promote the importance of independent advocacy and advice as mutually supportive, but distinct, avenues of assistance to help people successfully navigate the system

In practice, this would translate into people's experiences of Social Security Scotland and its policies and practices as being:

- fair and transparent
- supportive, not adversarial, actively seeking to minimise stress and anxiety wherever possible
- person-centred and responsive to the needs of the individual
- efficient, making good use of resources
- able to put right mistakes in a timely and responsive manner and learn from these mistakes, in order to deliver ongoing quality improvements and enhancements to clients' experience
- asset-based rather than deficit-based, describing an accurate picture of how clients live their lives, what their strengths are and what additional support they need to realise their full potential
- able to accommodate and respond effectively to the complexities of disability and ill health, such as fluctuating conditions, multiple conditions and mental health conditions.

SIAA recognises that the Scottish Government shares many of these aspirations, and that progress towards them has been made in some areas of Disability Assistance, such as the welcome changes to the rules around terminal illness. However, we are concerned that, as it currently stands, Disability Assistance shares significant common ground with its antecedents, Personal Independence Payments (PIP) and Disability Living Allowance (DLA). As a result, the current proposals for Disability Assistance do not go nearly far enough in creating the wholesale change that is required to deliver a social security system that will be experienced positively by those who need it.

## Disability Assistance and Independent Advocacy

When respondents taking part in the Scottish Government's Experience Panels were asked about their top three priorities for improving Scotland's new social security system, the most frequently selected priority – chosen by nearly three-quarters (71%) of participants – was 'advice and support about claiming'.

As noted above, SIAA calls for Scotland's new social security system to recognise actively the value of and promote access to independent advocacy and advice, at every stage of the claims process (from understanding entitlement and submitting an application, through to appealing a decision and attending assessments).

The Social Security (Scotland) Act 2018 gives anyone who requires support from an advocate owing to a disability the statutory right to access independent advocacy for support engaging with the new system. Access to independent advocacy is therefore particularly relevant in the context of benefits pertaining to disability. Given the purpose of Disability Assistance as being a benefit that recognises the impact of living with a disability or health condition, it is likely that the group of people claiming Disability Assistance will include a large number of people who have this legal right to independent advocacy.

However, there will be additional Disability Assistance claimants who do not identify as having a disability and who might not therefore recognise that they have a statutory right to independent advocacy. Many of them will, nonetheless, be marginalised and vulnerable and would benefit significantly from independent advocacy to support them to understand and navigate

complex social security systems. This includes, for instance, Deaf people or people with mental health conditions who might not see themselves as disabled, and other people who feel stigmatised by the label of disability.

It is therefore imperative that *all* Disability Assistance claimants are provided with high-quality information and timely advice and support about accessing independent advocacy throughout the process, and that local independent advocacy agencies are well funded to ensure they are able to meet the increased demand on their services.

## **A consultation on Disability Assistance in Scotland: Responses to Individual Questions**

**Question 6. If you disagreed, please could you explain why.**

SIAA has concerns that the inclusion of the word 'disability' in the title of all three types of Disability Assistance has the potential to create confusion and introduce a barrier to claiming for eligible people who do not think of themselves as disabled. For example, people with mental health conditions do not tend to describe themselves as disabled and might therefore not understand their potential entitlement to Disability Assistance.

We also have concerns about the inclusion of the phrase 'working-age' in Disability Assistance for Working-Age People, which implies that the benefit is in some way employment related. This misrepresents both the underlying purpose of Disability Assistance (which is to pay for the additional costs of living with a disability or health condition, as opposed to being an earnings replacement benefit that provides an income for people who cannot work

because of disability or illness) *and* entitlement to the benefit (which is not means-tested and not affected in any way by whether or not a claimant is working). Again, this could act as a potential barrier for maximising uptake.

### Question 7. Do you agree or disagree with the proposal to enable multiple application channels for Disability Assistance?

SIAA agrees with the proposal to enable multiple application channels for Disability Assistance. This will allow clients to select appropriate channels that suit their needs, skills and preferences, as well as their ability to access technology etc.

Social Security Scotland must ensure that the communication channels used are accessible, such as providing information in Easy Read format for people with learning disabilities and ensuring online platforms are fully compatible with screen reader technology. In general, all communication channels should provide information in Plain English and be as jargon-free as possible.

The system should be seamless and allow clients to use different channels at different points in the application process. For instance, a client might have a preference for making their initial application online, but later choose to check the status of their application by phone. Methods of communication should be explicitly agreed and respected, including accessible formats such as Easy Read, large print, or braille.

We would contend that all significant communications – for example, those reporting or explaining decisions, telling the client that they have to do

something, or communicating information about appointments and deadlines – should be sent in hard copy letter format, in addition to any other accessible format in which the information has been requested. Written correspondence is critical for clients being supported by an independent advocate, allowing them to share and review the communications with the person supporting them.

Question 11. Do you agree or disagree with the proposal to implement a person-centred approach to making decisions about entitlement for Disability Assistance?

SIAA agrees with the proposal to implement a person-centred approach to make decisions about entitlement to Disability Assistance. A holistic, person-centred approach is critical if the system is to deliver on the policy intention of adopting a human rights based approach, as well as being a pre-requisite for a system that is flexible and responsive to individual needs. In practice, it is essential that decisions around Disability Assistance entitlement are understandable and well-communicated, so that the person-centred approach is perceived as fair, consistent and transparent.

As noted in the consultation document, for person-centred decision making to become a reality, Case Managers and Specialist Advisors will require a range of skills and expertise. We would contend that it is critical their training includes a focus on independent advocacy, in order that they can confidently:

- recognise the value of independent advocacy and the purpose it serves in giving a voice to marginalised and vulnerable individuals as they navigate complicated systems, such as social security
- understand that anyone identifying as having a disability and wanting support to navigate the system has a right to independent advocacy via the Social Security (Scotland) Act 2018
- understand that there will be lots of other Disability Assistance claimants who might not identify as having a disability who are still vulnerable and marginalised and who would benefit significantly from having access to an independent advocate to support them make their Disability Assistance claim
- recognise from their assessment of an individual's application and supporting information if they might benefit from independent advocacy to help them accurately describe how they live with their disability/condition, in order to ensure they get the maximum financial support to which they are entitled with the minimum of anxiety and stress
- know how to support claimants to access independent advocacy and how to signpost them in a timely fashion.

Question 13. Do you agree or disagree with our proposed approach to the involvement of Specialist Advisors in Decision Making?

SIAA agrees that some claims for Disability Assistance might benefit from the input of a Specialist Advisor with professional experience in the provision of health and social care, particularly if this supports the aim of reducing the number of face-to-face assessments taking place.



However, we would welcome much more detail about the qualifications and experience that Specialist Advisors would be required to bring to the role, and how it would work in practice. In order to be effective, it is critical that Specialist Advisors:

- have recent experience of working within health and social care and up-to-date knowledge of the fields
- are fully trained in the intricacies of Disability Assistance and the wider social security system it is a part of, so they understand fully the context in which they are providing information and advice and the impact it could have
- understand and demonstrate the underlying Social Security Scotland values of dignity, fairness and respect

In addition, we would re-assert the fact that, in most cases, the person who is best able to provide an accurate account of their circumstances is the individual making the claim. Taking this as a starting point requires a social security system that fundamentally trusts the people who use it. In this context, we would expect Specialist Advisors to be seeking information that corroborates that already provided by the claimant, not information that contradicts them in order to 'catch them out'. Any information provided by a Specialist Advisor as part of the decision-making process should be shared with the claimant.

Question 15. What factors should Case Managers take into account in deciding when a Specialist Advisor should be involved?

SIAA agrees with the examples provided in the consultation document as factors that Case Managers should consider when referring a case to a

Specialist Adviser, namely complex, rare and fluctuating conditions, as well as cases where two (or more) conditions interact. We would also expect that mental health conditions are another complicated area that might frequently require additional input from a Specialist Advisor.

We would like there to be significant flexibility in relation to when Specialist Advisors are involved, as a finite list of examples or conditions will not reflect the complexities and realities of people's lives. Consequently, Case Managers will need to be thoroughly trained in this area, and feel confident about their ability both to make sound judgements and explain their decisions in a transparent way.

SIAA would like clarity regarding how Social Security Scotland will ensure that an appropriate Specialist Advisor with a suitable professional background and experience is consulted for each individual case. It is not clear from the consultation document how the process of involving a Specialist Advisor happens, and we would like confirmation that, for instance, Case Managers will have access to a pool of Specialist Advisors with a range of skills and expertise, rather than one or two Specialist Advisors being allocated on a regional basis.

Question 16. Do you agree or disagree that the decision making process for Disability Assistance for Children and Young People, and for Older People should use existing supporting information and not through face-to-face assessments?

SIAA broadly agrees with this approach, as evidence from our members clearly indicates that claimants frequently find face-to-face assessments stressful, intrusive and frustrating.

However, the efficacy of a system based on supporting information will depend entirely on the quality of the information gathered. Claimants will need to be absolutely certain about how to submit an accurate, effective claim that will ensure they are awarded the maximum support to which they are entitled. Case Managers will need to be confident about the sorts of additional supporting information they might request in order to make an informed, accurate decision, and who they need to collect this from.

In addition, we would welcome clarity around whether people claiming DACYP and DAOP can have a face-to-face assessment included in the decision-making process, at their request, if they feel it will make a positive contribution to their application.

Question 18. What types of supporting information would be relevant in assessing an application for Disability Assistance e.g. social work report, medical report?

Supporting information and evidence will be available from a number of different sources, including medical and allied professionals (GPs, nurses,

consultants, physiotherapists, occupational therapists etc.), social workers, support workers, teachers, carers and family members. SIAA would expect the types of relevant supporting information to vary significantly from person to person, and for there to be no hierarchy in terms of the weight or credibility afforded to different sources of evidence.

Ultimately, SIAA would welcome system in which each individual contributes to decisions regarding which sources and types of information best represent them and are most relevant to their claim. This is an area where vulnerable claimants might require the support of independent advocacy, in order to ensure their preferences are clearly heard, understood and valued.

We welcome the change from the current system that moves the onus for collecting evidence to rest with Social Security Scotland, rather than the claimant. However, it is currently unclear how this will work in practice, and we would like clarity around the process. In particular, SIAA is keen to understand the processes that will allow an individual to submit their own evidence and have access to the evidence that has been submitted by others in respect of their claim.

Should the individual choose to assume responsibility for gathering supporting information, we are concerned at the possible costs they will accrue from medical professionals who sometimes charge for supplying such information. We seek an assurance from the Scottish Government that they will be compensated for this additional cost, so that possible financial penalties do not deter people from choosing to gather the information themselves if this is the option they would prefer.

Finally, it is critical that everyone submitting supporting information understands the social security system and the role that the information they provide plays in contributing to decisions about a person's entitlement. We would encourage Social Security Scotland to engage in ongoing discussions with professional bodies so they can disseminate information and deliver ongoing training to their members, as required.

Question 19. Do you agree or disagree with the proposal to have no set award durations but to set an award review date when a decision on a Disability Assistance application is made?

SIAA broadly agrees with this proposal, as we believe it has the potential – if delivered appropriately - to reduce people's anxiety that their benefit will be stopped and money taken away, as well as reducing the number of reapplications and stopped awards. Overall, we would expect Case Managers to err on the side of setting award periods that are as long as possible rather than as short as possible.

In general, more stable and longer award periods result in reduced stress for claimants. As is often the case, however, the devil is in the detail, and much of the success of this change will depend on the messaging around it and how it is communicated to claimants, both at the point of initial award and when the review date is approaching. Social Security Scotland also needs to be very clear and transparent about how and why the decision around an award review date has been made, and what the person can do about it if they disagree with the decision.

We seek clarity around the process through which an individual can request an earlier review, in the event that their circumstances change such that their entitlement to Disability Assistance might increase e.g. there is a deterioration in their existing condition(s) or they develop a new condition.

Question 21. Do you agree or disagree with the proposal to set an award review date 5-10 years in the future for a person with a condition unlikely to change?

Disagree.

Question 22. If you disagreed, please could you explain why?

While we support a move away from the current system of very short awards, there are many people living with disabilities and long-term health conditions that are unlikely to change for whom an award duration of five or even 10 years is not appropriate, no matter how light-touch the review is intended to be. The ability to make lifetime awards for this group of claimants (unless they request a review) would have the dual benefits of introducing stability and certainly into their lives, and reducing the number of reviews required to be conducted by Social Security Scotland.

Question 23. Do you agree or disagree with the proposal that a change of circumstances should be defined as a change which has an impact on the level of assistance a person receives?

SIAA broadly agrees with the proposal around the definition of 'change of circumstances', and welcomes the fact that certain changes that are not relevant to a claim – such as employment status or bank details – will not trigger a review.

We would, however, welcome clarity on how the definition of a change of circumstances as being 'a change which has an impact on the level of assistance a person already receives' will work in practice. It seems to put the cart before the horse – how can anyone know if a change will or will not have an impact on the level of assistance before the review has been conducted? In addition, it is not clear who is assessing the level of change and whether or not it passes the threshold to trigger a review.

Question 25. Do you agree or disagree with the proposal that clients have 31 days to request a redetermination?

Disagree

Question 26. If you disagreed, please could you explain why.

It is SIAA's view that 31 days is too short a time-period in which to require people to request a redetermination.

Receiving an unfavourable decision about Disability Assistance, considering the options, and then choosing to challenge the decision represents a particularly stressful and 'acute' period in the claims process. It is at this very point that vulnerable individuals will particularly benefit from the support of independent advocacy. However, the process of identifying and starting to work with an independent advocate can be lengthy, due to issues of capacity and availability with local independent advocacy services.

Having the right to access independent advocacy is meaningless if you do not know you have this right. Consequently, to ensure the right to independent advocacy is well promoted and supported, SIAA would argue strongly that information about what advocacy is, who has the right to access it and how to find a local organisation to provide advocacy support is supplied by default with every determination letter, and with any Social Security Scotland information detailing the process for challenging decisions.

SIAA welcomes the flexibility allowing requests for redetermination to be considered for up to a year after notification if there is a 'good reason' for the request being made late, but seeks clarity about what sorts of criteria Social Security Scotland will use to decide what constitutes a 'good reason' and how staff will be trained to make these decisions on a case-by-case basis. If the request is refused, we would expect that the reasons for the refusal to be communicated to the claimant in a clear and transparent way.



Question 27. We have proposed that Social Security Scotland have a period of between 40 and 60 days to consider a redetermination of Disability Assistance? Do you agree or disagree with this proposal?

Disagree.

Question 28. If you disagreed, please explain why.

SIAA would contend that 40-60 working days – which could translate into an actual time frame of up to 12 weeks - is too long a window for Social Security Scotland to have to consider redeterminations. We believe that any additional further evidence that is required could be collected in a shorter time frame. Furthermore, in some cases, all meaningful sources of evidence will already have been supplied during the initial application and there will therefore be no additional information to collect.

Even if a claimant's income is protected while they request a redetermination due to payments of Short-term Assistance (STA), it is evident from our members that financial worries are not the only issues that impact on an individual requesting a redetermination. Indeed, the very process of challenging a decision and the uncertainty that it inevitably brings can be incredibly distressing and unsettling. We would contend that longer time periods will ultimately put some people off challenging decisions altogether, as the prospect of not knowing the outcome for a number of months can seem worse than accepting an unfavourable outcome.

Question 35. Do you agree or disagree that any deductions being made from an on-going assistance type to service an overpayment liability should also be applied to STA?

Disagree.

Question 36. If you disagreed, please could you explain why.

SIAA does not believe that on-going deductions should also be applied to STA, as we are concerned that this could create an additional barrier to challenging decisions. By definition, a claimant would only be receiving payments of STA at a particularly unstable and difficult point in their claim. For some people, the additional stress and work associated with challenging a decision combined with on-going reductions in household income will simply create too many hurdles for them to choose to challenge the decision.

Question 37. Do you agree or disagree that for successful process decision appeals where the tribunal has overturned Social Security Scotland's decision, STA should become available at the point the decision is overturned rather than the date of the original request?

Disagree.

Question 38. If you disagreed, please could you explain why.

SIAA believes that STA payments should be backdated to the original date of the redetermination request.

Question 39. Do you agree or disagree with the proposed approach that, generally, where there is a break in a client's eligibility to receive the benefit, e.g. due to being in residential care, they will cease to receive the benefit?

Disagree.

Question 40. If you disagreed, please could you explain why.

Disability Assistance is intended to cover the additional costs of a disability or health condition. Some of these costs will stop if, for instance, the person goes into residential care or hospital, but certainly not all of them, such as employment of a Personal Assistant and hiring adaptive equipment in their home. It is unclear how an individual is expected to meet these ongoing commitments if they have ceased to receive Disability Assistance. Evidence shows that people with mental health conditions can be reluctant to go into hospital precisely because of this sort of uncertainty and the concomitant fear of losing their income, home etc.

If this proposal does go ahead, we would welcome clarity that full consideration has been given to the impact of such a break in payments on other benefits, to ensure there are no unintended consequences. For instance, if the individual had an unpaid carer, what would the impact be on the carer's eligibility for Carer's Allowance?

In addition, we would welcome detail on how Disability Assistance would be reinstated after the break, as this is not made clear in the consultation document. We seek assurances that this will be an efficient and seamless

process, with no requirement for a new claim to be made, in order to reduce delays in payment and the resultant anxiety, stress and financial hardship.

Question 41. Please outline any comments or experience you would like to share with us about overpayment recovery and the current DWP approach to deductions?

Evidence suggests that the current DWP approach to deductions can be punitive and non-negotiable, leaving people in significant financial hardship. SIAA recognises the value of direct deductions as a way of paying back debts to the DWP, but would argue that the repayment levels should always be negotiable, flexible and sustainable.

Question 44. Do you agree or disagree with our proposal to extending eligibility, for those in receipt of Disability Assistance for Children and Young People before the age of 16, to age 18?

Disagree.

Question 45. If you disagreed, please could you explain why.

We recognise and support the Scottish Government's intention to minimise the number of transitional difficulties experienced by young people and their families at age 16. However, SIAA believes that an extension of eligibility to DACYP (for those in receipt of it before age 16) to age 21 would go even further in supporting this policy intention.

Question 46. Do you agree or disagree with our approach to the eligibility rules for the different components of Disability Assistance for Children and Young People?

Neither agree nor disagree.

SIAA recognises the Scottish Government's underlying concern for a safe and secure transition for claimants from the DWP to Social Security Scotland, and its decision that broad eligibility rules for DACYP will remain similar to those for Child DLA. However, we would welcome more clarity around what the Scottish Government's commitments and timelines are for ongoing enhancements to devolved benefits, and what its medium- and long-term plans are for DACYP eligibility rules *beyond* the transition period.

Question 47. If you disagreed, please could you explain why.

See above.

Question 48. Do you agree or disagree with the proposal to make a £200 Winter Heating Assistance payment to families in receipt of the highest rate care component of Disability Assistance for Children and Young People?

Neither agree nor disagree.

Question 49: If you disagreed, please could you explain why.

SIAA agrees with the proposal to make a £200 Winter Heating Assistance payment to families in receipt of the highest rate care component of DACYP.

We would, however, also like to see recognition of the additional heating costs faced by families with children in receipt of the middle - and possibly lower - rate care components of DACYP.

Question 50. Do you agree or disagree with our proposal to use a points based system to assess eligibility in relation to Disability Assistance for Working-Age People?

Neither agree nor disagree.

As noted above, in answer to question 47, SIAA recognises the need for a secure transition and continuity of entitlement. In order to support these aims, we understand why the Scottish Government has decided that the DAWAP eligibility criteria will remain similar to PIP in the short-term.

However, PIP's points-based system of assessment has proved to be very contentious, unreliable and unpopular with claimants, who feel it is too rigid and frequently fails to reflect accurately their everyday lives and the reality of living with illness and/or disability. There is a danger that, in replicating this contentious element of the 'old' system, the 'new' system will also replicate its problems and inconsistencies.

Furthermore, people who have had poor experiences in the past claiming PIP from the DWP will not feel in any way reassured that the new system being delivered by Social Security Scotland is substantively different – their perception will be that it is just 'more of the same'.

Consequently, the Scottish Government needs to be much clearer about its medium- and long-term plans for redesigning the DAWAP eligibility criteria, and communicate these effectively to both claimants and potential claimants.

Question 51. If you disagreed, please could you explain why.

See above.

Question 52. Do you have any suggestions about the most appropriate way to assess eligibility in relation to mobility for Disability Assistance for Working Age People?

SIAA would like to see an asset- rather than deficit-based approach to Disability Assistance reflected in mobility assessments. This would be supportive and encouraging of independent living, described accurately what a client's strengths are and what additional support they need to realise their full potential. It would, for instance, take into account factors like the quality of a journey experienced by the individual.

Question 53. Do you have any comments on the full list of descriptors (provided at page 36) currently used to assess claims for Personal Independence Payments?

SIAA knows from our members that the current PIP descriptors do not work for many people. In particular, the descriptors do not reflect or capture people's experiences of living with mental health conditions, fluctuating conditions or sensory loss. Too often, they do not describe people's 'real life' experiences.

Any changes to the descriptors should be evidence-based, and made following significant consultation with disabled people and representative organisations.

In addition, we would expect Social Security Scotland to gather information on which decisions are being overturned when they are challenged. This will provide critical intelligence about whether certain conditions are not being effectively captured during the initial application process, pointing to potential issues with the descriptors being used.

Question 54. What types of observations, as part of a face to face assessment, do you believe are inappropriate?

The key underpinning purpose of a face-to-face assessment should be the intention to support individuals to tell their stories so that assessors can make accurate, robust decisions. It is critical that this is also how the individual being assessed perceives the process.

SIAA would contend that *all* types of observation undermine this approach as, by their very nature, they are opaque and lack clarity about what is being 'observed' and 'why'. They create an adversarial relationship and an atmosphere of distrust, in which there is an expectation that the agency is trying to 'catch you out'. Furthermore, they undermine the credibility of people's lived experiences. Individuals claiming Disability Assistance are experts in their own lives and should expect to be believed and trusted.

Question 55. In relation to assessments, what are your views on acceptable distances to travel?

The definition of an 'acceptable' distance to travel will vary hugely from person to person. In addition, looking solely at distance is a one-dimensional approach that does not take into account other hugely relevant factors such as the



infrastructure and effort required to travel from A to B (e.g. an 'as the crow flies' distance will not take into account the reality of rural roads and local buses that run very infrequently, or the effort required to travel the same distance by three buses as opposed to one train).

An effective system would need to take an individual, person-centred approach which ascertains from the individual what they would find an acceptable distance, and which is able to offer them assessments in more than one location.

Question 56. What other circumstances should the Agency take into account?

There are a number of other circumstances the Agency should take into account, such as:

- availability of public transport
- accessibility of public transport
- familiarity of the venue
- familiarity with the route to travel to the venue
- availability of support with travel
- cost
- impact of travel on anxiety, stress etc
- language barriers
- associated implications on childcare and/or other caring responsibilities

Question 57. In relation to assessments, how many times to do you think an individual should be able to reschedule, or fail to attend, an appointment?

We would be reluctant for this to be stipulated, as it fails to take a person-centred approach and recognise that an individual could reschedule and/or miss multiple appointments for a series of very valid reasons. For true trust to be built in the new system, it needs to take account of and accommodate the complex and messy reality of people's lives.

SIAA would argue that this requires training for case managers so that they can understand the underlying reasons for the missed appointments, and discuss appropriate alternatives if relevant e.g. a home visit if travelling is the issue, or signposting to an independent advocacy organisation if the person is anxious that they will not be listened to at the assessment.

This would represent a meaningful person-centred approach, but would also translate into efficient use of Social Security Scotland's resources by minimising the number of costly missed appointments.

Question 58. In relation to a missed assessment do you have any comments on what should amount to exceptional circumstances (e.g. hospital admissions)?

Please see our answer to question 57.

Question 59. Please provide any comments you wish to make about the audio recording of assessments.

SIAA is supportive of audio recording of assessments. However, in order for this to be welcomed by people going through the assessment process, there

will have to be a significant amount of faith and trust that the system is designed to elicit information that will maximise their award, rather than 'catch them out'.

Clients should always have the right to choose not to have their assessment recorded, and need to be made explicitly aware of this. They will need to be supported to understand the concept of recording, and feel confident about their choice to give or refuse consent.

Question 60. Do you agree or disagree with our proposal that Disability Assistance for Older People is provided to those who are state pension age or older?

Agree.

However, we are not clear as to why Disability Assistance makes a distinction between working age people and older people. If this is simply a legacy from the old systems that are being replicated to ensure a safe and secure transition, then we would welcome clarity from the Scottish Government regarding its future plans to re-visit this distinction.

Question 62. Do you agree or disagree with the proposed eligibility criteria for Disability Assistance for Older People?

Neither agree nor disagree.

As stated previously, we understand that replicating existing eligibility criteria (in this instance, those for Attendance Allowance) is the approach favoured by

the Scottish Government to support a safe and secure transition. Again, we seek clarity about the Scottish Government's future plans for consulting on and addressing inconsistencies and idiosyncrasies in the current system, such as the lack of a mobility component in DAOP.

Question 64. If you have any further comments you would like to make relating to Disability Assistance benefits not covered by this consultation document, please provide them below.

The Social Security (Scotland) Act 2018 gives disabled people a right to access independent advocacy, to support them to know and understand their rights, and ensure their voices are heard in making informed and meaningful choices.

This consultation document does not make mention of the roles of guardians (as legislated for in the Adults with Incapacity (Scotland) Act 2000) and appointees. SIAA seeks clarity about how the roles of guardians and appointees will operate within the Scottish social security framework and how they will interact with the role of independent advocates.

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