

The Highland Council

Resources Committee – 23 November 2016

Agenda Item	19
Report No	RES/89/16

Welfare Reform Update

Joint report by Director of Finance and Director of Community Services

Summary

This report provides comprehensive information on the current status of Universal Credit and other welfare initiatives. It also makes available financial monitoring information, covering the Council's considerable involvement in this area of work.

1. Background

- 1.1 This report forms part of a regular update on issues relating to Welfare Reform. The latest statistics are outlined in **Appendix 1** and budget monitoring is set out in **Appendix 2**. **Appendix 3** to this report provides a quick guide to the Benefit Cap which is aimed at benefit recipients, landlords and others within this field. An infographic detailing the impact of welfare reform in Scotland is provided at **Appendix 4**.

2. Benefit Cap

- 2.1 The benefit cap means there is a maximum amount of benefit that a working-age household, defined as an individual, their partner, and any children they are responsible for and who live with them, can be entitled to. This applies to the combined income from the main out-of-work benefits, plus Housing Benefit, Child Benefit and Child Tax Credits.
- 2.2 The initial cap was introduced in The Highland Council area in July 2013. As part of his summer 2016 budget, the Chancellor announced a reduction in the cap which will mean an increased number of households will be subject to a reduction in their combined income from benefits. Starting from 7 November 2016, the cap was lowered in the Highlands as detailed in the table below:

Rates applicable in Highland	Original cap levels (July 2013)	Cap from Autumn 2016
Couples with or without children and single parents with children	£500.00 per week (£26,000 per annum)	£384.62 per week (£20,000 per annum)
Single person or a single parent whose children does not live with them	£350.00 per week (£18,200 per annum)	£257.69 per week (£13,400 per annum)

- 2.3 **Appendix 1** to this report includes information relating to the number of households in the Highlands who are subject to the original cap levels and shows that as at October 2016, 13 households were subject to the original cap. The cap is applied by reducing entitlement to Universal Credit or housing benefit. Housing benefit reductions are applied by the Council's Operations Team and can mean that a household's housing benefit award can be reduced to £0.50 per week. Please see **Appendix 3** which gives further details of a quick guide to the Benefit Cap.
- 2.4 The Council has received information from the DWP to indicate households in receipt of housing benefit in The Highland Council area that may be potentially affected by the changes to the benefit cap from 7 November 2016. This data details 111 households potentially affected by the lower cap level and represents a significant increase on households within the Highlands. Successful implementation of the cap relies on quality and timely data being made available to the Council by the DWP.
- 2.5 Through the in-house Welfare Support Team, the Council has taken a pro-active approach by offering support to households who will potentially be impacted by the new cap. Welfare Support Officers are undertaking telephony and face to face interviews including home visits to include :
- Undertaking a benefit entitlement check to maximise benefit take-up.
 - Identifying if any exemptions to the Benefit Cap apply.
 - Assisting with completing application forms for Discretionary Housing Payments (DHPs).
 - Working in partnership with DWP during work focused interviews at Jobcentres to offer advice and support on benefits and housing questions to affected claimants.
- 2.6 In addition, as a short-term measure the Council intends to fully mitigate the impact of the changes to the benefit cap by awarding Discretionary Housing Payments (DHPs) from November 2016 to 31 March 2017. This will enable affected households to identify viable options with the support of the Welfare Support Team, social landlords and the DWP to address the effect of the cap on their individual circumstances. However, unless further DHP funding is forthcoming then this policy to fully mitigate is simply not sustainable (affordable).The "Welfare Reform" report to this Committee in February 2017 will include further information when the full impacts of the benefit caps are known and clarity is received as to the DHP funding levels are for 2017/18.
- 2.7 An impact analysis undertaken by the Benefits and Welfare policy team indicates 104 of the 111 housing benefit (HB) cases affected by these changes are households with children. It has also highlighted:
- The largest household affected has 8 children and the average household has 4 children;
 - 73 Council, 27 Housing Association and 11 private tenants will potentially be affected;
 - The highest potential cap is £369.95 per week;
 - The largest potential HB reduction is £126.92 per week;
 - The largest potential HB reduction for a Council tenant is £109.31 per

week;

- £5,581 is the estimated total weekly value of HB lost by households;
- £115,606 is the estimated total value of HB lost between Nov 2016 and Mar 2017.

2.8 It has been well documented in previous reports the considerable pressures families are already experiencing through various welfare reform measures already introduced. The addition of the lower cap will exacerbate circumstances further as is demonstrated by the following case study:

2.8.1 Miss X is a lone parent who lives in Inverness. She has four children aged 11, 9, 7 and 4. She is a Council tenant and is currently in receipt of Income Support. Her potential loss of benefit due to the Benefit Cap changes is £66.61 per week or a loss of £3,463.72 per annum for this family.

2.9 Members should also note the Benefit Cap will also affect households in receipt of Universal Credit. At the time of writing, DWP have not shared any information with the Council about those households in receipt of Universal Credit that may be affected by the benefit cap. Therefore, the Council is unable to confirm the exact number of households affected within the Highlands. The Council continues to pursue the DWP for this information and took the opportunity to seek support for the sharing of Universal Credit Benefit Cap data when Jeane Freeman MSP, Minister for Social Security, visited the Council to discuss the Scottish Welfare Fund and Universal Credit during October 16.

2.10 The Benefits and Welfare Team continues to provide a pivotal role as *single point of contact* with the DWP for Council Services and social landlords for the benefit cap ensuring relevant information is shared timeously and addressing any issues identified on an ongoing basis.

3. Universal Credit

3.1 *Universal Credit statistics*

3.1.1 In the published official Universal Credit statistics for September 2016, the Highland Council area has had approximately 3,111 claimants who have completed the Universal Credit claim process and accepted their Claimant Commitment. In the Highland Council area 1,531 claimants are still claiming Universal Credit of which approximately 553 (36%) are in some form of employment.

3.1.2 In comparison, 8,638 working-age claimants are currently in receipt of housing benefit within The Highland Council area.

3.2 *Universal Credit roll-out*

3.2.1 The DWP have postponed the roll out of Universal Credit Full Service to the other 5 Jobcentres within Highland which was originally planned to go-live in November 2016. DWP have not yet published any new planning assumptions for when these sites will transition to the full Universal Credit service.

3.2.2 **What is Universal Credit (Full Service)**

3.2.2.1 From 29 June 2016, all working age residents (single, couples and families) attached to Inverness Jobcentre who wish to make a new claim for any of the means-tested entitlements detailed in the table below, must make a claim Universal Credit (Full Service).

Income Support	Income-based Jobseekers Allowance	Income-related Employment and Support Allowance
Child Tax Credits	Working Tax Credits	Housing Benefit

3.2.3 **Universal Credit (Live Service) – Dingwall, Invergordon, Wick, Fort William and Portree Jobcentres**

3.2.3.1 In the 5 Jobcentres named above, anyone who wishes to make a new claim for benefit must satisfy specific criteria set by DWP to enable a claim to Universal Credit. DWP refer to this as Universal Credit (Live Service). If the applicant does not qualify for Universal Credit (Live Service), they will be directed to claim one of the appropriate legacy benefits detailed in the table in para 3.2.2.

3.2.4 **What is Universal Credit (Live Service)**

3.2.4.1 Universal Credit was introduced in 5 Jobcentres in Highland (Wick, Invergordon, Dingwall, Portree and Fort William) in February 2015 for newly unemployed single claimants who satisfy specific qualifying criteria.

3.2.5 In July 2016, the Work and Pensions Secretary Damien Green announced that the full roll-out of Universal Credit will now not be completed until 2022. This represents a further year's delay. The managed migration of existing benefit claims will now start in July 2019 and complete in March 2022.

3.2.6 This delay will have the effect of providing a temporary postponement for millions of claimants. Some claimants will be better off under Universal Credit Full Service whereas others will receive a reduced amount of benefit.

3.2.7 Estimates by the Resolution Foundation *thinktank* suggest around 2.5 million families currently receiving working tax credits will be between £41 and £46 a week worse off under universal credit.

3.3 **Universal Credit payments**

3.3.1 The following information is relevant for both Live and Full service payments. Universal Credit is paid differently from the current legacy benefits. It is normally paid as a single, monthly payment, direct into a bank account. The amount a claimant receives is calculated each month and depends on their circumstances and earnings during that time. This is known as an assessment period.

3.3.2 The amount of Universal Credit someone can receive will depend on their circumstances and income. A Universal Credit payment is made up of a basic 'standard allowance' and any extra amounts that apply, this can include:

- Child Element - for each child; plus an additional amount if any child has a disability (called the Disabled Child Addition)
- Childcare Element - to help cover relevant childcare costs
- Limited Capability for Work Element/ Limited Capability for Work & Work-Related Activity Element - where a person cannot be expected to look for work because of a disability or health condition
- Carer Element - to support a person providing a significant amount of care to someone with a disability
- Housing Element - to help cover relevant housing costs

3.3.3 The first assessment period usually starts 7 days after a claim has been submitted. This 7 day waiting period may apply if the claimant is out of work and claiming Universal Credit. There are circumstances where the waiting period may not apply, for example reclaim UC within 6 months, those who are ill, left prison in the past month, in receipt of legacy benefit prior to migrating to UC.

3.4 A claimant will get their first payment around 6 weeks after they have made a claim for Universal Credit. They will receive their first payment no more than 7 days after their first assessment period has ended.

3.4.1 For example, if someone makes a claim on 1 November, the assessment period (when waiting days are applicable) will be from 8 November to 7 December, the first payday will be 14 December. Future payments will be made on the 14th day of each month. If the payday falls on a weekend or a bank holiday, payment will be paid on the last working day before that date.

3.4.2 A claimant can request an advance payment of Universal Credit to help while they are waiting for their first payment or where a change of circumstances occurs. This is called a 'short term advance'. The advance payment is a loan which has to be paid back. The repayments are automatically deducted from future Universal Credit payments until the advance is fully paid back i.e. the claimant will receive reduced Universal Credit payments until the advance payment has been repaid.

3.5 ***Universal Credit and Council Tenants***

3.5.1 Since the rollout of Full Service Universal Credit on the 29 June 2016 Community Services has seen an overall increase of 44% in the number of known Universal Credit cases in Council houses and temporary accommodation. At 30 September 2016 the total number of households had increased from 390 (Q1 16/17) to 561.

3.5.2 The following tables set out the impacts on rent arrears for both Live Service and Full Service cases. Members will note from the tables that the rent arrears per household for Full Service UC cases are greater than those in Live Service UC. One of the reasons for this is the combination of Full Service cases have recently commenced combined with that it can be 6 or 7 weeks from the date a customer becomes entitled to UC before they receive their first payment.

Impact on the Highland Council's Housing Rent Arrears: Live System Cases					
30 Sep 2016	Number of UC cases	Number of cases in arrears	Percentage of cases in arrears (%)	Cumulative rent arrears £	Average rent arrears per household £
All Highland Council Universal Credit Live Service Cases	379 (366)	314 (296)	83% (80%)	£203,944 (£201,569)	£649.50 (£680.98)
Mainstream Tenancies	367 (349)	302 (280)	82% (80%)	£189,655 (£177,730)	£627.99 (£634.75)
Temporary Accommodation	12 (17)	12 (16)	100% (94%)	£14,288 (£23,838)	£1190.70 (£1489.91)

(Figures in brackets denote 16/17 position as at **30 June 2016**)

Impact on the Highland Council's Housing Rent Arrears: Full Service cases					
30 Sep 2016	Number of known UC cases	Number of cases in arrears	Percentage of cases in arrears (%)	Cumulative rent arrears £	Average rent arrears per household £
All Highland Council Universal Credit Full Service Cases	181	177	98%	£182,803	£1032
Mainstream Tenancies	96	92	96%	£88,587	£962.90
Temporary Accommodation	85	85	100%	£94,216	£1108

(Full service UC commenced June 2016 – No previous comparable figures)

- 3.5.3 Currently, the average rent arrears for a mainstream household in receipt of Live Service Universal Credit is £627.99. For Full Service cases the average rent arrears is £962.90. This is around 1.8 times and 2.7 times higher respectively than the average rent arrears of £354 (October 2016 data) per household for all other secure tenancies.
- 3.5.4 The trends relating to Live Service UC remain consistent. Although the number of mainstream tenancies in arrears has risen slightly from 80% to 83% during quarter 2 of 2016/17, the average rent arrears for these households has reduced again during the last quarter from £634 per household in quarter 1 (2016/17) to £627 in quarter 2 of 2016/17.
- 3.5.5 The impact of Full Service UC on Council tenants presents an ongoing concern. Up to the 30 September 2016, the Council is aware of 181 households who have made a Full Service UC claim. Of these, 177 cases (98%) are in arrears.

- 3.5.6 During September 2016 the Council received Alternative Payment Arrangements (APA's) in respect of 25% of the known Universal Credit cases. This is a 7% reduction compared to June 2016 where payments were received for 37% of known cases.
- 3.5.7 Early indications suggest that the reduction in APA payments could be due to the Trusted Partner Pilot process (where APA's are implemented in 'good faith' by the DWP) which was not initially available in Full Service UC.
- 3.5.8 However, from 12 October 2016, the Trusted Partner Pilot has been extended to Full Service. Community Services will continue to monitor the impact of the Trusted Partner Pilot on Full Service UC cases during Q3 2016/17.

Other factors impacting on rent arrears for Full Service cases include:

- A backlog of housing cases at the UC Service Centre;
- The removal of a dedicated landlord enquiry line;
- A 'Test and Learn' approach to the roll-out of Full Service where processes and procedures are constantly changing and being updated.

3.6 ***Universal Credit in Temporary Accommodation***

- 3.6.1 The number of Universal Credit cases in temporary accommodation has increased significantly since the introduction of Full Service on the 29 June 2016.
- 3.6.2 At the 30 September 2016, the Council is aware of 85 Full Service cases in temporary accommodation all of which are in arrears. The average rent arrears for these cases is £1,108 per household; this is in comparison to the 12 known Live Service cases where the average rent arrears is £1,190 per household during the same period (Q2 2016/17).
- 3.6.3 The allocation of a dedicated Housing Officer working in partnership with staff at the Inverness Jobcentre and the Council's Welfare Support Team is ensuring that vulnerable tenants are receiving appropriate advice and support.
- 3.6.4 Representatives from Finance and Community Services continue to engage with the DWP through The Highland Operational Forum (HOF) looking at the impacts of both Live and Full Service Universal Credit and influencing decisions at a national and local level.
- 3.6.5 It is almost impossible to predict the long term impact of the further roll out on rent arrears, as this will be affected by a number of factors including the implementation of the Welfare Benefits and Employment Support provisions of the Scotland Act 2016; Scottish Government policy and funding and other changes and flexibility that may be introduced at UK level. Impact will also be affected by the ability of the Council and partners to plan and deliver effective mitigation action across Highland.

4. Devolution of Social Security Benefits

- 4.1 At the August 2016 Resources Committee, it was highlighted that the Scottish Government was undertaking a 13 week consultation to develop social security legislation including looking for views on the benefits being devolved to Scotland, as well as how they are delivered.
- 4.2 The Benefit and Welfare Manager within the Finance Service led this lengthy and complex consultation after engagement with all Council Services and approval by the Welfare Reform Working Group to ensure a comprehensive submission was presented on behalf of the local authority.
- 4.3 The consultation deadline was Friday 28 October 2016. Therefore, the Resources Committee is invited to note the Council's final submission which has been circulated electronically with this report.
- 4.4 The UK Government devolved new powers to the Scottish Parliament on 5 September 2016 which will allow it to adapt the existing UK welfare system more closely to Scotland's needs.
- 4.5 The Scottish Parliament now has the powers to:
- Create new benefits in devolved areas.
 - Top up reserved benefits (such Universal Credit, Tax Credits and Child Benefit).
 - Make discretionary payments and assistance.
 - Change employment support.
 - Make changes to Universal Credit for the costs of rented accommodation.
 - Make changes to Universal Credit on the timing of payments and to whom payments are made.
- 4.6 In addition, from 1 April 2017, the Scottish Parliament will take on the power to make discretionary housing payments. Other welfare powers (including responsibility for carers and disability benefits, maternity payments and funeral payments) will transfer at a later date.
- 4.7 In one of the first exercises of devolved powers under the Scotland Act 2016, the Scottish Government will begin to deliver new employment support programmes from April 2017.
- 4.8 Two new services will provide employment support for disabled people and those with long term health conditions;
- Work First Scotland will deliver employment support for up to 3,300 disabled people, working with existing DWP providers of Work Choice in Scotland.
 - Work Able Scotland, managed by Skills Development Scotland, aims to support up to 1,500 starts for people with a health condition who want to enter work.
- 4.9 These 12 month transitional arrangements are ahead of a full Scottish programme of employment support commencing from April 2018.

5. The Impact on Scotland of the New Welfare Reforms

- 5.1 In a report to the Scottish Parliament's Social Security Committee published in November 2016 entitled *The Impact on Scotland of the New Welfare Reforms*, researchers from Sheffield Hallam University show that by 2020-21 Scotland can expect to lose just over £1 billion a year as a result of the latest welfare reforms introduced by the UK Government.
- 5.2 Sheffield Hallam also estimates that the pre-2015 reforms are already costing claimants in Scotland just over £1.1 billion a year. This brings the cumulative loss expected from all the post-2010 welfare reforms up to more than £2 billion a year.
- 5.3 It reports that the most deprived local authorities in Scotland are worst affected. Glasgow loses the most, with the research showing that the loss from the post-2015 welfare reforms is expected to average £400 a year per working age adult. West Dunbartonshire loses £390 a year per working age adult, and North Ayrshire £380.
- 5.4 The least affected local authorities are the Shetland Islands, Aberdeenshire and Aberdeen, at less than £200 a year. In the Highlands working-age adults will lose on average £270 per year which is estimated to result in a £39m reduction per annum to the local economy.
- 5.5 The four-year freeze in the value of most working age benefits and reductions in the work allowances within Universal Credit (which are taking over from Tax Credits) are expected to lead to the biggest financial losses in Scotland.
- 5.6 Commenting on the report, Convener of the Social Security Committee, Sandra White MSP said:
- “Our welfare system was meant to be a safety net to help those most in need in our communities. Yet this research shows that the biggest losers from the latest round of UK Government welfare reforms are once again the poorest in our society. Whilst Scotland will take control of 15 per cent of welfare spend its clear that the majority of people in Scotland will continue to be negatively impacted upon due to the UK Government's approach to welfare.”
- 5.7 The **pre-2015 welfare reforms** already impacting on claimants in Scotland are: reductions in the local housing allowance within housing benefit for tenants in the private rented sector; non-dependant deductions; the introduction of the benefit cap; the changeover from disability living allowance to personal independence payments; the introduction and means-testing of employment and support allowance; revisions to child benefit; reductions in tax credits; and below-inflation up-rating.
- 5.8 The new, **post-2015 welfare reforms** cover: the benefit freeze; Universal Credit work allowances; completion of the changeover to personal independence payment, reductions in tax credits; reductions in employment and support allowance; introduction of the local housing allowance cap in the social rented sector; the benefit cap extension; the conversion of mortgage interest support to a loan; and reduced entitlement to housing benefit for unemployed 18-21 year olds.

5.9 Members may wish to note an infographic summarising the research report findings and a link to the full report are included at the end of this report.

6. Scottish Welfare Fund

6.1 In October 2016, Jeane Freeman MSP, Minister for Social Security, visited the Council to discuss the Scottish Welfare Fund and Universal Credit. The visit presented an opportunity for the Council's Leader and senior officers to demonstrate best practice in Highland and to put forward views regarding the consultation on devolved social security in Scotland.

6.2 Since 2014/15, Highland Council has reduced service delivery costs by 20% within Housing Benefit & Council Tax Reduction administration, whilst achieving improved processing times over the same period, many of which now place Highland in the top 8 performing councils in Scotland as demonstrated in the following tables.

- Scottish Welfare Fund processing times:

Scottish Welfare Fund	Area	2014/15	2015/16
Crisis Grants within 2 days	Highland	100%	100%
	Scotland	96.00%	97.00%
Community Care Grants within 15 days	Highland	98.00%	99.70%
	Scotland	84.00%	92.30%

- Housing benefit & council tax reduction performance including cost of administration:

Year	HB / CTR Change of Circumstances	HB / CTR New Claims	HB / CTR Cost per Claim
2013/14	6 Days	23 Days	£56.80
2014/15	6 Days	21 Days	£52.03
2015/16	4 Days	20 Days	£46.84
2016/17 (to date)	4 Days	19 Days	n/a

- Council tax performance: cost of administration and collections:

Year	Council Tax In-Year Collection	Council Tax Cost per Property
2013/14	95.5%	£14.22
2014/15	95.5%	£11.83
2015/16	95.7%	£10.68

6.3 Over the last 2 years, as well as implementing significant changes in business processes, a new structure has also been implemented within Revenues & Business Support including a local single service delivery model for all benefits that the Council is responsible for which reflects customer needs.

- 6.4 The Revenues team not only undertakes “traditional” Revenues responsibilities such as council tax, housing benefit, council tax reduction and discretionary housing payments but also administers SWF, school clothing grants, free school meals, educational maintenance allowance, music tuition fees, Inverness winter fuel payments and garden aid.
- 6.5 These entitlements were previously delivered within other Council sections/Services. The new service delivery model enables staff to access a range of information which improves processing times, removes the frustration customers experience at being repeatedly asked for the same information and delivers efficiencies overall.
- 6.6 The Highland Council is now in the enviable position of providing a better and more complete service to customers and allowing staff variable and more interesting jobs, whilst at the same time improving processing times and reducing costs.
- 6.7 The Revenues & Business Support section’s experience and expertise has the potential to add further benefit/entitlement responsibilities to be delivered by this established local service delivery model with a now positive track record on service areas, including processing performance and delivering efficiencies.

7. Employment and Support Allowance

- 7.1 The UK Government has announced that it would abolish Employment and Support Allowance (ESA) reassessments for those with lifelong, severe health conditions with no prospect of improvement.
- 7.2 When people claim Employment and Support Allowance (ESA) and/or Universal Credit (UC) due to a health condition or disability they are required to take part in Work Capability Assessments (WCA) on an ongoing basis to confirm their eligibility. This includes people with the most severe health conditions or disabilities, even though the DWP already know from their initial WCA, and from healthcare professionals, that, short of medical advances, their condition is unlikely to improve.
- 7.3 This change will apply to people who have already been placed in the ESA Support Group or UC Limited Capability for Work and Work Related Activity categories following a WCA and who have the most severe health conditions and disabilities (defined as claimants with severe, lifelong, often progressive and incurable conditions, with minimally fluctuating care needs, who are unlikely to ever be able to move closer to the labour market and into work).
- 7.4 DWP’s IT changes are expected to be completed by the end of 2017. In the meantime, the DWP will be working to ensure these people are not reassessed unnecessarily.

8. Pensions

8.1 New pensions and debt advice service

- 8.1.1 A new financial guidance service to provide advice on pensions, managing debts and other money issues is to be created by the UK government. The new body

will replace the existing Money Advice Service along with two pensions advice groups - the Pensions Advisory Service (TPAS) and Pension Wise.

8.1.2 The UK government believes a single advisory body will be more efficient; further details of the new service including when it will be implemented has still to be confirmed.

8.2 **Consultation launched on the state pension age system of the future**

8.2.1 In October 2016, the 'independent reviewer of state pension age' John Cridland CBE, launched a consultation seeking views on different options for what retirement might look like beyond 2028.

8.2.2 The consultation will look at the key drivers of State Pension age including

- life expectancy in the different nations and regions and for different occupational groups;
- challenges faced by those who rely most on the State Pension and are therefore most likely to be affected by any future changes.

These groups include carers, people with poor health or disability in later life, the self-employed, women and ethnic minorities. One in 10 adults already have some caring responsibilities and this will increase.

8.2.3 The report puts forward the view that there is value, in a clear point in time, when the state will offer retirement income. It also opens a discussion on alternatives to a universal State Pension age, recognising that the nature of work and retirement is changing, as people move from the old model of a fixed retirement age and a defined period of retirement to a more flexible approach where they may work part-time or change career in later life.

8.2.4 It considers options such as supporting individuals to work longer and more direct interventions, such as early access after a long working life to either a full or a reduced pension. The consultation will run until the 31 December 2016.

9. **Financial Monitoring Report – to be updated**

9.1 The financial monitoring report can be found at Appendix 2. At this stage of the financial year, the budget is currently predicted to come in on budget.

10. **Implications**

10.1 Resource and Risk implications are set out in the paper. There are no legal; climate change/Carbon Clever; Gaelic implications.

10.2 Rural Implications – the report highlights a range of issues that particularly impact on rural areas.

10.3 Equalities – the whole report seeks to consider and address the issues arising from welfare reforms that impact on poverty and vulnerability.

10.4 Poverty – the whole report aims to acknowledge current welfare issues which exacerbate the causes of debt and poverty within the Highlands.

Recommendation to

The Committee is asked to:

Consider

1. The reduced benefit cap levels to be implemented in the Highlands from 7 November and the potentially significant increase in the number of households impacted.
2. The different qualifying criteria between Live and Full Universal Credit Services and be aware that while some households will be better off under Universal Credit, others will be worse off.
3. The 44% increase in the number of known Universal Credit cases in council housing and temporary accommodation and the continued concerns regarding rent arrears for these households.
4. The welcome announcement by the UK Government to abolish reassessments for Employment and Support Allowance (ESA) for those with lifelong, severe health conditions, with no prospect of improvement.
5. The review being undertaken into retirement beyond 2028.
6. That the Welfare Budget is anticipated to come in on budget.

Support

1. The work being led by the Welfare Support Team to support those potentially impacted by the reduced benefit cap levels.
2. The action being taken by the Welfare Policy and Assurance Team to obtain data from DWP regarding the number of Universal Credit households who will be potentially impacted by the reduced benefit cap levels.
3. The short-term arrangements that are being put in place by the Finance Service to fully mitigate the impact of the reduced benefit cap levels for 2016/17 by making most effective use of the discretionary housing payment scheme.

Designations: Director of Finance and Director of Community Services

Date: 9 November 2016

Authors: Allan Gunn, Head of Revenues & Business Support and David Goldie, Head of Housing

Background Papers:

The Impact on Scotland of the New Welfare Reforms:
http://www.parliament.scot/S5_Social_Security/General%20Documents/Sheffield-Hallam_FINAL_version_07.10.16.pdf

Welfare Reform Report – November 2016**Under occupation rules - 25/09/2016**

Summary – 14% reduction	
	No of Properties
Council tenants	1,328 (67%)
HA tenants	660 (33%)
Total	1,988

Summary – 25% reduction	
	No of Properties
Council tenants	301 (77%)
HA tenants	89 (23%)
Total	390

Summary – combined	
	No of Properties
Council tenants	1,629 (68%)
HA tenants	749 (32%)
Total	2,378

Number of transfer applicants affected and movement in quarterly periods – for Highland Housing Register: Jul 16

Number of applicants	% Movement since Qtr. 4 14/15	Number +
216	-4%	-10

Housing Benefit Appeals

Number of appeals received with a comparison to the previous financial year			
April 2015 Appeals/Reconsiderations	0 /47	April 2016 Appeals/Reconsiderations	0 / 40
May 2015 Appeals/Reconsiderations	0 /32	May 2016 Appeals/Reconsiderations	0 / 31
June 2015 Appeals/Reconsiderations	0 /46	June 2016 Appeals/Reconsiderations	0 / 44
July 2015 Appeals/Reconsiderations	0 / 49	July 2016 Appeals/Reconsiderations	0 / 38
August 2015 Appeals/Reconsiderations	0 / 42	August 2016 Appeals/Reconsiderations	0 /53
September 2015 Appeals/Reconsiderations	0 /46	September 2016 Appeals/Reconsiderations	0 / 41

Benefit Cap at 11/10/16

Landlord type where cap has been implemented	HB reduction per week						
	£0 - £19.99	£20 – £39.99	£40 - £59.99	£60 - £79.99	£80 - £99.99	£100 - £119.99	£120 - £139.99
Local Authority		1		2	1		1
Housing Association	4	1					
Private rent	2				1		

Discretionary Housing Payments

	Qtr 1 2016/17 spend	Jul-16	Aug-16	Sep-16	2016/17 YTD
Number of awards	4,572	217	264	336	5,389
Award Reasons					
Under Occupation:	4,451	198	251	323	5,223
Benefit Cap:	0	0	0	0	0
Other:	121	19	13	13	166
Total amount paid and committed	£1,446,154	£11,717	£17,703	£44,133	£1,519,707

Scottish Welfare Fund

	Qtr 1 16/17	Jul-16	Aug-16	Sep-16	Year to date
Crisis Grant					
Application Approved	843	311	375	360	1,889
In month award total	£46,425	£16,450	£24,880	£21,820	£109,574
Average CG award	£55	£53	£66	£61	£58
Community Care Grant					
Application Approved	458	137	192	143	930
In month award	£152,122	£38,904	£53,102	£54,387	£298,514
Average CCG award	£332	£284	£277	£380	£321

FoodBank MI

Inverness & Nairn

Vouchers issued	Adults fed	Children fed	Total fed
508	598	194	792

Top 3 reasons why voucher issued: 1. Benefit delay 2. Low income 3. Other

Data taken from Distributor report 1 January 2016 - 31 March 2016

Highland foodbanks (exc Inverness & Nairn)

Vouchers issued	Adults fed	Children fed	Total fed
361	514	203	717

Top 3 reasons why voucher issued: 1. Benefit delay 2. Low income 3. Other

Data taken from available Distributors report 1 January 2016 - 31 March 2016

Appendix 2

WELFARE BUDGET	ACTUAL	ANNUAL	ESTIMATED	VARIANCE
1 April to 30 Sep 2016	YTD £000	BUDGET £000	OUTTURN £000	
Housing Benefits	25,073	52,417	52,417	0
Council Tax Reduction Scheme	11,305	11,400	11,400	0
Scottish Welfare Fund				
- Community Care Grants	260	555	555	0
- Crisis Grants	106	246	246	0
	366	801	801	0
Discretionary Housing Payments	834	1,466	1,466	0
Educational Maintenance Allowances	341	850	850	0
School Clothing Grants	296	331	331	0
Advice and Information Services	646	1,277	1,277	0
GROSS WELFARE BUDGET	38,861	68,542	68,542	0
Income				
DWP - HB Subsidy	(24,597)	(52,295)	(52,295)	-
DWP - Discretionary Housing Payments	(580)	(1,190)	(1,190)	-
Educational Maintenance Allowances	(316)	(850)	(850)	-
Advice & Information Services (HRA Recharge)	-	(125)	(125)	-
	(25,493)	(54,460)	(54,460)	-
NET WELFARE BUDGET	13,368	14,082	14,082	-

What is the benefit cap?

The benefit cap was introduced in The Highland Council area on Monday 15th July 2013. This means there is a maximum amount of benefit that a working-age household, defined as an individual, their partner, and any children they are responsible for and who live with them, can be entitled to.

This applies to the combined income from the main out-of-work benefits, plus housing benefit, child benefit and child tax credits. Initially the cap was:

- £350 per week (£18,200 per year) for a single adult with no children; and
- £500 per week (£26,000 per year) for a couple or lone parent, regardless of the number of children they have.

From 7 November 2016, the cap was lowered to:

- £257 per week (£13,400 per year) for a single adult with no children: and
- £385 per week (£20,000 per year) for a couple or lone parent, regardless of the amount of benefits they have.

Which households are exempt from the cap?

If a claimant or their partner work, and either of the following apply they are not affected by the cap:

- The claimant or their partner are eligible for working tax credit: or
- The claimant or their partner get Universal Credit, and their household income is more than £430 a month after tax and National Insurance

You are presently exempt from the cap, regardless of the amount of benefits you receive, if you, your partner or a dependant child is entitled to:

- Working tax credit.
- Disability living allowance/personal independence payment
- Armed forces independence payment
- Attendance allowance
- the support component of employment and support allowance
- Universal credit payment for 'limited capability for work and work-related activity'
- Industrial injuries disablement benefit
- War widows and war widowers pension

Carer's allowance and guardian's allowance also became exempt benefits when the lower cap was introduced.

How the cap is applied?

Initially the cap is applied as a reduction in the amount of housing benefit claimants receive, so it is administered by The Highland Council. This means the effect of applying the cap will depend entirely on the claimant's Housing Benefit entitlement. For those already in receipt of universal credit, the cap will be applied by DWP.

If their weekly combined income from certain benefits, including housing benefit, is more than £257 or £385, and they are not exempt, the cap will be applied to their housing benefit payment.

Other benefits, besides housing benefit, will be paid in full and not reduced. This means that some people may still receive income from benefits which is higher than the benefit cap level.

If the claimant receives no Housing Benefit:

The cap cannot be applied to claimants and their benefits will not be reduced. When they are transferred to, or they claim universal credit, the benefit cap will be applied.

If the claimant's other benefits (not including housing benefit) add up to less than the benefit cap:

Dependent on their circumstances, a claimant will be paid their applicable amount of housing benefit which may bring them up to the maximum allowed by the cap. E.g. if they have 2 children and their weekly benefits (not including housing benefit) add up to £300, the maximum amount of housing benefit they can receive will be £50.

If the claimant's other benefits (not including Housing Benefit) add up to the level of the benefit cap or more:

They will receive only 50p a week housing benefit. For those receiving universal credit the benefit cap will be applied by restricting the universal credit payment. This will enable all households affected to be capped in full.

How will claimants know if they are going to be affected by the benefit cap?

The Government has written to all existing claimants they believe might be affected. New benefit claimants will be capped dependent on their circumstances at the time of their claim. Therefore, it is important claimants check their situation using the DWP benefit cap calculator www.gov.uk/benefit-cap. Get Help:

For Universal Credit

Telephone: 0345 600 0723
Textphone: 0345 600 0743
Monday to Friday, 8am to 6pm

For other DWP benefits

Telephone: 0345 605 7064
Textphone: 0345 608 8551
Monday to Friday, 8am to 6pm

The Highland Council Welfare Support Team:





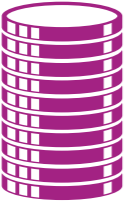
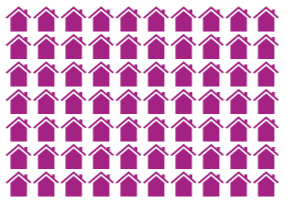

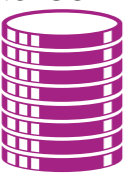























Telephone: 0800 1004 090
For help to claim **all** benefits



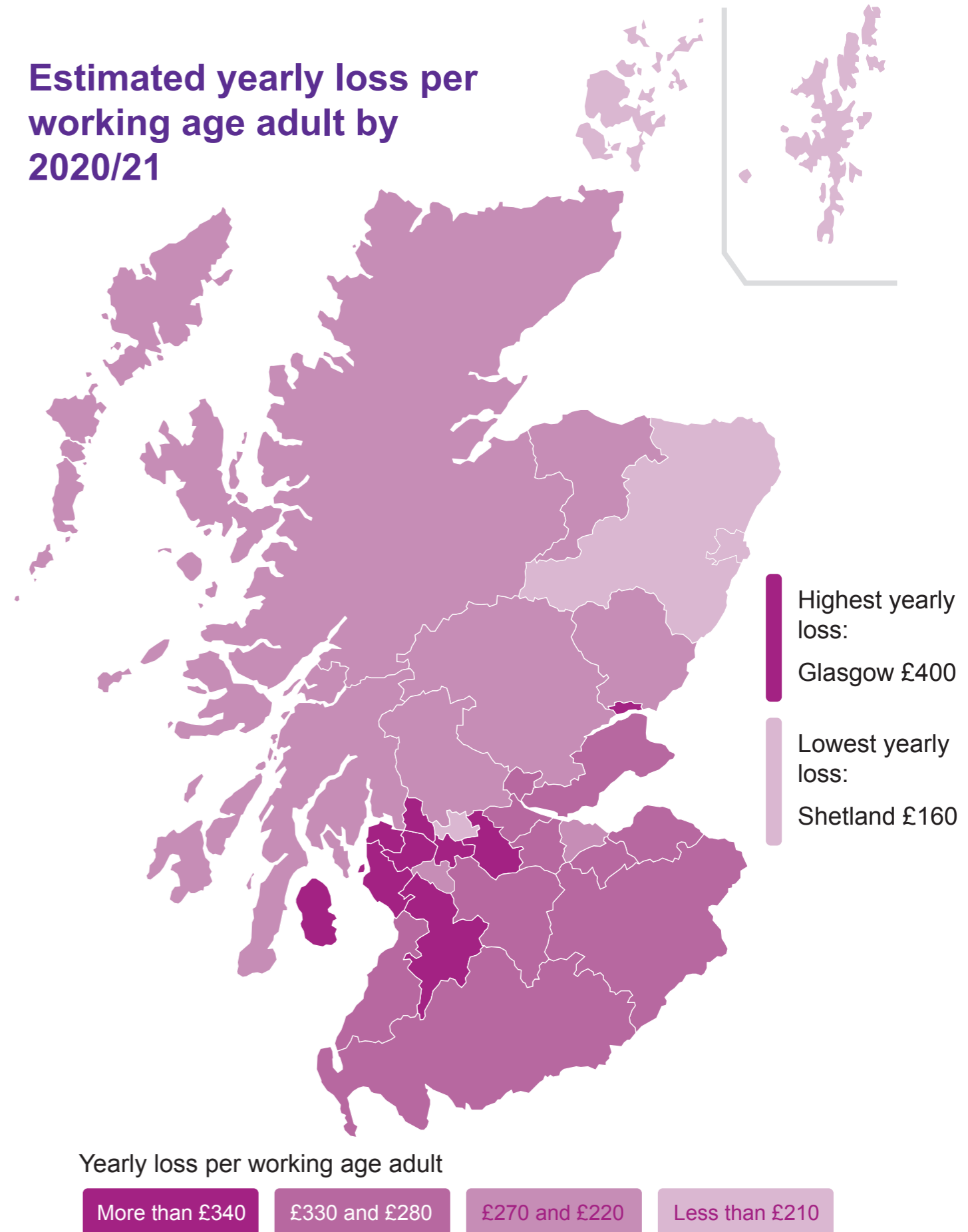
The Scottish Parliament
Pàrlamaid na h-Alba

The Impact of the New Welfare Reforms on Scotland

Estimated effect in 2020/21

	Total loss	Number of  or  adversely affected	Average loss by affected  or 
Benefit freeze	£300m 	700,000 	£450 
Universal Credit work allowances	£250m 	240,000 	£1,050 
Personal Independence Payments	£190m 	70,000 	£2,600 
Tax Credits	£140m 	150,000 	£950 
Employment and Support Allowance	£65m 	70,000 	£900 
LHA cap in social rented sector	£40m 	55,000 	£750 
Benefit cap (extension)	£25m 	11,000 	£2,400 
Mortgage interest support	£25m 	17,000 	£1,450 
Housing Benefit for 18-21 year olds	£4m 	1,500 	£2,600 

Estimated yearly loss per working age adult by 2020/21



A New Future for Social Security

Consultation on Social Security in Scotland

Consultation Questionnaire

July 2016



Introduction to the consultation questionnaire

This questionnaire is designed to accompany the Consultation on Social Security in Scotland. [insert link] Please refer to that consultation to give context to the questions repeated here.

Send your completed response to:

socialsecurityconsultation@gov.scot

or

Social Security Consultation
5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU.

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form**. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Chris Boyland
5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow,
G2 8LU.

or

E-mail: socialsecurityconsultation@gov.scot

CONSULTATION QUESTIONNAIRE AND RESPONDENT INFORMATION FORM

Consultation on Social Security in Scotland to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016.

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

The Highland Council

Phone number

01463 702493

Address

The Highland Council, Glenurquhart Road, Inverness

Postcode

IV3 5NX

Email

Allan.gunn@highland.gov.uk

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

Publish response with name

Publish response only (anonymous)

Do not publish response

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

No

CONSULTATION QUESTIONS

PART 1: A PRINCIPLED APPROACH

1. Fixing the principles in legislation

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

(please tick the option/s you prefer)

A. As a 'Claimant Charter'?	<input checked="" type="checkbox"/>
B. Placing principles in legislation?	<input checked="" type="checkbox"/>
C. Some other way, please specify	<input type="checkbox"/>

Why do you favour this/these option/s?

Please explain your answer

Placing principles in legislation would strengthen the status and purpose of a 'charter'. The charter should provide the finer detail and enable a 'living document' which can be reviewed and updated as the Social Security System develops in Scotland.

If you think option A, ' a Claimant Charter' is the best way to embed principles in the legislation please advise:

Q: What should be in the Charter?

Please explain your answer

The Scottish Government outlined the new social security powers will be founded on treating people with dignity and respect. Therefore the charter should include:

- the right information is provided when requested
- makes it clear what standards a person can expect from the system
- the principles for challenging the system
- says what a person's responsibilities are in return
- sets out how the system will support people to fulfil their full potential

Q: Should the Charter be drafted by:

(please tick the option/s you prefer)

A. An advisory group?	<input type="checkbox"/>
B. A wider group of potential users and other groups or organisations?	<input type="checkbox"/>
C. Both	<input checked="" type="checkbox"/>

D. Some other way, please specify	
-----------------------------------	--

Why do you favour this/these option/s?

Please explain your answer
 The Scottish Government must have overall responsibility for, and ownership of, the policy and procedures of the system. However, as is the learning from the introduction of the Scottish Welfare Fund, a collaborative approach with key stakeholders will add value. Involving those organisations that deliver support and those who receive assistance, and understanding what is important to them, would enable a better understanding of the 'bigger picture' aspects of the provision of a social security system that meets the needs of the Scottish people.

Q: 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?

Please specify below
 The word 'claimant' is a common term used by DWP. The term can give rise to stigma rather than achieving dignity and respect. It is important to acknowledge that some of those accessing the social security system may have no preference for the term used. However it is important to consider the wider public perception and ensure those seeking and receiving support from the system are not marginalised. Alternative terms for Claimant and Charter may include:
Claimant: resident, people, applicant.
Charter: promise, oath, pledge, vow.

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

Please specify below
 The charter should be a fluid document which is reviewed and updated as appropriate on a regular basis to ensure it meets the changing needs of the residents it is intended to support.

If you think option B 'placing the principles in legislation' is the best way to embed principles in the legislation, please advise:

Q: On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect? (please tick the option you prefer)

A. The Scottish Government	x
B. The Scottish Ministers	x
C. The Chief Executive of the Social Security Agency	x
D. Someone else, please specify	x Delivery Partners

Please specify below
 Anyone involved in the development and delivery of the social security in Scotland should abide by the principles that individuals should be treated with dignity and respect. This should be recognised from the outset and promoted by those named above and in information materials e.g. websites/forms to facilitate the provision of the social security system.

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

Please specify below

The Scottish Government has the opportunity to transform the current social security system in Scotland. This will involve delivering a vision and culture which is relevant and will support all those who require it in society. To support an inclusive model, the principles need to be aspirational and achievable to ensure the best possible outcomes for the Scottish people within the available budget.

Q: 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?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

Placing principles in legislation would strengthen their status and purpose. These may or may not hold legal definition although they allow those accessing the system to evaluate whether the system is meeting its purpose. The principles may benefit from being supported by a framework for redress should there be instances of non-compliance.

2. Outcomes and the user experience

Q: Are the outcomes (shown in the table on page 17 of the consultation) the right high level outcomes to develop and measure social security in Scotland?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

Success should ensure that delays in paying benefit to those entitled are avoided and complexities are designed-out of the application process. Together, these will change lives for the people of Scotland. Page 17 - These are acceptable initial outcomes to have for the impact of the overall system. However, any performance framework must demonstrate that the measures and outcomes are being achieved and fit for purpose. Clear and transparent performance metrics in respect of performance areas e.g. speed, cost and accuracy of processing performance - per Council area is essential. Challenging targets should be set and performance against these openly and frequently (eg quarterly) reported.

In addition, the outcomes shown on page 17 do not fully align with the aims and duties of the Christie Commission, Community Empowerment Act and Localism Act for delivering services locally in order to support and empower local communities.

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

Please specify below

The Highland Council welcomes the objectives on effective integration with the reserved benefit system and effective integration with other public services to ensure people receive the support they need and when they need it. However, there appears to be no reference to the affordability of the social security system within Scotland. A social security system is a powerful tool to prevent and alleviate poverty and inequality. It enables cash injections to local economies and has a positive impact on development, but the funding of any new benefits or top ups need to be affordable for the people of Scotland and should be reflected in any outcomes both short and long term.

Independent living is defined by the Independent Living Movement in Scotland as “disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community. It does not mean living by yourself, or fending for yourself. It means rights to practical assistance and support to participate in society and live an ordinary life.”

It will therefore be important to align outcomes with the Christie Commission, Community Empowerment Act and Localism Act for delivering services locally and where appropriate for supporting individuals to live independently.

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

Please specify below

It will take time and commitment to ensure all communications are designed with dignity and respect at their core. In addition this message must be clear and visible at all levels both internally and externally.

The purpose of any form of communication is to provide information to your target audience in a way that clarifies understanding and compliance. Therefore any communication strategy should:

- **Brand awareness** – which words, pictures, colours, designs and logo will all create images in the minds of customers who will use the system and what the system aims to achieve i.e. support those in need of assistance with dignity and respect;
- **Engage and consult** stakeholders to ensure the appropriate communication channels are used e.g. paper, digital, audio in plain and easily understood language which takes into account visual impairments, learning disabilities and other conditions;
- **Training/awareness** – ensure those involved in dealing with the social security system have the appropriate training;
- **Appropriately target the wider Scottish population** i.e. those who will and those who will not (at that point in time) need the support of the social security system. This is essential to remove the potential for stigma and prejudice for those accessing the system.

Q: 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?

Please specify below

It is important not only to think about *what* you say, but *how* you say it. Everyone should be able to access and understand information that affects their everyday lives. Language that is easier to understand helps people to make better choices regardless of the circumstances.

Consultation with key stakeholders including local authorities, NHS, voluntary organisations, third sector, those potentially accessing the system and the disability organisations should be used to develop and decide the most appropriate formats and language. Some formats suit one type of impairment more than another, in a similar way the target audience may prefer receiving information in different formats. The use of non-technical, jargon free language should be a priority for any communications in the social security system.

Seeking views from as wide an audience as possible will also support decision making on accessibility to information. Making the original documents more accessible initially will reduce the need for producing accessible formats, albeit those with visual impairments, learning disabilities, and dexterity or literacy difficulties will require appropriate access to information. Face to face communications is an important medium which can be used to effectively engage and prevent misunderstandings at all stages in the process.

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please state below which words or phrases should not be used

Claiming benefits can be stigmatising because of who people are rather than because of what they do, with benefit claims serving as a marker for other forms of stigma (e.g. unemployment, single parenthood or disability).

Care should be taken to avoid any stigmatising language, including terms which may be in common use in the past but are now regarded as stigmatising for those to whom they are applied or those terms regularly used by DWP, for example 'claimant', 'welfare' or 'means-tested'.

Q: What else could be done to enhance the user experience, when considering the following?

- When people first get in touch
- When they are in the processes 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

Please specify below

The experience of the Scottish Welfare Fund provides an effective 'blue print' to enhance the 'customer journey'; the expected standards should be set out in a 'Charter' and include:

- Acknowledgement of application/information;
- Next step timescales of 'customer journey';
- Quick payment method / frequency of any award;
- Contact details for questions/complaints;
- Advice on reconsideration/appeal process if application unsuccessful;
- Cost of accessing the system (eg the telephone costs of accessing the existing UK social security system are disproportionate to recipients' benefits);
- Enabling people to fulfil their full potential
- Locally delivered services that are accessible.

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

Please specify below

It will be essential that effective use is made of a variety of accessible communication formats. Digital communication methods are the preferred choice of delivery organisations although, as demonstrated with the introduction of Universal Credit, this is not always the most appropriate method of communication for those accessing the system as it will depend on an individual's circumstances and network availability. As a consequence, a range of communication methods will need to be developed.

Generic and specific individual information (eg decision letters) should be accessible in the most appropriate format which meets the individual needs of those accessing the system. General information should be widely available e.g. leaflet, poster, online and easily understood to help mitigate the need for a customer to make contact. Decision letters for example could be made available in a range of formats depending on the individual's choice of medium to receive such communications.

Q: 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?

Please specify below

The Scottish Government is encouraged to adopt this approach to ensure an inclusive methodology is adopted in developing application forms. However it is also important to reflect on previous forms which have been introduced e.g. Scottish Welfare Fund national application which was used for both Crisis Grants and Community Care Grants and meant the inclusion of some questions made the application form unduly lengthy and time consuming. Care and consideration needs to be taken to ensure the application form(s) are not a barrier to legitimately accessing benefits.

This can be addressed by smart technology and the use of online applications which can mitigate these problems, albeit digital is recognised as not the most appropriate format for some.

Local authorities have the knowledge, experience and skills to support the development of the social security systems including applications, processing and payment of awards. The Scottish Government has the opportunity to design a system which has less bureaucracy, more flexibility and a move towards maximising resources to deliver and manage a successful social security system for Scotland's residents.

For example, Apply Once is The Highland Council's newest online form, launched in August 2016. Individuals enter their basic personal details to establish all the benefits administered by the Council which they are entitled to apply for, and their potential entitlements. They can then apply for everything they are entitled to within one form. This reduces the number of forms a customer needs to complete, as well as the amount of information and evidence they need to provide. This approach also ensures that individuals are aware of everything they are entitled to from the council thereby maximising their income. Apply Once also reduces administrative costs for the council as verification is required only once, evidence is gathered only once, and decision-making is undertaken within a single financial assessment team.

The form brings together assessment for a number of entitlements and benefits covering multiple services. This includes

- Housing benefit and council tax reduction
- Free school meals and assistance with school clothing
- Council tax discounts and exemptions
- Second adult rebate
- Disabled Band Reduction
- Discretionary housing payments
- Garden aid

Making effective use of 'myaccount' The Highland Council is one of the first council's in Scotland to provide a single form for assessment and application that includes such a breadth of benefits and entitlements.

Q: 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?

Please specify below

If the composition of ‘User’ panels is made up of potential and actual social security recipients then, People Experience panels, People Engagement panels or People Journey panels may be more appropriate suggestions of names for these panels.

These panels can target representative samples of people easily and quickly allowing a faster insight of a process. They are useful to target hard to reach groups which will potentially be a key user group of the social security system. Engaging with such groups at all levels within the system can usefully support a transparent approach to the delivery of the system.

3. Delivering social security in Scotland

Q: Should the social security agency administer all social security benefits in Scotland?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please explain your answer

The Scottish Government should look at the skills base and infrastructure which already exists in Scotland for services currently engaged with delivering existing entitlements including the NHS and local authorities. These organisations have the potential to administer the various elements being devolved without the need to create a further layer. Furthermore making best use of existing infrastructure will avoid the costs of creating, training and managing new agencies, thereby enabling more of the overall budget to be allocated to benefit payments for residents. For example, following the abolition of specific parts of the Regulated Social Fund, councils in Scotland have played a continuing pivotal role in the successful implementation and delivery of the replacement scheme - the Scottish Welfare Fund. In addition Scottish councils have effectively administered the council tax reduction scheme and the Discretionary Housing Payment scheme on behalf of the Scottish Government to mitigate the Social Sector Size Criteria and.

Experience and performance demonstrates the ability of councils across Scotland to locally implement and deliver a Scottish Government national policy in a very short timescale. The financial, time, resource, skills and legal challenges faced in setting up a new agency compared to using existing mechanisms needs to be comprehensively reviewed including the use of evidence to ensure the best outcome is achieved. This is particularly vital given those who will be accessing Scotland's social security systems includes some of the most vulnerable in society. Benefit recipients in Scotland are already aware and experienced in engaging with their local council to receive benefits. Adding a further layer of government (eg social security agency) will be expensive and will add confusion and unnecessary complexities for residents.

For over 30 years, local authorities have demonstrated through the processing of Housing Benefit and associated Council Tax schemes the ability to provide and deliver effective and efficient local processing functions. A new agency would not have such experience and would take many years to build such experience. Local authorities also administer additional benefit/welfare-related claims including (in The Highland Council area):

- Housing Benefit: circa £51 million
- Council Tax Reduction circa £12 million
- Discretionary Housing Benefits: circa £2 million
- The Scottish Welfare Fund: circa £700,000
- School Clothing Grants: £300,000
- Provision of Free School Meals for p1 to p3: circa £2.5 million
- Educational Maintenance Allowance (EMA): circa £850,000
- Concessionary travel – both local and national

This local service delivery model in Highland aligns with the UK and Scottish Governments' localism agendas and removes the need for requiring residents to contact various numbers, email addresses and/or websites for assistance. By consolidating the point of contact, the ambiguity over who to contact when some event happens, or need arises, is removed. Residents can immediately reach an adviser who is able to offer assistance and understand the potential issues and problems faced within The Highland Council area. This local approach and single local delivery model also ensures that incomes are legitimately maximised and individuals do not miss out on benefit entitlement. This local service delivery model provides a sound template for the administration of Scotland's social security system.

By way of example, since 2014/15, Highland Council has reduced service delivery costs by 20% within benefits administration, whilst achieving improved processing times over the same period, many of which are now top quartile (the top 8 performing councils in Scotland). Over the last 2 years, as well as implementing significant changes in business processes, a new structure has also been implemented including a local single service delivery model for all benefits that the council is responsible for – all based on customer needs.

The Highland Council is now in the enviable position of providing a better and more complete service for residents and allowing staff variable and more interesting jobs, whilst at the same time improving processing times and reducing costs. It also offers the opportunity to add further benefit/entitlement responsibilities to be delivered by this established local service delivery model with a now positive track record on service areas, including processing performance and delivering efficiencies.

Innovation in public services offers greater value for taxpayers' money and better results for local communities. The best councils are constantly on the look-out for new and better ways to design and deliver services. Delivery partners that underperform and fail to meet delivery standards could have their benefit processing allocated to the best performing partners.

Stretching performance targets increase the incentive for delivery partners to deliver a quality service which meets the needs of benefit claimants within their own area whilst delivering value for money to the tax payer. This can be demonstrated by the performance already being delivered by Scottish local authorities in meeting the DWP targets for housing benefit delivery.

The social security agency will need to have an impartial "governance" role to ensure transparency and to avoid a potential conflict of interest.

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

(please tick one box)

Yes	x
No	

Of

Please explain you answer

The use of goods and cash can be beneficial for both recipients and suppliers as has been demonstrated in the delivery of the Scottish Welfare Fund. However, in some instances it may be more appropriate and efficient to offer goods rather than cash. Similarly the introduction of the Scotland Excel Framework for suppliers to the Scottish Welfare fund has enabled a competitively priced catalogue of goods to be made available to councils which supports both affordability and offers a social aspect of increasing employability and volunteering opportunities in the supply chain. The supply of competitively priced goods enables councils to support an increased number of residents within the available budget.

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

Please specify below

Accessibility and choice are essential to promote the benefits of digital services within the social security system in Scotland. Demonstrating the advantages for individuals of digital applications will increase take up of this method through time and provide cost efficiencies. However, it should be noted digital will not always be the best delivery model for all residents and therefore other engagement and application channels still need to be available. The delivery model will need to take cognisance of the network connectivity challenges in Scotland. Whilst many customers may prefer to transact digitally, the rural and isolated landscape in Scotland does not always facilitate the availability of broadband connectivity. In these communities the choice of transacting digitally is not available.

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

(please tick one box)

Yes	x
No	

Please explain you answer

It is essential that an effective balance is achieved between availability and affordability. It is important to balance online interactions with face-to-face support. Given the social security system is going to be based on dignity and respect, face to face support will be an essential service for vulnerable residents and to support individuals to fulfil their full potential.

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

(please tick one box)

Yes	x
No	

Please explain your answer

Public sector organisations and services have the resources, skills, governance and infrastructure to deliver new services in a cost effective and efficient model. The wealth of experience and breadth of skills that already exist within local authorities should be put to best use. These organisations already hold information about, and have developed relationships with, individuals who will potentially be accessing the new system. Therefore the potential to engage locally and reduce the amount of information gathering should be exploited to its full potential. Local authorities already undertake significant financial assessments for a number of Scottish Government benefits including Council Tax Reduction, Employment Maintenance Allowance, Free School Meals, School Clothing Grants and Scottish Welfare Fund Applications.

In Scotland some public services currently deliver existing entitlements including the NHS and local authorities. These organisations have the potential to administer the various elements being devolved making best use of existing infrastructure which will avoid the cost of, and time required to, create new agencies, thereby enabling more of the overall budget to be allocated to benefit payments for residents.

Q: 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?

(please tick one box)

Yes	
No	x

If yes, which aspects?

Whilst not discounting these organisations, careful consideration would need to be given to the resource, skills, governance and infrastructure to support the scale of sustainably delivering the social security system cost effectively and timeously for the people of Scotland.

In addition, governance and resilience are areas to be contemplated when assessing outsourcing services to non-public organisations. Social security delivery by the third sector may also alter or impact the long-established relationship between the third sector and their client groups.

4. Equality and low income

Q: How can the Scottish Government improve its partial EqIA so as to produce a full EqIA to support the Bill?

These prompts could be helpful in framing your answer:

- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?
- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?
- Are there equality considerations for individual benefits that you would like to draw to our attention?
- Are there considerations about individual benefits for those on low incomes that you would like to draw to our attention?
- What are your views on how we can best gather equality information for the new Scottish benefits?
- What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?
- What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

Please specify below

General:

When the full EqIA is carried out in addition to considering policies, procedures and processes of the new system the assessment must focus on the impact of how benefits/top ups interact and impact on public services and the reserved benefits system to ensure Scotland's social security scheme does not disadvantage or result in financial detriment for residents.

A national framework with guiding principles encompassed with local evidence and decision making needs to be adopted to ensure the system meets the needs of all residents and takes account of the significant challenges and competing priorities Scotland faces e.g. rural/urban areas, existing legacy benefits, Universal Credit timetable, affordability, groups impacted.

The EqIA needs to consider wider implications than just the Social Security system. For example, government priorities (eg child poverty, youth unemployment), impact on local government and budget expenditure all need to be reflected when considering the introduction of the social security system.

Specifically

What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?

- *Take account of experiences of those accessing benefits, in addition to the quantitative data, and especially where data is missing. Issues are not only about update of benefits, but also about experiences of current services, eg Scottish Attitudinal Surveys; Welfare Reform reports, UK Parliament report on [Transgender](#) issues refers to concerns about retention of information and confidentiality.*
- *May need to consider if there are differing implications within equality groups, eg are people experiencing mental ill health impacted any differently to people with physical impairments? In terms of race/ethnicity, are there different impacts on different ethnic groups, also any impact on Gypsy/Travellers, on refugees or migrant workers?*
- *Where engaging with representative groups, allow time for them to consult with their members. Information on the consultation for the new powers should be provided in accessible language and formats, eg easy read versions.*
- *Take equality into account in the commissioning and designing the assessment, decision-making and review processes.*

What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?

- *As above, and consider other forms of research, eg JRF reports on ethnicity and poverty.*
- *The additional cost disabled people may face is already taken into account in the UK social security system. However, the additional costs of living in remote rural areas are not currently accommodated. These are real costs for people living in such areas and may need to be reflected in Scotland's social security system. It will therefore be important to undertake a rural impact assessment in addition to the equalities impact assessment while also recognising that some of the most vulnerable members of society experiencing extreme poverty reside in urban areas.*

Are there equality considerations for individual benefits that you would like to draw to our attention?

The negative impacts of the transition from DLA to PIP on disabled people have been well documented by Disabled Peoples' Organisations and should be taken into consideration.

What are your views on how we can best gather equality information for the new Scottish benefits?

- *Monitoring data should be gathered consistently - the IIDL (C) refers to an intention to collect data across all protected characteristics although there does not appear to be further references to this methodology.*
- *Experiences of accessing benefits should be gathered as well as uptake.*
- *Make best use of equalities data already available under the UK social security system and data available within the NHS and local authorities.*

What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through social security support?

In developing legislation and associated guidance:

- *Give due regard to the Public Sector Equality Duty*

- Consider the Human Rights approach ([PANEL](#))
- Take cognisance of the proposed introduction of the [Socio-economic duty](#) in Scotland
- Use of language – avoid stigmatising and marginalising those accessing the social security system in Scotland

What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

- Uphold the commitment to treat those in need of support with dignity and respect and enable more accessible systems.
- Ensure that the system is resourced to provide adequate and sustainable levels of targeted support.
- Undertake equality impacts on proposals for developments or reviews of social security.
- Consider the potential cumulative impact of the devolved and reserved benefits and take steps to prevent negative impacts where awards to the same individual are being made under the devolved and reserved systems.

5. Independent advice and scrutiny

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

A Scottish independent statutory body is recommended to provide impartial advice, analysis and recommendations to ensure a transparent approach is adopted of the new social security system and related matters.

Opportunities should be taken wherever possible to utilise or to extend the remit of existing arrangements to fulfil this scrutiny role and to avoid creating another layer of administration. The Scottish Parliament's Social Security Committee is already undertaking a scrutiny role in relation to new and existing Scottish social security powers; new and existing benefits; and the UK Government's welfare policies.

Q: 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?

(please tick one box)

Yes	X
No	

Please explain your answer

Section 22 of the Scotland Act 1988 provides that the proceedings of the Parliament shall be regulated by Standing Orders. This includes the proceedings of the committees. The current arrangements in Scotland for establishing committees of the Scottish Parliament are by way of a motion of the Parliamentary Bureau. Such an approach provides a solution for establishing a framework for scrutinising the social security system in Scotland.

Q: 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)?

Please specify below

The existing protocols for establishing subject committees of the Scottish Parliament, such as the Social Security Committee, provide for such arrangements without the requirement for establishing new arrangements. The Scottish Government may wish to consider arrangements that are in place for the UK Social Security Advisory Committee (SSAC) - the legislation provides that SSAC shall:

- give advice and assistance to the Secretary of State for Work and Pensions (and the Department for Social Development in Northern Ireland) in connection with the discharge of his functions concerning most Department for Work and Pensions (DWP) benefits and related matters (e.g. links with the labour market and wider social welfare issues). This can be at the request of the Secretary of State or on the Committee's own initiative; and
- consider and report upon proposals, for regulations, referred to it by the Secretary of State. All such proposals must be so referred, unless exempted by statute, or the Committee decides that a formal reference is unnecessary.

The Committee's role is to provide independent, expert, impartial, well-informed and timely advice to the Secretary of State and, by extension, to Parliament and the wider public, on social security welfare issues. The Committee responds to the Department's public consultation exercises, and is also consulted separately by Ministers seeking views on specific issues. The Committee may, of its own volition, select issues to research and report upon. The Chairman and/or the Committee meet regularly with Ministers and senior officials to discuss current or emerging issues. Members also meet front-line staff and customers in the course of their visits to operational sites.

The role of the Scottish Parliament's Social Security Committee is defined as:
"... to scrutinise the Scottish Government's policies and expenditure in relation to the

below matters:

- New and existing Scottish social security powers
- New and existing benefits
- UK Government welfare policy”

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

(please tick one box)

Yes	x
No	

Please explain your answer

Part of the scrutiny body's remit could be to oversee decision making standards.

Q: If yes, should this be a separate body in its own right?

(please tick one box)

Yes	
No	X

Please explain your answer

No provided the responsibility is with an independent body then ownership of standards could be with the Social Security Committee.

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

Please specify below

The arrangements must be transparent, impartial, effective and timely and ensure the advice given is impartial, well-informed, credible and constructive to ensure the social security arrangements are appropriate for the needs of people in Scotland.

PART 2: THE DEVOLVED BENEFITS

- The following questions do not seem to be those we would need responses to if we are to develop a new social security system based on the principles already set out by SG. These questions start from 'where we are now' rather than developing those principles into a new model for social security. Clearly there are constraints in terms of the linked elements of the social security systems that will not be devolved; and at some point there will be a need to situate any new model within those constraints but we need to look beyond the transitional phase (will, in order to minimise disruption to people receive support through the current UK system). We understand the priority to ensure a smooth transfer but we would anticipate the development of a more strategic development framework rather than a focus on the system Scotland is inheriting.
- Already SG has introduced a constraint through the commitment to maintaining the current level of disability benefits once the powers have been transferred. It is unclear whether this is a minimum or a maximum nor whether this will apply to any new model.
- The commitment to reform aspects of devolved disability benefits also implies a lack of transformational thinking.
- Consideration needs to be given to situating the benefits system that consider a disabled persons' needs in context of the social and health care that is being provided.
- Furthermore the relationship between the financial support provided through all benefits and the charges paid by the individual for care services needs to be examined. Also the whole system of how a transformed social security system should be funded alongside that for social care.
- Relationship and compatibility with other support arrangements for disabled people in Scotland e.g. the existing and new stand-alone provision for people with severe disabilities through ILF Scotland.
- The need to harmonise social security (disability) benefits with social care through person centred approaches already being rolled out such as Self-directed support.

6. Disability Benefits (Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severed Disablement Allowance and Industrial Injuries Disablement Benefit)

Q: Thinking of the current benefits, what are your views on what is right and what is wrong with them?

Disability Living Allowance (DLA)

What is right with DLA?

DLA is a benefit that provides cash contribution towards the extra costs of needs arising from an impairment or health condition. The positive aspects of DLA include:

- DLA is not means-tested or taxable;
- DLA awards can provide additional premiums in other benefits e.g. Housing Benefit;
- DLA is not an out of work benefit;
- Effective arrangements are in place to provide some recipients with particular circumstances an indefinite award without the need for a medical assessment;
- There are special rules that apply to people with a terminal illness.

What is wrong with DLA?

- The application form is lengthy and complex;
- Payments are delayed;
- Re-considerations and appeals are common when an application to DLA is made. Advice and Support Services regularly have to support this resource intensive process;
- Medical assessments can be intrusive and do not necessarily reflect or assess the day to day challenges of living with a disability;
- There is no straightforward way of reviewing entitlement to DLA to ensure people receive the correct level of benefit;
- Frontline advisers highlight the confusion of people thinking DLA is an out of work benefit which will be impacted if they return to work.
- There is a lack of consistency in deciding indefinite awards.
- Attendance at a medical centre can involve excess travelling for the disabled person and their carer, when required. This is stressful and tiring for some people on the day of the assessment and also in the days building up to and after the assessment.

Personal Independence Payment (PIP)

What is right with PIP?

PIP is:

- not means-tested;

- Non-contributory;
- Is an in and out of work benefit;
- acts as a passport to other benefits and premiums;
- there are special rules that apply to people with a terminal illness.

What is wrong with PIP?

- The application form is lengthy and complex;
- Payments are delayed;
- Personal Independence Payment is a points-based assessment, awarded on “descriptors” on a range of activities related to someone’s daily living needs and mobility:
 - each component has only two rates - standard rate and enhanced rate – DLA has three rates to the care component.
 - the method of assessment has more in common with employment and support allowance (ESA) than with DLA.
- You must achieve a certain level of points to qualify;
- Removal of indefinite awards for those with degenerative conditions.
- Frontline Advisers highlight it is becoming more difficult to achieve the required scores, especially for the mobility component;
- Frontline advisers highlight the confusion of people thinking PIP is an out of work benefit which will be impacted if they return to work;
- Long delays in decision making;
- Relies on medical evidence from GPs to support a successful application. This can delay the date that the application is submitted and some GPs are charging for the supply of such evidence.
- Re-considerations and appeals are common when an application to PIP is made. Advice and Support Services regularly have to support this resource intensive process and it is regularly highlighted a decision is rarely changed at the re-consideration stage;
- High level of success at appeals stage.

Attendance Allowance (AA)

What is right with AA?

Attendance Allowance is a well-targeted benefit which helps many older people with disabilities remain independent in their own home for as long as possible. This includes:

- Non-means tested;
- Eligibility 65 and over;
- the allowance is based on the help someone needs and not the help they

actually receive;

- acts as a passport to other benefits and premiums;
- Relatively straight forward application process.

What is wrong with AA?

Overall Attendance Allowance works very well in its current format. Frontline advisers highlight sometimes people are unaware that this benefits exists or their perception is they are not disabled enough to qualify.

However, payments can be delay and the application process is complex. These both negatively impact people's lives.

Q: Is there any particular change that could be made to these disability benefits that would significantly improve equality?

Please specify below

A modern welfare system should meet the needs of those eligible for assistance; the current system is not fit for purpose. This can be highlighted by a variety of different forms/applications which are complex and lengthy, requiring to be completed very often with the support of Welfare Specialists. The opportunity to rationalise the application process and very complicated qualifying criteria, should be explored. This should include:

- Method of application and timescales
- Qualifying criteria;
- Supporting evidence i.e. acceptable medical evidence
- The option of a face to face assessment where appropriate
- Length of awards
- Re-consideration/appeal process
- Communication/Publicity

The time between applying for disability benefits to the point of first payment needs to be truncated.

We want to make sure that the process is clear and accessible from start to finish, and that people claiming devolved benefits understand how and when their claim will be dealt with.

Q: In relation to the above how should the new Scottish social security system operate in terms of:

- A person applying for a disability related benefit
- The eligibility criteria set for disability related benefits
- The assessment/consideration of the application and the person's disability and/or health condition
- The provision of entitlements and awards (at present cash payments and the

- option of the Motability Scheme)
- The review and appeal process where a person isn't content with the outcome

Please specify below

The Highland Council strongly promotes that the purpose of the disability benefits system should be as a 'safety net'. Individuals who require additional support due to health conditions need to know that there is a reliable and effective system available where appropriate, whether it is time-limited support or lifelong help. The protection of the most vulnerable and marginalised in society should therefore be guaranteed.

Disability benefit recipients may require extra financial support to arrange for specific services to be delivered to meet their needs and ensures that their most basic human rights are respected and it significantly improves their quality of life too. There is significant evidence to demonstrate the link between poor health and low income. By ensuring those eligible receive all entitlements will positively impact on the demands being placed on the NHS. These outcomes should constitute the core of any disability benefits system.

In Great Britain, it is reported by the DWP* that a substantially higher proportion of families with disabled members live in poverty, compared to families where no one is disabled. 19% of families with at least one disabled member live in relative income poverty, on a before housing costs basis, compared to 15% of families with no disabled member. *[Disability facts and figures - GOV.UK](#)

The Highland Council believes the Scottish Government has the opportunity to develop a future disability benefits system to be built upon the concept of personalisation and improve the current assessment process which is to the detriment of claimants. This may include:

- *Introduce a holistic assessment of individuals to include supporting medical evidence which would determine if a face to face assessment is required –* This would identify customers whose conditions are significant enough to award PIP without the need for a face to face assessment.
- *Where a face to face assessment is required a local Assessment Centre is available -* The Highland geographical area compounded by the small number of Assessment Centres means customers have further to travel and in some instances is an expense which they cannot afford. It is noted currently a customer will have their fares reimbursed when they attend their assessment. However, if they do not have the money in the first instance to pay the fare then the added burden can exacerbate an already stressful experience.
- *Where appropriate re-introduce indefinite awards for degenerative and incurable conditions -* PIP does not currently offer indefinite awards meaning customers are faced with systematic reassessments of their condition which given the very nature can be demeaning and cause additional distress to already difficult circumstances.
- *Introduce an additional PIP daily living allowance comparable to the Care lower rate currently available to existing DLA –* PIP only has standard and enhanced daily living rates. In the Highland Council area approximately 2,170 working-age claimants are in receipt of the DLA lower rate care - currently

£21.80 per week – which enables eligibility to premiums when claiming additional benefits. If a DLA claimant is unsuccessful at their PIP re-assessment in addition to losing their DLA lower rate care, a working-age claimant would no longer be entitled to disability premiums which would have a significant annual financial impact. For example:

- *Loss of DLA lower care & tax credit disability premium - £6,066 per annum*
- *Loss of DLA lower care & HB/CTR disability premiums - £2,628 per annum*

The above 2 examples are dependent on the claimant's individual circumstances based on the loss of DLA lower care

Finally any new disability benefits system should support not stigmatise its beneficiaries. The current system results in greater demands for individuals to prove their disability. Scotland should grasp the opportunity to offer support whilst focusing on what people can do and work towards maximising their skills and strengths, rather than diminishing their ability and confidence.

Q: With this in mind, do you think that timescales should be set for assessments and decision making?

(please tick one box)

Yes	X
No	

Please explain your answer

This is a key consideration in the overall design of the system. It is imperative that assessment and decision-making processes are designed in a way that does not delay payment of benefit to those eligible. Good customer service is about understanding the needs of different customers, keeping promises and delivering consistently high standards. In addition to clear and achievable timescales this should include:

- Organisational commitment to a customer service culture
- Provision of clear, relevant and accessible information
- Good communication
- Quick resolution of customers' problems
- Effective use of customer feedback to help resolve common problems

Timescales for both assessments and decision making should be published and transparent as is the case for the Scottish Welfare Fund. Legislation and/or the Customer Charter or equivalent provides the potential for setting out these timescales.

Q: What evidence and information, if any, should be required to support an application for a Scottish benefit?

Please specify below

Evidence/information requirements must meet the qualifying criteria for any Scottish Benefit. In all applications proof of identity must be ascertained and therefore mandatory.

However additional information/evidence required will depend on the type of benefit being requested, For example:

- Is the benefit means-tested – proof of household income, savings, pensions etc?
- Is health/disability a qualifying condition – GP/Hospital evidence, support organisations? Where appropriate, potential for assessments should be considered an exception to the norm.

The collection of information/evidence can support the identification of potential eligibility to additional benefits and maximisation of a customer's income.

This concept can be demonstrated by Apply Once which is The Highland Council's newest online form. Customers can enter basic personal details and find out all the Council administered benefits they are entitled to, and the amount of their entitlement(s). They can then apply for everything they are entitled to within one form. This reduces the number of forms a customer needs to complete, as well as the amount of information and evidence they need to provide. It also ensures that customers are aware of everything they are entitled to from the council and once applied for, then receive from the council.

The form brings together assessment for a number of entitlements and benefits covering multiple services. This includes

- Housing benefit and council tax reduction
- Free school meals and assistance with school clothing
- Council tax discounts and exemptions
- Second adult rebate
- Disabled Band Reduction
- Discretionary housing payments
- Garden aid

Highland Council is one of the first council's in Scotland to provide a single form for assessment and application that includes such a breadth of benefits and entitlements.

Who should be responsible for requesting this information?

Please specify below

The body (ies) responsible for administering Scotland's social security system should be responsible for requesting the relevant information. This process will however require the customer's consent and is normally done by way of including a customer declaration as part of the application process. Ultimately the Data Protection Act determines how personal information is used by organisations, businesses or the government.

Some applicants may not want to allow extensive access to their personal information especially health records, whilst others will accept this as a 'burden' removed from their responsibility. Dependent on the nature of the information requested and how accessible it is, it may be the case that a fee can be required as is demonstrated in some areas of Scotland where GPs currently charge for providing medical evidence for disability benefit applications. The Scottish Government may wish to exercise their powers to require health services to provide this information free of charge and remove a barrier which currently exists.

The majority of Advice and Information organisations already obtain a signed mandate from those receiving these services to allow access/request of personal information. Therefore by allowing the processing agency to have this consent also will in theory enable the faster processing of applications and where appropriate payments, by reducing the timescales of request/supply information where gaps in evidence exist.

For the purposes of administering housing benefit for example, local authorities currently have access to the DWP's customer information system (CIS). This avoids the need for individuals to evidence their DWP benefit entitlements to councils, ensures assessments are based on up to date information and results in quick and quality decisions. It also reduces the costs of administering the housing benefit system. This data sharing is highly effective. Consideration should therefore be given to ensuring such data sharing continues following the implementation of the social security system in Scotland. It would be beneficial to consider other data sharing arrangements, for example, between NHS and the administering body(ies).

Who should be responsible for providing it?

Please specify below

This will be dependent on what information is being requested. However, if the information is specific professional advice then the appropriately qualified professional would be responsible for providing the information. It may be for the Scottish Government to consider legislating that this information will need to be provided cost free and timeously to ensure individuals are not disadvantaged.

The administering agency may already hold a significant amount of data on individuals and providing compliance with the Data Protection is achieved, will be able to access such data without the need for requesting the same information again from individuals.

Q: Should the individual be asked to give their consent (Note: consent must be freely given, specific and informed) to allow access to their personal information, including medical records, in the interests of simplifying and speeding up the application process and/or reducing the need for appeals due to lack of evidence?

(please tick one box)

Yes	X
No	

If no, please explain why

Q: If the individual has given their permission, should a Scottish social security agency be able to request information on their behalf?

(please tick one box)

Yes	X
No	

If no, please explain why

Q: Do you agree that the impact of a person's impairment or disability is the best way to determine entitlement to the benefits?

(please tick one box)

Yes	X
No	

If yes, which aspects of an individual's life should the criteria cover and why?

Disability is part of the human condition. Almost everyone will be temporarily or permanently impaired at some point in life, and those who survive to old age will experience increasing difficulties in functioning. Health conditions can be visible or invisible; temporary or long term; static, intermittent, or degenerating; painful or minor.

As already stated The Highland Council strongly supports that the purpose of the disability benefits system should be as a 'safety net'. Individuals who require additional support due to health conditions need to know that there is a reliable and effective system available where appropriate, whether it is time-limited support or lifelong help. The protection of the most vulnerable and marginalised customers should therefore be guaranteed.

The descriptors of conditions in Personal Independence Payment and the impact on daily living have the potential to be reviewed and improved to take into account the Scottish Government's commitment to dignity and respect. The use of appliances and aids should also be reviewed to ensure products designed to improve the quality

of life are not a reason to mitigate someone's entitlement to a benefit.

Many people with disabilities do not consider themselves to be unhealthy or restricted in life. Therefore, the impact of a person's impairment or disability on the daily living is the best way in the first instance to determine entitlement to such benefits.

If no, how do you suggest entitlement is determined?

Q: Currently there are only special rules for the terminally ill but should there be others?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please explain why

The purpose of the disability benefits system should be as a 'safety net'. There is the potential for the most vulnerable and marginalised customers in society to regularly apply for benefits.

Claims from people with a terminal illness are fast-tracked using 'special rules', where DWP pay the highest rate of care immediately without a face-to-face assessment, which is the correct approach in these distressing circumstances. In all other circumstances it would be very difficult to develop a fair system or criteria that mean an ill or disabled person should receive a faster award decision than another applicant.

How could this be determined?

Q: What do you think are the advantages and disadvantages of automatic entitlement?

Please specify below

For some conditions or disabilities which would have a very high chance of entitlement, automatic entitlement would remove the stress arising from an assessment process and save time and money in the administration. Automatic entitlement at a minimum level of benefit should be considered for some impairments or conditions, where it is apparent that there will be a significant impact on daily living and the individual has the additional burden of extra costs from living with a disability. The actual level of benefit could then be determined following an assessment of the individual's circumstances. Assessments could take various forms: (a) non-invasive assessment whereby the decision maker bases their decision on the evidence before them (b) oral assessment based on evidence and

telephone interview with the individual or (c) face to face assessment.

Automatic entitlement would need to be carefully considered from an overall cost and impact perspective as such an approach may result in an overall increase in take up.

Q: Would applicants be content for their medical or other publicly-held records, for example, prescribing and medicines information or information held by HMRC, to be accessed to support automatic entitlement where a legal basis existed to do this?

Please specify below

The advantages of information being held and accessed automatically have been highlighted earlier in this consultation. From an administration perspective this includes faster, more cost efficient processing of applications which in turn results in faster payments for individuals. This approach also reduces the stress for many individuals as it avoids having to provide the same information on a multiple occasions often to the same agency.

However, the processing of personal data remains sensitive. It is the Highland Council's experience that, providing agencies are clear and transparent about how an individual's data will be processed and shared, then the majority of individuals support the principle of having to only supply their data once for multiple purposes. Individuals must however first be invited to consent to such processing. There are some however who are opposed to such an approach on the basis that it is too intrusive.

The people of Scotland will have views as to how personal information should be stored, accessed and processed for the purposes of applying for benefits.

Q: Should there be additional flexibility, for example, an up-front lump sum?

(please tick one box)

Yes	X
No	

Please explain your reasons

Consideration should be given to providing an up-front lump sum of money, or goods which may be procured of a framework at a more effective price, which is appropriate for the individual's specific circumstances. The experience from the Scottish Welfare Fund where cash or goods are provided up-front may be a source of useful learning.

Q: In the longer term, do you think that the Scottish Government should explore the potential for a consistent approach to eligibility across all ages, with interventions to meet specific needs at certain life stages or situations?
 (please tick one box)

Yes	
No	X

Please explain why
 Standard eligibility criteria would be difficult to develop and administer. The needs and impact of a health condition or disability on a child will potentially vary greatly to those of a working-age/ non-working-age adult. This can currently be demonstrated by Disability Living allowance – less than 16 years or Attendance Allowance over 65 years.

Q: What would the advantages and disadvantages of a single, whole-of-life benefit be?

Please specify below
 A single benefit would simplify the system by reducing the number of benefits a customer would need to apply for. However, it would not remove the potential different rates payable, top ups, premiums and the need for assessment throughout the lifetime of the benefit. There is a risk that a single benefit would not meet the needs of an increasingly aging population or keep abreast of changes in health conditions and their impacts (negative and positive) as technology and science develops.

Q: Could the current assessment processes for disability benefits be improved?

(please tick one box)

Yes	X
No	

Please explain how
 The problems with medical assessments undertaken on behalf of the DWP have been well publicised in recent years. Therefore a fundamental review of the process of medical assessments should be undertaken, especially to improve the quality of evidence on which decisions are based. It is essential assessments are undertaken fairly and efficiently, while ensuring that benefits are paid only to those genuinely entitled to them. As discussed earlier in this consultation response, assessments do not necessarily have to be face to face. Some may be desk-based (non-intrusive) while others may involve a telephone interview and be supported by evidence. Where a face to face assessment is considered essential, the best use should be made of digital technology to undertake such an assessment. This could involve, for example, the individual attending their local council or health centre to make use of a

digital facility to engage with the assessor rather than having to travel excessive miles to an assessment centre.

The potential to improve the financial assessment process also exists to design a system which has less bureaucracy, more flexibility and a move towards maximising resources to deliver and manage a successful social security system in Scotland. Within this system, local authorities can deliver a single point of contact/application/assessment service which can provide information, holistic support and benefit delivery to customers. The Highland Council has already demonstrated this through the administration of various different Scottish Government Benefits.

Q: For those people that may require a face-to-face assessment, who do you think should deliver the assessments and how?

For example, private organisation, not-for-profit organisation, public sector body or professional from health or social care.

Please specify below

Public sector organisations and services have the resources, skills and infrastructure to deliver new services including face to face assessments in a cost effective and efficient model. NHS already undertakes medical assessments whilst local authorities already hold information and interact with potential customers of the new system. As discussed earlier in this consultation process, an individual could attend their local council or medical centre for the face-to-face assessment to be undertaken via digital technology.

Therefore the potential to engage locally and reduce the amount of information gathering should be exploited to its full potential. Local authorities already undertake significant financial assessments for a number of Scottish Government benefits including Council Tax Reduction, Employment Maintenance Allowance, Free School Meals, School Clothing Grants and Scottish Welfare Fund Applications.

Whilst not discounting the other organisations highlighted in the question, careful consideration would need to be given to the resource, skills and infrastructure to be able to deliver the scale of the social security system cost effectively and timeously to the people of Scotland.

Q: What are the advantages and disadvantages of different types of assessments?

e.g. paper based, face-to-face, telephone

Please specify below

Some conditions are more suited to the differing assessment approaches than others. A paper based assessment may be more appropriate for degenerative diseases for example where the impacts on daily living are understood and are reasonably consistent for those with such a diagnosis.

Telephone assessments would need to be supported by evidence and would be appropriate where clarification is required about, for example, the impact that the

disability has on the person's daily living.

Face to face assessments could be undertaken using digital technology to avoid the stress, physical impact, cost and time for the individual and the assessor to be in the same location. This type of assessment would be more appropriate where the condition has different impacts on daily living for different people. A digital approach to assessments would support communities living in rural and remote rural communities providing of course digital capability is available in these locations.

To satisfy the Scottish Government's person-centred approach and commitment to treat everyone with dignity and respect, individuals could be invited to state their preference, with stated reasons, for the type of assessment to be adopted for the purposes of assessing their application. Decision makers could then take this into account when deciding the most appropriate type of assessment to be applied.

It should also be noted different assessment methods will have varying impacts on the:

- Agency processing and administering benefits including cost and time;
- Decision-making and payment timescales; and
- Individual who is applying/attending assessment, cost, time, available options, and inconvenience of available options.

Q: How could the existing assessment process be improved?

Please specify below

Innovation in public services can offer greater value for taxpayers' money and better results for local communities. The best performing agencies are constantly on the look-out for new and better ways to design, implement and deliver services.

Key areas for improvement are:

1 to design a system that will not result in delays in paying benefits. Benefit delays negatively impact on people's lives and are caused by cumbersome assessment processes.

2 to simplify the application and appeals processes. This will remove the current barriers faced by many; improve the quality of information being provided at the application stage, and make for better decisions.

The assessment process can be improved by adopting a triage approach. That is:

Stage 1: to undertake as many light-touches, less intrusive desk assessments when appropriate. This approach would rely on the quality of the evidence being considered to be of an acceptable standard. Such evidence could be provided by health professionals. .

Stage 2: combines stage 1 and a telephone interview with the individual for points of clarification. This approach should be adopted only where the quality of the

evidence falls short or where there are wide variations in the impact that the disability can have on different people.

Stage 3: face to face assessments. A significant improvement would be to make best use of digital technology and local public buildings to negate the need for the individual and the assessor to be in the same physical assessment centre in order for the assessment to be undertaken. To achieve fairness, dignity and respect, the Scottish Government may seek to establish a maximum return travel distance that applicants will be expected to undertake to attend their local digital assessment facility.

A further improvement to the current assessment would be to design the assessment in a manner that reflects the actual activities generally undertaking on a daily basis. It will be important to avoid assessing “notional” activities, eg lifting a small empty box to shoulder height as a tool of assessing the impact of disability and thereby managing the number of those eligible for payment.

Q: Could technology support the assessment process to promote accessibility, communication and convenience?

(please tick one box)

Yes	X
No	

Please explain why

Technology is a broad concept that allows for a better or automated solution. The most obvious benefits to technology are increased convenience, productivity, improved speed, the ease of sharing and storing information and a decrease in human error through automation. Thus essentially allowing individual benefits to be awarded quicker, more efficiently and more effectively.

As stated earlier in this response, technology could be used to undertake digital face to face assessments. However, it is important to balance online interactions with face-to-face communication. Given the social security system is going to be based on dignity and respect, it will be important to design the system in the knowledge that in some circumstances digital communication can be considered impersonal. In rural Scotland, individuals will not always have the digital choice due to a lack of broadband connectivity.

The implementation and experience of the Scottish Welfare Fund may assist in this area.

Q: If yes, please explain what technology would be helpful

e.g. Skype, video conferencing

Please specify below

All technologies should be considered including visual, audio and automated that will support a positive experience for individuals and deliver the principles of the social security system in a cost effective environment.

Q: If the individual's condition or circumstances are unlikely to change, should they have to be re-assessed?

(please tick one box)

Yes	X
No	

Please explain why

There are no provisions for indefinite PIP awards and all recipients are subject to re-assessment regardless of their health condition or disability. This "blanket" policy approach is wasteful and the opportunity costs are high. This is particularly important in the current financial climate which requires assessment processes to be streamlined in order that the amount of budget available to directly support individuals is maximised.

A key consideration in any decision is the likely persistence of an individual's limiting conditions. However, given the advancements in science and health it may be considered appropriate to make indefinite awards available in specified circumstances and for some other conditions, to increase the length of awards where no re-assessment is required, for example 10 years. Various factors will need to be taken into account including the individual's condition, and the impact it has on daily living, and their prognosis. A suggested model could be:

- Periodic reassessment, eg every 5 years.
- Longer term awards with reassessment only required every 10 years.
- Indefinite awards.

Q: What evidence do you think would be required to determine that a person should / or should not be reassessed?

Please specify below

Medical evidence would be essential. A broad and sound understanding of the impact that different conditions have on a daily living would also be paramount. While it is acknowledged that the same health condition can have different impacts on different people, the Scottish Government may wish to evaluate the opportunity costs of reassessment for all or the majority against a broader approach which is based on the general impacts that different conditions have on daily living.

Q: Who should provide that evidence?

Please specify below

Fairness, dignity and respect can be achieved by engaging with the individual being

assessed in order that they can describe how their daily living is impacted. Health professionals will also be able to provide evidence. Assessors could be provided with access to information already used within health that describes how individual conditions general impact on individuals.

Q: Do you think people should be offered the choice of some of their benefit being given to provide alternative support, such as reduced energy tariffs or adaptations to their homes?

(please tick one box)

Yes	X
No	

Please explain why

The consultation paper offers limited information and therefore it is difficult to fully assess the potential opportunities to enhance daily living for individuals. However, innovative ideas should be explored as this may achieve better value for tax payers and more affordable and higher quality products and goods to enhance the quality of life for individuals. Reduced unit costs will enable the Scottish Government to better support more people in Scotland.

In the Highland Council context, the implementation of a second hand/recycled goods framework in October 2015, has resulted in 14% and 27% reductions in the average costs of awarding crisis grants (CG) and community care grants (CCGs). As detailed in the table below, this has enabled the Highland Council to support 10% and 79% more individuals during Quarter 1 2016 when compared with the same quarter in 2015 while maintaining processing performance.

Highland Council	Q1 2015	Q1 2016	% change
Crisis Grant			
Applications	767	843	10%
Award	£48,931	£46,425	-5%
Average CG award	£64	£55	-14%
Community Care Grant			
Applications	256	458	79%
Award	£116,220	£152,122	31%
Average CCG award	£454	£332	-27%

The combined purchasing power of public agencies in Scotland would enable aids, adaptations and fuel tariffs to be supplied at a much lower cost than an individual would be able to source on the open market.

It is noted that various schemes already exist to support eligible benefit recipients

with adaptations to their homes, therefore any new schemes would need to ensure a double funding loophole is not created.

What alternative support do you think we should be considering? (Please specify below)

Analysis of the Scottish Welfare Fund expenditure, particularly in relation to community care grants, would support an evidence based evaluation of any potential schemes and demand for goods and services as opposed to money. The evidence set out above from the Highland Council (and other councils) is also helpful in this regard.

Q: Would a one-off, lump sum payment be more appropriate than regular payments in some situations

(please tick one box)

Yes	X
No	

Please explain the reason for your answer

In a similar way to up front lump sums, consideration should be given to providing one-off lump sum payment of money or goods which may be procured off a framework at a more competitive price.

To achieve dignity and respect, it will be important to design a system that provides individuals with choice over the frequency of payments. For example, some individuals requiring an expensive aid to support independent living and enhance daily living may prefer a one-off lump sum payment, whereas others may prefer regular and lower payments.

If yes, what are they?

The experience of the Scottish Welfare Fund offering cash or goods up front through Community Care Grants may be a source of useful learning when considering the potential of making one-off payments.

Q: What would be the advantages and disadvantages of such an approach?

Please specify below

Providing a one-off award in the form of goods may be more beneficial in certain circumstances when the purchase of an aid or adaptation is required. The immediate availability of goods avoids the need for saving or borrowing and enables the individual to benefit from the change much faster. Such an approach may also reduce the need for individuals to remain in hospital/care therefore reducing bed blocking and associated costs.

However, the option of providing a one-off payment, especially where a large amount of money is involved, presents a significant risk that the money may not be used for the intended purpose and instead is used for some other competing demands thus not benefiting the individual in the short or long term. In these circumstances, there is the potential that this will give rise to further demands on public services.

Q: Should the new Scottish social security system continue to support the Motability scheme?

(please tick one box)

Yes	X
No	

Please explain why

The Highland Council area covers a third of the land area of Scotland including the most remote and sparsely populated parts of the United Kingdom. We have the 7th highest population of the 32 authorities in Scotland. It is 10 times larger than Luxembourg, 20 per cent larger than Wales, and nearly the size of Belgium

Only 25% of the population live in settlements of over 10,000 people and 40% in settlements of over 1,000 people. Residents in the Highlands or other rural areas in the UK face many more complexities when accessing support and digital services for their benefits compared to someone living in an inner city.

For many people living in rural isolated areas where public transport is limited or non-existent access to a car is an essential part of life. This is especially true for vulnerable people with health conditions or impairments particularly those with mobility issues, as they will rely on the vehicle as means for everyday life including attending doctor/hospital appointments.

The Motability Scheme enables disabled people aged up to 64 years to lease a new car, scooter or powered wheelchair by exchanging their mobility allowance. These items may not be affordable for individuals if the scheme did not exist and as a consequence some may become housebound and isolated; develop or exacerbated mental health; or require increased home care, community-based/primary health care, or hospitalisation.

Q: How could the new Scottish social security system support older people with mobility problems not eligible for a mobility allowance?

Please specify below

Isolation in later years is increasing as are the associated health risks and the impact for healthcare budgets. Although many older people make extensive use of their free bus passes, buses are not physically accessible by all and the availability of

public transport networks across Scotland is not consistent.

The existing mobility allowance is not available to those aged 65 years and over so one option available to the Scottish Government would be to extend the scheme to this older age group. Alternatively, the mobility allowance could be extended to the individual's main carer, providing they were in receipt of carer's allowance. It would be important to restrict such an allowance to one regardless of the number of people the carer is caring for. The associated costs will however need to be established and afforded within Scotland's social security budget together with an assessment of the opportunity costs as described in an earlier response within this consultation, eg reduced dependency on primary and secondary health care.

As an alternative, there may be opportunities to provide flexible funding for those being accommodated in specialist, modular housing (eg Fit Homes) which aims to support people to live independently for longer in their own homes thereby reducing the costs for the NHS and other public services.

Q: How could the new Scottish social security system better support people of all ages with mobility problems who are in receipt of a mobility allowance?

Please specify below

As discussed in the previous question, the scheme could be extended to older people. An alternative may be to extend the scheme to those in receipt of carer's allowance.

Q: What kind of additional support should be available for people who need more help with their application and during assessment?

Please specify below

The Scottish Government should seek to implement a system which is easy to understand and accessible by all. This should reduce the overall demand for advice services and empower individuals to make choices and decisions without intervention from the state. The system must however be designed in the knowledge that some individuals who will be accessing Scotland's social security system are the most vulnerable in society and will be experiencing multiple barriers. Advice and Information services provide significant support for customers during benefit application and assessment processes. The potential to improve awareness of the help and support available may be an option to consider, for example a national media campaign.

Q: How could disability benefits work more effectively with other services at national and local level assuming that legislation allows for this e.g. with health and social care, professionals supporting families with a disabled child.

Please specify below

The need to improve the alignment of services and support available to people with health conditions or impairments presents one of the most important challenges in

the introduction of the social security system.

Improving people's experience must be a shift away from the current reactive fragmented model of advice and support normally when an individual has encountered problems with their benefits, towards one that is more proactive, holistic and preventive, in which people with health conditions or disabilities are encouraged to play a central role in the support they receive from the social security system, devolved services and the public sector.

A wrap around shared assessment that identifies support requirements from the outset and thereafter puts in place the appropriate levels of support, would significantly improve the way in which people are supported.

Q: How do you think this might be achieved?

Please specify below

The Scottish Government has the opportunity to deliver a radical re-design of services to include – a practical, robust and transferable delivery system developed by practitioners and residents in Scotland.

A single point of contact model would remove the need for customers to contact various numbers, email addresses and/or websites for assistance and enhance the localism aspect. In consolidating the point of contact the ambiguity over who to contact when some event happens, or need arises, is removed. Individuals can immediately reach an adviser who is able to offer assistance and will understand the potential issues and problems faced within the local area.

Q: What are the risks?

Please specify below

It is innovative to establish and sustain a fully integrated approach to information sharing and holistic support which will improve people's experience in the Scottish social security system and comply with risk management, governance and regulatory compliance of information security and data protection.

There is a risk that such an ambitious concept may take some time to establish and that the culture shift is too great for some agencies.

Q: If DLA and PIP help meet the additional costs of disability, what is the role of Industrial Injuries Disablement Benefit (IIDB) and its supplementary allowances (Constant Attendance Allowance, Reduced Earnings Allowance etc) in the benefits system?

Please specify below

The Council has no firm position on the creation or otherwise of new/existing benefits of this nature. However, the opportunity to rationalise the number of available

benefits, most with very complicated qualifying criteria, should be explored.

IIDB was introduced in 1948 when additional support for those affected by work place injuries or disabilities was limited. Given the wider availability of disability benefits and modern health and safety at work regulations and practices, a review of the purpose and support that is available to ensure equal and consistent protection and assistance for those affected by occupational injuries or diseases may be appropriate.

Q: In addition to the issues set out at page 47 of the consultation, please tell us:

What is right with the IIDB scheme?

The IIDB scheme is:

- non-contributory based
- non-means tested
- non-taxable
- an in and out of work benefit
- eligibility gives access to related benefits

What is wrong with the IIDB scheme?

Please explain your answer

The scheme currently recognises the drop in income and impact of the loss of faculty and ability caused by industrial injury and disease. However, the current design of the scheme does not include the provision of support for rehabilitation and injury prevention.

Q: Should different approaches be taken for people with life limiting conditions compared to people with less severe conditions?

(please tick one box)

Yes	X
No	

What would be the advantages or disadvantages of such an approach?

The scheme needs to take account of the applicant's injury or impairment and provide a holistic approach to addressing any barriers faced. This means in addition to a weekly benefit, the offer of appropriate medical and vocational rehabilitation should be provided to assist with a return to work where possible.

Q: Are there situations where a one off lump sum payment would be more appropriate than a regular weekly IIDB benefit payment?

(please tick one box)

Yes	X
No	

What are they, and why? What would be the advantages and disadvantages of such an approach?

The decision on entitlement to IIDB is informed by a variety of sources, including the information provided by the applicant and his/her employer, GP and further specialist medical opinion if required. Dependent on the severity of illness or impairment and the applicant's life expectancy it may be more appropriate to pay an up-front lump sum to ensure that the best possible quality of life can be provided. There should however be an element of choice for the applicant rather than automatic payment of a lump sum.

Q: Should the Scottish Government seek to work with the UK Government to reform the IIDB scheme?

(please tick one box)

Yes	X
No	

If yes, what should the priorities be? What barriers might there be to this approach?

A UK wide IIDB policy would be the sensible approach to ensure an inclusive model which treats people with dignity and respect. Governed by the same rules the scheme would offer a consistent approach to offering a holistic service including monetary and medical/vocational support thus preventing people in different parts of the country being offered different support.

Q: Do you agree with the Scottish Governments approach to Severe Disablement Allowance?

(please tick one box)

Yes	X
No	

Please explain why

Given the anticipated low numbers who will still be eligible for SDA when this benefit is devolved it will be more cost effective to continue to pay the existing awards than develop a new scheme which may prove to be more expensive to administer for a

benefit which has a time limited existence.

7. Carers Allowance

Q: Do you agree with the Scottish Government's overall approach to developing a Scottish Carer's Benefit?

(please tick one box)

Yes	X
No	

Please explain why

The proposed changes to develop a Scottish Carer's benefit are a positive step in acknowledging the vital work carers undertake in the community. The introduction of the Carers (Scotland) Act 2016 and the Scottish Government's commitment to improve the experience of being a carer will give the opportunity to develop a comprehensive package of support for carers in Scotland. For example, defining the eligibility of a carer could mean that the disabled person being cared for may not, in all circumstances, have to be in receipt of a disability benefit for their carer to receive the carer's benefit.

The commitment to provide genuinely integrated services for carers and those being cared through developing joined up services that enable people to lead better lives, whilst reducing demand on health and public services is essential. In addition to the statutory duties being placed on local authorities, an opportunity exists for Councils to develop 'single contact' models for carers to provide the full financial assessment for applications to the Scottish Carers Benefit

Q: Do you agree with our proposed short to medium term priorities for developing a Scottish carer's benefit?

(please tick one box)

Yes	X
No	

Please explain why

The short/medium term goals have the potential to significantly improve the experience of Carer's Allowance. Approximately 2,450^(Feb 16) carers are in receipt of Carer's Allowance in Highland. By increasing the allowance to the equivalent of JSA 25+ rate carers will receive an additional £1.4m per annum in the Highlands.

It is noted the Scottish Government is considering proposals to introduce a young carer's allowance. However, the opportunity to enhance the qualifying principles should be explored to support the Scottish Government's aims of treating everybody with dignity and respect.

Q: How can we improve the user experience for the carer (e.g. the application and assessment process for carer's benefit)?

Please specify below

Feedback from frontline advisers highlight the current online application process is very user friendly. The development of a single point for accessing all financial and other support would simplify and enhance the process for carers.

In providing an integrated assessment through one contact to assess the carer's circumstances and provide a holistic package of support to meet the carer's needs would satisfy the Scottish Government's vision of an individual approach delivered with dignity and respect.

Q: Should the Scottish Government offer the choice of exchanging some (or all) of a cash benefit for alternative support (e.g. reduced energy tariffs)?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

The intention to look at the potential for alternatives to cash payments for carers to help reduce the costs of caring, such as reduced utility tariffs is an interesting concept which has its merits, however more detail is required into how and what can be delivered to be able to determine if it can become a reality.

Q: What alternative support should be considered?

Please specify below

Discussion and consultation with carers and support groups should be undertaken to identify what alternative support or items should be considered for provision. The Scottish Government may choose to provide a framework of goods/services which may have the potential to be procured at a reduced rate.

As discussed in an earlier response within this consultation, there may be merits in extending the mobility allowance to carers so that they are able to transport those being cared for, particularly those who are unable to access public transport.

Q: How can we achieve a better alignment between a future Scottish carer benefit and other devolved services?

Please specify below

A single contact and financial assessment model can enrich the carer's experience without the need to contact several different agencies to try to resolve and progress

a benefits and additional support provisions.

The Highland Council has achieved an integrated single contact financial assessment model through the 'Apply Once' system. The innovative design of the online Apply Once form captures information from the individual and uniquely then calculates potential entitlement to all benefits the Council is responsible for via one application. Coupled with a single financial assessment team speed of processing has improved while administration costs have reduced.

As a further enhancement to this service, and as a result of improved data sharing arrangements, systems are in place which removes the need for some individuals to reapply annually for certain benefit. Those in receipt of HB/CTR and in receipt of an income based benefit will see an automatic continuation of a Council-benefit entitlement without the need to reapply. This has reduced the volume of applications received by two-thirds. The principal of automatic renewal has now also been extended to a number of other payments including the Inverness Common Good Fund Winter Payment. Recipients who have previously met eligibility criteria will now automatically receive future payments if their circumstances remain unchanged.

The approach taken in Highland has delivered a number of benefits including the following performance improvements:

i. Housing Benefit & Council Tax Reduction Performance & Cost of Administration

Year	HB / CTR Change of Circumstances	HB / CTR New Claims	HB / CTR Cost per Claim
2013/14	6 Days	23 Days	£56.80
2014/15	6 Days	21 Days	£52.03
2015/16	4 Days	20 Days	£46.84
2016/17 (to date)	4 Days	19 Days	n/a

ii. Council Tax Performance & Cost of Administration

Year	Council Tax In-Year Collection	Council Tax Cost per Property
2013/14	95.5%	£14.22
2014/15	95.5%	£11.83
2015/16	95.7%	£10.68

This service delivery model is scalable and may provide a workable template for Scotland's social security system.

Q: Do you agree with our proposed long term plans for developing a Scottish Carer's Benefit?

(please tick one box)

Yes	X
No	

Please explain why

As already highlighted, the commitment to provide genuinely integrated services for carers and those being cared through developing joined up services that enable people to lead better lives, whilst reducing demand on health and public services is essential. In addition to the statutory duties being placed on local authorities, an opportunity exists for Councils to develop 'single contact' models for carers to provide the full financial assessment for applications to the Scottish Carer's Benefit.

Q: Do you have any other comments about the Scottish Governments proposals for a Scottish Carer's Benefit?

Any new Scottish Carer's benefit needs to have the flexibility to meet the needs of the cared for person based on existing and potential future circumstances. Any new benefit should build upon the positive aspects of the existing Carer's Allowance whilst addressing and improving the negative aspects which currently exist.

8. Winter Fuel and Cold Weather Payments

Q: Do you have any comments about the Scottish Government's proposals for Winter Fuel and Cold Weather Payments?

Please specify below

The cooler climate and vast rural landscape within Scotland makes fuel poverty a significant concern. Fuel poverty presents a substantial risk to some of the most vulnerable in society including those on low incomes; children, elderly and people affected by illness or disability. Fuel poverty in Highland is significant and is more extreme than many other areas in Scotland.

The proposals made by the Scottish Government are appropriate as part of a wider range of actions needed to address the threat fuel poverty presents in Scotland. Since the introduction of the Scottish Welfare Fund £142,884 has been awarded to assist with fuel costs within Highland.

Q: Could changes be made to the eligibility criteria for Cold Weather Payments? For example, what temperature and length should Cold Weather Payments be made on in Scotland?

Please specify below

The current automatic payment of a Cold Weather Payment to those who qualify is the correct approach. However it would be difficult to suggest changes to qualifying temperatures or durations that would fairly reflect the variable impacts of our climate on rural and urban areas.

Consideration of longer term measures may be more appropriate to mitigate the impact of cold weather on households rather than one off financial payments. For example the reliability due to location and affordability of oil, coal and electricity as heating options can be expensive and provide insufficient heat for homes.

The Scottish Government may wish to also target assistance in other forms of fuel support including energy efficiency approaches such as insulation, heating systems, energy provider options – connection fees, payment methods, price control and delivery charges. Addressing the root causes of fuel poverty that impact on the poorest and most vulnerable in society would alleviate the current detrimental impact that fuel costs have for those who are already struggling to manage inadequate household budgets and for those requiring additional heat in their homes as a result of health conditions or because they spend most of their time at home.

9. Funeral Payments

Q: Proposals for Funeral Payment: What should the benefit cover?

Please specify below

The Scottish Government need to work with Funeral Directors to ensure transparency in costs which are fair and affordable. Any benefit provided to cover the costs of a funeral should ensure a dignified burial. For those who are unable to afford the costs of paying for a funeral and meet the eligibility criteria, a 'funeral plan' may be offered to relieve the stress and financial burden during this distressing period. For example, the plan may include

- Burial plot or cremation fee;
- Advice and guidance on all aspects of the funeral;
- The coffin;
- Funeral Director staff to attend service including provision of a Hearse;
- Minister/church fees

Local authorities have a legal responsibility to provide and maintain cemeteries and burial grounds under the Burial Grounds (Scotland) Act 1855, Church of Scotland Act 1925 and the Local Government Act 1973. Through the administration of plots and cremations the Council engages with all Funeral Directors within the Highlands. Therefore, the infrastructure already exists for Council's to undertake financial assessments for any funeral benefits.

The highland Council recognises the financial costs of funerals and has produced a Funeral Guide – *Help with Funeral Costs* which is circulated to funeral directors in the Highlands and available online to support customers who are unaware of the financial assistance with funeral costs which is available in certain circumstances. The leaflet can be viewed:

http://www.highland.gov.uk/downloads/file/15377/help_with_funeral_costs_-_highland_council_guide

Q: Which of these elements do you think should be paid for by the Funeral Payment?

	YES	NO
Professional funeral director fees – advice and administration etc.	x	
Removal or collection of the deceased	x	
Care and storage of the deceased before the funeral	x	
Coffin	x	
Hearse or transport of the deceased	x	
Limousines or other car(s) for the family		x
Flowers		x

Death notice in a paper/local advertising to announce details of funeral (time and location)		x
Fees associated with the ceremony e.g. for the minister or other celebrant	x	
Order of service sheets		x
Catering for wake/funeral reception		x
Venue hire for a wake/funeral reception		x
Memorial headstone or plaque		x
Travel expenses to arrange or attend the funeral	x	

Q: Are there other elements that you think should be included or explicitly excluded?

(please tick one box)

Yes	x
No	

Please explain why

It may be appropriate for a contribution towards certain elements of a funeral e.g. headstone where it could be difficult for a household on low income to meet the costs of significant items or service associated with a burial/cremation.

Q: How can we improve the process for identifying whether someone is responsible for the funeral and should receive the funeral payment?

Please specify below

A local application/assessment by a single point of contact would allow individual circumstances to be gathered and decision made on the most appropriate person responsible for any support towards funeral costs. Local Authorities can deliver a single point of contact service which can provide information, holistic support and benefit assessment/delivery within local communities.

Q: In terms of the Scottish Funeral Payment, are there any qualifying benefits (e.g. Pension Credit) that you would add to or take away from the current qualifying benefit list?

(please tick one box)

Yes	x
No	

Please explain your answer

The majority of benefits listed are means-tested and will therefore apply to people on low incomes. However, it would be appropriate to review the inclusion of:

- Pension Credit – dependent on the personal circumstances a person may have a high applicable amount and significant savings;
- Universal Credit to determine which specific elements will satisfy eligibility.

In addition an overall savings limit could be considered as eligibility criteria. It is acknowledged this exists for most means-tested benefits, however the level of savings varies greatly dependent on which benefit is being applied for.

Q: Is the three month application window for a Funeral Payment sufficient time for claimants to apply?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If no, please explain your answer and suggest an alternative length of time in which a claim could be made.

Q: What are your views on the options for speeding up and simplifying the payment?

Please specify below

Public sector organisations and services have the resources, skills and infrastructure to deliver new services including face to face assessments in a cost effective and efficient model. Local authorities already hold burial/cremation information and have well-established relationships with funeral directors. Councils are also responsible for registering deaths.

Therefore the potential to engage locally and reduce the amount of information gathering should be exploited to its full potential. Local authorities already undertake significant financial assessments for a number of Scottish Government benefits including Council Tax Reduction, Employment Maintenance Allowance, Free School Meals, School Clothing Grants and Scottish Welfare Fund applications. Therefore, local authorities are well placed with the skills and infrastructure to deliver a financial assessment service for funeral payments.

Where an individual provides their consent, the advantages of information being accessed automatically from an administration perspective enables faster, more cost efficient processing of applications which in turn gets awards to individuals quickly. This approach has additional benefits including relieving the stress for individuals who would otherwise have to source and supply additional evidence during these distressing circumstances.

Q: The other funds which are deducted from the DWP funeral payment are listed below. What sorts of funds do you think it is appropriate to deduct from a Scottish FP?

	YES	NO
Funds in the deceased's bank account	X	
Funeral plan/insurance policy	X	
Contributions from charities or employers	X	
Money from an occupational pension scheme	X	
Money from a burial club	X	

Q: Are there any other funds that you think are appropriate to deduct?

Please specify below

The purpose of any funeral payment should be to ensure the deceased receives a dignified burial. In a similar way to any new disability benefits system, funeral payments should be as a 'safety net'. Those responsible for organising a funeral and who require additional financial support to meet the costs of a funeral due to low income need to know that there is a reliable and effective system available at when required.

However, any additional support should be means-tested and take into account individual circumstances and the estate of the deceased including property, savings or other fund sources which are relevant to the deceased person. The protection of the most vulnerable and marginalised individuals should therefore be guaranteed.

Q: Which services should promote awareness of the funeral payment to ensure that claimants know about it at the relevant time?

Please specify below

Primarily the delivery organisation should have lead responsibility. Overall, all key stakeholders including Scottish Government, local authorities, NHS, voluntary organisations, third sector and funeral directors should be involved in the communication of any Scottish funeral payments to ensure there is a full awareness of the payment including the application process.

Q: Are there any other points that you would like to raise in connection with the new Scottish Funeral Payment?

Please specify below

We have highlighted in previous sections the importance of reviewing what works well with the existing benefit and developing what needs to be improved. A Scottish funeral payment should also adopt this practice; the current UK funeral payment application process is cumbersome while the applicant can be left to fund the full cost of the funeral without certainty of re-imburement. A Scottish funeral payment needs to address these aspects to improve any future payment in Scotland.

10. Best Start Grant

Q: What are your views on who should receive the Best Start Grant (BSG)?

Please specify below

Giving children a healthy start in life is crucial. Early and developing years are a critical opportunity for building healthy, resilient children and young people to reach their full potential. The importance of getting it right for all our children and young people cannot be understated. Low income presents significant barriers in the challenges to reducing health inequalities and in and out of work poverty.

The Sure Start Maternity Grant provides families a grant based on their entitlement to qualifying benefits. This is something which can be replicated for the Best Start Grant to ensure families on low incomes are able to receive full support.

The Scottish Government has the opportunity to develop a holistic, preventative and continuous approach to ensure children are able to maximise their future potential with the Best Start Grant at the heart of the strategy.

Providing financial aid should be one of a range of measures which are delivered to all families. Income maximisation, debt and money advice are other areas which should be offered to families at every stage to ensure mitigation of the causes of poverty can be achieved in the longer term

This can be demonstrated by the Midwifery Advice Project within the Highlands. Following the successful pilot by the Council's in-house advice teams, Citizens Advice Bureaux in Highland commenced delivery of a project on 1 June 2015. This project means that expectant mothers are offered a welfare/money advice service on an opt-out basis when attending midwifery appointments with community midwives.

During 2015/16 791 expectant mothers were assisted with benefit gains in excess of £200k. These positive results show the value of assisting expectant mothers, especially given two of the Early Years Collaborative key changes of:

- Early support for pregnancy and beyond; and
- Addressing child poverty

It should be noted the amount of recorded client financial gains does not fully reflect the potential financial benefit to each customer as many of the entitlements are available after the baby is born or upon a return to work. For example an adviser may have provided information regarding the potential to claim Working Tax Credits, Child Tax Credits, Child Benefit, Income Support, Healthy Start vouchers, or dependent upon where they live, Universal Credit.

In addition, public sector organisations and services have the resources, skills and infrastructure to deliver new services including face to face assessments in a cost effective and efficient model. The Highland Council has introduced a single financial assessment for all Council administered Scottish Government benefits which would

provide the opportunity for all the information required for eligibility for the Best Start Grant to already be available and easily identifiable. From an administration perspective this enables faster, more cost efficient processing of applications which in turn gets awards to customers quickly and has additional benefits including relieving the stress for individual of having to supply additional evidence.

Q: Should we continue to use the same system to determine who is responsible for a child for the purposes of the BSG application?

(please tick one box)

Yes	x
No	

Please explain why:

The current Sure Start Maternity Grant application is straightforward. It provides clearly defined criteria on eligibility including who is deemed responsible for a child.

This appears to provide a sound template for the Best Start Grant.

Q: Do you agree that each of the three BSG payments should only be made once for each child?

(please tick one box)

Yes	x
No	

If no, what exceptions would you make to this rule?

Other forms of support can be accessed should circumstances arise where an additional payment may be required e.g. Scottish Welfare Fund. Therefore, an exception to the proposed 3 payments does not seem appropriate.

Q: Should we continue to use the same method as the SSMG to determine whether a child is the first child in a household?

(please tick one box)

Yes	
No	x

Please explain why:

Families now come in all shapes and sizes e.g. traditional, extended, blended. The same can be said regarding when families decide to have children in modern society with no right or wrong time. However, it is becoming increasingly more common for families to be made up of one or more generation of children, this means the concept of deciding when it is appropriate to consider a first or second tier payment becomes more difficult to assess.

The Best Start Grant for babies will recognise the additional expense a family incur at the time of birth. What is deemed a realistic time for a family to store baby items from a previous birth is something which needs to be addressed, Circumstances and additional factors can also impact on any timescale, for example selling the goods for additional money or lack of storage are two such legitimate factors that may mean a family no longer have items required for a subsequent child.

If no, what alternative method should we use?

There is no straightforward answer to this question. It may be appropriate to reduce the age limit for when a child is deemed 'first' child. The use of goods and service could also be considered as an alternative to offering money where a child already exists in the family and the parents require to, for example, furnish a nursery.

In a similar approach to the Scottish Welfare Fund a goods and services framework could be developed to award the items required. A framework enables the price of goods to be reduced thus allowing the expectant parents to get more items than they could maybe expect to get from buying the goods with a financial grant.

Q: Do you agree that we should retain the requirement to obtain advice from a medical professional before making a maternity payment?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer:

A woman's health is essential to the good health of her baby. Women who eat well and exercise regularly along with attending regular prenatal appointments with a health professional are less likely to have complications during pregnancy. They are also more likely to successfully give birth to a healthy baby.

In addition to advice and support about their pregnancy during medical appointments expectant mums can also receive information about other aspects of parenthood e.g. income maximisation, money or housing advice.

As previously highlighted this has been successfully demonstrated in Highland through closer partnership working to offer an 'opt out' referral at the eight week booking stage for the expectant mum to receive a financial check through income maximisation and money advice.

Q: Are there other points during the first five years of a child's life when families face greater pressure than at the start of nursery (other than birth and the start of school)?

Please specify below:

The characteristics of all families are different including how they cope with pressure and when a significant milestone occurs. For example, some families may experience/have:

- unemployment;
- illness;
- moving area because of employment prospects;
- lack of affordable housing;
- one parent because of death, separation, or divorce;
- one child, while others have many children.

Sometimes, children will live with an aunt or an uncle, or maybe with grandparents. All of this diversity demonstrates the ways in which families are different from each other.

The early years of a child's life are very important for his or her health and development. Healthy development means that children of all abilities, including those with special health care needs, are able to grow up where their social, emotional and educational needs are met.

Therefore, it is impossible to predict when a situation will impact on a family's financial circumstances. The Best Start Grant should be either paid at the specific milestones as described within the consultation or a flexible approach is adopted and parents are able to drawdown their grant at any stage prior to the child starting school giving the reasons why they require the award at that stage in the child's life.

Q: What are your views on defining 'the start of nursery' as the point of entitlement to a funded early learning and childcare place, for the purposes of making the second payment?

Please specify below:

If the aim of the best start grant is to provide financial support to low-income parents when their child is born, when their child starts nursery and, again, when their child starts school then this approach seems sensible.

However, the child's circumstances and age will determine when a child is eligible to access early learning and childcare. Therefore, the grant should either be paid at the specific milestones/ages or consideration of a flexible approach adopted where parents are able to draw down any stage prior to the child starting school.

Q: Are there any particular issues related to the nursery payment that you think we should consider?

Please specify below
No

Q: Are there any particular issues related to the school payment that you think we should consider?

Please specify below
No

Q: Should the school payment be payable to all eligible children who begin primary school for the first time in Scotland, or should an upper age limit be included?

Please specify below:

The child's circumstances and age will determine when a child is eligible to begin school. The school payment should only be payable to eligible children who begin primary school in Scotland i.e. they enter primary 1.

As per previous comments, the grant should either be paid at the specific milestones/ages or consideration of a flexible approach adopted where parents are able to draw down at any stage prior to the child starting school.

Q: What are your views on our proposals in relation to the BSG application process?

Please specify below

The proposed application process is straightforward and easy to understand for those who are eligible to understand. The assessment process also offers the potential for a single point of contact/assessment process to be introduced.

The Highland Council has introduced a single financial assessment for all Council administered Scottish Government benefits which would provide the opportunity for all the information required for eligibility for the Best Start Grant to already be available and easily identifiable. From an administration perspective this enables faster, more cost efficient processing of applications which in turn gets awards to individuals quickly and has additional benefits including relieving the stress for individuals of having to source and supply additional evidence.

Q: What are your views on establishing an integrated application process for the BSG and Healthy Start?

Please specify below

The proposal to establish an integrated application form makes sense and will allow information to be used to make an assessment. By adopting an apply once approach it will make it quicker and easier for expectant mums to make an application which will hopefully improve take-up of Healthy Start.

Applying for Healthy Start requires the midwife or health visitor to sign the form and the proposal that Best Start Grant is only paid if pre-natal appointments are attended also means a more efficient process for midwives or health visitors.

Q: What are the advantages and disadvantages of this approach?

Please specify below:

An integrated form or single assessment enables faster, more cost efficient processing of applications which in turn gets awards to customers quickly and has additional benefits including relieving the stress of obtaining additional evidence and the potential to increase the take-up of benefits.

Good communication will be essential to ensure expectant mums are aware and understand what the entitlements mean for them.

Q: Would the option to receive items rather than a cash payment as part of the BSG have benefits?

(please tick one box)

Yes	x
No	

Please explain why

Innovative ideas should be explored as alternatives to paying benefit. The Scottish Government will have significant 'buying' power to allow a framework of services to be accessed at reduced costs. Through providing choice and flexibility to meet individual circumstances, the core values of dignity and respect can be achieved.

The use of goods and cash can be beneficial to both customers and suppliers as has been demonstrated in the delivery of the Scottish Welfare Fund. Dependent on circumstances it may be more appropriate to offer goods in some instances. Similarly the introduction of the Scotland Excel Framework for suppliers to the Scottish Welfare fund has enabled a competitively priced catalogue of goods to be made available to Councils which provides quality goods for individuals at competitive prices and offers a social aspect of increasing employability and volunteering opportunities in the supply chain of these items.

Q: Which services should promote awareness of the BSG to ensure that

claimants know about it at the relevant time?

Please specify below

Primarily the lead delivery organisation should take lead responsibility. Overall, all key stakeholders including Scottish Government, local authorities, NHS, voluntary organisations, third sector, early learning and childcare centres should be involved in the communication of Best Start Grant to ensure awareness on what is available including the application process.

11. Discretionary Housing Payment

Q: Could the way that Discretionary Housing Payments (DHPs) are currently used be improved?

(please tick one box)

Yes	X
No	

Please explain why

The Scottish Government's decision to fully mitigate the Social Sector Size Criteria rules is seen as a very positive step in helping to mitigate the impact of one welfare reform measure in Scotland.

However, currently tenants affected by the Social Sector Size Criteria rules are required to make a separate application to the local authority for a Discretionary Housing Payment (DHP). Adopting an 'at source' approach would ensure all individuals, particularly those who are vulnerable, would receive assistance and be treated equally. This change would also remove any complexity around the allocation of DHP funding to local authorities and reduce the administrative cost of the DHP scheme.

Additionally, the annual allocation of DHP funding causes uncertainty for tenants and hampers landlords' arrangements for financial planning in the medium term. There is also an administrative burden for councils having to administer and process this significant increase in applications. Each year this administrative process has to be repeated with no increase to overall staffing resource.

The process of notifying Councils of annual funding needs to be reviewed. A system which notifies Councils of their DHP funding over a 3-year period would provide better stability for tenants and less uncertainty for landlords in terms of financial planning. It would also enable Councils to introduce more efficient arrangements for administering this scheme, including rolling reviews throughout the year.

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	X
No	

Please explain why

Continuous improvement is essential in any environment and innovative working practices are crucial to local authorities delivering services efficiently and effectively to ensure applicants receive any awards as quickly as possible. Therefore, a review

of the application process including extending awards may be appropriate.

In Highland, closer working with landlords, predominantly RSL's has enabled a much more collaborative approach to the mitigation of the Social Sector Size Criteria. However, the limited budget out with the Social Sector Size Criteria means it is difficult to take a pro-active approach to the other welfare reform measures which have a significant local impact, eg benefit cap which significantly impacts larger families.

Q: Does the guidance for local authorities on DHPs need amending?

(please tick one box)

Yes	
No	x

Please explain why

The current guidance is relevant and allows for decisions to be made in terms of current priorities i.e. mitigation of Social Sector Size Criteria. In the main, local authorities are able to exercise their discretionary powers to provide local mitigation. If the priorities/funding were to change or a review is undertaken of the application process then it may be appropriate to amend the guidance.

The guidance does not limit a council's discretion in awarding a DHP. The current funding formula and mitigation of the Social Sector Size Criteria does disadvantage some applicants who apply for a DHP to mitigate the impacts of other welfare reform measures.

12. Job Grant

Q: What should the Scottish Government consider in developing the Job Grant?

Please specify below

Supporting young people to gain the skills, knowledge and experience to find work and participate effectively in the workplace is essential. Consideration needs to be given into the aims and objectives of the Job Grant to guarantee young people receive the maximum support available to achieve local employment.

The DWP already provide support to unemployed people through:

Jobcentre Plus Travel Discount Card

This is provided to those unemployed claiming Jobseekers Allowance or Universal Credit for 3-9 months (18-24 year olds) or 3-12 months (over 25s). Other benefit recipients may receive a Jobcentre Plus Travel Discount Card from 3 months of their claim and if they are actively engaged with a Jobcentre Plus adviser. Cardholders are entitled to a 50% discount on selected rail tickets.

Flexible support fund

May be used at the discretion of Jobcentre Plus staff to help with the cost of travelling to an interview, training or for the first months of travelling to work.

Therefore, it is important to try and avoid duplication of resources as some local authorities may already provide similar assistance through their employability initiatives. In addition, the Scottish Welfare Fund has the potential to provide similar support.

Closer engagement and integration with local authority employability services in partnership with education, health and social care services may offer the potential to maximise resource and value for money to deliver a flexible, person-centred approach to help young jobseekers progress into sustainable employment. The support should be tailored to the specific needs of the jobseeker instead of offering standard interventions including the Job Grant.

13. Universal Credit flexibilities

Q: Should the choice of managed payments of rent be extended to private sector landlords in the future?

(please tick one box)

Yes	x
No	

Please explain why

Providing claimants with choice makes it easier for them to take responsibility for their finance and manage their Universal Credit payments.

Assured and Short Assured Tenancies do not provide tenants with the same level of security as a Scottish Secure Tenancy in the Social Sector, therefore providing a choice gives tenants the security of knowing that they can opt to have their rent payments made direct if it suits them.

Extending the choice of managed payments to tenants residing in the private sector ensures that tenants are treated equally no matter what their tenure is.

Q: Should payments of Universal Credit be split between members of a household?

(please tick one box)

Yes	x
No	

Please explain why

It is an important choice, especially where circumstances of domestic abuse exist. However, the provision already exists for UC payments to be split between members of a couple through Alternative Payment Arrangements.

If Yes, please indicate if you think the default position should be:

a) automatic payments to individuals, with the option to choose a joint payment

(please tick one box)

Yes	
No	x

b) automatic household payments, with the option to choose individual payments?

(please tick one box)

Yes	x
No	

If Yes, how do you think payments should be split? For example 50/50 between members of a couple or weighted towards the person who is the main carer if the claim includes dependent children?

Please specify below

If households opt for individual payments, the amount should be determined by the individual's circumstances. The complexity issue would need to be resolved, however where children are involved and the child element of UC is present it would be appropriate to split payment to the person who receives the Child Benefit.

Q: Do you have any other comments about how the Scottish Government's powers over Universal Credit administrative flexibilities will be delivered?

Please specify below

The negative impacts of monthly assessment periods on direct payments to landlords have been evident in some cases in Highland. The monthly assessment period is arguably even more significant than monthly payments in its implications. It means that any change is treated as occurring from the beginning of the month, regardless of when it actually occurred. This 'whole-month' approach can lead to significant losses and 'rough justice' for landlords. For example:

A claimant moves to new accommodation just before the end of his assessment period. If he notifies the change immediately to DWP including the new landlord details and direct payments are approved. The new landlord will receive housing costs payment for the whole of the past assessment period and the old landlord will not receive any payment.

In reality this means that even with direct payments in place there are no guarantees that a landlord will receive a payment. Landlords require assurances they will receive the expected rent payments for tenants in their properties.

Q: Do you have any comments about the Scottish Government's powers over the housing element of Universal Credit?

Please specify below

The impact of Universal Credit for tenants residing in temporary accommodation

presents many challenges to local authorities and to tenants. Particularly around affordability and increased rent arrears.

Monthly assessment periods are proving acutely problematic for UC recipients residing in temporary accommodation. Due to the classification of some temporary accommodation, not all properties fall within the exempt accommodation criteria and therefore are subject to local housing allowance rates. The transient nature of some tenants in this accommodation type has resulted in cases where a tenant has moved out of the property just before the end of the assessment period resulting in no housing cost element being paid for the whole month. This approach is leaving tenants with increasing rent arrears and a burden on Local authorities who have a duty to provide accommodation.

Local authorities need some assurances that they will receive payments towards the rent in cases where tenants are entitled to claim benefits. In considering the proposed policies The Highland Council would ask that steps are taken to remove this type of accommodation from Universal Credit policy and allow it to continue under Housing Benefit.

If temporary accommodation cannot be exempted from Universal Credit it would be appropriate that where a tenant is residing in temporary accommodation and entitled to a housing element then payment should be guaranteed, paid weekly, directly to the landlord for the period that they are resident.

PART 3: OPERATIONAL POLICY

14. Advice, representation and advocacy

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

Please specify below

Many households experience problems at some stage in their lifetimes which can give rise to a wide range of needs for information, advice or support. These events may carry with them significant financial implications and the need to reassess living arrangements or apply for welfare benefits. The management of changes are likely to be significantly more challenging for households experiencing poverty than for others.

Good quality information and advice are essential for health and wellbeing, to enable people to access entitlements and services, make informed decisions, and to make a valuable contribution in their community and society as whole. This is particularly important at times of welfare reform and the current climate of major changes to devolution, policies, services and the drive, where appropriate, for reduced dependency on the public purse against a backdrop of alleviating poverty for residents.

Public funded advice providers should have a central role in the development of the new Scottish social security system. Many organisations have significant skills, infrastructure and experience in welfare rights and income maximisation which will be crucial in the early stages of the new benefits system in Scotland and thereafter to support vulnerable residents.

In Highland this can be demonstrated by working strategically and operationally with partners, the Revenues and Business Support Team continue to work with new and existing partners with the aim of improving the quality of life for disadvantaged adults and children across the Highlands. For example, developing welfare support with the NHS for those with substance dependencies; provision of support for Housing Association tenants. During 2015/16, the total amount of financial gains for customers seeking benefit advice in Highland was £12,932,006.

Currently the legislative requirement for advice and information services is set out in Section 12 of the Social Work (Scotland) Act 1968. The new Scottish social security system should strengthen this legislation by placing a statutory duty, appropriately funded by the Scottish Government, on local authorities to provide advice and information services in a similar way to the recent legislation to place a statutory duty to provide the Scottish Welfare Fund.

The local advice and information service delivery model supports the UK and Scottish Governments' localism agendas and removes the need for requiring customers to contact various numbers, email addresses and/or websites for assistance. In consolidating the point of contact the ambiguity over who to contact

when some event happens, or need arises, is removed. Individuals can immediately reach an adviser who is able to offer assistance and will understand the potential issues and problems faced within The Highland Council area. This local approach also ensures that incomes are legitimately maximised and customers do not miss out on benefit entitlement and welfare support.

Innovation in public services can offer greater value for taxpayers' money and better results for local communities. The best Councils are constantly on the look-out for new and better ways to design and deliver services.

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

Please specify below

Understanding the current 'advice landscape' is critical to enable researchers, practitioners, and policy-makers to determine whether the current range of advice and information services is actually achieving the outcomes it aims to and in the way it intends.

Currently many different funding streams exist through UK, Scottish, local governments, various 3rd sector organisations and charities which runs the risk of duplicating existing provision.

Introducing legislation, which is supported by appropriate funding from the Scottish Government, that places a statutory duty on local authorities to provide advice and information services would enable a local approach for service delivery to be developed to meet the needs of the local communities. This would be strengthened by the Community Empowerment Act to require Scottish public authorities to promote and facilitate the participation of members of the public in the decisions and activities of the authority, including in the allocation of its resources. Involving people and communities in making decisions helps build community capacity and also helps the public sector identify local needs and priorities and target budgets more effectively.

This local approach would support the shift required to move some people from being dependent on public services to being self-sufficient and capable of taking responsibility for their own affairs as recommended in the Christie Commission while recognising that welfare support should be available at point of need.

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

Please specify below

The various funding streams currently available may result in numerous advice agencies in localities bidding for the same monies to deliver similar programmes of advice and information. While this runs the risk of over-provision and poor value for

money, the current model means that agencies are in a constant cycle of bidding for short-term funding. By providing longer-term funding (eg confirmed allocations over 3 years) would enable agencies to retain trained advisers and to develop their advisers' skills and experience over a period of time. Having a skilled pool of advisers would improve the quality of advice across the sector.

Advice and information organisations in the free sector play a significant role in providing free information and advice for residents on a wide range of issues including debt, housing, benefits, employment law and family issues. A longer term strategy could be developed with local authorities and sector representative bodies to identify opportunities to promote self-help when it is appropriate to do so while ensuring that appropriate support is available when required to ultimately provide positive outcomes for residents in a cost effective manner.

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

(please tick one box)

Yes	x
No	

Please explain why

Independent advocacy has a role to play in the new Scottish social security system as it currently does now. Many independent organisations currently work closely with the advice services within Highland to provide holistic support to meet the needs of the customer.

Independent advocates make decisions on behalf of a person/group. They have the time and skills to help source relevant information to identify appropriate choices, in addition to supporting getting the message across to other people affected by similar situations.

Independent advocates speak on behalf of people who are unable to do so for themselves about the issues that are affecting their daily lives. This enables feedback to be shared with the appropriate organisation – public or private about their policies and procedures. This is an effective process as it helps develop future strategies to mitigate issues, improve customer experience and overall performance.

Therefore advocacy will be essential in meeting the Scottish Government's principle of 'putting the user experience first' in the social security system.

Q: 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?

Please specify below

Enabling people to maintain control over their lives is paramount. People increasingly expect to make decisions for themselves about the services they use and expect that good information is at the heart of good decision-making.

For some, their first contact with a public agency will be at a time of stress or crisis. Advocacy services are invaluable at this time. Advocacy supports people to make their own decisions and ensures that their views are properly represented.

When there is a lack of clear information about advice services, individuals can easily become disempowered. The need for clear information is therefore essential and applies to universal services for advice and information provision to address issues including benefits, money, debt, housing, employment or health.

Therefore, as highlighted in previous questions engaging with the organisations currently delivering services and developing a long term strategy for the delivery of advice, information and advocacy services within Scotland will be paramount in the success of the Scottish social security system.

15. Complaints, reviews and appeals

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

(please tick one box)

Yes	x
No	

Please explain why

The Highland Council agrees with the SPSO's 'Statement of Complaint Handling Principles'. They are easily understandable and logical. The Highland Council has applied these principles when developing our own Complaints Handling procedure. See copy of the Highland Council's Complaints procedure.

An effective complaint handling system should have the following elements:

- Arrangements for enabling people to make complaints are customer focused, visible, accessible and valued and supported by management.
- Complaints are responded to promptly and handled objectively, fairly and confidentially. Remedies are provided where complaints are upheld and there is a system for review.
- There are clear accountabilities for complaint handling and complaints are used to stimulate organisational improvements.

The Highland Council believes our Complaints Handling procedure contains these

elements and is followed by every Highland Council Services to give a uniform/consistent approach to complaint handling.

The SPSO complaint handling principles are understood and recognised across the piece. Adopting the same principles will bring the new social security agency for Scotland in line with other public sector bodies.

The Highland Council would also agree that any CHP should aim to seek resolution at the earliest opportunity and would welcome the addition of 'Seek early resolution' to the principles.

The Highland Council would also agree that a further principle 'Deliver improvement' would be a good addition.

Complaints provide the Highland Council with crucial information to identify where real problems lie. The challenge is then to tackle the root cause of those problems effectively.

The Highland Council's, Finance- Customer Services, analyses complaints.

By effectively analysing complaints, steps can be taken to redesign services, improve policies and procedures, increase efficiency and effectiveness, re-assess customer information needs, increase customer confidence in decision making and, provide transparency and accountability.

Q: How should a Scottish internal review process work?

Please specify below

The Highland Council Revenues service routinely undertakes internal reviews for customers on Housing Benefit, Council Tax Reduction and on Council Tax matters. This is known as requesting a reconsideration of a previous decision.

Internal review is a mechanism for customers who are concerned that a decision was not made correctly, to have the decision reviewed and their concerns addressed by an internal review officer.

The internal review officer will make their decision based on the material which was available to the original decision maker as well as any new, relevant information that becomes available during the review.

The internal review officer may investigate a matter and make a new decision which may:

- Be the same as the original decision (uphold); or
- Vary from the original decision (varied); or

- Completely differ from the original decision (overturned).

An internal review will be undertaken by a person who was not involved in making the original decision and who is of an equal or more senior level to the person who made the original decision.

Internal review officers must be consistent in their approach. They follow best practice in decision making to ensure their decision accurately reflects the law and the facts are established based on evidence.

Internal review officers must act independently and exercise their own judgment while having regard to legislation. They must provide written reasons for their decisions.

An Internal Review process should include the following principles which the Highland Council Revenues Service follows.

Courtesy - the internal review officers will be courteous and helpful, show patience, reliability and trustworthiness and display integrity, trust and respect.

Professional Skills & Knowledge - the internal review officers will listen and understand issues, conduct internal reviews in an accurate and rigorous manner, and respect confidentiality where appropriate.

Responsiveness - the customer will be informed of timeframes for action, provided with the name and contact details of the internal review officer if appropriate, kept informed of the progress of their internal review application and relied upon to provide all relevant information required by the internal review officer to make a new decision.

Monitoring, Review and continuous improvement - record, monitor, analyse and report internal review outcomes, identify necessary improvements and training opportunities and implement organisational change and better decision making.

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

Please specify below

The Highland Council Revenue Service sets a target of carrying out internal reviews within 28 calendar days of receiving a request for reconsideration.

As stated in the consultation document, ensuring the reconsideration is completed within strict time limits will require a particular resource requirement.

Whatever timescale is decided upon, staff resources must be made available to achieve the set targets. If targets are not met due to lack of resources, this will become a source of dissatisfaction to the customer which may discredit the whole internal review process.

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

(please tick one box)

Yes	x
No	

Please explain why

An alternative to the use of a tribunal for dispute resolution for the Scottish social security system may be the use of ordinary courts of law. Courts of law could not cope with the case-load that is now borne by social security tribunals and the like. Speedier and cheaper procedures are delivered by tribunals than afforded by ordinary courts. Tribunals avoid the formality of ordinary courts. Tribunals are characterised by an informal atmosphere and procedure.

Specific issues are dealt with by experts who specialise in particular areas which a court with a wider general jurisdiction might not acquire.

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

Please specify below

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

Please specify below

It is proposed the appeals process should embody the following values:

- Right first time
- Access to independent scrutiny
- Learning from experience
- Transparency
- Certainty of timescale
- Accessibility
- Minimising the burden on the user.

The values framework should underpin the Scottish Social Security agency's culture, helping the agency make correct decisions and ensures everyone is pulling in the same direction to ensure the highest quality of customer care is provided to service users.

The values ensure all staff is working from a commonly understood base that can be

constantly applied across the organisation.

The Highland Council Finance Service has recently restructured and has invested a resource in Client Services, designed to develop a stronger culture of customer care and support within our service.

The Scottish Social Security agency should consider having a Value Statement for the Organisation, putting the values at the heart of everything they do.

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

Please specify below

No, the Values proposed cover what is required.

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

Please specify below

The timescale to hear an appeal in relation to a developed benefit will be very much determined by the resource available set against the number of appeals.

Consideration may be given to providing an appeal response within 28 calendar days, however if resources permit, this timescale could be reduced.

The outcome of an appeal can have a significant effect on a customer's way of life and the timescale provided to customers must be realistic and achievable.

Q: 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?

Please specify below

The appeal process must be transparent and easily understood to all customers.

The whole process, including service standards must be fully visible and clearly explained to customers.

At the beginning of an appeal, customers must understand what to expect and the timescales for each step of the process.

Literature, web sites, liaison with the third sector should all aim to make the customer journey easily understandable.

If at all possible, the process should consider issuing automatic responses to customers updating them with the progress of their appeal. Keeping the customer informed will reduce the volume of enquiries coming into the organisation.

Q: How could the existing appeals process be improved?

Please specify below

The appeal process need to be clearly explained to customers with documentation, decision letters for example, more customer friendly, avoiding jargon.

16. Residency and cross-border issues

Q: Should Scottish benefits only be payable to individuals who are resident in Scotland?

(please tick one box)

Yes	x
No	

Please explain why

The Scottish social security system will require effective integration with the reserved benefit system and effective integration with other public services to ensure people get the support they need. Therefore clear guidelines and boundaries will be required to prevent duplication of benefits. The Scottish social security system should only be awarded to eligible people whose main residence is in Scotland which can be verified via the Council Tax system.

A social security system is a powerful tool to prevent and alleviate poverty and inequality. It enables cash injections to local economies and has a positive impact on development, but the funding of any new benefits or tops ups need to be affordable for the people of Scotland and should be reflected in any outcomes both short and long term.

Q: What are your views on the 'habitual' residence test currently used in the UK by DWP?

Please specify below

The purpose of the test is to show whether someone has the right to live in the UK (known as the right to reside) and whether they intend to settle in the UK, Isle of Man, Channel Islands, or Ireland (the 'Common Travel Area') for the time being (this is known as habitual residence).

The Habitual Residence Test was originally introduced in 1994 to protect the benefit system from abuse. The aim was to ensure that income-related benefits are paid to people with reasonably close ties and an intention to settle in the UK. Therefore, a similar test should be applied for Scottish benefits. Only those with sufficient ties and living legally in Scotland should be entitled to claim benefits from a Scottish social security system.

Q: Are there other issues that the Scottish Government should take into account when it comes to residency rules?

Please specify below

It is acknowledged that a variety of existing UK benefits can be paid dependent on circumstances to those who are not living or resident in the UK. However, a balance of availability and affordability needs to be achieved.

Q: What factors should Scottish Government consider in seeking to coordinate its social security system with other social security systems in the UK?

Please specify below

It has already been highlighted the importance of developing a Scottish social security system which is able to be integrated into the existing UK benefit system in a fair and transparent way. It will also be important to legislate that claiming of a Scottish benefit does not lead to the financial detriment of the person in the bigger UK reserved benefit system.

Until the new Scottish social security system is fully developed it will be difficult to cover every eventuality with explicit guidance, it will be for the Scottish social security system to act in the best interests of eligible residents at all times. The underlying principle should be no decisions on benefit applications should be delayed because of uncertainty or ambiguity.

Decision makers will require clear guidance when assessing an application for benefit, where an adverse decision is applied it will be for an appeal process to be developed to give an independent decision.

Q: How can the Scottish Government ensure that no-one either falls through the cracks or is able to make a 'double-claim'?

Please specify below

The Scottish social security system requires ownership, responsibility and accountability together with a strategic delivery plan. This establishes the aims, objectives and delivery system. Within this model the delivery agency will appoint decision makers who have the authority and accountability, supported by clear guidance and regulations for assessing all claims appropriately.

Primarily the lead delivery organisation should take lead responsibility. Overall, all key stakeholders including Scottish Government, local authorities, NHS, voluntary organisations and third sector should be involved in the communication of the Scottish social security to ensure awareness on what is available including the application process.

In addition, comprehensive data sharing arrangements will need to be legislated for to enable the sharing of benefit claim information to prevent the double claiming and legitimate maximising of benefits. Advocacy and advice will be essential to minimise the risk of people falling through the cracks. The potential single assessment delivery

model would support the correct payment of all entitlements for an individual and significantly reduce the risk of fraud or error. By way of example, housing benefit in Scotland is delivered by each local authority working within a national legislative and procedural framework. Although each local authority has a unique service delivery model which best meets local needs, the amount awarded to the individual is determined by the national framework.

17. Managing overpayments and debt

Q: Could the existing arrangements for recovering social security overpayments be improved in the new Scottish social security system?

(please tick one box)

Yes	x
No	

If yes, please explain your answer

In the main the current system for recovering overpayments works well. Housing Benefit decision notices acting as warrants allows recovery action to be taken without recourse to courts. The Direct Earnings Attachment legislation allows direct intervention and current information is readily available via the DWP's CIS system. DWP's new Payment Direct Project will also improve the process and reduce manual intervention. However there could be improved communication between the agency making the deduction and the agency receiving the deduction which could potentially be achieved by introducing a single point of contact.

Q: What are your views on the role that financial advice can play in the recovery of overpayments?

Please specify below

Expert financial advice on managing money is essential especially during periods of debt to enable financial needs and goals to be achieved. Financial priorities change depending on people's age, therefore having specialist advice is crucial to re-evaluating income, expenditure and debt including any overpayment plans to establish a realistic budget plan that focuses on reducing borrowing, reducing expenditure and establishing a consistent cash flow or income stream to meet daily living costs including the re-payment of debt.

The Highland Council's debt recovery model allows a payment plan over an extended period for those debtors who engage with specialist advice services.

18. Fraud

Q: Should the existing Scottish Government approach to fraud be adopted for use in our social security system?

(please tick one box)

Yes	x
No	

If no, what else should be used instead?

Q: If yes, should our existing counter-fraud strategy be adapted in any way?

(please tick one box)

Yes	x
No	

Please explain your answer

A zero tolerance approach to securing the gateway to the social security system is essential to ensure that (a) Scotland's budget is available for those who are legitimately entitled to claim benefits via this system and (b) to instil confidence in the people of Scotland that provisions are in place to deter abuse of the system.

It will be important that any revised counter-fraud strategy reflects the service delivery model for countering fraudulent activities which may include delivery partners external to the Scottish Government.

The strategy may be strengthened by underlining the role of Scotland's justice system in criminal and civil cases to secure the efficient disposal of cases involving intentional or organised crime.

Q: How could the new Scottish social security system 'design out' errors and reduce the potential for fraud at the application stage?

Please specify below

Local authorities are highly experienced in this area through the design and development of a range of entitlement forms including housing benefit, council tax reduction, discretionary housing payments, etc. The Highland Council's Apply Once online form, which enables a range of eligible entitlements to be claimed via a single form, has been carefully developed to reduce the potential for fraud and error. Local authorities can therefore provide expertise and support the development of national forms for the Scottish social security.

Data **sharing** and data **matching** between public bodies and delivery partners are effective mechanisms to support those who are legitimately claiming assistance while also providing a platform to combat intentional and organised crime. In these circumstances, data sharing rules are already in place via Section 29 of the Data Protection (Scotland) Act 1998.

Verifying the identity of those seeking assistance is also essential at the application

stage. For online forms, the Improvement Service has developed Myaccount which requires a customer to verify their identity and report relevant changes only once. Myaccount has been at the core of the effective development of the Highland Council's and other Scottish local authorities' online forms.

Robust verification procedures, supported by comprehensive training for decision makers, will be necessary to protect the gateway to the social security system.

It would be advantageous to enable residents to remain anonymous when reporting suspicions of fraud and to make the process for reporting such allegations convenient and accessible.

Q: Should the Scottish social security system adopt DWP's existing code of practice for investigators?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

DWP's existing code of practice for investigators is well-established, has been developed over a number of years, and has the benefit of hindsight and experience.

Q: What are your views on the existing range of powers granted to investigators?

Please specify below

In addition to the Scottish Government's existing counter-fraud strategy, those with responsibility for investigating fraud will require robust and modern powers to tackle and combat fraud.

Such powers should be aligned with the powers as contained within Sections 112 (1) (a) and (b) of the Social Security Administration Act 1992. These powers were used appropriately and proportionately for many years by local authority counter-fraud investigators and were an essential tool in the counter-fraud toolkit.

"Enhanced" authorised officer powers enable a limited number of designated officers in management positions to require financial institutions to provide financial information, for example bank statements, for the purposes of preventing and detecting benefit fraud. The intrusive nature of this power is recognised and requires robust controls to ensure that the use of such powers is both appropriate and proportionate. This can be achieved in a number of ways including requiring those designated:

- to successfully complete a particular course of study;
- to hold a management position within their organisation;

- to be registered on a national database for checking by financial institutions prior to releasing information.

A further safeguard would be to limit the number of designated “enhanced” authorised officers within those organisations with responsibility for investigating fraudulent activity within the Scottish social security system. A minimum of two officers per organisation would be appropriate although larger organisations with a large team of investigators may require proportionately more officers with enhanced authorised officer powers. It may also be appropriate for enhanced authorised officers to be appointed by the most senior officer in their organisation (eg Chief Executive) once all training has been successfully completed.

Q: What are your views on conducting interviews under caution?

Please specify below

Interviews under caution helpfully provide all parties (Judge, Sheriff, Jury, prosecution and defendant) with complete clarity regarding the questions asked by investigators and responses provided by the individual under investigation. They also provide a safeguard for everyone involved in the interview process.

It is crucial however that robust protocols and procedures are in place to ensure that there is no tampering of such evidence and to require that it is stored in a controlled manner to protect the authenticity and validity of evidence.

While taped interviews under caution should be adopted as standard practice, provisions will need to be in place to ensure that contemporaneous notes are subject to the same standards and controls as audio recordings. It will also be of paramount importance to ensure that audio recordings and contemporaneous notes, gathered during interviews are caution, continue to be admissible in Scottish courts.

Q: What improvements could be made around conducting interviews under caution?

Please specify below

To support the principles of fairness, dignity and respect, it would be helpful to provide meaningful and impartial information for those being invited to participate in an interview under caution in order.

This would increase awareness and an understanding that the purpose of such interviews is for the person under investigation and the investigation agency to have an opportunity to clarify any matters under investigation. This approach provides safeguards for both parties as there can be no dubiety about the questions and answers during an interview. The importance of attending such interviews is also an important factor to be highlighted.

Comprehensive training for investigators, and thereafter a signed undertaking to adhere to a code of a practice, may provide safeguards for all involved in the

investigative process, including those being interviewed, while also achieving the principles of fairness, dignity and respect.

Q: Should the Scottish Government retain the same list of offences which people can be found guilty of in terms of social security fraud?

(please tick one box)

Yes	x
No	

Please explain your answer

The list of offences used for social security fraud is pragmatic and accords with the principle of fairness.

Q: Should the Scottish Government impose the same level of penalties for social security fraud as are currently imposed?

(please tick one box)

Yes	
No	x

Please explain your answer

While the current level of penalties that can be imposed for social security fraud include removing an individual's liberty and provide a degree of deterrent, the scale of abuse in the current social security system is significant. This demonstrates that, for a small minority, the current level of penalties is not a deterrent and therefore needs to be strengthened for the most serious cases of intentional and organised crime. Such an approach will help safeguard the Scottish social security system while providing fairness, dignity and respect for the people of Scotland.

19. Safeguarding your information

Q: Should the existing Scottish Government approach to Identity Management and Privacy Principles be adopted for use in our social security system?

(please tick one box)

Yes	x
No	

Please explain your answer

The proposed data sharing approach would enable benefit assessment, advice, support and information to those who are most in need of these services in a secure controlled environment.

Dependent on which organisation(s) are chosen to deliver the new social security system some customers may express concern about their personal circumstances being disclosed to organisations that they may not trust or have had previous negative experiences with. It will be essential for the Scottish Government to give assurances about the proportionate use of data, and that sharing data is in the individual's best interests and their confidentiality is not compromised.

Q: If yes, should our existing Identity Management and Privacy Principles be adapted in any way?

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain how

The existing principles ensure personal information is securely controlled. The organisation responsible for the information is required to ensure no unauthorized access, use or disclosure of any information other than for its intended purpose.

However, data sharing with advice organisations will be important to enable proactive advice, information and support measures to be implemented within the social security system. By identifying vulnerable customers and those in need of support advice providers would be able to effectively engage with customers through a variety of channels including telephony, digitally and where appropriate face to face and assist customers who require specialist or intensive support to access the right services for their needs.

Q: Who do you consider should be consulted in regard to the Privacy Impact Assessment and what form would this take?

Please specify below

Consultation with key stakeholders involved in the Scottish social security system should form a significant part of a Privacy Impact Assessment. It will be important those accessing the Scottish social security system are informed about proposed information sharing in keeping with the Data Protection Act 1998 so that they have an opportunity to object. If someone prefers not to share information, it could make it more difficult for them to get any benefits in the social security system or receive specialist advice from providers.

In addition, any organisation responsible for the delivery of the Scottish social security system will be responsible for handling all personal data in accordance with the Data Protection Act 1998 and the Human Rights Act 1998, so personal information will only be shared if it is relevant and not excessive to the purposes for which it is shared.

Q: What are your views on privacy issues that may affect the new agency?

Please specify below

All public sector agencies currently comply with strict data protection regulations. A balance will be required to ensure the aims of the social security system and the principle of treating people with dignity and respect are achieved whilst ensuring compliance with data protection regulations.

Local authorities have the knowledge, experience and skills to support the development of the social security system including the use and storage of personal information required for applications, processing and payment of awards. The Scottish Government has the opportunity to design a system which has less bureaucracy, more flexibility and a move towards maximising resources to deliver and manage a successful social security system to our customers in Scotland.

Q: Do you perceive any risks to the individual?

Please specify below

The consultation provides sufficient information on the principles of identity management and privacy. However, it remains unclear how this information will be securely shared with the relevant parties given the implications for data security. Local authorities already have secure communication channels including DWP although this does not necessarily reflect the landscape across Scotland.

It is critical that recognition is given to the potential need for multiple engagements with the social security system provider from support agencies acting on behalf of applicants.

If Yes, What solutions might be considered to mitigate against these?

The sharing of information will require a secure method to be used by all stakeholders involved in the Scottish social security system.

Q: Would you support strictly controlled sharing of information between public sector bodies and the agency, where legislation allowed, to make the application process easier for claimants? For example, this information could be used to prepopulate application forms or to support applications, reducing the burden on applicants.

(please tick one box)

Yes	x
No	

Please explain your answer

The collection of information/evidence can support the identification of potential eligibility to additional benefits and maximisation of a customer's income.

Ultimately the Data Protection Act determines how personal information is used by organisations, businesses or the government.

Some applicants will not want to allow extensive access to their personal information especially health records, whilst others will accept this as a 'burden' removed from their responsibility.

The majority of Advice and Information organisations already obtain a signed mandate from the customer to allow access/request of personal information. Therefore by allowing the processing agency to have this consent also will in theory enable the faster processing of applications and where appropriate payments, by reducing the timescales of request/supply information where gaps in evidence exist.

Q: Would you support strictly controlled sharing of information between a Scottish social security agency and other public sector organisations (for example local authorities) to support service improvements and deliver value for money?

(please tick one box)

Yes	x
No	

Please explain your answer

As per previous question, the collection of information/evidence can support the identification of potential eligibility to additional benefits and maximisation of a customer's income. Local authorities currently have controlled access to the DWP's CIS and this will be essential going forward.

Ultimately the Data Protection Act determines how personal information is used by organisations, businesses or the government.

Some applicants will not want to allow extensive access to their personal information especially health records, whilst others will accept this as a 'burden' removed from their responsibility.

The majority of Advice and Information organisations already obtain a signed mandate from the customer to allow access/request of personal information. Therefore by allowing the processing agency to have this consent also will in theory enable the faster processing of applications and where appropriate payments, by reducing the timescales of request/supply information where gaps in evidence exist.

Q: What are your views on having the option to complete social security application forms online? Can you foresee any disadvantages?

Please specify below

Accessibility and choice are essential to promote the benefits of secure digital services within the social security system in Scotland. By demonstrating the benefits of digital applications, e.g. The Highland Council's Apply Once as described earlier in this consultation will increase the take up of this method through time and cost efficiencies. However, it should be noted digital will not always be the best delivery model for all customers and therefore other channels still need to be available for those who need to access the system.

Whilst many customers may prefer to transact digitally, the rural and isolated landscape in Scotland does not always facilitate the availability of broadband connectivity. In these communities the choice of transacting digitally is not yet viable.

Q: What are your views on the new agency providing a secure email account or other electronic access to check and correct information for the purposes of assessing applications (noting that any such provision would need to be audited and regulated so that the security and accuracy of the information would not be compromised)?

Please specify below

The provision of secure online accounts is an important step in helping to ensure that the services available online are actually used the customer. This essentially enables individuals to provide proof of identity each time they transact online.

These functions already exist, for example Gov.UK Verify or Scotland's MyAccount capability. MyAccount reflects one simple approach available to all Scottish public bodies. It is therefore logical for the social security system in Scotland to have the ability to use this technology.

20. Uprating

Q: What are your views on the best way to ensure that devolved benefits keep pace with the cost of living?

Please specify below

The current CPI increase in disabled benefits is seen as less generous than the previous RPI method. However, it is difficult to have a 'fair' uprating mechanism which allows benefits to keep pace with the cost of living when the current inflation levels are low.

Uprating will also need to be factored into how the devolved benefits are paid, for example if a lump sum or up-front payment is offered.

Overall, any uprating of benefits needs to be fair, transparent and affordable in the long term to the Scottish social security system. It is also important that any increases within the devolved benefits will not be financially detrimental to an applicant claiming any of the UK reserved benefits.

Q: Are there any devolved benefits in particular where uprating based on a measure of inflation would not be effective?

If so, please explain which benefits and why

A CPI increase on funeral payments may not meet the increase in cost of a funeral due to the variable factors involved in the cost of a burial/cremation as has been highlighted in the recent reports relating to funeral poverty.

A similar principle could also apply to any maternity and cold weather payments where price increases are not within the control of the Scottish Government.