

# Designing a social security system for Scotland

## A CAS perspective

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# What's being devolved?

- **Disability benefits (currently DLA, PIP, AA, IIDB, SDA)**
- **Carers benefits (Carers Allowance)**
- **Funeral payments**
- **Maternity payments (Sure Start Maternity Grant)**
- **Payments for heating in cold weather (Winter Fuel Payments, Cold Weather Payments)**
- **Discretionary Housing Payments**
- **Employment programmes (Work Programme, Work Choice)**
- **Power to create new benefits in areas of devolved responsibility**
- **Discretionary payments (aka 'Top Up' benefits)**
- **Some administrative flexibilities over areas of Universal Credit**

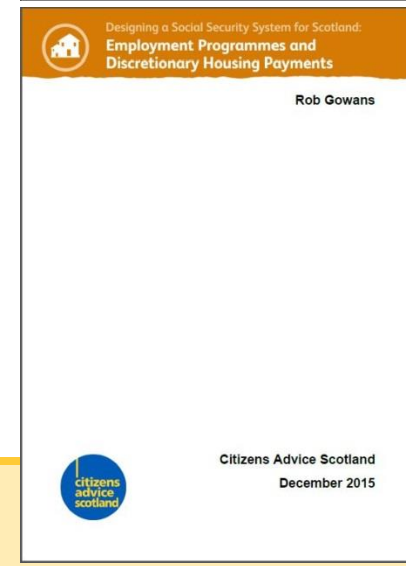
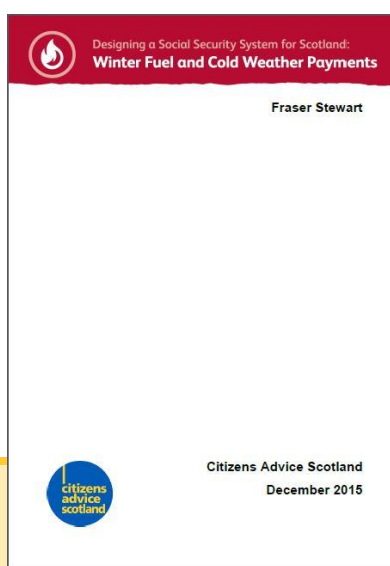
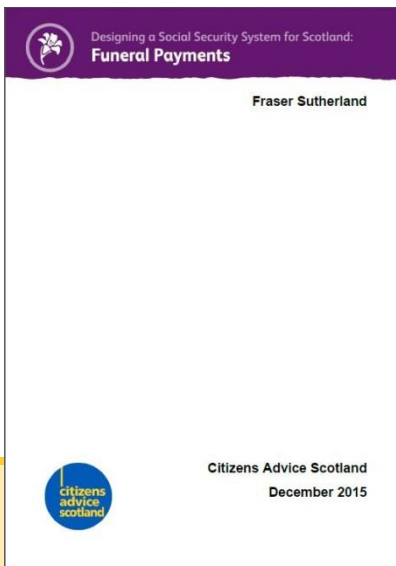
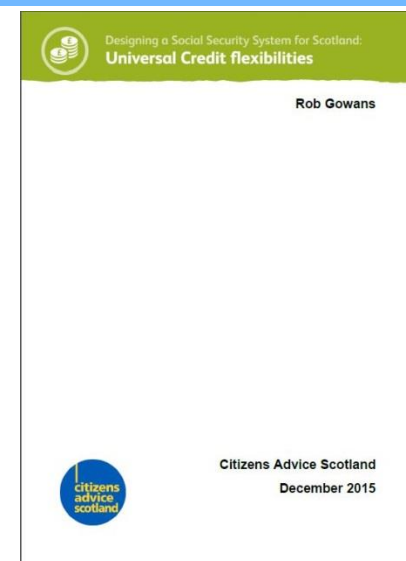
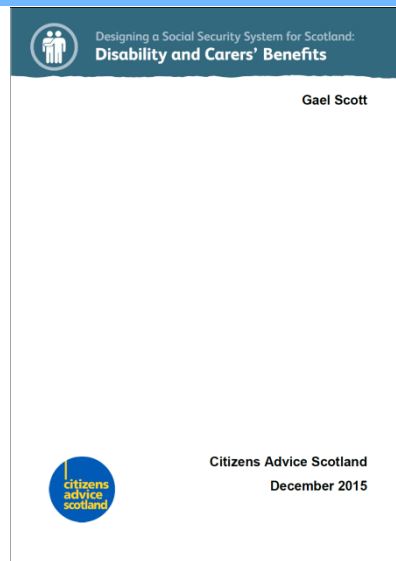
# The current picture

2015/16	New issues	% of benefits
PIP (Daily living)	24,401	10.7%
PIP (Mobility)	20,416	9.0%
Attendance Allowance	7,614	3.3%
Carers Allowance	6,375	2.8%
DLA (Care)	5,297	2.3%
DLA (Mobility)	4,170	1.8%
Discretionary Housing Payments	2,839	1.2%
Sure Start Maternity Grant	1,002	0.4%
Funeral Payments	829	0.4%
Industrial Injuries Disablement Benefit	614	0.3%
Winter Fuel Payments	317	0.1%
Severe Disablement Allowance	142	0.1%
Cold Weather Payments	117	0.1%
<b>TOTAL</b>	<b>74,133</b>	<b>32.6%</b>

# The Scottish Government's consultation

- **Seeks views on 20 different aspects of designing a new social security system**
- **CAS aiming to make sure that the frontline experience of CAB clients and advisers is used to shape the new system with people who will use it at its heart**
- The following **six key principles** should underpin any social security system:
  1. Based on clear rights and responsibilities
  2. Responsive to need
  3. Transparent and accountable
  4. Fairly administered
  5. Sustainable and integrated with other services
  6. Developed in consultation.

# Fair, Equal and Responsive



# Effect of CAB evidence

CAS recommends	Scot Gov commitments
System built on principles of trust, dignity and respect	Ensure principles of dignity, fairness and respect are at the heart of new services
Targeted effort to raise awareness of entitlement to disability & carers benefits	Encourage benefits take-up through government-led campaign
Rate of Carers Allowance should be increased	Raise allowance paid to carers to same level as JSA
Face-to-face assessment only carried out in a small number of cases	Reform assessment procedures to stop revolving door of assessments; introduce long-term awards
Independent panel set up to monitor eligibility criteria for disability benefits	Establish Disability Benefits Assessment Commission to provide recommendations on length of awards and eligibility criteria

# CAB consultation so far

- **4 benefits adviser focus groups**  
in Edinburgh, Glasgow and Inverness
- **14 client focus groups run by bureaux – 150 people**
- **Client interviews (face-to-face / phone) – 19 Bureaux**  
on disability benefits (2015)
- **Online adviser survey - 47 responses**
- **Client survey - 30 bureaux, 601 responses (2015)**
- **7,000+ Social Policy Feedback forms, CAB stats etc**

# Past, present and future

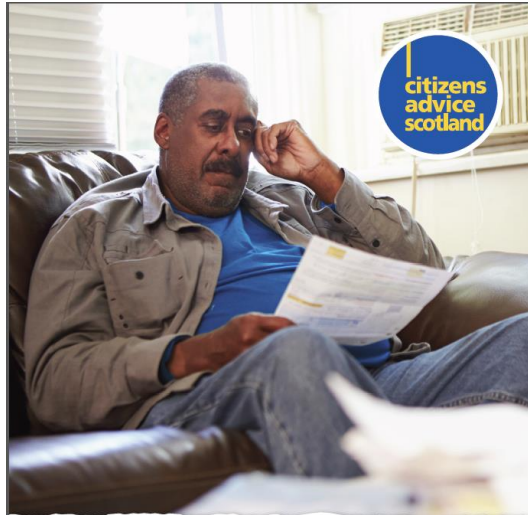


## Bridging the Digital Divide



*Measuring the progress of digital inclusion  
amongst Scottish CAB clients*

Patrick Hogan



## Living at the Sharp End

CAB CLIENTS IN CRISIS



## Learning From Testing Times

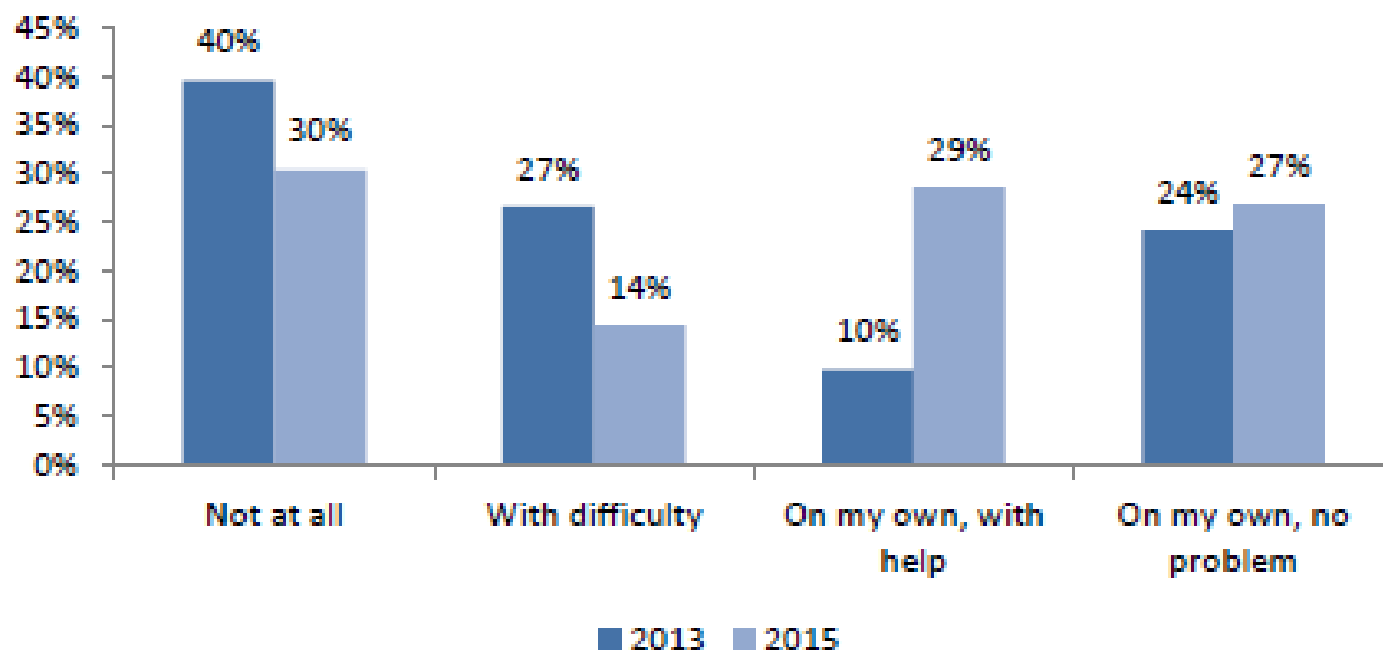
Early Evidence of the Impact of Universal  
Credit in Scotland's CAB Network





# Bridging the digital divide

Figure 12: Could you make an application for a benefit online?



# Living at the sharp end

**There are five main causes of CAB clients experiencing a gap in benefit payments resulting in the need for crisis support:**

- Department for Work and Pensions (DWP) **administrative errors**, including: mail lost within DWP mail processing systems (particularly medical evidence), poor communication with claimants and official error causing gaps or delays in payments
- Clients who had failed their Work Capability Assessment and been found fit for work losing their eligibility for Employment and Support Allowance (ESA) and having **difficulty transferring to Jobseekers Allowance (JSA)**
- **Processing times** and waiting days at the beginning of benefit claims causing a gap in payments;
- ESA claimants challenging a decision regarding their Work Capability Assessment **not receiving payments during the Mandatory Reconsideration** process
- Benefit **sanctions**, particularly for JSA claimants

# Mandatory Reconsiderations

Social Security Advisory Committee consultation  
on decision making and Mandatory Consideration:  
Response from Citizens Advice Scotland  
March 2016



Citizens Advice Scotland (CAS), our 61 member Citizen Advice Bureaux (CAB), the Citizen Advice consumer helpline, and the Extra Help Unit, form Scotland's largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone. Our self-help website [Adviceguide](#) provides information on rights and helps people solve their problems.

In 2014/15 the Citizens Advice Service network helped over 323,000 clients in Scotland alone and dealt with over one million advice issues. With support from the network clients had financial gains of over £124 million and the Scottish zone of our self-help website [Adviceguide](#) received approximately 5.4 million unique page views.

Issues relating to benefits and tax credits are the most common area of advice provided by citizens advice bureaux in Scotland, with 220,000 new issues in 2014/15, representing 37% of their work.

## Summary

- Citizens Advice Scotland strongly recommends that a statutory time limit should be introduced within which a Mandatory Reconsideration decision must be returned to the claimant.
- Prior to the introduction of Mandatory Reconsideration in April 2013, benefit claimants would be paid their benefit whilst awaiting their Tribunal hearing. This is not the case under Mandatory Reconsideration, and for some claimants this can mean waiting weeks with no benefit, or applying for a benefit for which they are unable to meet the conditionality requirements. CAS recommends that benefit payments continue at the assessment rate during the reconsideration period.
- CAS recommends that the DWP and HMRC provide clarity around whose responsibility it is to obtain and provide medical evidence during the Mandatory Reconsideration process as well as in other circumstances.
- CAS recommends that a review is undertaken of the process whereby health professionals provide evidence in support of benefit claims so that an integrated policy approach can be developed, addressing the existing

- **March 2016 CAS responded to Social Security Advisory Committee consultation on decision making and Mandatory Considerations**
- **An area of particular concern for the future of the Scottish system**

# Mandatory Reconsiderations (MRs)

Stage 1

- Application made and refused

Stage 2

- Submitting a Mandatory Reconsideration

Stage 3

- Mandatory Reconsideration pending with no timescales

Stage 4

- Mandatory Reconsideration is unsuccessful

Stage 5

- Tribunal is successful

# Mandatory Reconsiderations (MRs)

## Social Policy Feedback case:

A West of Scotland CAB reports of a client who requested a MR which was received by DWP on 3<sup>rd</sup> March.

The CAB then contacted the DWP o/b/o the client on 7<sup>th</sup> April and was informed that this MR request had been passed to the Benefit Delivery Centre who then passed it to a Dispute Resolution Team in Glasgow.

The CAB adviser was informed by the Glasgow team that as the notes on their computer system had not been updated they were unable to tell if this request had been started.

The client had chosen not to apply for JSA because he and his GP feel that he is unfit for work and he would be unable to fulfil his JSA agreement. **The client has been living without benefits from 26<sup>th</sup> February and will most likely not have his benefits restarted until mid-April, forcing him to live on his DLA money and Foodbank vouchers.**

# Mandatory Reconsiderations (MRs)

## **Social Policy Feedback case:**

A South of Scotland CAB reports of a client who had had no communication from the DWP since requesting a MR in September 2015, five months previously.

The CAB made contact with DWP about the delay and was told that the client's case had not been looked at by a Decision Maker. The MR letter had been received but no further action had been taken.

There was no explanation as to why it had taken five months for a reply.

# Mandatory Reconsiderations (MRs)

## **Social Policy Feedback case:**

A West of Scotland CAB reports of a client who was successful at his Appeals Tribunal. He was represented by a Social Work representative.

He received a letter informing him that he would receive his ESA arrears within 6 weeks. He did not receive payment within this timeframe. He phoned Social Work Representation Unit about this and was advised to go to his local CAB for help.

CAB phoned the Tribunals Service who confirmed the decision and that the decision had been emailed to DWP on the same day it was decided.

CAB phoned DWP who checked the client's file and reported that there was no update on the Tribunal's decision. The DWP's advice was to send in a copy of the decision letter. CAB helped client send this to a Mail Handling Site with a covering note asking for it to be dealt with as soon as possible.

# Mandatory Reconsiderations (MRs)

**It is not always easy to obtain evidence from health professionals. Barriers include:**

- the fact that GP surgeries often **charge fees** to provide letters, but do not take a consistent approach, creating a '**postcode lottery**'
- **Difficulties getting appointments** with GPs or specialists in order to obtain medical evidence, particularly within the given time-frame to support a MR or appeal
- Often, medical **evidence attests to the medical condition rather than how it affects the client** in day-to-day life, and therefore is of limited use in support of a MR or appeal



# Mandatory Reconsiderations (MRs)

- ***“The stress that the delays in MR's cause should not be underestimated, I personally know of several clients who have broken down under the stress of waiting for a decision.” - Skye CAB***
- ***“The impacts of delays on Mandatory Reconsiderations on our clients are huge. The most vulnerable clients (those suffering from mental health illnesses) are the ones who are affected most.” – East Renfrewshire CAB***

# Internal Review – a Scottish MR?

- MRs legitimate aim – reducing numbers need to go to Tribunal by allowing the original decision making body to review their decision and hopefully resolve the matter without the need for an independent tribunal
- In practice there have been numerous issues for claimants
- Even still, in a CAS online adviser survey of CAB advisers - **78% respondents** felt that some form of **Internal Review should feature in the new system**

# Internal Review (IR) – mandatory?

- **Almost a third of advisers** who responded to our online consultation felt IRs should be **optional** (31%)
- **62% of respondents** felt IRs should be **mandatory**

# Internal Review (IR)– fair time limits

- **Longer for claimants to raise IR** (to take into account time needed for taking advice, and gathering new evidence) **6 weeks**
- **A statutory time limit** should be introduced within which a IR application must be decided
- **83% of advisers** who responded to our online consultation felt that a reasonable timescale for IRs to be carried out within would be **4 weeks**

# Internal Review – clearer information for claimants

- **Legislation**  
embed the rights and timeframes in law
- **Scottish Social Security Charter**  
accessible and clear information for users and service providers
- **Information and advice services**  
vital for support and access

# Internal Review – not leaving gaps

- During IR process, **payments should continue for those previously in receipt** of the benefit
- When internal review changes the original decision, any due payments must be **implemented without delay**
- Within the Agency and other services

# Tribunals

- **72% advisers** who responded to our online consultation **agreed that a Tribunal** should be the route of independent appeal. Only 14% said no.
- **Access**  
Referral mechanisms between Agency – Tribunal need to be considered  
If a decision is not made by the Agency within the statutory time limits CAS believes the IR application should be passed onto the Tribunal service automatically
- **Feedback**  
Decision makers need to know so they can improve

# Conclusions

- **Great opportunity**
- **Will come down in large parts to implementation**  
“Respect and dignity” will not mean much if people are left in a gap without benefits and subject to a disfunctional complaint/review process
- **Will be strong need for close monitoring, learning, and amending**
- **Advice and support services will be vital**  
From handholding to helping with applications to representation at Tribunal



# Contact details

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