



COUNCIL EXECUTIVE

CONSULTATION: DISABILITY ASSISTANCE IN SCOTLAND

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to inform the Council Executive of the Scottish Government's consultation on its proposed Disability Assistance and to agree a council response to be returned by 28th May 2019.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes the contents of the report and the accompanying proposed consultation response (appendix 1); and
2. Approves the proposed consultation response to be submitted to the Scottish Government on behalf of West Lothian Council.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; making best use of our resources; and working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Reducing inequalities and poverty are key priorities contained in both the Council's Corporate Plan 2018/19 to 2022/23 and in the Community Planning Partnership's Local Outcome Improvement Plan 2013 to 2023.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Outcome 6 – We live longer healthier lives. Outcome 7 – We have tackled significant inequalities in West Lothian society. Outcome 8 – We have improved the life chances for people at risk. Outcome 13 – We take a pride in a strong, fair and inclusive society.
VI Resources - (Financial, Staffing and Property)	None.

- VII Consideration at PDSP** Given the limited amount of time for responding to the consultation it has not been possible to consider this at PDSP.
- VIII Other consultations** Consultation responses have been collated from community planning partners who attend the West Lothian Anti-Poverty Practitioners Group, key staff within West Lothian Council and members of the Anti-Poverty Experts by Experience Panel.

TERMS OF REPORT

D.1 Background

The Social Security (Scotland) Act 2018 creates a legal framework under which the Scottish Government can provide social security assistance to people. Section 31 of the Act allows for this provision to include non-means tested Disability Assistance. This will replace the current assistance provided through Personal Independence Payment, Disability Living Allowance and Attendance Allowance. The Scottish Government is consulting on the proposed approach to delivery of this assistance before progressing on to developing regulations. The consultation commenced on 5 March 2019 and ends on 28 May 2019. Due to the timing of the consultation and timing of the Partnership and Resources PDSP, it has not been possible to present the paper for consideration prior to submission to the Council Executive.

The Scottish Government aims to use the opportunity of delivering Disability Assistance to create a positive impact on a high number of people by removing barriers often associated with disability which cause restricted life choices, and allowing them to continue to contribute to their communities. The Scottish Government aims to do this by helping and supporting people to successfully access the financial support they need to manage their day-to-day life.

Financial support provided by the Scottish Government will comprise of three forms of Disability Assistance, depending on the age of the claimant; Disability Assistance for Children and Young People (DACYP) this replaces Disability Living Allowance for Children, Disability Assistance for Working Age People (DAWAP), this replaces Personal Independence Payment and Disability Assistance for Older People (DAOP), which replaces Attendance Allowance.

Legal responsibility for all forms of Disability Assistance will be assumed by the Scottish Government from 1 April 2020. The intended commencement dates for Disability Assistance are:

Disability Assistance for Children and Young People: **Summer 2020**
Disability Assistance for Older People: by the **end of 2020**
Disability Assistance for Working Age People: **early in 2021**

The Scottish Government aims to ensure that there is a safe and secure transition of payments when moving from one benefit to another, however, there is no information available on any proposed transition arrangements. The Scottish Government is committed to maintaining the existing level of disability benefits paid to individuals and uprating them annually by the cost of inflation.

The proposals have been constructed through consultation with people who have lived experience of the current benefit system and aim to address some of the issues

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highlighted by respondents to the July 2016 public consultation for the Social Security (Scotland) Act 2018; issues included the need for a holistic approach to Disability Benefits, improving the stressful and complex application and assessment process and making the system more flexible, accessible and person centred.

D.2

Consultation

The consultation commenced on 5 March 2019. The questionnaire has been distributed amongst the Anti-Poverty Practitioners Group which includes partners from the public, voluntary and third sector. Thereafter views were sought from members of the public using the Anti-Poverty Experts by Experience Panel and the survey was distributed to parents of school aged children.

The consultation questionnaire asks a range of questions which are about the proposed application channels, assessment of eligibility and decision making process for Disability Assistance. The new benefit will provide additional financial support to vulnerable people to allow them the financial security to overcome everyday barriers experienced from living with a disability.

There are some concerns about the proposals around the use of a points scoring system to assess entitlement to Disability Assistance for Working Age People. The concerns raised have been about whether or not a points system will prohibit some groups of people from being entitled to this financial support because their condition(s) do not fit the specific prescribed tasks in the points system. The concern is that such a system removes any discretion from decision makers in awarding assistance where there is a clear need but not enough points scored to qualify.

The consultation also seeks views on what supporting information should be sought by the agency as part of their decision making process. Whilst the proposal that the agency will assume responsibility for gathering the supporting information is very much welcomed, there were some concerns expressed around ensuring the use of the most relevant sources to the individual case.

E **Conclusion**

Responses have been collated from the partners of the Anti-Poverty Practitioners Group, key council staff who understand and have a keen interest in the causes and impacts of poverty, as well as providing effective support to families, and people with lived experience of living with a disability and/or on a low income.

The new Disability Assistance presents an opportunity for financial support to be provided to people living with a disability in a more flexible and easy to access process.

The Council Executive is asked to agree the submission to the consultation as set out in Appendix 1.

F. **BACKGROUND REFERENCES**

<https://www.gov.scot/publications/social-security-consultation-disability-assistance-scotland/>

Appendices/Attachments:

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Appendix 1: Draft Consultation Response on Disability Assistance in Scotland.

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