Scottish Parliament - Welfare Reform Committee
Call for Evidence - The Future Delivery of Social Security in Scotland

General comments

Social Work Scotland broadly welcomes the vision for an improved system for financial benefits set out on behalf of Scottish Government by the expert group on welfare in its report 'Re-thinking Welfare' (2014).

We recognise that the devolved powers being incorporated into the Scotland Bill represent only a partial move in this direction centring on disability and discretionary payments rather than universal benefits and totalling only an estimated £2.5 billion transfer out of £18 billion welfare payments to be made in Scotland by 2018/19.

These new powers will oblige the Scottish Government to focus on complex issues around eligibility and assessment within a budget inherited from the UK Government predicated on reducing expenditure and thresholds. The power to top-up devolved benefits may help ameliorate this but will have financial implications for Scotland and potential cross-border issues. The dominant levers in preventing an increase in poverty levels - via the annual uprating of core universal benefits, use of tax credits and the relative targeting of expenditure across age-groups - will still be controlled by Westminster.

Similarly the capacity to remodel 'welfare into work' approaches - including the new devolved power to operate employment schemes - will be stymied by the sanctions system remaining with the DWP. It is significant that in 2014 disabled people made up more than a quarter of all those subject to adverse sanction decisions in Scotland. In addition the retention UK-wide of employment support allowance will mean that a substantial proportion of people with some form of disability will continue to be pressurised inappropriately to seek work.

All of this will place barriers in the way of moving to a more 'rights-based' system aimed at reducing stigmatisation and emphasising respect for the individual.

We would support the call by the Poverty Alliance (A Scotland without Poverty 2015) for a reimagining of the basis of reciprocity between the individual and benefits agency with specified conditions based on positive partnership and an agreed commitment which is mutual rather than entered into only by the individual. We accept that even a reformed system where 'fitness to work' was more objectively determined there would remain the requirement to take measures where a commitment was repeatedly breached. However the substantial decrease in the number of sanctions imposed by DWP in 2014 (down one-third from the 12 month period up to October 2013) would suggest that the current level of imposition is based on policy rather than individual behaviour.

The limited scope of devolved powers does nevertheless present opportunities to rethink the wider approach and presentation. However the tentative suggestions within some reports that financial benefits could be more closely tied in with other devolved services such as

social care and support is one which we would view with caution. The collapsing of these two areas of 'welfare' may on the face of it appear to make sense. However the conflating of two systems both of which are predicated on assessed need and eligibility criteria would run counter to any longer-term move to a simpler rights-based approach. As a profession social work has always opposed being drawn into or becoming part of any financial benefits system aside from exercising its role in advocating on behalf of individuals and families. Receipt of benefits should not be linked to any form of social work 'assessment' which would only serve to exacerbate feelings of stigmatisation and state interference.

We would fully support moving to a more 'personalised' approach to financial benefits but one that would mirror the advances within social care from self-directed support legislation (in terms of control and choice) not seek to merge them. As 'Re-thinking Welfare' (SG 2014) envisages the new approach should be geared towards maximising someone's life chances, identifying their goals and acting as a springboard. At points social work will be one of a number of external agencies who can be brought in to assist in this journey.

One area where the links will need to be made between benefits and social care is around the charging of disabled people for services by local authorities. In effect government in Scotland will be simultaneously paying people benefits and reducing their weekly income (often substantially) via charges. The widely varying practice across local authorities as to what is charged for will militate against any objectives around equity and fairness.

Rather a reformed benefits system needs to explicitly form part of a wider strategy to tackle or prevent poverty. The aims of this should be to obviate the need for food banks and to enhance routes to manageable loans and reducing debt.

Finally we would endorse the conclusion of the Impact of Welfare Reform in Scotland Tracking Study (SG 2015) that 'health and social care professionals played a key role' in helping people access benefits including the provision of specialist information and GP assistance with disability benefit applications. However the report also concluded that such expertise was patchy and stressed the need for 'more joined-up practice between health, social care and welfare services'. A major aim of integration should be for integrated joint boards to ensure that pockets of excellence amongst welfare rights teams, health boards and social workers are co-ordinated to inform and support the wider workforce.

Disability benefits

It is difficult to evaluate the impact of the move from DLA to Personal Independence Payment (PIP) in view of the lengthy and still partially-completed roll-out in Scotland (which began in January 2014). The move to a system based on the functional ability of the applicant rather than his or her medical condition was welcome and allowed for a wider group to become eligible notably those with a mental health problem.

However the rebadging of the benefit has otherwise been largely cosmetic as any serious initiative for promoting independence would require a co-ordinated approach in areas such as access to employment and education, community facilities and suitable housing.

As the changeover has been predicted on a financial saving of 20% this will mean a substantial number of people in Scotland who are not awarded PiP or who move to a lower band unless Scottish Government considers 'topping up' this benefit.

We would suggest that an analysis of those people who have lost out from the change - via a small scale study - be carried out in order to judge if the thresholds established from the scoring system for each functionality are fair and reasonable.

The process for assessment should also be reviewed given the finding of the Impact of Welfare Reform in Scotland Tracking Study (SG 2015) that applicants for disability benefits reported 'the difficulty of presenting themselves in a negative light – emphasising everything they could not do' which 'undermined their own attempts to be positive and see themselves as capable'.

Scottish Government will also need to take account of the implications of the recent Mathieson case in the UK Supreme Court around payment of DLA during hospitalisation. This may also impinge on Attendance Allowance where a similar argument around the continuing demands on family carers (coupled with the restricted capacity of MHS ward staff) to supplement personal care and social stimulation.

Carers Allowance

The status and effectiveness of this benefit needs to be evaluated alongside the wider strategy emanating from the current Carers Bill. Although the Scottish Government may be committed to continue this benefit in some form the notion of an income maintenance agency granting a specific carer allowance for the recipient's own subsistence rather than a payment for care delivered could be re-examined.

In any case we would support the recommendation from 'Re-thinking Welfare' (SG 2014) that the rates for Carer Allowance be made up to those of Job Seekers Allowance (currently over £10 per week difference for someone aged over 25) as there would seem to be no justification for this disparity.

Universal Credit (UC)

We would share the longstanding and widespread concerns expressed around the proposals to pay UC on a monthly basis and to include direct payment to the individual of housing costs. Both of these measures will potentially result in major budgeting problems and accrual of rent arrears and other debts for recipients). In addition making a single payment to a household where previously both partners would have received benefits such as tax credits will potentially disadvantage one partner around control of household income.

We would therefore support Scottish Government in ensuring that

- UC is paid fortnightly rather than monthly
- housing costs continue to be paid directly to the landlord (unless there are specified circumstances)

- expected powers to vary the 'under-occupancy' rate taken from housing costs are fully utilised to minimise or neutralise the impact of the 'bedroom tax' in conjunction with use of discretionary housing payments

Work Programme/Work Choice

The DWP evaluation of the Work Choice (Purvis et al 2013) found that it was least effective with those with the highest support needs but strongly recommended a continuation of an outcome-based specialist programme (including fees for employers) given the inability of mainstream employment to adequately support some disabled people.

Statistics for the Work Programme up to December 2014 also show a considerably lower performance for disabled participants with 'job outcomes' over a two year period for Employment Support Allowance (ESA) recipients at around 10 per cent compared with an overall average for all participants of just under 25 per cent (DWP March 2015).

The UK Parliament's Public Accounts Committee (November 2014) has also been critical of the Work Programme not putting sufficient resources into supporting those requiring most support including people with a mental health problem with employers opting for 'easier to help' individuals despite differential payments.

Devolving of responsibility for employment programmes without an accompanying transfer of the Work Capacity Assessment programme will result in role conflict and frustration for those operating schemes whilst it remains grafted onto the existing regime of conditionality and sanctions.

We would hope that he current negotiations around what is referred to within the Smith Commission report as jointly establishing 'formal mechanisms to govern the Jobcentre Plus network in Scotland' would assist in tempering the operation of the wider UK system by for example co-locating with a range of other services providing support for groups such as lone parents with a youngest child aged over 5 years who are expected to seek work.

Regulated Social Fund

We have no specific views in this area.

Government statistics indicate that during the period from 1996/97 to 2012/13 the 'poverty rate' for pensioners fell from 33 per cent to 11 per cent (with working age poverty showing a slight rise).

Affordability and sustainability will be crucial in delivering a devolved system and may need to involve some shift between age-groups (and towards working age and 'in work' benefits given the changes to tax credits). However moving away from a universal approach for regulated social fund benefits would be both administratively costly and – as with any means-tested benefit – risk those most in need missing out. Whilst the existing Scottish Welfare Fund is means-tested this is justifiable as a discretionary scheme dealing with crisis or one-off situations.

Social Work Scotland remains committed to working with Scottish Government and other partners to achieve improved delivery for devolved benefits based on shared principles of fairness, dignity and respect for all recipients.