



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Social Security Committee

**Thursday 21 November 2019**

**Session 5**



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**SOCIAL SECURITY COMMITTEE**

**25<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**DEPUTY CONVENER**

Pauline McNeill (Glasgow) (Lab)

**COMMITTEE MEMBERS**

- \*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)
- \*Jeremy Balfour (Lothian) (Con)
- \*Michelle Ballantyne (South Scotland) (Con)
- \*Keith Brown (Clackmannanshire and Dunblane) (SNP)
- \*Mark Griffin (Central Scotland) (Lab)
- \*Alison Johnstone (Lothian) (Green)
- \*Shona Robison (Dundee City East) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Richard Gass (Rights Advice Scotland)  
Judith Paterson (Child Poverty Action Group)  
David Wallace (Social Security Scotland)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The Sir Alexander Fleming Room (CR3)



## Scottish Parliament

### Social Security Committee

Thursday 21 November 2019

*[The Convener opened the meeting at 09:03]*

### Decision on Taking Business in Private

**The Convener (Bob Doris):** Good morning, and welcome to the 25th meeting in 2019 of the Social Security Committee. I remind everyone present to turn mobile phones and other devices to silent mode or to put them off, so that they do not disrupt the meeting. No apologies have been received this morning.

Under agenda item 1, the committee is asked to agree that item 4, which is consideration of the evidence that we will hear today, be taken in private. Is the committee agreed on that?

**Members indicated agreement.**

## Benefit Take-up

09:03

**The Convener:** Agenda item 2 is the second evidence session in the committee's inquiry into benefit take-up. Today, the focus is on how the design and administration of benefits can affect take-up. I welcome Judith Paterson, head of advice and rights Scotland with the Child Poverty Action Group; Richard Gass, chair of Rights Advice Scotland; and David Wallace, chief executive of Social Security Scotland. Good morning, and thank you for supporting our inquiry. We hope that all three of you will give a brief statement before we move to questions. I will leave it to you to arrange who goes first.

**Judith Paterson (Child Poverty Action Group):** Just so that there is no doubt about my role, I point out that I am giving evidence for the Child Poverty Action Group. Some of you will be aware that I am also a member of the Scottish Commission on Social Security. However, I am not here today to represent the views of SCOSS, which will have its own collective view on take-up.

With my CPAG hat on, I will make a couple of points to start with. We are very much seized with the Scottish child payment starting at the end of next year and with the need for every eligible family to take up their entitlement. Otherwise, children will be left in poverty. Therefore, it is right that take-up should not be left to intermittent awareness campaigns, important though they are. For take-up activity to be properly effective, it needs to be continual and embedded in practice. It should be national, and it should be local across Scotland.

The other key point for us is that barriers to people getting full entitlement should be identified and removed, both in the initial design of a new form of assistance as it comes through and—really importantly—through continual learning as the system embeds and people start to claim and encounter difficulties. There needs to be continual organisational learning to ensure that barriers are identified and removed and to maximise take-up.

**Richard Gass (Rights Advice Scotland):** I am representing Rights Advice Scotland, although my daytime job is manager of welfare rights in Glasgow City Council. I have worked in welfare rights since 1986, so I have seen benefits come and go, and I have seen many a benefit campaign, some that had success and some that had less success.

I echo Judith Paterson's point about removing barriers. We can identify a number of barriers in the current benefits system, and it feels like they

have been introduced deliberately to limit benefit claims or expense. I will highlight a few of those.

First, personal independence payments came in to replace the disability living allowance. At that point, the Government was advising that the disability living allowance was no longer fit for purpose, and it was looking to manage down the expenditure by about 20 per cent, which I do not think was successful. The personal independence payment was introduced as a cuts measure. As part of the process, folk received a letter inviting them to make a phone call to be sent a claim form. That is hardly supportive of encouraging folk to make claims.

A second example is the mandatory reconsideration process, whereby people are given another decision. The purpose of that is to reduce the number of cases proceeding to appeal. A third example is the fact that universal credit is digital only.

It seems that all those decisions were driven by reasons of efficiency for the Department for Work and Pensions without full recognition of the needs and requirements of the claimant. In any take-up campaign or strategy for the future, those are the types of barriers that need to be overcome.

**David Wallace (Social Security Scotland):**

Thank you for the opportunity to give evidence for the committee's inquiry. I have spoken to you recently, outlining some of the organisation's role, but I want to quickly put that on record at the start of this session.

Social Security Scotland is the delivery organisation for social security in Scotland. The policy and programme operations behind benefit take-up remain with the Scottish Government, and that goes for the benefit take-up strategy. For example, Social Security Scotland will not have a role in determining applications for the new start-up funds—that is a Scottish Government decision—and neither will we be involved in the payment of those funds.

The design of applications and systems sits with programme colleagues. As we have already heard and as we will no doubt explore further, that plays a really important part in take-up. As an agency, we work closely with our policy and programme colleagues to ensure that the design meets our needs. The take-up statistics are currently dealt with by Scottish Government analytical colleagues.

Having said what we do not do, I will say a bit about where Social Security Scotland has some important roles. We have spoken before about what it feels like for a client to engage with our organisation when they are seeking benefits. It is absolutely my role to ensure that it feels right. We also have an important role in strategic

communications and marketing for particular benefits. Our local delivery network—which, again, we have spoken about previously—will, over time, be an increasingly important element of the joined-up service that we have talked about.

I want to make a couple of final points before we open up to questions. As with a lot of elements of the agency, we are still in the very early days—we are very much at the build, test, learn stage. We are building up incrementally from smaller benefits to larger ones. As I said, how we engage with our clients and make it easier to claim and how we treat them throughout the process will be important. We already have good examples of how the organisation has been doing that.

The local level will play the important role of joining up services, but I point out for the record that our local delivery teams are not designed to replace benefits advisers; they will provide preclaim support and help people through the application process. Their work will be about signposting and joining up elements on the ground—we have good examples of where that is happening—but they are not designed to replace citizens advice bureaux or other services that operate in that space.

I wanted to set out the structure before we move on.

**The Convener:** That is helpful. I thank all three of you for your opening statements.

I will start by going back to a point that Richard Gass made very well. I will not go into the details of the barriers that may prevent higher uptake of PIP or whether the policy intent may have been to save money by being restrictive. Richard Gass gave examples in relation to universal credit as well, and other members may wish to talk about the fact that the service is almost digital by default and the barriers that that puts up. The committee's inquiry is about turning the concept on its head and asking how to design a system to maximise benefit uptake.

We may return to those matters. However, I turn to the best start grant, which has now been introduced in Scotland. As we have discussed previously with David Wallace, the initial uptake was higher than planned, but my understanding is that uptake now stands at 67 per cent compared to 93 per cent for child benefit, although I know that those two benefits are not directly comparable. We are delighted that 67 per cent of claimants are getting the best start grant elements to which they are entitled, but could we do better?

More importantly, is there anything in the eligibility criteria that could be tweaked or changed? That brings me back to Judith Paterson's point that criteria can sometimes be tweaked slightly without undermining the policy

intent in order to target a benefit. The best start grant is a good example. It is a new benefit that all members round the table support, and there is a strong uptake, but we could perhaps do better. Are there any suggestions in that respect?

**Judith Paterson:** That is an interesting contrast. For a first child, uptake for the best start grant is only 53 per cent—to be honest, I was surprised by the take-up figures, given the high number of claimants who had put in an application. Nonetheless, there is a huge difference between child benefit and the best start grant. Child benefit is a universal benefit, so everybody gets it. The relationship between a person's circumstances and their entitlement is clear: if they have had a baby, they are entitled to child benefit. Everybody knows about child benefit—your mum, your sister, your friends and the nurses and doctors at the hospital—and everybody gets it. There are umpteen chances to make a claim for child benefit, and very little gets in the way of that.

With the best start grant, the key difference is that people first have to get a qualifying benefit such as universal credit. I think that the reason why take-up is lower for the first child is that, when a baby is born, that is a key life event. People may be claiming a qualifying benefit for the first time, with all the barriers that that entails. It may take a while for a first-time mum to learn that they are entitled to a means-tested benefit, and to get a claim in and have it assessed. Only after that can they make a successful claim for the best start grant. That is perhaps what is getting in the way. We could probably tweak the best start grant to improve take-up.

For the best start grant, unlike child benefit, there is a certain window in which to claim. If someone claims outside that window, they do not get the grant. If they miss the window, they cannot get the money. With child benefit, people can claim whenever they like and their claim is backdated for three months. We could change the best start grant to allow people to claim later on, when their benefits are awarded, and backdate the claim. In a sense, backdating does not matter. It is just a grant, and we should let people claim it when they get a qualifying benefit.

09:15

**Richard Gass:** I agree that the window for making a claim is a barrier. Another problem is that it is called the best start grant. Child benefit clearly relates to children but, unless someone is familiar with benefits language, they could mistake the best start grant for a payment that is made when people move into employment or for some other event. Over time, folk will become familiar

with the best grant as a payment in respect of children, but we are perhaps not there yet.

Another element that could be tweaked might involve the extension of the eligibility criteria to include council tax reduction. That would open up opportunities for local authorities to interrogate their council tax reduction records and realise that they have people who are entitled to the grant, and they could then be proactive in providing people with information.

**David Wallace:** One difference concerns the length of time for which child benefit has been established. We are talking about something that is well understood and has been absorbed. With the best start grant, we are working on less than a year's worth of data even for the earliest payments; we will hit the anniversary next month. The uptake figures are based on a very small data set, so they come with that warning. We need to be mindful of those things.

We might come on to the issue of automation with regard to the best start grant. There are some good elements built into the system—for example, it operates without requiring the provision of a huge amount of background evidence—which may be worth reflecting on later in the session. I do not necessarily disagree with what has been said, but I point out that we are working with very early data.

I will pick up briefly on the point about language: what the benefit is called and what that means to people. As the committee will know, whenever we launch a benefit, we test what the language means. There is never a unanimous view on exactly what a benefit should be called, but the term "best start grant" was tested with people who had experience with the system and with others. We do that for all our benefits.

**The Convener:** I will not pursue the point about automation just now, as my colleagues will want to do so later.

We know that the Scottish Government and Social Security Scotland reached out during the implementation of the first wave of entitlements to individuals who might have qualified for the carers allowance supplement or whatever. Do we know who qualifies, or might qualify, for the best start grant? Without bringing in the issue of automation, we know when babies are born, so we surely have the data, although there are obviously issues in respect of the general data protection regulation. There must be postcode areas or maternity units that are most likely to have a prevalence of mothers who would qualify for the best start grant. Does Social Security Scotland work proactively to reach out to those who might be most likely to qualify but who otherwise might not apply?

**David Wallace:** For the launch of the best start grant, we worked with health visitors and those who engage with people having children. That was a fairly straightforward and obvious mechanism by which to get our message out, and we will repeat the exercise as we go through the process.

On the point about communications, we absolutely work and communicate with a set of stakeholders in rolling out a new benefit. I am not sure whether your point was on the collecting of data rather than work on the ground.

**The Convener:** Well, I suppose that you need to have the data so that you are best informed about how to do such work on the ground. Are there any barriers to data sharing that it would be useful to break down in order to maximise benefit take-up?

**David Wallace:** I am not aware of anything that would have helped us to target that at launch any more than we were able to do.

**The Convener:** Relatively soon, the committee will consider the first set of draft regulations on disability assistance for younger people, for which the Scottish Government will shortly be responsible. It is keen to ensure that, in future, there will be a more loyal, supportive, customer-facing and friendly one-to-one approach that will avoid assessments where they are not required, and that there are longer-term awards.

Mr Gass, you spoke about the inherent barriers to claiming PIP and universal credit. As far as you are aware, are those barriers likely to be removed in relation to disability assistance when it is rolled out in Scotland? I know that it is difficult to comment, because we have not yet seen all the regulations, but what assurances do you have that things will be done differently, or what more could be done?

**Richard Gass:** The take-up strategy is clear that there will be multichannel applications. The fact that we will return to paper forms being available without people having to phone up to ask for controlled stationery to be provided should help us to overcome one barrier. At present, if a welfare rights officer goes out to visit someone with a view to making a PIP claim, they have to make a phone call in the company of that individual and then wait for a specific form that is pre-populated with technical details to be sent out. We would prefer to return to the previous approach of having stock blank forms so that, if we turn up at someone's house and discover that they are entitled to PIP, we can make the claim there and then.

I am reassured that things will be better. However, I also have suggestions for how they could be made even better—not just for PIP claims but for claims for best start grants. If hospitals had leaflets with something as simple as

a QR code on them, pregnant women and new mothers—a large number of whom are likely to be young and more au fait with digital technology—could simply scan the code, put in their name, state that they want to claim the benefit and fire it off, so that their claim could be started there and then. Because people have so many things that need to be done after a baby is born, it is not easy for them to get round to finding a form or claim mechanism, so having the facility to claim through a QR code might help. That is just one suggestion for how we might improve things.

**Judith Paterson:** The changes to the assessment process will be more significant with the adult version of disability assistance, because the current face-to-face assessments for PIP will largely be removed in the new Scottish system. We are heading in a good direction. The key aim is to help individuals to make the best account of their personal circumstances from the beginning of the process, rather than have impersonal rote statements made about them that are distressing and do not help us to achieve the best decisions. If the approach to assessment means that we have good decisions from the start of the process, rather than people having to rely on succeeding at appeal—as a minority of people do currently—that would be a real plus for the system.

On disability assistance for children, some time back, the parent of a severely disabled young person told me that, throughout her child's early childhood and school days, she had never heard of DLA. It was only when her child was an older teenager and the parent engaged with support groups that her peers in those groups told her about the benefit, which she should have been claiming for the previous 15 years. In Scotland, we can do an awful lot better than that.

That is where the Social Security Scotland and Scottish Government take-up strategy comes in. We need to make sure that people find out about the benefits to which they are entitled every time that they have an engagement with a trusted professional, whether that is in health, education or social work, so that never again does a family wait 15 years to get their entitlement.

**The Convener:** I will come to Michelle Ballantyne in a second, for a supplementary question. There are time constraints, so I will roll a couple of questions together to allow other members to come in.

Do the panel members have suggestions on linking together of benefits or other tweaking of the system to make it more effective? How could passporting or other measures be used to maximise benefit uptake? I appreciate that that could have unintended consequences because the benefit has to be costed and we have to make sure that we are still targeting appropriately.



Aligning eligibility criteria might be helpful: that links back to passporting. There are definitely advantages in having similar eligibility criteria for different benefits, because assessment can be done once rather than on several occasions.

**Richard Gass:** Free school meals, clothing grants, the best start grant and the Scottish child payment should all have the same effective means test, which should include eligibility for a council tax reduction. That would make things so much simpler. If there are different rules for different benefits, that is complicated for advisers and very complicated for claimants, so we could certainly improve matters in that respect.

I cannot understand why the one means-tested benefit that is in the control of the Scottish Government—the council tax reduction—is excluded from the list of eligibility. Department for Work and Pensions changes affect Scottish benefit entitlement, so it seems to be very strange that it has not been included. However, there might be technical reasons for that.

**The Convener:** That is helpful; it is the kind of thing that the committee would be keen to pursue.

**Judith Paterson:** A simple example is the difference between best start grant and best start foods. Both are based on qualifying benefits, but there is an extra layer of means testing attached to best starts foods, for which people must have earnings below a certain level. There could be more alignment there. As I understand the situation, the two can be claimed together, but their being aligned more closely might make it easier for people to avoid dropping in and out of entitlement as their earnings change.

One thing that I am more concerned about with the system is that there is an awful lot of underclaiming when it is left to the individual to report that they have received a benefit that entitles them to a passported benefit. At the moment, there are systems that allow different parts of DWP or Her Majesty's Revenue and Customs to communicate with each other, for example, to let tax credits people know that a family has received DLA for the child and to put that entitlement in place automatically. Legally, it is for the family to report the entitlement, which is a problem, particularly in the Scottish system if we do not have the right communication going on in the background. The more we can get departments and agencies to work together to make that happen, so that families are not left to report, the better. There is no reason why that should not happen.

**The Convener:** That is helpful. I know that some of the suggestions are more about policy than delivery, but would they also make it easier

for Social Security Scotland to administer and deliver the benefits?

**David Wallace:** Through all this, our drive is never in order to make it easy for Social Security Scotland. Judith Paterson touched on the single application for best start grant and best start foods, the aim of which is to make it straightforward for the client who is claiming, although that potentially adds a few more manual processes in the background for the agency, which we have discussed before. The process is never about what makes it easy for us; it is absolutely about what makes it easy for the client.

Data sharing clearly offers huge opportunities for us: as we develop, those will be explored.

I will pull us back a little bit to the safe and secure transition. That is not an excuse for not making improvements in systems; it is about recognising that we are in the midst of a hugely complex and difficult transfer, as we discussed in relation to the Scottish child payment. Providing a safe and secure transition for clients who are moving across is at the heart of what we are trying to do. We are still in relatively early days for the live benefits, as well as for the benefits that are still to come our way.

09:30

**Michelle Ballantyne (South Scotland) (Con):** Mr Gass talked about going back to blank forms and taking them out to clients when people go to see them. Although I appreciate that paper forms need to be available, if your welfare advisers returned to using blank forms, would that aid efficiency and administration and lead to a quicker turnaround? When I updated my services, we issued mobile apps that advisers could use when they were out with clients to fill in the forms there and then. We want a very quick input to the agency, and to eliminate data entry errors that occur when papers are sent and somebody enters something incorrectly while dealing with piles and piles of forms in a day. Did Mr Gass really mean that we should go back to giving out papers, or is that an approach that should be taken only as a last resort?

**Richard Gass:** Paper forms should be used as a last resort: I am a supporter of electronic forms. Putting on my Glasgow City Council hat, I can say that all our welfare rights officers have web-enabled tablet devices. If there was an electronic form, we would look to use that. I am looking to remove the barrier that is created by an artificial phone call having to be made and then the claimant waiting for papers to come in the post. The DWP sends out a paper form.

It would be good to have a system in which we could identify whether someone might be entitled

to a benefit and how things could be done in the here and now, rather than putting things off to a later date. A system that allows people to use paper, the telephone or a digital form would suffice.

**Michelle Ballantyne:** However, a paper form is sent out when that is requested. We could eliminate the need for paper by not requesting a paper form in the first place and finding a way of uploading immediately.

**Richard Gass:** If we could fill in an electronic version of a claim form and press a submit button, we would be delighted.

**David Wallace:** In effect, that is the system that we use for the best start grant. We wanted to ensure that paper was an option, but it has been a seldom-used option—90 per cent of applications have been online, some have been done by telephone and there have been a handful of paper application forms. Ensuring that the options are available is key, and that is what we have been trying to do.

**Jeremy Balfour (Lothian) (Con):** I want to move on to administration of benefits and people with disabilities such as deafness or visual impairment making their applications. I am looking at how the agency will work, so I will start with David Wallace. Will people with specific language issues be able to use webcams, British Sign Language and online tools so that they are not prevented from taking up benefits? I will give a practical example. How would someone who is completely deaf—or their parent, for example—interact with the agency in applying for a benefit?

**David Wallace:** For the current benefits, we have put in place a translation service in a range of languages including British Sign Language. We recognise that our work on inclusive communication needs to be done slightly differently as we get to the more complicated benefits. We now have an inclusive communication stakeholder group that has met at least once and will continue to meet. The group will give us feedback on how we can make the system accessible for people who require additional help. Services are in place for the current benefits, and we will continue to develop them.

**Jeremy Balfour:** I want to push you in relation to deafness. Many people with that disability cannot phone up and cannot have face-to-face meetings unless there is an interpreter. Will there be, within your team, a specific team for people who have hearing loss or deafness?

**David Wallace:** We have been working with the Scottish Government's British Sign Language action plan. I expect us to offer those people a service as we do for everyone else. Again, that is

something that we will develop as we get to the latter devolved benefits. I come back to my other point about face-to-face meetings—provision might be required locally. Structurally, however, there would not be a separate team, but it will be part of our overall inclusive communications.

**Richard Gass:** The DWP currently employs a text-message mechanism, so I imagine that the Scottish Government would do similar. It is important to make it as easy as possible for people to make a claim. We should strip that back to something as simple as their lodging the statement, "I want to claim" with the agency. The onus would then be on the agency to ask, when it knows that that person wants to make a claim, how it can bring that about. If the initial contact can establish a date of claim, that takes us a good way forward.

**Mark Griffin (Central Scotland) (Lab):** First, carrying on from that discussion, I want everyone watching to be aware of the contact SCOTLAND-BSL service, which is Government funded. Any deaf BSL user can use that video relay service to contact Social Security Scotland, to book a dentist appointment or to engage with any other public service.

**Mark Griffin:** A range of bodies—the DWP, HMRC, local authorities and Social Security Scotland—administer entitlements. If there is a perception that alleged fraud is dealt with aggressively, does that impact on benefit uptake?

**The Convener:** No one is making eye contact. That is never a good sign, Mr Griffin.—[*Laughter.*]

**Judith Paterson:** When it comes to claiming benefits, the fear factor can put people off. In my experience, the fear factor is not necessarily related to fraud. The level of fraud in the benefit system is low. People tend not to know people who have experience of that.

However, claimants are likely to know people who have had negative experiences of, for example, being put into debt through making a claim. That could have been because they had to take out a loan because of delays in proper payment of universal credit, or because they were sanctioned. People are fearful; they need security of income. Especially for means-tested benefits, anything that undermines that and means that they are worse off is off-putting for people making claims.

On fraud, two concepts are often joined together that should not be joined—overpayment of benefit and fraudulent overpayment. Many instances of overpayment are completely innocent, or are official errors. Unfortunately, many of the overpayments are recovered that should not be recovered. That kind of thing puts people into more debt. The system should focus on making

overpayment and its recovery as light touch as possible while being consistent with having a robust system.

**Richard Gass:** Fraud is not something that I recognise as a problem from my day-to-day work—folk do not come forward to our welfare rights services to make fraudulent claims. Anyone who is minded to make a fraudulent claim is wide enough to do that by themselves. As Judith Paterson mentioned, folk will come to us in situations where there has been overpayment. Folk find their circumstances changing. For example, a son or daughter comes back to live in the house and it is not immediately obvious that they are staying there. Several months later, that has not been disclosed so there has been overpayment. Folk come to us once they have been advised of the overpayment to see whether we can help them with that.

**The Convener:** Does Mr Wallace have anything to add? I like the expression “wide enough”, which Mr Gass used.

**David Wallace:** I would echo and will add to what has been said. In the agency, we are clear about the need to distinguish between fraud and mistakes. We are mindful of that. As has been described by Richard Gass, getting something like a change of circumstances slightly wrong—making a mistake or not understanding—is not fraud. We will tackle and go after people who attempt to defraud the system, but we will deal with other overpayments in a way that is sympathetic to the circumstances. In some circumstances, we have been clear that we made the error, so the overpayment has been written off, but in other circumstances we seek to recover it. We absolutely distinguish between fraud and a situation that has just resulted in an overpayment.

**Mark Griffin:** There seems to be a perception that the DWP is an agency that pursues alleged fraud to a greater extent than others do, and that whether overpayment has been unintentional or not, it seeks recovery of overpayments, however large or small. I was interested in a written answer that I received from the cabinet secretary which said that Social Security Scotland had passed 627 cases of fraud interest to the DWP. We do not want the same perception of Social Security Scotland as there is of the DWP. Is that level of cases being passed on expected, and what does the agency expect will happen to those cases?

**David Wallace:** I do not have the parliamentary question in front of me, but I suspect that that might be the number of callers to the fraud hotline. We have a line for people to report fraud; inevitably, a lot of the calls have been in relation to benefits that we do not currently administer. That is probably why there is a high handover rate, at the moment.

I cannot comment on whether the DWP goes after fraud aggressively. We would go after people who are defrauding the system, as this committee and your colleagues on the Public Audit and Post-legislative Scrutiny Committee would expect us to do. We will tackle fraud when we see it, but I suspect that the number that was quoted in that PQ relates to calls to our hotline rather than to internally identified cases.

**Mark Griffin:** Thank you. The committee would appreciate any more information that you can provide on that number.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** As has been alluded to, the quality of decision making on benefits is vital. The impact of training on that is particularly important. Looking ahead, given that changes are being made to the system, are you thinking about training staff in a different way in order to avoid the errors that have been referred to from happening in the future?

**David Wallace:** The agency will absolutely do that. There is technical system training, which is key to how we bring people into the organisation, but as I have said before, it is equally important to make sure that the people who work in the organisation have a sense of the system from the perspective of our stakeholders and the people who have experience of using it. Our training covers what is required to operate the systems and it includes work with stakeholders to understand the wider circumstances in which we operate. We will always look at how that can be refined and improved, particularly as we wind up the volume of applicants. Our next big training exercise will be around the Scottish child payment: we are learning lessons and building them in.

09:45

**Judith Paterson:** In the Child Poverty Action Group, we find that there are pressure points in the system because of complexity—for example, there is real complexity in people from abroad having to evidence their right to reside, so the level of error in decision making is very high. There are other similar situations.

It is necessary to know, in staff training, what to train them on. Ideally, pressure points are identified in advance, but if they are not, we must stay alert and have channels open to organisations and individuals who see the systematic problems, so that we can deal with them as soon as they arise.

Helping staff to deal with complexity is important, as is reducing complexity where possible. I also see training in the wider sense, such as training on resources that enable staff to deal with matters; for example, ensuring that they have the right guidance to deal with a complexity.

We also often find issues with decision making where there is discretion in the system—where eligibility or process is based not on law but on a decision maker or practice, which means that a decision can go either way, depending on the circumstances. Staff need to be very good at exercising discretion so that it is done consistently and properly in relation to people's individual circumstances. Again, that is where guidance and training come into play.

**Richard Gass:** If staff are trained to understand the whole benefit and to be enthusiastic advocates of it, with an approach that says, "Let's see whether we can help the person to get this benefit", then the system will not, as it currently is, be mechanistic with no understanding that there is a human being behind the claim. Perhaps if training is holistic, when staff have to exercise discretion it will be done in a pro-claimant manner.

**David Wallace:** I absolutely agree with all that. I will give a quick example. There is not much discretion in decision making on the benefits that we currently administer, but the training that we do is exactly about understanding that there is a human behind the process who is trying to make a claim.

We do not yet have a fully up-and-running home service. However, one of our client advisers phoned a claimant to get additional evidence, and it was clear from the call that the person was distressed. Rather than just ending the call and thinking that that was not related to us, because of the structure of our training and culture the adviser recognised that something was wrong. They were able to elevate the case within the organisation and find one of our local leads who is in the process of setting up a service across Scotland. Through that, a home visit was made to the individual, at which we were able to deal with our benefit and also to cross refer them to one of the local CABs for additional advice and support. That is a microcosm of a system that is not fully up and running yet: the staff member was astute enough to recognise that, although the process did not say that that was what to do in the circumstances, they could use their training to make things work.

**Dr Allan:** One measure of the quality of decision making is the number of decisions that end up in either reconsideration or appeal and, perhaps, are overturned at that stage. Have any of you considered how you would like that to operate under the new benefits? Would you regard it as a measure of success or failure of the quality of decision making if large numbers of cases ended up in reconsideration or appeal?

**Judith Paterson:** We are keen that decisions are correct from the beginning—I do not think that anyone would disagree with that—and there is a real opportunity to make that better. It is a

particular issue with disability benefits, because it is so much a matter of judgment as to whether people are entitled to those. We need to support the client advisers to make the best decision from the beginning, which includes being good enough to look at an application form and see the gaps.

That is what welfare rights advisers are able to do. They can see where somebody's claim will fail because they have not given a good account of their situation, rather than because they are not eligible, and they can help the client to fill in the gaps. We need the agency's staff to be able to do that, too. I would not see it as evidence of success if there were loads of appeals sitting in the system.

On the other hand, when the Social Security (Scotland) Bill was going through, CPAG argued strongly that there should not be a two-stage process to get to appeal. If someone has their application turned down and they want to challenge that, it should go through to appeal without that person having to say again that they want to appeal if an internal redetermination goes against them. That has not happened, however, and there are two stages.

We have learned from the system as it is that people drop out during the process, not because they are happy with their award, but because they are worn down by the effort of continuing. We need to ensure that our system—albeit that it has two stages—helps people as much as possible, so that the process is no barrier at all and nobody fails to get to appeal because they are worn down by the system.

**Richard Gass:** I completely agree with that. The mandatory reconsideration was brought with the intention of limiting appeals. Many a person feels that they have made their claim and they have had a second shot, so what is the point in going any further? We know that the success rate for appeals sits above 65 per cent and that it is as high as 80 per cent in some areas. We had the same response—that a Scottish version of the mandatory reconsideration should not be a barrier to folk exercising their right of appeal.

One reason why a number of cases fail at the initial claim is that people do not know the threshold. Do we need a sledgehammer to crack a nut? If someone is filling in an application form, they might be asked to give an account of their health. People tend to be positive about their own condition, without necessarily focusing on their personal problems. If folk are completing an electronic version of the form and are ticking a box to say that they have a difficulty in a given area, it would not be beyond the realms of possibility for the form to advise something like, "You've described yourself as falling below the threshold. Do you want to say more about your health?"

**Dr Allan:** You think that the form could actively elicit information in that situation.

**Richard Gass:** If someone has been given a warning—"warning" is the wrong word—or if they have been alerted to the fact that, given the boxes they have ticked, they will not succeed in their claim, they might be invited to review the answers that they have given. They might then decide that they should talk about their continence or something else that they did not feel comfortable discussing in the first instance.

The reason why we win appeals is that, when we go to the tribunal, we have a very different person with us from the person on the claim form, or a very different person from the person who was assessed by the medical assessor. We have the real person.

**The Convener:** Do you wish to add anything, David? We have a few supplementary questions, which we will ask in a second.

**David Wallace:** We have spoken about redeterminations previously. It is not yet clear what a healthy level of redeterminations or overturning is in the system. We have made it easier to ask for a decision to be reconsidered, and we understood CPAG's views on the matter when the Social Security (Scotland) Bill was being considered. From the agency's perspective, it was simply a matter of allowing us to take another look at a case to see whether we had got it wrong and to quickly correct it. On the speed of doing that, as I have described to the committee before, as soon as somebody indicates that they are not happy with a decision, we would get in touch and try to understand more about why they thought they were eligible and what it was that they were not happy with. The look and feel of that is really important for me.

I absolutely take the point: once we start seeing decisions overturned at appeal, that is when there will be some real learning in the system. We could agree that the number of decisions that are being overturned feels far too high. At the moment, the data indicates that small numbers of appeals are being upheld. I am kind of comfortable about where we are, but there is a determination still to build up the body of evidence. What I absolutely do not want to do is make it harder for people to go through a redetermination process. That should be as easy as it can be, fundamentally. We need to look at things from the client's perspective. If a decision needs to be overturned, that is fine. As an organisation, I do not want to set a target that worries people about initial decisions being overturned.

**The Convener:** A number of members want to ask supplementary questions before we move on to the next line of questioning, which will come

from Keith Brown. There are supplementaries from Shona Robison, Jeremy Balfour and Michelle Ballantyne, and we will try to get all three in.

**Shona Robison (Dundee City East) (SNP):** Good morning. I want to explore a bit further the subjective and discretionary element of decisions, mainly in relation to PIP. As has been touched on, a decision will quite often hinge on the report from the medical assessor. How do we ensure that the supporting reports, which very much influence the judgment of the person who is making the decision, have a more consistent quality?

All the members round the table have probably dealt with cases in which such a report has been detrimental to a PIP claim and, when we look at the judgment that has been made, it may seem difficult to understand how the person came to such a conclusion. I am thinking in particular of cases that involve mental health problems. For example, a decision in a case involving severe and enduring mental illness of 20 years' standing was overturned on the basis that the person in question was able to make eye contact with the assessor. I am sure that we could all cite cases that make us wonder about the level of expertise involved. How can we bring consistency to the supplementary reports? The report is quite often at the root of a poor decision that will be overturned on appeal.

**Richard Gass:** When we go to appeal, we invite the individual to get a specific medical report from a specialist who is involved with them, or from their GP if that is the only person with whom they are dealing. At that point, they get a focused report. Until that stage, the information that is used—I know that Social Security Scotland seeks available information from local authority records and so on—will have been collated not for the purpose of securing benefits but to provide whichever service the person was engaging with.

I am still fearful that, even at the appeal stage, the report will fall short of what is required. It is only when we actually ask someone questions that are relevant to the eligibility criteria for the benefit—for example, about how far they are able to walk—that we start to get the answers. There is a fair challenge in that regard.

Ideally, we would want someone to be an advocate for the claimant from the outset and to help them in completing the claim form, but there are not sufficient resources to enable everyone to have an adviser to do that.

**Shona Robison:** Is the training for medical assessors adequate with regard to what they are looking at? It seems that there is such inconsistency, and a real divergence in levels of expertise. Should something be done, along the

lines of setting a requirement for training or competence?

**Richard Gass:** If someone is conducting a medical assessment, they should be qualified in that area. We have dealt with cases in which someone who was a qualified occupational therapist was making comments on mental health, which was not their area of expertise. Yes, training is needed, but if someone is medically qualified, their qualification should be relevant to the area in which they are making a report.

**Shona Robison:** That is not currently a requirement at all, is it?

**Richard Gass:** It is not.

**Shona Robison:** Should it be?

**Richard Gass:** Yes—I think that it should.

**Jeremy Balfour:** We are hearing really interesting evidence. I have two quick questions. My first question is for David Wallace. Over the next year, the committee will look at regulations for all the different benefits that are coming through. You talked a lot about flexibility, and said that the agency needs flexibility to do this and that. How does that relate to the regulations? As a committee and as a Parliament, we will set down the procedure that needs to be followed. Are you looking for some kind of wriggle room or flexibility in the regulations that does not exist in the current legislation? How would that work?

My second question is for Richard Gass. Under the law, everyone will be entitled to advice and assistance. How we fund that will be a challenge for us, but there will be a change. With regard to short-term assistance, is there a danger that everybody will appeal? They might as well appeal and take the money. Could that block up the system? How do we monitor the process in order to ensure that the right people appeal and that we do not end up with everybody appealing, if that makes sense? If they appealed, they would simply get the money and they would not have to pay it back.

10:00

**The Convener:** There were two specific questions on flexibility for David Wallace.

**David Wallace:** When I talk about flexibility, I am not thinking about legislation. I agree with what Judith Paterson said—these are going to be entitlements that are based on legislation. Social Security Scotland was constructed on the basis that we would administrate national entitlements. It is not a lottery and the benefits are not discretionary.

I am talking about flexibility in respect of the client experience and the service. I gave an

example earlier of where there is flexibility in the system to recognise the need for and take specific actions from the client's perspective rather than looking at a set of instructions that suddenly comes to an end, which means that the interaction also comes to an end.

We had another good example of such flexibility recently. As I said, we do not have a local service in place yet, but we recently launched the funeral support payment and have been working with funeral directors. One funeral director was aware of our local lead as a result of that work, and contacted them directly to say, "I know an elderly lady who recently had to bury her son, and she is not able to complete the form—can you help?" The system, under the agency's structure, currently says that there is no such service in place, but, by taking a flexible approach, we were of course able to help. We sent someone out to the house to help the lady to complete the form online. In addition, at the end of the process there was a cross-referral to a local charity.

That is what I mean when I talk about flexibility—it is about putting the client at the centre of the service. I am not referring to flexibility with regard to making these benefits discretionary. The whole rationale behind establishing Social Security Scotland as an executive agency was to provide national entitlements.

**Jeremy Balfour:** That is helpful—thank you.

**The Convener:** Mr Gass, will you talk about short-term assistance?

**Richard Gass:** On the one hand, if someone has been receiving a benefit but it is stopped and they choose to challenge the decision, they should absolutely have their money until there is a final determination from a tribunal.

On the other hand, if someone has made a speculative claim for a benefit and has been turned down, and they then exercise the right to appeal, should they be supported pending their appeal? People come forward to us to claim disability benefits. As I said in answer to a previous question, folk do not come forward to ask us to support them to make a fraudulent claim. People make a claim for a benefit because they believe that they are genuinely entitled to it.

There will be some cases in which someone has completely misunderstood the benefit, in which case it would be plain to us that the benefit does not really relate to their circumstances. If someone wants to continue with the claim in that situation, it is their right to do so. If we are going to have a system that says that someone can be supported pending an appeal, I am not sure how we would introduce a way to distinguish between genuine and non-genuine claimants. We would have to leave that to the tribunal. If someone feels that

they are sufficiently disabled to make a claim for benefit, we should not put barriers in their way.

**Michelle Ballantyne:** I want to look at the issue of why so many claims are going through to appeal and to mandatory reconsideration. In the majority of such cases, an appeal is successful because new evidence is submitted. If that evidence had been submitted in the first place, the claim would have been successful. It is clear that there is an issue with regard to the production of evidence at the time of the claim, and there is a continuous learning curve around that.

Mr Gass touched on the issue of what evidence can be supplied, and how it can be translated—and how people describe themselves—on a form. That suggests that people need somebody alongside them. Face-to-face assessments were originally introduced partly for that reason, so that people could explain things and a conversation could take place. There seems to be an enormous hurdle there.

If the process is form based and is going to be more evidence based, there will be a huge demand on GPs, who are already struggling to deliver their services, to supply written evidence. When you have been looking at the system, have you siphoned some of the issues out and thought about the process realistically? We all know what we would like in an ideal world, but there is an operational reality in terms of how we can make the system work.

Richard Gass said, in response to Shona Robison's question, that someone who is giving evidence should be appropriately medically qualified. However, that could lead to hugely long waiting times, as there may be a wait for someone who is appropriately medically qualified in whatever condition the claimant has. Will you touch on the operational reality regarding those issues?

**Richard Gass:** We would hope that not everyone would require a medical assessment—that will happen in a minority of cases. I would suggest that a person who fills out a form and signs it as a true account of their condition should be believed. I know that there are provisions in the system to obtain information from local authorities, and when that information comes back, a decision will be made. I do not see that everybody would need to be medically assessed.

The applications that are successful will be out of the way—that is great. For the ones that are not successful, there may be some merit, during the reconsideration process, in advising applicants that they did not quite meet the threshold. However, we do not want folk to be told simply that they only got a certain number of points and their application did not succeed. We need a way

of explaining to them how they can improve on their application to reach the threshold, if that is possible.

**Michelle Ballantyne:** So someone would receive written feedback on why they did not qualify and what would be required in future.

**Richard Gass:** That would certainly be helpful.

**Michelle Ballantyne:** However, it would presumably be better for the person to know in advance, with information provided on each question, when they were filling in the form in the first place. You used the example of incontinence. There is a tick-box for the question, "Do you suffer from incontinence?", and the person ticks yes or no. The information box sets out exactly what that means and breaks it down.

**Richard Gass:** It was suggested earlier that folk could be alerted on their electronic claim form, not just with information but with a running points total so that they can see whether they are within reach of the benefit or whether it is miles out of reach. If it is miles out of reach, it should perhaps be suggested to the person at that point that, based on the information that they have provided, their claim is unlikely to succeed, and they should be advised to seek further advice from X, Y or Z.

**Judith Paterson:** I totally agree that the reason that tribunals give for the success of appeals is that there is new evidence in front of them. For the most part, however, the new evidence that has been supplied will be not medical evidence but evidence that the person has given in response to the questions that the tribunal has asked. It is usually the first time that the claimant has had a chance to talk to somebody about their case in person. We need to ensure that our new system gives people that opportunity at a much earlier stage.

Medical evidence might be important in some cases, but the most important thing is to get evidence from the person. It would be great to look at new ways to use technology to do that, but we have to be mindful that we do not design systems around the people who are most able to use digital technology—we need to think about the people who are in vulnerable situations.

In the past, there was a model called the benefit enquiry line. People who were claiming disability living allowance and attendance allowance, as the benefits were called before PIP, could phone the DWP staff, who would help them to fill in the form over the phone, in the same way that an adviser or advocate might do. They helped them to give their own account and would then send out the form for the person to sign and return. That was a good model to help people to give the best account that they could give.

With Social Security Scotland, we now have the opportunity for front-line local delivery staff to be able to play that role, but there is no reason why we could not have a central inquiry line to help people to give their account.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I was struck by a comment in CPAG's submission, which states:

"there have been no estimates of take-up rates for personal independence payment and none for other disability benefits since a study in 1998 estimated that between a half and two thirds of people potentially eligible ... did not claim"

the disability living allowance care component. That gives us an idea of the scale of the problem.

Richard Gass earlier gave the example of a QR code, which really interested me. I am interested in the idea of automaticity. I wonder why—there is maybe an obvious reason—the best start grant cannot be paid as soon as someone registers the birth of a child, although the system might have to be tweaked to ensure that a birth is the first birth.

If the idea is that those benefits are rights, do we always have to rely on people claiming them? We do not always have to claim our rights. I appreciate the limits to technology and that it cannot be applicable to everybody, as Judith Paterson has said, but is it not possible that technology could be used much more? For example, the state holds verifiable evidence that someone is entitled to a benefit, and that often means that someone is entitled to another benefit, so there could be prompts to show that another benefit could be paid.

An obvious example is council tax reduction, which has been mentioned, but there is also the best start grant and free school meals. When a child enrolls in a school, there are prompts about free school meals—that is a legal thing that must be done. The state has a lot of information that would allow it to make payments without any hassle at all, and there must be scope for information technology systems to cover a lot of that. Such systems will not cover people with language problems, some people with disabilities, people with mental health issues and so on, but they could cover quite a lot. Mr Gass has mentioned a couple of times the way that IT might help. How far do you see it going?

**Richard Gass:** In Glasgow, we have automated the school clothing grant as best we can. Council tax reduction is a qualifying benefit for the school clothing grant, so, if a child is born in Glasgow, has an address in Glasgow and goes to a school in Glasgow, we are able to do a bit of cross-referencing with council tax. That is why I am so persistent in saying that much of the information that we hold in relation to council tax reduction

would be helpful maybe not for disability benefits but for other entitlements. If information already exists that shows that someone is entitled to a payment, I agree that it is a right that that payment should be sent to that individual. The individual is at liberty to send back the payment if they do not want it, but, in the current economic climate, I do not imagine that many payments will be sent back.

**Keith Brown:** How far could we go? It seems to me that it would be relatively easy to use technology in relation to the qualifying criteria for known benefits and that using the information that the state has or that is provided by the individual, whether through an adviser or an intermediary, would allow payments to be made very easily. However, surely we could go much further.

It is often said that disability benefits are the most difficult ones in that regard. I understand that. I have a constituent who has mental health issues, and she was asked at an interview whether she knew the answer to 12 times 11. She said "Yes", and that was accepted. When she was asked, quite anachronistically, whether she could use a telephone book, she said "Yes." However, when her sister went along with her and asked her to use a telephone book, she could not do it. She also could not give the answer to 12 times 11.

Given the way in which we fill in insurance claim forms or credit applications online, even with the prompts that Richard Gass has suggested in relation to the different options, surely it is possible to automate a great deal of what we are talking about, thereby allowing the advice agencies and others to concentrate on people who need additional support.

**Richard Gass:** I agree that better use of technology for people who are able to use it would perhaps mean that they would not need support from advice agencies, which would allow us to support folk who are less able to use technology. However, Judith Paterson's point about the need to ensure that we do not have a two-tier system was well made. If we have a slick service for folk who are able to use technology, additional support must be provided for those who are not able to use it.

**David Wallace:** It is difficult to disagree with that vision of what technology can do. The carers allowance supplement is an example of what can be done. We took data from the DWP and just paid people; there was no application process as part of that. That is slightly different, because we are building in a benefit that will eventually come our way, but it was by no means straightforward to put the technology in place. As we have heard from previous discussions, we are then reliant on the rigour of the technology and data that are being taken from another body. It is difficult to disagree with that vision of technology, but there



are some challenges to be addressed before we get to that point.

**Judith Paterson:** Realistically, and by their nature, the opportunities to automate disability benefits are very limited. Such benefits are not based on simple things such as diagnosis; they are based on complex things such as the impact on people's daily lives and mobility.

Realistically, take-up will be routinely embedded in the practice of health visitors, midwives, doctors, teachers and others in asking questions of people who are potentially eligible and in getting them on the right road, with proper mechanisms for referring them to advice agencies. The committee heard about the healthier wealthier children model earlier this month, and we would regard that as a gold standard in embedding routine inquiry and referral to advice agencies in helping people to tell their own stories.

10:15

**Keith Brown:** That is the most difficult area when it comes to disability benefits, as you rightly say. Many aspects of that can be subjective. Surely, however, it is not beyond the wit of people to come up with appropriate systems. In some cases, it is not possible because the person will need assistance. I understand that, but there could be all sorts of multiple-choice questions, and even the medical or other records that are currently held could provide much of the information that is needed, which could substantially reduce the number of subjective areas where there is additional need. There are also areas in which there is no requirement for subjective information but in which only a statement of someone's medical condition and the things following on from that are needed. There must be scope for that. If that can be done—if 60 per cent of things can be taken on and made relatively automated—the additional support that could be given for the other 40 per cent would be huge.

**The Convener:** I see nodding heads. I will pursue the point about automation a little bit further. I had better double-check the statistics, as I keep quoting them. If I remember correctly, the take-up of the new Scottish child payment is anticipated to be 84 per cent. That is a targeted benefit, but I do not think that there are any plans to automate it once it comes online. Is that a missed opportunity? What barriers would there be to doing that? Is there an IT barrier? I am curious to know your thoughts on that.

**David Wallace:** The last time that she was before the committee, the cabinet secretary outlined that one of the overriding things that we are trying to do is pay the benefit as quickly as we can. To achieve that, we will use the existing

platform for the best start grant as a basis. I think that the cabinet secretary made the point to the committee that the more that gets tweaked through processes or the more that people deviate from that, the more complexity we add, which potentially threatens delivery and the knock-on effect on wave 2. The existing platform is taken to be the quickest way to get the money into people's pockets—similarly to the carers allowance supplement. That is the overriding driver. However, where the system goes in the future is a subject for discussion.

**The Convener:** Is Social Security Scotland thinking about that now, given that it is better to think four steps ahead than to think one step at a time? Looking ahead to when the agency embeds the Scottish child payment, when the required data has been successfully transferred, when the system is operating successfully for under-sixes and when a big roll-out is being implemented for everyone else, are you thinking strategically now about how automation is being built into the system, given the points that Keith Brown made about the potential IT barriers to that and considering that the lead-in time could be quite substantial?

**David Wallace:** That depends on which bits you are talking about automating. There is an underlying entitlement, and benefits are automated using information from the DWP. The process is based on the best start grant application process. CPAG and others will argue that that application process is a barrier—absolutely—but it is relatively straightforward, and it has been tested to ensure that it is simple and straightforward. To reiterate, it depends on which bits you are thinking about automating.

**The Convener:** We simply do not know—we are just keen to explore what the options are. We are trying to scrutinise policy makers and delivery agents.

At the start of the evidence session, we spoke about the best start grant having a 50 per cent-plus take-up, depending on what elements are included, and a 60 per cent-plus take-up overall. A much higher take-up is anticipated for the Scottish child payment. If someone's eligibility for the best start grant is being used to give them access to the Scottish child payment, why is the variation in the take-up of those benefits so wide? I hope that that makes sense. I am trying to understand the relationship between them.

**David Wallace:** The short answer is that our ambition is not to rest at a 67 per cent take-up of the best start grant. Collectively, we must get the take-up higher than that.

**Judith Paterson:** I think that there should be automation in the sense that people should not

have to make an application at all. The Scottish child payment will not work unless that is eventually the case, because, if I have understood it correctly, the assumption is that every person who is eligible for the Scottish child payment will take up their entitlement. The figure of 83 per cent refers to the larger population who are eligible for the means-tested qualifying benefits. On the basis of the child tax credit estimates, 83 per cent of everybody who is entitled to a means-tested benefit will get it, and that is now our baseline for the Scottish child payment.

If we are to reach 83 per cent, every one of those people will have to claim the Scottish child payment, and the only way that that will happen is if the process is automated. We understand that the regulations will be future proofed to allow that to happen. I am glad that the door is not closed to the potential for automation, because it is clear that, otherwise, more children will be left in poverty. I am not sure what else can be done to raise the take-up to the necessary level.

**The Convener:** I probably need to improve my understanding of the issue, but, from what Judith Paterson just said, we are moving towards automation of the Scottish child payment. What will the process be for using data from tax credits and other sources, for identifying entitlement and for delivery?

**David Wallace:** I am saying not that we are moving towards automation but that I understand why you would want a benefit that simply appears. However, we are nowhere close to a Scottish child payment being able to simply appear in somebody's bank account. That would be a significant move when we have an additional benefit coming into an already crowded and complex programme of activity. Our proposed approach is the only way in which we have a chance of making it successful. I am not close to knowing how, in the longer term, we could get a Scottish child payment to appear automatically. A significant body of work would need to be done to get there.

**The Convener:** You are not ruling it out, but it is not going to happen in the near future.

**David Wallace:** I would be wrongly setting expectations if I said it was.

**Michelle Ballantyne:** That leads nicely to my question. I would guess that universal credit is going to be the key qualifying benefit for the Scottish child payment. As everybody moves over to universal credit, that automation will become simpler, because that is the linkage that is predominantly needed. Am I correct in saying that somebody with children who is on universal credit will automatically get the Scottish child payment?

**David Wallace:** There are other qualifying benefits. We also discussed residency and other elements. It comes down to the data that we are able to get directly from the DWP. However, universal credit is clearly one of the main qualifying benefits.

**Alison Johnstone (Lothian) (Green):** I thank the panel for all their helpful evidence. We know from previous evidence that good welfare advice is key to ensuring the best possible take-up. I am interested in hearing whether Judith Paterson and Richard Gass feel that the welfare rights sector in Scotland is in a position to help to increase the take-up of devolved—and reserved—benefits, particularly in relation to workload and capacity.

**Richard Gass:** The advice sector is stretched to capacity. The waiting times to see an adviser are regularly reported. Due to the complexities that have been introduced through the welfare reforms, it is no longer a case of being able to see someone, do a quick fix and move on to the next person—rather, we become a friend for life, as it were. If someone has been turned down for the work capability assessment and we fix that for them, they will come back again in six months or a year, because the problem will recur.

The welfare rights advice sector is stretched to capacity. If the Government is looking for greater input, either we need to improve our productivity, which I do not think we are capable of doing, or it needs to allocate additional resources.

**Alison Johnstone:** There seems to be a definite tension between firefighting the impact of welfare reforms and doing the longer-term work to increase take-up.

**Judith Paterson:** That is a very good way of putting it. In our experience, advisers are getting really bogged down, not just because of the complexity of the new rules but because of the increasing difficulty of dealing with officialdom. They are hanging on the phone for 45 minutes or an hour just to get one part of a claim progressed, which is really not helping.

One of the reasons that the healthier, wealthier children programme is successful is that resources are put into both sides: they are put into health visitors and midwives, to enthuse and encourage them to make referrals, and they are put into the advice sector, to ensure that it is able to take those referrals. That means that people are not just put on a waiting list and seen in four weeks' time but are given an appointment and are seen in a timely fashion.

Specific extra resources need to be put into advice services, so that they can properly link with the front-line professionals who refer people and boost take up.

**Alison Johnstone:** The Scottish Government's take-up strategy has now been published, and there is a £500,000 preparation fund to help organisations to prepare for the new devolved benefits. Do you think that that is sufficient? What barriers are there for those who are less likely to engage with social security? There is another funding pot of £100,000. Is that enough to encourage take-up among those who are traditionally less likely to seek help?

**Judith Paterson:** The funding is hugely welcome, but it is not based on thinking about what we need to put in place and working out how much that will cost. The approach is, "Here's a pot of money. Let's do the best we can with it." That is quite a different approach. I would like to see something far more systematic.

Let us look at what works. There is lots of evidence out there of initiatives that have boosted financial gain, but there might not be enough research about how that translates into take-up, which is slightly different. Such initiatives often remain local and do not get extended to become national programmes that are available to everyone. That is where the Scottish Government can play an important role: it can take the best of those local initiatives and make them happen nationally. The Government would work out how much that would cost and make the decision to pay for it, because it is a strategic priority.

**Alison Johnstone:** That sounds very sensible.

**Judith Paterson:** Thank you.

**Alison Johnstone:** Do you want to respond to that question, Mr Gass?

**Richard Gass:** I have not much more to add. The amounts of money that are being made available will not bolster the advice sector substantially. The figures are too low.

I have a small gripe. Local authorities are specifically excluded from applying for those funds, although local authorities have a wealth of experience and expertise. There should be some way to embrace the whole advice sector to address the issue, instead of making a pot of money available that is for the third sector exclusively.

**Alison Johnstone:** The Child Poverty Action Group submission refers to the role of universal benefits in achieving high take-up. I note the evidence on free school meals for pupils in primary 1 to primary 3, which shows that take-up rose when universal entitlement was introduced—even among those who were entitled under the previous means-tested system. Some means-tested benefits have relatively high take-up, but is there something specific with universal benefits that encourages people to take them up?

10:30

**Judith Paterson:** Yes, and child benefit is a good example of that. Stigma can play a big part in attitudes towards claiming benefits, but very little stigma is associated with claiming child benefit—in fact, people barely regard it as a benefit at all.

I agree that making benefits universal means that no stigma is attached to claiming them. That was what happened in your free school meals example: the removal of stigma by making the benefit universal led families to claim their entitlement. That is one of the key differences with universal benefits.

The other main difference is that they bring the opportunity to make benefits straightforward—in particular, to make the people who need to claim them see them as not being complex. Sometimes such benefits can have a bit of complexity at the back end—the state pension, for example, although it is based on contribution conditions rather than being truly universal. However, in claiming the state pension, no one ever needs to say how many contributions they have paid in a given year; that is all done for them and they are told what they will get. Entitlement is also easy to understand: if someone has reached retirement age, they can claim the state pension. It is the same for child benefit, in that if someone has had a baby, they can simply claim that benefit—their friends and family will even tell them that they should do so. Universality means that everyone knows about a benefit and people do not rely on a specialist in a CAB to give them the information; anyone around them when the relevant life event happens can tell them what they are entitled to.

**Richard Gass:** Judith Paterson is correct to point out all the positive aspects of universal benefits. However, there is an additional negativity about means-tested benefits, in the form of the sanctions regime. I wonder whether it was introduced to penalise claimants or to influence the thinking of the non-benefit-claiming population about the fact that other people out there are receiving benefits to which they are not entitled. On any given day, you only have to turn on the television to see programmes that promote that ethos. Such stigma has become an almost insurmountable hurdle for folk who are entitled to those benefits, which they then have to get over if they are to come forward and claim them. They are hardly going to shout to their neighbours about the fact that they are claiming benefits, but why should they not be allowed to do so? I do not expect Ms Johnstone to be able to answer that question, right enough. *[Laughter.]*

**The Convener:** You can answer it if you want to, Alison.

**Alison Johnstone:** No; I will stop there, convener. Thank you very much, Mr Gass.

**The Convener:** I will let Jeremy Balfour in in a second, because we have time for that, but first I want to pursue another point that Alison made, which was about advice and assistance and benefit take-up strategies.

In October, the Scottish Government published its take-up strategy for benefits that are either already devolved or which soon will be. The people whom we all serve do not distinguish between whether a service or support is provided by their local authority, by the Scottish Government or by the United Kingdom Government; they really just want co-ordinated, strategic services and support at a place and time of their choosing, when they need it and with as few barriers as possible.

There is almost a contradiction in the system. Last week in Glasgow, I had the privilege of meeting advice workers who represented local authorities across Scotland, including some from Mr Gass's organisation. The appeal that came from the floor was that local authorities are best placed to co-ordinate local advice and support services in a strategic way, although of course that must be done in partnership with the Government. However, if I were to speak to Citizens Advice Scotland, it might say that it is best placed to do that, and the Scottish Government might make a similar claim.

The other day, committee members visited Wester Hailes, where we saw good-quality, granular support networks that help people who have entitlements but also have barriers to claiming benefits.

I am just trying to give context to the question whether, across Scotland, there should be one approach to welfare advice and support in relation to the global sum of funding that exists, irrespective of whether it involves a UK or a Scottish benefit or a local authority form of support. If so, should that be co-ordinated through local authorities?

I have a question for Judith Paterson. If we were to roll up local examples of best practice to share nationally, could that squeeze out some of the granular, good-quality local providers? CPAG does exceptional work, but I can imagine a situation in which it might bid for a Scotland-wide service that replaces funding that previously went to a small local provider.

I am trying to outline a context in which the system is fragmented. The funding might be unclear with regard to the global sum of money that goes into the system and the funding that is given as part of the individual strands for which

organisations bid at the local authority, Scotland-wide and UK levels.

I am not trying to paint a picture in which things are not working, because there is a lot of good practice. However, we are looking at a Scottish Government benefit take-up strategy, and we have before us Richard Gass, who is trying to co-ordinate local authorities not just in his own area of Glasgow but across Scotland. Is the system fragmented? Should there be a one-Scotland approach? Should we map out the funding that exists? How do we know that the various organisations are meeting the outcomes that we want them to meet?

There is no one question there—I am simply hoping that the witnesses will reflect on how we can improve the strategic co-ordination of advice, support and benefit take-up activity. It is probably only fair that I allow Richard Gass to start, now that I have put that all on the record.

**Richard Gass:** There has always been a tension in the advice sector with regard to funding—there is almost a degree of competition. One agency may be fighting the same fight as another agency, but if there is a limited pot of money, the funding situation can be a bit cut-throat. Everybody wants to protect their own funding.

In some local authority areas, there is a more strategic approach to funding. For example, funding might be a three-yearly event rather than an annual event, and it might involve looking at advice provision across the whole area and allocating funds in a competitive bidding process or through other means. That can work locally, but there are tensions to be worked out. If there are winners, there might also be losers and, until a new equilibrium is established, there may be an element of tension. When a new equilibrium is reached, it may be upset slightly by the fact that there are other moneys coming in to support advice provision that are not funnelled in through the same process. Agencies may apply for that particular pot of funding when they might already be receiving funding to do exactly the same thing under the local collective structure.

A good number of years ago, the Scottish Government embarked on a review of the money that it was providing for information and advice services to ensure that the system worked hand in hand with what was happening locally. There will not be a one-size-fits-all approach—in some areas, there might be only a CAB and no local authority service, while another area might have only a local authority service and no CAB. In addition, there are areas such as Glasgow, which has local authority provision, CABs, law centres and local advice centres.

We need a conclusion to the Scottish Government's strategic review of how it manages its money in that regard. We may need to move away from an approach in which a press release announces that a pot of money is available, with the same thing happening a year later for another pot of money. From where I sit, it seems that the system does not have a future vision or a joined-up structure.

**The Convener:** That is helpful.

**Judith Paterson:** I agree with Richard Gass. The stop-start nature of some funding is not helpful in enabling advice services to build on good practice locally.

With regard to benefit take-up, whoever is doing take-up activity must remember that it needs to run across the entire range of people's potential entitlements. It should not be done in silos, so that one agency works on the take-up of Scottish social security assistance while local authorities deal only with housing benefit and council tax reduction. People's lives do not work in that way, and it is not the best way to work. We should all be looking at take-up holistically. Examples of good practice have arisen because local agencies have been innovative and vibrant when they have received funding.

If there is not a top-down approach to the pattern of advice provision, there could at least be more joined-up working. I am thinking about the child poverty strategy, in which health boards and local authorities have targets to meet and have to map out their child poverty activity, including take-up activity, given that income maximisation is critical in that regard. Every local authority and health board has to do that. That perhaps offers a way forward for how we can take a more strategic approach to benefits advice and support. It might lead to the setting of a minimum expected level of service in every area, so that rural areas, for example, do not miss out on services. That needs to happen without local innovation being lost.

**The Convener:** I raised those issues because they have been drawn to my attention. Does David Wallace want to reflect on them?

**David Wallace:** I cannot speak for the Scottish Government's approach to the entire advice sector, but I will highlight a couple of points from a Social Security Scotland perspective.

There has been a lot of debate around what our local delivery advisers will do. We are quite clear that we want to provide a service that does not have to be explained to people by a third party. That is fundamental. If people want to find out about the services that we deliver, they can come to us and get the information. It should not take someone 45 minutes on the phone to get that kind of input. As we develop that approach, there are

still questions around how provision can be integrated, but our purpose is quite clear. Thereafter, we can refer people on to other services.

Our approach will also be in with regard to where we put our local delivery people around Scotland. As I mentioned, we are not seeking to create another place on the high street where people have to go in order to access advice services from one of our local delivery partners. We want to find a place where delivery is already embedded, whether that is in a local authority or the third sector, or through a third party. That is the approach that we are taking as we try to put delivery people around Scotland. I cannot comment on the wider point about the whole system of advice services.

**The Convener:** I have a couple of mini-questions before Jeremy Balfour finishes the questioning this morning. What is the global sum that is spent on advice, support and assistance in Scotland, including money from the UK Government, the Scottish Government, local authorities, independent charities and the third sector? Does anyone map that?

**David Wallace:** I do not have that information to hand.

**Richard Gass:** I am not aware of the figure.

**Judith Paterson:** No. An advice service mapping exercise has been going on for some years, but, as Richard Gass said, it has not yet reached a conclusion.

**The Convener:** I suppose that that exercise would be helpful, because we do not currently know whether the sum of money is adequate. I would assume that we have not mapped out where the gaps in service are.

**Richard Gass:** The Improvement Service collates statistics annually on that area—it originally covered money advice, but it has now expanded that work to cover welfare rights advice. The information might not be 100 per cent complete as compliance is not compulsory, but the Improvement Service probably has the most accurate figures for the advice sector, so it might be worth approaching that organisation.

**The Convener:** My final question is sparked by the fact that some help-to-claim moneys have been going to CABs, and some local authorities are losing out as a result. There is UK support for those claiming universal credit until they receive their first payment; that support may overlap with or duplicate other advice and assistance funding that previously came from the UK Government or even from other areas.

There is a statutory duty on the Scottish Government only in respect of devolved benefits.

However, should there be one strategy for the approach to uptake as a whole? Should the Scottish Government have a strategy to seek greater uptake of all benefits that people in Scotland can claim to support them in their daily lives, even if it is not directly responsible for all those benefits?

**Richard Gass:** We would certainly agree with that. There is currently a disconnect—for example, somebody might ask whether they can get a best start grant, and we might say, “No, you are not in receipt of a UK reserved benefit, but if you claim our new disability benefit, you could then be entitled to the reserved benefit and then you could come back to us and apply for the best start grant.” There will not be hundreds of such cases, but that is an example of where there is a disconnect and we would have to hand somebody on. If it is not the agency’s duty to do that, perhaps it needs to have good local referral pathways so that individuals do not feel dropped and abandoned.

10:45

**The Convener:** To be fair, advice workers on the ground get on with that job, irrespective of where strategies sit, but I wanted to elicit whether you would be supportive of that. Mr Wallace, do you want to say something before Mr Balfour comes in?

**David Wallace:** On Richard Gass’s final point, we clearly want to operate with those connections and referrals. There is obviously a duty under the Social Security (Scotland) Act 2018 to prepare a benefit take-up strategy (Scotland) Act 2018 for devolved benefits, but the DWP remains responsible for reserved benefits. There is an element of how the system operates on the ground, but, from the agency’s perspective, I would be nervous about an overt strategy that targets something that it is not our responsibility to deliver.

**Judith Paterson:** I totally understand David Wallace’s point about nervousness around actively promoting take-up of UK benefits. However, if that nervousness is driven by fiscal framework concerns about transfers of money between Governments, we urgently need clarity. It is not clear to me that the fiscal framework would ever require a transfer of funds purely because the take-up of a benefit is increasing without any policy change sitting behind it. That is not what the fiscal framework is for.

However, if there is nervousness about an overt strategy, let us clarify that, so that we can provide a better service and increased take-up across the board. After all, people do not live their lives in discreet chunks.

**The Convener:** Thank you. Our committee has been pursuing policy spillover in situations in which, if the Scottish Government were to have a focused campaign that changed behaviour and meant that more people were getting the UK benefits that they were entitled to, in theory—it has never happened in practice—the UK Government could seek recompense. In other words, the Scottish Government would have to pay for those UK benefits, if there were to be an identifiable, evidence-based increase in uptake. That leads to uncertainty.

That was not why I asked the question, but it is very helpful that Judith Paterson put that on the record.

**David Wallace:** From my perspective, and given the agency’s involvement, the benefit take-up strategy fulfils that duty. We will play our role in that; at the moment, that is about devolved benefits and we are focused on the linkages in the background.

**The Convener:** Jeremy Balfour is next. Thank you for your patience, Jeremy.

**Jeremy Balfour:** Some of this has been covered, but I have a question for Mr Gass, for my own clarification. Under the 2018 act, every person is entitled to advice and assistance from the start of the process. If that support is to revolve around take-up, are you saying that there is not enough capacity in the advice and assistance system—whether that involves advice shops, CABs or whoever—so if we want to increase take-up and lots of people come to your door, there will just be growing waiting lists?

Also, to follow on from your comments, Mr Wallace, it is very important that you are open, but can you put on record that you are not the independent advice and assistance service that the 2018 act refers to, and that if someone comes to you, you will signpost the best local service, rather than offering that advice and assistance?

**The Convener:** When Mr Balfour says “you”, he does not mean David Wallace; he means Social Security Scotland.

**David Wallace:** I am happy to speak to that. We have all been clear that this is about access to our services. Local needs to mean local, to ensure consistency of access to our services, and referring people on is an important part of that.

I come back to the previous point about flexibility in referring people on. It is about relationships and making them happen. Some will be micro-local and some will be national, but fundamentally it is about working with existing services. It has never been about treading on the feet of other advice services.

**Richard Gass:** Local authority welfare rights teams and the voluntary sector—although I am not here to speak for them—are all working to capacity. If the expectation is that the folk who do not currently engage with us have a right to do so, I have to say that we do not have the resources to meet that demand at this time.

**The Convener:** That is fairly clear.

**Keith Brown:** I have point of clarification. Jeremy Balfour referred to the right to advice and assistance under the Social Security (Scotland) Act 2018, but is there the same provision in UK legislation?

**Judith Paterson:** No. In respect of social security, that is unique to Scotland.

**The Convener:** Is that a new entitlement?

**Judith Paterson:** It is a new entitlement that was created under the 2018 act. There are UK-wide rights to advice and assistance in other contexts, such as for carers, but that is not the case for social security.

**The Convener:** Do any of our witnesses have any additional comments that they wish to make? I ask you to be brief, given the time. We are keen to look at every aspect of how we can improve access to the benefits that people are entitled to, how we can remove barriers to access and how we do all that in a sustainable way. You do not have to say anything, but I give you that opportunity to make any final comments.

**Judith Paterson:** Thank you. The Scottish Government's first take-up strategy is very welcome and it is fantastic that there is a duty on Government to have such a strategy. However, when we get the next take-up strategy, I hope that we will have gone beyond the focus on awareness campaigns—important though they are—to a more holistic approach that considers not just the Scottish social security system but looks across the board at how the advice sector can be linked with trusted professionals for that on-going, day-to-day, embedded take-up activity.

**Richard Gass:** Perhaps our most successful take-up campaigns were run by Strathclyde Regional Council in the early 1990s. Adverts were placed in national newspapers, simply saying, "If you feel you've missed out, cut out this piece of paper, sign it and send it back to Strathclyde Regional Council offices"—I cannot remember the exact format, so I do not know whether people had to include their national insurance number, but they probably did. That piece of paper was then used to initiate a review of the person's supplementary benefit, as it was known. In another approach, an appeal letter was published in the papers, which people could use to challenge benefits decisions, such as a decision not to

award severe disability premium. Those campaigns were very successful and we need something similar today.

I hark back to my QR code suggestion. We could have an advert in a newspaper, on television or in a leaflet that makes it easy for an individual to initiate a claim. The fine points of the claim could perhaps be listed at a later stage, but that would help people to start the ball rolling, so that they say not, "I'll do that tomorrow," or, "I'll do that when I get round to it," but, "I'll do that right now, because it takes no effort."

**The Convener:** That is very helpful and fits in with the Scottish Government's take-up strategy, which says that there should be a series of benefit take-up weeks. What that means or does not mean is another thing, but Mr Gass has given us some suggestions about what a clever use of those limited funds might look like in the context of a benefit take-up week.

**David Wallace:** I want to emphasise a couple of points that have already been made. As I said, the organisation is not yet in a fully steady state. The benefit take-up marketing and communications activity that we have done so far has inevitably been targeted at the launches of benefits. It will look different in the future—that goes for many things that the organisation does. I take Judith Paterson's point that the next strategy might look different from the current one, and I am certain that our activities will look different at that point, too. What happens now is not necessarily what will happen when we are in a steady state.

**The Convener:** I thank all three of our witnesses for giving us their time and evidence. Please stay in contact with our inquiry and if you have any additional information that you want to provide, please do so. We will endeavour to keep you updated on the progress of our inquiry.

10:54

*Meeting suspended.*

10:58

*On resuming—*

## **Subordinate Legislation**

### **Council Tax Reduction (Scotland) Amendment (No 3) Regulations 2019 (SSI 2019/325)**

**The Convener:** Agenda item 3 is consideration of subordinate legislation. I refer members to paper 4, which is a note by the clerk. The committee is invited to consider the instrument, which is subject to the negative procedure. Is the committee content to note the instrument?

**Members** *indicated agreement.*

**The Convener:** Thank you. We now move on to agenda item 4, which we agreed earlier to take in private.

10:59

*Meeting continued in private until 11:20.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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