



OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Social Justice and Social Security Committee

Thursday 9 May 2024

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
14th Meeting 2024, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

Katy Clark (West Scotland) (Lab)

*John Mason (Glasgow Shettleston) (SNP)

*Roz McCall (Mid Scotland and Fife) (Con)

*Marie McNair (Clydebank and Milngavie) (SNP)

*Paul O’Kane (West Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Debbie Horne (Independent Age)

Marilyn Howard (Scottish Commission on Social Security)

Adam Stachura (Age Scotland)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 9 May 2024

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Collette Stevenson): Good morning, and welcome to the 14th meeting of the Social Justice and Social Security Committee. We have received apologies from Katy Clark. Our first item of business is a decision on taking agenda items 3 and 5 in private. Do members agree to do so?

Members indicated agreement.

Pension Age Disability Payment

09:00

The Convener: Our next agenda item is an evidence session on the pension age disability payment, ahead of our consideration of the Disability Assistance for Older People (Scotland) Regulations 2024 next week.

I welcome to the meeting Debbie Horne, Scotland policy and public affairs manager at Independent Age, and Adam Stachura, associate director for policy, communications and external affairs at Age Scotland, who join us in the room. I also welcome Marilyn Howard, a member of the Scottish Commission on Social Security, who joins us remotely. I thank you all for accepting our invitation.

I have a few points to make about the format of the meeting before we start. Please wait until I say your name, or until the member asking the question does, before speaking. Marilyn Howard, as you are online, please allow our broadcasting colleagues a few seconds to turn your microphone on before you start to speak. You can indicate with an R in the chat box in Zoom if you wish to come in on a question. I ask everyone to keep questions and answers as concise as possible.

We will now move on to questions. The first question, which I will direct to Marilyn, is on the theme of social security principles. Will you outline the ways in which the aims and language of attendance allowance “sit uneasily alongside” the social security principles?

Marilyn Howard (Scottish Commission on Social Security): Thank you very much for inviting me here. Before I answer that question specifically, it might be helpful to mention the role of the Scottish Commission on Social Security. We provide independent scrutiny of the Scottish social security system. Our specific functions are to scrutinise draft regulations through the lens of the social security principles, to report on any matter when requested to do so by Scottish ministers or the Scottish Parliament and to report on the extent to which any of the expectations in the social security charter are being met. To inform our scrutiny, we regularly engage with stakeholders, and we are very grateful to those who assisted us with the scrutiny of the pension age disability payment.

More specifically, on the aims and language of attendance allowance, we noted that it was introduced in a very different time and context to now. Attendance allowance was introduced in the 1970s, and the name itself has not changed for almost that whole period. The social security principles were obviously not in place at that time;

those have come about through devolved social security.

When we talked to stakeholders about attendance allowance and pension age disability payment, they told us that, in aligning with attendance allowance, the aims of the pension age disability payment tend to emphasise needs for personal care, whereas benefits for people of working age tend to be seen as a contribution to extra disability-related costs, including help with mobility needs.

Stakeholders told us that the language and the name of attendance allowance can also be confusing, because it can imply either that it is a payment to the carer or that it has to be used specifically for care. In the scrutiny report on the draft regulations, we referred to the rationale for aligning the aims as being to facilitate a safe and secure case transfer, but also, in the longer term, we recommended that the Scottish Government review the pension age disability payment for consistency with the principles, and that recommendation was accepted by the Government.

The Convener: That is really helpful.

As neither Adam Stachura nor Debbie Horne want to come in on that question, we will move on to the next theme, which is the mobility component.

John Mason (Glasgow Shettleston) (SNP): There has been some debate around this question. To what extent has the Scottish Government provided a reasonable justification for not introducing a mobility component? I especially emphasise that the Government has said that the cost would be quite significant, so maybe you could touch on that. Ms Horne, do you want to start?

Debbie Horne (Independent Age): Thank you for the opportunity to give evidence here today. Independent Age believes that a pension age disability payment should contain a mobility component. We understand the logic for the safe and secure transition and can see why, at the creation stage, the pension age disability payment does not contain that mobility component, but we believe that, going forward, we should be ambitious and really aspire to make sure that older people can access a mobility component within a pension age disability payment.

Being able to participate in society is a fundamental right for older people, and disabled people have the right to independent living. The evidence and the need that we hear from older people, when it comes to the mobility component, is really clear.

When we surveyed older people in December last year, an overwhelming majority of them supported the introduction of a mobility component. One older lady told us that she had just missed out on the mobility component because she had claimed attendance allowance and was just over the state pension age. She was using some of the money that she was receiving from attendance allowance to put by, because she recognised that, at some point in the future, she would need extra mobility aids and, potentially, a mobility scooter. We see that clear need among older people.

From the survey that we did, we also know that around 75 per cent of older people who have a long-term health condition or a disability face increased costs, which makes it harder for them to get out of the house and meet friends and family. Therefore, although we appreciate the importance of the safe and secure transition, we believe that, in the longer term, there should be a review of the pension age disability payment, to look specifically at the mobility component.

The cost is obviously a key barrier—we have seen the Scottish Government's estimated figures—but we really need to look at it as an investment in people, in line with the social security principles, given that social security is an investment in the people of Scotland and it allows people to flourish. There is really clear evidence that a preventative investment in the people of Scotland, through a mobility component, would eventually enable a reduced spend. When we consider the impact of isolation and loneliness on health and social care, the knock-on effects of introducing a mobility component would result in savings further down the line for the Scottish Government.

John Mason: Can I press you on that? We would have to find the money now. Maybe the savings would come along in a few years, but we would have to look at this year's budget. It has been suggested that £580 million might be on the low side. Do you have any suggestions about where that money should come from? Should we raise taxes or cut the Scottish child payment? What should we do?

Debbie Horne: That would be a decision for the Scottish Government.

John Mason: Are you not rather ducking out of that?

Debbie Horne: It is for the Scottish Government to prioritise its budget and where it wants to spend. If the Scottish Government has a commitment to human rights budgeting, we should be looking at budgeting through that framework. We would not suggest cuts in other areas. We

would leave that decision to the Scottish Government.

John Mason: If you would not suggest cuts, would you suggest tax increases?

Debbie Horne: No—I am saying that it is up to the Scottish Government to manage its budget and to decide. Independent Age will always advocate in the best interests of older people in poverty and for what they need. I will leave budgetary decisions to the Scottish Government.

John Mason: Mr Stachura, do you want to come in?

Adam Stachura (Age Scotland): With regard to your first question around the justification for not including the mobility component, that has been a long-running conversation for organisations that work with people who require—or should need—social security support. Marilyn Howard was right in saying that attendance allowance was brought in in 1970. That was the same year in which The Beatles disbanded and Apollo 13 was launched. It is a long time ago—we are looking at 54 years since the payment started.

Just now, while we are trying to have a safe and secure transition, the Government has said that a mobility component is not something to look at for “the foreseeable future”, which is disappointing. Although I am not saying that it is insignificant, the only justification is on cost grounds.

At the end of last year, we met the relevant Scottish Government officials, who, quite frankly, were open and understood the rationale of saying that the decision is, in essence, ageist. You have picked a date on which somebody will receive extra support and one on which they will not, and that line is the state pension age.

We met the cabinet secretary at the end of March and had a similar conversation. We looked at some of the proposals that we put forward, which are in your papers. There was certainly an acceptance that something more could be done.

However, the point is that the justification is solely on cost grounds and, in answer to your second question, Mr Mason, about where we would cut, it is really difficult to say. In different inquiries that the Parliament has done as part of its scrutiny—particularly pre-budget scrutiny of Scottish Government budgets—it has been hard to go into the granular detail of what is being spent where. I am not suggesting that it would be easy to find half a billion pounds, if that is the figure, but I suspect that there are also tiers of spend. Maybe a mobility component would not mirror exactly what someone would currently get under, for example, personal independence payment, which would come with them once they were over the state pension age. Part of the challenge is that, if

someone has applied at a certain point for that kind of social security or disability benefit and they receive a mobility component at 65, they will not get it at 67. There is not much change in their life in those two years. That is maybe the extreme end of the argument, but it is a close line, which has been decided by Government.

The person’s need for mobility, independence and participation, which is about their self-worth and ability to prevent further health challenges and conditions, is something that added mobility can certainly help with. Lack of mobility adds to levels of loneliness and isolation, which is an incredible cost to our health service as well.

John Mason: Would there have been issues as to exactly what the money was going to be used for? A buggy is a positive thing that gets people to the shops and up and down the road, as compared to a car, which most of us now see as not a good thing, because we want to reduce the number of cars. Is that a factor?

Adam Stachura: It depends on where you live. The buggy might be helpful if you live, for example, in central Edinburgh—or maybe not, if you have to navigate potholes or high kerbs. I say that slightly facetiously, but communities in Scotland are not designed to be age or disability friendly. Of course, there will be occasions when somebody is able to use a buggy.

Cars might also be a necessity for people. Some people who receive attendance allowance now—or, in the future, PADP—might already have their own car and they could receive support to have it adapted. They do not necessarily need an off-the-forecourt Motability car but, instead, could have suitable adaptations made. The full amount of money might not be needed; there could be tiers of funding if somebody needs a little bit of support. However, the attendance allowance money on its own would not cover that.

I said this a few days ago, so I apologise for the repetition, but about half of pensioners in Scotland live either in poverty or on a very low income. Their reliance on the state pension is incredible, and the state pension that they receive is not necessarily the higher rate. If they are in their 70s and are receiving the lower rate of about £9,500—not £12,000—a year, attendance allowance at a higher rate of £100-odd a week does not quite cut it. If we also consider the link with poverty and disability, all those factors come into play.

In response to your point about the car maybe not being recognised as a good thing, it will be essential for some people.

John Mason: I get that.

Ms Howard, do you want to say something about that?

Marilyn Howard: Mobility was an important issue in our scrutiny report, which contained an observation that justifications for not introducing a mobility component and any mitigations could be explored by the Government within the framework of an updated equality impact assessment. Officials engaged positively with us on that and we were pleased that comments that the commission had made on mobility and the equality impact assessment were taken on board in the updated version, with more in-depth sections being provided on justifications and mitigations.

The matter is tricky because it involves not only a balance between different social security principles—for example, balancing continuous improvement of the social security system with keeping in mind the needs of those who require assistance and advancing equality—but thinking about value for money and efficiency. It is a tricky trade-off to make.

09:15

John Mason: Is that your final word? You do not say whether you are satisfied or dissatisfied; you just say that it is tricky.

Marilyn Howard: It is not the Scottish Commission on Social Security's role to make policy decisions. We look at the principles to understand the impact of particular decisions that lie behind draft regulations and use that as a mechanism to raise issues with officials and ministers, but it is for ministers to make decisions.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I was struck by Debbie Horne's comments about human rights-based budgeting. I get the point that she makes. I am the convener of the cross-party group on rare, genetic and undiagnosed conditions and the CPG on palliative and end-of-life care. Demands on budgets are such that the people who are affected by those issues would also demand human rights-based budgeting to fulfil their expectation that their human rights will be met. I appreciate what Ms Horne says, but it can be quite simplistic to look at it in that way.

From a budgeting point of view, £580 million is clearly eye-watering and simply not affordable, even though it would be positive to introduce a mobility component. If £20 million was available to improve the lives of older people, how would Ms Horne or Mr Stachura spend it? That would bring to life how we prioritise budgets in the Parliament.

Debbie Horne: In Scotland, we have around 150,000 pensioners who are in poverty, and £20 million could obviously do a huge amount for those older people. Independent Age has clear recommendations for what the Scottish Government should prioritise. A key

recommendation is to introduce a pensioner poverty strategy. Actions in that strategy could go alongside budget commitments.

I will give one example. We know that take-up of social security is an issue for older people. At the minute, only around 63 per cent of older people in Great Britain receive the pension credit that they are entitled to. We have done research that shows that, if you were to increase uptake in Scotland to 100 per cent for older people, overnight you would lift 38,000 older people out of poverty. That is not even additional spend; it is just getting those people the money that they are entitled to. We have done various pieces of work examining different initiatives that local authorities have done by gathering data, for example. That money could be spent for targeted take-up action across all social security for older people. That would have an immediate, effective, noticeable and significant impact on the lives of older people who are in poverty in Scotland.

Bob Doris: That is helpful. I wanted that on the record. It is about the art of the achievable rather than the aspirations. We are very well intentioned. I totally get why you want the mobility component, Ms Horne.

Mr Stachura, what would your priority be?

Adam Stachura: It would be similar. Although £20 million might seem like a lot of money, it is also not a lot of money.

Bob Doris: I point out that I do not have £20 million, Mr Stachura.

Adam Stachura: I know, but you talked about the art of the possible, Mr Doris. Is that the art of the possible or the ceiling of the possible? There are about 130,000 people in Scotland who have not received attendance allowance. What would that additional funding do? If it was so focused, it would not do much. I take your point and am not trying to be facetious, but there are more actions that the Scottish Government can take to raise people's incomes.

In Scotland, about £500 million in social security payments to which older people are entitled goes unclaimed. That is not just for pension credit, which Debbie Horne mentioned, but for the associated council tax reduction, housing benefit, attendance allowance and other payments. That money is sitting somewhere, so the idea of using it to better target or drive uptake is ideal.

This might be a topic for further questions, however, if you are thinking of spending money there or on other aspects of the mobility component. I suggest exploring whether there are funds that people could access to make adaptations to vehicles.

Another suggestion of what we would like to see—we think it would be simple to do—is consideration of how we might use Social Security Scotland to better link the need for a blue badge with eligibility for other benefits.

Once people have applied for PADP, they have proved that they have a disability and their eligibility is established, why should that eligibility not just be passported? Why should they have to make other applications? Could the cost of doing so not be assumed through the PADP process? There are things that you could do, but it could be quite hard to consider the numbers unless the need is massive. For example, four in 10 older people in Scotland now live in fuel poverty.

Bob Doris: Those were really helpful comments from both witnesses. Thank you.

The Convener: I invite Jeremy Balfour to put his questions.

Jeremy Balfour (Lothian) (Con): Good morning to you all, and thanks for coming today.

We already mitigate some costs—for example, through free bus travel, through free personal care and, although eligibility for it is not based on financial grounds, through the blue badge scheme that you have just mentioned. I presume that you do not want to get rid of any of those, but are those not mitigations for a mobility component not being included within attendance allowance or the new benefit?

Adam Stachura: The justification from Government might have been that people have bus passes, but can people use them? That relates to my response to Mr Mason's question about where people live in the country. Are the buses accessible? Do they go where people need them to go? What other support do they require?

This is about entitlement. It is not just a case of saying, "Here you are. Off you go and be quiet—you have a free bus pass." It is an opt-in entitlement that many people apply for but that depends on their need for such a thing. Of course, it is not as simple as this, but the cost of a pass depends on how much it is used. We know from lots of other research on bus passes, for instance, that they are underused in many parts of the country and that routes are being cut. That might tie in with John Mason's earlier point about car use not being deemed the best thing to promote. However, in terms of rural bus travel, routes are being cut because they are financially unsustainable, so a bus pass is worth nothing unless its holder can get a car into an urban area and then catch a bus or use a park and ride facility. There is therefore a difference between what is available on paper and the reality.

There are similar arguments around saying to an older carer, "Okay, you've got a pension—that's enough." They might have worked for 40 or 50 years to receive their entitlement to what is, quite frankly, a modest amount of money from the state. Is it enough money to allow the state to say that unpaid carers are not entitled to extra support for the costs that they incur in caring for someone for a long time, with their household income being substantially impacted?

In Scotland, we have measures that are good to have, but perhaps we should not be seen as saying, "Well, you've got this, and that's enough." If that is the ceiling of our aspiration, what is the point of the Scottish Parliament or of devolution? We are meant to be doing things differently, as we have done in changing various regimes, including social care operating differently in Scotland from what happens in other parts of the UK. There is a big opportunity to look at things differently and not just to say, "Right—it's quite expensive, so we're not going to look at it again." If at first you don't succeed, try and try again.

Jeremy Balfour: Could I develop that point with Ms Horne? You said that you do not want the mobility component to come in immediately and that you want everyone to be transferred across safely before that aspect is looked at again. I know that Age Scotland has had discussions with the Scottish Government and that it has put forward alternatives. Do we need to redesign the system completely? Do we need to look at having a more individual-focused scheme, rather than just giving people a lump sum? Is that practical? The needs of someone who lives in a rural area might be very different from those of someone who lives in central Glasgow, where—as Mr Mason said—a buggy might in some cases be more appropriate than a car. Do we need a more flexible scheme? I appreciate that it might be difficult to come up with one that would have to consider an individual's needs rather than just giving a lump sum. Is that possible in reality?

Debbie Horne: That is a good question. At Independent Age, a lot of the research into how money is best used to tackle poverty—we know that a high number of disabled people live in poverty—is around the cash-first approach. In relation to getting rid of the money element, it is important that people have cash first, so that they have choice about what they spend the money on and what will best improve their lives and support their needs.

The wider question—about whether we need to look at the system—links to the point that Marilyn Howard made about the time when attendance allowance was designed compared with what we have now, with Social Security Scotland's principles and the human-rights-based approach.

Do we need that wider review? The Scottish campaign on rights to social security published its long-term vision, “Beyond a Safe and Secure Transition—A Long Term Vision for Disability Assistance in Scotland”, many years ago. It contained a recommendation for a review of disability payments in Scotland. The Scottish Government has taken forward that recommendation with regard to adult disability payment, and we have the independent review, but there is definitely a question about whether we need to look again at pension age disability payment.

One of the Age Scotland recommendations that Independent Age supports is about having a review of the system within two years of full roll-out, in order to look at how it operates, how it meets the needs of older people, what improvements and changes can be made and what is feasible. We recommend that there be a longer-term review of the system and how it supports people.

Adam Stachura: Debbie Horne answered a lot of the question there. It is not always about redesigning everything from scratch. Many elements of attendance allowance are very positive—not the least of which is that it is not means tested. There is an assumption that people might have income, but costs can be very variable. I am sure that every MSP has broadly the same income, but their lives are very different and how they spend their money is different. That is the same for everyone outside Parliament.

On people who are receiving attendance allowance and what they might use their money for, one week it might be for physiotherapy that is paid for privately because they cannot possibly get that anywhere near them on the national health service, because waiting lists are too long. Some people are never referred because they are seen as being too old to benefit from a treatment. We know that that subtle kind of ageism exists in our public services. In another week, the money might be spent on someone to clean the house or to cook meals because the person cannot do so themselves. It is a modest amount of money; we are not talking about people living a decadent lifestyle with it.

There is more about this, for us almost slightly selfish people who require it. It is about how we can enhance the system, as opposed to saying, “This is our ceiling. This is what we’ve got and this is all that we’re going to do.” The danger can be that blank sheet of paper, because part of the issue is in creating a bureaucracy to assess and identify what somebody needs. Who makes the decision and what right does the person have to appeal against it?

It is also about access to other schemes. Part of the issue is whether we could open the doors to other schemes such as Motability and cheaper rates for mobility scooters. Do things have to cost as much as they do currently? There is more to think about in relation to how we will enhance things in the future.

We could look in two years at what we have done and ask how effective it has been. We could ask whether we have seen an increase in people claiming PADP, compared with claims for attendance allowance. Is the Social Security Scotland system better than the Department for Work and Pensions system? Do you have to fill in a 30-page application form? People are not going into that and painting themselves in the worst light, although that is really what the assessment is looking for. If a person is honest about it, they might feel a bit better on another day than they feel today. There is a lot more on that.

I might not have answered your question perfectly, Mr Balfour, but we certainly need to think about how we can review and enhance the system. I am not assuming that what has been handed to Scotland from the United Kingdom Government is the best that it can be, but there are certainly great elements in relation to flexibility around differing needs according to where a person is in the country, which is very important.

The Convener: I am conscious of the time and we still have a lot to get through. Could everyone keep their questions and answers as concise as possible?

We move on to theme 3, which is on differences from attendance allowance.

Paul O’Kane (West Scotland) (Lab): Good morning. I will build on the discussion that we have had so far. Committee members are keen to understand the ways in which PADP will differ from attendance allowance, particularly in relation to the experience of going through the application process. We had begun to touch on some of that. Does Mr Stachura want to continue on those experiences? We will then hear from other witnesses.

Adam Stachura: The aspiration has always been that people’s experience of Social Security Scotland would be more straightforward than the experience that they might have had with DWP. There are certainly lots of principles behind how Social Security Scotland works that would make it more accessible for people, and which would mean that it provides more support to people to apply for and claim benefits and more flexibility in how they do that. That is certainly an aspirational thing.

09:30

PADP will be quite tricky because, compared to the older people's benefits that have come to Scotland thus far, there will be a lot of people moving over. I know that the process will be phased, with the first few local authorities moving over to the new payment at the end of this year and more moving next year. I am slightly worried about the ability to handle well 130,000 people moving over, then to handle every new claim thereafter.

There have been lofty aspirations about how we will cope with devolution of benefits, but it has not always been straightforward, whether because of long waiting times for applications to be processed, sub-par communications with people or underestimation of the demand for a benefit as soon as it is available—for example, the benefits for carers and children. Once benefits are opened up to people, the systems get overloaded—for example, through text messages—although we would actually expect that to happen, so maybe the systems are not set up to deal with that.

In answer to your question, Mr O'Kane, I say that the hope is certainly that the process can be more straightforward, but we need more than just that. The reality is that we need an understanding of what has been going on so far and how we have been able to process and manage social security in Scotland. That has to be live and will be incredibly important in relation to how we take over this and future benefits—not least the winter fuel payment, which will be devolved at the end of this year. We will be looking at hundreds of thousands more people—or millions—who will be receiving payments through Social Security Scotland.

Debbie Horne: I will add briefly to what Adam Stachura said. We are hopeful that the system will result in a better experience for older people in Scotland because of the commitment of Social Security Scotland to treat people with dignity, fairness and respect, which is so important in reducing the stigma around claiming social security that we see among older people in particular.

Language is also incredibly important with regard to the client experience. For example, it is important to ensure that things are said in an accessible way, using plain English.

We think that having a choice of application route will make a really positive difference. For example, people will be able to have a home visit through the local delivery offices of Social Security Scotland. Our survey found that around 6 per cent of people who were disabled or living with a long-term condition had not applied for attendance allowance because they did not have the support to apply. As Adam mentioned, there is a very

complicated 30-page form. Therefore, the experience of having a local delivery office and the ability to have a home visit should improve older people's experience of applying for the pension age disability payment.

On the changes to attendance allowance, we welcome the change around the reduction of the past presence test as well as the changes around terminal illness, which will help to improve access and the experience of people who are in the really awful position of having to apply for social security after receiving such a diagnosis.

Paul O'Kane: Thank you. I will turn to SCOSS. One of the differences in provision is in short-term assistance. SCOSS has said that it has concerns about its interaction with other benefits. Marilyn Howard, do those concerns remain, or has interaction with Government changed that position?

Marilyn Howard: Short-term assistance, as people will know, is a payment for people—in Scotland, only and until their entitlement is decided—who are challenging a decision to reduce or stop their disability assistance. Therefore, that is not available from DWP. Our report stated that, although that can be a very helpful way to encourage people to challenge a decision, we were concerned that there might be financial detriment to some people who receive short-term assistance and win their award again but lose a part-passported benefit from the reserved system that is run by DWP because short-term assistance is, technically, not a qualifying benefit.

The technical issue in that regard is that benefits from the reserved system are normally payable if pension age disability payment would be paid but not when someone is entitled to the benefits but is not paid them. Therefore, although pension age disability payment can be backdated, it technically becomes a qualifying benefit only when it is paid.

In our report, we gave the severe disability addition to pension credit as an example of a passported entitlement. We recommended that information about short-term assistance and about that potential issue be included. In its response, the Scottish Government indicated that people should tell the Department for Work and Pensions the date on which their benefit is being reinstated so that the relevant reserved benefit could be reassessed and any additions reinstated.

We also understand that the Scottish Government believes that the outcome that we have described does not occur in practice. We remain in conversation with policy officials on the matter. It might also be useful to add that, in relation to the technical amendments to short-term assistance, our recommendations that guidance

should include more scenarios and that short-term assistance should be monitored were accepted.

The Convener: Adam Stachura would like to come in quickly on that, and then I will move on to the next theme.

Adam Stachura: I will be very quick. Actually, I want to go back to the original point because I forgot to mention the need to simplify the language. The name of a benefit should make it glaringly obvious what it is for. One of the challenges and barriers is that no one knows what “attendance allowance” means. You might wonder whether it is to pay for a carer or for care, and you might think that the allowance would be handed to you.

Simplifying the names of benefits could certainly be beneficial for enabling people to claim what they are entitled to and to better understand what benefits are for, as opposed to their just being some abstract concept. The Scottish Government is considering name changes for devolved benefits where that is appropriate and possible. That is really positive.

The Convener: Theme 4 is on the differences between adult disability payment and child disability payment. I invite Bob Doris to come in.

Bob Doris: One of the differences appears to be that, with child disability payment, the opportunity was taken to be a bit more consistent in relation to whether renal dialysis is deemed to qualify a person for the higher rate or the lower rate. If renal dialysis is required both day and night, a person could qualify for the higher rate. The Scottish Government has not taken that opportunity with the regulations that we are considering, but it has said that it could rely on guidance that would clarify that, which might improve outcomes, if I have understood the matter correctly. Marilyn Howard, I suspect, has a considered view from SCOSS on that. Will relying on guidance be sufficient?

Marilyn Howard: That comes back to aligning attendance allowance and pension age disability payment during case transfer, although our report indicated that the development of the pension age disability payment was an opportunity to reconsider things. The Scottish Government has indicated that guidance could be produced so that decision makers could take a more holistic view of someone’s situation. We think that that is a reasonable approach for now.

Bob Doris: Can I check my understanding? If someone is currently on renal dialysis, they automatically get the lower rate for pension age disability payment, and the devil will be in the detail of the guidance in relation to whether night-time dialysis will mean that they get the higher

rate. Have I understood that correctly? Is SCOSS content with that approach?

Marilyn Howard: My understanding is that guidance should cover all of those issues. In our first recommendation, we suggested that the Scottish Government should review the pension age disability payment in line with the social security principles, once the case transfer had completed. We hope that that issue, along with the others that have been raised, will be part of the review in the longer term.

Bob Doris: That is helpful: the issue is covered by guidance for the moment and may be part of a review in the longer term. If no other witness wants to add anything, I will move to another question.

The Scottish Government will not shorten the six-month qualifying period for pension age disability payment as, according to it, to do so

“would lead to people with very short-term conditions becoming eligible”.

The Scottish Government also refers to the cost, which is coincidentally roughly £20 million—I promise that that is not a deliberate link to my previous question—and the risk to passported benefits being compromised. What are the witnesses’ views of those justifications?

Debbie Horne: At Independent Age, we believe that the qualifying period should be shortened. For pension age disability payment, it is six months; for child disability payment and adult disability payment, it is three months or 13 weeks.

On the Scottish Government’s justification, it is difficult to know whether a change would result in people with short-term conditions applying for the payment. The current evidence that we have seen does not seem to indicate that it would. For example, the top five reasons why people are receiving attendance allowance include arthritis, dementia, heart disease and chest disease, which are all long-term conditions, and we know that roughly 40 per cent of those on attendance allowance have been receiving the payment for more than five years.

It is obviously difficult to predict, but it would be helpful to have more clarity from the Scottish Government on why it believes that such a change would result in more people with short-term conditions receiving the payment. The entitlement also has to be on-going: people need to report it if their circumstances change and they are no longer eligible and meeting the threshold for requiring the care or supervision.

The question of cost goes back to our earlier discussion. Budget decisions are for the Scottish Government to make. We have heard from older people who have been in financial hardship and

struggling during the six-month waiting period. We spoke to one older lady who had been diagnosed with a very serious long-term condition, and she had been told by the council welfare rights adviser that she had to live with it for six months before she could get any help. With the principle of continuous improvement in mind, it is a question of whether we can do anything to enable people to get support rather than wait for six months after a potentially life-changing diagnosis before they can claim a payment.

Bob Doris: My understanding of the child disability payment is that the qualifying period is not a simple three months but three months with an expectation that the condition will endure for a further nine months. Does that cast a bit more doubt on the Scottish Government's cost assumptions of £21 million?

Debbie Horne: It is difficult to say. For child and adult disability payments, individuals have to have been living with the impact of the condition for the previous three months, with the expectation that they will experience the condition for the next nine months. That provision does not exist in the pension age disability payment; it is based purely on the individual having experienced the condition for the previous six months. There is therefore a difference in how the rules are set out for pension age disability payment compared with child and adult disability payments.

09:45

Bob Doris: That is helpful, but I wonder whether, in order to get the safe and secure transition and transfer of cases that we keep talking about, the issue needs to be looked at afresh, which Marilyn Howard was talking about. Is this one of the things that you would like the Government to look at afresh once that transfer has happened?

Debbie Horne: Yes. The Scottish Government could have done that at the point of transition as it only affects new claims. The people who are being transferred over from the current DWP system are already eligible, so they will not be affected by the rule. It could have been introduced at the point of creation, but we definitely want to see it as part of the longer-term review.

Bob Doris: That is helpful. Adam Stachura?

Adam Stachura: I agree with everything that has been said in that regard. The criteria and the timeframe are also important if you are looking at older people. The likelihood that someone will recover from some of the conditions that might make them eligible for attendance allowance can be quite low, but living for a longer period of time without any added support could worsen conditions and cause further challenges later on. If

the advice is to maybe give somebody something so that they can live with a condition for six months without putting in mitigating factors such as some financial support to pay for physio or other things, they could find themselves in a tough position after that. This is a big opportunity to rationalise across all the criteria in Scotland, but at times I wonder whether the reason for doing that is just because of the pot of money that exists just now and not because of enough research on the impact of any changes.

Bob Doris: I do not want to put words into your mouth, Mr Stachura, but would it be self-evident that some conditions will endure for a longer period of time than the two or six months to qualify?

Adam Stachura: Yes.

Bob Doris: I have put words into your mouth, so I apologise.

I do not know whether Marilyn Howard has anything to add, but I have no further questions. Marilyn, do you have any observations on that?

Marilyn Howard: Yes. We got information from Alzheimer Scotland that the six-month qualifying period could disadvantage a small number of people who need to make a claim because of needs arising from an acute or sudden onset of illness or injury. The qualifying period is therefore one of the issues that we think could be considered as part of future changes.

The Convener: I will bring in John Mason.

John Mason: Have the panel members any suggestions about what improvements could be made to bring the child disability payment, adult disability payment and pension age disability payment more into line with each other? I agree with Mr Stachura that it is useful for all the names to be the same, but that in itself can make people think that the rules will all be the same. Have you any suggestions about how things might be improved?

Adam Stachura: To be honest, I am not in the weeds of all the detail around the child disability payment. I am more focused on the older age elements, because most of them have been reserved and are now moving across. I do not have much to add, but there are certainly issues around the names and around making sure that the process for applying is consistent across all of them. As things move over, there might be wrinkles to work out if something has been more established in Scotland and Social Security Scotland has learned lessons about routes for applications or assessments. You will find out more once it happens.

John Mason: That is fair enough. I will come to Ms Howard at the end, because she is the one

with oversight of everything. Ms Horne, do you have any comment on that?

Debbie Horne: I just want to mention briefly the points that were raised earlier about the mobility component and bringing the qualifying period into line with adult and child disability payment.

John Mason: I am getting the impression that, in a sense, looking forward is more important than looking back. Was your point that, if something happens to someone suddenly, it is the future that matters more than how long they have had the condition?

Debbie Horne: Yes. If somebody is diagnosed with a life-altering condition, the support that they get from that moment is what really matters.

John Mason: Ms Howard, you have oversight of all three payments. Should they be more consistent?

Marilyn Howard: Certainly, there is a case for looking at benefits over time, but I do not think that we have any more specific comments to add at this stage.

John Mason: That is great. Thanks very much.

The Convener: Before I move on to theme 5, I will bring in Jeremy Balfour.

Jeremy Balfour: The criteria for being awarded the new benefit are different from that for adult disability payment, the descriptors are not the same and it is based on an average day in someone's life. Is that the best approach, or would you like the descriptors that we have for ADP to be brought in—maybe not immediately, but over time? Maybe you do not have a view on that, but I put that to Ms Howard first, and then one of the other two witnesses can come in.

Marilyn Howard: I do not think that we have a view on that at this time.

Adam Stachura: There is nothing obvious that occurs to me.

The Convener: Theme 5 is on improving take-up. I invite Marie McNair to come in.

Marie McNair (Clydebank and Milngavie) (SNP): Adam Stachura, you rightly pointed out earlier that 54 years have passed since the introduction of attendance allowance and that no change has been made to it. Are you aware of any reasons why the Westminster Government has left it unreformed for so long?

Adam Stachura: I am not aware of any obvious reason for that. Some of this is about political will. How many UK Governments have we had since then? Other things have been a priority.

To be honest, lots of things that impact older people are often not a political priority for change.

There are also parts of the benefit that probably work pretty well once you have got it. Once you have got through the system, you have jumped through all the fiery hoops and you are receiving a weekly payment to support you, it has been deemed to be broadly successful. The issue is with those folk who are not getting anywhere near it, who do not know that it exists, who are put off by application processes, and who have been turned down and will never apply again.

An element of it is the politics of older people's issues not necessarily getting all the focus, but some of it is probably because it has been quite good.

Marie McNair: Debbie Horne, the Scottish Fiscal Commission estimates that costs will be higher because of the increased take-up. That increase in take-up is welcome. Given some of your comments earlier, what more should Social Security Scotland and the Scottish Government do to encourage take-up of the pension age disability payment?

Debbie Horne: The creation of a pension age disability payment brings with it an opportunity to increase awareness and boost take-up. We know from our research that around 13 per cent of older disabled people are not aware of attendance allowance. There is a real opportunity to raise public awareness of the payment and what it is there for, to be clear that people have a right to receive that and to challenge the stigma around it. We have also found that around 5 per cent of older disabled people who are aware of attendance allowance have not claimed it because they do not want to be seen as claiming a benefit. That self-entrenched stigma comes from the media and the culture that we sometimes have when we are talking about social security, which means that people, even when they are in a position in which they could really use extra money, will not claim it. It is really important to get the language and tone right.

Once people are aware of the payment, they also need to be able to apply for it in an easy and accessible way. That is about ensuring that home visits through Social Security Scotland are available, and that there are local delivery offices, so that it is easy for people to get application forms and to access support to complete them. We know that around 6 per cent of people have been unable to claim attendance allowance previously because they lacked that support.

It is important to raise awareness and ensure that the application process works for people. Getting the basics right for people will really help to drive take-up. We are also keen that the Scottish Government looks again at the benefit take-up strategy and thinks about what more can

be done for older people and the pension age disability payment within that.

I will expand on an earlier point about what action local authorities can take to improve take-up. Independent Age published a benefit take-up toolkit for local authorities last year. It was based on examples of local authorities across the UK that had done great work to improve take-up, one of which was Glasgow City Council, which had a memorandum of understanding with the Department for Work and Pensions. It was able to get data on all the attendance allowance claimants in Glasgow, and it matched it with data that the council had to identify all the older people in households in Glasgow who were not receiving attendance allowance. It was then able to contact those older people to arrange for appointments with welfare rights advisers. The first 14 months of that project increased the incomes of older people in Glasgow by more than £2 million.

There needs to be a mix of making sure that the pension age disability payment system is known about, simple and easy for people to access, and doing that targeted outreach. Those are two key parts of that picture of boosting take-up.

Marie McNair: Yes, some really good work is happening in Glasgow just now.

You have touched on this a bit, but what else can be done to further simplify and streamline the process?

Debbie Horne: It will be vital that the application form for pension age disability payment is as simple as possible. As I said, the application form is around 30 pages long and involves more than 60 questions. We have heard from older people who, in their professional lives, have done jobs in which they have dealt with complex data and written papers, and they told us that writing on that form was a horrendous experience. Someone said, "It stripped me of my dignity", and one lady told me that she has tremors, and she had to stop completing the form halfway through, because her tremors were so bad, as she found it so emotionally upsetting that it had a physical effect on her. Getting that form right is important, as is making sure that those decisions are made right the first time. That is vital for older people.

Marie McNair: Thank you. Adam Stachura, do you want to share some thoughts?

Adam Stachura: Yes. There is an opportunity in all of this around how our public services communicate with citizens. There are lots of missed opportunities. The language is also important—talking about "social security" or "entitlements" can be much more important than talking about "benefits". When Social Security Scotland writes out to people when the devolved winter fuel payment comes in, for instance, could it

also advertise the pension age disability payment? If someone has been receiving the devolved version of the cold weather payment, could it cross-refer? It knows who people are and where they are.

Good promotion has to be ensured, not just online but in paper form, direct to people, because hundreds of thousands of older people are not online, and if they are on a lower income or disabled they are more likely not to be online. Sticking something on a website somewhere does not equal good and effective promotion.

Using the data that we have is incredibly important. When local authorities put out their annual council tax letters, what more information could go into those, since the authority is writing to every household in its area?

Obviously, those things will have costs, but outcomes will be improved if benefit uptake is improved.

Marie McNair: Thank you. I do not want to leave Marilyn Howard out. I thought that my questions were best directed to Adam Stachura and Debbie Horne, but would you like to share anything, Marilyn?

Marilyn Howard: In relation to take-up, we heard from stakeholders such as Citizens Advice Scotland and Alzheimer Scotland that communications could be targeted at health and social care professionals and specific groups of older people, such as those who have mental health or cognitive impairments or who are from minority ethnic communities.

Finally, I add that, as part of our function to report on charter expectations, we are embarking on some initial research to consider the experiences of disabled people with communication needs who access Social Security Scotland services. We will update the committee on that piece of work as it progresses further.

Marie McNair: Many thanks.

The Convener: That concludes all our questions. Thank you for attending our meeting today. The committee will reflect on the evidence that it has heard, and we will hear from the Cabinet Secretary for Social Justice next week, when we consider the affirmative instrument.

That concludes our public business for today and we move into private session to consider the remaining items on the agenda.

09:59

Meeting continued in private until 10:32.

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