May 2019

**Disability Assistance in Scotland**

**Scottish Government**

**Section 1 - Disability Assistance in Scotland**

**5. Do you agree or disagree with the proposal to name Disability Assistance for clients who are state pension age or older Disability Assistance for Older People (DAOP)?**

Don’t know

**6. If you disagreed, please could you explain why.**

We consulted with older people on the name of Disability Assistance for Older People and found that opinion was split. In our survey of older people we found 56% of respondents felt ‘Disability Assistance for Older People’ was clear (n=31).

Many respondents highlighted the fact the acronym was not memorable, or difficult to say and suggested:

FANDOP (Financial assistance for newly disabled older people)

OPDA (Older People’s Disability Assistance)

**7. Do you agree or disagree with the proposal to enable multiple application channels for Disability Assistance?**

Agree

**9. Do you agree or disagree with the proposal to broadly replicate the current temporary absence rules?**

Agree

**10. If you disagreed, please could you explain why?**

**11. Do you agree or disagree with the proposal to implement a person-centred approach to making decisions about entitlement for Disability Assistance?**

Agree

**13. Do you agree or disagree with our proposed approach to the involvement of Specialist Advisors in Decision Making?**

Agree

**15. What factors should Case Managers take into account in deciding when a Specialist Advisor should be involved?**

Age Scotland believes Case Managers should involve a Specialist Advisor when they are assessing an applicant who is living with multiple long term conditions. It is important Case Managers understand how these conditions interact with each other and how these conditions impact daily living.

It is also relevant to involve a Specialist Advisor for applicants who have rare medical conditions, in order to assist the Case Manager understand how the condition impacts their daily living.

**16. Do you agree or disagree that the decision making process for Disability Assistance for Children and Young People, and for Older People should use existing supporting information and not through face-to-face assessments?**

Agree

**18. What types of supporting information would be relevant in assessing an application for Disability Assistance eg. social work report, medical report?**

In our consultation with older people, we asked what supporting information they thought should be used in assessing an application for disability assistance. Our feedback heavily supported a medical report by the person’s doctor, as well as information from the older person’s carer or family member.

‘Carer information – they often understand the level of ability and disability better than professionals as they assist on a day to day basis.’ -Age Scotland Social Security Survey Respondent

‘Carer knows their patient better than social worker who sees them occasionally. Ask them how they are, most elderly people will answer 'fine'. Social Work takes that as evidence. I looked after my mum who died aged 98 year after a bad fall and she always answers this to social work and doctors.’ – Age Scotland Social Security Survey Respondent

Age Scotland believes that information from a carer should be used when assessing an application form. As the above quotes demonstrate, they often have more contact with the person applying for disability assistance than health and social care professionals and have a better understanding of how their disability affects their day to day life.

**19. Do you agree or disagree with the proposal to have no set award durations but to set an award review date when a decision on a Disability Assistance application is made?**

Agree

**20. If you disagreed, please could you explain why.**

**21. Do you agree or disagree with the proposal to set an award review date 5-10 years in the future for a person with a condition unlikely to change?**

Disagree

**22. If you disagreed, please could you explain why.**

Current DWP guidelines have a ten year date before a review is necessary. Age Scotland would, therefore, not recommend shortening this review date to less than ten years and would instead advocate for life time awards where it is very unlikely a person’s condition will get better.

**23. Do you agree or disagree with the proposal that a change of circumstances should be defined as a change which has an impact on the level of assistance a person receives?**

Agree

**24. If you disagreed, please could you explain why.**

**25. Do you agree or disagree with the proposal that clients have 31 days to request a redetermination?**

Agree- but so long there is a provision for exceptional circumstances

**27. We have proposed that Social Security Scotland have a period of between 40 and 60 days to consider a redetermination of Disability Assistance. Do you agree or disagree with this proposal?**

Disagree

**28. If you disagreed, please explain why.**

Age Scotland notes that whilst there is no official guidance on how long the Department for Work and Pensions can take to process a redetermination, in a straightforward case where no additional information is needed, the UK Government have said it should take around 14 days. In situations such as this we would ask the Scottish Government to at least match the current timescales of the DWP not extend them.

It is also important to clarify whether or not the proposed 40 to 60 days is inclusive of non working days or only represents working days. It is also not clear whether or not the Scottish Government expect to take a minimum of 40 days to consider a redetermination of Disability Assistance, this must be clarified and we urge the Scottish Government to set a maximum deadline as opposed to a minimum in order to cut down on unnecessary administrative burden.

**29. Do you agree or disagree that (Short Term Assistance) STA should not be paid to people who are not living or present in Scotland?**

Agree

**31. Do you agree or disagree that STA should not be recoverable except where it is later established that the principal assistance type was claimed fraudulently when STA was awarded?**

Agree

**33. Do you agree or disagree that STA should not be available where an investigation by Social Security Scotland has determined that the original payment was claimed fraudulently?**

Agree

**35. Do you agree or disagree that any deductions being made from an on-going assistance type to service an overpayment liability should also be applied to STA?**

Agree

**37. Do you agree or disagree that for successful process decision appeals where the tribunal has overturned Social Security Scotland’s decision, STA should become available at the point the decision is overturned rather than the date of the original request?**

disagree

**38. If you disagreed, please could you explain why.**

Age Scotland does not agree that STA should become available at the point of decision, but should be available from the original date of the request. It is our position that an applicant for social security should not be penalised for the Agency’s mistake.

Age Scotland is also concerned that Agency staff may feel forced to make the incorrect decision first in order to delay the delivery of social security payments.

**39. Do you agree or disagree with the proposed approach that, generally, where there is a break in a client’s eligibility to receive the benefit, eg. due to being in residential care, they will cease to receive the benefit?**

disagree

**40. If you disagreed, please could you explain why.**

Age Scotland’s survey found that 69% of respondents (n=38) did not think 28 days was a reasonable amount of time for benefits to be stopped after a break in a client’s eligibility. Age Scotland would also challenge the evidence base for such a short period of time used to make this policy, especially when considering the needs of older people and their carers.

Respondents to our survey found this short time frame to be particularly unjust for older people who are in hospital and may not be able to leave due to circumstances beyond their control, such as a delay in their social care package, or their main carer being ill. Age Scotland doesn’t believe older people should be penalised for being unwell in hospital, as one survey respondent noted ‘older people in hospital still have rent.’ Another noted that ‘mobility problems may take a person longer than 28 days to recover, e.g. they might not be able to look after or cook for themselves or they might not be able to get about their home.’

We are also concerned on the impact this would have on unpaid carers’ social security entitlements.

Respondents to Age Scotland’s survey were also concerned about the potential delay to reinstate the benefits - ‘It depends on how quickly the benefit is reinstated. Many people will rely on the extra money for daily bills and living and would find it difficult to move back home without it’ as well as the importance to be flexible with previously successful applicants in order to streamline the process - ‘There should be accessible/adequate means provided to reapply and be processed without delays e.g. use of information stored and option to state of circumstances changed since’.

Age Scotland, therefore, recommend the Scottish Government review this time frame in order to have a more person centred approach and carry out research on how this would impact households, as well as the administrative burden it would have on Social Security Scotland.

**Section 4 - Disability Assistance for Older People (DAOP)**

**60. Do you agree or disagree with our proposal that Disability Assistance for Older People is provided to those who are state pension age or older?**

Agree

**62. Do you agree or disagree with the proposed eligibility criteria for Disability Assistance for Older People?**

Disagree

**63. If you disagreed, please could you explain why.**

Age Scotland’s survey on Disability Assistance found that 46% of respondents did not find the proposed eligibility criteria was fair, with many commenting the need for mobility to be considered (n=25).

Age Scotland believes the proposed Disability Assistance for older people should mirror working age eligibility by including a mobility element. It is our view that to not include a mobility component is age discrimination, and is a potential violation of their human rights. We discuss this issue further in question 64 of the consultation.

Respondents commented on the lack of flexibility in the eligibility criteria, ‘The eligibility should be based upon the type of care required to live a healthy supported life, not reduced to the number of hours, as their needs could change requiring addition support’ -Age Scotland Social Security Survey Respondent.

Another survey respondent discussed their experience of going for an assessment for Attendance Allowance, describing how its important to take a person centred approach rather than having strict eligibility criteria ‘When I went for assessment they basically said if I could dress myself I didn't qualify but my disability is with my arms and repetitive movements like cleaning, that I can't do effectively as my arms will cramp. But I don't qualify for anything, the assistance is too specific.’

As with many disabilities, people can fluctuate between periods of good health and poor health, therefore, it is important that disability assistance is not overly prescriptive in order not to disadvantage disabled older people.

**64. If you have any further comments you would like to make relating to Disability Assistance benefits not covered by this consultation document, please provide them below.**

**Mobility Component**

Age Scotland is very disappointed at the lack of discussion being promoted in this consultation around the lack of mobility component to older people’s assistance. We see this as a missed opportunity, and important aspect of disability assistance for older people that can help promote dignity and respect.

For many disabled older people, a car will be the only way in which they can travel. Whilst we welcome initiatives such as National Concessionary Travelcard, the current system can disenfranchise many older people, particularly those in rural areas who cannot access timetabled public bus services for a multitude of reasons including, for example, in places where timetabled services do not exist, or are so infrequent as not to be useful, or the bus vehicles themselves are not sufficiently accessible. For these reasons, many people cannot make use of their entitlement to free bus travel in Scotland.

Having a mobility component, such as access to a mobility car, scooter, or powered wheelchair can ensure older people are able to access vital services and appointments, as well as fulfil childminding duties, visit friends and family, socialise, volunteer, and shop. Indeed, in the Scottish Government’s strategy ‘A Connected Scotland’ transport is highlighted as an important component to tackling social isolation and loneliness:

“Accessible transport is vital to people being able to meet face-to-face and stay socially active, particularly for those in rural areas or later in life.”[[1]](#footnote-1)

Age Scotland agrees that access to reliable, affordable transport can play a major role in helping to tackle loneliness and isolation.

half of Scottish adults over 75 live alone;

100,000 older people in Scotland feel lonely most or all of the time;

Loneliness kills – it raises the risk of death by 10% and is as bad as 15 cigarettes a day.

Having a mobility component to disability assistance is therefore essential to help older people stay active and engaged in their local communities. It is also essential for those who wish to work past their state pension age, who have not gone through the process of applying for PIP. It is our concern that no access to mobility aides can act as a barrier for those who wish to continue working.

Age Scotland welcomes the Scottish Government’s commitment in the Partial Equality Impact Assessment in the consultation document to explore who how they can better meet the needs of older people, and are willing to work with the Government in order to find a solution.

Our preliminary research, based on a series of simple assumptions and extrapolating data from the Scottish population we estimate that the cost of providing a mobility component would cost £430,536,080 per year, assuming DAOP mobility component rates mirror PIP.

This is based on the assumption that 268,642 adults of State Pension age in Scotland have a new (since reaching State Pension age) long-standing illness, disability or impairment which causes substantial difficulty with day-to-day activities, and of whom 179,990 would meet the eligibility requirements to qualify for a mobility award.

**Application Process**

Respondents to our survey also highlighted the need for the application process to be straightforward, using simple language, and the need for support to fill in form to be readily available and not digital by default. We know from our helpline, which provides free information, friendship, and advice that a long arduous form can put people off applying to social security they are entitled to.

‘Filling in the forms can often be daunting and put a lot of older people off because they are unsure what to write.’ -Age Scotland Social Security Survey Respondent.

‘It should be simple to apply - no 40 page forms or online access only. The starting position should be to believe the applicant. If assessment is required it should be done at home or in the local GP surgery.’ -Age Scotland Social Security Survey Respondent.

Age Scotland also supports charities such as Citizens Advice Scotland, and the Health and Social Care Alliance Scotland’s call to seriously reduce the number of face-to-face assessments which are known to cause unnecessary anxiety, and stress. Age Scotland also believes more information is needed about the criteria for when a face-to-face assessment is needed and under what circumstances the Scottish Government deem it necessary.

**Want to find out more?**

As Scotland’s national charity supporting people over the age of 50, Age Scotland works to improve older people’s lives and promote their rights and interests. We aim to help people love later life, whatever their circumstances. We want Scotland to be the best place in the world to grow older.

Our Policy, Communications and Campaigns team research, analyse and comment on a wide range of public policy issues affecting older people in Scotland.

Our work is guided by the views and needs of older people themselves.

**Further information**

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1. A Connected Scotland Our strategy for tackling social isolation and loneliness and building stronger social connections, Scottish Government, December 2018, p. 65. [↑](#footnote-ref-1)