

# **A Consultation on Disability Assistance in Scotland**

## **Easy Read Summary of Responses**

**October 2019**



**Scottish Government**  
Riaghaltas na h-Alba  
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## Introduction



Disability Assistance will replace Personal Independence Payment (PIP), Disability Living Allowance (DLA) and Attendance Allowance (AA) in Scotland over the next few years.

Between March and May 2019, the Scottish Government [asked people for their views](#) on how it can design Disability Assistance to meet their needs.

We will use these views to create the rules for Disability Assistance.



The Scottish Parliament must approve the rules before they can become law.

We received 262 replies to the consultation: 74 responses came from organisations, and 188 replies from individuals.

## What People Said



Most people agreed with the way the Scottish Government said Disability Assistance would work in Scotland.

Many people told us about the same issues when telling us their views about disability assistance:

- They agreed that we should make decisions by looking at how a person's condition affects them.
- There should only be one Disability Assistance for all ages and not three different types.
- They agreed that the Scottish Government must make sure people in Scotland who need Disability Assistance will get it.
- Assessments can be upsetting and stressful to attend.
- They agreed that it is important that we pay the right benefit at the right time.
- They agreed that training for the people who will be making decisions about Disability Assistance was very important.

## **Answers to Consultation Questions**



We asked 64 questions in the consultation.

### **Names of the Benefits (Questions 1-6)**

The Scottish Government asked what people thought of the new names for the benefits:

- DLA for Children will be called Disability Assistance for Children and Young People

- Attendance Allowance will be called Disability Assistance for Older People
- Personal Independence Payment will be called Disability Assistance for Working-Age People

Many people liked the new names of the three disability benefits.

Some people did not like some words like 'disability', 'assistance', 'working' 'older' and 'pension'.

Some people also thought the names were too long and hard to understand.

### **Applying (Qs 7-8)**



The Scottish Government said that there would be different ways to apply for the new benefits: by phone, online or by paper form.

Almost everyone who replied liked the idea of having different ways of applying for Disability Assistance.

### **Where People Live (Qs 9-10)**



The Scottish Government said it would use the rules for the current disability benefits to decide who lives in Scotland and can claim the benefits.

Most people who answered these questions thought that we should use the same rules as the Department for Work and Pensions.

### **Deciding Who Should Get Benefits (Qs 11-17)**

The Scottish Government said that Social Security Scotland will make decisions based on each person's situation. They will consider how each person's disability affects them.

Many people agreed that we should decide who gets Disability Assistance by looking at how a disability or health condition affects that person's daily life.



Offering the right training for people who make decisions was also very important to people who answered these questions.

### **Supporting Information (Q18)**

The Scottish Government asked what types of information would be useful to decide who should get Disability Assistance.

Many people suggested that we should use different types of information to decide if someone should receive Disability Assistance.

### **Disability Assistance Length (Qs 19-24)**



The Scottish Government wants to give longer-term awards for people whose needs are not going to change. This will cut down the number of assessments and reviews a person needs to have.

The Scottish Government said that people who have a condition that probably won't change will not have reviews for at least 5 years, and up to 10 years.

Many people agreed that we should check in with someone 5-10 years in the future if they have a condition that might not change.

For people with a condition that probably won't improve, some people said they should get their award of Disability Assistance for life.

People taking part in the consultation agreed that we should review awards when a person's condition changes.

### **Looking at Decisions Again and Appeals (Qs 25-28)**



The Scottish Government said that anyone who applies for Disability Assistance has the right to request a decision made by Social Security Scotland is looked at again.

This is called a 'redetermination.'



People should ask to have the decision looked at again within one month. A request can still be made for up to a year if a person has a good reason for making the request late.

Many people thought that having 31 days to ask us to look at a decision again was a long enough time, but several organisations did not agree.

The Scottish Government said Social Security Scotland will take between 40 to 60 working days to look at the decision again.

People mostly thought that 40-60 days was long enough for Social Security Scotland to look at a decision again.

Organisations told us that 40-60 days was too long and should be shorter.

### **Short-term Assistance (STA) (Qs 29-38)**



The Scottish Government said it will give Short-term Assistance (STA) if a person challenges a decision to reduce or stop their Disability Assistance.

Short-term Assistance would pay the person the same rate as their benefit before it was reduced, until a final decision is made. STA will not be available if the person is no longer living in Scotland.

Many people agreed that we should not pay STA to people who do not live in Scotland.

Where a person has given us false information, people mostly agreed that the person should have to pay back STA.

People also thought that we should pay STA from the date when a person asks Social Security Scotland to look again at a decision.

## **Breaks in Payment (Qs 39-40)**



The Scottish Government said that it would use the current rules on hospital, prison and residential care for each of the benefits. There was no agreement on paying Disability Assistance to someone when they go in to hospital or a care home for a long time.

Most people felt that there should always be help for disabled people no matter where they are living.

## **Paying back money to Social Security Scotland (Q41)**

People told us that the Department for Work and Pensions often asks people to pay back more money than they can afford.

We received suggestions that we should ask people to pay back any money at a rate that allows them to live comfortably.

## **Disability Assistance for Children and Young People (DACYP)**



The Scottish Government said it would increase the age that people would get DACYP from 16 to 18.

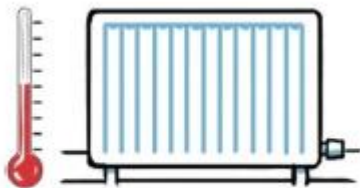


This is to help people at age 16 who are sometimes moving from child to adult support services.

Almost everyone thought we should increase the age limit to age 18 for Disability Assistance for Children and Young People. Others asked us to go further and increase the age limit to 21.



The Scottish Government wants to give a lump sum winter payment of £200 to children and young people who get the highest rate of the care component of Disability Assistance for Children and Young People.



Many people agreed that Social Security Scotland should help families during winter if a child is receiving the highest rate the care component of Disability Assistance for Children and Young People by paying them a winter payment of £200.

Some people said that everyone getting Disability Assistance should get this payment.

## Disability Assistance for Working-Age People (DAWAP)



The Scottish Government will replace Personal Independence Payment with a new benefit called DAWAP, which will be for people aged 16 to state pension age.

The rate of DAWAP will depend on how a person's condition affects them.

DAWAP is for people who have difficulties with everyday activities, getting around, or both.

We will make decisions about an award by looking at the supporting information and giving people points from a list of different activities.



Many people felt that using a points-based system to decide if someone can get a benefit does not work for people with conditions that change a lot.

Some people also felt that the way the Department for Work and Pensions assess mental health conditions does not work well.

People thought that an assessor should not make decisions based on how the person looks or acts at a face-to-face assessment.

Several people suggested assessors need appropriate training, and should know something about a person's health condition.



At the moment, people are asked how far they can walk in metres to see how well they can move around. We think this is a difficult question to answer and want to find a better way of doing this.

People told us that getting supporting information was the best way to assess if someone should receive the mobility component, rather than looking at how far they can walk.

### **Disability Assistance for Older People (DAOP)**



The Scottish Government said it would mostly use the current rules for Attendance Allowance when it launches Disability Assistance for Older People.

The Scottish Government said the age that people would get this benefit must be over the state pension age – this will go up in future.

Many people thought that it was a good idea to pay DAOP to people who have reached state pension age.

Some feedback suggested that DAOP should include help with getting around.



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Any enquiries regarding this publication should be sent to us at  
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EH1 3DG

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