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Dear Judith and Mark,

Thank you for your letter of 19 May and accompanying report on the draft Disability Assistance (Miscellaneous Amendments) (Scotland) Regulations 2023. I would like to extend my sincere thanks to the Commission for considering these amendment Regulations.

Having considered the recommendations and observations in your report, I have set out a response to each in turn which can be found in the Annex. I am pleased to confirm I have accepted the majority of the recommendations in the report and that no substantive changes were required.

In accepting these recommendations I am grateful of the recognition of the importance of clarity for all those engaging with Social Security, as highlighted by SCoSS in their recommendations. I welcome the board's observations, in particular those which highlight our commitment to equality.

These amendments will further improve and smooth the journey for young people moving from CDP to ADP in protecting their payment dates, providing financial security and continuity in a time we have been told is a difficult transition period for young people. The responses to SCoSS' recommendations are included in the annex below.

Please accept my sincere thanks for the positive and constructive engagement throughout the scrutiny process of these draft amendment regulations, and support to continue improving the experience of disability assistance for the people of Scotland.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

SCoSS recommendation	Accept/Partially accept/Reject	SG response
<p>Observation 1: On this occasion a full set of impact assessments have been provided, which SCoSS welcomes. The recognition by officials of the usefulness of undertaking these as a matter of good practice is also welcomed, as are the Scottish Government's plans to seek user views on the best approach to publishing data on decision making by condition groups.</p>		<p>The Scottish Government's commitment to equality underpins everything we do, and influences the way we shape our policies, strategies and services. We are pleased the impact assessments provided have been a helpful addition to the scrutiny process, and place great value on the full consideration of the impacts that draft regulations have on different groups in society.</p> <p>We published official statistics for ADP on caseload by disability condition on 13 June 2023, and plan to publish this for CDP in August 2023. We hope to include more-detailed breakdowns of conditions in future, and have sought feedback from users of the data on what improvements could be made to this.</p>
<p>Recommendation 1: The Scottish Government should ensure that guidance to decision-makers clearly explains how the dates for the last payment of CDP and the first payment of ADP are established. Communications to individuals moving from CDP to ADP should state the expected dates at the earliest opportunity.</p>	<p>Accept</p>	<p>We are happy to accept this recommendation.</p> <p>The Scottish Government will update existing chapters of Decision Making Guidance in advance of these amendments coming into force. They will ensure clear instructions on payment dates for case managers are available explicitly setting out when the final date for a CDP award payment and the first date of an ADP award payment will be. Examples will be used to provide further clarity.</p> <p>We will clearly communicate to individuals moving from CDP to ADP at the time of their decision when eligibility to CDP and ADP will end and begin respectively. This correspondence will also include information about the date of their final CDP payment and their first ADP payment. We will also be updating mygov.scot to provide further information about how payments will continue through the process of moving from CDP to ADP.</p>

<p>Recommendation 2: Social Security Scotland should advise individuals transferring from CDP to ADP of the potential for additions to UK benefits payable to the individual, their parent or a carer to be affected. The Scottish Government should work closely with the DWP to explore how take-up of increased entitlements in the UK system can be maximised and how the risk of overpayments can be minimised where the move to ADP results in reduced entitlement in the UK system.</p>	<p>Partially Accept</p>	<p>There is extensive support and advice available to individuals transferring from CDP to ADP, through a choice of channels including mygov.scot¹ and in invitation letters sent to clients from Social Security Scotland. This includes information on how to contact Social Security Scotland, links to independent advice organisations, and contact information for the independent advocacy service. It will be made clear to all individuals that there are some instances in which it will be in an individual's interests to remain in receipt of CDP for as long as possible, and others where they may receive more favourable entitlement to ADP. We will recommend that individuals access independent advice in order to make an informed decision about what is best for them.</p> <p>Social Security Scotland is also able to signpost to appropriate reserved benefits where receipt is a prerequisite for entitlement to several devolved payments (for example Universal Credit). To minimise risk of overpayments, letters to clients also include information applicable to clients receiving passported premia. This will ensure they are aware of the potential impact of a Scottish award on their UK government awards and report such a change to the DWP accordingly if appropriate.</p> <p>However, it is beyond the scope and capacity of Social Security Scotland to become a holistic provider of advice on reserved benefits. Instead the Scottish Government is funding a range of services which Social Security Scotland clients can access for advice on all available entitlements and support.</p> <p>Reserved benefits are the responsibility of the Department for Work and Pensions (DWP) and we have no direct influence over these benefits. However, as part of our rights-based approach to social security, we encourage people in Scotland to access all of the support to which they are entitled.</p> <p>Scottish Ministers have previously explored take-up of increased entitlements to the UK system in writing to the DWP on a number of</p>
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¹ <https://www.mygov.scot/moving-from-child-disability-payment>

		<p>occasions to urge a comprehensive benefit take-up campaign covering UK-wide responsibilities. A strategic approach to maximising take-up of UK benefits would encourage those who are eligible to find out more and apply for the financial support they are entitled to.</p> <p>We are under no illusion that we can maximise incomes without the ongoing support of our valued partners, and Social Security Scotland will continue to share a client base with DWP. As such, engagement with the DWP will be ongoing at both ministerial and official level to ensure Scottish clients are supported.</p>
<p>Recommendation 3: The Scottish Government should explain what steps it is taking to ensure individuals still in receipt of DLA or PIP receive the correct guidance on where to report a change of circumstances and that the Department for Work and Pensions and Social Security Scotland follow the correct processes when changes of circumstances are reported.</p>	<p>Accept</p>	<p>We're happy to accept this recommendation.</p> <p>The Scottish Government understands the importance of providing clear communication and guidance to people in receipt of DLA or PIP that have experienced a change of circumstances.</p> <p>Throughout the programme of case transfer we have continued to communicate and work closely with stakeholders to ensure they, and the people they support, have a solid understanding of the case transfer process. Various stakeholder roadshow events were held prior to and after each benefit transfer began. These events focused specifically on the details of the case transfer process. We clearly communicated during these events that any change of circumstances experienced prior to people's awards being transferred to Social Security Scotland should be reported directly to the Department for Work and Pensions. We also distributed answers to frequently asked questions and a copy of the presentation to each stakeholder before and after each event including information about changes of circumstances and who they should be reported to. Stakeholders were also asked to share this information with others who could not attend the events.</p> <p>Additionally, we provide detailed online guidance at Social Security Scotland and mygov.scot.² This guidance clearly sets out that</p>

² [https://www.mygov.scot/personal-independence-payment-is-moving/if-your-needs-change;](https://www.mygov.scot/personal-independence-payment-is-moving/if-your-needs-change)
[https://www.mygov.scot/changes-to-disability-living-allowance-dla-for-adults/if-your-needs-or-personal-details-change;](https://www.mygov.scot/changes-to-disability-living-allowance-dla-for-adults/if-your-needs-or-personal-details-change)

		<p>people should continue to report all changes to the Department for Work and Pensions until their award is transferred. We have also published numerous news articles and social media posts about the transfer process.</p> <p>Regarding processes, we continue to work closely with the Department for Work and Pensions to improve guidance where appropriate and ensure correct procedures are being followed when a change of circumstance is reported. We have also reviewed our internal guidance to improve the advice client advisers at Social Security Scotland are providing to people and reinforce the correct procedures.</p>
<p>Observation 2: SCoSS welcomes the Scottish Government’s decision to reconsider draft Regulation 5(3), which would have extended the maximum time an applicant might potentially be required to wait for a review determination to be completed.</p>		<p>We welcome this observation.</p>
<p>Observation 3: SCoSS welcomes the additional clarity draft Regulations 5(2), 5(5) and 5(6) together provide.</p>		<p>We welcome this observation.</p>