

Integrated Impact Assessment Form

Promoting Equality, Human Rights and Sustainability



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Title of Policy/ Proposal	Response to National Consultation on Establishing a Social Security Agency with powers in Scotland
Completion Date	31/10/16
Completed by	A Mathers/N Bethune
Lead officer	A Mathers

Type of Initiative:

Policy/Strategy

Programme/Plan

New or Proposed

Project

Changing/Updated

Service

Review or existing

Function

Other ...Response to National consultation

1. Briefly describe the policy/proposal you are assessing.

Set out a clear understanding of the purpose of the policy being developed or

The Council is contributing to a Community Planning Partnership (CPP) wide response to Scottish Governments proposals to establish a national agency to manage a range of welfare benefits devolved to it under Scotland Act 2015. The detailed technical response has been prepared by partners and covers set questions regarding every aspect of delivery that is transferring to Scottish control.

Key implications include the proposed establishment of a separate agency in Scotland controlling disability benefits, parenting benefits and a range of other devolved benefits. This is stage one of a process which is likely to take up to 2020 before a new agency is set up and operating in Scotland, following an Act of the Scottish Parliament being passed.

reviewed (e.g. objectives, aims) including the context within which it will operate.

- What will change as a result of this policy?

As above, a new agency will be established in Scotland which will interact with benefit claimants alongside the UK Department of Work & Pensions (DWP), and councils as providers of social care, housing and other related activities.

Information Technology will have a major impact on the need for good local advice and advocacy services. A suite of benefits, most notably Personal Independence Payments will transfer to Scottish control.

2. Do I need to undertake an Integrated Impact Assessment?

High Relevance	Yes/no
1. The policy/ proposal has consequences for or affects people	Y
2. The policy/proposal has potential to make a significant impact on equality	Y
3. The policy/ proposal has the potential to make a significant impact on the economy and the delivery of economic outcomes	Y
4. The policy/proposal is likely to have a significant environmental impact	N
Low Relevance	
5. The policy/proposal has little relevance to equality	N
6. The policy/proposal has negligible impact on the economy	N
7. The policy/proposal has no/ minimal impact on the environment	Y
If you have identified low relevance please give a brief description of your reasoning here and send it to your Head of Service to record.	

If you have answered yes to 1, 2, or 3 above, please proceed to complete the Integrated Impact Assessment.

If you have identified that your project will have a significant environmental impact (4), you will need to consider whether you need to complete a Strategic Environmental Assessment.

3. What information/data/ consultation have you used to inform the policy to date?

Evidence	Comments: what does the evidence tell you?
Data on populations in need	The Midlothian Profile, Area Profiles and customer feedback from the Financial Inclusion network (MFIN) and their clients indicates that there is a growing demand for advice in the face of tightening Welfare Reform legislation at UK level. The Scottish proposals are designed to mitigate this by establishing different criteria for devolved benefits (£2.7million).
Data on service uptake/access	From annual performance reports across the CPP network there has been and continues to be a clear rise in demand for advice and in provision of emergency support such as foodbanks.
Data on quality/outcomes	Consultation response is based on existing data
Research/literature evidence	Responding to Government published proposals
Service user experience information	Yes, gathered through MFIN
Consultation and involvement findings	All partners in the community planning partnership involved in the delivery of advice services, including the Council, Citizens Advice, Changeworks, Places for People and a variety of other charitable groups operating in the Financial Inclusion network locally have contributed to the response.
Good practice guidelines	N/a
Other (please specify)	None
Is any further information required? How will you gather this?	Not at this stage

4. How does the policy meet the different needs of groups in the community?

	Issues identified and how the strategy addresses these
<p>Equality Groups</p> <ul style="list-style-type: none"> • Older people, people in the middle years, • Young people and children • Women, men and transgender people (includes issues relating to pregnancy and maternity) • Disabled people (includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems) • Minority ethnic people (includes Gypsy/Travellers, migrant workers, non-English speakers) • Refugees and asylum seekers • People with different religions or beliefs (includes people with no religion or belief) • Lesbian, gay, bisexual and heterosexual people • People who are unmarried, married or in a civil partnership 	<p>There are significant potential improvements to life circumstances of residents of Midlothian from the new benefits, flexibilities and core principles proposed in the consultation.</p> <p>However, it is disappointing that the questions posed in this consultation make little or no reference to existing Scottish services and policies in the areas to be devolved. Only in relation to Cold Weather and Winter Fuel payments does there appear to be consideration of existing policies on fuel poverty and how some synergy might be achieved.</p> <p>Scotland will receive these additional powers against a background of existing and further reductions in the scope and size of social security budgets which will inevitably constrain the extent to which Scotland can develop its own system.</p> <p>The consultation response requests Scottish Government make a statement of aims with regard to valuing diversity, and Social Security being an investment in Scotland's People which will help create a fairer and healthier Scotland by addressing poverty and inequality which impacts negatively on the wellbeing of all of Scotland's population. It endorses the proposed statements in the consultation and adds :</p> <p>"The right to be treated with dignity and respect and be free from discrimination on any grounds.</p> <p>The right to meaningful and active participation in decisions, using co-production as standard and independent support if required. This includes participating in decisions about the</p>

development and implementation and monitoring and review of Social Security Laws, Guidance, Policies and Procedures.

The right to information that is provided in a clear and accessible format, tailored to the requirements of each person. This includes information about rights.

The right to independent advocacy, both individual and collective when interacting with the Social Security Agency or other organisations delivering services on behalf of the agency.

The right to enjoy the full range of economic, social, cultural, civil and political rights including a good standard of living and legal and social protection”.

Further, the response recommends:

“Whilst an advisory group may be required to coordinate the development of the charter it is very important that it is co-produced with a wider group of stakeholders particularly Disabled Peoples and Carers Organisations, as Disability and Carer Benefits form a large part of the social security benefits being devolved to Scotland”.

And in a detailed response to the proposed duty to ensure dignity and respect for all claimants, it comments:

“It is important to ensure that accessible information must be provided, at all stages of the process, in a format that suits the individual’s long term condition/disability (e.g. easy read, braille, large print). This must be provided both before and after the assessment. We welcome the idea of “claimant’s charter but these needs to be enforceable. Legislation needs to embody the principles in their detail and not just through a general duty. Below are some general principles to be

highlighted when communicating with the claimants.

- People have access to information and advice about their rights and entitlements
- People can challenge decisions in a way that is timely and fair, including access to independent appeal where appropriate.
- The social security system is administered by staffs that are respectful and compassionate.
- The social security system delivers a consistent, fair and high quality service which is subject to minimum standards
- The social security system is designed around the needs of the most vulnerable people in society
- Scottish benefits are adequate to meet the needs of people in Scotland
- Scottish benefits contribute to the eradication of poverty and destitution
- Language used should avoid technical terms and jargon (meet Plain English 'Crystal Mark' standards).
- It should be available in different formats including large print, brail and different languages
- It should be available via different platforms – e-mail, text and letter.

Where communication by phone is used a record of the call should be kept in all cases for at least the time that any dispute may arise. Any notification of entitlement and any advice given by phone should be confirmed in writing”

Finally, the response states :

“Face to face assessments for disability benefits should not be required for the majority of claimants, but only when the claimant chooses to be assessed face to face, or where a decision maker has not been able to award a benefit due to lack of evidence and has offered an

	<p>assessment in order to collect further evidence required to support the application.</p> <p>Medical Assessments for disability benefits should not be undertaken by private sector organisations, but could be provided by an NHS agency set up for this purpose. Local NHS services should not be involved directly in providing medical assessments due both to capacity issues but also possible conflicts of interest.</p> <p>Occupational Therapists are health professionals who are well placed to assess the impact of disabilities and health conditions on daily living functions and could be most effective at undertaking health assessments for disability benefits”</p>
<p>Those vulnerable to falling into poverty</p> <ul style="list-style-type: none"> • Unemployed • People on benefits • Single Parents and vulnerable families • Pensioners • Looked after children • Those leaving care settings (including children and young people and those with illness) • Homeless people • Carers (including young carers) • Those involved in the community justice system • Those living in the most deprived communities (bottom 20% SIMD areas) 	<p>See above, but also in response to the relevant consultation question, the response states:</p> <p>“The new system should set up stakeholder groups with clear focus areas. It should take a more positive approach to the public conversation about the welfare system and how it supports the independence of people who live with long term conditions. They must be centrally involved in shaping the language used and the tone of the assessment and how it is led. A truly co-produced system would allow for people to share their experiences of the current system; what works and the drawbacks; and participate in a co-production process to plan the policy and design of the future assessment process”.</p>

<ul style="list-style-type: none"> • People misusing services • People with low literacy/numeracy • Others eg. veterans, students 	
<p>Geographical communities</p> <ul style="list-style-type: none"> • Rural/ semi rural communities • Urban Communities • Coastal communities 	

5. Are there any other factors which will affect the way this policy impacts on the community or staff groups?

The response states

“Due to the way some of the devolved benefits will interact with Reserved Benefits, particularly Universal Credit which in future will be the main benefit received by working age people and families on low incomes, it is important that the Scottish Government ensures that any investment it makes in increased benefit entitlements or creation of new benefits or top-up benefits created under new powers, will have at least equal positive impact on the income of those in most financial need, rather than just benefiting claimants who are **not** reliant on means tested benefits such as pension credit or universal credit.

When designing eligibility and assessment criteria for disability benefits it is important that all types of disability and health conditions are considered equally and the assessment process is a fair and transparent way of determining eligibility.

- This means not just focusing on physical abilities that impact on daily living, but also the impact of mental health needs and learning and cognitive disabilities on daily living needs. Those with invisible disabilities such as ASD can be at a disadvantage when evidencing their eligibility and the criteria and assessment process needs to fully and equally take account the impact of all types of impairments.
- Assessment for disability benefits should be based on a strengths based model which asks disabled people what additional support they need to live the life they want rather than based on a deficit model that that measures what people can't do because of their impairments.
- The application and assessment process for disability benefits should take into account that many applicants will be affected by mental health issues and the equality impact assessment should ensure that the process of applying for Scottish social security benefits does not impact negatively on the health or well-being of claimants.
- Whilst Disability Benefits like DLA and PIP are to help with the extra cost of having a disability and take account of the disadvantages and barriers faced by disabled people, Carer's Allowance is an income replacement benefit. However there is currently no benefit available for carers that compensate them for any extra costs they incur in their caring role or disadvantages they may face, including negative impacts on their own health and wellbeing, at the same time as making a very significant contribution in terms of the costs and savings to public expenditure on care. Whilst many carers would not wish to be paid for their caring role, they should be appropriately compensated for extra costs and barriers to their inclusion and wellbeing. This should be looked at fully in an Equality Impact Assessment of proposals for a new Scottish Carers Benefit.

- If, as a result of the implementation of new Scottish benefits, any claimants will lose entitlement to any social security benefit, the impact of this should be considered and where appropriate arrangements made to mitigate any loss of income that would cause hardship to claimants”.

6. Is any part of this policy/ service to be carried out wholly or partly by contractors?
N/A

7. Have you considered how you will communicate information about this policy or policy change to those affected e.g. to those with hearing loss, speech impairment or English as a second language?

The response will be published on the Council and CPP website and translation/ interpretation services will be available on request.

8. Please consider how your policy will impact on each of the following?

Objectives	Comments
Equality and Human rights	
Promotes / advances equality of opportunity e.g. improves access to and quality of services, status	<p>Rights to Social Security given in international treaties such as the International Declaration of Human Rights (Article 22), United Nations Declaration of Rights of Disabled People (Article 28) and the International Convention on Economic, Social and Cultural Rights (Article 9) should be acknowledged within the Charter, as well as the wider rights enshrined within these.</p> <p>The Scottish Government’s Draft Delivery Plan (2015) for the United Nations Declaration of Rights of Disabled People stated a commitment to ensure the new Scottish Social Security System upheld the rights of Disabled People, and the charter should be used as an opportunity to publicise the Government’s commitment to the implementation of this Declaration of Rights within Scotland¹.</p>
Promotes good relations within and between people with protected characteristics and tackles harassment	<p>The response promotes a fair and just approach to all claimants :</p> <p>“Due to the way some of the devolved benefits will interact with Reserved Benefits, particularly Universal Credit which in future will be the main benefit received by working age people and families on low incomes, it is important that the Scottish Government ensures that any investment it makes in increased benefit entitlements or creation of new benefits or top-up benefits created under new powers, will have at least equal positive impact on the income of those in most financial in need, rather than just benefiting claimants who are not reliant on means tested benefits such as pension credit or universal credit.</p> <ul style="list-style-type: none"> • When designing eligibility and assessment criteria for

	<p>disability benefits it is important that all types of disability and health conditions are considered equally and the assessment process is a fair and transparent way of determining eligibility. This means not just focusing on physical abilities that impact on daily living, but also the impact of mental health needs and learning and cognitive disabilities on daily living needs. Those with invisible disabilities can be at a disadvantage when evidencing their eligibility and the criteria and assessment process needs to fully and equally take account the impact of all types of impairments.</p> <ul style="list-style-type: none"> • Assessment for disability benefits should be based on a strengths based model which asks disabled people what additional support they need to live the life they want rather than based on a deficit model that that measures what people can't do because of their impairments. • The application and assessment process for disability benefits should take into account that many applicants will be affected by mental health issues and the equality impact assessment should ensure that the process of applying for Scottish social security benefits does not impact negatively on the health or well-being of claimants. • Whilst Disability Benefits like DLA and PIP are to help with the extra cost of having a disability and take account of the disadvantages and barriers faced by disabled people, Carer's Allowance is an income replacement benefit. However there is currently no benefit available for carers that compensate them for any extra costs they incur in their caring role or disadvantages they may face, including negative impacts on their own health and wellbeing, at the same time as making a very significant contribution in terms of the costs and savings to public expenditure on care. Whilst many carers would not wish to be paid for their caring role, they should be appropriately compensated for extra costs and barriers to their inclusion and wellbeing. This should be looked at fully in an Equality Impact Assessment of proposals for a new Scottish Carers Benefit. • If, as a result of the implementation of new Scottish benefits, any claimants will lose entitlement to any social security benefit, the impact of this should be considered and where appropriate arrangements made to mitigate any loss of income that would cause hardship to claimants.
Promotes participation, inclusion, dignity and self	<p>The response states : "The Principles that underpin the new Social Security System in Scotland should both be embedded within the</p>

control over decisions	<p>legislation in such a way that they are enforceable and with clear mechanisms and procedures for monitoring, enforcement and complaints; but they should also be clearly stated within a Claimant's Charter to ensure that Claimants have a good understanding of their rights and how they can expect to be treated when dealing with the Scottish Social Security Agency, i.e. with respect and dignity, etc.</p> <p>A charter is the best way to publicise the principles underpinning Social Security in Scotland to claimants, potential claimants and the wider public, as well as ensuring staff working in the Scottish Social Security Agency have a clear understanding and guidance for how they should deliver social security services and their interactions with claimants. The Charter could also help to challenge the increasing stigma associated with claiming benefits due to adverse and discriminatory media coverage of Welfare Claimants and so called "Poverty Porn" which has added to discrimination and stigma experienced by claimants.</p> <p>However it is also vital that the Principles are enforceable and embedded within both the Primary Legislation, which needs to include a clear statement of principles within the Act itself, and in the Statutory Guidance and Regulations to ensure they underpin every aspect of how Social Security operates in Scotland"</p>
Builds family support networks, resilience and community capacity	n/a
Reduces crime and fear of crime	n/a
Promotes healthier lifestyles including <ul style="list-style-type: none"> • diet and nutrition, • sexual health, • substance misuse • Exercise and physical activity. • Lifeskills 	n/a

Environmental	
Reduce greenhouse gas (GHG) emissions in East Lothian (including carbon management)	n/a
Plan for future climate change	
Pollution: air/ water/ soil/ noise	
Protect coastal and inland waters	
Enhance biodiversity	
Encourage resource efficiency (energy, water, materials and minerals)	
Public Safety: Minimise waste generation/ infection control/ accidental injury /fire risk	
Reduce need to travel / promote sustainable forms of transport	
Improves the physical environment e.g. housing quality, public and green space	
Economic	
Maximises income and /or reduces income inequality	<p>The response states: Reduced tariffs for energy or concessions on local authority services, public transport or adult education and leisure should be a pass-ported benefit and not rely on the giving up of all or part of benefit entitlement.</p> <p>The Motability scheme should still be made available to people in receipt of DLA or PIP (or equivalent benefits introduced by the Scottish Social Security Agency), and consideration should also be given to extending eligibility for the Motability Scheme to older people (65 years +) with limited mobility who are in receipt of disability benefits</p>
Helps young people into positive destinations	<p>The response supports proposals to assist young people into work , and states :</p> <p>"If a Job Grant is to be introduced it should be by way of legal entitlement with a right to appeal rather than as a discretionary payment. Furthermore, due to the nature of the target group, a definition of 'unemployed' is needed that is wide enough not to exclude those who don't</p>

	<p>receive universal credit or other means tested benefits. The Job Grant should not be restricted only to bus travel, but should also include trains and trams to reflect the possibility of commuting. This could be administered through a universally accepted card (i.e. similar to Young Scot), at little expense to transport companies, who operate in the public interest.</p> <p>The grant should enable a smooth transition back into the world of work, lasting for 3-6 months to ensure no period without income (i.e. between Universal Credit/ JSA payments ending and first payslip), and sustainment of employment beyond the short term, especially as under 25s are not eligible for the full 'National Living Wage' or most tax credits. It should also protect against unexpected events such as deposits for childcare or emergency HMRC tax codes, which can significantly reduce an employee's first payslip. The importance of financial inclusion should be stressed, including banking issues which could arise (e.g. being overdrawn)"</p>
Supports local business	n/a
Helps people to access jobs (both paid and unpaid)	The proposals in the consultation do not make much reference to links between benefits and employability systems, however the Council report recommends Council ask for a transfer of funding for employability to CPP's to enable greater alignment of support services around clients at a local level.
Improving literacy and numeracy	n/a
Improves working conditions, including equal pay	n/a
Improves local employment opportunities	n/a

9. Action Plan

Identified negative impact	Mitigating circumstances	Mitigating actions	Timeline	Responsible person
As a consultation response, this is not yet an appropriate area to respond to. A further IIA will be required when it is clear what is going to be put in place.				

10. Sign off by Director

A handwritten signature in black ink, appearing to read 'Mary Smith', with a long horizontal flourish extending to the right.

Dr Mary Smith, Director, Education, Communities and Economy
02 November 2016
