



The Scottish Parliament
Pàrlamaid na h-Alba

WELFARE REFORM COMMITTEE

AGENDA

5th Meeting, 2013 (Session 4)

Tuesday 12 March 2013

The Committee will meet at 10.00 am in Committee Room 5.

1. **Decision on taking business in private:** The Committee will decide whether to take items 4 and 5 in private.
2. **Subordinate legislation:** The Committee will take evidence on the Welfare Reform (Consequential Amendments) (Scotland) Regulations 2013 (SSI 2013/65) from—

Bill Scott, Chief Executive Officer, Inclusion Scotland;

Richard Gass, Chair, Rights Advice Scotland;

Lynn Williams, Policy Officer, Scottish Council for Voluntary Organisations;

Jan Savage, Head of Campaigns and Policy, ENABLE Scotland.
3. **Subordinate legislation (in private):** The Committee will consider evidence taken earlier in the meeting on the Welfare Reform (Consequential Amendments) (Scotland) Regulations 2013 (SSI 2013/65).
4. **Fact-finding visits:** The Committee will consider a note by the Clerk on future fact-finding visits.
5. **Committee debate:** The Committee will consider a draft motion for a future Committee debate in the Chamber.

WR/S4/13/5/A

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The papers for this meeting are as follows—

Agenda item 2

Written submissions

WR/S4/13/5/1

Agenda item 4

PRIVATE PAPER

WR/S4/13/5/2 (P)

Agenda item 5

PRIVATE PAPER

WR/S4/13/5/3 (P)

Welfare Reform Committee

5th Meeting, 2013 (Session 4), Tuesday, 12 March 2013

**Welfare Reform (Consequential Amendments) (Scotland) Regulations
2013 (SSI 2013/65) – Written submissions**

1. The Committee invited a range of stakeholders to provide written evidence in relation to the Scottish Government's passported benefits regulations.

2. The written submissions that have been received are attached in the Annex to this paper. Submissions have been received from—

- Aberdeen Action on Disability
- Carers Scotland
- COSLA
- Inclusion Scotland
- Scottish Council for Voluntary Organisations
- RNIB Scotland.

SUBMISSION FROM ABERDEEN ACTION ON DISABILITY LTD

Welfare Reform Act - Passported Benefits

As every person in receipt of Disability Living Allowance (DLA) aged from 16-64 will require to be reassessed for Personal Independence Payment, (PIP) the possibility of being refused PIP will have a profound and stressful impact on the lives of people with disabilities.

Many disabled persons use DLA to obtain a car under the Motability Scheme. If it is adjudged that the user of the car is not entitled to PIP, then the vehicle will be repossessed and the person will lose their mobility and independence, even before an appeal against the decision can be heard. Without DLA or PIP there is no mandatory entitlement to a Blue Parking Badge, Rail card, Taxi card, Travel card for persons under 60, and no entitlement to free vehicle road tax, all contributing to problems and increased costs of travel and transport.

Receipt of DLA is frequently considered to be confirmation that a person has a recognised disability, and is therefore the key to accessing various personal entitlements. A typical example is access to Government Energy Assistance Packages, which can provide renewal of central heating systems and house insulation at no cost. There are many more concessions which will be denied to people without receipt of DLA or PIP.

This is just one aspect of the Welfare Reform Act which will be to the detriment of people with disabilities, and significantly affect the health, well-being, independence and living costs of people with disabilities.

Barclay Bisset
On behalf of
Aberdeen Action on Disability Ltd.

SUBMISSION FROM CARERS SCOTLAND

The Welfare Reform (Consequential Amendments) (Scotland) Regulations 2013

Carers Scotland is a charity set up to support the thousands of people who care for an elderly partner, sick friend or disabled family member. Carers Scotland is the Scottish nation office of Carers UK. Caring is part of life. Three in five of us will provide unpaid care for someone at some point in our lives. However, without the right support the personal cost of caring can be high with many carers experiencing poor health, poverty and disadvantage. Carers Scotland helps carers and campaigns to make their lives better.

Carers Scotland welcomes this opportunity to respond to the above regulations. Our specific observations relate to those regulations which apply to the Blue Badge and Concessionary Travel schemes.

Disabled Person (Badges for Motor Vehicles) (Scotland) Regulations 2000 [5 (2)]

Carers Scotland welcomes that all rates of Personal Independence Payment (PIP) mobility component will allow eligibility to the Disabled Person's Blue Badge and this recognition that those with 8 points or more but only receiving standard rate will have significant mobility difficulties and, as such, should have access to the scheme.

However, we have concerns over the impact of changes on those individuals who do not qualify for the standard rate under PIP but still have significant mobility difficulties or difficulties planning or following a journey. These individuals may no longer benefit from the scheme and we believe that, particularly those people scoring 4 points under the PIP assessment criteria, have sufficient and significant difficulties that they should be automatically entitled to a blue badge.

- Can stand and then move more than 50 metres but no more than 200 metres, either aided or unaided. - Score 4
- Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant. - Score 4

Inclusion Scotland, using DWP projections, estimates that over 80,000 working age disabled people in Scotland will lose either some or all of the mobility allowance that they would otherwise have been entitled to under Disability Living Allowance and thus, in many cases, automatic entitlement to the blue badge.

- **46,200** will lose higher/enhanced rate mobility allowance
- **34,100** will lose standard/lower rate mobility allowance
- As one in three higher rate mobility component recipients currently use their benefit to lease Motability vehicles, well over 15,000 disabled people in Scotland also stand to lose their cars and scooters.

With these figures in mind, we are very concerned that significant numbers of disabled people will lose entitlement to all financial support to assist their mobility needs and the loss of their blue badge on top of this will further exacerbate the impact of welfare reform on these disabled people and their carers.

Moreover, the assessment processes for a blue badge for those who are not automatically entitled is inconsistent. In a survey of local authorities, undertaken by Transport Scotland, practice varies considerably ([Blue Badge Reform Survey, October 2011, Transport Scotland](#)):

- 8 carry out mobility assessments for all applications, made by GPs
- 1 carries out assessments for all applications undertaken by an occupational therapists (OT).
- The remainder do not undertake an assessment for all applications.
- The majority of local authorities have mobility GPs or other doctors who assess a proportion, varying from 40% to 90%. Some of the remainder have a proportion assessed by an OT, varying from 0.1% of their applications to 25%.
- Most mobility assessments are reported by Health Boards as being undertaken by GPs, predominantly by the applicants own GPs.
- Two Health Boards mention the use of OTs
- Other staff mentioned includes consultants, practice nurses and physiotherapists. All of these fit very closely with the responses from the Local Authorities.

Moreover, there was a “significant and unexplained variation” between local authorities in the level of rejection rates. This is between 0% and 60% with an average of 5% refusals with a “handful” of local authorities with a significantly higher refusal rate. The survey did not find any pattern to refusals that could be addressed. ([Blue Badge Reform Survey, October 2011, Transport Scotland](#))

Whilst amendments were made to legislation in 2011 ([Amendments to legislation, Transport Scotland](#)) and a new code of practice ([Code of Practice, January 2012, Transport Scotland](#)) introduced for local authorities in January 2012 to give guidance on where an independent mobility assessment is more appropriate than desk based assessment; it is unclear whether this inconsistent practice in assessment and variations in rejection rates has continued.

However, whether the system has improved or not, Carers Scotland is concerned that this entails disabled people having to undergo yet another “assessment” (and complete a large application form). This after the uncertainty and experience of at least two onerous assessments through Employment Support Allowance and PIP

Carers Scotland therefore recommends that eligibility should be set at 4 points within the Regulations. As noted earlier, this reflects individuals who have mobility or travelling problems, which although are below the threshold for an award, are significant and as such should be supported. Each individual assessed for PIP will have this evidence available in their decision letter which will detail the points awarded for each activity.

We believe that this will reduce burden and stress on both individuals and administration on local authorities who will have to respond to large numbers of disabled people losing their automatic entitlement.

National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006 [9]

Finally, we would take this opportunity to welcome the provisions within the regulations to extend eligibility to the scheme for all people in receipt of any rate of the PIP and the benefit of a companion card to those in receipt of PIP at any rate of the daily living component, which will support their unpaid carers.

Fiona Collie
Policy & Public Affairs Manager

SUBMISSION FROM COSLA

Personal Independence Payment (PIP) - Blue Badge Passporting

COSLA's Health & Well-being Executive Group agrees with the Scottish Government aim to mitigate the impact welfare reform will have on people specifically in regard to the preservation of current passporting arrangements. COSLA understands the benefits to users in terms of easing the path toward receiving the services to which they are entitled and acknowledges the reduced requirement for local authority administration and assessment which passporting allows.

In consideration of Disability Living Allowance (DLA), the receipt of which gives recipients entitlement to a Blue Badge, we note the work done by Scottish Government to match elements of the assessment criteria with those for the new Personal Independence Payment (PIP) so that recipients of this new benefit are also entitled to a Blue Badge without further assessment (to be introduced through Scottish Government regulation in April 2013).

Our understanding is that people in receipt of the following benefits/points will receive automatic entitlement to a Blue Badge and that the details necessary for local authority staff to determine this entitlement will be included in PIP award letters

- Enhanced Rate Mobility Component of PIP-or
- Standard Rate Mobility Component of PIP (through receiving 8 points or more for the "moving around" section).

We support the principle to mitigate the impact on users in this way together with the proposed transitional arrangements which allow those who have been in receipt of Higher Rate Mobility Component DLA, but following reassessment by DWP don't qualify for PIP, to continue in the Blue Badge Scheme until the expiry of the badge.

Our main concern is that there may be some people who currently receive DLA and Blue Badge entitlement and will get Standard Rate PIP but will no longer be automatically entitled to a Blue Badge; ie those who would have received the Higher Rate of Mobility component DLA (HRMCDLA) by 2018 but may be assessed by DWP at a lower rate for PIP than previously for HRMCDLA; or may be assessed by DWP as not being entitled to PIP.

Whilst we note that the effect of these changes will be incremental, taking place during the period October 2013 to 2017, the impact of this is that local authorities will face an overall increase in the number of applications which cannot be passported and which require assessment directly against the Blue Badge eligibility criteria. One council indicates that this might number up to 5,000 applications; these cases are likely to be more complex, take longer to process and can require an Independent Mobility Assessment (IMA) resulting in increased processing time and costs.

There is also a practical matter which may arise as a result of appeals against DWP decisions where an application for PIP has been disallowed. Officers have experience of other descriptor and points based benefits where success at the appeal stage is high but the appeals process is taking up to 12 months. Consideration should be given to allow provision in the regulations to give Blue Badge holders with appeals outstanding against the PIP decision, where Blue Badge entitlement expires before the appeal is decided upon, a temporary extension until the outcome of the appeal is known.

We understand that a program of monitoring will be carried out as PIP is introduced and we submit this response on the basis that we would seek additional funding from Scottish Government to support any significant increases in the volume of local authority administration and assessment activity resulting from this new passporting arrangement.

Garrick Smyth
Policy Manager

SUBMISSION FROM INCLUSION SCOTLAND

1. Background

Inclusion Scotland (IS) is a Scottish-wide network of disabled people's organisations which exists to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect disabled people's everyday lives. Inclusion Scotland is funded primarily by the Scottish Government's Equalities Unit.

1.1. General issues: It has been extremely difficult to frame an adequate response to such a myriad of proposed changes in different areas of law. We believe that better use could and should have been made of the expertise available on the Welfare Reform Scrutiny Group who could have been used by civil servants as a sounding board for their proposals.

1.2. Inclusion Scotland would also urge Scottish Government to give greater consideration to investment in Community Transport as a means of assisting disabled people who will otherwise lose their ability to fully participate in Scottish economic and social life along with their entitlement to the DLA mobility components.

1.3. Many of the changes brought about due to Welfare Reforms will have a negative impact on disabled people's human rights and particularly the right to independent living. We are therefore pleased to have the opportunity to comment on the impact of changes to passported benefits in Scotland.

2. Changes in entitlement brought about by the move from Disability Living Allowance (DLA) to Personal Independence Payment (PIP)

2.1. In December 2012 the UK Government announced an unexpected change in the Personal Independence Payment Assessment criteria. This change reduces the distance someone can walk (safely) before qualifying for the Enhanced Mobility element of PIP from 50 metres to 20 metres (the Enhanced Mobility element of PIP is equivalent to the Higher Rate Mobility Component of DLA). The change has contributed to a substantial increase in the numbers expected not to qualify for the Enhanced Mobility element of PIP – up from **250,000** to **428,000** (a 70% increase).

2.2. Using the DWP's projections Inclusion Scotland estimates that, by 2018, over **80,000** working age disabled people in Scotland will lose either some or all of the mobility allowance that they would otherwise have been entitled to:

- **47,000** will lose higher/enhanced rate mobility allowance. The subsequent loss in income to disabled people in Scotland will be at least **£135 million** a year by 2018.
- **34,100** will lose standard rate mobility allowance. The subsequent loss in income to disabled people in Scotland will be at least **£37 million** a year by 2018.

2.3. As one in three current Higher Rate DLA Mobility component recipients currently use their benefit to lease Motability vehicles as many as **16,000** disabled people in Scotland may also lose their Motability cars and scooters.

2.4. As can be seen if **automatic** entitlement to passported benefits such as the Blue Badge Scheme, or National Concessionary Travel Scheme, was simply transferred, from the claimant's receipt of the higher mobility component of DLA to their receipt of the enhanced mobility component of PIP, then tens of thousands of disabled people with mobility issues would lose their entitlement to the passported benefits.

2.5. This would add considerably to the difficulties that they would face in participating in family and community life and, for example, in accessing employment, as not only would they have lost monetary assistance (the mobility element of DLA) which previously helped meet the additional travel costs arising from their impairment or condition but they would be faced with an extra call on their remaining income through suddenly having to meet transport costs that they did not previously have – i.e. parking costs and/or bus fares.

3. Proposed Amendment to Regulations concerning Blue Badge entitlement

3.1. Inclusion Scotland welcomes the proposals to –

- (i) allow those who are in receipt of the Higher Rate Mobility Component of DLA and subsequently not awarded PIP, to retain their badge until its expiry date
- (ii) passport at 8 points or more for the *"moving around"* activity.

3.2. These proposals serve to give a degree of transitional and on-going protection to existing DLA Higher Rate Mobility recipients who would otherwise have lost automatic passported entitlement to the Blue Badge.

3.3. There has to some concern as to whether these proposals will amount to sufficient protection in the longer term however as we are relying on the DWP's projections of the expected impact of the introduction of PIP to estimate the numbers affected. It should be acknowledged that the DWP made similar "optimistic" projections about the introduction of Work Capability Assessments (WCAs) which have not been born out in practice.

3.4. A far higher proportion of disabled people have been found fully fit for work via the WCA process and fewer people have been placed in the Work Related Activity Group than were originally anticipated by the DWP. We also know that the level of appeals against WCA decisions has been massively higher than anticipated with approaching 40% successful at appeal – suggesting that the WCA assessment regime is failing claimants. Therefore acquiring eight or more Mobility points in a PIP assessment may not be as easy in practice as it is in theory.

3.5. We would therefore urge the Committee and Government to keep Blue Badge passporting arrangements under review to ensure that a larger proportion than expected number of disabled people do not lose their Blue Badge entitlement.

4. National Concessionary Travel Scheme

4.1. Inclusion Scotland have a much greater concern over the new eligibility criteria for the NCTS. Although the overall numbers of those who will be in receipt of concessionary travel look similar there will in fact be considerable numbers (tens of thousands) who will lose automatic entitlement and yet still have significant Mobility issues.

4.2. The reason for this is that the numbers on the new Daily Living Allowance elements of PIP are projected to increase (though as there is no Lower Rate Care element of PIP this masks an overall decrease in those receiving help with their care costs) whilst those on the two new Mobility components are expected to decrease sharply.

4.3. Thus tens of thousands (i.e. not all of the 47,000 Higher Rate Mobility losers but a fair proportion) of previous recipients of the Higher Rate Mobility Component of DLA are likely to lose automatic entitlement to concessionary travel when it comes time to renew their cards. The transitional protection is thus temporary and the eventual loss of concessionary travel could be devastating given that thousands of people (potentially 16,000+) will also, as a consequence of losing their Higher Rate Mobility, have also lost their Motability vehicles.

4.4. We therefore do not believe that the transitional protection offered is adequate or fair to those who have considerable difficulties in mobilising – i.e. who are unable to walk safely, reliably and repeatedly for no more than 50 metres.

4.5. The increased costs of making journeys for those with limited walking ability will severely limit disabled people's ability to participate fully in family, social and community life and could amount to a breach of their Human Rights as set out in the ECHR & Human Rights Act (Right to family life) and UN Convention on the Rights of People with Disabilities (UNCRPD).

4.6. Moreover it is possible that it will, by increasing travel costs, make going to work no longer affordable for several thousand disabled people. The increased travel costs will also drastically limit their ability to reach shops and services (NHS, Local Government, etc.) further isolating them and increasing risks to their health and well-being.

4.7. Inclusion Scotland would therefore urge extending future **automatic** entitlement to the NCTS to all those who have successfully qualified for the new Blue Badge Scheme.

5. Amendment to Regulation 7 of the Civil Legal Aid (Scotland) Regulations 2002

5.1. The amendment would extend the current list of benefits exempted from the calculation of the disposable income available to an individual (used when someone is seeking support from Legal Aid) to cover income derived from the PIP Mobility components. However the current Regulation 7 exempts all monies derived from Disability Living Allowance whether the Mobility or Care components.

5.2. Inclusion Scotland can see no valid reason for the suggested change which will act to restrict disabled people's access to free Legal Aid. It will also create an anomaly as the Scottish Parliament recently decided (in October 2012) that both the Mobility and Daily Living Components of PIP should be ignored when calculating the income available to an individual when seeking Criminal Legal Aid.

5.3. In doing so the Parliament, and Justice Minister, accepted that PIP – whether the Mobility or Daily Living Components - is, like DLA, paid to disabled people to help meet the increased costs arising from their impairments and conditions and therefore should not be considered as disposable income for Criminal Legal Aid purposes. We would argue that the same principle should be applied to Civil Legal Aid.

5.4. The proposed change in Legal Aid is particularly concerning when we consider it in the context of human rights. It has been noted, by the UK Parliament's Joint Committee on Human Rights, that disabled people are living with increasing risk of their human rights being undermined or breached. As such, restricting the means by which disabled people can access justice, by removing essential funding for this, could result in less cases being brought and authorities acting with impunity. As a result, objectives in one part of Scottish Government to support disabled people (e.g. to implement effectively the UNCRPD), could be undermined by decisions in another (e.g. to restrict access to the means by which disabled people can access justice).

5.5. Furthermore disabled people are currently being subjected to more than half of all the cuts to benefits with reductions in those qualifying for example Employment & Support Allowance, PIP, the Independent Living Fund and Housing Benefit (79% of the Scottish households affected by the 'Bedroom Tax' contain a disabled person). As such they have a growing need for Legal Aid Advice and Assistance in order to challenge decisions of the very same system that is currently assaulting their human rights and depriving them of their benefits.

5.6. Advice and Assistance (Scotland) Regulations 1996 Amendment to Regulation 16 (2) (c): On the same basis and acknowledging that 80,000 fewer disabled people will qualify for one or other of the new PIP Mobility components as would have qualified under DLA we would also argue that the proposed change to Regulation 16 (2) (c) of the Advice and Assistance Regulations should also be drafted to discount all monies derived from PIP

and not just the Mobility element. Otherwise the proposed change will also act to restrict access to free Civil Legal Aid for disabled people who at the moment would be entitled to it.

5.7. We therefore urge the Committee and Government to take this opportunity to improve rather than restrict disabled people's future access to justice.

Sources:

1. Personal Independence Payment: Reassessment and Impacts, DWP, Dec. 2012 <http://www.dwp.gov.uk/docs/pip-reassessments-and-impacts.pdf> and
2. Emergency Stop: The hidden economic and social cost of welfare reform, We are Spartacus, January 2013 <http://wearespartacus.org.uk/wpcontent/uploads/2013/01/Emergency-Stop-final.pdf>
3. DWP Tabulation Tool (http://83.244.183.180/100pc/dla/tabtool_dla.html) used to estimate the numbers of disabled people in Scotland likely to be affected by the introduction of PIP as a proportion of estimated losers at a UK level. Feb 2012 DLA Caseload used as a baseline.
4. Report of the UK Parliament's Joint Committee on Human Rights into Implementation of Article 19 of the UNCRPD, 2011

Bill Scott
Manager

WRITTEN SUBMISSION FROM SCOTTISH COUNCIL FOR VOLUNTARY ORGANISATIONS

1. Introduction

SCVO welcome the opportunity to work with the Welfare Reform Committee as it scrutinises the regulations. Our intention is not to replicate the detailed responses provided by our members. Instead we seek to:

- Make wider points about the regulations,
- Emphasise the need to build in clauses for review
- Encourage a wider debate and response to the impact of welfare reform in addition to some of the necessary “fire-fighting” that has had to be done over the last months.

2. Scrutiny

We do not under-estimate the task facing the Scottish Government and partners in addressing this complex arena where differential eligibility, complex thresholds and a significant number of laws have had to be reviewed in seeking to maintain existing eligibility and access to key pass-ported benefits. As highlighted in our response to the Scottish Government’s consultation on pass-ported benefits in 2012, the third sector stood ready to contribute to this and wider work to deal with the impact of changes at Scottish level. Along with others, we pointed out that this could happen through the Welfare Reform Scrutiny Group and other means at our disposal. In previous information sessions to the Committee, the Cabinet Secretary promised time and space for scrutiny and involvement of key stakeholders as the Welfare Reform (Scotland) bill and subsequent regulations were passed. SCVO would therefore want to express deep concern about the short time period given for scrutiny of these important regulations. We would also question if/how the expertise of the sector was involved in shaping them – an issue raised recently by the Scottish Campaign on Welfare Reform.

The involvement of the sector in the shaping and implementation of the Scottish Welfare Fund, alongside local authority and Scottish Government partners provides an example of what is possible, even under tight deadlines/timescales.

3. Review

The instruments laid down will affect people's lives and perhaps in quite profound ways e.g. access to justice, the ability to move around and access health, work, and community connections. Access to some of these benefits may well be the difference between people coping and not coping, between them being able to participate and work, and not. They have wider impact and outcomes in relation to isolation, participation, independence and quality of life. As such, we would suggest that there must be **a review clause/mechanism** added to ensure the intentions laid down by Ministers to protect the entitlement to such key benefits, and that there are no unintended (negative) consequences which arise as PIP and Universal Credit are introduced. The experience of people affected must also be gathered as a central part of any review.

The submission by Inclusion Scotland, Carers Scotland and others emphasise real concerns about:

- The inaccuracy of DWP projections around ESA/WCA and the need to keep under review proposals for pass-porting to the Blue Badge Scheme as PIP is implemented.
- That protection being offered in relation to Concessionary Travel is temporary and will lead to isolation, increased living costs, additional pressures on family carers and potentially, a breach of the ECHR and Human Rights Act.

We support Inclusion's concerns and would ask if an **Equality Impact Assessment** has been carried out and has picked up on these potential issues. These concerns only highlight the need for on-going review as the final regulations are implemented.

4. Increasing complexity?

The situation in which we find ourselves has not necessarily been of our making. However, it would appear that we may be in danger of creating a new level of bureaucracy and complexity. This has knock-on effects on people affected by these and other changes and in turn, on the third sector.

To illustrate this point, SCVO is currently undertaking detailed mapping work which looks at the impact of the full range of changes to welfare on the third sector. One of the critical issues affecting respondents' capacity to deal with welfare reform was a lack of public awareness and understanding of key benefit changes e.g. capping benefit increases; under occupancy rules/Housing Benefit. Secondly, when people do realise they are affected or may be, they are coming to the sector for advice, support and reassurance and often complex support – charities and voluntary organisations are a trusted first port of call.

What we are slowly seeing is another layer of benefits, entitlement and bureaucracy which could create further confusion and worry. Getting information to those affected will be critical. The sector has a key role to play here.

5. Additional Comments

Much of what is being taken forward in these regulations is as a response to changes brought about through the 2012 Welfare Reform Act (UK) and the impact these changes will have on individuals and families across Scotland.

In our response to the government consultation on pass-porting (2012) we highlighted the opportunity that existed, as we review how pass-ported benefits develop in Scotland, to take a different direction of travel which enables and empowers people, rather than demonising them. Similar sentiments were expressed by representatives and colleagues from different third sector organisations.

We still have an opportunity to build principles such as equality, a focus on building people's assets and independence and capacity through any reform.

We have the opportunity to do things differently, as part of a wider response to welfare reform now, and regardless of the result of the 2014 referendum. We effectively have an opportunity to consider if there are better ways of achieving the outcomes sought through current pass-porting arrangements.

We also have a chance to consider how development of/investment in other solutions and approaches could have a wider impact – mitigating some of the effects of welfare reform, and as part of “bigger” response to other social challenges e.g. demographic change, tackling child poverty. Our response to the consultation with some suggested approaches/ideas is outlined here :

<http://www.scvo.org.uk/wp-content/uploads/2012/10/Passported-Benefits-Consultation-SCVO-Response-Sept-2012.pdf>

Lastly, the “digital by default” agenda still presents significant challenges for benefit claimants and the concerns about the RTI system to support Universal Credit remain strong. Therefore the commitment to allow UC to be a passport e.g. to free school meals may in future be at risk if the system does not operate properly. The ability of key groups in society to access online forms, access to broadband and actual IT equipment capacity in communities are all issues raised by a range of charities and voluntary organisations in our mapping work, to be published over the next few weeks.

6. Conclusion

Third sector organisations are a key source of information and advice to families around access to benefits, including pass-ported benefits. As with the replacement for the devolved Social Fund elements, we must seek to keep the sector up to date with changes, ensure they are included in any capacity building and that they are aware of changing eligibility or any changes in pass-ported benefits offered. Our mapping work initially demonstrates that capacity for the sector to keep up (not through lack of will) is being stretched as change upon change is implemented. Demand for support for those affected by benefit changes is expected to increase significantly again over the coming year – with over 80% of respondents in our mapping survey highlighting this as a concern. Small organisations and groups at the “front line”, in communities, will be there to support individuals and families through processes to access pass-ported benefits under the new regulations. They must have the capacity to do so.

Lynn Williams
Policy Officer

WRITTEN SUBMISSION FROM RNIB SCOTLAND

Background

RNIB Scotland is the leading charity working with blind and partially sighted people in Scotland. As a membership organisation we are dedicated to delivering services our members need and campaigning for their civil and welfare rights. We support children and adults with sight loss to live full and independent lives.

At present, around 35,000 people in Scotland are formally registered as blind or partially sighted, with up to 188,000 living with significant sight loss. However, the number of Scottish people with sight loss could almost double to 400,000 between now and 2030 due to our ageing population and the persistently poor health that continues to disadvantage many of our communities.

RNIB Scotland responded to the Scottish Government consultation on Scottish passported benefits in 2012. We now welcome the opportunity to respond to the Scottish Parliament Welfare Reform Committee consultation on Scottish Passported Benefits and changes required as a result of the introduction of Universal Credit and Personal Independence Payment (PIP).

Access to passported benefits for visually impaired people is a vital and necessary means of support. Eleven passported benefits are “owned” by the Scottish Government. The Welfare Reform Committee has circulated papers outlining regulations to be amended and the effect of legislative change.

This note focuses on the following:

Passported from Universal Credit

- NHS optical vouchers

Passported from PIP

- Blue Badge parking permit
- Concessionary bus travel (for working age)

NHS optical vouchers

In common with other groups in the visual impairment sector RNIB Scotland believes it vital to maintain NHS optical vouchers for those on low incomes.

The committee papers show that Regulation 8 of the National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998 must be amended to reflect forthcoming changes to the benefit regime. RNIB Scotland welcomes the extension of the eligibility criteria to include recipients of universal credit. We also welcome the extension of NHS travel costs to those on universal credit.

Blue Badge parking permit

The amendments outlined to the Disabled Persons (Badges for Motor Vehicles) (Scotland) indicate that passporting arrangements will apply to those people who receive the Mobility Component of PIP:

- awarded at 12 points (enhanced rate) for "planning and following journeys" which includes those who cannot follow the route of a familiar journey without another person, assistance dog, or orientation aid. OR
- those persons who receive the Mobility Component of PIP for "moving around" at 8 points (standard rate) or more.

Around 100,000 people in Scotland currently receive the Higher Rate Mobility Component of Disability Living Allowance (HRMCDLA). Their entitlement will be reassessed over 2013-18. The committee papers indicate that passporting arrangements will mean that 72% of current Blue Badge holders are likely to retain their Blue Badge. Over a quarter (27%) may not receive a PIP award and will therefore not qualify for a Blue Badge through the passporting process. They will be able to keep their badge until expiry or be able to apply to the local authority for a badge under the "subject to further assessment" criteria. In addition, they will either be automatically eligible, or able to apply for, national concessionary travel.

RNIB Scotland welcomes the efforts made to modify the impact of welfare changes.

Concessionary bus travel (for working age)

The issue of concessionary travel is particularly important for improving the mobility of blind and partially sighted people.

The amendments to the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006 will enable all who receive PIP (at either the standard or enhanced rate) to be eligible for a concessionary travel card. Those who receive the daily living component of PIP (at either the standard or enhanced rate) will be eligible for a companion card. The papers state that "these criteria have been assessed as being the most likely to mitigate the impact of the UK Government's welfare reforms on the Scheme, being closest to the current eligibility criteria for those in receipt of disability living allowance". Those who don't qualify for PIP following assessment will remain eligible under the Scheme until the expiry of the card.

RNIB Scotland welcomes the efforts to mitigate the impact of welfare reform changes.

Conclusion

Whilst RNIB Scotland recognises and welcomes efforts made by the Scottish Government to mitigate the impact of welfare reform on passported benefits, the effect of the changes will be felt by some of the most vulnerable in society, not least a future cohort of claimants. It will be important to review the impact of these complex changes in case needy applicants inadvertently lose out.

In conclusion, RNIB Scotland reiterates the importance of the principle of an accessible and usable information and claims processes as well as the need to offer correct welfare advice to meet the anticipated rise in demand in the wake of welfare reform.