
Report To:	Policy & Resources Committee	Date:	19 September 2017
Report By:	Chief Financial Officer/Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership	Report No:	FIN/68/17/AP/LA
Contact Officer:	Alan Puckrin	Contact No:	01475 712223
Subject:	Welfare Reforms Update		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Committee with an update on the impact on the Council of the ongoing Welfare Reform changes.

2.0 SUMMARY

- 2.1 Universal Credit Full Service was implemented within Inverclyde on 23 November 2016. A Delivery Partnership Agreement has been agreed with the DWP and the Council is receiving payment for services provided. There were 3416 UC Full Service claimants at the middle of July.
- 2.2 Officers in Finance and HSCP are working hard with Partners and the local DWP officers to manage the various issues which are arising from the requirements of Universal Credit and this is being monitored via the Welfare Reforms Board. Officers are keeping in regular contact with Cosla and other UC Full Service Councils whilst collectively lobbying DWP for changes.
- 2.3 Demand for Crisis Grants is growing as Universal Credit is rolled out with payments between April and July being 68% higher than the position 12 months ago. The Council has previously allocated an extra £100,000 to meet this growing demand. It is anticipated that a large part of this will be needed in 2017/18.
- 2.4 The successful Inverclyde Financial Inclusion Partnership funding bid for approximately £2.35 million over 2017/20 from the Big Lottery and ESF is being implemented with a lead Project Officer appointed and legal agreements in place. Meanwhile, reviews of outcomes arising from other initiatives part or wholly funded by the Council are on-going and requests for continued funding from the Anti-Poverty Fund are reported elsewhere.
- 2.5 The devolution of aspects of Social Security to Scotland is being progressed with the Health & Social Care Committee recently approving the Council's response to a Consultation on the Bill. This is attached as Appendix 4.
- 2.6 The Department of Work and Pensions have advised the Council of their intention to close the Port Glasgow Job Centre Plus on 30 October 2017. Officers from DWP, the Council and the Trust continue to work together to mitigate the impact of this closure on our most disadvantaged clients from Port Glasgow.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes the on-going impacts and actions being taken by officers in respect of the implementation of Welfare Reforms within Inverclyde.

Alan Puckrin
Chief Financial Officer

Louise Long
Chief Officer (HSCP)

4.0 BACKGROUND

- 4.1 The Committee receives a report each cycle providing updates on the Council's response to the major Welfare Reform changes being rolled out across the UK. The Council set aside extra funding to meet the significant financial challenges generated by these changes.
- 4.2 Universal Credit Full Service (UCFS) launched in Inverclyde on 23 November 2016. The removal of eligibility criteria means that all working age welfare benefit claimants who make a new claim or have a relevant change in their circumstances will claim Universal Credit (UC) for themselves and their family instead of claiming Job Seekers Allowance, Employment and Support Allowance, Housing Benefit, Income Support and Tax Credits. As noted in previous reports UCFS is almost entirely online with claimants being required to apply, maintain their claim, record work search activity, receive correspondence from the DWP, stay in touch and reply to messages sent by their work coach.

5.0 UNIVERSAL CREDIT

- 5.1 Universal Credit claim uptake continues at a steady pace and by the middle of July 2017 3416 people in Inverclyde were in receipt of the benefit. Port Glasgow and Greenock Jobcentre Plus offices are exceeding the target of 95% of new claimants completing their application and agreeing a Claimant Commitment within 10 days of the claim being made. The Claimant Commitment sets out the activities the claimant agrees to be carry out to prepare for and look for work, or to increase their earnings if they are already working. Each is tailored to the individual's personal circumstances and is based on their ability to achieve what is agreed.
- 5.2 146 Universal Credit claimants were supported by Future Skills, on behalf of the Council, to submit their online claim during the period April until June 2017. With Housing Associations offering this service to their tenants, indications are that almost 10% of all claimants need help. Future Skills offer follow up support to ensure claimants have the necessary skills to complete and maintain their claims and the activities associated with their Claimant Commitment. The Jobcentre will put in place alternative ways to communicate with customers unable to attain digital skills.
- 5.3 DWP require claimants to provide explicit consent to communicate and release information to Advice Services. Advisors continue to experience difficulties supporting those not able to access or who do not have facilities to access their UC journal to record a message to this effect. Furthermore considerable time, effort and expense is spent by claimants travelling to appointments with advisors who due to the varying knowledge and ability of call handlers at the UC Contact Centres are required to explain UC rules and regulations to those lacking the skills to handle their enquiries. There have however been excellent examples of being assisted very quickly by Contact Centre agents who fully understand the legislation and the associated claim processes.
- 5.4 Officers met with DWP and local IT digital skills services and concluded that the provision in place to support Universal Credit claimants learn the skills needed for Universal Credit is sufficient. This will be followed up by a review of community based IT facilities to ensure equipment with appropriate specification is available at suitable locations to meet current and future demand.
- 5.5 The uptake of Personal Budgeting Support services remains significantly lower than DWP projections. The availability of this service is explained when UC claimants first claim and they are reminded by electronic message 10 days later. Work Coaches at the local Jobcentres have been asked to promote this more directly with their customers after an agreed time when regular UC payments are in place.
- 5.6 Many Homelessness service users require intense support with UC and in response to this an additional Money Advisor will be appointed. Furthermore, plans are progressing with DWP to locate a work coach in collaboration with other partners within the Homelessness service to support service users maintain their claimant commitment.

5.7 Legislation setting out UC qualifying criteria for Early Learning and Childcare services was introduced from 1 August 2017. Officers are reviewing the standard of evidence parents will be asked to provide to support applications for free school meals, clothing grants, music tuition and supplementary pre-school childcare services. Customer Services are able to assist parents and carers with their applications.

6.0 DISCRETIONARY HOUSING PAYMENTS AND SCOTTISH WELFARE FUND

6.1 Appendix 2 shows that £907,400 Discretionary Housing Payments have been awarded or has been committed to be paid to those whose Housing Benefit or Universal Credit had been reduced by the SSSC. 97.7% of Housing Benefit restrictions have been mitigated by DHP and officers continue to work closely with Housing Associations who support their tenants apply. The implementation of the removal of the restriction by way of Universal Credit Scottish flexibilities is still to be announced.

6.2 24 households are known to be affected by the Benefits Cap, 10 currently receive help from DHP. Claimants affected by the Benefits Cap and those coping with financial hardship for other reasons including those in temporary accommodation have been assisted by DHP amounting to £129,800. This is contained within the budget of £164,500 which includes £40,000 from the Welfare Reform recurring budget.

6.3 Greater demand on the Scottish Welfare Fund continues with the amount awarded in Crisis Grants during April and July 2017 being 68% greater than awards made during the same period last year. The roll-out of Universal Credit has led to more Crisis Grant applications from those needing help when they first claim UC, those who are refused an advance payment of UC as well as those not able to cope between monthly payments. Appendix 4 shows £261,800 was awarded in Crisis Grants and Community Care Grants during the first 4 months of 2017/18 representing 38.64% of the Scottish Government programme funding (£677,475). Officers anticipate Scottish Welfare Fund overspend will continue. The allocation of £100,000 from the Welfare Reform recurring budget and a residual underspend from previous years of £60,000 will absorb the pressure in 2017/18.

7.0 OTHER WELFARE REFORM MATTERS

7.1 The Scottish Welfare Fund has not as yet been required to mitigate the removal of the Universal Credit housing element from those aged 18 to 21 years who do not meet exemption criteria. Initial projections indicated that 8 young people will require assistance during 2017/18 however further exemption categories provided within DWP guidance is expected to result in even fewer being ineligible for the UC housing element, reducing the anticipated applications to the Scottish Welfare Fund.

7.2 Where a household has more than two children at the point of a new claim, support is capped at the 2 child entitlement rate unless the circumstances meet certain exemption criteria. To date there is no evidence of the controversial exemption application route being utilised.

7.3 People currently in receipt of benefits for more than 2 children will continue to get those benefits until they are required to renew their Tax Credit claim or if their circumstances change when they would ordinarily claim Universal Credit. At that point and until 1 November 2018 as an interim arrangement, instead of claiming Universal Credit, claims will revert to "legacy" benefits such as Housing Benefit and Tax Credits. 13 Housing Benefit claims were made in these circumstances during the period April - July 2017.

- 7.4 The Department of Work and Pensions have advised the Council of their intention to close the Port Glasgow Job Centre Plus on 30 October 2017. Officers from DWP, the Council and the Trust continue to work together to mitigate the impact of this closure on our most disadvantaged clients from Port Glasgow.

8.0 TEMPORARY ACCOMMODATION

- 8.1 There is an impact on the Homelessness Budget arising from the implementation of Universal Credit Full Service due to the significant reduction in the amount of support provided for Housing costs within UC compared to Housing Benefit. Within the Inverclyde Centre the difference is £150-170/week per claimant. Over 80% of the Inverclyde Centre properties are currently occupied by UC claimants.
- 8.2 The shortfall in Housing income can be made up from the Discretionary Housing Payments but only if the claimant is actually in receipt of UC. As there is a 7 week delay between claiming and receipt of UC then it can be seen that there is a significant period in which either the claimant moves out of the Inverclyde Centre or moves off UC or does not maintain their UC record. The loss of income to the Council will be significant and there is currently no extra financial support for the Council to offset despite approaches to the DWP and the Scottish Government.
- 8.3 A report on the financial implications will be presented to the Health & Social Care Committee and feed into the 2018/20 Budget process if required.

9.0 EXTERNAL FUNDED PROJECTS

- 9.1 Inverclyde Council/HSCP is the lead partner in the I:DEAS (Inverclyde Delivery Effective Advice and Support) programme - a £2.35m contract with Big Lottery, backed by European Social Funding, to increase the financial capacity and improve the social inclusion of the most disadvantaged individuals and households in Inverclyde. Commencing in August 2017 approximately 2000 local people will be offered support around a range of interventions which will aim to support them to have increased money management skills and no longer be affected by debt as a barrier to social inclusion.
- 9.2 The Council/HSCP has signed contracts with a range of local and national partners including Barnardo's; CVS Inverclyde; Financial Fitness; River Clyde Homes; Scotcash and The Wise Group alongside service level agreements with the HSCP Advice Services Team and the Council's Community Learning and Development service.
- 9.3 The programme is funded for 3 years and all participants involved in the programme will have a bespoke action plan based on their individual needs and a local mentor to support them on their journey to improved financial outcomes. The I:DEAS coordinator post has been recruited along with an additional 12.4 whole time equivalent posts across the partner organisations.

10.0 ANTI-POVERTY FUND

- 10.1 A report elsewhere on the agenda provides an overview of the 2016/17 performance of a number of projects funded from the Anti-Poverty fund. The report seeks Committee approval to extend funding for a number of projects with a further report due in February on potential proposals for funding.

11.0 DEVOLUTION OF SOCIAL SECURITY

- 11.1 A joint response by the Council and the Health and Social Care Partnership was made to the Social Security (Scotland) Bill call for views. This is attached as Appendix 4. Points to note about the Bill are the provision of powers to top up reserved benefits and a mechanism to pay an additional amount of Carer's Allowance. Secondary legislation by way of Regulations will provide detail of the operation of social security in Scotland once the Bill has passed into law.
- 11.2 The timescales for the delivery of the devolved responsibilities will begin with the top up to Carers Allowance from summer 2018, Best Start Allowance then Funeral payments during 2019 with a phased roll out of the remaining benefits for full implementation by 2021.
- 11.3 In addition to a claim administration centre, Agency staff will be employed locally and will work within every local authority area; recruitment is likely to begin in 2019. Rather than replace local delivery arrangements Scottish Government officials expressed an interest in building on what already exists through augmentation and support and acknowledge that partnership arrangements will be key to the new arrangements. Scottish Government Officers will visit Inverclyde at the end of September to meet the Welfare Reform Project Board to learn about operational delivery arrangements in Inverclyde, cross partnership working, how the agency can work with the Council to make sure services are joined-up and will discuss possible co-location opportunities.

12.0 IMPLICATIONS

12.1 Finance

As detailed in the report.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments

12.2 Legal

There are no legal implications arising from this report.

12.3 Human Resources

There are no HR implications arising from this report.

12.4 Equalities

Has an Equality Impact Assessment been carried out?

Yes See attached appendix

No

This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

12.5 **Repopulation**

There are no repopulation implications arising from this report.

13.0 **LIST OF BACKGROUND PAPERS**

- 13.1 House of Commons Work and Pensions Committee Inquiry on Universal Credit – Response by Inverclyde Council.

Universal Credit - Inverclyde Council

	No. of UC claimants	% of UC claimants with earnings	No. of UC claimants with Council Tax Reduction	No. of UC claimants awarded SWF Crisis Grants
Feb-17	1466	27%	647	128
Mar-17	1960	28%	883	125
Apr-17	2576	31%	1019	118
May-17	2908	29%	1159	135
Jun-17	3169	29%	1256	134
Jul-17	3416	33%	1358	109

Notes

1. Caseload is the number of individuals in receipt of Universal Credit either individually or as part of a couple

Discretionary Housing Payments
Position 31.07.17

<u>1/ SSSC (Bedroom Tax)</u>		
Applications Approved	1177	81.57%
Applications Not Eligible/Refused	221	15.32%
Applications Being Assessed	45	3.12%
	<u>1443</u>	
	<u>£000</u>	
Paid to Date	907442	Note 1
2017/18 Budget	975421	
(Under)/Overspend	<u>(67979)</u>	
<u>2/ Other DHP Cases</u>		
	<u>£000</u>	
2017/18 Budget	164451	Note 2
less : Payments to 31/7/17	129838	Note 3
(Under)/Overspend	<u>(34613)</u>	

Notes

- 1/ Represents 97.7% of those households known to be affected by SSSC.
 - 2/ Includes £40k from the Welfare Reform recurring budget
 - 3/ Includes £17k Benefit Cap and £61k Temporary Accommodation.
- Finance Services
18/08/2017

Scottish Welfare Fund
31st July 2017

Calls Answered	3441		
Applications	1777		
Applications Granted	1211	68.15%	
Applications Refused	260	14.63%	Note 3
Applications Withdrawn	241	13.56%	
In Progress	65	3.66%	
Referrals to DWP	109		Note 2
	<u>Spend</u>	<u>Budget</u>	<u>Spend</u>
	<u>£000</u>	<u>£000</u>	<u>%</u>
Crisis Grant paid (871)	87.3	318.2	27.44%
Community Care Grants paid (359) (includes 19 applications paying both CCG & CG)	174.5	519.2	33.61%
	<hr/>	<hr/>	
	261.8	837.4	31.26%

Note 1 1st Tier Reviews waiting decision = 5
 1st Tier Review decisions = 17 (1.29%)
 1st Tier Reviews upheld in customer favour = 6 (35.29%)
 2nd Tier Reviews = 1 (as % of 1st tier decisions: 5.88%)
 2nd Tier Reviews upheld in customers favour = 1 (100%)

Note 2 Referrals to DWP are the number of customers who are awaiting payment of a new claim for Universal Credit from DWP. In these circumstances an application can be made for a UC advance, which is repayable to the DWP.

Note 3 The most common reasons for refusal of claims are, applicants not meeting the eligibility criteria, not being in receipt of a qualifying benefit or incomplete evidence provided.

Note 4 Core Budget is £677,475 to which is added £100,000 allocation from the Welfare Reform recurring budget and a residual underspend from previous years of £60,000

Inverclyde Council

Social Security (Scotland) Bill: What do you think?

August 2017

Control of a number of existing social security benefits is being passed from the UK Government to the Scottish Government. The Parliament would like your views on the Scottish Government's plans before they become law. The Social Security Bill is the proposed law.

1. The Bill aims to provide a framework for the creation of the Scottish social security system. In addition the Scottish Government has chosen to put most of the rules about the new benefits in Regulations. It believes that putting the rules in Regulations will make things clearer and less confusing. Parliament cannot change Regulations, only approve or reject them. The Scottish Government intends to develop Regulations with external help.

Q. Do you have any views on this approach?

This is the most appropriate legislative route as it will provide a consistent approach to decision making.

An easy to read guide in a format similar to Shelter's "Guide to Housing Benefits", with scenarios and examples would be welcomed by service users. Contributions by popular publishers such as the Child Poverty Action Group to obtain as many views as possible should be considered

2. The Bill proposes that the Scottish social security system will be based on the following seven principles:

- Social security is an investment in the people of Scotland.
- Social security is a human right. It is essential to accessing other human rights.
- Respect for the dignity of individuals is at the heart of the Scottish social security system.
- The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for.
- The Scottish social security system will be designed with the people of Scotland, and based on evidence.
- The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.
- The Scottish social security system is efficient and delivers value for money.

Q. What are your views on these principles and this approach? Please explain the reason for your answer.

The principles and approach outlined are sound. They demonstrate a commitment to supporting benefit claimants, as well as treating individuals with dignity and respect.

Q. Are there other principles you would like to see included?

No

3. The Bill proposes that there will be a publicly available social security 'charter'. This will say how the Scottish Government will put the seven principles above into practice. It will also say what is expected from people claiming benefits. A report on the charter will be produced by the Scottish Government each year.

Q. Do you agree with the idea of the charter? Please explain the reason for your answer.

Inverclyde Council agrees with the principle of a charter; it will safeguard policy development, ensuring the Scottish Social Security principles are achieved and maintained, as well as providing clarity and transparency for benefit claimants. Likewise it is important that the charter is reviewed, and the results of the reviews reported to the Scottish Parliament to ensure that the charter meets its objectives and to allow the Scottish Parliament, if required, to respond to external factors such as changes to reserved benefits.

Q. Is there anything specific you would like to see in this charter?

The charter should be widely available and easily accessible. It should emphasise that the success of the scheme relies on benefit claimants being open and honest to ensure that benefits reach those individuals in need.

Scrutiny and reporting should be independent and published by the reporting body on behalf of the Scottish Government without interference, providing credibility and complete transparency.

4. The Bill proposes rules for social security which say:

- how decisions are made and when they can be changed
- how to apply and what information people have to provide
- how decisions can be challenged
- when overpayments must be repaid
- what criminal offences will be created relating to benefits.

Q. Do you have any comments on these rules?

It is important that the Bill includes the rules for application, supporting information, decision making and appeals, repayment of overpayments and the consequences of criminal offences.

The inclusion of Section (32) – "Lifting of duty to notify change of circumstances" is welcomed. Avoiding the need for individuals whose circumstances are determined unlikely to change from being required to apply to renew certain benefits will prevent unnecessary intrusion as well as reducing the administrative burden on the Agency

The Bill allows for a two stage challenge to decision making. A re-determination followed by Tribunal if necessary. The current system of mandatory reconsideration for reserved benefits followed by possible Tribunal is discredited and should not be replicated. Service Users should have direct access to Tribunal without barrier.

In terms of the recovery of official error overpayments where the claimant has not contributed to that overpayment, consideration should be given to whether the claimant could reasonably have been expected to have realised that an overpayment was occurring. Furthermore, due regard should be given to the claimants health, age and social circumstances. Concern is shared with the submission from Social Work Scotland as to the necessity to create new criminal offences relating to fraud:

“Social Work Scotland questions whether it is necessary to create new offences.

In creating a new criminal offence, the Bill runs the risk of reinforcing a message of distrust of the system, and those who use it. This is counter to the principles of the Bill. Current fraud legislation affords the Scottish Social Security System adequate powers to deal with the tiny minority who claim benefits dishonestly.”

The recent findings from the Equality and Human Rights Commission are also noted:

“People instinctively know when they are treated with dignity and respect, and when they are not...In many cases the greater indignity is how claimants are portrayed by politicians, the media and the public or treated in their interactions with the system. The feeling of being treated unfairly or viewed by suspicion by case workers on permanent alert for fraud is reported as particularly demoralising. From this point of view, upholding dignity and respect is as much a matter of social attitudes, and the political and media narratives that help shape them, as one of law.”

Social security systems based on dignity and respect. Published August 2017.

5. The Scottish Government will take over responsibility for some current benefits. The Bill does not explain how they will work in detail. This will be set out in Regulations at a later date. The current benefits which will be run by the Scottish Government are:

- disability assistance (including disability living allowance, personal independence payment, attendance allowance and severe disablement allowance)
- carer’s allowance
- winter fuel payments
- industrial injuries disablement benefit
- cold weather payments
- funeral payments
- sure start maternity grants

Q. What are your thoughts on the schedules in the bill in regard to these benefits?

Clarification on how eligibility/entitlement to Carer’s Allowance will be proven is needed, and also whether there will be consideration given to underlying entitlement to Carer’s Allowance where another benefit is in payment. Set hours of care should be clear and claimants should be made aware of the importance of reporting changes that could affect entitlement (e.g. a child being cared for starts to attend nursery or a carer enrolls in a college course). Means testing entitlement to Carer’s Allowance could be considered, but may result in a reduction of family members willing to offer care increasing pressure on social care.

It is noted the design and detail of individual benefits such as Carers Allowance will be determined by Regulation. In terms of Carers Allowance this should include provision for the replication, or even extension, of existing Regulations allowing for time off from caring whilst retaining entitlement, 4 weeks in any 26 week period from temporary breaks in care.

Residence in Scotland should be qualifying criteria for Winter Fuel Payments; this could be evidenced by Council Tax liability. Means testing entitlement to Winter Fuel Payments could be considered although potentially costly to administer with applications potentially leading to poor take-up by the more vulnerable and excluded.

Funeral Payments should be limited depending on the size of the deceased's estate, whether or not a funeral plan is already in place and the finances of the individual applying for assistance. Payments should also be made within a reasonable timescale to prevent undue stress for the bereaved. Arrangements with funeral directors should be explored to offer basic packages with reasonable costs and an element of understanding when awaiting payment.

Again the points made in the response from Social Work Scotland in relation to the opportunity to address and simplify the rules in terms of eligibility for those with no recourse to public funds is worthy of some detailed consideration. In addition consideration should be given to the prospects for simplifying and removing benefit eligibility restrictions for migrants in general, the legitimacy of which may be questionable in any case. Issues such as, right to reside, habitual residence, and past presence requirements.

6. The Bill proposes that a new type of short-term assistance will be introduced. This will be for someone who is challenging a decision to stop or reduce a Scottish benefit.

Q. What are your views on this proposal?

The inclusion of short-term assistance is welcomed as this would allow a degree of continuity for the claimant as well as removing reliance on the Scottish Welfare Fund. It will be of particular help where an individual may be without income for a long period of time while challenging a decision.

Consideration should be given to offering short term assistance at a lower rate than the benefit being challenged, and outcomes of challenges should be within set deadlines to prevent hardship.

If fraudulent activity is determined to have resulted in overpayment any short-term assistance provided could be added to the sum of overpayment to be recovered.

7. The Bill includes the power for the Scottish Government to be able to top up 'reserved' benefits (ones controlled by the UK Government), but does not say how these will be used. The Scottish Government also has the power to create new benefits. This is not included in the bill.

Q. Do you agree with these proposals?

The inclusion of the ability to top up reserved benefits is welcomed; however the ability to create new benefits should be included in the Bill unless there are sound legislative reasons not to.

The Scottish Government commitment to Child Poverty reduction should be perhaps the first focus of the new top up powers. Restrictions in eligibility for Child Tax Credit/Child Element of UC to two children should be a priority for mitigating action in terms of utilising the new top up powers. This will have to be in the context of ensuring that any top up payment is excluded from the overall Benefits Cap.

Top ups should not be used to take away the responsibility of an individual to seek employment or engage with support services who prepare individuals for employment.

Any scheme however must be affordable, cost effective and with consideration of the wider Scottish budget responsibilities and should not put undue pressure on the delivery of other policy priorities.

8. The Bill proposes that carer's allowance should be increased as soon as possible to the level of jobseeker's allowance (from £62.10 to £73.10 a week).

Q. What are your thoughts on this proposal?

While the proposal to increase Carers Allowance is supported there is an argument to increase Carers Allowance further. JSA is in essence a short term benefit paid at a low rate for six months or less approximately. This in no way reflects the burden of financial costs of those often providing long term care. A higher award would recognise carers' additional expenses e.g. daily travel costs; the possibility that their caring arrangement may be a long term commitment without any expectation of entering the labour market and financial independence; and to recognise carers' contribution to society, limiting the pressure on public services. ESA Support Group rates of benefit would be a more appropriate comparator for those claiming Carers Allowance.

9. The Bill proposes that discretionary housing payments continue as they are. They will still be paid by local authorities. The Bill does not require any local authority to have a discretionary housing payments scheme but if they do, they must follow Scottish Government guidance on running it.

Q. Do you agree that discretionary housing payments should continue largely as they are?

Discretionary Housing Payments should continue to be administered by Local Authorities as the current arrangements allow both national and local priorities.

Q. Do you have any other views on the proposals for discretionary housing payments?

Currently, discretionary housing payments can be made to individuals who are entitled to either Housing Benefits or the Housing Cost element of Universal Credit and have difficulty meeting their rent commitments. Where a Universal Credit claimant is receiving a reduced award (perhaps due to the claimant receiving another income or being affected by the benefit cap) and a UC managed payment arrangement is in place, the Housing Cost element is prioritised and paid in full to the landlord; this results in any UC reduction being taken from the claimants Standard Allowance. In these cases, discretionary housing payments cannot be awarded as financial assistance towards housing costs is not required and so the claimant could be left in severe financial hardship.

Where legacy benefit claimants affected by the benefit cap, and are in receipt of Housing Benefit, the reduction is automatically removed from the Housing Benefit entitlement (regardless of who is receiving the payments), leaving a minimum entitlement of £0.50 per week – this ensures claimants are still eligible to apply for discretionary housing payments. Further consideration should be given to this issue to ensure that UC claimants are not adversely affected compared to those in receipt of legacy benefits.

Funding for discretionary housing payments should reflect the local demand and the financial constraints of population in the area, i.e. child poverty, unemployment figures, food bank referrals, homelessness provision, etc.

10. Q. Is there anything else you want to tell us about this Bill?

Close links should be developed with Scottish Local Authorities with Data Sharing Agreements in place to assist the assessment of the Scottish Social Security Agency benefits with reciprocal arrangements to assist Local Authorities assessment of Housing Benefit, Council Tax Reduction, Discretionary Housing Payments, the Scottish Welfare Fund, Education benefits, assistance with home care etc.

It is recommended that rules around implicit consent are in place and to avoid the hindrance of explicit consent provisions incurred by those supporting Universal Credit claimants.

The Bill should contain a clear statement that the right to receive social security is an inalienable right, guaranteeing by statute "that people are given (directly) the social security assistance they are eligible for."

How to submit evidence

The Committee would be grateful to receive submissions by **Wednesday 23 August**. Before making a submission, please read the Parliament's [policy on treatment of written evidence by subject and mandatory committees](#) (the policy is also available in BSL video format and audio format).

In general, written submissions should be concise, no more than 4 sides of A4 and it is helpful if they are set out in numbered paragraphs (in Word format). Alternatively, [the call for evidence response form](#) can be used. All submissions should be sent electronically to socialsecuritycommittee@parliament.scot.

In addition to this call for views, the Finance Committee have published a [call for views](#) on the Financial Memorandum.

For any questions, the Social Security Committee clerking team can be contacted on the same email address or on 0131 348 5320.