

Cross Party Group Children and Young People
Wednesday 29th January 2014
13.00 - 14.30
Committee Room 1, The Scottish Parliament
Chair: Kezia Dugdale MSP

Welfare Reform and children and young people with long-term conditions/disabilities

Attendees

Kezia Dugdale MSP
Alison Johnstone MSP
Michael McMahon MSP
Ibtisam Abokhrais
Margaret Barclay, Alliance Scotland
Anne-Marie Barry, Scottish Health Action on Alcohol Problems
Sara Collier, Children in Scotland
Mo Colvin, RNIB Scotland
Mark Cooper, NSPCC Scotland
Fiona Crombie, Association of Family Therapists
Graeme Donald, Church of Scotland Education Committee
Fee Ferguson, Children in Scotland
Ross Gilligan, Children in Scotland
Lorna Goodwin, Carers Trust
Rachael Grant, Sense Scotland
Emma Grindulis, Together
Carla Halkett, CHAS
Anne Henderson, Enable
Louise Hill, CELCIS
Martin Hunt, Tartan Silk
Maya James
Nico Juetten, SCCYP
Ruth Kerracher, Article 12
Hilary Kidd, Young Scot
Rachel le Noan, Downs Syndrome Scotland
Cath Logan, Big Lottery Fund
Sara Lurie, Fostering Network
Carrie Manning, Prince's Trust
Caroline Macleod, RNIB Scotland
Steven McAvoy, Enable
Cathy McCulloch, Children's Parliament
Garry McGregor, Befriending Networks
Lesley McNab, CHAS

Rebecca Middlemiss, RCPsych in Scotland
Jennifer Mowat, Enable Scotland
Cat Myles, Lothian Autistic Society
Alison Newlands, SCIS
Vibha Pankaj, Enable Scotland
Sarah Paterson, Youthlink Scotland
Katie Rafferty, NDCS Scotland
Paula Raymond, Quarriers
Helen Reilly, BMA Scotland
Lisa Ross, Mindroom
Barbara Schuler, Youthlink Scotland
Jon Shaw, Child Poverty Action Group
Derek Sinclair, Contact a Family
Kirsten Stalker, University of Strathclyde
Chloe Swift, SCCYP
Donna Tomlin, Contact a Family
Susan Walls, Contact a Family
Anne Wilson, Action for Sick Children (Scotland)

Apologies

Fiona McLeod MSP
Kim Atkinson, Scottish Sports Association
Salena Begley, Family Fund
Julie Breen, Social Worker
Eric Carlin, Scottish Health Action on Alcohol Problems
Alison Clancy, Parenting across Scotland
Morag Coleman, Families First St Andrews
Bill Colley, Caledonia Learning and Care
Jennifer Drummond, Children in Scotland
Barry Fisher, DofE Scotland
Gina Freeman
Gail Gibson, Skills Development Scotland
Mark Griffiths, Shelter
Kim Hartley, Royal College of Speech and Language Therapists
Richard Knott, Salvation Army
Brandi Lee Lough Dennell, LGBT Youth Scotland
Robert MacBean, National Autistic Society
Brian Magee, COSCA
Louise Morgan, Carers Trust
Paul Mullan, Quarriers
Jamie O'Neill, Roshni

Arianne Patterson, AFASIC Scotland
Mags Powell, Stable Life
Jayne Scotland, NHS Lothian
Marsha Scott, West Lothian Council
Clare Simpson, Parenting across Scotland
Maggie Simpson, Scottish Childminding Association
Kay Steven, Action for Children
Gabrielle Stewart, College of Occupational Therapists
Linda Whitmore, Enable

Welcome
Kezia Dugdale, MSP

Kezia welcomed everyone to the meeting and announced that she would be chairing in place of Marco Biagi MSP.

Kezia explained that the focus of this meeting was welfare reform and its effect on children and young people with long term conditions and disabilities, adding that she hoped the large majority of the session would be spent on an open discussion of the issues concerned.

Kezia invited Michael McMahon MSP, Convener of the Welfare Reform Committee to provide some reflections on where we are in terms of children and young people with disabilities and long-term conditions.

Michael McMahon MSP, Convener of the Welfare Reform Committee

Michael McMahon MSP informed the group that the Welfare Reform Committee are currently working on a report on the impact of the bedroom tax, with the intention of having this debated by the full Parliament towards the end of March.

Michael explained that the Committee have undertaken a lot of work in assessing the roll out of the Scottish Welfare Fund. The picture in terms of the distribution of the Fund is unclear at present, with the initial statistics from the end of summer 2013 indicating that the take up during the initial three month period had been very low.

Michael informed the group that he had raised this issue directly with the First Minister who had promised up to date statistics, which he was confident would show that uptake had improved, would be available by the end of November 2013. These statistics never materialised and

Michael expressed concern that this may be due to the figures not having improved as expected. The Welfare Reform Committee has since been given heavily caveated statistics which are indicative of an improvement, however these still have to be officially verified. Anecdotally there was concern that people were being referred to foodbanks instead of the Fund being used.

The Committee currently wishes to hear from people with long-term conditions and specific illnesses as part of their 'Your Say' call for evidence. They have heard that specific illnesses are not being taken into account by work capacity assessments, and that there are issues for those with fluctuating conditions. They are keen to hear of other examples.

The Committee have recently considered two petitions, one from the Govan Law Centre which is looking for a change in housing legislation, and a petition which asks for full funding of the mitigation of the 'bedroom tax' to be met by the Scottish Government. Opinions differ on whether or not fully Government funded mitigation is practical or feasible, however Michael expressed that there is definitely a willingness to get to that point, although there may be legal difficulties in this. Renfrewshire Council have recently been assessed and approved on their mitigation proposals by Audit Scotland. Michael explained that the committee were looking into possibilities of replicating this across Scotland.

In closing, Michael asked the group to please share any case studies of families affected by the bedroom tax, and any information on any changes and impact on families with the Welfare Reform Committee.

Kezia then invited the group to ask any specific questions for Michael on the work of the WR Committee as he could not stay for the whole meeting.

Jon Shaw from the Child Poverty Action Group asked Michael if the Renfrewshire Council mitigation strategy was publicly available.

Michael replied that the strategy should be available on the Renfrewshire Council website. Finally, he noted that there was the issue of whether the Scottish Government could set aside money to write off debts incurred by the bedroom tax. Danny Alexander MP has said that Scottish Block Grant funds can be used in this way, but others suggest legislation means that Scottish Government cannot be seen be undermining Westminster legislation.

Jon Shaw, Child Poverty Action Group

Jon began by stating that families caring for a disabled child face a greater risk of poverty and that one of the reasons for this is due to the extra barrier to working or to moving into secure full time work. These families are more reliant on social security benefits, and a range of cuts that can fall upon the same family.

Jon noted that the biggest saving in social security benefits is actually changes in the way they're uprated. Historically benefits have risen with inflation, but the Welfare Up-rating Bill has capped the rise in a lot of benefits to 1%.

Jon shared a calculation with the group: a lone parent carer on income support caring for one disabled child who gets PI middle rate care, will only see their total benefits rise by 1.8% in April. Protection from the 1% up-rating cap for disability and carers benefits is ineffectual in the cases of families with the lowest incomes.

1 in 10 of those seeking help from Citizens Advice about the Bedroom Tax were carers. Jon described a test case where two disabled children were not able to share a bedroom, explaining that this case was won and as a result, the Department for Work and Pensions (DWP) eventually changed their regulations. Jon explained that an extra bedroom is allowed for a disabled child only if two conditions are met:

- The child must receive a high enough rate of Disability Living Allowance
- The local authority must be convinced that the child is not able to share a bedroom

There are issues with these conditions as there is no allowance for an extra room needed for specialist medical equipment, and there is no provision for an overnight carer who is not normally present in the house.

There are ongoing test cases to challenge both of these issues and Jon emphasised that anyone with a child in that position should be encouraged to challenge the decision as soon as possible, however, practically the case will not be heard until these lead cases are resolved.

Jon then explained that Personal Independence Payments (PIP) will be replacing Disability Living Allowance (DLA) for people over the age of 16 making new claims. This has been primarily been extended to some areas of Scotland from 13th January this year. People turning 16 in those areas after this date, must be invited to claim PIP and DLA will not be renewed.

Anyone who turned 16 before 13th January and is having problems with DLA should be encouraged to seek advice immediately. Anyone over 16 who is written to by the DWP regarding claiming PIP should do so as soon as they can.

The transfer process is going to put pressure on the assessment of new claims and Jon advised that if there is a delay on assessment when making new claims, people must be advised to make a complaint and to try and get their MP involved.

Jon asked the group to share with him any anonymous case studies. The Child Poverty Action Group is currently collecting examples via its Early Warning System work – these will help inform decision makers and help mitigate effect.

Derek Sinclair, Contact a Family

Derek introduced both himself and Contact a Family, stating that they are the only UK wide charity that supports families of disabled children regardless of which condition the child has.

Derek explained to the group that many challenges lie ahead as a result of the introduction of Universal Credit. Universal Credit is going to completely transform the benefits landscape, creating one single payment for people of working age which is going to replace most of the means tested benefits.

This was initially supposed to be rolled out nationally in April 2014 however it has been delayed now until 2016. In the interim, Universal Credit will be tested in pilot areas including Inverness, however in pilot areas it only currently applies to single job seekers. We should see first cases of families in Scotland going through the universal credit system in pilot areas in autumn 2014.

Contact a Family's biggest problem with the plans is the major cut in basic child disability addition. These additions are paid at one or two

rates: if the child is on the highest rate for DLA care component, or equivalent under the PIP system, then under the current tax credits system they get a higher amount £81, other rates get a basic standard allowance of £58.

This system is going to be replicated in universal credit, with the key difference being that the basic addition under universal credit is going to be £28 – that's a cut of £30 per week in the amount to be paid for disabled children who don't qualify for the highest rate of DLA care component, that's £1,600 less per year, per child.

This will not happen in isolation. For some working families features of Universal Credit designed to incentivise work might make up for this cut in the disability addition – it depends on the individual circumstances. However out of work families who face a cut in their disability addition will be worse off over time.

Derek explained that there is transitional protection in place where the government have committed themselves to provide top up payments for people who will be worse off under Universal Credit at point of transfer. However these top up payments will be frozen, not updated. In addition certain changes of circumstances will bring transitional protection to an end. Transitional protection does not however, apply to new claimants – they have no protection.

In the case of looked-after children, if the child is in residential accommodation solely because of their disability, the parent can keep claiming under the current tax credits system. Under the Universal Credit regulations there would be no payments for any child with 'looked after' status, except where the child is looked after as part of a planned short break.

In cases where both parents provide care to a disabled child, only one of them will automatically be exempt from conditionality – there is some discretion in how job centre staff seek to apply this.

Kezia thanked the speakers for their helpful contributions and invited CPG members to open discussion around the topics covered.

Group Discussion

Paula Raymond, Quarriers, asked about looked after children and the impact this would have on parents' benefits claims under universal credit. Derek responded, explaining if parents are not viewed as

responsible for the child then they can't receive any universal credit for the child, with the exception being if that child is looked after as part of a planned short break.

Alison Johnstone MSP asked about the training Job Centre staff would be receiving regarding conditionality and couples who both have caring responsibilities for the same child. Derek replied that there is currently no guidance for them on this. There is a claimant commitment for those receiving Universal Credit – this outlines what is expected of you as a claimant.

Patricia Hutchinson, CLIC Sargent, asked if there was going to be any publicity around challenging decisions eg around PIP transition which would help other people. She also asked about transparency in future from Local Authorities around welfare reform budget and funding,

Jon replied that budget allocations should be public, discretionary payments apply to the same department as housing benefit. Local Authorities will use different methods. The gov.uk website data checker is a helpful tool for families who should note that the DWP can change without notice which areas benefits are rolled out to. Charities have a key role to play in helping to publicise these changes.

Lesley McNab, Children's Hospital Association Scotland, raised a point regarding the bedroom tax and an extra room for overnight carers, explaining that CHAS are often working with families who need both a room for overnight carers and a room for extra equipment. Jon again emphasised the importance of encouraging parents to challenge these letters and decisions and to apply for discretionary housing benefit through the Local Authority. Derek added that parents should make these challenges now so that parents can take advantage of any back-dating.

Sara Lurie, Fostering Network asked if there were templates available that could help families with challenges. Derek replied that Contact a Family have some template letters – however cases can be complex so templates are not always appropriate. Govan Law Centre also have a useful toolkit.

Patricia Hutchinson, CLIC Sargent, asked if there has been any research on the link between anxiety levels of parents and families and

welfare reform changes. Derek responded mentioning the first Contact a Family 'Counting the Costs' report which looked at impacts of welfare reform on families, informing the group that a second 'Counting the Costs' report will be coming out later this year. Jon said NHS Scotland may also look at the impact of welfare reform on health outcomes.

Robin Parker, Barnardo's, mentioned the current consultation on the Scottish Welfare Fund, one issue which had been raised around this was that the current timescales were too long for families. Jon agreed timing was a key issue – when it becomes statutory it will be interesting to see if this changes. The DWP method was faster than the Scottish Welfare Fund is, because it is centralised.

Ross Gilligan, Children in Scotland, informed the group that Children in Scotland will be putting on awareness-raising sessions in March in partnership with CPAG on the topic of the Scottish Welfare Fund, these are free events.

Professor Kirsten Stalker carried out research for SCCYP on cuts and their affect on disabled children – anxiety was a key issue that came across in this. Nico Juetten, SCCYP, said there were multi-layered impacts of welfare reform and other cuts.

Ruth Kerracher, Article 12, highlighted the difficulty for young people leaving residential care who often experience homelessness, and also young Gypsy/Travellers, to make any claims for disability support as often they have no fixed address.

Close
Kezia Dugdale, MSP

Kezia thanked the group and informed everyone that she had just received a response to the letter sent as a result of the last Cross Party Group on Children and Young People meeting. Once the letter has been properly studied and compared to the notes of the last meeting, checking that all questions have been adequately answered, it will be circulated around the group.

The next meeting of the CPG will be March 25th, on the topic of Childcare.