

**To:** Leadership Board

**On:** 4 December 2019

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**Report by:** Chief Executive

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**Heading:** Social Security Committee Consultation Response – Benefit Take Up

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## **1 Summary**

- 1.1 An inquiry was launched into Benefit Take-up by the Scottish Parliament's Social Security Committee on 9 September. This inquiry will explore how take-up for both reserved and devolved social security benefits can be improved, including through benefit automation.
- 1.2 Submissions were sought by 21 October 2019 and the response submitted by the Council is set out in this report for homologated approval.

## **2 Recommendations**

- 2.1 It is recommended that the Board:
- Agree to homologate approval of the draft response attached at Appendix 1 to this report which was submitted to the Social Security Committee.

## **3 Background**

- 3.1 The Scottish Parliament's Social Security Committee has launched an inquiry into Benefit Take-up. The Committee will explore how take-up for both reserved and devolved social security benefits can be improved, including through benefit automation. This will include what is known and unknown about what is unclaimed and what can be learned from previous efforts to promote take-up.

- 3.2 Social Security Scotland ([www.socialsecurity.gov.scot](http://www.socialsecurity.gov.scot)) currently pays a number of devolved benefits, such as Best Start Grants and Funeral Support Payments, with Best Start Foods being the most recently launched. Their ongoing programme will see them take over the payment of Disability Living Allowance (DLA) in 2020 and Personal Independence Payment (PIP) in 2021.
- 3.3 Some benefits, such as Universal Credit, Bereavement Benefits and State Pension, will remain reserved and paid by the Department for Work and Pensions (DWP). An overview of reserved and devolved benefits is available at [www.gov.scot/publications/responsibility-for-benefits-overview/](http://www.gov.scot/publications/responsibility-for-benefits-overview/)
- 3.4 Most recent estimates show that in the UK as a whole, £20 billion of benefits remain unclaimed, including over £4 billion in Housing benefit and £3.5 billion in Pension Credits.
- 3.5 The Committee are seeking input from organisations and individuals to inform their view and are asking for views, on any or all of the following questions:
- What do we know about how much is unclaimed and why?
  - What are the gaps in knowledge/research and how can they be improved?
  - How can the administration of benefits be improved to maximise take-up? Specific examples would be welcomed.
  - How far is it possible for technology to create a more automated system, that uses information gathered for other reasons to award benefits automatically? What would the advantages/disadvantages be of greater automation?
  - What can we learn from previous campaigns to increase take-up? Specific examples of projects or approaches that improved benefit take-up, particularly those that were evaluated, would be welcomed.
  - Are different approaches required for different benefits and different client groups?
  - What kinds of eligibility criteria ensure better take-up?
  - How might the development of Scottish social security impact on take-up of both reserved and devolved benefits?
  - Are there other questions you think the Committee should consider as part of this inquiry?

- 3.6 The Committee requested submissions by email in the form accompanying the report by Monday 21 October 2019. Renfrewshire's Council's response is attached as Appendix 1 to this report for homologated approval.

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### **Implications of the Report**

1. **Financial** – No immediate implication. Should some form of automation be taken forward there may be some initial cost involved to ensure systems can interact.
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – none
5. **Property/Assets** – none
6. **Information Technology** – none
7. **Equality & Human Rights** – Improved benefit take-up would have a positive impact on Equality and Human Rights considering the overrepresentation on equality groups within low-income households.
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** - none
11. **Privacy Impact** – none

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**SOCIAL SECURITY COMMITTEE**

**BENEFIT TAKE-UP**

**SUBMISSION FROM RENFREWSHIRE COUNCIL**

**What do we know about how much is unclaimed and why?**

Research into unclaimed benefits over the years has only been to estimate the amount of unclaimed entitlement. The DWP use the Family Resources Survey as the base for their estimates and response data is cleansed, extrapolated and modelled to come to an estimate. Out of a population of circa 60 million people in the UK, estimates of unclaimed benefit entitlement is modelled from a survey sample of less than 20,000 households.

In addition, it is widely accepted that estimating unclaimed disability/caring benefits would be extremely difficult if not impossible due to the various specific qualifying criteria for entitlement. As a consequence, where disability benefit entitlement could result in entitlement for an income-based benefit (due to allowances, premiums and disregards) accurate estimation would be extremely difficult.

In terms of why benefits are unclaimed, we would agree with previous Committee witness statements;

- There is still a stigma attached for claiming benefits
- Lack of awareness
- Complexity of the system both in terms of establishing what benefits are available and who administers it, and what forms need to be completed and what secondary use could that application have for other benefits to be considered. This complexity can mean in some cases incorrect advice is received from DWP staff about entitlement.

Moreover, based on their own experiences, advice providers have indicated further issues that may have an impact

- Fear, of having their benefit affected if they take certain actions whilst claiming benefits. For example where a client in receipt of Employment Support Allowance may retain entitlement to the benefit whilst engaging in permitted work, but doesn't accept work which may improve their financial situation for fear they may be called to a medical and their benefit stopped, or conversely, takes the work but stops claiming benefits to which they may well be entitled. This also occurs with those who themselves receive PIP but look after someone else – if Carers Allowance is claimed in these cases, it could have an adverse effect on PIP.
- Lack of support at initial claim stage for those, especially vulnerable, clients claiming benefits. The long telephone calls associated with some benefits such as DLA can be stressful, especially for those with mental and physical health issues. PIP forms are amongst the longest claim forms, and in many cases clients will seek support from advice services to complete these.
- Timeframes for form return. There can be a relatively small window for the return of forms, especially where support is needed for completion.

## **What are the gaps in knowledge/research and how can they be improved?**

Gaps in knowledge/research could be addressed by more effective information sharing. There are currently both real and perceived barriers to this. In terms of real barriers, the DWP MOU generally restricts the use of DWP data unless this is for the administration of council tax or housing benefit, even when such information sharing would otherwise be GDPR and Data Protection Act 2018 compliant. Although recent changes to this permit some additional uses, this is consent based and extends beyond the requirements of data protection law. This in itself creates confusion as it is often unclear to staff when they need to seek consent to share information and consent is not necessarily the best lawful basis for sharing information for uptake purposes.

The statutory prohibition on secondary use of personal council tax data in the Local Government Finance Act 1992 can also restrict information sharing. It would be highly beneficial if this provision was amended or explicit power given to share information for benefit uptake purposes. As this legislation is restricted to Westminster, it is unlikely that any quick legislative change can be introduced, however in the absence of a power to share personal council tax data for appropriate benefit maximisation purposes aligned to GDPR, the Local Government Finance Act 1992 will continue to be an obstacle to this.

There are also some perceived barriers, which restrict inter-agency information flow. Some organisations are generally reluctant to share information due to their interpretation of data protection law and fear of increased GDPR fines.

Although greater clarity on existing information sharing powers would be helpful, all of the above obstacles would be addressed with an explicit information sharing power to maximise benefit uptake. Although unrelated to benefits, the Anti-social Behaviour etc (Scotland) Act 2004 provided a very effective information sharing power in section 139, which helped ensure that there is no uncertainty around inter-agency and inter-departmental information sharing for those purposes. It is suggested that this approach could be mirrored for benefit maximisation purposes.

It would certainly be useful to find out why individuals do not claim what they are entitled to on a systematic basis. Where it is recognised that a client may have been entitled to a benefit for some time before claiming, could that information be collected? Or perhaps where advice has been sought from an external agency, this could be recorded on the claim.

The Scottish Government funded 'Help to Claim' service may be in a good position to capture some useful information.

## **How can the administration of benefits be improved to maximise take-up? (Specific examples would be welcomed)**

As above, an explicit information sharing power and designing systems and administration to maximise the use of the information would be of great assistance.

For example, this year the Scottish Social Security Agency launched Best Start Grant payments for nursery and school age children and embarked on a take-up campaign. At the same time, Local Authorities were embarking on take-up campaigns for Free School Meals and Clothing Grants.

Whilst difference in eligibility criteria may exist, it is in effect the same client group that could be targeted. Explicit data sharing agreements could have been made so that applications

for Best Start Grants could have been used by Local Authorities to consider Free School Meals/Clothing Grant entitlement, and vice versa.

Requests made to the Scottish Social Security Agency for data have been passed to the policy team for consideration; if the culture was to maximise take-up for those most in need then this could be considered in advance of launch dates and as part of system/process design for future benefits.

Consideration could also be given to simplifying the claim processes, even within Scottish Social Security benefits, for example, with an single online entry portal where all benefits were stored. Online solutions exist as benefits calculators, advising a client of all benefits they may be entitled to where they input their details. Could this be taken one stage further and actually become a claim initiation for the benefits where an entitlement is shown?

An option to name a 3<sup>rd</sup> party intermediary valid for a set period of time (or until rescinded) would also help vulnerable clients claim their entitlement.

Experience of Council Advice Works staff has also shown that DLA/PIP are never currently awarded without a medical, unless the claim is due to terminal illness. For this reason, those forms could be simplified greatly to encourage claims, with much fewer questions but rather allowing clients to explain their condition or where they have difficulty and more evidence coming from the client's medical/medical professional. This medical could also cover any ESA claim that has been made for simplicity.

**How far is it possible for technology to create a more automated system, that uses information gathered for other reasons to award benefits automatically? What would the advantages/disadvantages be of greater automation?**

Greater automation needs to be accompanied with an ability to share information more effectively. An explicit information sharing power would avoid any data protection concerns about automated decision making.

Decisions would have to be made on the level of automation applied to ensure that correct entitlements were given. Each organisation has different benefit systems (indeed not all Local Authorities use the same systems in Scotland) so automation would be difficult but, by using robotic technology for instance, difficulties could be overcome. By standardising data fields and output, data files could be interrogated for use by differing systems and it may be useful to pursue standardisation as a long-term aim.

Theoretically by strengthening understanding of data sharing and designing benefit/grant administration holistically (even if administered by differing agencies) take-up could be increased.

Full automation could lead to incorrect awards being made but possibly also open the likelihood of identifying unreported changes (or fraud). If residence and household composition in a particular claimed benefit was compared to Council Tax records for instance and the information provided found to differ, the veracity of information provided would need to be established. Such comparison isn't currently possible because of the

restrictions imposed by the Local Government Finance Act 1992; however, increased verification would invariably be an outcome of such a change.

As an example, if a single parent claims a Best Start Grant, the information provided is verified and entitlement is given. The same would also be the case if the same single parent applied for a Free School Meal or a Clothing Grant. If fully automated, consideration would need to be given to what would happen if residency was questioned by using Council Tax or other records and potential incorrect entitlement was identified. It may be that a system which intuitively gathers information that would suggest a benefit is payable could be a happy medium.

More automation would bring about a subsequent rise in costs of benefit/grant outlay. There would have to be a commitment from UK and Scottish Governments to fully fund increased take-up, taking into consideration the Fiscal Framework and other funding arrangements.

**What can we learn from previous campaigns to increase take-up? (Specific examples of projects or approaches that improved benefit take-up, particularly those that were evaluated, would be welcomed.)**

From experience of working with people before, during and after benefit take-up campaigns, local advice providers have noted that campaigns need to be ongoing and not short-term, centred around a launch of a benefit, or where political aims need to be met. In tandem with this they should be holistic to maximise take-up and also include potential future claimants rather than just those in immediate need. Raising the awareness of family, friends and support networks can be vital to success.

Campaigns need to be mindful that many benefits are circumstances led so it may be useful to focus publicity and effort along with inter-agency working when need is identified.

With the ever-changing media landscape, print media declining, but a gap in possible use of social media for some client groups, campaigns should use as wide ranges of media as possible. TV campaigns could also be affected by the wide-viewing preferences of target groups (more digital channels, increased use of on-demand services) and where TV and radio are used, the times of campaigns should be adjusted based on benefits being publicised, eg. daytime slots.

Involved professional can be a best route for some. One example of this is Healthy Start Vouchers, which was one of the most underclaimed benefits. In Lothian, where these were promoted through midwives and with the help of a dedicated welfare rights worker, uptake increased by over 13%. We have seen this in Renfrewshire too, with our Healthier Wealthier Children initiative, where promoting the service through professionals, including Children's Service staff, increased uptake in 2018 by 157%.

The 'Make the Call' campaign in Northern Ireland may also provide learning for Scotland. This is a specific campaign aimed at ensuring people in Northern Ireland get all the benefits they're entitled to. There is a website, split into client type and backed by a freephone number.



To generate calls, the service is advertised frequently throughout the year on all main media platforms and customers also call after referral from local benefit offices and through various partnership arrangements. The Northern Irish Department for Communities have set targets for benefit checks and monetary value of additional benefits claimed. More detail is available at [communities-ni.gov.uk/articles/benefit-uptake-programme](https://communities-ni.gov.uk/articles/benefit-uptake-programme).

### **Are different approaches required for different benefits and different client groups?**

Different approaches are required for different benefits and different client groups in terms of a take-up strategy. This will be based on;

- Age of client group
- Vulnerability of client group including support infrastructure
- Whether the client group physical and/or mental disabilities which may require additional support and more specific approaches
- Whether an overlap of policies exists (e.g. Tackling Child Poverty, Fuel Poverty etc)
- Whether an overlap between reserved and devolved benefit entitlement
- Locality including provision and availability of support services
- Whether benefit/grant is a one-off payment or ongoing support
- Whether there is any conditionality for entitlement
- Digital infrastructure (broadband/mobile provision)
- Where there are overlaps in provision/entitlement between benefits/grants provided by more than 2 agencies (DWP/HMRC/Local Authorities/Scottish Government/Third Sector)
- Whether or not explicit data sharing is possible

Approaches should also be evaluated, with ongoing monitoring of changes to social security policy considered for adapting approaches. It would seem that the already established Experience Panels would be an ideal starting point for identifying approaches initially.

### **What kinds of eligibility criteria ensure better take-up?**

It is suggested that there are two types of eligibility criteria that ensure a better take-up;

- Universal Benefit entitlement – no or little means-testing (e.g. Child Benefit, free prescriptions etc)
- Life event entitlement – eligibility based on a standard life event (e.g. becoming unemployed, having a child, reaching state pension age, bereavement). In these instances, there are usually multi-agency interventions signposting to increase awareness (e.g. funeral director, midwife, employer, pension company, HMRC etc)

It may be that a simple system to capture information, indicate where there may be entitlement to a benefit, and take the details entered by the user as an initial claim to all benefits where there may be entitlement as suggested earlier may be an option, rather than focussing on changing eligibility criteria.

## **How might the development of Scottish social security impact on take-up of both reserved and devolved benefits?**

It would be hoped that the development of Scottish Social Security and the administration of the devolved benefits in Scotland would have a positive impact on take-up through making the system customer centred.

So far, the devolved benefits have all been payments, grants and supplements that have no real interaction with reserved benefits entitlement. Next year, when the Scottish Social Security Agency is due to start making awards of disability/carers benefits, which consequently can affect entitlement to reserved benefits, more information will be available on the impact of the take-up of reserved and devolved benefits.

Anecdotal evidence from the Council Advice Works and Housing teams suggests that many would be applicants are put off applying for disability benefits through the DWP, influenced by their own experience (or of others) of the assessment regime. If the Scottish Security Principles and Charter, along with a more evidence-based entitlement assessment carried out in conjunction with health professionals, improves the perception of disability benefit assessment then that certainly would be a positive impact. It is likely that Scottish disability benefit entitlement will increase and that would have a consequential impact on reserved benefit entitlement due to additional elements/premiums being awarded.

It is important that the potential impact of increased disability benefit support is considered to maximise take-up of all other benefits whether it be reserved or devolved. This should include appropriate signposting through advice provision, but ideally would involve some sort of data sharing to maximise take-up of other devolved and reserved benefits/entitlements whilst minimising impact on customers.

It should be recognised that as Scottish Social Security develops, and local delivery staff come into post, this may cause some confusion for clients as to which agency is administering their benefit, how/who to contact etc. Roles and remits for the Agency and its staff should be clearly defined in advance and work done with Local Authorities, advice agencies and the third sector to avoid this. It would also be useful if Social Security Scotland staff had awareness of reserved benefits to give best advice.

## **Are there other questions you think the Committee should consider as part of this inquiry?**

As outlined above, it would be helpful if there could be a focus on effective information sharing. Consideration could be given as to what can be done to reduce uncertainty over existing law. However, an explicit information sharing power could simply remove uncertainty.

It may also be worthwhile investigating the fiscal commitment to take-up (from UK and Scottish Government) and identify whether any increased benefit take-up could lead to a reduction in funding elsewhere, bearing in mind the complex Fiscal Framework that exists.