**Health and Social Care Alliance Scotland (the ALLIANCE)**

Response to Scottish Commission on Social Security Call for Views: Draft Adult Disability Payment Regulations

24 August 2021

**Introduction**

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to this call for views on draft regulations for the forthcoming Adult Disability Payment (ADP). The ALLIANCE is a national third sector intermediary for a range of health and social care organisations, disabled people, people living with long term conditions and unpaid carers. We responded to the Scottish Government’s consultation on a previous iteration of the draft regulations in March 2021,[[1]](#footnote-2) and whilst some of the changes the Scottish Government have subsequently made are welcome, we are disappointed that there are a number of important areas which have been left unchanged, as detailed in this response.

The ALLIANCE welcomes the Scottish Government’s proposed review of ADP rules following the transition of existing clients from Personal Independence Payment (PIP). As a member of the Scottish Campaign on Rights to Social Security (SCoRSS), the ALLIANCE recommends a comprehensive, independent and person centred review take place to create a world-leading rights based system of social security for disabled people in the longer term.[[2]](#footnote-3)

**Eligibility: Daily Living Component and Mobility Component (regulations 5 - 10)**

Whilst there are areas of the regulations that largely replicate those for PIP due to the Scottish Government’s ‘safe and secure transition’ approach, the ALLIANCE recommends that the current ’20 metre rule’ for mobility, and ‘50% rule’ specifying for how long descriptors must be fulfilled, should be revised from the outset of ADP.

ALLIANCE members and other stakeholders have repeatedly raised concerns about the requirement for a person being unable to walk more than 20 metres to qualify for the enhanced mobility rate of PIP. As the MS Society have noted, the reduction in support as a result of the introduction of the rules had a negative effect on people’s condition, required them to increase their use of GP services, and reduce spending on food and therapies. The MS Society also calculated that the rule increased, rather than reduced, the cost to government due to additional costs to the NHS[[3]](#footnote-4). There is no clear evidence-based rationale for making the criteria 20 metres in ADP, and the ALLIANCE strongly recommends it is increased to 50 metres to qualify for the enhanced rate.

Similarly, the ALLIANCE believes that the ‘50% rule’ should be revised at this stage to address the problems it has created in the current system for people living with fluctuating conditions. Although people may not experience symptoms on at least 50% of days, the barriers they face – and consequent requirement for financial support – remain due to being unable to predict when ‘good days’ and ‘bad days’ will occur. The ALLIANCE strongly recommends the rule should be amended to avoid a reference to an arbitrary figure of 50%.

In their response to the consultation, the Scottish Government suggests that *“any changes which widen eligibility risk the Department for Work and Pensions deciding that Adult Disability Payment is not a comparable benefit to Personal Independence Payment and withdrawing automatic entitlement to reserved payments from Scottish clients.”*[[4]](#footnote-5) However, it is unclear to what extent specific proposals have been put to DWP for a response as to whether this is actually the case in practice.

This also has wider implications for the extent to which the devolved Scottish social security system can differ from the reserved UK system in practice, with consequential impacts on what changes to policy can be considered in future. The ALLIANCE recommends the Scottish Government clarify what specific discussions have taken place with the UK Government about this issue, and whether this imposes practical restrictions on the implementation of devolved social security powers.

**Residence and presence conditions (regulation 15)**

**Whilst the Scottish Government proposes to reduce the ‘past presence test’, which currently requires a person to have lived in the UK for at least two of the past three years to qualify for PIP, to at least six months of the past year for ADP, the ALLIANCE believes the rule should be removed entirely. The rule unduly restricts people’s right to social security, and is inconsistent with other Scottish social security payments, which do not include this restriction. There does not appear to be any practical reason for this rule to be included, even in a reduced form.**

**About the ALLIANCE**

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. We have a growing membership of nearly 3,000 national and local third sector organisations, associates in the statutory and private sectors, disabled people, people living with long term conditions and unpaid carers. Many NHS Boards, Health and Social Care Partnerships, Medical Practices, Third Sector Interfaces, Libraries and Access Panels are also members.

The ALLIANCE is a strategic partner of the Scottish Government and has close working relationships, several of which are underpinned by Memorandum of Understanding, with many national NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.

Our vision is for a Scotland where people of all ages who are disabled or living with long term conditions, and unpaid carers, have a strong voice and enjoy their right to live well, as equal and active citizens, free from discrimination, with support and services that put them at the centre.

The ALLIANCE has three core aims; we seek to:

* Ensure people are at the centre, that their voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
* Support transformational change, towards approaches that work with individual and community assets, helping people to stay well, supporting human rights, self management, co-production and independent living.
* Champion and support the third sector as a vital strategic and delivery partner and foster better cross-sector understanding and partnership.

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1. [ALLIANCE response – Draft Adult Disability Payment regulations](https://www.alliance-scotland.org.uk/blog/news/alliance-respond-to-adult-disability-payment-regulations-consultation/), March 2021 [↑](#footnote-ref-2)
2. [Beyond a Safe and Secure Transition: A Long Term Vision for Disability Assistance in Scotland](https://www.alliance-scotland.org.uk/blog/news/beyond-a-safe-and-secure-transition-a-long-term-vision-for-disability-assistance-in-scotland/) – Scottish Campaign on Rights to Social Security, August 2020. [↑](#footnote-ref-3)
3. [PIP: A Step Too Far – MS Society, June 2018](https://www.mssociety.org.uk/what-we-do/news/scrap-the-pip-20-metre-rule) [↑](#footnote-ref-4)
4. [Adult Disability Payment: consultation response](https://www.gov.scot/publications/adult-disability-payment-response-consultation/documents/) – Scottish Government, June 2021 [↑](#footnote-ref-5)