

Cross Party Group at the Scottish Parliament on ARMED FORCES VETERANS

Minutes of the meeting held at the Scottish Parliament on 28th November 2012

Present

MSP	Other Attendees
Alex Fergusson – Convenor (AF)	Martin Gibson (MG) - Veterans Scotland
Hugh Henry (HH)	Graham Dunlop (GD) – Royal Marines Association
Margaret McDougal (MM)	Maurice Corey (MSC) Councillor - Argyle and Bute
Jamie McGrigor (JM)	ElizabethAnne Handibode(EH) – West of Scotland APC
Annabel Ewing (AE)	Jim Trolland (JT)– Community Activist & Veteran
Nanette Milne (NM)	Neil Robinson(NR) – RBLs Pensions Advisor
Alex Johnston (AJ)	Phil Cox (PC) – Lowland RFCA
Michael McMahon (MMc)	Ian McGregor(IM) - Poppyscotland
Richard Lyall (RL)	Ian Ballantyne (IB)– Scottish Veterans Residencies
	Raymond Bullion (RB)– Housing Options Scotland
	Robert McFarlane – Secretary to CPG

Business.

1. The Convenor opened the meeting at 1800hrs and introduced;
 - a. Mr Mark Knight (MK) – Department for Work and Pensions
 - b. Dr Richard Thompson (RT) – MOD DCDS (Pers) Staff..
2. The minutes of the CPG meeting of 26 September were approved as a true record.
3. Paragraph 5 f. should read “37” years and not “30” as noted.
4. Mark Knight and Richard Thompson then presented on the impact to veterans of the UK Government Welfare Reform programme.
5. A copy of the presentation is attached at Annex A
6. A copy of the hand-out produced to accompany the presentation is at Annex B
7. As expected the presentation elicited a number of interesting points and questions from the CPG including;
 - a. Social housing building in Scotland has focussed on two and three bed houses over the last 10 years and as such there is a significant shortage of single bed accommodation available for occupancy. This will lead to single people having to be housed in 2 & 3 bed accommodation with the resulting penalty to their housing benefit. **Is DWP making any allowance for this and allowing an exemption where no single bed accommodation is available?**
 - b. There was a great deal of concern about the payment of Housing Benefits directly to vulnerable individuals, as opposed to the current system where payment can be made to the landlord. It was widely felt by MSP’s that this will lead to rents not being paid as the individual will inevitably spend on the causes of his vulnerability and will not consider paying his rent until it is too late. Rent arrears will inevitably follow and homelessness will increase.

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MSP's were gratified to learn that exemptions were being considered on a case by case basis.

More details were requested

- c. **Are DWP taking steps to identify the veterans population in the UK to ensure no person is disadvantaged by the changes?**
 - d. Several MSP's and others were concerned that there was a lack of information available and sought assurances that all DWP Champions and other staff were well briefed to answer questions at the point of contact with the veteran. There was concern that due to a lack of definitive guidance there was a lot of misinformation and hearsay in the community.
Accurate information and guidance needs to be available as soon as legislation is passed.
 - e. **More information was requested on changes to the Social Fund as it applies to Scotland.**
 - f. **Members were very concerned that the application process was IT based and that the process could take as long as 2 hours to complete. Vulnerable veterans could find this process extremely stressful and want to know how DWP will handle vulnerable claimants? How are DWP going to make the process easy to access for those without IT access?**
 - g. DWP confirmed that no DLA would stop until a process of informing the claimants had been completed, 6 letters had been sent and the PIP application agreed.
8. Mr Neil Robinson - Pensions Advisor for RBLS raised a number of questions however given the complexity of the subject Mr Robinson was asked to put his questions in writing. He comments and questions are shown at Annex C and they will be answered by DWP/MOD in due course. However his conclusion is
- a. Based on the available information of the criteria for AFIP then it would be safe to assume that well over 50% of those who received DLA alongside their Service Disablement Pensions and those who are lower than level 8 (9 > 11 & bulk payments) will become ineligible and will have a substantially lower standard of living as a result of the implementation of the PIP despite the Government stating that ***'seriously injured service personnel and veterans will be protected from any financial detriment due to the replacement of Disability Living Allowance (DLA) with Personal Independence Payment (PIP) when it is introduced on 8 April 2013'***.
 - b. The effects of introduction by the UK Government of both the ESA and Jobseeker benefit legislative adjustments, are beginning to bite and are leading to a further erosion of the monies that the veterans are getting and effectively will cause long term and in some cases severe hardship.
9. DWP took note of a number of specific questions and undertook to answer them in due course.
10. The Convenor thanked Mark Knight and Richard Thompson for taking time to attend and for providing a valuable insight to the Welfare Reform process.
11. There was no additional business and the meeting closed at 1930hrs.

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Next meetings

DATE	TIME	SUBJECT
30 January 2013	1730 for 1800	Health & Wellbeing
17 th April 2013	1730 for 1800	Housing
12 th June 2013	1730 for 1800	Employment
AGM date to be confirmed		

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Annex A.

Welfare Reform: Impact on veterans

The Scottish Parliament cross party group on
Armed Forces Veterans – Wednesday 28
November 2012.

Presenters: Mark Knight (DWP) and Dr
Richard Thompson (MOD).

Who are we and what do we do?

- Mark Knight – DWP Armed Forces Advocate Team.
- Dr Richard Thompson - MOD Armed Forces Compensation.
- Today, we intend to cover:
 - an overview of Welfare Reform, including Armed Forces Independence Payments; and
 - the special rules and provisions that DWP has in place to support veterans, service personnel, and their families, to ensure that they are not disadvantaged as a result of their service.

Welfare Reform

- The Welfare Reform Act 2012 introduces the most fundamental reforms to the social security system for 60 years.
- Aims for a simpler, fairer benefits system & to ensure work pays.
- Main elements, include:
 - Universal Credit
 - Personal Independence Payment
 - Benefit cap
 - Fraud & error penalties
 - Social Fund changes
 - Housing Benefit changes

War Pensions and Armed Forces Compensation Payments

- War Disablement Pensions and guaranteed income payments made under the Armed Forces Compensation Scheme will be fully disregarded in calculating an award of Universal Credit.
- This will help:
 - ensure that future ex-service personnel claiming Universal Credit will receive the same levels of support that they could otherwise expect to receive under the current system; and
 - provide a notable further simplification to the complex benefits system we have now.

DWP – Support for Veterans

- Armed Forces Champions.
- Jobcentre Plus and Work Programme.
- War Disablement Pensions and guaranteed income payments made under the Armed Forces Compensation Scheme will be fully disregarded in calculating an award of Universal Credit.
- Veterans and DLA Reform.
- Access to benefits for medically discharged personnel.

Special rules and provisions for service personnel, and their families

- Spouse/partner employment opportunities.
- National Insurance (NI) Credits for spouses following a member of the Armed Forces overseas.
- Easing the contribution conditions for spouses/partners of Service personnel accompanying on overseas posting.
- Easing voluntary unemployment conditionality for spouses/civil partners.

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Armed Forces Champion in Scotland

- Liaison with local organisations who support the armed forces community.
- Key stakeholder in developing and signing Jobcentre Plus (JCP) up to the armed forces community covenant schemes in districts across Scotland.
- Briefing to personnel in resettlement period covering benefits, local labour market and support available.
- Supporting Veterans Jobsfairs.
- Working with local bases and other key organisations on JCP initiatives, e.g. setting up sector based work academies in Construction for Veterans.
- Met with Shelter Scotland to discuss closer working to assist Veterans in temporary accommodation.
- Working with Army Recruiting delivering sessions for claimants interested in either joining the Army or Reserves.

Armed Forces Independence Payment (AFIP)

- In response to consultation with veterans' organisations, PM assurance that seriously injured veterans would not be worse off when DLA stops.
- MOD and DWP work together on AFIP which goes live 8 April 2013.
- Eligibility derives from Armed Forces Compensation Scheme award that provides 50+% GIP (c.a. 600 in UK).
- AFIP will be equivalent of enhanced rates of both components of PIP and provides similar passported benefits.
- No reassessments; no suspension for hospital, care or prison.
- Claims will be made to the SPVA.

Summary

- **Special rules in UC**
 - War Disablement Pensions and guaranteed income payments made under the Armed Forces Compensation Scheme will be fully disregarded in calculating an award of Universal Credit.
- **Separate payment for seriously injured personnel and veterans**
 - Armed Forces Independence Payment (AFIP) is being introduced as a result of the PM's direction that veterans should be protected from any financial detriment due to the replacement of DLA by Personal Independence Payments.
- **Other special rules across the benefit system and labour market**
 - DWP has a comprehensive set of rules and provisions in place to support veterans, service personnel, and their families, to ensure that they are not disadvantaged as a result of their service.

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Annex B

DEPARTMENT FOR WORK AND PENSIONS (DWP) - KEY SPECIAL RULES AND PROVISIONS IN PLACE FOR VETERANS, SERVICE PERSONNEL, AND THEIR FAMILIES

Armed Forces Champions

Every Jobcentre district has a named "Armed Forces Champion".

Champions work with the MOD Career Transition Partnership and link with providers and charities giving specialist support, such as the Royal British Legion.

War Pensions/compensation payments under Universal Credit

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War Disablement Pensions and guaranteed income payments made under the Armed Forces Compensation Scheme will be fully disregarded in calculating an award of Universal Credit.

Veterans and DLA Reform

We have continued working with the Ministry of Defence on DLA Reform to ensure that former service personnel injured as a result of service do not suffer financial detriment as a result of the introduction of Personal Independence Payments.

Jobcentre Plus and Work Programme

A person who has served in the Armed Forces for any day within the last three years can be considered for early access to the Work Programme. This early access is also available to partners of currently serving and these ex-service personnel.

Those with early access to the Work Programme can volunteer to join it from within three months in to their claim, as opposed to the standard requirement of between 9 and 12 months.

Service leavers on Employment and Support Allowance, Incapacity Benefit or Income Support will be able to volunteer for the Work Programme at any point in their claim.

Rules on Income Support and Jobseeker's Allowance entitlement

Reservists engaged in their duties are not treated as being in work, even if those duties exceed 16 hours per week.

In addition, reservists are allowed earnings of £20 before the amount of their benefit is affected.

Any earnings paid specifically for training exercises of over 72 hours are disregarded for Jobseeker's Allowance, and the Annual Bounty payment is usually treated as capital.

We have amended regulations to ensure that reservists can keep their Jobseeker's Allowance claim open while on training, whether in the UK or abroad.

Access to benefits for dependants of Foreign and Commonwealth personnel, including Gurkhas

If a Foreign or Commonwealth member of the Armed Forces, including Gurkhas, is discharged as a result of injury sustained during operations, there is special provision for the waiving of a 'four year service condition' required for settlement, allowing access to benefits such as Carer's Allowance.

Spouse/partner employment opportunities

Partners of currently serving and ex-Service personnel can be considered for early access to the Work Programme from three months into their claim for Jobseeker's Allowance.

NI Credits for spouses following a member of the Armed Forces overseas

DWP have introduced an award of Class 1 National Insurance credits for Service spouses and civil partners to cover periods in which they were accompanying a member of the Armed Forces abroad.

The credits, which have been in effect since April 2011, will help Service spouses and civil partners to access basic state pension and contribution-based working-age benefits.

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Easing the contribution conditions for spouses/partners of Service personnel accompanying on overseas posting

In addition to the National Insurance credits award covered above, the first contribution condition for both contributory Jobseeker's Allowance and Employment and Support Allowance for the spouses and civil partners of members of the Armed Forces who have accompanied their spouse or civil partner abroad has been eased. This will help these spouses and civil partners to claim contributory Jobseeker's Allowance or contributory Employment and Support Allowance when they return to the UK.

Easing voluntary unemployment conditionality for spouses/civil partners

Spouses of Service personnel who leave employment to follow their partner should not be refused Jobseeker's Allowance on the grounds of voluntary unemployment.

Access to benefits for medically discharged personnel

When a Service Medical Board decides a severely disabled person can no longer be employed in the Armed Forces and should be discharged, DWP now uses the Service Medical Board evidence to determine eligibility to Employment and Support Allowance rather than conduct a face to face medical assessment.

Annex C

Questions/Points raised at CPG by the RBLs Armed Forces Pensions Advisor.

Level 8 and Higher (50% GIP approximately)

If the DLA is being withdrawn and replaced will the AFIP be paid as an add-on supplement so that it is clearly denoted and defined as two totally separate entities or will it be incorporated into the assessment of the AFCS and treated as a part and parcel payment? If the former then what tax or other deductions would it attract, if the latter then would the amount paid under the AFCS be increased substantially to allow for this within the existing tables.

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How would such a change affect other part and parcel benefits such as Housing, Council Tax, DWP related benefits etc.?

Level 9 – Level 11

GIP's relating to these levels are not mentioned and if not then:

If the veteran is receiving DLA would the award of an AFIP be considered or would they simply lose this additional benefit as DLA would cease to exist and hence the monies that went with it causing a lower standard of living amongst veterans?

If not then I would apply the same questions raised under the heading of Level 8 and higher?

Lower than Level 11

Many of these veterans may already be receiving DLA so what happens to them?

SPO

This AFIP proposal does not address in anyway those who receive the SPO (War Disablement Pension) for injuries pre - 6th April 2005 and the questions that should be considered are

- How will they be affected?
- How will those who are also receiving the undernoted passport benefits be affected?
- War Pension Mobility Payments (instead of DLA)?
- Unemployability Supplement?
- Lower Standard of Occupation Supplement?

There is no automatic transfer from Disability Living Allowance (DLA) to Personal Independence Payment. Between October 2013 and March 2016 the DWP will write to claimants already getting DLA to invite them to make a claim for Personal Independence Payment. They will be individually assessed against the new entitlement criteria (see below)?

As an addition to the aforesaid I would also request clarification of what is the rates for PIP (indeed do they compare favourably with those payments being paid under the DLA or are they substantially reduced)?

Why is the DWP becoming responsible for the payment of the AFCS + AFIP or the element known as the AFIP as it relates to veterans whereas in the past it was operated by the SPVA?

If they intend to issue letters to existing AFCS claimants will the revised amounts that they will be receiving be shown clearly as two separate figures within the letters or will it simply tell them of what is happening.

Does an appeal facility exist so that these can be considered as a separate case and if so who will administer the Appeal -- the civil DWP authorities who have no knowledge of service related matters and who have a poor history of dealing with the problems that have arisen at appeal stage in the past (especially with the existing

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back logs that are being experienced within the ESA forum) or will it be the Tribunal governing the AFCS / SPO appeals in Scotland.

Another worrying aspect is that of the Personal Independence Payment (PIP) and the devolved government of Scotland.

The Scottish Government has passed legislation to allow for the possibility that some aspects of Personal Independence Payment (PIP) and Universal Credit (UC) may have a different effect in Scotland to the rest of the UK. These differences would be in relation to matters such as eligibility for free school meals or Blue Badge parking permits, which rely on receipt of certain benefits to demonstrate eligibility. How will this affect veterans?

The main aspects of UC and PIP, such as the rules of entitlement and benefit rates, cannot be changed, and will be the same across Great Britain, but the Scottish Government does have the power to make rules concerning “*devolved*” matters so what are these?.

PIP Who Does Not Benefit

Some of the biggest losers under the replacement for disability living allowance (DLA) will be Claimants who cannot walk more than 50 metres, even if they need to use some sort of aid other than a wheelchair to do so they will no longer be entitled to the enhanced (higher) rate of the mobility component, on those grounds alone. Instead they will get only the standard rate. Many blind claimants also look set to lose their higher rate mobility award, only recently won.

Claimants who cannot prepare and cook a simple meal will not be entitled to any award of PIP on those grounds alone, whereas they are currently entitled to the lower rate of the care component of DLA.

At this stage both the points and the thresholds are draft ones and may be changed in the light of further consultation. However, the government has said that it expects half a million fewer people to be receiving PIP in 2016 than would receive DLA, if these proposals are accepted.

For example:

- Rachel has chronic fatigue syndrome and scores 4 points for daily living and no points for mobility. This means that Rachel is not entitled to any rate of PIP.
- Pete has epilepsy and scores 6 points for daily living and 15 points for mobility. Pete gets no award of PIP for daily living but gets the enhanced rate of the PIP mobility component.
- Sarah is blind and diabetic. She scores 9 points for daily living and 8 points for mobility. Sarah is entitled to the standard rates of both the daily living and mobility components.
- Tom is autistic. He scores 26 points for daily living and 15 points for mobility. Tom is entitled to the enhanced rates of both the daily living and mobility components.
- Jane is depressed and receiving treatment from a psychiatrist as well as taking anti-depressants. She receives 8 points for daily living and no points for mobility. Jane is entitled to the standard rate of the daily living component but no award of the mobility component.

(PIP)

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Daily living component

To get an award of the daily living component, a claimant needs to score:

8 points for the standard rate
12 points for the enhanced rate

For daily living, the points need to be scored from activities 1-9 below.

You can only score one set of points from each activity, if two or more apply only the

Highest will count. So, for example, if:

Needs assistance to groom. 2 points

Needs assistance to bathe. 4 points

both apply you will receive 4 points for the 'Bathing and grooming' activity.

If, for example

Needs assistance to manage toilet needs. 4 points

You will have scored 4 points for the 'Bathing and grooming' activity and 4 points for the "Managing toilet needs or incontinence' activity. This is a total of 8 points which means you would be entitled to the standard rate of the daily living component.

Mobility component

To get an award of the mobility component you need to score:

8 points for the standard rate

12 points for the enhanced rate

For mobility, the points need to be scored from activities 10-11 below.

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As with daily living above, you only score the highest points that apply to you from each activity, but you can add points from activities 10 and 11 together to reach your final total.