

Response to Call for Evidence on Social Security (Scotland) Bill

Submitted by: Frazer Molyneux, (Care Experienced Advisory Group member - Life Changes Trust)

We will be addressing the points raised in question two about “dignity” and the role the Scottish Government have in “making sure that people are given the social security assistance they are eligible for” – Secondly, we will address the point raised in question seven about the “top up” of reserved benefits and “new benefits”.

Introduction and Background

We are members of the Care Experienced Advisory Group at the Life Changes Trust. We come from a variety of care-experienced backgrounds, ranging from kinship care to residential care. As we all have had our own diverse experience of the care system, our advisory group consists of many individuals that have had their own experiences of state benefits. Our personal experience of state benefits is characterised by the majority of this group having some form of negative experience since turning 16 and/ or leaving their care placement. For example one member of our advisory group left his children’s unit at the age of 18 and was put in a flat and left in unsuitable accommodation without any state support: especially in regards to the benefits system. He recalls having to repeat his previous circumstances again and again in order to receive the support he was eligible to. This would often trigger flashbacks and panic attacks, which at the time induced attempts to end his own life. Had it not been for the support and advice of his college placement he would have also struggled to sustain his education. As examples like ours are occurring at varying degrees to care experienced young people throughout Scotland, we feel that the government should be raising awareness of support and ensuring care experienced young people are treated sensitively within the new Scottish benefits system.

Consistently having to relive what are often deeply traumatic experiences, simply so they are able to receive the benefits they are entitled to, is putting these young people at risk. We feel a presumption of entitlement in regards to state benefits, will prevent the further implications and stress associated with transitioning from care into adult life.

Experiences like this are common place and that is why our group welcome the emphasis on “**dignity**” and the role the Scottish Government can take in “**making sure that people are given the social security assistance they are eligible for**”. In pursuit of these principles we believe that for care experienced young people a presumption of entitlement should apply within the new Scottish social security system (Like in the Scottish Care Leavers Covenant.) The Scottish Care Leavers Covenant calls on corporate parents (i.e. state bodies) to have a consistent approach to implementation of part 10 of the Children and Young People (Scotland) act. The assumption of entitlement was believed to be necessary because the...

“Rights and entitlements that are defined within policy and legislation are not always reflected in practice. Care leavers are particularly vulnerable to having their rights overlooked. The process of moving on from placement and leaving school, often within a short time-frame, tends to mean care leavers lose access to

support networks and can quickly become isolated and disempowered. (Scottish Care Leavers Covenant page 40)

Furthermore the...

“Rights and entitlements for care leavers continue to lack clarity and transparency with a lack of information, and discretionary decisions which vary across areas. Adopting a rights-based rather than deficit-based approach to support reflects the spirit of policies that affect care leavers.” (Scottish Care Leavers Covenant page 41)

Therefore “assumption of entitlement” is necessary to ensure that...

“Where discretion exists in definitions of vulnerability, or in giving priority access, these will be in favour of care leavers³. This includes access to bursaries and grants; access to employment or training support and provisions; housing and accommodation options; health services; leisure, cultural and recreational opportunities with access to ‘second-chance’ opportunities.” (Scottish Care Leavers Covenant page 7)

The Life Changes Trust developed their Care Experienced Advisory Group to ensure the lived experiences of care experienced young people lie at the heart of the Trust’s decision making. Since the launch of the Advisory Group, we, as care experienced Advisors, are working with the Trust to develop and often co-produce a variety of funding initiatives, one of which is the concept of “home”. During the development of this initiative we used our collective experiences to identify aspects of “home” that we all value and that we know are often lacking for many care experienced young people. This led us to acknowledge the important role stability and security play in our sense of belonging and in our sense of “home”.

Experiences like the one our fellow advisor went through (mentioned above) sought to undermine his sense of stability and security. Firstly, because the Local Authority’s Housing Benefits Department initially appeared to be unaware of the exemptions which applied to our Advisor at the time (by virtue of Disability Living Allowance) which allowed him to continue his college education and to claim housing benefit at the same time. The ambiguity surrounding this situation made it difficult for him to engage fully in college as it felt like there was a possibility he would have to choose between a secure “home” or his future education. Secondly, six months into his transition from a children’s unit into a scatter flat he received a letter saying he owed thousands of pounds, which naturally affected him negatively with added pressures and stresses. This situation was all down to an administrative error that had incorrectly classified his scatter flat as a “care home”: it took around eight months for this situation to get resolved, and during this time his benefits were frozen again putting unnecessary pressure on the applicant to justify why his care placement had broken down. He was asked several times, by numerous agencies, to recount the abuse he suffered in his care placement. This triggered anxiety attacks and he attempted to take his life twice.

In short it felt like the benefits system was set up to create a challenge for him at every hurdle rather than treating him with dignity and respect. What is clear to see from our Advisors’ lived experience and that of others in similar circumstances, is that there was a failure to treat them with dignity and respect. Many care experienced individuals are survivors of abuse, neglect, and trauma, therefore, asking them to recount what has

happened to them several times over can be damaging to their mental health. Our Advisor's experience also highlights deficiencies in the state making sure he was given the social security assistance he was eligible for. This was partly down to poor administration, and partly down to poor training of frontline staff. Therefore we feel it is clear that **there is a wider role the government has to play in training frontline staff** as this was usually the level where things came unstuck and where artificial barriers were created. We also believe that **frontline staff should be able to identify whether an applicant is care experienced** so their claim can be dealt with in a contextually sensitive way to minimise trauma to the applicant. Finally, we believe that **a presumption of entitlement should apply to care experienced people** within the new Scottish Social Security system.

The way we envisage the presumption of entitlement operating in practice would be that any care-experienced applicant is given the benefit of the doubt initially. If the applicant is found to be ineligible we believe their benefits should not be automatically frozen, and transition support should be put into place whilst the applicant "adjusts" to their new financial situation. In other words no cliff edges. A report by the centre of social justice finds that for many care experienced young people the transition to adulthood is unlikely to be successful without.

"a suitable system of support the ability to gain a good education, sustainable employment and financial stability" (The Centre for Social Justice 2015, page 4)

Stein and Dixon also emphasise the importance "*gradual and extended transitions*" play in preparing care leavers for adult life. (Stein and Dixon 2003 page 419-420). Critically and Crucially they concluded that in comparison with their peers care leavers are

"denied the opportunity of dealing with issues over time, or as they come into focus, which (drawing on focal theory) is how most young people psychologically cope with transitions" (Stein and Dixon 2003 page 419)

We, as care experienced people, want to see a world where people like us are able to attain the security and stability of "home". Home is a place where we would be given the time to adjust gradually to the challenges life brings. To achieve this goal the Scottish Government could use its powers regarding new and top up benefits to allow care experienced young people the time and flexibility they need to thrive.

Recommendations:

We call on the Scottish Government to

- 1. Adopt an "Assumption of entitlement" within the new devolved social security system**
- 2. Ensure frontline staff are able to identify whether an applicant is care experienced.**
- 3. Process applications from care experienced individuals in a contextually sensitive way which minimises trauma.**
- 4. Train frontline staff about the support available.**

Thank you for providing us with this opportunity to respond. We hope our insight has been helpful; we would be happy to discuss any aspects in further detail.

Please contact Frazer Molyneux at:

frazer.molyneux@gmail.com

References:

The Centre for Social Justice. (2015). Finding their Feet: Equipping care leavers to reach their potential. London: Centre for Social Justice.

STEIN, M., and DIXON, J. (2003). Young people leaving care in Scotland. *European Journal of Social Work*. January, vol 9, no 4, pp. 407-423.

Scottish Care Leavers Covenant (2015). Available at:

<http://www.scottishcareleaverscovenant.org/covenant/>