

Briefing paper for meeting of Social Security Committee Dec 16th 2021

ENABLE Scotland welcomes the opportunity to give evidence to the Committee on the draft Adult Disability Payment Regulations.

Since 2013, ENABLE Scotland has provided a welfare rights service across Scotland for people who have a learning disability, their families and carers. This service assists its clients with disability benefit claims, from advice and assistance on initial applications, to appeals and representation at the Upper Tribunal. This specialist support has secured more than £5 million in benefits for disabled people and their families which they may not otherwise have received. We believe that this makes us well placed to comment on the potential impact of these regulations on people who have a learning disability.

ENABLE Scotland has responded to calls for evidence from the Social Security Committee and the Scottish Commission on Social Security, and our Welfare Rights Adviser was a member of the Disability and Carers Benefit Expert Advisory Group.

Whilst ENABLE Scotland supports the significant number of recommendations made by the DCBEAG working group, we wish to specifically draw the Committee's attention to two areas in particular where a relatively minor amendment to the current regulations could see significant improvements for the people that we support.

Recommendation 1: To amend the social engagement activity to include the ability to establish and maintain relationships.

We feel that there is a risk that the current drafting of the regulations could see an "in the moment" interpretation of a person who has a learning disability's ability to engage.

We know that people who have a learning disability are more likely to be socially isolated, and whilst they can be friendly and outgoing when presented with the opportunity to socialise, they often struggle to build and maintain the solid friendship networks required.

This minor amendment would recognise the wider struggles that people who have a learning disability experience socialising, and better capture the intended definition behind this.



Recommendation 2: To amend the reading activity to read and act on.

It is our experience that many people who have a learning disability have both a mechanical ability to read and an ability to understand basic written information at the time of reading.

What people who have a learning disability often struggle with, however, is then acting upon the written information that they have received.

We feel that the current drafting is too limited in scope as it does not take into account the actual purpose of reading information, which is both to understand and act on it. A narrow interpretation of the regulation as currently drafted could unfairly disadvantage people who have a learning disability by conflating the capacity to read with an assumed capacity to understand and appropriately act upon that information.

We hope this submission is helpful, and would be happy to provide any further information based on our experience of supporting people who have a learning disability that would be of assistance to the Committee.