

BW16

Ymchwiliad i Fudd-daliadau yng Nghymru: opsiynau i'w cyflawni'n well

Inquiry into Benefits in Wales: options for better delivery

Ymateb gan: The Older Peoples Commissioner

Response from: The Older Peoples Commissioner

About the Commissioner

The Older People's Commissioner for Wales protects and promotes the rights of older people throughout Wales, scrutinising and influencing a wide range of policy and practice to improve their lives. She provides help and support directly to older people through her casework team and works to empower older people and ensure that their voices are heard and acted upon. The Commissioner's role is underpinned by a set of unique legal powers to support her in reviewing the work of public bodies and holding them to account when necessary.

1. Thank you for the opportunity to respond to your consultation regarding the potential devolution of some welfare benefits to Wales. My evidence will focus on the lessons that can be learnt from the devolution of some social security powers to Scotland and the opportunities available if these powers were devolved to Wales.
2. My role as Older People's Commissioner for Wales - an independent, statutory role established by the Welsh Government - is to protect and promote older people's rights and to stand up and speak out on their behalf so they can access the services and support they need, and ensure that those who may be vulnerable or at risk of harm are kept safe and protected.
3. The delivery of social security entitlements is an area of public policy that deserves further consideration in Wales, and I welcome the Committee's inquiry, especially given the different approach that the Scottish Government has been able to take since it took control of certain welfare benefits since 2016. Many of these financial entitlements, including Personal Independence Payment/Disability Living Allowance, Attendance Allowance, Carer's Allowance and Winter Fuel Payment, are claimed by older people and can have a significant impact on their ability to make ends meet.
4. The Scotland Act 2016 provided for control of 11 financial entitlements to be devolved to Scotland. Since then, the Scottish Parliament has passed the Social Security (Scotland) Act 2018, which established Scottish versions of these entitlements. At the beginning of this process, the Scottish Government undertook a wide-ranging consultation that involved policy makers, recipients of entitlements, those who had direct experience of the system, and support organisations. They were able to explore the shortcomings of the current UK system to date and have an open discussion around the options to improve the delivery of social security. The Welsh Government should seek to develop a similar

exercise in Wales where a meaningful public consultation with stakeholders could inform the Welsh approach to achieving an improved delivery of social security.

5. The Scottish Government used that consultation to develop their vision for how the social security system would operate in Scotland, set out in the document 'Our Charter'. One of the most important elements of this is how the Scottish Government is taking a very different approach to the social security and benefit payments system, away from one of stigma and burden into the view of a system which is founded on dignity, respect and human rights. This is reflected in the vision statement of 'Our Charter':¹

'Social Security is a human right – an investment in ourselves and each other. It is a public service that any of us could need at any time. So 'Our Charter' belongs to all of us'

6. If elements of social security were devolved to Wales, the Welsh Government should seek to develop a similar vision statement that could also then be underpinned by a set of principles that establish an approach to a Welsh social security system, which should include:
 - a fundamental human right
 - an investment in the people of Wales
 - having dignity and respect at its heart
 - having within it an obligation to ensure people receive their full entitlement
7. The Welsh Government should also explore how to achieve changes to the adversarial nature of the current system and how to tackle the associated stigma that people often feel about the current 'welfare benefit' system,
8. Currently, the use of negative terminology and discourse around social security, which focuses on "welfare" and "benefits", has contributed to the stigma surrounding the take-up of financial entitlements and has been a factor in deterring some older people from claiming what they are entitled to. Devolution could enable

Wales to reframe this assistance as “entitlements” and promote a positive approach to social security that reinforces individuals’ rights to assistance.

9. One of the key elements of the Scottish Government’s approach, and one which I advocate for Wales, is the duty on Ministers to promote take-up of entitlements. This is something that the Welsh Government could do now, regardless of whether powers were devolved, as it brings much-needed income to both individuals and local economies. It is estimated that up to £170m of Pension Credit goes unclaimed in Wales every year, which leads to many older people missing out on the financial support they need and are entitled to, much of which would be spent in local communities.² Other entitlements, such as Carers Allowance and Attendance Allowance, are also under-claimed by those eligible.
10. Devolving these social security powers to Wales would also enable the Welsh Government to enhance the eligibility or level of these entitlements. The Scottish Government has already enhanced the level of assistance provided to carers to equalise it with support provided to job-seekers³ and has made changes to the assistance provided towards the cost of funerals.⁴ In addition to this, the Welsh Government would be able to create new forms of assistance that could help to promote older people’s financial resilience and help them to age well.
11. As well as the policy arguments for devolving powers over social security, there is also a fiscal case to be made. Last week I issued a statement welcoming the Wales Governance Centre report ‘Devolving Welfare – How well would Wales fare?’ that provided evidence towards the case for devolving control over a number of financial entitlements to Wales.⁵
12. The report concluded that, subject to successful negotiations and agreements on financial settlements with the UK Government, Wales could achieve significant economic

benefit from the transfer, especially if devolution was arranged on the same terms as was agreed for Scotland.

13. The report also concluded that, given that the level of payments in the year before devolution would be used as a baseline, it would be sensible for the Welsh Government to conduct an awareness-raising campaign to increase the level of take-up ahead of these powers being devolved. This campaign would provide an opportunity to be further-reaching and to include other entitlements, such as Pension Credit, that are not being considered for devolution.
14. In conclusion, I believe that this is an increasingly important area of discussion in Wales and I look forward to following the Committee's Inquiry as it progresses. If I can be of any further assistance, please do not hesitate to contact George Jones, my Community Services and Inclusion lead, on 03442 640 670 or by emailing george.jones@olderpeoplewales.com.

¹ Social Security Scotland (2019) Our Charter: What you can expect from the Scottish Government and Social Security Scotland. Available at: <https://www.socialsecurity.gov.scot/about-us/our-charter> [Accessed 10 Apr 2019]

² This estimate is based on a Wales population cut (4.84%) of GB figures published by the Department of Work and Pensions. Available at: <https://bit.ly/2K9r0tO> [Accessed 20 Feb 2019]

³ Scottish Government (2018) Extra financial support for carers. Available at: <https://news.gov.scot/news/extra-financial-support-for-carers> [Accessed 11 Apr 2019]

⁴ Scottish Government (2019) Funeral Expense Assistance. Available at: <https://www.gov.scot/news/funeral-expense-assistance/> [Accessed 11 Apr 2019]

⁵ Ifan, G. & Siôn, C. (2019) Devolving Welfare: How well would Wales fare?. Wales Fiscal Analysis. Cardiff University. Available at: https://www.cardiff.ac.uk/_data/assets/pdf_file/0010/1476352/devolving_welfare_final2.pdf [Accessed 11 Apr 2019]