Control of a number of existing social security benefits is being passed from the UK Government to the Scottish Government. The Parliament would like your views on the Scottish Government’s plans before they become law. The Social Security Bill is the proposed law.

1. The Bill aims to provide a framework for the creation of the Scottish social security system. In addition the Scottish Government has chosen to put most of the rules about the new benefits in Regulations. It believes that putting the rules in Regulations will make things clearer and less confusing. Parliament cannot change Regulations, only approve or reject them. The Scottish Government intends to develop Regulations with external help.

Q. Do you have any views on this approach?

- The bill should sign post to the regulations.
- Regulations should not be open to interpretation and it should not be a discretion based approach.
- This is in order to avoid inconsistency. We feel the housing benefit legislation and regulations are consistent and clear so this can be used as an example.

2. The Bill proposes that the Scottish social security system will be based on the following seven principles:

- Social security is an investment in the people of Scotland.
- Social security is a human right. It is essential to accessing other human rights.
- Respect for the dignity of individuals is at the heart of the Scottish social security system.
- The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for.
- The Scottish social security system will be designed with the people of Scotland, and based on evidence.
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- The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.

- The Scottish social security system is efficient and delivers value for money.

Q. What are your views on these principles and this approach? Please explain the reason for your answer.

We agree with the above principles and that all benefits should meet the above aims and principles. The Scottish Government should take some accountability.

Q. Are there other principles you would like to see included?

It is clearer and more effective to have few straightforward principles.

3. The Bill proposes that there will be a publicly available social security ‘charter’. This will say how the Scottish Government will put the seven principles above into practice. It will also say what is expected from people claiming benefits. A report on the charter will be produced by the Scottish Government each year.

Q. Do you agree with the idea of the charter? Please explain the reason for your answer.

The charter shows accountability, also that the social security system is meeting the key principles.
Q. Is there anything specific you would like to see in this charter?

- Issues arising
- How the Scottish Government plans to address these issues
- Highlight good practice

4. The Bill proposes rules for social security which say:

- how decisions are made and when they can be changed
- how to apply and what information people have to provide
- how decisions can be challenged
- when overpayments must be repaid
- what criminal offences will be created relating to benefits.

Q. Do you have any comments on these rules?

- This should be available in plain English, in a format that is easy for claimants to navigate and understand.
- The rules should also be easy for claimants to find and access.
- Mandatory Reconsiderations need to be an effective system – a response timeline should be implemented, KPIs removed.
- Lay out powers of individuals regarding overpayments. It should be explained and shown to client exactly how this overpayment has occurred.
- Cooling off period to allow claimants time to report a change of circumstances without causing an overpayment.
- There should be more effective mail handling. Online applications where possible.
- Examples should be provided of people you would get benefits and those who wouldn't.
5. The Scottish Government will take over responsibility for some current benefits. The Bill does not explain how they will work in detail. This will be set out in Regulations at a later date. The current benefits which will be run by the Scottish Government are:

- disability assistance (including disability living allowance, personal independence payment, attendance allowance and severe disablement allowance)
- carer’s allowance
- winter fuel payments
- industrial injuries disablement benefit
- cold weather payments
- funeral payments
- sure start maternity grants

Q. What are your thoughts on the schedules in the bill in regard to these benefits?

- Disability Assistance – Improved assessment process. Guidance, training and examples for decision makers on health conditions and how they affect claimants. 
  Attendance Allowance eligibility should be clearer.
- Carers Allowance – Simplify application, especially for self-employed claimants who are unable to work.
- Winter Fuel Payment – We agree that age and financial circumstances would be taken into account. However disability, illness and rurality should also be considered. Ensure people who are in most need of this assistance receive a higher amount.
- Cold weather payments – again consider having different rates of payment. The higher rate going to those in rural locations, with higher fuel costs.
- Funeral Payments – clear guidance should be in place who is entitled to a base rate of funeral payment. Less discretion so that eligibility is clearer. Consideration should be taken into the cost of funerals in a particular area. Assistance should be available to people on low incomes and financial difficulty, not just those on a qualifying benefit. Interest free loans from the
Scottish government to cover the cost of the funeral that is above the funeral payment award.

- Sure Start Maternity Grant – consider a reduced amount for additional children.

6. The Bill proposes that a new type of short-term assistance will be introduced. This will be for someone who is challenging a decision to stop or reduce a Scottish benefit.

Q. What are your views on this proposal?

Clear guidelines would have to be provided on this eligibility criteria, if these payments are payable back.

Payment while going through the Mandatory Reconsideration process as well as appeal.

If payments would be recovered following an unsuccessful appeal then it needs to be made very clear to clients if this could create an overpayment.

7. The Bill includes the power for the Scottish Government to be able to top up ‘reserved’ benefits (ones controlled by the UK Government), but does not say how these will be used. The Scottish Government also has the power to create new benefits. This is not included in the bill.

Q. Do you agree with these proposals?

- Top up to Universal Credit in instances where premiums would have been payable on legacy benefits. For example Severe Disability Premium.
- Interim payments for those awaiting claims.
- There should be consultation on this.

8. The Bill proposes that carer’s allowance should be increased as soon as possible to the level of jobseeker’s allowance (from £62.10 to £73.10 a week).

Q. What are your thoughts on this proposal?

- We agree that a Carer should receive no less than a jobseeker.
9. The Bill proposes that discretionary housing payments continue as they are. They will still be paid by local authorities. The Bill does not require any local authority to have a discretionary housing payments scheme but if they do, they must follow Scottish Government guidance on running it.

Q. Do you agree that discretionary housing payments should continue largely as they are?

- There should be guidance which is consistent across all local authorities with examples.
- Assistance to cover under occupancy charge should remain, particularly for those that are making attempts to move to a smaller property or have good reasons not to move (i.e. disability)

Q. Do you have any other views on the proposals for discretionary housing payments?

10. Q. Is there anything else you want to tell us about this Bill?

- Advice should be a statutory service, this will assist to tackle poverty and inequalities.