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?

Given the recent experiences reported by many people across our services - often of constant change and/or confusion with the current DWP systems - we believe this should be welcomed.

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.
- 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.

Volunteer Glasgow particularly welcomes the adherence to a human rights based approach because we believe - through the course of our work with the DWP Office for the Scotland Work Services Director and Glasgow's Poverty Leadership Panel - that the current DWP systems unreasonably restrict people's freedom to volunteer.
and undermine their equal rights to participate in society by treating volunteering as work-related activity.

It cannot be right in 21st century Scotland that people are afraid of volunteering. And yet that is precisely the reaction of virtually anyone with experience of work capability assessments when advised they should discuss volunteering with DWP staff before starting. This remains an issue following the otherwise largely positive and recent publication by DWP of updated guidance on volunteering for claimants (a process which we helped to facilitate with Panel members) and we believe this will remain a significant contributing factor to inequalities in the rates of volunteering in Scotland. On the basis of the lived experience shared by Panel members and many others, we fully endorse the evidence submitted separately by Volunteer Edinburgh and Queen Margaret University.

Volunteering has a unique role in our society and has been ruled by the UK Supreme Court to be quite different from work

People are rights holders and by volunteering are exercising their human rights: participating in activities which respect family life such as organising school fundraising events; accessing, equally, public service eg serving on a community council; belonging to and being active in a community council; manifesting his/her religion or belief in worship, observance, practice and teaching. These human rights are all listed in a UN Treaty which has been ratified by the UK so all our laws and policies should comply. These rights are also listed in the European Convention on Human Rights (ECHR) which is given effect through the Human Rights Act 1998 eg the right to respect for family life which is protected under Article 8, practicing your faith and belief which is protected by Article 9 and being active in your trade union which is protected by Article

We have a shared objective with Government to increase volunteering because of the many positive impacts it has – both for those of us that volunteer and for the people and communities we support in a vast array of activities across virtually every aspect of life. The Government’s Social Security legislation and regulations should protect people’s right to contribute to society through volunteering just as it is determined to respect and support people’s contributions as carers for sick and disabled family and friends.

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

Not at this time.

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

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2 Articles 17, 18, 22, 25 and 26 of the International Covenant on Civil and Political Rights (ICCPS), see UN website at http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx
3 Available at the Council of Europe website at http://www.echr.coe.int/Documents/Convention_ENG.pdf
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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.

Yes. It provides a greater degree of transparency and accountability.

Q. Is there anything specific you would like to see in this charter?

The Charter should explicitly support and encourage all forms of contribution to society and the economy including paid employment, volunteering, unpaid care for family and friends.

Specifically, volunteering should not be treated as work related activity: people needing to claim social security should not be required to report the intention to undertake volunteering roles.

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?

We are aware that many partners in the third sector are making submissions on this questions and do not have anything further to add.

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?
We have not been able to examine the schedules in sufficient detail to comment at this time.

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?

In our work with Glasgow’s Poverty Leadership Panel members and with Carers, it is all too apparent that safeguards must be put in place to ensure the dignity and wellbeing of people that should have an automatic right to challenge and appeal decisions without immediate loss of all income.

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?

We are not in a position to comment on this particular question at this time.

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?

Volunteer Glasgow has been delivering carers’ support services in west and south west Glasgow since 1995 and on the basis of this experience would fully endorse this proposal.

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?

Volunteer Glasgow very much supports the view that discretionary housing payments should continue largely as they are. This will enable people with disabilities and carers who live with someone with severe disabilities to house much needed aids, adaptations and equipment, without being at a disadvantage. This will also help facilitate family / community support where a family member requires round-the-clock care, by allowing for a bedroom for a carer’s use. This can and will help reduce people’s reliance on statutory care provision.

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