

**Scottish Care response to Social Security Committee's call for views on  
the Social Security (Scotland) Bill  
August 2017**

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.**

Scottish Care believes the seven statements outlined are valid and important, but would argue that they are not principles as such. Instead, they largely read as guidelines for how the Scottish social security system should be implemented and don't necessarily empower individuals.

In our previous submission, Scottish Care highlighted the ways in which the social security principles should connect with the principles which underpin health and social care service delivery, through the new Health & Social Care Standards, Self-directed Support Act and others. These principles put human rights at the forefront of public service and include:

- Maximising the **choice** for an individual
- Enabling the greatest degree of **control**
- Treating all individuals with **respect** and **dignity**
- Fostering **participation**
- Developing strong **communication** and **information**
- Making information **accessible**
- Ensuring **consistency**
- Embedding **equal treatment** and **non-discrimination**
- Focusing upon **quality improvement** and **adaptability**
- Being **responsive** and **flexible**

All these would equally apply to social security and therefore this Bill's principles should be complimentary to reflect a meaningful embedding of human rights and empowerment in all areas of policy and legislation.

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

Scottish Care believes that additional principles aren't necessarily required, but that the current principles need some rephrasing to ensure they reflect a meaningful focus on people rather than systems and processes and to align them with principles in other progressive legislation.

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.**

Scottish Care is pleased to see that its previous recommendation of embedding principles in both legislation and a Charter has been adopted. This can help to ensure that the principles are meaningful to individuals who both access social security services and deliver them.

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

It will be important that the Charter is developed alongside individuals who are likely to access the services being described. Scottish Care predominantly represents older people through its members' services and we therefore feel strongly that the Charter is sensitive to and appreciative of the distinctive communication needs of older individuals. In particular there must be consideration given to issues of visual impairment, diminishing capacity, etc. The Charter must have a degree of robustness so that individuals have recourse to action in instances where they feel that their rights and entitlements described therein have not been met or respected.

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?**

Any steps which support people to understand the social security system and mutual responsibilities and expectations relating to this are welcomed. Again, Scottish Care would stress that how this information is made available and in what formats is critical in order that all individuals can receive accurate and easily accessible information.

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?**

Given that Scottish Care represents services and supports for older people, we are pleased to see that carer's allowance, winter fuel payments, cold weather payments and funeral payments are all included in the Scottish Government's responsibilities. As many of these payments will predominantly affect older people, it is positive that the Scottish Government can ensure these are reflective of the needs of Scotland's older people. However, the ways in which these are developed through Regulations will be very important.

Whilst Scottish Care recognises the importance of establishing eligibility parameters to ensure appropriate, it is essential that the eligibility criteria for each of the benefits outlined above is broad enough that those who require this support have access to it.

It is also important to establish the definition of 'disability' in relation to the carer's allowance so that carers who support older individuals who are frail or have dementia, for example, are able to receive this financial support. If the criteria is not inclusive of such factors, it risks being discriminatory against those who are perhaps not formally recognised as 'disabled' but who have significant care needs. This is particularly problematic for older people, and therefore would represent age discrimination if carers of older people are not able to access this benefit.

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?**

No comment to make.

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?**

No comment to make.

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?**

Scottish Care welcomes this increase, but believe it should be even higher than jobseeker's allowance in order to ensure that the role of carers is adequately valued.. We recognise the immense contribution given to Scottish society by informal carers, acknowledging that many also undertake paid care. We recognise the disproportionate number of women on low incomes engaged in caring roles and would hope this increase can contribute to the development of a flexible and responsive system which accounts for diverse needs and addresses current inequalities.

However, some more clarity would be welcomed on what 'as soon as possible' means to ensure there are no unnecessary barriers to the application of this increase.

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?**

No comment to make.

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

No comment to make.

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

No comment to make.

Becca Gatherum

Policy & Research Manager, Scottish Care

[becca.gatherum@scottishcare.org](mailto:becca.gatherum@scottishcare.org)