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?

A. The failings of the UK’s “I, Daniel Blake” approach to its welfare system have been well documented. Scotland would be missing an opportunity if it did not take this moment to address and avoid as many of these failings as possible. This does not simply mean getting the policy correct but ensuring that the underpinning regulation and infrastructure is correct too. A Scottish Social Security System (henceforth SSSS) must be built on an open, transparent and democratic platform. If Parliament lacks the power to actively change regulation then it is even more important that the nation takes this chance to ensure that it is built properly. This can only be done if the regulations are built by drawing on the experience and views of the people, businesses and third sector organisations which would be affected by them.

Common Weal is particularly disturbed to note the current proposal to effectively outsource the framework creation process to a private consulting group. This would be the exact antithesis of the open, person centred approach to which Scotland should aspire. By allowing the private sector preferential or exclusive access of regulatory reform, the Scottish Government risks repeating mistakes of previous similar reforms undertaken both in Scotland and in the UK.

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.

A. These principles are adequate and basic – in that they cover the fundamental points – but appear aspirational with little to indicate a legislative footing underpinning and guaranteeing them. The lack of a person centred focus in both regulation and delivery is a significant omission. One of the greatest failings in the UK welfare system is the tendency for the system to treat people as little more than data to be processed or an accounting line to be adjusted. The SSSS would fail in its duty of care towards Scottish citizens (and would breach principles 1, 2, 3 and 5) if this was to occur.

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

As well as the comprehensive person-centred approach mentioned above, the following principles should be adopted.
• No one body should have a monopoly over design of the new framework. Design should be undertaken on a stakeholder basis with input from citizens, business, trade unions, third sector organisations and any other appropriate bodies.
• The SSSS should under no circumstances adopt a punitive approach towards welfare. The application of sanctions and other punishments have no place in Scotland.
• The regulatory framework should be flexible and scaleable. Whilst the current powers over social security are limited, the evolving constitutional arrangements may mean further devolution of welfare powers or the complete delivery of social security upon independence. Work should be done now to ensure the system is able to seamlessly expand to fill any policy framework up to and including a Universal Basic Income.

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.

A. If the charter lacks any legal power to compel the government to deliver the principles then it would be little more than a gesture. Expectations on claimants which may lead to sanction or other punitive measures would be unacceptable for reasons outlined above. The use of a symbolic charter to explain and illustrate the objectives of the framework may be encouraged as a means of easing communication of the new legislation.

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

A. As above.

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?

A. These rules appear fairly generic and certainly lack a specifically Scottish dimension as presented here. Explanations directed at claimants and potential claimants should be as clear and unambiguous as possible. The present UK system can often appear intimidatingly complex to vulnerable people which can lead to valid claims not being made out of fear of testing or making errors on the forms. It has also led to people being punished for non-compliance with complex rules which were difficult to understand or practically impossible to meet. The UK’s Austerity agenda has also led to an incentive to fail claimants and apply sanctions in order to meet financial targets. The SSSS absolutely must actively prevent situations like this arising.

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?

A. As with the framework itself, these specific benefits must be designed by an inclusive, open and person centred approach. The Scottish Government should identify now which groups would be best approached to assist with the design of each benefit and allow them to begin the process.

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?

A. A better solution would be a guaranteed basic income which would eliminate the need for such means-tested challenges. Another potential solution would be to accept a principle whereby any cut to a social security payment would not be implemented until all relevant challenges had been resolved. Once again, the social security system should operate on a person centred basis.

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?

A. If the UK’s Austerity program continues as planned, there will come a time when the Scottish Government can no longer top-up or even replace current UK benefits. The Scottish Government should lay out a clear roadmap explaining the limits of its powers and how far it intends to limit the effects of Austerity in Scotland. As far as new benefits are concerned, schemes like a Universal Basic Income should be explored. It is unlikely to be possible to institute a full (or even fully Universal) system without the full powers over tax and social security which will only come with independence but limited schemes such as trials targeted at specific demographics or specific areas may be possible. The committee is directed towards Common Weal’s report entitled Social Security For All Of Us for more details on UBI and case studies of the effects of limited trials.

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?

A. This increase would be welcome but it should be acknowledged that both payments offer a scarce subsistence level of existence thus this is a bare minimum solution to the chronic undervaluation of carers. A Scottish SSS should examine the level of such payments and decide where and how they could be improved. Alternate solutions could be a UBI given to cover both JSA and CA (and taxed back from other workers earning a sufficient amount) or, in the specific case of carers, it may be possible to pay them at parity with private sector care workers via a national care company or similar vehicle.
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?*

A. The SSSS will likely require substantial review of all of the existing social security payments and without a detailed assessment of and by relevantly affected parties (see the person centred approach mentioned above and throughout) it will be difficult to determine the suitability of any particular scheme. Any framework should be designed to be flexible enough to adapt to the needs of any eventual policy as required by the people affected by them.

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

A. As above.

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

A. The devolution of significant social security powers gives Scotland a chance to break from the UK’s meagre and punitive benefits system and to create a social security system worthy of that name. It is acknowledged that even after the delivery of these powers, the social security system will remain largely reserved and thus actual meaningful change will remain limited, especially as the UK continues to tighten and squeeze the system via Austerity. Nevertheless, an opportunity is presented to create the foundations of a Scottish Social Security System worthy of the name which works for all of us and ensures the wellbeing of everyone regardless of circumstances. Even where the limits of devolution are reached by this Bill, the Scottish Government should not be afraid of demonstrating its ambition to go above and beyond those limits so should lay the plans to do so now.