'Your Say' Workshop
The Social Security Bill: What do you think?

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 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?
   - The approach is welcomed.
   - Whilst not currently applicable to the benefits to be devolved, there should be a clear incentive to work, where possible.
   - There is little detail in the information provided as to how it will be ensured that those eligible will receive all they are entitled to.

Q. Are there other principles you would like to see included?
   - The Scottish social security system should be transparent, with clear criteria, easily understood by lay people.

2. 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?
—Yes, a charter is useful (if it is clear) and must show the obligations of both sides.

Q. Is there anything specific you would like to see in this charter?
—Obligations and expectations applicable to both sides (fairness, clarity, honesty).
—The Scottish Government will provide clear explanations of decisions made and the reasons behind them.

3. 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 views on the rules that should apply to all benefits?
—The criteria used in decision making should be clear, without room for discretion (to ensure fairness of application and transparency).
Decisions should be made quickly. Appeal procedures should be straightforward and consistent.

—The same information should not have to be provided multiple times, it should be held and shared as necessary. The information required should only be that required to make the decision.

—It should be possible to apply in as many different formats as possible, using a variety of platforms – telephone, paper, face to face, online (including using mobile devices) and via third parties.

—Review of ongoing claims should only happen when there is a likelihood of circumstances changing.

—When an overpayment has been made, where the claimant has not provided any false or misleading information (i.e. the error rests entirely with the entity making the determination), and the claimant could not be expected to reasonably know that an overpayment was being made and accepted the determination in good faith, no action should be taken and transitional arrangements should be put in place to gradually reduce regular payments to the correct amount (to avoid the claimant being placed in financial difficulty).
A criminal offence should only have occurred when a claimant has deliberately provided false or misleading information, or clearly failed to notify of a change in circumstance. A change in circumstance must be long term before it applies (e.g. an improvement in health for a few days does not count).

4. 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 changes, if any, do you think should be made to these benefits (particularly if you have direct experience of being on one)?

Disability Living Allowance:
- where a lifetime award is currently in place, the award of PIP should be automatically on the same basis.
- transitional support should be put in place where the DLA reassessment results in reduced or withdrawn entitlement to PIP.
- should provide wider scope to allow for mobility issues.
- must continue to link with Motability.
- should not seek to penalise claimants for pushing themselves to achieve what they can.
- must take account of medical evidence, not just impact (some people with the same condition will be able to do more than others, but they should not be penalised for this).
- should not be means tested.

Carer’s Allowance:
- as indicated should not leave anyone worse off than being a Jobseeker.
- should include provision to pay for respite care to allow a break to be taken.
- should not be means tested.
Winter Fuel Payments:
-should not be means tested.
-should be paid automatically to those eligible (in receipt of pension, DLA/PIP, etc.)

Cold Weather Payments:
-must be paid quickly to be relevant.
-claimants could choose to pay direct to heating supplier.

Funeral Payments:
-must be paid quickly to ensure the person arranging the funeral is not left in financial difficulty.
-agreement to pay must be ‘officially awarded’ in a way that allows the funeral director to make arrangements knowing that the payment will be made.
-a ‘standard’ service could be made available, with a suitable range of burials, cremations, and additional elements (flowers, transport, etc.) to allow a reasonable and dignified funeral, with ‘extras’ not being paid for via the social security fund (exceptional floral displays, performers, etc.).

5. 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?
- Absolutely right, and indeed a level above this would be encouraged, especially where someone is a 24/7 carer. Provision must also be made for respite arrangements.

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?
- Yes, it is useful, but care must be taken that it does not encourage frivolous continuous appeals and challenges.
Q. Are there any other ways it could be used?
- Transitional support where eligibility for another benefit ends – e.g. DLA reassessment means no PIP; Carer’s Allowance claimant where person being cared for dies or goes into residential care; etc.

7. 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?
— I don’t really have a view, other than I am in general against payments being discretionary in general as I think decisions have to be clear.

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

8. 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 use of regulations is fine, making it easier to change criteria, but the sources of external help must be clearly defined and include consultation with those affected.

9. 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?
— In general, yes, but it should not simply be a case of undoing cuts, there must be sound principles behind the decisions. There must also be a principle of ‘work paying’ where it should not be possible for someone (or a household) to receive more in benefits than they could reasonably expect to earn.

Example – two households, same make-up (e.g. same number of adults and children), the household with anyone working should be better off than the one where no-one is working – assuming all other things are equal.

— An understanding must also be in place that benefits are there to ‘level the playing field’ for those who are disadvantaged (e.g. incur extra costs due to disability), and are not a gift or reward from the state. It must also be remembered that many of those receiving benefits are also tax payers, and may well be contributing more than they are receiving.

Example – I pay more in tax and NI than I receive I DLA, but the DLA provides my Motability car and blue badge which allow me to work.
10. Q. Is there anything else you want to tell us about this Bill?
   
   —Care must be taken to ensure that ‘passport’ links remain and add-ons – e.g. Christmas Bonus! Are not lost in the transition.
   
   —Decisions on criteria should be made via consultation with appropriate groups, including those who will be affected.
   
   —Clarity is crucial – plain English must be used.
   
   —There should be an underpinning position of fairness.
   
   —Costings should be clear – actual benefit payments + administration + governmental costs = how much in terms of taxation paid?
   
   —Care should be taken that means testing and additional layers of scrutiny should only be in place where the administration costs of this do not outweigh any cost saving (e.g. if it costs £10 admin to save £5 by means testing – then don’t means test it!)