Social Security Committee – call for views on the Social Security (Scotland) Bill

Carers Trust Scotland response

Carers Trust Scotland and the National Carer Organisations sought the views of carers on this legislation through an online survey in July and August 2017. The collective responses are reflected in the answers below.

Question 1

Although we appreciate that Regulations allow an increased level of detail to be considered, it is possible that greater scrutiny may not happen; as pointed out by several third sector organisations in their responses, it is unclear how transparency or scrutiny will be increased if Parliament can only approve or reject the Regulations. Placing provisions about the new benefits in primary legislation aligns the practical details with the high-level vision and principles of the Scottish Government that espouse improved processes for a new social security system. These principles are welcomed, but maintaining good forward momentum in engaging a wide range of stakeholders is necessary to achieve the necessary change and involvement. The processes around secondary legislation do not always encourage wide engagement – there will need to be consideration of how to fully engage citizens in consultation around the regulations and not lose momentum.

Question 2

The inclusion of these principles on the face of the Bill is welcomed, but it may be difficult to ensure these principles will be adhered to in practice. More detailed information about how principles referring to respect, dignity and human rights can be practically realised would be useful. Carers particularly welcomed the inclusion of respect, continuous improvement and a basis in evidence. However, there was concern that the principles will not match operational change in the system.

We agree with the points made by Close the Gap in their evidence submission; if social security is a human right, there is a potential conflict between this and principles of efficiency and value for money. It is important that public services are efficient and good value, but for carers and their families, access to social security is vital to ensure that those who need financial assistance because of illness, disability or caring responsibilities are not disadvantaged. Carers identified this as a concern, with some carers presuming that value for money would be prioritised over other principles in a constrained fiscal environment.

We agree with the points made by the ALLIANCE regarding additional principles around the overall purpose of social security legislation, clearer terminology on co-production, the use of evidence to inform and evaluate approaches, and a stronger human-rights based approach.
We agree with the evidence put forward by SAMH and The ALLIANCE which propose including definitions of key terms – such as ‘disability’, ‘dignity’ and ‘respect’, on the face of the Bill, to ensure absolute clarity and a shared understanding. We feel this is important, as it then gives the terms a legislative standing that would not happen if these definitions were to be included in any guidance produced related to it.

Question 3

We are in favour of the social security charter but again, it is difficult to see how the contents of the charter will be achieved in practice. Carers welcomed a bold commitment to transparency, clear expectations and accountability, but there are also concerns around monitoring and scrutiny. Whilst we welcome the requirements to consult and co-produce with citizens, there is a need for wider external review and scrutiny of the charter, rather than a review from Ministers only. The annual review must include some mechanism to measure progress against.

The Bill in its current form notes obligations for people using the system, but not much on what the state’s obligations are to people and the consequences if they do not comply with these obligations. We feel that the Bill and charter should be clearer on this.

Question 4

There is no information about timescales and time limits for decisions to be communicated to service users (although there are timescales that service users are required to meet.) There is an imbalance here that counters the idea of a person-centred and rights-based approach. Many carers struggle to cope with the inflexibility of the current social security system and a new system that does not respect and empower citizens will not alleviate these issues.

As other responses have pointed out, it is discouraging that legislation purporting to consider respect, dignity and human rights within social security focuses so closely on fraud prevention and investigation. A very small proportion of claims are fraudulent.

Question 5

We look forward to further detail about the potential for change to eligibility for carers’ assistance.

Schedule 1, Part 1, Chapter 2 section 4 of the Bill contains details of regulations on more than one person providing care. Whilst we appreciate the detail of the regulations is still to be fully considered, this Schedule should also contain details of eligibility for the carers’ assistance for those carers who are looking after more than one person. Currently, people with multiple caring roles, who may need significantly more support and are less likely to take up paid work, are either only entitled to the

current Carers Allowance benefit, or do not meet the criteria if they are looking after more than one person but do not exceed 35 hours per week in one of the caring roles only. This group of carers is significantly disadvantaged by the current rules on Carers Allowance and we urge the Committee to include this issue in the schedules.

**Question 6**

It is important that financial support is available to those who need it if their access to social security is delayed by systems and processes outwith their control. We therefore welcome this provision.

**Question 7**

It is difficult to provide in-depth comments at this stage. However, the interactions between reserved and devolved benefits are a potential source of concern. For carers, interaction between Carers Allowance and Employment Support Allowance can be particularly detrimental.

**Question 8**

We are in favour of the increase to Carers Allowance and believe that this should happen as soon as possible. However, it is not always useful to compare Carers Allowance with Jobseekers Allowance. JSA is intended to be a temporary payment that is provided until income is secured through paid employment. Carers Allowance is often received on a long-term basis because caring roles are long term and prevent carers from seeking employment. It is important that those carers who are unable to work because they are caring are provided with adequate income to support their families.

Caring can significantly affect carers’ finances: a third of carers are struggling to pay utility bills and half are struggling to make ends meet, cutting back on food and heating as a result. We welcome the intentions of the Scottish Government to explore an improved Scottish carer’s entitlement, and urge the Committee to consider potential changes to the criteria outlined in the schedules to the Bill that can make positive changes for carers and their families.

The Bill must include a mechanism to uprate Carers Allowance (and other social security benefits) as well as information on how payments will keep pace with increases in the cost of living.

**Question 10**

The following aspects of the social security system are not addressed in this Bill:

- Ensuring that recipients have an effective choice between cash assistance or benefits in kind – cash assistance should be the default option and the choice

---

2 The Cost of Caring, Carers UK (2013)
should be led by the recipient. Alongside the ALLIANCE we recommend an amendment to clarify that recipients will have a first right of payment in cash.

- The Bill contains no reference to organisations or processes be involved in carrying out eligibility assessments. Regulations on this issue may not offer the same level of protection as enshrinement in primary legislation, particularly after an assurance from the Cabinet Secretary that assessments would not be carried out by organisations for profit. It is well documented that eligibility assessments are a process that many applicants find stressful and although the Scottish Government has committed to changing some of the more negative aspects of the assessment process, concern around the process may remain for some applicants.

- There needs to be more information on how the devolved social security agency will interact with reserved benefits, particularly around how data will be shared between agencies. Cares in receipt of carer benefits are also frequently eligible for reserved benefits such as Employment Support Allowance, Income Support and the Carer Premium, and the interactions between these benefits are complex and can cause confusion.

About Carers Trust Scotland

About Carers Trust Scotland
Carers Trust Scotland is the largest provider of comprehensive carers support services in Scotland, reaching around 30,000 adult carers and 2,400 young carers from all groups and communities, through a unique network of independent carers centres and young carers services throughout Scotland.

We work with these centres to improve support, services and recognition for carers in communities across Scotland.

There are at least 759,000 carers aged 16 and over in Scotland and 29,000 young carers. The value of care provided by carers in Scotland is £10.8bn a year. Three out of five of us will become carers at some stage in our lives and 1 in 10 of us is already fulfilling some sort of caring role.

For more information, contact

Heather Noller, Policy & Parliamentary Officer hnoller@carers.org

Carers Trust Scotland
www.carers.org/scotland
0300 123 2008