

CALL FOR EVIDENCE RESPONSE FORM

SOCIAL SECURITY COMMITTEE

SOCIAL SECURITY (SCOTLAND) BILL

SUBMISSION FROM Carol Gordon

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?

In principle this seems like a good idea, although raises questions on how/when the Regulations will be reviewed, and where the external help to develop them will come from. Will there be more public consultations on the Regulations? Will the "external help" cost the tax-payers money or will the system be transparent? These are questions that need to be asked.

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.

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The Principles seem like a “safe” way for the Government to believe that they are covering all bases. However, “entitlement to any benefit” will most likely still be measured by people who do not know the claimant and probably in conjunction with a 40-50 minute interview with a Health Care Professional who does not fully understand the claimants’ physical or mental health disabilities. An example of this: A profoundly deaf person who uses British Sign Language to communicate will not understand English in the same way as a non-deaf person. The structure & grammar of BSL is completely different to English, so therefore this has to be taken into consideration when questioning a deaf person through an Interpreter. In the same way, a person who is registered Blind should not need to be reviewed every couple of years as their health condition is unlikely to change.

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

The views of Support Workers to be used as “evidence” would be great.

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.

Yes, again in principle the Charter is a good idea, but must be accessible to all.

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

Different formats including BSL, Braille, Large Print and Audio files should be produced.

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?

There has to be need for specific timeframes for decisions and how they will be made. People are often left without money under the current UK Government system whilst decisions are being made – this can lead to poverty and an increase in the need to use foodbanks.

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When it comes to applying for benefits, “Digital by Default” does not work. There are hundreds of people out there who either do not have access to computers, or cannot use computers. If a support worker was trying to assist a blind person or deaf person, the use of public libraries is not an option to access computers as the claimant would have no privacy, and Data Protection would go completely out the window. Paper forms may not be cost effective or environmentally friendly however; in some cases they are necessary.

Overpayments made by official mistakes should not be recoverable if the claimant was not aware of the mistake or was misled by any agency advice. If there is a need for the overpayment to be repaid, Civil Penalties should be removed. In the majority of compliance meetings I have attended the claimant made a mistake, or simply forgot to report a change in circumstances; these cases have not been malicious or in attempt to commit fraud, therefore to have a Civil Penalty imposed often makes the claimant feel like a criminal when this is not the case. Although I fully understand that there are cases in which to commit fraud has been the main idea, but in reality it is easy to see the cases that do not have this objective.

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?

The transition of DLA – PIP needs to be managed better and within smaller timeframes.

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?

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Short-term assistance has to be clarified. What does “short-term” mean? What happens with Motobility Cars – how long can someone keep their car if they are no longer eligible for the scheme when going to appeal?

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?

Once again the idea of top-ups from reserved benefits needs to be clarified but if new benefits are to be created then a lot more thought needs to go into them than the likes of Universal Credit

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?

Carer’s allowance should be upgraded to the same as JSA as soon as possible. If someone needs to be caring for a person for more than 35 hours a week in order to meet the criteria, then this is a full time job in all respects and should be rewarded as such.

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?

Yes, but if local authorities do not have such a scheme, the Scottish Government should take steps to align them

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

No

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

No