

## **Social Security Committee: Social Security Bill - Call for evidence**

23<sup>rd</sup> August 2017

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. Do you have any views on this approach?

We would like to see a Bill that includes statutory rights for anyone going through the social security system. To create a new right based social security system in Scotland we need a Bill that embeds a human rights based approach into every aspect of legislation, policy and practice. As the Bill stands there needs to be more detail about how the system will operate, what the overall experience of users will be and what outcomes the legislation hopes to achieve. We believe that social security is a human right and an adequate amount of social security will help people to achieve other rights. We believe the Bill must include a legal right for anyone accessing social security to be able to access independent advocacy.

2. The Bill proposes that the Scottish social security system will be based on seven principles. What are your views on these principles and this approach?

We would like to see clear a definition of dignity outlined in the Bill as this term is often open to interpretation and is subjective. As stated earlier we believe that social security is a human right and therefore the Bill should have a strong human rights basis including the PANEL principles and the AAAQ key elements being clearly stated throughout the Bill. We also think that the first principle about social security being an investment in the people of Scotland should be further strengthened with a statement about the level of support people relying on social security should have.

3. Do you agree with the idea of the charter? Please explain the reason for your answer. Is there anything specific you would like to see in this charter?

We welcome the idea of the charter but would like clarity about its legal status and would like it to make a clear commitment to the International Covenant on Economic, Social and Cultural Rights.

4. The Bill proposes rules for social security do you have any comments on these rules?

The rules need to;

- encompass a rights based approach
- be clear and easy to understand
- ensure fairness and transparency throughout the whole system

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. What are your views on this proposal?

We believe that if someone is challenging a decision to stop or reduce their entitlement then it should only be stopped once they have exhausted all appeal processes.

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

We believe that the Bill could be strengthened if it included a commitment to upholding the human rights of anyone claiming social security.

We would like to see anyone claiming social security to be able to receive support from an independent advocate at any stage of the process, when they need it. There needs to be a clear commitment to provide sufficient resources to advocacy organisations in order to realise this. We believe this resource should come from the Scottish Government as social security is a Scottish Government responsibility and independent advocacy will help people to effectively navigate, engage with and fully participate with the new system.

We would like to see anyone claiming social security to be able to easily access independent advice and for this to be clearly recognised as being different from independent advocacy.

The SIAA believes that the charter will be a useful way to demonstrate the commitment to the principles but we would like to see details around the legal status of the charter and how the Scottish Government will be accountable if the charter is not complied with.

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