

North Lanarkshire Response to the Social Security Bill

The following response is a collaboration from North Lanarkshire's Corporate Welfare Reform Group, this includes representation from; North Lanarkshire Council's Financial Inclusion Team, Scottish Welfare Fund and Revenue & Benefits Team, NHS Lanarkshire, with the Third Sector Advice Agencies also represented on the group.

Q1 Do you have any views on this approach?

In general we have no issue with this approach, however, the Bill does not include provision for a scrutiny panel such as the Social Security Advisory Committee (SSAC). There has to be some clarity on how this essential component of the system will be applied.

Q2 What are your views on these principles and this approach? Please explain your Answer

Again in general we have no issues with this approach, however, one concern would be how these principles interact with the reserved benefits administered by the UK Government, as both social security systems should work together to provide a seamless benefit system to the people of Scotland. Therefore, this needs to be a principle in its own right. We would support the principle of ensuring people receive what they are entitled to, however, this should be strengthened to ensure that people have access to **independent advocacy**.

The principle of the Scottish Social Security System being designed with the people of Scotland is again welcomed, however, there has to be more transparency and clarity over how this evidence will be gathered and debated, again this should be through a body such as the Scottish Social Security Advisory Council, the members of which should be named.

The principle "The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for, would better reflect the aspiration principle and be more effective if it stated; "The Scottish Government has a role in ensuring that people who are entitled to social security assistance receive the support they are eligible for".

Q3 Are there any other principles you would like to include?

The principles have to support that this is a system that is investing in people and is driven by need not economics. The principles as they are today are in their infant stage, and would need more "meat on the bones" together with how the Scottish Government intends on enforcing/monitoring them.

Q4 Do you agree with the Charter? Please explain the reason for your answer?

Yes. It is imperative in designing such a charter that it is accessible and easily understood by all. Details of how often, who is responsible for reviewing the Charter and ultimately who oversees it should also be included. The Charter should be in a clear, simple language that makes it easily understood by all parties and sets out what each party should expect and what each party's responsibilities are. The Charter should be available in all formats to ensure inclusivity for all society.

Details of an easily accessible complaints process should be available together with a feedback process to allow suggestions to be put forward.

In order to audit and monitor the Charter, the Scottish Government at the outset has to consider what it will wish to measure and why these areas are necessary and ensure that the system are in place to allow this to be measured. These together with how the Charter will be audited will ensure continuous improvement.

The Charter must be clear on how it will work alongside other Charters or Codes of Conduct to ensure that there is no conflict or perceived conflict, eg NHS staff involved in disability assessments.

Q5 Is there anything specific you want to see in the Charter?

There has to be the removal of the assumption that the Scottish Social Security System will be dealing with a homogenous group of people and the Charter reflects the needs of all in society.

Advocacy – the Charter has to recognise the need for the role of Advocates, eg. Role of Representatives

The Charter has to place Standards on timescales and the administrative side of the system.

Q6 Do you have any comments on these rules?

The current mandatory review (MR) process which looks to be incorporated into the Bill has created another barrier for claimants to get over to access their benefits, particularly those with mental health problems, or chaotic lifestyles. The MR has also resulted in delay in claimants access their benefits via appeal. The Scottish Government should have considered the abolition of the MR with a return to straightforward process of decision to appeal. When an appeal is lodged when the case is being prepared the original decision can be changed, as per housing benefit appeal process currently. This is a more cost effective manner if we are to follow the public pound and far less stressful for the person.

Section 24 of the Bill needs to be clearer in this respect of redeterminations, timescales for both parties must be put in.

In relation to “recovery of assistance” the Bill states that all overpayments are recoverable even due to official error. This is a principle that cannot be supported nor is it in fitting with the principles of the Scottish Social Security Bill.

Q7 What are your thoughts on the schedules in the bill in regard to these benefits?

The major concern is that every assistance/benefit starts in the first line that “assistance (which may or not take the form of money)” what does this mean? This needs to be explained in more detail before we could support/agree with any regulations of the new social security system. Consideration must also be given to the impact this would have on individuals and their households if such a monetary change were to take place.

There has to be clarity around “residence and presence” tests, eg. The Winter Heating Assistance excludes this test.

Q8 What are your views on this proposal?

We would welcome that the Scottish Government recognise the financial difficulties challenging a decision can put upon a person and therefore can be a barrier to this, however, clarity is required that this does not affect the provision of hardship assistance currently being provided by Scottish Welfare Fund.

Q9 Do you agree with these proposals?

We welcome the proposal for the Scottish Government to create or top up existing benefits, however, there is no detail of the intention to do so (eg. Topping up child benefit) It is essential that clarity on the intentions of this provision are provided prior to the Bill being enacted.

Q10 What are your thoughts on this proposal?

It is certainly true that Carers are significantly undervalued in our society, but, the Government's proposal completely overlook those most in needs of additional support and fall short of compensating our Carers for the financial sacrifice they incur as a result of the care they provide at a cost far less than that which would be incurred by the taxpayer were the person receiving care through social care systems. If the government wishes to address this inequality the current proposals are not a suitable response to this. Whilst any increase is welcomed, why is this linked to Jobseekers Allowance rates? This still equates to just over £2 per hour, is the Scottish government stating that this is an acceptable level of pay?

The regulations still do not tackle those who care and are also working and those who care for more than one person. They also provide that deductions can be made from Carers allowance for any other overpayment, again how does this include non devolved benefits? This again addresses the issue if the overpayment was official error the carer is being penalised because of this.

Consideration must be given on the impact the rise will have on other reserved benefits and the subsequent potential knock on effect to the disabled person (ie. underlying entitlements)

Q11 Do you agree that discretionary housing payments should continue largely as they are?

The DHP scheme allows the local authority the opportunity to assist HB and UC with housing cost recipients at times when they can be vulnerable to financial pressures that could lead to rent arrears and place their tenancy in jeopardy. The Bill should require each council to operate a DHP Scheme under Scottish Government Guidance which will ensure that every citizen has access to this additional funding on an equal basis no matter where they reside. Section 328 of The Bill has to be clearer, this can be interpreted as though local authorities can choose whether to be part of the DHP scheme, this has to be a statutory duty on councils. Failure to do this goes against the current principles of the Scottish Government and their commitment to dealing with homelessness etc.

Q12 Do you have any other views on the proposals for discretionary housing payments?

In addition to the current guidelines on circumstances under which a payment can be made, it may be advantageous to allow Local Authorities to consider DHP for a defined finite period where not HB or UC with Housing Costs is in payment. This would allow increased tenancy protection for isolated periods of nil entitlement for people whose financial circumstances would normally lead to a housing benefit payment being made on a regular basis.

The government has to address the lack of any appeals process within DHPs, this should be brought into line with other benefits.

Q13 Is there anything else you want to tell us about this Bill

The Bill still lacks the detail required to fully comment on the new social security for Scotland, however, the following issues require clarity;

Residency – The Bill contains no information on residency. There is a real potential for rules around residency to be aligned to other devolved services or non devolved benefits. There must be clarity on this subject.

No Recourse To Public Funds – The Bill again contains no information on how those with no recourse to public funds will be treated. Given the complexity of this issue there must be clarity on this subject.

Backdating – There are no timescales or principles in the Bill in relation to backdating of benefits.

Annual Uprating Of Benefit/Assistance – The Bill lacks clarity that uprating will be on an annual basis.

Payment in Kind – The concerns relating to this are contained in the body of the response, however, it is important to note that this method is not supporting the principles of choice, dignity and respect. The Bill would also have to consider how “an overpayment of a payment in kind” would be dealt with, how is it recoverable? How can it be fair and equitable to those who were given cash and found to be in an overpayment situation?

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