

CALL FOR EVIDENCE RESPONSE FORM

SOCIAL SECURITY COMMITTEE

SOCIAL SECURITY (SCOTLAND) BILL

SUBMISSION FROM HUG (*Action for Mental Health*), Cromwell Villa, 23 Lotland Street, Inverness IV1 1ST

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?

Our members expect that it will be explicit in the Bill what dignity, respect and fairness actually look like. This is not clear.

Our members want clear complaints procedures which will ensure that they have access to a robust complaints procedure which is fair

The Bill also needs to place in legislation the right to Independent Advocacy for all people using the service

Our members would also like to see that the Scottish Government are required to consult regularly over continuous improvement and particularly that they will hear from collective advocacy organisations.

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.

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- 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.

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

Some of our members wanted the overall purpose of the Bill to set out what the aims of the new Scottish Security Agency are.

The Bill should also include information about how the agency is held accountable.

The Bill should set out a commitment to co-production, rather than consultation and to continuous improvement through seeking out feedback from advocacy organisations who often hold the views of many seldom heard from people.

The Bill should also commit to seeking feedback from users through advocacy organisations and the Experience panel approach and acting on that feedback as part of the continuous improvement cycle

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.

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

Our members think a charter is a good idea as long as it means something. This means that the Charter must be enforceable and the Bill needs to reflect this in a stronger manner than it does.

It must be written in language which is easy to understand and clear so that people know what they are entitled to under the charter.

The Charter must set how the Agency will be held to account

The Charter must be drawn up with input from Experience panels and Third sector organisations which support people with Social Security issues.

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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?

We would call on the Government to review the legislation on an ongoing basis but particularly within the first three years.

The Bill must also set out the timescales for decisions and time limits Particularly with reference to what the Agency has to do.

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?

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?

Our members think that this is vital for people who are appealing a decision. The payment must however be stated as being automatic not repayable and again, an entitlement. This should be underwritten by legislation

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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?

No comments to make

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?

No comments to make

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?

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

No comments to make

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

The language of the Bill is disappointing. When challenging culture and changing attitudes it is important that we start as we mean to go on, and that is with the legislation. Words like benefits and assistance should be replaced by payments and entitlements.

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Setting out the obligations of the Agency as well as those of the people using the service will also help to embed understanding of people as partners in the new Social Security System.

The legislation should make clear that where payment in kind is an option then this is completely the choice of the person receiving the payment and no one will be made to take an "in kind" option.

The Bill must also set out explicitly that there will be no involvement of the private sector in the delivery of the Scottish Social security system.