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Social Security Committee

Social Security Bill - Call for Evidence

Response 22nd 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?**

BIAS firmly believes that this important Bill should be strengthened by including statutory rights for anyone going through the social security system. Much of existing Scottish legislation and policy adopts a human rights based approach. We believe that social security is a human right and that adequate social security provision will help people achieve other important rights. The Bill must clearly identify how the system is intended to operate and specify the outcomes the legislation hopes to achieve. The inclusion of a legal right to access independent advocacy support will strengthen the Bill and ensure both improved service user experience and equality of access to services.

- 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?**

Whilst the principles identified are good, we would welcome the inclusion of accountability as an additional key principle. It will be important to have robust reporting mechanisms to Scottish Government in place. Detail on what action will be taken if these principles are not upheld would be useful, as well as a clear definition of concepts such as "dignity" as this is subject to interpretation. The principle of social security being an investment in the people of Scotland should be strengthened by including a statement on the level of support people receiving social security will have. The Bill should reflect the view that social security is a human right and this commitment should be apparent in the PANEL principles.

- 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 re-iterate the view of Scottish Independent Advocacy Alliance that the idea of a Charter is welcome but that there should be clarity about its legal status. The Charter should 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?

Again, the rules need to:

- encompass a rights based approach
- highlight the accountability of the State
- provide for an independent review of the implementation of the Act and any amendments within a three year period
- provide clear timescales and time limits
- 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 the proposal?

It is important that any benefits being received continue to be paid until all appeals processes have been exhausted to avoid unnecessary hardship and additional stress to recipients.

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

As an advocacy organisation, we believe that the Bill could be strengthened if it includes a commitment to upholding the human rights of anyone claiming social security.

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

Supporting collective advocacy organisations made up of individuals who have experience of using the social security system could help make things more accessible, more user focussed, more efficient and responsive. Collective advocacy groups help to co-produce systems, legislation, policy and practice as equal partners.

Access to independent advice organisations, in addition to independent advocacy, should also be resourced.

We believe the Charter will be a useful way to demonstrate the commitment to the principles but 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.

We support the view of SIAA that "effective monitoring needs to be built into the new social security system to ensure that the Scottish Government can identify gaps amongst claimants. There is extensive evidence to show that many people do not know which, if any, benefits they are entitled to. With effective monitoring, the Scottish Government would be able to identify groups who are underrepresented amongst claimants and take proactive steps to ensure these groups knew about, and claimed. their full entitlement.

The Bill needs to ensure there is accountability regarding the new agency, assessments, payments, complaints and appeals.

There also needs to be independent scrutiny around the implementation of the Act which should be periodically reviewed every 3-5 years."

Manager
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