

NHS Borders

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Your Ref
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Dear Suzanne

SOCIAL SECURITY COMMITTEE SOCIAL SECURITY (SCOTLAND) BILL - SUBMISSION FROM NHS BORDERS

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?

It would be helpful to explain how regulations will be scrutinised and reviewed, in keeping with the principle of continuous improvement.

- 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.

These principles are helpful and reflect the premise that there is a collective responsibility to ensure that all members of society are entitled to support for health and wellbeing. The principles are in line with the collective commitment in Scotland to reducing inequalities including health inequalities.

The third bullet point could be reworded as follows:

- *Respect for dignity of individuals is at the heart of the Scottish social security system and individuals will be entitled to understand the processes of application and decision making*

The wording of the final bullet could be improved as follows:

- *The Scottish social security system is cost effective and works efficiently*

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

Transparency in decision making

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 a charter would be helpful in enabling all members of Scottish society to understand the rights and responsibilities of claimants and those who administer the system to be aware of their responsibilities towards claimants and potential claimants.

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

It would be helpful to include standards for waiting times relating to decisions and payments. This could inform the performance reporting presented in the annual report. NHS Borders is aware of the delays reported in assessments for disability benefits and impact of this on the people affected. There is also evidence of high success rates of appeals indicating that decision making criteria need review. Reference to quality indicators in the charter would give reassurance that the changes proposed will be monitored to deliver improvement.

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?

As above, it is helpful to be explicit.

If an individual is required to repay any overpayment caused by system error, there should be a requirement to ensure that the impact on the wellbeing of individual and their family is taken into account to avoid causing distress and hardship.

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 approach seems sensible. If the detail is to be set out in regulations, it would be important to understand how an appropriate level of expert scrutiny will be assured.

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?

The provision of short term assistance is welcome. This should be available during review to avoid hardship.

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?

There is a potential complexity for individuals and staff in terms of managing two different systems of entitlement in an area such as Scottish Borders where cross border liaison to provide health and social care is not unusual. The goal of eliminating the unfair differences in opportunities and outcomes that are at the root of health inequalities continues to be important.

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?

Support for this proposal and recognise both the extremely important role that carers play and the costs associated with caring.

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?

N/A

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

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

We welcome the consideration of the needs of families in the early years in view of the evidence of the damaging impact of financial hardship on child development and on health and wellbeing through the life course.

Yours sincerely



Jane Davidson
Chief Executive