

Social Security (Scotland) Bill – a response from the Scottish Unemployed Workers' Network

1/ There are a lot of good things in the Bill, as well as a lot of things that have been phrased to leave options open. We hope that there will be plenty of opportunity for consultation and political oversight on the development of these crucial outstanding practical details. Meanwhile, we would like to highlight a few concerns that we have over the Bill in its current form.

2/ We are pleased to see social security classified as a human right and hope that this has implications beyond the devolved benefits and also implies additional assistance to people suffering under the administration of reserved benefits. Besides assistance to formal advice services, this should include more help to informal support, such as friends and family and mutual support or other volunteer groups. It should also include instructing Police Scotland to take more account of the unequal dynamics operating in Jobcentres and other DWP facilities, and to prioritise diffusing angry situations and avoiding criminalising people who have been put under strain by severe and often arbitrary regulations. It should also include help for people who have been sanctioned – and clause 46 3) opens up possibilities for doing this.

3/ The provision of short-term benefit assistance to help people appealing decisions is welcome, but this could be much more beneficial if extended to include people appealing reserved benefits. This could be especially important for people who have put in a Mandatory Reconsideration after being found 'fit for work' and then find themselves having to sign up for JSA or Universal Credit and comply with stringent jobsearch rules.

4/ Clause 30 2) would appear to suggest that failure to provide further information when requested could result in a failure to meet eligibility rules. This could prove problematic for the significant number of people with chaotic lifestyles. However, the accompanying discussion paper appears to suggest that decisions would be made on the basis of the limited information, which would generally prove a better option.

5/ The liability to repay an overpayment due to official error is highly problematic, even with the presumption that this will not generally be pursued. Uncertainty, and the consequent inability to make financial plans and benefit from financial security, has a major impact on wellbeing all round. This could cause major hardship, punishing people who have done nothing wrong, and runs counter to the supportive role that discussions about the Scottish Social Security system have led us to expect.

6/ We are also concerned that the requirement to notify changes be administered with discretion, so that small delays and inefficiencies and the omissions resulting from difficult and chaotic lives do not result in criminalisation.

7/ We are glad to see the inclusion of a Carer's Supplement and hope that this will prove a step towards a genuine Carer's wage.

8/ We would like to see the future Scottish Disability Benefit providing mobility help for everyone over 65 who needs it.

9/ Familiarity with the experience of people made to go through a Mandatory Reconsideration before accessing an independent appeal demonstrates that the main function and result of such a system is to severely discourage access to appeals. It is therefore very disappointing to see this replicated in this Bill. We hope, of course, that a more sensitive Scottish system will result in fewer errors, but those that remain should be able to be addressed independently without delay.

10/ We remain very concerned about the situation of people having to apply for PIP before the new Scottish benefit comes on line, and the impact this has for people who have fallen foul of the tick-box application system and especially of its mobility 'test'. We would like to see much greater use made of the Scottish Welfare Fund to provide discretionary help to this group, backed by more Scottish Government funding.

11/ We are also concerned about failures of Discretionary Housing Payments to meet current and future needs. People can get into major problems and risk becoming homeless due to lack of awareness of the availability of DHP and also to poor administration. (E.g. because Edinburgh City Council provided too little too late, several families in North Edinburgh have faced eviction.) This situation is set to get much worse when the housing benefit cap is extended to social housing next April. The Scottish Government needs to make more provision for this.

12/ We would also like to express our support for the points made in the submission by Professor Paul Spicker, both those we have also included above and those we have not mentioned because we have not experience of our own to add.

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