

Scottish Women's Convention response to:

The Scottish Parliament Social Security Committee Call for Evidence on the Social Security (Scotland) Bill

August 2017

The Consultation

The Social Security (Scotland) Bill was introduced in June, 2017. This landmark piece of legislation focuses on a number of powers over social security which will be transferred from the UK Parliament to the Scottish Parliament.

Eleven benefits will be devolved including Disability Living Allowance, Winter Fuel Payment and Carer's Allowance. The Bill not only includes proposals for how these forms of assistance will work under the new system, but also lays out plans for principles at the heart of the new Scottish Social Security agenda.

The proportion of the social security budget that will be devolved to Scotland amounts to £2.7 billion, or 15%, of the total £17.5 billion allocated to the country annually. The Scottish Government has set forth their legislative framework in the form of the new Bill, with a universal emphasis on respect and dignity.

The Scottish Women's Convention (SWC)

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to the issues surrounding social security and reform of this system.

The majority of recipients of social security here in Scotland are overwhelmingly women. This is due to a number of persisting inequalities faced across all levels of society such as childcare costs, gender streaming and discrimination. It is vital that their voices continue to be heard in order for Scottish Social Security to strive for equality.

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?

The SWC is in agreement with placement of the majority of the rules in Regulations. By doing so, this will ensure a more accessible approach for citizens of Scotland.

The present system is seen to be failing those who require additional support. The one-size-fits-all solution seems to be a quick fix and systematically ignores that different groups and individuals have unique support needs. Whilst the SWC recognises that regulations are in place to act as cohesive framework for social security, a flexible and compassionate approach is required to be taken at every step of the process.

From application to assessment and onto award, women have had significantly more negative experiences under the current system than they have positive. The way in which individuals are treated at the Jobcentre can be extremely off putting. Regulations within new legislation must seek to offer an individualised and holistic approach.

In addition, the Scottish Government (SG) must ensure that these Regulations are developed through continuous consultation with social security users and the relevant third party bodies such as the voluntary sector. These should be adapted with the following kept in mind: the stigma around social security and supposed “scroungers” and the difficulties many feel having to ask for assistance.

Women’s experience of the current welfare benefits system often depends upon the way they are treated by frontline staff. Some have been described as “cruel” and “mean”, unable to treat people as individuals or take into account personal circumstances. There are, however, others who are “an asset to the job”, who go the extra mile and ensure individuals receive all of the help and support they deserve. The attitude and professional nature of staff has a significant impact on those accessing the benefits system.

“I know so many women who are scared to go to the Jobcentre because they’ve had such a bad experience. It’s not uncommon to hear of people having sleepless nights and panic attacks in the run up to an appointment. You can have two staff members sitting side by side in the Jobcentre who treat people completely differently. Those who make claimants feel like they have to beg for their money should learn a lesson from the ones who can provide so much assistance.”

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.

The SWC acknowledges the SG method of ensuring that the principles are person centered and that the system users are consulted throughout the course of this Bill.

The SWC welcomes recognition within the principles that social security is a basic human right in accordance with Article 22 of the UN's Universal Declaration of Human Rights. In order to relieve the stigma surrounding assistance, this approach is necessary. At present, social security is perceived as a negative instrument that should act as a disincentive by ensuring those entitled to it are only allowed the very minimum in order to survive.

Women make up the majority of those entitled to social security assistance and, in addition, are by far the ones who have suffered the effects of this stigma and recent welfare reforms.

The punitive regime currently in place, which takes the form of shaming those most in need of support, cannot continue to work. Belittling those that cannot work due to disabilities or caring commitments cannot be part of any scheme that hopes to put human rights as the foundation for its approach.

Lastly, the SG must ensure that these principles are communicated to the public effectively. The current stereotype of social security users as "benefit scroungers" must stop.

Are there other principles you would like to see included?

Whilst the SWC agrees with the principles as laid out within this consultation, a further principle could be added to ensure that protected groups and a gender influence is embedded within the legislation.

It is also essential that the principles take note and recognise the inequalities faced by women on a daily basis. Women who have experienced rape, domestic abuse and other abuses as a result of their gender are impacted everyday due to this. This effect on both their physical and mental health and illustrate why a gendered approach must be recognised within the principles.

"My mental health issues, much of which stem from abuse in the past, make it very difficult for me to work. There's no acknowledgment of this in assessment processes, let alone empathy or sensitivity from those asking the questions. If I bring it up, the person gets really uncomfortable, so I just think 'what's the point' and leave it."

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.

Do you agree with the idea of the charter? Please explain the reason for your answer.

Yes. The creation of a charter, especially one under continuous review, is essential if a system based on equality is to take place within Scotland. Design and assessment of this should be done in coordination with relevant third sector organisations and service users. A Charter would potentially offer women extra protection if enshrining the above principles within it. It would also ensure they are enforceable whilst acknowledging the duty of those responsible for administering these principles.

"This has to be a case of nothing about us without us. The benefits that are being devolved impact on people who will most likely need support for their whole lives. It can't be that we're consulted at the start then once everything is up and running our needs and views are no longer relevant. This whole exercise has to be about so much more than just lip service."

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.

The SWC welcomes the rules on overpayment by error being only the difference between the correct and mistaken amounts received. Many women have commented on the stress that these situations have had on them in the past. Being met with an unexpected notice declaring that they have to repay money can force many into a vicious cycle of poverty when they are barely getting by as it is. Any paybacks need to be individualised, with payment plans that are tailored to the particular person and will not cause hardship.

Setting out a code of practice that will allow applications to be determined in certain circumstances without evidence due to information that is already held is to be applauded. This not only saves stress for many applicants but also to those public sector workers who will be administering the processes.

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 SWC notes that the timeframe for full devolution of these benefits will provide the smoothest transition possible. The likes of disability assistance, however, should be analysed to see if any solutions regarding fast tracking this power is possible.

Women have commented on the current policy by the DWP for disability uptake as degrading. Cuts and changes to disability reforms and the transition to Personal Independence Payments (PIP) have left many disabled women severely limited.

Disability living allowance, for example, makes up around half of the expenditure of those types of assistance being devolved to Scotland, with the vast majority of those in need being women. It is crucial that they do not suffer.

“It makes you feel as if you’ve got to justify every aspect of your condition and if you can’t then somehow you’re lying. The guilt that comes with it makes you feel sick to your stomach. All they’re doing is asking the same questions over and over, albeit in a different way each time, as if to trip you up. No wonder people just give up completely.”

On the other hand, the schedule’s focus on roll out of the new Best Start Grant (BSG) as early as possible is to be commended. The “staggered” payments during the first five years of a child’s life are welcomed.

The SWC welcomes the SG’s commitment to ensuring private sector organisations are kept out of the assessment process for disability allowance. Many women who have had to go through these have described them as a “stressful ordeal” that can actually make their condition worse due to the high level of pressure they are put under to prove themselves as being worthy of payments.

Due to these comments, the SWC would welcome further clarification over how assessment will work – if it will come directly from the new Social Security Agency or, more favourably, directly an individual’s GP.

“My GP has known and treated me for a number of years. In my mind, she is more qualified to advise whether I am fit for work than someone working from a checklist who doesn’t know me or my illness and who is fundamentally not qualified in any medical sense.”

A main concern for women is the problem of reassessment with the continued emphasis on physical as opposed to mental disability only being taken into account. Both need to be treated equally and using a GP for information would go a great way to proving that the Scottish system is one based on equality and respect.

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?

Women throughout Scotland have spoken about the current imposed agenda and the struggle it has put them under when having their benefits halted with little or no notice. This has forced many down routes that they would not usually take, such as high interest pay-day loans or commercial sexual exploitation, in order to make ends meet.

The SWC therefore welcomes the decision to introduce some form of monetary short-term assistance when a decision is being challenged. The fact that the SG is taking the step to keep this separate from the Scottish Welfare Fund is a positive action that is to be commended.

“Women are hardest hit in the benefits system.”

However, whilst this is a positive step, many women have spoken about administrative or human errors that have unfairly cost them their assistance. This can have a serious impact on a person’s health. Women are currently being treated as a statistic rather than a human being.

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. Do you agree with these proposals?

Women have spoken in a positive light about this approach. The fact that the SG is solely responsible for Scotland means it is more adept to acknowledging the localised and unique structures of the Scottish economy and communities.

“If we can get this right, it will be a good way of demonstrating what the Scottish Parliament can do for good.”

However, mitigation is not enough. Under the new remit, 17% of social security will now be administered through the new agency rather than the DWP to Scotland. Other forms of assistance that women depend on, including “top ups” such as Working and Child Tax Credits continue to be cut due to austerity measures. This has forced a great number of people into poverty in Scotland.

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). What are your thoughts on this proposal?

Carer’s Allowance (CA) being the first form of assistance that will be increased is commended. Carers, the majority of whom are women, save the economy billions every year. Any new social security system should place them at the heart and make sure they are rewarded for the hard work they do.

The provision of Carers Allowance is extremely important for many women. The Scottish Government has a real opportunity to ensure that this payment is made to the right people and is a true monetary reflection of the work that those who undertake caring responsibilities do.

“The Scottish Government could make a bold statement by making it abundantly clear that, while there are obviously men who care, the majority are women. This needs to be recognised, because it will go some way to making wider society aware of how much women do without getting paid for it. Furthermore, it’s a good way to break down the preconceived notion that women should want to care for their family and friends because ‘it’s in our nature’.”

There needs to be more flexibility, however, in the criteria for receiving Carers Allowance. The expectation that those who provide care must spend at least 35 hours per week caring, not earn more than £110 per week and not be in full time education is completely unrealistic.

“So many women work 35 hours per week and then go home and provide 35 hours of care. It’s as if unless they reach these almost impossible standards, they’re not really caring. This is unfair – carers need to be treated with more respect.”

Furthermore, rules around sanctioning should be much more flexible in respect of carers. Many women are sanctioned when they are unable to attend appointments and interviews because they have caring responsibilities. There is not enough recognition of the unpaid work that women do.

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 in running it.

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

Yes. Given the geographical make up of Scotland between rural and urban, the SWC endorses payment by local authorities of certain forms of support. Discretionary housing payments, in particular, are usually a matter of urgency and, thus, should remain at a local level where it is easier for those in need to reach out to their local council.

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

The roll out of Universal Credit over the next few years will become a huge issue for these payments for women. Whilst the SG has stated its intention to ensure Scottish citizens can be paid twice monthly instead of once and direct to the landlord, women have voiced concern that this will still not be enough to cover accommodation. More powers over social security must be secured to ensure that vulnerable women do not end up homeless.

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

The SWC is extremely supportive of the SG’s Social Security Bill, particularly the emphasis on human rights, dignity and respect. Devolution of powers to Scotland is a real opportunity for the SG to highlight itself as a world leader in human rights and citizenship.

Women have spoken positively about the attitude taken by the SG with the emphasis on assistance as a basic human right rather than a “handout” that must be begged for.

“It’s so undignified constantly having to ask for money to be able to live. I am unable to work, but I still get treated as a ‘scrounger’ by society. I would love to be able to get a job but I can’t so instead I need to rely on state support.”

Whilst this Bill offers short-term solutions to these problems, more ambitious strategies that will seek to prevent rather than cure the problem of poverty must be sought.

Due to inequality, these problems continue to plague women in ever larger numbers. Gender streaming in education and employment, lack of quality childcare and social perceptions of women all lead to a vicious cycle of poverty. Many have to rely on assistance that continues to be cut and degrading assessments.

The SG must ensure that it continues to campaign for those benefits that are still reserved and are detrimental to women, including the abhorrent rape clause.

Conclusion

The SWC welcomes the opportunity to respond to the proposed Social Security (Scotland) Bill, believing that this further devolution of powers is a positive step forward. The principles of human rights, dignity and respect are factors that should be intrinsic to the new social security system. Going forward, a clear commitment to equality should be enshrined within the social security agenda, including the extra risks posed to women from poverty due to gender inequality.

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