

Scottish Council on Deafness

Social Security Committee: Call for evidence

Social Security (Scotland) Bill

Scottish Council on Deafness (SCoD)

The Scottish Council on Deafness (SCoD) is the lead for all matters concerning deaf people and their issues in Scotland, representing organisations working with and on behalf of deaf people¹: Deaf /Sign Language users, Deafblind, Deafened, and Hard of Hearing people. SCoD's membership provides an effective working partnership between the Third, Public and Private Sectors (the Deaf Sector) and the Scottish Government.

SCoD sees a society where deaf people have equal access, equal rights and equal citizenship with their hearing peers. Deaf people have the right to be included, involved and active citizens in Scotland. While some progress has been made in this regard, there is still a way to go before deaf people's rights to equality of access to goods, services and information in their own language and/or in a manner that they fully understand is the same as their hearing peers. <http://www.scod.org.uk/#>

Being deaf in today's hearing world is a human rights issue and as such, it should be recognised and acknowledged that access to the hearing world, although easier in this digital age, costs the person, their families and friends, society in Scotland and communities of interest. These costs that are not always recognised in human rights terms or realised in financial terms.

SCoD uses a person-centred, human rights based approach in its work and use the social model of disability. SCoD recognises that the language/communication support needs of deaf people across the "four pillars of deafness" are all different although some of the barriers that people face may be the same.

For example, the hearing world does not always recognise that there are differences in linguistic access depending on the level of deafness the person has and when they lost their hearing. This means that deaf people's access to their rights is breached in a number of different ways on a daily basis.

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. Do you have any views on this approach?

Too much appears to have been left to the Regulations rather than be included in the Bill. SCoD would like to see a greater level of scrutiny included.

¹ The term "deaf" is used to refer to all people with a hearing loss. The term "four pillars of deafness: Deaf/Sign Language users, Deafblind, Deafened and Hard of Hearing people" is used to differentiate between the different levels of deafness and the different language/communication support needs people have.

For the majority of deaf people, who have attempted to claim/been assessed for benefits, the process is a difficult and often fraught one due to the lack of deaf awareness and communication skills of those involved in the process. Too often deaf people are expected to attend assessments/appointments without language/communication support or when they attend, the wrong language/communication support has been provided. It is important that dignity, respect and accessibility as well as the principles of inclusive communication² are included in the body of the Bill.

The “recovery of assistance given in error” needs to be proportionate and the recovery must be done in a manner that is humane and respects the person’s rights. SCoD agrees that recovery is important, but so are the human rights of the person who has received the assistance in error and therefore recovery should be person-centred and rights-based.

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? Please explain the reason for your answer. Are there other principles you would like to see included?

SCoD welcomes the Scottish Government’s approach, but think that it needs to go further and include reference to the principles of inclusive communication. Without **inclusive communication**, all the other principles in the Bill cannot be carried through. Too often, this is implied but not explicit. The fact that the government has referred to social security as “itself a human right” is to be commended, but without quality communication that is inclusive of everyone involved, people who have a language/communication support need cannot enjoy their human rights in the same way that those who do not have such needs do.

Adopting a rights-based approach means that the wording needs to be strengthened to ensure the role of Scottish Ministers becomes a duty in the legislation.

“The Scottish social security system will be designed with the people of Scotland, and based on evidence” – now that the recruitment process for the experience panels has taken place, the Scottish Government should ensure that its commitment to the new social security system is designed in co-production with these experience panels and with the organisations that support people who have a right to apply for the devolved benefits. Individuals should be listened to, supported to participate and be at the heart of the process to develop policy, design and test the new system through implementation and evaluation. Lived experience of deaf people who have been through the past and present systems should be of particular interest in terms of access, inclusion and language/communication support needs/provision and reflective learning.

² <http://www.gov.scot/Publications/2011/09/14082209/0>

“The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.” SCoD is a member of the DWP Personal Independence Payment Forum in Scotland having previously been involved in the DWP PIP Implementation Stakeholders Forum in London since 2011, and this is one of the principles that the DWP works to. We have seen in practice what happens when there is turnover in personnel in the DWP which occurs on a regular basis – the general ethos changes slightly and loses something of the “humanity” of the system/processes and although each new team has tried to move forward in a positive manner, too often positive changes are lost or cannot happen due to a lack of resources. “The Scottish social security system is efficient and delivers value for money” – the Scottish social security system also needs to be properly resourced for the long-term in terms of the financial pot and the personnel who will be working on the systems and processes. This needs to be built into the Bill and tested through scrutiny of service.

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?

The Charter need to be written in plain language and needs to be available in a number of accessible ways. By following the principles of inclusion communication and having inclusive communication embedded in the Bill, all documentation including the proposed Charter will be accessible for all people in Scotland.

All information about the new Scottish Social Security system needs to be understood and accessible to all people who live in Scotland and who may at some point in their lives have to apply for these new “benefits/entitlements”.

The Charter should be produced in co-production with the experience panels as well as involving third sector organisations who offer support and guidance. For example, SCoD covers all four pillars of deafness – Deaf Sign Language users, Deafblind, Deafened and Hard of Hearing people and can advise on accessibility for deaf people who will be entitled to apply for the devolved benefits.

If the Charter is to follow the format of other Scottish Government Charters, then it should ensure the dignity, respect and inclusion of people who will be applying for devolved benefits as well as that of the staff who will be working in the new system. It should not be a charter of “us and them” but rather one of “us together” to reflect the values of a Fairer Scotland.

4. The Bill proposes rules for social security. Do you have any comments on these rules?

If the Scottish Government is taking a rights-based, person-centred approach, then there needs to be a parity on rules for the individual and those for the Scottish Government, which includes accountability, openness and transparency as well as dignity and respect for the people applying for devolved benefits.

The language used, for example, in the “recovery of assistance given in error” needs to reflect the values and principles of the Bill. At the present time, it treats people who may have been given assistance in error as though they are dishonest rather than they will pay the money back if it is planned in a person-centred way to fit with the person’s individual circumstances.

There needs to be a duty on Scottish Ministers to review the system and legislation once implementation takes place. There should be an independent review similar to the Paul Gray reviews of PIP.

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. What are your thoughts on the schedules in the bill in regard to these benefits?

Whatever decisions taken on the schedules, it is important that the drafting of the Regulations involve the experience panels as well as the organisations that support people applying for financial assistance.

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 this proposal?

It is important that people who have applied for assistance should be supported financially when challenging/appealing a decision. There should also be the opportunity to signpost people who may need other types of support, for example, independent advocacy.

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

SCoD would like to repeat that there is a need for the principles of Inclusive Communication to be included explicitly in the Bill. Too often the language or communication support needs of deaf people in Scotland are ignored or misinterpreted and they are left without financial assistance or support.

Quality communication is a basic human right which needs to be person-centred to the individual.

The British Sign Language (Scotland) Act 2015 and the subsequent British Sign Language (BSL) National and Local Plans should support the provision of information in BSL for Deaf/Deafblind people, access to the new Social Security agency through contact SCOTLAND-BSL and the need for BSL/English Interpreters for assessments.

Deaf/Deafblind BSL users with disabilities may need additional language/communication support depending on their needs.

Deaf people (those who are Deafened or Hard of Hearing) whose first or preferred language is a spoken one not BSL have communication support needs that will be required to be met too; for example, the provision of hearing loops, Electronic Notetakers, Lip Speakers; as well as good lighting and acoustics in buildings to ensure deaf people's rights are met throughout the Scottish social security system and its processes.

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22/08/2017