

SIAA Response

Social Security Committee: Social Security Bill - Call for evidence

23rd 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?

We would like to see a more detailed, substantial and robust Bill that includes statutory rights for anyone going through the social security system. In order to create a new rights based social security system in Scotland we need a Bill that embeds a human rights based approach into every aspect of legislation, policy and practice. As the Bill stands there needs to be more detail about how the system will operate, what the overall experience of users will be and what outcomes the legislation hopes to achieve. We believe that social security is a human right and an adequate amount of social security will help people to achieve other rights. We believe the Bill must include a legal right for anyone accessing social security to be able to access independent advocacy.

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?

We welcome the principles of the Bill but would like to see detail regarding the status of the principles within the legislation. Also we would like to see more about accountability of when the principles are not upheld and what action will be taken. We would also like to see a clear definition of dignity outlined in the Bill as this term is often open to interpretation and is subjective. As stated earlier we believe that social security is a human right and therefore the Bill should have a strong human rights basis including the PANEL principles and the AAAQ key elements being clearly stated throughout the Bill. We also think that the first principle about social security being an investment in the people of Scotland should be further strengthened with a statement about the level of support people relying on social security should have.

We would like to see accountability as a key principle. We would like to see robust reporting mechanisms for the Scottish Government.

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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 welcome the idea of the charter but would like clarity about its legal status and would like it to 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?

The rules need to;

- encompass a rights based approach
- highlight accountability of the State
- provide for an independent review of the implementation of the Act and any amendments within a 3 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 this proposal?

We believe that if someone is challenging a decision to stop or reduce their entitlement then it should only be stopped once they have exhausted all appeal processes.

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

We believe that the Bill could be strengthened if it included a commitment to upholding the human rights of anyone claiming social security.

We would like to see anyone claiming social security to be able to receive support from an independent advocate at any stage of the process, when they need it. We believe that collective advocacy organisations made up of individuals who have experience of using the social security system could help to make it more accessible, more user focussed, more efficient and responsive. Collective advocacy groups help to co-produce systems, legislation, policy and practice as equal partners. There needs to be a clear

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commitment to provide sufficient resources to advocacy organisations in order to realise this. We believe this resource should come from the Scottish Government as social security is a Scottish Government responsibility and independent advocacy will help people to effectively navigate, engage with and fully participate with the new system.

We would like to see anyone claiming social security to be able to easily access independent advice and for this to be clearly recognised as being different from independent advocacy.

The SIAA believes that the charter will be a useful way to demonstrate the commitment to the principles but we 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 believe 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.

We believe that the Bill needs to include provision for a system of automatic appeal, some people will be 'put off' if their claim for an entitlement is turned down. This may be because they don't know or understand they have a right to appeal or they may lack the personal capacity, assertiveness, confidence and skills to appeal.

The Bill needs to ensure there is independent scrutiny and accountability regarding the long term implementation of social security and specifically around 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.

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