

Ceartas Response

Social Security Committee: Social Security Bill - Call for evidence

23rd August 2017

Ceartas is an independent advocacy service in East Dunbartonshire. We provide independent advocacy to all care groups in the area. Our work has grown significantly in the last year as we advocate for individuals experiencing ESA and PIP assessments

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?

Ceartas believe the Bill should include a legal right for anyone accessing social security to be able to access independent advocacy. The provision of social security is in our opinion is a human right which is a catalyst for people to secure other rights in their life. Access to independent advocacy is a critical factor in people gaining the confidence and knowledge to speak up for themselves. In order to create a new rights based social security system in Scotland we want to see a Bill that embeds a human rights based approach into every aspect of legislation, policy and practice.

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. Dignity has been mentioned but if there is not a clear definition of that then there will be little consistency in approach.

We too would like to see accountability as a key principle. Robust reporting mechanisms for the Scottish Government can ensure that well meaning objectives are not sidelined.

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

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.

There needs to be a clear 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.

Ceartas 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. The Bill needs to ensure there is accountability regarding 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.

