

# CALL FOR EVIDENCE RESPONSE FORM

## SOCIAL SECURITY COMMITTEE

### SOCIAL SECURITY (SCOTLAND) BILL- CALL FOR EVIDENCE

23 August 2017

#### SUBMISSION FROM Wheatley Housing Group

Wheatley is Scotland's leading housing, care and property-management group. It comprises five Registered Social Landlords, a care organisation and two commercial subsidiaries. The Group spans 15 local authority areas across Central Scotland, providing homes and award-winning services to over 200,000 people.

All parts of the Group are firmly rooted in their local communities. However, by joining forces, our partner organisations are delivering much more for their customers than they could on their own. And, by using their combined size and scale, they are contributing to improving housing, care and regeneration at a national level.

As an organisation committed to customers having better lives, we welcome the opportunity to participate in the Social Security (Scotland) Bill call for evidence.

**Q1:** 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 Wheatley Group's customer base is extremely diverse; we have customers who belong to different cultural groups, customers with multiple issues and customers who live in inner city properties and rural accommodation. We therefore welcome the Scottish Government's intention to develop regulations with external help as we believe that this will ensure that eligibility benefits will be clear, fair and accessible to all. By entrenching their principles in regulations their commitment to respect and dignity will create a more transparent system. We believe that formal regulations are clearer than producing guidance, best practice or any other system which can often be interpreted differently by different people leading to subjective decisions.

We would welcome a role for Housing within the 'external help', as we witness on a daily basis the adverse effects the current administration of benefits is having on our customers and communities. We are aware that this will become more problematic as the UK Government's welfare reforms progress. We are fearful for many of our customers and their on-going ability to sustain their tenancies particularly those who have been homeless and lived transient lifestyles.

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We are particularly concerned about the introduction of the shared accommodation LHA cap for under 35's and the removal of automatic right to Housing Benefit for 18-21 year olds. We would like to see protections for younger people strengthened throughout the system which increasingly discriminates against them.

### **Q2: What are your views on these principles and this approach? Please explain the reason for your answer.**

The Principles in the main are good particularly the recognition that social security is a benefit to the country rather than depicted as drain on the resources of taxpayers. Too often the UK system is seen as something to be ashamed of. Hopefully this approach - positioning the system it as an asset for all Scotland - will improve how the system works from the ground up. The challenges of making this work in in real terms should not be under estimated this as the culture change for staff to a more rights based approach will be significant.

We would welcome clarification of what 'based on evidence' means in real terms. We would welcome a wider scope within the evidence category. For instance health care professionals being held more accountable for the reports they produce. We believe these would be more effective if the format was more than just a box ticking exercise.

We would also welcome clarification of the terms 'efficient' and 'value for money'. We would be concerned if this meant cuts and saving that impacted on claimants, many of whom are currently struggling to feed themselves or heat their home as a consequence of the UK Governments welfare reforms

### **Are there other principles you would like to see included?**

As a social landlord we have seen the impact of the UK Governments Welfare Reforms on our customer's wellbeing. We would like to see another principle included to ensure that no one will be destitute and without the means to feed themselves. Being able to feed yourself is a basic human right and the growing reliance on food banks adversely affects people's dignity. We have witnessed how destitution has impacted on our customers lives, and as a social landlord have tried to implement measures to assist our customers with short term support. We feel that this should not be the role of the landlord; our customers should not be experiencing this type of hardship just because they have to claim benefits. On that basis, it may be worth considering what the role is for social landlords in the 'external help' referenced in the consultation.

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### **Q3. Do you agree with the idea of the charter? Please explain the reason for your answer.**

We welcome the principles behind the charter however more information on what is expected of people claiming benefits would be good. The Charter needs to be accessible to all and be set out in a format that all groups can understand. The process of translating the seven guiding principles into specific objectives should also include input from 'external help' and we believe housing should have a vital input into this.

### **Is there anything specific you would like to see in this charter?**

Wheatley supports the principle that people in Scotland should be treated with dignity and respect therefore it is essential that the charter is clear on how it will assist in meeting this principle. In addition we would like to see clearer access to information, and the complaints procedures.

### **Q4: The Bill proposes rules for social security. Do you have any comments on these rules?**

Wheatley believes that the new social security rules should be clear and as unambiguous as possible and should contain clear timescales. Decision making should be transparent with clear rules on appeal/review rights. The mandatory reconsideration stage should be tightened up as in its present form it is ineffective and exacerbates poverty. Independent bodies such as the Tribunal Service should retain a central place in the appeal process.

As a social landlord we feel that the recovery of overpayments should be set at a reasonable affordable rate. We also believe there the Bill should set out the requirements for there to be open, transparent and well publicised timescales relating to all communication of decisions by the social security agency to the people using the system.

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### **Q5. What are your thoughts on the schedules in the bill in regard to these benefits?**

It is difficult to comment until we have the opportunity to view the specific information within the 'schedules'. We agree that benefits should reflect respect and human dignity, be accessible and paid at an adequate amount however schedules are a set of ideas and do not contain the finer detail. From the available information however the schedules appear to be reasonable as long as current benefits remain in place until an adequate replacement for these is made. It is crucial that there is a seamless transition so that no one in receipt of benefits falls through the net. As the largest Housing and care provider in Scotland we are particularly concerned about our vulnerable tenants particularly tenants with mental health or literacy problems. We have noted that these groups tend to have more difficulty understanding entitlement and negotiating bureaucratic red tape often to the detriment of their personal finances.

We would also welcome safeguards written into The Bill which would mean that anyone with vulnerability cannot be sanctioned on the say so of a job coach; this may reduce many subjective and detrimental decisions.

### **Q6: 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 welcome the introduction of short-term assistance particularly for customers challenging Employment and Support Allowance decisions as there is currently no provision for these claimants other than claiming Jobseekers Allowance. The Scottish Social Security system is to be based on 7 Principles for these to be effective everyone should have the opportunity to access this type of assistance. We would welcome more detail on whether the assistance will be in the form of a loan or, as is our preference, if it will be a grant or an allowance which would better keep people out of debt over the long term. Consideration should be given to how this will impact on entitlement to reserved benefits.

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.

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### **Q. Do you agree with these proposals?**

We would welcome more detail as it is difficult to comment without knowing what the full impact would be on our customers retained benefits. Would the UK Government reduce or disallow their entitlement if a 'top-up' was awarded? We believe that this would be difficult to implement as its success would be dependent on how the UK Government viewed the payment. Although in theory this appears to be a positive proposal in real terms however we are unsure how it will work unless it was some sort of a discretionary payment, it is for this reason we believe that the Scottish Government should have control of all benefits rather than just a selection.

We would welcome assistance from this section of The Bill to help eliminate introduction of the shared accommodation rate through the Local Housing Allowance cap for under 35's and the removal of automatic right to Housing Benefit for 18-21 year old. A home is a basic human right; and human rights is enshrined in Regulation 1 (b) of the Social Security (Scotland) Bill therefore any provision which will help our customers sustain their tenancies would be welcomed by Wheatley.

### **Q7: 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?**

We agree with the increase however we do not think The Bill goes far enough. We feel that the people caring for more than one person should not be restricted to only being able to claim this benefit for one person; there should be a higher amount available. We also would like to see recognition in The Bill for young carers in the form of financial support or equivalent in respite and support.

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**Q8: Do you agree that discretionary housing payments should continue largely as they are? Do you have any other views on the proposals for discretionary housing payments?**

Wheatley agrees that the administration of DHP's should continue largely how it is however we would like to see provisions in The Bill for the following:

**Low paid workers:** The Discretionary Housing Payment system used to support low paid families/individuals to meet their housing costs however, since the introduction of the UK Governments welfare reforms, this additional support that our low paid customers could access has been directed towards mitigating the various reforms. This has exacerbated financial hardship as many families have to go without to ensure that their rent is paid. More consideration to this group would mean that work pays for low income households.

**The Under Occupation charge:** we acknowledge that the Scottish Government has mitigated this charge however as above there is a group of low income households who were 'floated' off housing benefit when the under occupation charge was implemented. As these customers no longer qualified for Housing Benefit they could not make a claim for Discretionary Housing Payment. Our understanding is that the Scottish Government is seeking to formally abolish the bedroom tax in Scotland, which would mean DHP is no longer required for this. We believe this should be done as a priority.

This assistance was a lifeline for low income household but since the fund has been diverted to offset the adverse impact of the various welfare reforms these households are missing out. In real terms this has resulted in customers struggling to pay their rent. We believe that The Bill should also recognise and help support low income families who are experiencing financial hardship.