



Supporting people  
with sight loss

## **RNIB Scotland response to the Social Security Committee's call for views on the Social Security (Scotland) Bill**

### **1. About RNIB Scotland**

The Royal National Institute of Blind People (RNIB) Scotland is the leading charity working with blind and partially sighted people in Scotland. We deliver services to the visually impaired (including welfare rights advice) and campaign for their civil and welfare rights.

### **2. Response overview**

This response gives feedback for questions 1-5 and 10 and covers six areas relating to the Social Security (Scotland) Bill.

- Ensuring that the new system is accessible to all.
- Lack of detail on the assistance assessment process and the potential to legislate for automatic entitlement to assistance.
- The importance of advice and advocacy services.
- Liability of an individual for mistakes made by the system.
- Risks associated with giving assistance in the form of goods or services rather than money.
- Review and accountability in the system.

### **3. Regulatory framework**

3.1. Question 1 asks for views on the decision by the Scottish Government to put most of the rules about the new benefits in Regulations.

3.2. Whilst it is necessary to place some detail in regulations to ensure that the new social security system is flexible RNIB Scotland considers that there are many aspects of the system that are missing from the bill. We share the concerns of Disability Agenda Scotland (DAS) and others about potential lack of scrutiny and potential unintended consequences. There are many areas where it would be beneficial to put more detail into the legislation. However, we will focus on three key areas that we highlighted in our response to the Scottish Government consultation on the future of social security in Scotland in autumn 2016 – the need for accessibility; assessments; and advice and advocacy services.

3.3. Accessibility - A range of communication options should be available to ensure that the system is accessible to all individuals. Documents and correspondence should be available in large print, braille, audio, easy read and BSL. Individuals should be able to interact with the agency by phone and a paper based system with provision for face-to-face contact. This should apply to any government agency, but particularly one that will interact with people with disabilities.

3.4. Leaving a range of communication options out of the legislation risks a move towards a system that is 'digital by default'. This would be inaccessible to a substantial section of people receiving assistance. One in five people in Scotland are in postcodes where most of their neighbours are likely to be offline. Specific issues for blind and partially sighted people include the high cost of technology needed to access the internet (standard technological aids are upwards of a thousand pounds) and the need to be trained in these aids.

**3.5. RNIB Scotland urges that the provision of accessible communication as detailed above be written into the legislation.**

3.6. Assessments - Detail on the assessment process for assistance has been left out of the bill. The outline of an assessment process in the bill would give clarity on how the system would operate over time. There is also an opportunity to legislate for automatic entitlement to assistance.

3.7. Assessments are an ordeal for individuals and a cost to the system. RNIB Scotland focus group members reported 'cases of people fainting or being in tears whilst in assessments'. It would be possible to have a list of conditions that automatically entitle an individual to benefit. This list would only include conditions that are irreversible. There is precedent for this regarding visual impairment. Registering as blind or partially sighted automatically gives you access to a number of concessions such as discounted TV license, tax allowances, free bus travel, and for +1 card-holders, free rail travel. Why is there a need to assess people who are registered blind and partially sighted or to continually assess cases where it is clearly stated that their sight loss will remain or deteriorate?

**3.8. RNIB Scotland recommends returning to the Disability Living Allowance system of home assessments with only essential medical examination and providing for automatic entitlement in legislation.**

3.9. Advice and Advocacy – Advocates and advisers should have knowledge of sight loss conditions. An advocacy service is essential to provide independent representation, enabling individuals who need help to navigate the system and present their claim accurately. Advocates should be out with the social security agency and not take on other roles that would conflict with their independence. Advice services should also lie out with the agency to ensure they give independent advice to individuals.

### **3.10. RNIB Scotland urges that the independence of both advocacy and advice services is enshrined in legislation.**

## **4. Principles and Charter**

4.1. Question 2 asks about the approach of listing seven key principles. All seven principles outlined are open to interpretation. ‘Respect for the dignity of individuals’ varies in effect depending on the reader’s definition of what constitutes ‘dignity’ and ‘respect’. The sentiment of the principles is commendable but it is not clear how they will be enforced. For example, who or what defines what treating someone with dignity and respect means? If someone in the employ of the agency acts out with these principles are they to be penalised?

4.3. Question 3 asks if we agree with the principle of having a charter. As we stated in our original consultation response in 2016, we believe that a charter has its limitations but could be useful as a set of guiding principles for staff. RNIB focus group participants made it clear that disabled people should be involved in the drafting of the charter.

### **4.4. We would encourage the Scottish Government to include Social Security Experience Panel members in drafting and to detail how the principles and charter will be enforced in the legislation.**

## **5. Rules**

5.1. Question 4 asks about the proposed rules for social security. Section 36 (Liability) of the Bill does not exempt an individual from liability if an error made within the social security agency results in an overpayment to the individual. An individual could not reasonably have known that they have been overpaid and is likely to have spent all the assistance they have received. Sanctioning them in this way punishes them for a mistake that wasn’t theirs and has an impact on their income and therefore their quality of life. As Professor Spicker’s submission to this Call for Evidence notes, this effect has already been seen in relation to demands for repayment of Tax Credits.

**5.2. We recommend that an amendment is considered exempting individuals from liability where overpayment was due to official error.**

## **6. Assistance**

6.1. Chapter 2 of the Bill outlines benefits '(which may or may not take the form of money)'. Question 5 seeks views on the benefits. We echo the broad points made by the DAS submission on the lack of a definition of 'disability' within the Bill.

6.2. RNIB Scotland has concerns about one aspect of disability assistance in the Bill, whether payment should be money or in kind. Disabilities are diverse and as such have diverse requirements. Even within visual impairment ten people with the same sight loss condition can have very different needs. We believe this aspect of the Bill needs to be qualified so that the recipient has the choice for a cash benefit in the first instance or how to use the cash, but can have the choice of an in kind service only if they would prefer it. These changes are necessary in order to maintain dignity and respect.

**6.3. We would encourage the committee to consider an amendment to 14(1) on 'disability assistance'.**

## **7. Any other feedback**

7.1. Question 10 invites other feedback. RNIB Scotland believes it is crucial that there is a comprehensive, independent review within three-five years of the system being in operation. This review would assess how the new system works, opportunities for improvement and the potential for more significant changes to entitlements, supporting the principle that 'the Scottish social security system should always be trying to improve'. The review should consult with people who engage with the social security system to ensure that the needs of those who require social security are put first.

**7.2. RNIB Scotland urges the committee to include provision for a periodic review in the legislation.**

### **For further information please contact:**

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