

Scottish Social Security Bill Response

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.

Q. Do you have any views on this approach?

Any changes that are implemented around Social Security should be clear and unambiguous.

The use of Regulations could simplify the existing processes, and benefit users through reduction of delays - with an added advantage that there is an inbuilt flexibility to address any issues as they arise. However, any change should have sufficient evidence to justify it, and should be approached in a measured way.

The statement that any development of the Regulations would be with external assistance is welcomed. However, this would be required from an unbiased source and should be subject to regular independent review.

2. The Bill proposes that the Scottish social security system will be based on the following seven principles:

- Social security is an investment in the people of Scotland.
- Social security is a human right. It is essential to accessing other human rights.
- Respect for the dignity of individuals is at the heart of the Scottish social security system.
- The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for.
- The Scottish social security system will be designed with the people of Scotland, and based on evidence.
- The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.
- The Scottish social security system is efficient and delivers value for money.

Q. What are your views on these principles and this approach? Please explain the reason for your answer.

Providing guiding principles for the approach goes some way to removing the stigma of joblessness and need to access Social Security by highlighting respect for the dignity of the individual.

Similarly in line with reviewing the use of Regulations, the seven principles should be revisited on a regular basis to ensure that the process remains person centred, effective and efficient, but that there is also evidence that implementation of the system is clear and supportive for users of the system

Q. Are there other principles you would like to see included?

Not at this stage; but if using the Regulations method, some flexibility may be required depending on the response from both public and service users. An area for development may relate to linking with or highlighting Employability and Education Pipelines across Scotland and the necessity for partnership working across public, independent and education sectors.

3. The Bill proposes that there will be a publicly available social security 'charter'. This will say how the Scottish Government will put the seven principles above into practice. It will also say what is expected from people claiming benefits. A report on the charter will be produced by the Scottish Government each year.

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

A charter that was readily available to the public would be constructive but it should be clear and written in plain English and there should be provision for dealing with queries from the public with a mechanism to effect changes if required. These could be via the Regulations process. Clarity around what is expected from people claiming benefits would also reduce confusion.

Consultation with users of the system with reference to the current benefits would provide clearer perspective on the effects of accessing Social Security Contributions

Q. Is there anything specific you would like to see in this charter?

The content of the charter as it is at present may be adjusted if necessary after its first review. It would be advantageous for those consulting on the charter to be among those involved in reviewing the content and application of the charter within the time frames outlined.

An Annual Report would ensure that information and trends relating to Social Security and the implementation of the new system, including both challenges and successes could be identified and adjusted as necessary to ensure an effective, evidence-based value for money system with a focus on the dignity of the individual

4. The Bill proposes rules for social security which say:

- how decisions are made and when they can be changed
- how to apply and what information people have to provide
- how decisions can be challenged
- when overpayments must be repaid
- what criminal offences will be created relating to benefits.

Q. Do you have any comments on these rules?

The rules as described reflect frequently asked questions, therefore have a practical base and acknowledge the issues faced by people presently accessing and navigating the Social Security System.

There must be clarity in practical terms for users of Social Security around the methods to address these queries. Ease of access to the methods and assistance where required is also crucial to ensure that people are able to work within the system

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. The current benefits which will be run by the Scottish Government are:

- disability assistance (including disability living allowance, personal independence payment, attendance allowance and severe disablement allowance)
- carer's allowance
- winter fuel payments
- industrial injuries disablement benefit
- cold weather payments
- funeral payments
- sure start maternity grants

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

All schedules as described have the capacity for further definition with comprehensive information on the type and level of assistance offered. The use of the Regulation process has the potential to address variations in individual and group circumstances

The provision for Disability Assistance is clear and takes into account both physical and/or mental disability while providing a reasonable definition of disability. Clarity around reserved conditions is welcomed.

The carer allowance schedule provides further definitions of the eligibility criteria around this topic, acknowledgement of the complexity in this field is shown through provision for more than one carer providing support to a disabled person.

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.

Q. What are your views on this proposal?

Introduction of short-term assistance in this scenario would reduce the significant economic and health pressure caused by any situation when an individual has been sanctioned for non compliance with existing requirements, - for example, while not immune from sanctions overall, an individual would not necessarily be sanctioned for failing to attend an Employability programme.

This proposition introduces a level of flexibility in line with the stated principles of the Bill and reinforces the guiding principle of respecting dignity for the individual.

7. 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.

Q. Do you agree with these proposals?

Clarity around the potential use of the top up 'reserved benefits' would be helpful and could be addressed using the Regulations process. There is capacity for the Scottish government to develop these in line with specific population demographics and areas of need

8. 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).

Q. What are your thoughts on this proposal?

Increasing carer's allowance to the level of Jobseekers would acknowledge the role played by carers in maintaining support for identified individuals requiring support to continue to live within local communities. Although jobseeker support should also be maintained as required to allow individuals with caring responsibilities to continue to access job/career information as this could be required in the long term.

9. The Bill proposes that discretionary housing payments continue as they are. They will still be paid by local authorities. The Bill does not require any local authority to have a discretionary housing payments scheme but if they do, they must follow Scottish Government guidance on running it.

Q. Do you agree that discretionary housing payments should continue largely as they are?

Maintaining discretionary housing payments as they are has the potential to avoid default on payment, and to avoid the possibility of homelessness for individuals or families through non payment of rent. Such a situation would put a considerable strain on the individuals concerned and would also have a negative impact of statutory support services.

Q. Do you have any other views on the proposals for discretionary housing payments?

There should be flexibility in approaches to discretionary housing payments, taking into account local influences – for example high areas of deprivation, or households where the primary wage earner is also the primary carer.

The assessment process has the potential reinforces the underpinning value of the dignity of the individual

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

Focusing on the dignity of the individual and ensuring clarity of access to information and processes together with ongoing review of effectiveness of the Bill is welcomed.