SOCIAL SECURITY COMMITTEE

AGENDA

4th Meeting, 2019 (Session 5)

Thursday 31 January 2019

The Committee will meet at 9.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Appointments to the Poverty and Inequality Commission (in private):** The Committee will receive a briefing from—

   Shirley Laing, Chair of Poverty and Inequality Commission selection panel and Deputy Director, Social Justice and Regeneration Division, Scottish Government;

   Ian Bruce, Public Appointments Manager, Commissioner for Ethical Standards in Public Life in Scotland;

   Bill Scott, Chair of the Poverty and Inequality Commission.

   *Not before 10.00 am*

2. **Decision on taking business in private:** The Committee will decide whether to take item 5 in private.

3. **Draft Social Security Charter:** The Committee will take evidence on the draft Social Security Charter from—

   Shirley-Anne Somerville, Cabinet Secretary for Social Security and Older People, Stephen O'Neill, Social Security Policy Team Leader, and Julie Guy, Principal Social Researcher, Scottish Government;


4. **Draft Social Security Charter:** Shirley-Anne Somerville (Cabinet Secretary for Social Security and Older People) to move—

   S5M-15598—That the Social Security Committee recommends that the
Scottish Social Security Charter [draft] be approved.

5. **Future Work**: The Committee will consider a paper by the Clerk to inform its next inquiry.

Anne Peat
Clerk to the Social Security Committee
Room T3.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5182
Email: SocialSecurityCommittee@parliament.scot
The papers for this meeting are as follows—

**Agenda Item 1**

- PRIVATE PAPER
- PRIVATE PAPER
- PRIVATE PAPER

**Agenda Item 3**

- Note by the Clerk

**Agenda Item 5**

- PRIVATE PAPER
- PRIVATE PAPER
1. The Scottish Government’s Social Security Charter was laid on 10 January 2019, and is subject to the same procedure as an affirmative instrument.

2. The Cabinet Secretary for Social Security and Older People will attend the meeting today to move the motion to approve the Charter.

3. The Charter and policy note are attached at Annexe B, and an additional Scottish Government report ‘Developing the Social Security Charter: co-design process’ is available on its website.

4. Following the laying of the Charter, a tweet was produced asking for views on the Charter to be submitted to the Committee. Written responses were received from Citizens Advice Scotland and the Poverty Alliance (Annexe C).

Background

5. During Stage 3 of the Social Security (Scotland) Bill, Pauline McNeill MSP put forward a successful amendment that required the Social Security Charter to be approved by the Scottish Parliament.

6. The Charter is intended to be a publicly accessible document, communicating in clear terms what people are entitled to expect from the Scottish Government and Social Security Scotland.

7. According to the Act, the Charter should:
   - reflect the eight social security principles which are set out in Section 1 of the Act,
   - reflect a Human Rights approach to social security, and
   - be co-designed with people who have had experience of social security.

8. Further information on the application of the Charter and requirements of the Act are provided in Annexe A.

DPLR Committee Consideration

9. The DPLR Committee considered the Charter at its meeting on 22 January 2018 and did not raise any issues.

For Decision

10. Is the Committee content to recommend approval of the Social Security Charter?
Annexe A

Application of the Charter
1. The Charter applies to Ministers when:
   - “developing Social Security policy”, and to
   - Functions under Part 1, 2, and 3 of the 2018 Act. The benefits covered by these functions are:
     - Carer’s Assistance
     - Cold spell heating assistance
     - Winter heating assistance
     - Disability assistance
     - Early years assistance
     - Employment injury assistance
     - Funeral expense assistance
     - Housing assistance
     - Short term assistance
     - Topping up reserved benefits
     - Carer’s Allowance Supplement

2. It does not apply to:
   - the proposed Job Grant as this is not legislated for under the 2018 Act, although the intention in the consultation is that it be delivered by Social Security Scotland.
   - Social Security payments made by local authorities (Discretionary Housing Payments and Scottish Welfare Fund).
   - devolved social security being administered by the DWP under agency agreements.

The Charter and the 2018 Act
3. The Charter sets out expectations under four broad headings:
   a) A people’s service
   b) Processes that work,
   c) A learnings system, and
   d) A better future

4. As mentioned in the note by the Clerk and on page 3 of the Charter, it is required to reflect the statutory principles in the 2018 Act. Some of the commitments go further and mirror statutory duties contained in the 2018 Act. These are set out below. (The numbering relates to the numbering in the Charter and the sections in the 2018 Act). This will enable members to see what in the Charter is a statutory requirement and what is additional.

5. If someone is making a complaint, it will be important for them to know whether or not that complaint is based on a breach of a statutory duty or of failing to have regard to the Charter.
### a) A People’s Service (Charter page 7)

<table>
<thead>
<tr>
<th>Charter</th>
<th>2018 Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>section</td>
<td>Summary of provision</td>
</tr>
<tr>
<td>6. refer you to independent advice and support if you want extra help with your application or appeal. You are also entitled to ask someone you know to support you.</td>
<td>s.6</td>
</tr>
<tr>
<td>10. refer you to other organisations, services or forms of help where they could help improve your wellbeing or financial circumstances</td>
<td>s.59</td>
</tr>
</tbody>
</table>

### b) Processes that Work (Charter page 9)

<table>
<thead>
<tr>
<th>Charter</th>
<th>2018 Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>section</td>
<td>Summary of provision</td>
</tr>
<tr>
<td>1. Adapt processes and ways of communicating as much as we reasonably can to meet your needs and preferences, for example by providing interpreters</td>
<td>s.4</td>
</tr>
<tr>
<td>s.5</td>
<td>Information must be given to an individual in a format that is accessible to them</td>
</tr>
<tr>
<td>5. ensure that disabled people who need help with the application process can get independent advocacy</td>
<td>s.10</td>
</tr>
<tr>
<td>7. Look at your application again if you disagree with a decision. This is called a redetermination.</td>
<td>s.41</td>
</tr>
<tr>
<td>8. explain how you can appeal after a redetermination</td>
<td>s.44</td>
</tr>
<tr>
<td>9. continue to pay you at the same level if you challenge a decision to reduce or stop benefit</td>
<td>s.36 and Sch 10</td>
</tr>
<tr>
<td>10. only carry out a face to face assessment for disability benefits when we are not able to make a decision with information that is already available</td>
<td>s.14</td>
</tr>
</tbody>
</table>
11. ensures face to face assessments are carried out in a way that puts your wellbeing first

| 11. | s.14 | Ministers should take into consideration any preferences an individual has expressed to them about where and how any assessment is carried out |

12. make sure assessments are carried out by qualified staff who understand your condition and the impact it is having on you

| 12. | s.13 | Assessors must be suitably qualified. Regulations will set qualification requirements. |

c) A Learning System (Charter page 11)
None of the commitments under this heading have exact equivalents in the 2018 Act.

d) A Better Future (Charter page 12)

<table>
<thead>
<tr>
<th>Charter</th>
<th>2018 Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. embed the social security principles and Our Charter in the policy making process</td>
<td>s15</td>
</tr>
<tr>
<td>8. review the payment levels of Scottish benefits every year</td>
<td>s.77</td>
</tr>
<tr>
<td></td>
<td>s.78</td>
</tr>
</tbody>
</table>
Dear Bob,

SOCIAL SECURITY CHARTER

I write to inform you that the Scottish Government has today laid the Social Security Charter for the approval of the Scottish Parliament as is required by Section 16(6) of the Social Security (Scotland) Act 2018.

I have enclosed the following documents that I hope the Committee will find helpful in supporting its consideration:

- The Social Security Charter.
- A summary policy note offering information on key aspects of the process and content that may be of interest to the Committee. This includes an annex summarising the legislative requirements for preparing the Charter and how these were met.
- A more detailed report prepared by Scottish Government researchers on the process undertaken to develop the Charter.

As I acknowledged during the Charter debate in October, the Committee has been supportive of the Charter from the outset and played a key role in shaping its scope and purpose. As the supporting documents make clear, the development of the Charter has been led by those who know the system best – people with lived experience of social security. I hope that the Committee will agree with my assessment, and that of key stakeholders, that they have delivered a Charter of considerable ambition that will advance our shared work to build a Scottish system based on the principles of dignity, fairness and respect.

I would be pleased to discuss the Charter and the process for developing it in more detail with the Committee and would be happy to provide any further information required to support its scrutiny.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew’s House, Regent Road, Edinburgh EH1 3DG
www.gov.scot
I am copying this letter to the Convener of the Delegated Powers and Law Reform Committee.

Best wishes,

Shirley-Anne Somerville

SHIRLEY-ANNE SOMERVILLE
Our Charter

What you can expect from the Scottish Government and Social Security Scotland.

Dignity, fairness, respect.
Contents

About Our Charter 3
   Introduction 3
What is Our Charter? 4
Who created Our Charter? 4
Who is the ‘our’ in Our Charter? 4
Who makes sure that Our Charter is being delivered? 5
What is the difference between the Scottish Government, Social Security Scotland, the Scottish Parliament and the Scottish Commission on Social Security? 5
Who can you tell if you do not think Our Charter is being met? 6
A people’s service 7
Processes that work 9
A learning system 11
A better future 12

Contact us

0800 182 2222
mygov.scot
@SocSecScot
Social Security Scotland
About Our Charter

Introduction

The Scottish Government is creating a new social security system for Scotland. Over the next few years it will take control over a range of benefits from DWP - mostly disability and carer’s benefits, together with a smaller number of income related benefits like Best Start Grant and Funeral Expense Assistance.

The people of Scotland were asked how these new social security powers should be used. They said that the UK system is stressful, complicated and often inhumane.

The Scottish Government is determined to do things differently. It has set-up Social Security Scotland to deliver benefits in a more positive and supportive way, based on the fact that social security is a human right. This approach is more fully described by the eight principles in Section 1 of the Social Security (Scotland) Act 2018 – the law that created the new system:

1. social security is an investment in the people of Scotland
2. social security is itself a human right and essential to the realisation of other human rights
3. the delivery of social security is a public service
4. respect for the dignity of individuals is to be at the heart of the Scottish social security system
5. the Scottish social security system is to contribute to reducing poverty in Scotland

This document can be provided in audio, Braille, easy read, large print or alternative languages by calling 0800 182 2222.
6. the Scottish social security system is to be designed with the people of Scotland on the basis of evidence.

7. opportunities are to be sought to continuously improve the Scottish social security system in ways which—
   (i) put the needs of those who require assistance first, and
   (ii) advance equality and non-discrimination,

8. the Scottish social security system is to be efficient and deliver value for money.

What is Our Charter?
It takes these principles and explains what they will mean in practice and what you are entitled to expect from the Scottish Government and Social Security Scotland.

Who created Our Charter?
• People with lived experience of social security.
• Organisations that help or represent people who may use the new system.
• Scottish Government and Social Security Scotland staff.

Who is the ‘our’ in Our Charter?
Every person in Scotland. Social security is a human right - an investment in ourselves and each other. It is a public service that any of us could need at any time. So Our Charter belongs to all of us.
Who makes sure that Our Charter is being delivered?

The Scottish Government must explain to the Scottish Parliament what it has done to make sure the commitments in Our Charter are being delivered. The Scottish Commission on Social Security (an independent group of experts) will also report to the Scottish Parliament on how it thinks the Scottish Government and Social Security Scotland are doing against Our Charter. The Scottish Parliament will use this information to decide if the Scottish Government and Social Security Scotland are doing well or if they should do more.

Each of us also has a personal responsibility in making sure Our Charter is delivered in practice:

- We all need to know what our rights are and what is expected of us.
- We need to speak up if these commitments are not being delivered.

What is the difference between the Scottish Government, Social Security Scotland, the Scottish Parliament and the Scottish Commission on Social Security?

The Scottish Parliament is made up of 129 MSPs elected by the people of Scotland. Its job is to pass laws and to hold the Scottish Government to account.

The Scottish Government is led by the First Minister and is normally formed by the party with the largest number of MSPs. Its job is to develop and implement policies (i.e. to decide what should be done) in the areas it is responsible for (e.g. health, education and some social security benefits).

Social Security Scotland is an agency created by the Scottish Government to deliver benefits in a way that is consistent with the approach outlined in Our Charter. It cannot develop social security policy (e.g. decide eligibility rules or payment levels) but
is responsible for ensuring that Scottish Government policy is delivered in practice.

The Scottish Commission on Social Security is an independent group of experts responsible for checking new social security policy and legislation and advising the Scottish Government and Scottish Parliament if it thinks improvements could be made. It will also report to Parliament on how it thinks the Scottish Government and Social Security Scotland are doing against the commitments in Our Charter.

All four organisations have a crucial role to play in Scotland’s social security system. The Scottish Government is ultimately responsible for policy and the performance of the system. Social Security Scotland is responsible for delivering that policy in practice. The Scottish Parliament is responsible for holding the Scottish Government and Social Security Scotland to account. The Scottish Commission on Social Security will provide independent scrutiny, challenge and advice.

Who can you tell if you do not think Our Charter is being met?

For feedback, suggestions and complaints, please speak to a member of Social Security Scotland staff, visit mygov.scot/socialsecurity-feedback or call freephone 0800 182 2222.

Staff will try to help you right away and to ensure we do better next time. We will listen, learn and improve.

If you are still unhappy please contact independent Scottish Public Services Ombudsman (SPSO).

Visit spso.org.uk or call freephone 0800 377 7330.

You can also complain about matters relating to policy decisions (eg. levels of payment or eligibility rules) direct to Scottish Ministers. Please contact sgcomplaints@gov.scot.
A people’s service
We are here to help you get everything you’re entitled to.

Social Security Scotland and the Scottish Government will:

1. be patient, kind and consider how you might feel
2. listen to you, trust you and treat you as an individual
3. treat everyone equally, fairly and without discrimination
4. support you through your application, keeping you updated and explaining what will happen and why
5. ensure staff are knowledgeable about social security to help you get what you’re entitled to
6. refer you to independent advice and support if you want extra help with your application or appeal. You are also entitled to ask someone that you know to support you.
7. make decisions in a way that is consistent and accurate – and aim to get them right first time
8. be honest, provide clear reasons for decisions and explain what to do if you disagree
9. pay you on time in the right amount
10. refer you to other organisations, services or forms of help where they could help improve your wellbeing or financial circumstances
11. tell you if we think you might be entitled to benefits not delivered by Social Security Scotland
12. recruit people who care about delivering a service based on equality, respect, dignity and human rights
13. involve people with diverse lived experiences of social security and the organisations that represent them in training staff.
Please help us by:

1. treating staff with dignity, fairness and respect
2. telling us if you have particular access or cultural needs - we’ll do our best to meet them
3. giving us the information we need to help you and telling us if something changes that might affect your entitlement
4. telling us about any problems with getting this information that we might be able to help with
5. telling us how you feel about the service. We always want to get better and your ideas can help us do that.
Processes that work

We will design services with the people who use them.

Social Security Scotland and the Scottish Government will:

1. make communications, processes and systems as simple and clear as possible by testing them with the people who will use them
2. recognise that your time is precious and handle your application and enquiries as quickly as we can
3. adapt processes and ways of communicating as much as we reasonably can to meet your needs and preferences, for example by providing interpreters
4. support your wellbeing and make your contact with us as positive and stress-free as possible
5. ensure that disabled people who need help with the application process can get independent advocacy
6. deliver face-to-face services in local communities in places that are convenient and accessible. This includes home visits if appropriate
7. look at your application again if you disagree with a decision. This is called a re-determination. When we do this someone different will look at it as if it was a completely new application
8. explain how you can appeal if you still don’t think the right decision has been made after a re-determination
9. continue to pay you at the same level if you challenge a decision to reduce or stop your benefit
10. only carry out a face-to-face assessment for disability benefits when we are not able to make a decision with information that is already available

11. ensure face-to-face assessments are carried out in a way that puts your wellbeing first

12. make sure that face-to-face assessments are carried out by qualified staff who understand your condition and the impact it is having on you.
A learning system
We will encourage feedback and empower people to deliver the best service possible.

Social Security Scotland and the Scottish Government will:

1. listen, learn and improve by owning up to mistakes and valuing feedback, complaints and appeal decisions
2. encourage you to provide feedback, explain how you can complain and do everything we can to make things right
3. involve people using the service in measuring how well it works - including the commitments in Our Charter
4. make sure staff are well trained, supported and well equipped to do their jobs
5. ensure staff understand the needs of different people and the barriers they face - so that no-one experiences discrimination because of who they are
6. encourage staff to speak up when they feel we could provide a better service
7. build a workforce that reflects the diversity of the people of Scotland
8. create a culture of trust by being open and transparent
9. work with other organisations to ensure services and policy are joined up to provide the best possible help and support
10. encourage other organisations working in social security to adopt the approach described in Our Charter
11. base services in places that are accessible and welcoming for everyone.
The Scottish Government will:

1. embed the social security principles and Our Charter in the policymaking process
2. involve people with diverse lived experiences of social security in developing policy
3. develop policy that seeks to advance equality, non-discrimination and the human right to social security as defined in laws, treaties and guidance
4. use social security powers to help ensure people can play a full and active part in society
5. promote a positive view of social security, explaining it is a public service to be proud of – a human right there for all of us who need it
6. publicly challenge the myths and stereotypes about social security to help reduce stigma and negativity
7. change the language on social security - introducing more positive words to describe the service and the people who use it
8. look for ways to make eligibility rules fairer and consider creating new benefits to meet people’s changing needs
9. review the payment levels of Scottish benefits every year
10. increase the value of disability, employment-injury, carers and funeral expense benefits every year in line with inflation

11. work to improve take-up, ensuring as many people as possible get what they are entitled to, making a particular effort to reach people who are most likely to be excluded

12. use social security powers to contribute towards tackling poverty

13. work with other public services to support delivery of the National Outcomes. These define the Scottish Government’s vision for a fairer, more prosperous Scotland

14. allocate resources fairly and efficiently, delivering value for money in a way that puts people first

15. develop ways of measuring how we are doing against the commitments in Our Charter.
Contact us

0800 182 2222
mygov.scot
@SocSecScot
Social Security Scotland

This document can be provided in audio, Braille, easy read, large print or alternative languages by calling 0800 182 2222.
SOCIAL SECURITY CHARTER – POLICY NOTE

Introduction

In presenting the charter for approval it is worth restating its intended purpose and effect. During Parliamentary scrutiny of the Social Security (Scotland) Bill it was agreed by broad consensus that the charter should:

- Translate the social security principles in Section 1 of the Act from high level ambitions into more detailed commitments to deliver specific actions.
- Provide a clear and accessible statement of what people are entitled to expect from a system based on the social security principles.
- Be co-designed in partnership with people who have lived experience of social security.
- Be accompanied by robust arrangements for redress and accountability (now delivered through the Act).

The purpose of the charter is therefore to describe how a human rights based system will be put into practice, acting as a bridge between the ethos expressed in the principles and the way that the system actually performs.

Developing the charter

The Scottish Government believes that the process undertaken to co-design the charter with the people of Scotland provides an innovative model of human rights based policymaking. There are few, if any, parallel examples of Governments empowering citizens to share decision making and jointly lead policy work of this prominence. The full detail of this process is explained in the research reports submitted to the Committee alongside the charter. In summary:

- An initial core group of thirty people was recruited from Experience Panels to oversee the charter’s development.
- The group jointly led work on the charter and shared decision making with the Scottish Government on its structure, content and design.
- The work of the core group was supplemented by individual interviews with people unable to travel to a central location and through a survey of all 2,400 Experience Panel members.
- Stakeholder organisations played a key role in providing advice to the core group) and in helping to build their capacity on key issues such as human rights and redress (e.g. Scottish Public Services Ombudsman and the Scottish Human Rights Commission attended core group meetings). They also helped to shape and refine iterations of the charter that emerged from the co-design process.
- The Disability and Carer’s Expert Advisory Group, (DACBEAG) led by its vice chair Dr Sally Witcher, played an instrumental role as a critical friend; providing advice and constructive challenge to Ministers and officials on getting the most out of the co-design process, effective stakeholder engagement and ensuring that the charter lived up to the ambitions set for it during the Bill process.
Following the commitment made by the Cabinet Secretary for Social Security and Older People during the debate on ‘Co-designing the social security charter’ on 2 October that further work would take place to ensure that the process reflected the broadest possible range of needs, perspectives and characteristics, additional focus groups were held with:

- People from black and minority ethnic communities (BMEs), refugees, asylum seekers and transgender people.
- BME women, in partnership with Saheliya (an organisation focused on supporting the wellbeing of BME women).
- Women who have experienced violence, in partnership with Women’s Aid.
- People from island communities.
- Social Security Scotland staff.
- Parents, in partnership with Parent Network Scotland.

The findings from these sessions were added to those of the core group and are reflected in the charter being laid before the Scottish Parliament. Recruiting from these sessions, a further six people were added to the core group including people from BME communities, young people and a wider range of LGBT people. This is important since the development model was constructed on the basis that the core group shared decision making rather than acting simply as a consultative body.

Key stakeholders were invited to the core group’s final meeting on Wednesday 7 November. This provided a valuable opportunity for stakeholders and people with lived experience to understand each other’s perspectives and to work together to improve the draft charter. It was also helpful in reassuring stakeholders that the process was one of genuine co-design, with decision-making largely driven by citizens who felt a demonstrable sense of pride and ownership over the work. As core group members said on the day:

“What really helped me was, for the first time, being properly heard, feeling that you were listening to us and, even better, acting on it”

“Everyone is positive towards the concept of social security and the fear factor has eroded since work started on the charter. I hope this will filter through everyone so that social security is no longer a ‘taboo’ or ‘dirty’ subject in society but something to be proud of. It gives people the tools and motivation to make the best of life.”

“The good thing about the process is that it’s been done in a true co-productive way, at no time did I feel that what I was saying was not being taken seriously and not being used to advance the process.”

**Content and design**

The core group and stakeholder organisations have both worked extensively on the charter being laid before the Parliament, developing and refining its content,

---

structure, language and graphic design over several iterations. The core group decided upon four key themes:

- **A People’s Service** – is about establishing a new and more positive relationship between Social Security Scotland staff and the people they serve. It defines the treatment that people can expect from staff and how the core group believes that staff should be treated in return. Notable commitments include kindness and empathy, warm referrals to other services to improve finances and wellbeing, values based recruitment of Social Security Scotland staff and involving people with diverse lived experiences of social security in staff training.

- **Processes that Work** – is about the design, accessibility and quality of the processes and systems that people will engage with when using the service. Notable commitments include adapting processes and communications to meet needs and preferences, delivery of services in local communities, ongoing co-design and inclusive communication.

- **A Learning System** – moves the charter beyond delivery to address the culture and values of Social Security Scotland e.g. that it encourages and values feedback, learns from it and strives to do better in future. Other notable commitments include involving those with lived experience in measuring performance and recruiting a diverse workforce.

- **A Better Future** – is about the Scottish Government’s policymaking process and the wider exercise of devolved social security powers to improve people’s lives. Given the ownership of Ministers over the commitments in this theme, it is deliberately presented in Scottish Government branding. The theme contains higher level, more strategic commitments to ensure that the principles are embedded in policymaking more broadly, ongoing co-design and seeking to advance a human rights based approach including commitments aimed directly at adequacy, a key component of the human right to social security.

The charter laid for approval therefore encompasses the full breadth of the Scottish social security system: from the content and design of policy, the recruitment and training of staff, their relationship with the people they serve right through to delivery of services and the culture of Social Security Scotland. In each theme, considerable effort has been made to describe not just what will happen (e.g. that staff will be kind and see you as an individual) but also to indicate how it might be achieved (e.g. through values based recruitment and the involving people with diverse lived experiences in staff training). As is explained in more detail below, the intention is to develop a measurement framework that will allow meaningful reporting to Parliament on these commitments.

Underscoring the strength of the Scottish Government’s commitment to genuine co-design, Ministers did not make any changes to the draft charter presented to them for clearance. The charter being laid before the Parliament has been drafted and designed by the people of Scotland, shaped by the expert advice and guidance of the organisations that support and represent them.
Accessibility

The Scottish Government’s intention is to establish the charter as a model of accessibility – it is key to a rights based approach that people understand their rights and how to access them. Because accessibility means different things to different groups of people, the Scottish Government’s intention is to produce multiple versions of the charter:

- **A full version.** This is the fullest statement of people’s rights. It is this version that is being formally considered by Parliament.

- **A leaflet version.** In recognition that not everyone will want to read the full document, the leaflet will offer a summary of the main document. It will be widely distributed and will signpost to the fuller version.

- **A series of posters.** Again this is about raising visibility and awareness, as with all versions, ensuring that as many people as possible understand and engage with the charter. Experience Panel survey findings will be used to prioritise the messages that should appear on the posters.

Each of these versions will be made available in a wide range of accessible formats including, but not limited to:

- Easy read
- Audio
- Braille
- Large print
- BSL
- Multiple languages.

The charter before the Parliament is presented in joint Scottish Government and Social Security Scotland branding. This reflects that both have a responsibility for delivering a system that lives up to the charter. The colour palette and design is consistent with Social Security Scotland branding guidelines which were themselves subject to extensive research with Experience Panels. The core group agreed with this approach and felt that consistency with other documents was essential. The colour contrasts in the document rate highly against international web accessibility standards issued by the World Wide Web Consortium.

The Scottish Government has also sought and acted on the extensive advice of the core group, DACBEAG and other key stakeholders to improve the accessibility of the main document.

The co-design process also generated a number of creative ideas for ensuring that the charter is prominent and widely understood. These include animations, social media activity and mechanisms to allow people to share their experiences of social security and explain why specific parts of the charter are important to them. The Scottish Government and Social Security Scotland are working to progress these proposals.
Redress and Accountability

The issue of providing effective redress and accountability for delivery of the charter was settled during the Bill process. But it may be helpful to restate the protections contained in the Act and to explain how Social Security Scotland intend the process of individual redress to work in practice.

At individual level, people will have the right to complain if their treatment falls short of the commitments set out in the charter. In doing so they will be engaging with a complaints process and wider organisational culture that have themselves been designed in line with the approach outlined in the principles and charter. As the charter makes clear, feedback will be valued, mistakes acknowledged and staff empowered to resolve issues on the ground, and to speak up if they believe processes or behaviours should be adapted to avoid similar issues in future. The rights in the charter should not therefore be seen as an ‘add-on’ to the system - they are intrinsic to it and will be embedded in all aspects of policymaking and service delivery. This is itself an important aspect of realising and protecting the rights of the individual.

As is standard in Scottish public services, where a person is not satisfied with the outcome of the complaints process they can escalate their complaint to the Scottish Public Service Ombudsman (SPSO) for independent review. Rosemary Agnew (the Ombudsman) gave compelling evidence during stage 2 of the Bill process, explaining that so long as the charter was drafted with sufficient clarity it could be used by SPSO as an independent set of standards when reviewing whether a complaint is justified.

The Ombudsman attended a meeting of the core group, advising it that a key part of the charter’s value is in making sure people understand that they have rights and that their treatment should match the commitments in the charter. In this way, the charter should empower people to provide feedback and to seek redress when things do go wrong. The Ombudsman and her officials subsequently helped to refine the charter to ensure it is fit for that purpose.

Beyond immediate individual redress, the Act also provides robust arrangements for more systemic accountability and protection of rights:

- Ministers have a duty to report annually to Parliament on what they have done to meet the expectations of them set by the charter.
- There is a further duty to review the charter a minimum of every five years. Reviews which change the content of the charter must be approved by Parliament.
- Once established, the Scottish Commission on Social Security (SCoSS), will have a legal duty to report independently to Parliament on the system’s performance against the charter.
- Organisations, especially those who support and advise clients will be able to submit evidence to the SCoSS for investigation where they believe the system is frequently falling short of the expectations set by the charter.
- The SCoSS can then choose to report its findings to Parliament. This is effectively an independent whistle-blowing function.
In executing all of its functions, including those in relation to the charter, the SCoSS has a legal duty to have regard to relevant human rights instruments. In practice, this means that the Scottish system will be independently held to account for meeting international human rights standards.

Taken together, the Scottish Government believes that this is a robust system of redress and accountability that in time will protect the rights of over one million people in Scotland.

**Human Rights**

The Scottish Government worked closely with the Scottish Human Rights Commission (SHRC) to build the core group’s understanding of the human right to social security. This included sessions on General Comment 19 of the UN Committee on Economic, Social and Cultural Rights – widely regarded as the most detailed and authoritative expert statement on the content of the right to social security.

The core group and stakeholders have worked closely with the Scottish Government to ensure that the commitments in the charter strongly align to the content of the right. This is evident in the commitments that relate to fundamental aspects of the right e.g. participation, equality and non-discrimination, accessibility, supporting wellbeing, reversing stigma, working towards improved adequacy and fairer eligibility rules. Importantly, these commitments extend not just to service delivery but also to policy development – meaning that the advancement of rights runs through the full cycle of policymaking, service design and operational delivery.

In evaluating the charter’s human rights credentials, the Parliament may find it helpful to note that there exists a useful SHRC endorsed assessment of a human rights based approach named **PANEL:**

- **Participation:** People should be involved in decisions that affect their rights.
- **Accountability:** There should be monitoring of how people’s rights are being affected, as well as remedies when things go wrong.
- **Non-Discrimination:** All forms of discrimination must be prohibited, prevented and eliminated. People who face the biggest barriers to realising their rights should be prioritised.
- **Empowerment:** Everyone should understand their rights, and be fully supported to take part in developing policy and practices which affect their lives.
- **Legality:** Approaches should be grounded in domestic and international laws.

The Scottish Government believes that the charter would perform strongly against any PANEL-style assessment – it has been carefully designed by the core group and stakeholders to do so. It is intended to be a powerful and ambitious statement of how the human right to social security will be realised in practice by the new Scottish system.
Next Steps

As the Cabinet Secretary for Social Security and Older People made clear during the ‘Co-designing the social security charter’ debate, Parliament’s consideration of the charter marks the beginning rather than the end of a process. Should Parliamentary approval be granted, the Scottish Government will immediately commence work to further embed and implement the charter; recognising that it contains a number of new and challenging commitments (e.g. formally tackling stigma) that will require to be progressed over time.

The Scottish Government recognises that it will be held to robust account for delivering the vision for Scottish social security articulated by the charter. To support effective reporting, the Scottish Government is committed to the development of a measurement framework to allow for meaningful evaluation. This framework will be created in partnership with people who have lived experience of social security, stakeholders and agency staff.

There is also a recognition that the charter should be viewed as a policy vehicle that is capable of adapting to new learning and challenges, ensuring that it remains relevant and accurately reflects the priorities facing the system in a given period. Given this, and the fact that a great deal of valuable research and practical learning will take place in the early years of the new system, the Scottish Government is open to considering a review of the charter earlier than the statutory minimum of five years.
## DEVELOPING THE SOCIAL SECURITY CHARTER – REQUIREMENTS IN THE SOCIAL SECURITY (SCOTLAND) ACT 2018

<table>
<thead>
<tr>
<th>Summary Statutory Requirement</th>
<th>Relevant Section of the Act</th>
<th>SG Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The charter must reflect the principles; outline what is expected of Ministers when developing social security policy and exercising function under the Act.</td>
<td>15</td>
<td>The charter strongly reflects the principles and sets out a range of commitments in relations to policy development, operational delivery, processes and agency culture.</td>
</tr>
<tr>
<td>Charter should state what is required of people using the system.</td>
<td>15(2)(b)</td>
<td>This is explained in the introductory material to the charter and in the ‘A People’s Service’ theme.</td>
</tr>
<tr>
<td>The charter must be prepared within 6 months of the relevant section coming into force.</td>
<td>16(1)</td>
<td>The section was commenced in October 2018. The draft charter was laid before the Parliament in January 2019.</td>
</tr>
<tr>
<td>In preparing the first charter, Ministers must consult such persons as they consider appropriate.</td>
<td>16(2)</td>
<td>As is described in detail in the papers accompanying the charter, Ministers consulted widely in developing the charter.</td>
</tr>
<tr>
<td>As far as is reasonably practicable, Ministers must ensure that the persons consulted include a “representative proportion” of people with mental and physical impairments.</td>
<td>16(3)</td>
<td>This requirement reflects the concerns of mental health and learning disability organisations that mental impairments are sometimes overlooked. Around half the core group have a mental impairment, and they are strongly represented on wider experience panels who also participated in the process. Stakeholders representing these groups were also consulted.</td>
</tr>
<tr>
<td>Consultees must include people in receipt of each benefit to be devolved and child benefit.</td>
<td>16(4)</td>
<td>The process included recipients of all of these benefits.</td>
</tr>
<tr>
<td>Consultees must include persons who work with or represent individuals whose income is impacted because a member of the household has a protected characteristic.</td>
<td>16(4)(b)</td>
<td>The process included numerous organisations working with or representing people with protected characteristics.</td>
</tr>
<tr>
<td>The Act is explicit that any consultation done before the commencement of the Act counts towards meeting these consultation requirements.</td>
<td>16(5)</td>
<td>This brings into scope consultation work undertaken prior to the commencement of the Act.</td>
</tr>
<tr>
<td>The charter must be laid before, and approved by, Parliament.</td>
<td>16(6)</td>
<td>Charter is now being considered by Parliament.</td>
</tr>
</tbody>
</table>
The draft Scottish social security Charter
Social Security Committee consideration
31 January 2019
Written evidence from Citizens Advice Scotland

Citizens Advice Scotland (CAS), our 60 member Citizen Advice Bureaux (CAB), the Citizen Advice consumer helpline, and the Extra Help Unit, form Scotland’s largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone.

In 2017-18 the Citizens Advice Service network helped over 295,100 clients in Scotland and dealt with almost 800,000 advice issues. With support from the network clients had financial gains of over £138 million and our self-help website Advice in Scotland received approximately 3.2 million page views.

Summary

- The Social Security Charter has the potential to improve the experience of using the social security system for people who need support from it.

- CAS believes the most important role of the Charter is to embed the Social Security Principles into the system to empower those using it to challenge substandard service and seek redress, and to train all staff who come into contact with system users.

- CAS suggests the Committee may wish to explore with the Scottish Government how the Charter can be embedded in staff training; publicised; used to encourage and respond to complaints and feedback; and monitored and evaluated by the Scottish Government, Parliament and Scottish Commission on Social Security.

- CAS welcomes the Charter being co-designed with people with lived experience of the social security system, which we would consider essential to it being meaningful.

- CAS would recommend the Parliament consider how it might enable any other individual or organisation with an interest to be consulted, as part of its scrutiny of the draft Charter.

- CAS broadly welcomes the content of the draft Charter. It is essential that these commitments are embedded into the system in practice, and go beyond ‘words on a page’.
Role of the Charter

Citizens Advice Scotland (CAS) supports the creation of the Charter as part of the new system as it has the potential to improve the experience of using the social security system for people who need support from it. **CAS believes the most important role of the Charter is to embed the principles into the system to empower those using it to challenge substandard service and seek redress. Fundamental to achieving this aim is the training of all staff who come into contact with individuals who use the system.**

It is of utmost importance that the Charter is ensuring that it is “not just words”. The Charter must strengthen the guiding principles by embedding them into the system in a practical sense. The Charter should be used for training all staff who will come into contact with those needing support from the system. It should ensure staff are aware of the rights and responsibilities of all parties involved, and that they undertake, from the outset, to provide people with a dignified service where their rights are respected.

To empower people the Charter must be clear, accessible, and well-advertised. People who do not receive the service they are entitled to should be able to use the Charter to challenge substandard service and seek redress. Empowering people who require support is in the best interests of the whole system. When service falls short of the necessary standard, people who know their rights can challenge this, which in turn helps to ensure that a high quality level of service delivery is maintained.

**CAS welcomes the clarity and accessibility of the language in the Charter. The Committee may wish to explore with the Scottish Government how it plans to:**

- Embed training on the rights set out in the Charter in staff training
- Make people using the social security system aware of the Charter and its role
- Encourage people using the system to provide feedback and complaints if they feel the service they have received falls short of the standard set out in the Charter
- Identify and handle complaints and feedback based on the Charter
- Monitor and evaluate how the expectations set out in the Charter are being met, in order to meet their requirement to report annually to the Scottish Parliament on progress
- Suitably resource the Scottish Commission on Social Security (SCoSS) to carry out its duty to report on how the Charter is being fulfilled, and make recommendations for improvement.

**Co-designing the Charter**

**CAS welcomes the Charter being co-designed by people with lived experience.** It is essential that the views of those who interact with the current social security system on a frequent basis are at the heart of the development of the Charter. Additionally CAS has
previously recommended a wider group of interested parties could be invited to provide feedback on a draft Charter.

The Scottish Government recruited a ‘core group’ of 30 people from its Experience Panels to draft the Charter, which enables it to be co-designed by people with lived experience. In addition, a stakeholder group of wider organisations (which includes CAS) commented on proposals from the core group, as well as providing expert advice and input.

Whilst it would ideally have been better to include a larger number of people with lived experience to contribute to the co-design of the Charter, as well as allowing any organisation with an interest to be consulted on its contents, CAS recognises the requirement in the Act to bring forward a Charter within six months did not allow a long period to do this. Nonetheless, CAS would recommend that the Committee consider how it might enable any individual or organisation with an interest to be consulted, as part of its scrutiny of the draft Charter.

Content of the Charter
Citizens Advice Scotland broadly welcomes the content of the draft Charter.

Between August and October 2016, CAS consulted with 65 CAB advisers and clients on what might be included in a Charter, resulting in more than 165 ideas which we have previously published as a summary of suggestions for what could be included. Advisers and clients were on the whole supportive of the charter including both rights and responsibilities and being aimed at users of the system and those providing services. However, they did raise concerns about how this would work in practice, and were keen that the system would be designed and delivered with these principles in mind, to ensure that the social security charter would not be “just words on a page”.

The draft Charter mirrors the style, tone and many of the rights and responsibilities that emerged from CAS’ consultation, which we believe is an indicator that the content produced by the Scottish Government’s core group is reflective of the priorities for people who have experience of the social security system more widely.

CAS particularly welcomes the commitments in the Charter to simple, clear and accessible communications and processes; making consistent and accurate decisions that are right first time and paid on time; to listen to, trust and treat people as individuals; reduce face-to-face assessments; and refer people to independent advice and support.

Evidence from CAB clients consistently shows these to be amongst the causes of problems in the current system, and if the Charter can contribute towards addressing these issues then it will be a mark of success. It is however essential that they are embedded into the system in

---

practice to ensure they go beyond ‘words on a page’ and set the foundation for delivering social security in practice.

For more information or CAB cases, contact:
Rob Gowans
0131 550 1087 or rob.gowans@cas.org.uk
Poverty Alliance submission to Social Security Committee on the draft Social Security Charter, 24th January 2019

About the Poverty Alliance

The Poverty Alliance is the national anti-poverty network in Scotland. We are an independent organisation with over 240 members drawn from the voluntary and public sectors, trade unions, researchers, faith groups and individuals with direct experience of poverty. Our aim is to work with others to enable communities and individuals to tackle poverty.

We have a number of key policy areas that provide the focus for our activities; these are addressing low incomes, supporting services to address poverty, enhancing the participation of people with direct experience of poverty in policy development processes, and addressing attitudes to poverty.

Background to submission

The Poverty Alliance has previously welcomed the approach that the Scottish Government has taken to the development of social security in Scotland. We view the development of the Social Security Charter as another important and welcome step towards realising the vision of a social security system built on fairness, dignity and respect.

Our perspectives on the Charter have been informed not only by our extensive experience of working alongside people experiencing or at risk of experiencing poverty, but also by engagement events that we held in Dumfries, Dalmuir, Dundee, Edinburgh and Aberdeen in 2018 which sought people’s views on the principles of the social security system more broadly, and the Charter in particular.

Co-design and the Social Security Charter

The development of the Social Security Experience Panels represented a significant step forward in embedding a new approach and commitment to participation in policy-making in Scotland. Actively involving Panel members in the development of the Charter has been a very welcome development, and the draft Charter has benefited significantly from the involvement of people with direct experience of using the social security system.
We have welcomed the opportunities that have been available for other stakeholders (particularly those with experience of working with people who use the social security system) to be involved in the development of the Charter. As the Charter is published, used, monitored and evaluated we would expect Scottish Government to make greater use of this resource, drawing on the expertise of organisations that have worked on the social security system and supported people who access the system. This understanding will be crucial in ensuring that the Charter is best able to guarantee people access to their rights and entitlements.

While we have welcomed the participatory approach to the design of the Charter, it is important to also note the areas in which the process could have been improved. As recognised by the Scottish Government, there were a number of groups with protected characteristics who were not represented in the initial recruitment of the core group. It was welcome that the Scottish Government responded to this by undertaking steps towards ensuring that all relevant groups were able to contribute towards the Charter’s development, but it is essential that as the Charter is monitored, reviewed and (if necessary) revised, that lessons are learned in this regard for future co-design and participatory work.

**Content of Charter**

At the outset of the Charter’s development and at subsequent opportunities, we set out a number asks that we expected the Charter to incorporate, reflect and embody. In particular, we sought:

1) A Charter that reinforces and makes real the commitment to the principle of social security as a human right;

2) A Charter that embodies a commitment to participation and co-design, involving people with direct experience of social security, and key stakeholders not only in the design, implementation and evaluation;

3) A Charter that can play a crucial role in addressing the stigma, with support and training available to Social Security Scotland staff to ensure people are treated with dignity;

4) Early review of the Charter to assess success and implement any necessary changes.
A Charter that reinforces and makes real the commitment to the principle of social security as a human right

We believe that this has been largely met by the draft Charter, and that the Charter does reinforce the principle of social security as a human right and begins the work of making real the principles of dignity, fairness and respect.

Participants in our engagement events emphasised the need for the new Scottish system to “feel different from the outset”, and the values embodied by the Charter do meet that need. While the true realisation of these values will only occur when all entitlements are being delivered and the system can be fully evaluated, it is clear the Charter is a welcome step towards this vision.

Key to the Charter’s success – and key to translating the values contained within the Charter into practice – will be ensuring that people accessing the system are aware of the Charter and know how to use it to access their rights. In this regard, it will be important to continue to engage with stakeholder organisations and with individuals accessing the system to develop ways of increasing awareness of the Charter. The Charter should be available, for example, in different formats and on different platforms, and Social Security Scotland should utilise every available opportunity to promote the Charter to people accessing the system.

A Charter that embodies a commitment to participation and co-design, involving people with direct experience of social security, and key stakeholders not only in the design but also implementation and evaluation

As stated previously, we welcome the approach that was taken by the Scottish Government in developing this Charter, and in the commitment to co-design and participation that it showed. The Charter is a powerful document not least because of the impact of this approach, and it underlines the benefits of participatory approaches to policy-making.

This approach must be continued – learning key lessons with regards to the recruitment of groups with protected characteristics – in the implementation and evaluation phase (including in the development of the measurement framework).

A Charter that can play a crucial role in addressing the stigma, with support and training available to Social Security Scotland staff to ensure people are treated with dignity and respect
The Charter’s language and tone – for example of the Charter belonging to all of us and of social security being a human right and a public service – is very welcome and can play a role in addressing the stigma that people often experience when accessing the social security system.

Vital, though, to ensuring that people are treated with dignity and respect – and that practices and processes are non-stigmatising - will be the way Social Security Scotland staff engage and communicate with people accessing the system. In this respect, training for staff will be essential; something that was repeatedly highlighted by participants in our engagement events, who noted the particular need for staff transferring from the Department of Work and Pensions to undertake this training, given the expected cultural shift between organisations.

It is welcome that the Charter commits Social Security Scotland to involving people with lived experiences of social security (and the organisations that represent them) in training staff. This programme of training should include training on delivering poverty awareness and on poverty-sensitive practices.

**Early review of the Charter to assess success and implement any necessary changes**

Central to the success of the Charter will be the acknowledgement that it should be an evolving document that is updated as the Scottish social security system develops and is further embedded. Early review of the Charter will therefore be essential to ensure that it is as practical and responsive to the needs of people accessing the system as possible.

**For more information, please contact:**

Neil Cowan, neil.cowan@povertyalliance.org, 0141 353 0440