



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Security Committee

Thursday 31 January 2019

Session 5



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SOCIAL SECURITY COMMITTEE

4th Meeting 2019, Session 5

CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

DEPUTY CONVENER

*Pauline McNeill (Glasgow) (Lab)

COMMITTEE MEMBERS

*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

*Jeremy Balfour (Lothian) (Con)

*Michelle Ballantyne (South Scotland) (Con)

*Keith Brown (Clackmannanshire and Dunblane) (SNP)

Mark Griffin (Central Scotland) (Lab)

*Alison Johnstone (Lothian) (Green)

*Shona Robison (Dundee City East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Julie Guy (Scottish Government)

Stephen O'Neill (Scottish Government)

Shirley-Anne Somerville (Cabinet Secretary for Social Security and Older People)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Security Committee

Thursday 31 January 2019

[The Convener opened the meeting in private at 09:02]

10:06

Meeting continued in public.

Decision on Taking Business in Private

The Convener (Bob Doris): Good morning, everyone. I welcome members of the public to the fourth meeting in 2019 of the Social Security Committee. We have already taken agenda item 1 in private and we will shortly move to agenda item 2. I remind everyone present to turn off or to silent mode their mobile phones and other devices, so that they do not disrupt the meeting. We have had no apologies. Mark Griffin hopes to be with us, so we should have the full team here before the end of the meeting.

Agenda item 2 is to decide whether to take in private agenda item 5, a discussion on future work. Does the committee agree to that?

Members indicated agreement.

Draft Social Security Charter

10:07

The Convener: Under agenda item 3, the committee will take evidence on the Scottish Government's draft social security charter. I welcome the Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville. Thank you very much for joining us. I am sorry about the slight wait while we reached this point in the agenda.

I also welcome the cabinet secretary's officials. From the Scottish Government we have Stephen O'Neill, who is social security policy team leader and Julie Guy, who is principal social researcher. From Social Security Scotland we have Chris Boyland, who works on strategy, policy and corporate assurance. I thank you all for coming.

I invite the cabinet secretary to make an opening statement before we move to questions.

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Thank you, convener. It will be a pleasure to hear the committee's views on the social security charter, which is a piece of work that Scotland can be very proud of.

The committee is aware that the Scottish Government is committed to a system that is built on the recognition that social security is a human right and is there for all of us who need it. The charter has always been about bringing that commitment to life and identifying the specific things that the Scottish Government and Social Security Scotland must do to deliver a system that lives up to that aspiration. It must be a system that translates the good intentions that are set out in the social security principles into real-life improvements to people's everyday experiences.

Who better to tell us how to do that than the people who know the system best: those with lived experience of it, who have relied on it and who understand the specific ways in which it must change.

I will reflect for a moment on the hard work and sacrifice of the people with lived experience who wrote the charter. It is no exaggeration to say that many of them have had experiences of the United Kingdom system that border on inhumane. It took a great deal of courage and a deep personal commitment to build something better for them to be able to place their trust in the Scottish Government.

As one core group member put it in a powerful public statement:

"We all took a huge risk in taking part. Many of us have trauma responses to dealing with DWP. For the first few

Experience Panels, we were afraid to talk about what we really needed because we were so used to anything we say being used against us. But people came out crying, because it was the first time for many of us that we'd been believed, and that people in authority were horrified at our experiences."

They also said:

"We wrote it. Session after session, we'd see our words, fears and hopes take form. I can point to bits in the charter which were my words. I will never be able to describe how important it is to us to be listened to, and to be respected and believed."

I thank the core group for that trust and for their bravery in and commitment to working with us to make things better for their fellow citizens.

It is important to remember that the process of involving people with lived experience ran wider and deeper than the core group, pivotal though it was. Additional focus groups were run with refugees, asylum seekers, black and minority ethnic women, islanders, Social Security Scotland staff, a broader range of lesbian, gay, bisexual and transgender people, and women who have experienced violence. Those were supplemented with a series of individual interviews with people who are unable to travel, and a survey of all 2,400 experience panel members.

It should be noted that participants from those sessions were added to the core group, which is important, given its status as a key decision maker.

The findings from those sessions are strongly reflected in the charter that is before the committee, not least in the many commitments relating to equality and diversity.

It is important to acknowledge the key role that was played by stakeholders. They consistently acted as valued critical friends to the core group and to the Scottish Government, offering advice, support and constructive challenge, over a series of drafts, to the core group and to ministers. I am pleased that stakeholders were able to engage so positively in what was a new and very different model of policy development.

Special thanks are due to the disability and carers benefits expert advisory group, which is led by its vice-chair, Dr Sally Witcher. From the very beginning, Dr Witcher has been instrumental in advising ministers and officials on effective co-design and, later, she helped to shape the charter to be as ambitious as it possibly could be. I know that she believes in the charter and that she is intent on holding ministers to account for delivering it.

The process has demonstrated the power of what can be achieved when the Scottish Government, civic Scotland and people with lived

experience work together in a spirit of true collaboration.

The charter that they have created runs the full breadth of the new system, making commitments across four key themes, which are as follows.

"A people's service" is about establishing a positive relationship between staff and the people they serve. Notable commitments under the theme include kindness and empathy, warm referrals to other services to improve finances and wellbeing, values-based recruitment and involving people with lived experience 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, inclusive communication and on-going co-design with citizens.

"A learning system" moves the charter beyond delivery to address the culture and values of Social Security Scotland. For example, 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 policy-making process and the wider exercise of devolved social security powers improving people's lives, for example through commitments to advancing a human rights-based approach, tackling stigma and using more positive language to describe social security and the people who access it.

It is an ambitious and innovative document that sets a high bar for the Scottish Government and for Social Security Scotland. The committee will have noted that key stakeholders have universally welcomed the draft document. As Professor Paul Spicker, a leading social security academic, said:

"There are a couple of days left to comment on the draft charter, but I'm not going to do that, for a simple reason: it's excellent, and I have no criticism to make ... can anyone spot the difference between this and the DWP?"

I close by stating my personal commitment to making sure that the standards are met, and to showing through the evidence of what we do that this Government means what it says.

The charter gives the Scottish Government and Social Security Scotland their marching orders. We understand in far more detail what the people of Scotland want and need from our new system. It is my job to ensure that it is delivered in practice, which means new work in a whole range of areas,

not least the development of a robust framework for measuring progress. Work on that framework is already under way and I confirm that it, too, will be co-designed with the people of Scotland and key stakeholders.

10:15

As you would expect, Social Security Scotland's executive advisory body has been briefed extensively on the charter and understands that it goes to the heart of the culture, values and behaviour of staff. Planning has already commenced on embedding the charter into operational practice, including through staff training and specific commitments such as involving stakeholders and people with lived experience in that process.

If parliamentary approval is granted, plans are also in place to immediately trigger work on making the charter available in a range of accessible formats as quickly as possible. Similar work is taking place within the Scottish Government and we shall of course keep the committee updated on progress.

I hope that the committee will agree that this is an important and exciting milestone in our shared work to build a new system that truly delivers on our legislative principles. I know that many members of the committee have high ambitions for the charter and made substantial contributions to defining its scope and purpose throughout the bill process. It is my hope that the charter makes good on those ambitions and that the committee will feel able to recommend that it be approved by the Parliament.

The Convener: Thank you very much, cabinet secretary. I listened carefully to that. I have read the charter and I find it very impressive as a draft document that is, as you say, written by those with direct, lived experience of life at the coalface—people living on benefits or on entitlements, which is I hope a better word to use in that context.

The first three points of the section of the charter entitled “A people's service” that you referred to are:

“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”.

I will not read out the rest of the points, but I want to make a wider point that there are some real high-level aims in relation to getting it absolutely right every single time and giving the highest possible standard of service to everyone who engages with Social Security Scotland, as the

organisation is freshly established and as it tries to progress. That is as it should be. However, we do not always live in an ideal world. There are times when individuals, for whatever reason, get things wrong—they drop the ball. For me, one of the most important things about the charter is not just that it was written by those with direct experience of the system or that the people's service section talks about treating individuals with respect and dignity, but that on page 6, it asks:

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

People are encouraged to call a freephone number to give feedback, suggestions and complaints. Individuals who have issues with policy matters or the level of entitlements are encouraged to give feedback to the Scottish Government and Social Security Scotland.

The charter is a superb document—it raises expectations sky high, which is a really positive thing to do. However, we live in the real world; we will not get it 100 per cent right 100 per cent of the time. On the occasions when things are not perfect, are you confident that the information in the charter on how to feed in your concerns is suitable, flexible, responsive and meaningful for those who engage with the service?

Shirley-Anne Somerville: You are absolutely right that we are raising the bar exceptionally high for the agency and for the Government—and rightly so. Much of it comes down to how the agency in particular will deal with feedback from individuals and there is a process for people to feed back directly. This is a big improvement on what people experience at present, because we are encouraging people not just to make complaints, but to give suggestions and feedback on the service in general. The staff member who receives that feedback will be able to take that on board and see what they can do about it, because of the culture and the structure within the agency. Staff are being empowered to act on suggestions, comments and complaints, from the small to the large. Obviously, if individuals are not happy, they can go through the more official process in the agency and then go to the Scottish Public Services Ombudsman should they wish.

We are determined to ensure that staff are empowered to have the sort of relationship with individuals, when they are on the phone or meeting face-to-face, that means that those individuals feel comfortable with giving information to the agency, because many people do not feel comfortable with giving information in the current system. We want to ensure that, through the way that the agency designs the suggestions and complaints handling process, people feel much more at ease about giving information.

A great deal is going on to ensure that we pick up on everything that happens. Obviously, everyone who has an interaction with the agency can give their feedback on how they felt about the service, so we are already building up information on that and creating a feedback mechanism. We will continue to develop that.

The Convener: This sounds like a strange conversation to be having, given what I said about how positive the charter is. There could be 300 complaints, but that could be a positive, because the charter and Social Security Scotland are asking people to feed in on where they would like service improvement. Someone might look at the charter and the raw figure on all those complaints and say that there is a problem, but actually the aim is to get constructive suggestions for when we do not meet the high standards that we have set for Social Security Scotland. How will that be monitored?

Shirley-Anne Somerville: That is another important point, which I discussed when I met the team in Glasgow. We are encouraging people to make suggestions, because feedback is a good thing. The fact that people have given feedback or made a complaint about a service means that they are interacting with it and giving us the information that we require to make things better. We need a culture in the agency of encouraging that type of feedback, because that is the only way that we will learn.

That can sometimes be challenging. I imagine that the committee and Parliament will rightly want to scrutinise the feedback that we get and the number of complaints, but we will need to have a mature discussion about the types of feedback that we are getting and how the agency has dealt with it. The important aspect is whether we have learned and been open to change.

It is a new process, and it has to be one in which we encourage people to come forward if they are not happy with the service. Internal work that the agency has done has shown that the initial feedback is that people are exceptionally happy with the level of service, the way that they have been treated and their engagement with the agency. Even at this very early stage, every single one of the feedback mechanisms that has been used has been considered seriously to see what we can improve on.

The Convener: That is helpful. There is a significant culture change from what has gone before—it is a totally non-defensive approach.

Our deputy convener wants to follow up on some of those points.

Pauline McNeill (Glasgow) (Lab): It goes without saying that it is exciting for the Parliament to develop something completely different.

I have three points to make. First, the charter has a section on who created it, and I think that that should include the Scottish Parliament's Social Security Committee, or even the Parliament. As the cabinet secretary knows, the Parliament will at least confirm the charter.

Secondly, broadly speaking, the tone of the charter and the language of respect are absolutely right, but it is important that the charter conveys as much information as it can. Under "Processes that work", point 8 says that the agency and the Government will

"explain how you can appeal if you still don't think the right decision has been made after a re-determination".

That is a significant aspect of the Social Security (Scotland) Act 2018. I took an interest in that during the passage of the bill, and I lodged some amendments about the appeals process, but they were not agreed to. Chris Boyland will confirm that, after a redetermination, if someone appeals, the paperwork will work its way to the appeals tribunal. The Scottish Government made an important concession on that. I feel quite strongly that that should be conveyed to people. It might be argued that it is not appropriate to put that in the charter, but I would ask you to consider how point 8 could be expanded to convey that information, because I think that knowing that will help people to understand that the process is, while not simple, at least more straightforward.

Finally, on the question of language, my colleague Mark Griffin has asked parliamentary questions about the use of the term "benefits" versus the term "entitlements". I know that you have changed your view on that, based on what you have heard. Are you absolutely certain that, in changing the language around social security, you want to use the term "benefits" rather than "entitlements"?

Shirley-Anne Somerville: I will deal with each of those points in turn. I should point out that when I got this document after the final core group's discussions with stakeholders, I did not change a word of it. What is in the various sections is what came from the core group and stakeholders. It is not a slight on the committee that it is not mentioned in the document. I recognised in my opening statement the enormous work that went on during the bill process to make the legislation something that the committee and Parliament can be proud of. The reason why the committee's contribution is not mentioned in the charter is that that did not come through in the process with the core group and stakeholders.

Your point about redetermination comes down to the question of what is in the charter and what is elsewhere. There was a great deal of discussion about that within the core group and with

stakeholders. The charter should not be seen as something that has to contain everything, but it needs to contain the core information that people want. I can certainly give reassurances that, when people receive decision letters, for example, they are getting clear information about redetermination and the agency's role within that, and I would be happy to provide some examples of how that happens on an operational basis, if that would reassure the committee.

It could be argued for all aspects of the charter that another subclause or more detail could have been added, but the challenge was to keep the document as tight and simple as possible, while ensuring that it included all the information that we need to get across about what is a complex system. As I say, I hope that we can reassure the committee about what we are doing to give people, including stakeholders, further information on the redetermination process.

Language is important. It touches on the point in the charter about tackling the stigma around benefits. I use the word "benefits", because the work that we did with the experience panels told us that that word is well understood and is the word that people use themselves. There was a question why we were looking to change the word, and it was felt that if the reason was that negativity is attached to "benefits", we should challenge that negativity, rather than use another word. I take the point that language is exceptionally important.

10:30

Jeremy Balfour (Lothian) (Con): Good morning, cabinet secretary, and thank you for coming. I agree with some of what the deputy convener and convener have said. At the start, for the sake of transparency, I say that I am in receipt of the personal independence payment, and I look forward to working with the new agency in due course.

Your comment about words mattering is absolutely right, so I would like to explore a few of the statements in the draft charter to find out what they mean. Towards the end of your opening statement, you talked about a framework for how things would be measured. Perhaps you could expand on that because, from my reading of the document, that is missing.

The commitment has been made that a number of people who work for the new agency will have lived experience of disability, for example. That is a welcome commitment, but no indication is given of how many people will have such experience. If one such person works for the agency, will it be able to tick that box? That is something that we would like to measure. How will we be able to

measure what you do in relation to the commitments that you have made?

I want to explore two specific points. In paragraph 12 on page 10, the draft charter says that Social Security Scotland and the Scottish Government will

"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."

That sounds like something that we would all want to sign up to, but—I say with due respect—I do not think that the cabinet secretary or anyone else in this room knows what impact my disability has. Probably, only my family know that. Regardless of how well trained and qualified the person who carries out my assessment is, they will not know what effect my disability has when I go home or when I get up in the morning. The convener is right; we have set a very high standard, which I applaud, but I wonder what that statement means to a claimant. If I have to go for reassessment at some point in the next few years, how will the person who carries out the assessment know what impact my disability has on me? I am not trying to pick nits.

On page 6 of the draft charter, the final paragraph under the heading "Who can you tell if you do not think Our Charter is being met?" says:

"You can also complain about matters relating to policy decisions (e.g. levels of payment or eligibility rules) direct to Scottish Ministers."

That is great, but if I think that the eligibility rules are not right and I take the time and effort to put that down in an email—which might be quite difficult to do—what will that mean, in practical terms? The Scottish Government will not suddenly change its policy. What expectations should people have if they take the time to contact ministers?

You have been quite critical of the Department for Work and Pensions—I am not sure that I totally agree with everything that you have said—but the DWP has a charter that people sign up to. You might argue that that charter has not been followed through on. My concern is that raising expectations, which I feel might not be met, will mean that there is a danger that people will become disillusioned again, and the charter will become just another document.

That was a very long and waffly question; I hope that you can pick something out of it.

Shirley-Anne Somerville: I shall endeavour to do so.

You are absolutely right: we are raising expectations. The committee will be aware of the existence of other public agencies' charters that have not met expectations or have been quickly

forgotten about. Our social security charter is different because of the work that the committee and Parliament put into the passage of the bill that became the Social Security (Scotland) Act 2018. The act ensures that ministers will report to Parliament on what happens in respect of the charter, as will the new Scottish commission on social security. That information will be fed in.

The measurement framework is at a very early stage. I will be happy to keep the committee up to date on it as it develops. I touched in my opening remarks on the fact that people with lived experience of the social security system will be involved in the process. They will include people from the initial core group, for continuity. We need to be able to measure people's experiences to determine how efficient and effective the systems are, and that process will be on-going. We will work with the core group on the framework: it will not come just from the Government.

As I have mentioned, performance measurement work is already being undertaken by Social Security Scotland to ensure that we gather as much information about interactions as possible.

I hope that that gives a flavour of what will be in the measurement framework. There is not more detail in the charter yet because details will be developed with members of the core group and others.

I absolutely accept Jeremy Balfour's point about qualified staff. We need to look at what is in different parts of the charter. We are consulting on what "suitably qualified" means, as mentioned in the Social Security (Scotland) Act 2018. The expert advisory group is looking at that.

Another aspect that applies to the rest of the charter is the culture. Rather than simply looking at what is on a particular line of an application, assessment will be about looking at the individual holistically and encouraging them to give information—not just from medical professionals, but from their family or carers, for example. This is about how we gather information and from whom we gather it.

We will need to look at the matter very seriously in the consultation on disability, so that people who will deal with the agency will have faith that its staff really get it. That is largely about training, which relates to another part of the charter. We should ensure that staff go on training that is delivered by third sector agencies that represent people with lived experience. That work is going on in the agency. We need to ensure that the staff are as knowledgeable as possible. I take Jeremy Balfour's point, but we are setting the bar very high.

Complaints to Scottish ministers will be taken very seriously. That connects to the policy-making section of the charter, which relates to how we will continue to make policy. We need to make policy with, rather than for, people with lived experience. The issues that we have been dealing with to date in developing policy have been considered with people with lived experience. Feedback, whether it is complaints or positive comments, will feed into our policy making, and we will need to demonstrate that we have taken it into account through the measurement framework.

Will every complaint that is listened to lead to a change? No. That will clearly not be possible. However, we need to demonstrate that complaints are fed into the policy-making loop, so that people have faith that they definitely can, and should, make complaints and give feedback to ministers.

Keith Brown (Clackmannanshire and Dunblane) (SNP): I have a couple of quick comments and a question about the points that have been made.

I fully support the point that Jeremy Balfour raised about having, in essence, a Rolls-Royce system in which the applicant's circumstances are fully understood by the person to whom they are talking, and I welcome the cabinet secretary's comments on that. I hope that everybody realises that that resource-intensive element of the system needs to be funded. It is important that we do not try to shoot for the moon while not providing the necessary funding.

On Pauline McNeill's point, I have a concern about the language of "benefits" or "entitlement", but I understand the point about it being a bit Orwellian to try to change a word or an attitude.

The cabinet secretary mentioned that the charter will give her her marching orders, and that the groups that are listed in the foreword to the charter have been consulted. A group that has not been consulted—as far as I can see, at least—is veterans. We cannot always generalise, but veterans are a group who might find it difficult to engage with the system.

You mentioned the very affecting experiences of people who were involved in the core group who said that their experience of the DWP had been really bad. To hear them airing their concerns and to see them being listened to in public was very gratifying.

My surgery experience of veterans is that they have had appalling experiences with universal credit and the DWP. How will you measure the impact of the charter on veterans?

Shirley-Anne Somerville: That is a very important point. I—quite rightly—was not involved in the core group or in the research. That would

not have been appropriate for ministers. I will bring in my colleagues to say a little bit about their much closer involvement.

The agency has ensured that it already has contact at operational level with veterans charities. As part of the wider stakeholder engagement of the agency, I know that it is reaching out and having discussions with veterans charities.

Stephen O'Neill (Scottish Government): I think that Mr Brown is right to say that the people with lived experience whom we engaged with did not include veterans. That is one of a couple of gaps that remained. We also found it very difficult to get into Gypsy Traveller communities, for example.

We have a shortlist for when we deliver the measurement framework and how we will train staff. The charter has a lot in it about understanding people's backgrounds and the impact that that has on them, including their having been, as Keith Brown mentioned, veterans. Veterans are among a number of groups that we want to engage with more as we consider the measurement framework. That will give us the opportunity to start to break down different types of people's experiences of the new system, and to understand how things can work differently for them and whether approaches should be adapted.

Keith Brown's overarching point is right; veterans were one of the gaps.

Julie Guy will talk about the framework.

Julie Guy (Scottish Government): There were one or two veterans in the wider focus groups. It is not possible for us to report which focus groups, because to do so might make it possible to identify people, which is not allowed under the general data protection regulation or on research ethics grounds.

We are using the wider experience panels to look at people's experience, and there are veterans on them. As we move to the agency delivering more benefits, the experience panels will turn into a clients' insights regime through which we will ask all the people about their experience of the system and why it is good or bad. We will feed that back.

We categorise who gives us information and veterans are one of the categories of people for whom we look. The numbers are small—we cannot report on any number below 10—but be assured that veterans are on our radar, and that we have veterans on our experience panels.

Keith Brown: If I understand Mr O'Neill's response correctly, there will be a future measurement, but I am not sure. In my view, it would be a mistake not to quantify over time the impact on veterans.

A point was made about very small sample sizes. It is very often the case that veterans do not identify as veterans, which I understand presents problems. Nonetheless, it would be very useful to have information over time—I am sure that the Government will be asked to provide it—on the impact on veterans.

Shirley-Anne Somerville: We are very keen to develop the process. The process has been an exceptionally innovative way of developing policy, which is why, as well as having the core group, further work for the focus group was done when gaps were identified.

I take on board Keith Brown's point. There is a particular challenge when people do not identify themselves as veterans, for example. It is our responsibility either to ensure that the system encourages people to do that, or to ensure that we deal with the challenge in a different way.

Again, this comes back to our being open to learning. If people think that there are areas in which we need to improve, we will try to do that through the measurement framework and continuously through the agency.

10:45

The Convener: Julie, do you want to add anything before we move on?

Julie Guy: The point about people not identifying as veterans is a good one. We found out inadvertently that people who were working with us were veterans, rather than our having recruited them as veterans. That was a learning point for us. Veterans are certainly one of the groups that we have on our list of people with whom it is important that we engage specifically, with their having identified themselves as veterans.

Alison Johnstone (Lothian) (Green): I was really pleased to see in the charter a reference to face-to-face disability benefit assessments not being conducted when information that is needed to judge eligibility already exists. Will you give us a bit more detail on that? How will the system judge what information is necessary, and how will that be communicated to the applicant?

Shirley-Anne Somerville: The detail of that will come from the disability consultations that will take place as we move to the new benefits. In developing the system for decision making on disability benefits, it is important that we consider every stage in the process in order to ensure that face-to-face assessments happen only if there is no other way of gathering the information. Looking at the application form might be simple, but it is very effective, and a decision-making process can

go on around that with the guidance that will be in front of the decision maker, for example.

There will be a great deal of consultation and we will take a great deal of evidence as we move forward to establish what that will mean in practice. Myriad steps have to be taken for us to get to the point at which we succeed on that one line in the charter. The details will come through in the consultation. It is important that the policy and the regulations—on which we will consult—and the guidelines for decision makers contain everything that is needed to ensure that decisions are, where possible, made without face-to-face assessments, through gathering information that is already available.

Alison Johnstone: The Social Security (Scotland) Act 2018 specifies groups that must be consulted in production of the charter; for example, it requires consultation of disability living allowance and PIP recipients. Will you give us a bit more information on that? How was that consultation conducted? Specifically, how many DLA and PIP recipients took part?

Shirley-Anne Somerville: I will provide the committee with information on the specifics, in so far as we can break it down. As Julie Guy said, we cannot break down some aspects because to do so might identify people.

We considered the core group seriously in order to ensure that it included individuals who had experience of the various benefits, individuals with physical disabilities, individuals with mental health conditions, and people with conditions that can change over time. The group included many of the types of people who feel that the current system does not work for them. We tried to look carefully at not just age, sex and the demographics of people on the group, but at their lived experience of the system. I can provide the committee with a breakdown of that.

Alison Johnstone: Thank you.

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Citizens Advice Scotland has welcomed the launch of the charter. You said that you want to be able to measure progress. Will you say a little more about what progress will look like and how success will be measured?

Shirley-Anne Somerville: In many ways, that is not for me to decide. We are handing the process over to those with lived experience to decide how they want to measure that. We will provide a great deal of facilitation and support, just as we did when we developed the charter.

As I said, the early plans are to have a larger core group that will consider measurement and to provide a lot of capacity building for that group's members. The group will consider the different

areas of the charter. On the face of it, some aspects of the charter might seem quite difficult to measure. The challenge that we have to overcome is about how that is done and how people will feel about it.

Julie Guy is leading the work on the framework, so she might want to say a bit more about where we are.

Julie Guy: The first step will be to put together a new, larger group. We will take expertise from the core group that worked with us to design the charter and bring in new people to boost the core group. The work will start with capacity building, as was the case with the process of co-designing the charter. We will then develop a framework that provides a robust system to monitor how Social Security Scotland and the Scottish Government are living up to the commitments across the charter's four themes, which is important.

We will measure people's experience, how effective and efficient processes are, the culture of learning in the system and how policy development is being progressed consistently with the charter. Every single one of the people who we are engaging with has experience of one of the benefits that will be devolved to Scotland, and most of them have experience of DLA or PIP.

Dr Allan: What I am driving at is how the Government and you as a minister will know at the end of the process whether the charter has been a success or a failure.

Shirley-Anne Somerville: That ties into the work that is going on outwith the measurement framework. The agency has an interim corporate plan, which will go out to consultation and will be published this year. There will be a variety of methods in that. We are already looking at key performance indicators for the agency's work.

For the Government, the question comes down to whether we can demonstrate that we have delivered every single part of the charter. That will not show up in the agency's corporate plans; it will show up in our report to Parliament on how we have delivered on the charter.

The Convener: The extension of the core group provides an excellent opportunity to take account of Keith Brown's point about veterans. I do not expect an answer to that—I am just stating the obvious in relation to his line of questioning.

Michelle Ballantyne (South Scotland) (Con): I have a couple of points. To pick up on my colleague Jeremy Balfour's points, there is a lot in the charter and it contains a lot of good promises, but I wonder how you will deliver some of them. For example, point 6 under "Processes that work" offers

“face-to-face services in local communities in places that are convenient and accessible”,

including

“home visits if appropriate”.

As I represent rural communities, I will certainly be interested in how that operates. One big issue for many of my constituents is that it is difficult to get to things, so they will be delighted to hear that the services are to be in their communities. However, that is a big ask, and I wonder whether you will have to define some points more tightly as time goes on.

It leaped out at me that there is no mention of data handling or information management anywhere in the charter, although you might want to correct me if that is buried somewhere and I have not seen it. We are in an age when people raise concerns about how their information is used and what will be done to protect their data, but that does not seem to be mentioned anywhere in the charter.

For my understanding, will you say what your understanding is of the charter’s legal standing?

Shirley-Anne Somerville: Local delivery is a key difference in how Social Security Scotland will be developed, because we are keen to have face-to-face local delivery, and that includes in our rural, remote and island areas. It is important to think about how that will be done. It will not involve having an office in a local authority building that is the Social Security Scotland office that people have to go to because, particularly in rural areas, that can be exceptionally difficult. Local delivery will be carried out through, for example, co-location with other agencies, if that fits with the culture and values of Social Security Scotland and, in certain areas, it will be done in community settings such as libraries and community centres. It will be carried out in a different way from what people have experienced before.

On data handling, we are governed by the GDPR, and further details about how that is dealt with will be available in Social Security Scotland’s corporate planning. There might not be a line in the charter, but there is a key focus on that issue. When I was in Dundee last week to discuss data handling and the GDPR in particular, I spoke with colleagues from the relevant team in the agency. The governance section of the agency is, of course, taking the issue seriously and doing a great deal of work on various corporate planning aspects.

The charter has to be approved by Parliament and we are going through that process. If the committee decides that the charter should be approved, the decision will go to the Parliament to make. Subsequently, the commission will, from a systemic point of view, address areas where it

feels that the Government is not living up to its obligations in the charter or the 2018 act, and it will report to Parliament on that to ensure that redress is made.

Michelle Ballantyne: What is your understanding of the charter’s legal standing?

Shirley-Anne Somerville: I thought that I just described that. I am not sure whether you are trying to get at something in particular but—

Michelle Ballantyne: You talked about the process by which the charter will be signed off, but what will be its legal standing once it is signed off?

Stephen O’Neill: The charter’s legal status was settled during the bill process. The committee might recall amendments that Mr Tomkins lodged.

Michelle Ballantyne: I was not on the committee at that time.

Stephen O’Neill: Of course—apologies. Amendments were made to the bill to take into account the charter’s legal effect. I am speaking from memory, so I will correct what I am about to say if I am wrong, but I understand that the 2018 act says that the charter can be taken into consideration by tribunals and courts when they consider cases in relation to Scottish social security but that cases cannot be triggered by a breach of the charter, if that makes sense. The charter can be relevant to legal proceedings that arise in relation to Scottish social security, but it cannot be the basis of those actions.

Michelle Ballantyne: So a breach would not lead to a case.

Stephen O’Neill: It would not, but the points that the cabinet secretary made are important, in that there is a significant degree of political accountability in relation to the charter’s delivery. When the commission considers the extent to which the Government has met the commitments in the charter, it will also have a legal duty to do that through the lens of the international human rights framework, which brings into play various United Nations treaties and frameworks that must be considered. That adds another dimension of legality to the commission’s scrutiny of the charter.

We now have Professor Alan Miller’s report on taking forward a human rights-based approach across the Scottish Government. That report recommends a Scottish human rights bill, which would have implications for all areas of Scottish Government policy, not least social security.

11:00

The Convener: That is helpful. Many of us were not members of the committee when the bill was being scrutinised, but the deputy convener was and she was nodding as Mr O’Neill was talking.

What has been said is my understanding of where the charter sits in the legal process, but I was not on the committee at that stage. If Mr O'Neill or the cabinet secretary thinks that further clarification is needed, I ask them to please write to the committee.

Shona Robison (Dundee City East) (SNP): I have a small point to raise. So far, the process of developing the charter seems to have been a success, with genuine engagement with people and their reflections on it. Is there a possibility of that process becoming a template for other public services? I know that some already have their own version of a charter, but are there lessons for other public services from the way in which the process has worked?

Shirley-Anne Somerville: In the Scottish Government, there is certainly great interest in the policy-making process, which has been very different for the ministers who have been responsible for it and the officials who have taken it through. There are clear advantages to the process and there is interest from other areas of the Government, as well as enormous interest internationally in what we are doing. Officials have had correspondence from leading academics in a number of countries who are investigating what we are doing to see whether they can learn lessons for their policy making.

The interest goes much further than just looking at what we can do in the Scottish Government. We are doing that, but it is exceptionally pleasing that other Governments and academics are looking at what they can learn from what Scotland has done.

The Convener: That is an interesting point. Alok Sharma MP, who is a UK Government minister, is coming to the committee in a few weeks' time to talk about areas that are under his responsibility. We can have a fascinating discussion about lessons that other public agencies can learn in relation to charters and expectations, not just in Scotland but across the nations and regions of the UK. That will be an interesting line of questioning.

Keith Brown: On that point, and given Mr O'Neill's really interesting account of the different political and legal accountabilities that lie in the charter and the cabinet secretary's point that other organisations are looking at it, does the current DWP charter share any of those elements of accountability? If not, do you know whether the DWP is looking at amending what it has done, given the experience of the Scottish charter?

Shirley-Anne Somerville: This charter is very different. In Scotland, we are trying to do things differently from the DWP, so there will be areas that do not fit with the DWP's policy intention, for

example. Colleagues could point out many areas that do not fit.

Scottish officials and ministers have regular contact with DWP officials, and I have certainly told the new Secretary of State for Work and Pensions, since she came into her post, that we are happy to make available our experiences, whether that is on the charter or on the flexibility that we have with Scottish choices for universal credit. Whether it is with the DWP or other departments, we are happy to share our experiences and the lessons that we have learned.

Keith Brown: Does the DWP currently share the accountabilities that are described in the Scottish charter?

Shona Robison: No.

The Convener: The issue of nations and regions sharing best practice is somewhat relevant but a bit of a mission drift, so we will end the questions at that point. Thank you for your evidence.

We move to agenda item 4, which is still on the draft social security charter. I invite the cabinet secretary to move motion S5M-15598.

Motion moved,

That the Social Security Committee recommends that the Scottish Social Security Charter [draft] be approved.—
[*Shirley-Anne Somerville*]

Motion agreed to.

The Convener: I thank the cabinet secretary and her officials for coming. We will keep a watching brief on how the charter is implemented. The committee thanks all the people who helped to draft and inform the wording, ethos and culture of the charter.

11:05

Meeting continued in private until 11:30.

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