

A New Future for Social Security

Consultation on Social Security in Scotland

**- Nourish Scotland Response
October, 2016**



RESPONDENT INFORMATION FORM

Consultation on Social Security in Scotland to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016.

Please Note this form **must** be returned with your response.

Are you responding as an individual or an organisation?

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Organisation

Full name or organisation's name

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response only (anonymous)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

CONSULTATION QUESTIONS

PART 1: A PRINCIPLED APPROACH

1. Fixing the principles in legislation

Q: Which way do you think principles should be embedded in the legislation?
(please tick the option/s you prefer)

A. As a 'Claimant Charter'?	
B. Placing principles in legislation?	
C. Some other way, please specify	Both

Why do you favour this/these option/s?

Legislation could better protect the principles, creating security that extends beyond parliamentary terms and a stronger basis for enforceability. However, a Charter could provide more detail and be more easily accessible to people. We favour the best of both options – legislation establishing the principles with accountability mechanisms, and an interpretative Charter to guide the application of the principles.

If you think option A, ' a Claimant Charter' is the best way to embed principles in the legislation please advise:

Q: What should be in the Charter?

An expansion on what the principles mean, for example:

- An **investment** in the people of Scotland
 - o *Enabling people to live independently, with dignity and choice*
- Respect for the **dignity** of individuals is at the heart of everything we do
 - o *Entitlements are adequate and people are treated fairly*
- Processes and services are **evidence based** and designed with the people of Scotland, we strive for continuous improvement of policies, processes and systems, **putting the user experience first**, and we demonstrate that services are **efficient and value for money**
 - o *We listen and continuously review services based on peoples' experiences*
 - o *We disseminate information in accessible formats enabling people to challenge decisions and overall performance of the social security system*

Q: Should the Charter be drafted by:

(please tick the option/s you prefer)

A. An advisory group?	
B. A wider group of potential users and other groups or organisations?	X
C. Both	
D. Some other way, please specify	

Why do you favour this/these option/s?

People who use services have the most nuanced understanding of how those services work in practice – people are experts. The combination of people using services, people delivering services and support, Scottish Ministers, Scottish Government, and other experts will deliver a more representative Charter.

Q: We are considering whether or not to adopt the name, “Claimant Charter”. Can you think of another name that would suit this proposal better? If so, what other name would you choose?

‘Claimant Charter’ is a bit of a confusing name and very close to the ‘Claimant Commitment’ – would prefer something like ‘Charter of Claimant’s Rights’.

Q: Do you have any further comments on the ‘Claimant Charter’?

If you think option B 'placing the principles in legislation' is the best way to embed principles in the legislation, please advise:

Q: On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect? (please tick the option you prefer)

A. The Scottish Government	
B. The Scottish Ministers	
C. The Chief Executive of the Social Security Agency	
D. Someone else, please specify	All of the above

Cross-cabinet, Government, and Agency commitment is key to ensuring the principles are effective in practice.

Q: Do you have any further comments on placing principles in legislation?

Clear accountability mechanisms should be set out in legislation, including that services will provide claimants with all relevant information and evidence on the decision made, the maximum time an appeal process may take, and further appeal pathways.

Q: Do you have any further comments or suggestions in relation to our overall approach, to fix our principles in legislation? For example, do you feel that there is no need to fix principles in legislation?

(please tick one box)

Yes	
No	

Q: Are the outcomes (shown in the table on page 17 of the consultation) the right high level outcomes to develop and measure social security in Scotland?

(please tick one box)

Yes	X
No	

There is nothing to disagree with in these outcomes, but there is silence throughout the consultation on the adequacy of entitlements. Though not within the scope of this consultation we believe that the Scottish Government should consider linking both devolved and reserved (using the power to top-up reserved benefits) to the Minimum Income Standard. This would enable all people entitled to social security to access a basic basket of goods and services with dignity and choice.

Q: Are there any other outcomes that you think we should also include (and if so, why?)

The adequacy of entitlements – all entitlements should be linked to the Minimum Income Standard – see above.

Q: How can the Scottish social security system ensure all social security communications are designed with dignity and respect at their core?

Communications should be designed with people using services. Communications must be clear, including timeframes for next steps, and appeal pathways. Communications must be non-judgmental and constructive.

Q: With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?

With a representative sample of people using services, people delivering services including welfare advisors.

Q: Are there any particular words or phrases that should not be used when delivering social security in Scotland?

(please tick one box)

Yes	X
No	

Decide this with people using services.

Q: What else could be done to enhance the user experience, when considering the following?

- When people first get in touch
- When they are in the processes of applying for a benefit
- When a decision is made (for example, about whether they receive a benefit)
- When they are in receipt of a benefit

The principles of good administration developed by the Parliamentary and Health Service Ombudsman should be central to the Scottish social security system. Reviewing and updating these principles through the Scottish Public Services Ombudsman with people who receive entitlements would help to create a process that is accessible, timely, fair, and accountable.

Q: How should the Scottish social security system communicate with service users? (For example, text messaging or social media)?

In whichever way is preferred by the person applying for entitlements, and in writing enabling the person to easily gather evidence for appeal if necessary.

Q: What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?

Creating platforms at all levels of the social security system for people who are using services to comment and suggest improvements. Participation and inclusion should be representative of all people using services, should be physically and geographically accessible including by covering transport and care duties, and compensating the person for their time.

Q: We are considering whether or not to adopt the name “User Panels”. Can you think of another name that would better suit the groups of existing social security claimants which we will set up?

‘User’ can in some circumstances carry stigma, the best way of avoiding stigma would be to allow the panel to determine the name.

3. Delivering social security in Scotland

Q: Should the social security agency administer all social security benefits in Scotland?

(please tick one box)

Yes	X
No	

To minimise confusion and error a single agency delivering entitlements would be sensible, however this agency needs to be accessible to the people it serves – including geographically accessible with offices and advisors across the country.

Q: Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?

(please tick one box)

Yes	X
No	

There should be a presumption in favour of cash, if goods and services options are available then these should be optional with the choice being solely with the person in receipt of entitlements, and with freedom to revert to cash.

Q: How best can we harness digital services for social security delivery in Scotland?

The exclusive use of digital services is not accessible to all people. There must always be paper options, and the opportunity to meet face to face with an advisor. Protecting availability of public libraries with printing, online facilities and staff support is central to increasing the accessibility of digital services.

Q: Should social security in Scotland make some provision for face to face contact?

(please tick one box)

Yes	X
No	

In order to ensure that everyone who is eligible for entitlements receives them there must be provision for face to face contact for any person who requests it.

Q: Who should deliver social security medical assessments for disability related benefits?

Where an assessment is appropriate this should be carried out by a healthcare professional with relevant expertise of the disability. Healthcare professionals should receive thorough training, and make the initial determination. Assessments should treat people with dignity and respect and should recognise the barriers that pain and fatigue present.

Any assessment should be carried out in a physically and geographically accessible space – with the cost of transport and caring duties considered, including the option of assessment in or near the persons home. People should be informed of the option of bringing a support person to the assessment, and be informed of when the assessment will begin and end. The person should be informed of the determination and appeal pathways within 24 hours.

Q: Should we, as much as possible, aim to deliver social security through already available public sector services and organisations?

(please tick one box)

Yes	
No	

A single public body would likely be easier both for individuals and for administrative purposes. A new social security body could be a fresh start for social security in Scotland and could avoid inheriting any negative associations from existing bodies.

Q: Should any aspect of social security be delivered by others such as the 3rd sector, not for profit organisations, social enterprises or the private sector?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

4. Equality and low income

Q: How can the Scottish Government improve its partial EqIA so as to produce a full EqIA to support the Bill?

These prompts could be helpful in framing your answer:

- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?
- What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?
- Are there equality considerations for individual benefits that you would like to draw to our attention?
- Are there considerations about individual benefits for those on low incomes that you would like to draw to our attention?
- What are your views on how we can best gather equality information for the new Scottish benefits?
- What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?
- What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

Social security reform to date has had a disproportionate impact on vulnerable and marginalised people – though there have been only limited attempts to assess the cumulative impacts. The Scottish Government must take a cumulative approach; considering the intersections between reforms.

5. Independent advice and scrutiny

Q: Do you think that there is a need for an independent body to be set up to scrutinise Scottish social security arrangements?

(please tick one box)

Yes	X
No	

Q: If you agree, does the body need to be established in law or would administrative establishment by the Scottish government of the day be sufficient?

(please tick one box)

Yes	X
No	

Establishment in law with clear remit, including own-initiative investigative powers.

Q: If yes, what practical arrangements should be made for the independent body (for example, the law could state how appointments to it are made and the length of time an individual may serve as a member of the body)?

Q: Should there be a statutory body to oversee Scottish social security decision making standards?

(please tick one box)

Yes	X
No	

This could be the same body.

Q: If yes, should this be a separate body in its own right?

(please tick one box)

Yes	
No	X

Q: Do you have any other views about the independent scrutiny of social security arrangements in Scotland (e.g. alternative approaches)?

PART 2: THE DEVOLVED BENEFITS

10. Best Start Grant

Q: What are your views on establishing an integrated application process for the BSG and Healthy Start?

Should pilot this first with people eligible to ensure that an integrated application is accessible and to assess whether an integrated approach would increase the uptake of Healthy Start vouchers, learning from the research undertaken by NHS Lothian, available here: <http://qir.bmj.com/content/5/1/u210506.w4243.full.pdf+html>

The Scottish Government should consider options for increasing the number of small to medium sized retailer in which Healthy Start vouchers can be exchanged – increasing the availability of fruit, vegetables and milk – especially in areas of multiple deprivation where access to shops may be limited and average prices higher. The Government should particularly focus on options for increasing uptake of vitamin vouchers.

13. Universal Credit flexibilities

Q: Should payments of Universal Credit be split between members of a household?

(please tick one box)

Yes	X
No	

Everyone should have access to an independent income, the payment of Universal Credit should be split by default. The default assumption of joint payments favoured by the UK Government overlooks gendered power dynamics putting women's economic independence and safety at risk.

We endorse the principles put forward on these issues in the Gender Matters policy briefing (March 2016), emphasising that access to an independent income is a prerequisite of being able to have access to food with dignity and choice.

If Yes, please indicate if you think the default position should be:

a) automatic payments to individuals, with the option to choose a joint payment

(please tick one box)

Yes	X
No	

b) automatic household payments, with the option to choose individual payments?

(please tick one box)

Yes	
No	X

PART 3: OPERATIONAL POLICY

20. Uprating

Q: What are your views on the best way to ensure that devolved benefits keep pace with the cost of living?

Link all devolved entitlements to the Minimum Income Standard, determined independently, annually, by the Joseph Rowntree Foundation. Whilst not within the scope of this consultation the power to top-up reserved entitlements to meet the Minimum Income Standard would ensure that all people entitled to social security payments in Scotland had an income that enables access to a basic basket of goods and services.