

Nourish Scotland response:

Statement on Social Security (Scotland) Bill as introduced on 20 June 2017.

August 2017

Nourish Scotland is a food justice NGO advocating for a fairer, healthier and more sustainable food system. Our work cuts across poverty, health, environment, climate change and worker rights.

We welcome this opportunity to comment on the Social Security (Scotland) Bill. Nourish Scotland has actively participated in the discussions around Scotland's new social security powers and see this as a critical opportunity to progress socio-economic rights. The right to social security is integral to the fulfilment of other rights including the right to food – which Nourish Scotland has been a prominent advocate of.

The right to food encompasses, but is not limited to the financial accessibility of food; it is both an individual and a collective right, and spans the food system as a whole, including dietary need, access to land, resources and infrastructure to make a living from food production, and the overall sustainability of the food system – including its extraterritorial impact.

Here we will focus on the opportunity the Social Security Bill presents specifically to the progression of the financial accessibility of food. Though it should be noted that higher entitlements enable people to access a more nutritious diet – this can be seen as a preventative spend that simultaneously progresses both the financial accessibility and the adequacy elements of the right to food.

General principles

It is encouraging that the Bill takes an unambiguous position on social security being a human right, as well as the importance it serves towards the realisation of other rights. Likewise, the commitment to dignity being at the heart of Scottish social security system, and to the system itself being an investment in the people of Scotland, represents a welcome and long overdue shift in narrative from the erosion of entitlement championed by neighbouring governments.

However, as further outlined below, in order to protect, respect, and fulfil socio-economic rights this framing must be woven in to practice throughout the legislation. It must be embedded in to the processes for meaningful participation, eligibility and accountability, as well as in determining the value of entitlements and non-discrimination between eligible people.

Eligibility for entitlements

There is a concerning level of ambiguity in the Bill on the eligibility requirements for entitlements. The complete delegation of responsibility to Ministers could in future result in the very rapid reform of entitlements without adequate public consultation or parliamentary scrutiny, particularly between government terms of office. This lack of security may also undermine accountability efforts. In determining eligibility Ministers should be guided by international instruments regarding the right to social security and non-discrimination.

Adequacy of entitlements

For as long as social security entitlements are decoupled from the cost of living the Scottish Government is unlikely to have fulfilled the minimum core content of the right to food.

Problems with social security, alongside low and insecure pay, are the two main reasons cited by people presenting at Trussell Trust food banks. Estimates on the level of household food insecurity in Scotland place the scale of the problem between 21-27% of the total population.¹

The Scottish Government now has the legal competency to lift a significant number of people out of household food insecurity through the combination of devolved entitlements and the power to top up any reserved entitlement. This should be an explicit aim of the legislation.

Nourish Scotland is in favour of these powers being used to increase the value of entitlements – beginning by uprating entitlements with inflation, and eventually linking entitlements to the Minimum Income Standard.²

This progressive approach is in keeping with international law on the right to food which recognises resource restrictions may prevent the immediate realisation of rights. A reflective exercise is necessary to properly balance the government's overall resource

¹ Based on relative poverty after housing costs (20%) – see Scottish Government, [Poverty and Income Inequality in Scotland 2015/16](#) (2017), and incomes below the Minimum Income Standard (27%) – see Joseph Rowntree Foundation, [Households Below a Minimum Income Standard 2008/09-2014/15](#) (2017) – see page 25 for disaggregation by region. See also monitoring from the UN Food and Agriculture Organisation, [Voices of the Hungry: Methods for estimating comparable prevalence rates of food insecurity experienced by adults throughout the world](#) (2016) which found 10% of people in the UK were experiencing severe household food insecurity, and monitoring from the Food Standards Agency, [Food and You Survey](#) (2017) in England, Wales and Northern Ireland which found 21% of people were experiencing moderate to severe household food insecurity. Scotland specific data will be available as of 2018 from the Scottish Health Survey.

² The Minimum Income Standard is independently calculated by reference to the cost of a basic basket of goods and services by the Joseph Rowntree Foundation.

allocation against the priority obligation to progress socio economic rights to the maximum of available resources.

Alongside this there is a strict responsibility in international law to ensure that no one is experiencing hunger, and which prohibits discrimination in the enjoyment of rights.

The current tiered entitlement system has a discriminatory impact on people eligible for Asylum Support's access to food. The weekly value of Asylum Support (£36.95) is almost half that of other out of work benefits such as Job Seekers' Allowance (£73.10), and is significantly less per head where a couple or a family are claiming.

There is similar discriminatory impact on young people across numerous entitlements – including Job Seekers' Allowance and Employment Support Allowance assessment and work related activity group (both £57.90 for people which people aged 18-24).

Recommendations:

1. The Committee should consider placing the value of and eligibility criteria for entitlements on the face of the Bill, and should be guided by international instruments in doing so.
2. The Committee should review social security expenditure against total government expenditure, reconciling expenditure with the priority duty to realise socio-economic rights to the maximum of available resources. As a minimum, the Committee should commit to the uprating of entitlements in the Bill, with the aim of eventually linking all entitlements to the cost of living.
3. As a matter of urgency, the Committee should amend the Bill to utilise the new power to top up reserved benefits to bring people receiving Asylum Support on to the same value of entitlement as recipients of Job Seekers' Allowance, and young people aged 18-24 on to the same value of entitlement as people aged 25 and over, ending discrimination in access.

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