

## LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

### FUEL POVERTY (TARGET, DEFINITION AND STRATEGY) (SCOTLAND) BILL CALL FOR VIEWS

#### SUBMISSION FROM HEALTH AND SOCIAL CARE ALLIANCE SCOTLAND

The links between fuel poverty and long term conditions, disability and poor health and wellbeing are well known. Cold, damp housing can exacerbate existing health conditions (e.g. diabetes and musculoskeletal pain), cause and exacerbate symptoms of others (e.g. asthma) and even delay discharge from hospital<sup>1</sup>.

There are also strong links between fuel poverty and poor mental health – a fact noted by the Scottish Fuel Poverty Strategic Working Group<sup>2</sup>. We also know that some groups, including disabled people, people living with long term conditions and unpaid carers, are disproportionately affected by fuel poverty. Fuel poverty is also considered to be one of the main social determinants of health and health inequalities<sup>3</sup>. As such, it is of great significance to ALLIANCE members that we address and prevent fuel poverty wherever possible and we therefore welcome the opportunity to respond to the Committee's call for evidence.

*Section 1 sets out the Scottish Government's target to reduce fuel poverty to no more than 5 per cent of Scottish Households by 2040.*

**1) Do you agree with the Scottish Government's proposal to provide for a statutory target to reduce fuel poverty to no more than 5 per cent of Scottish Households by 2040?**

*Please explain your reason why. For example, is the statutory target necessary? Is the target ambitious enough? Is it realistic and achievable?*

---

<sup>1</sup> Public Health England (2014) Local action on health inequalities evidence review 7: fuel poverty and cold home-related health problems:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/357409/Review7\\_Fuel\\_poverty\\_health\\_inequalities.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/357409/Review7_Fuel_poverty_health_inequalities.pdf)

<sup>2</sup> Scottish Government (2016) A Scotland without fuel poverty is a fairer Scotland: Four steps to achieving sustainable, affordable and attainable warmth and energy use for all; Report of the Scottish Fuel Poverty Strategic Working Group To the Cabinet Secretary for Communities, Social Security and Equalities:  
<http://www.gov.scot/Publications/2016/10/2273/0>

<sup>3</sup> NHS Health Scotland (2016) Housing and health inequalities:  
[http://www.healthscotland.scot/media/1250/housing-and-health\\_nov2016\\_english.pdf](http://www.healthscotland.scot/media/1250/housing-and-health_nov2016_english.pdf)

We welcome the proposal to set targets, which is one way of ensuring accountability in a rights based approach<sup>4</sup>. However, we believe that the target should be much more ambitious than reducing fuel poverty from 24% today to “no more than 5% of households in Scotland” in 2040.

We recommend that the Scottish Government find measures to eradicate fuel poverty by 2040 (as in to completely put an end to fuel poverty).

The Bill also contains two non-statutory interim targets and milestones at 2030 and 2040. This means that it will be twelve years before the first interim report on milestones towards the 2040 target.

We recommend that statutory interim milestones and targets should be introduced at three-year intervals during the period from enactment of the Bill to the 2040 target (which would align with the three year reporting requirement we propose – see Question 5).

**Section 2** makes provision for a proposed definition of fuel poverty which calculates the proportion of household income required to maintain a satisfactory level of heating and assesses the extent to which households can then maintain an “acceptable standard of living” once housing and fuel costs are deducted.

**2) Do you agree with the Scottish Government’s proposals for a revised definition of fuel poverty?**

*Please explain your reasons why. For example, will the new definition ensure that the Scottish Government will focus their efforts on those with the greatest need?*

The ALLIANCE agrees that revising the fuel poverty definition is necessary and timely. As the draft Strategy notes, a new definition should better target those likely to experience adverse outcomes associated with fuel poverty.

However, the new definition is a technical, quantitative measure, which does not consider the experiences of people living in fuel poverty (see, for example, ‘a worked example’ in

---

<sup>4</sup> The draft Fuel Poverty Strategy notes that “Our work to reduce fuel poverty ... supports our commitment to ... give effect to economic and social rights which is the foundation stone for our actions in government, as set out in the International Covenant on Economic, Social and Cultural Rights.” <https://beta.gov.scot/publications/draft-fuel-poverty-scotland-2018/>, p7. A rights based approach would comply with the PANEL Principles of Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality. See <http://www.scottishhumanrights.com/rights-in-practice/human-rights-based-approach/>.

the Explanatory Note<sup>5</sup>). Whether someone lives in fuel poverty or not can fluctuate from time to time, dependent on various circumstances (e.g. changing household income and fuel prices) so a quantitative measure of fuel poverty can only provide a snapshot at a certain point in time. Assessing whether your right to an adequate standard of living is being fulfilled must involve a subjective element as well as objective data related to costs and income.

We therefore recommend the new definition and worked examples allow for qualitative evidence from people living in fuel poverty. This will support a more robust evidence base to identify if the Scottish Government is focusing its efforts on those with greatest need. We also believe it is important to hear directly from people with lived experience of fuel poverty on whether the proposed temperatures and requisite hours in the ‘meaning of fuel poverty’ meet their requirements.

Further, as the new definition is based on income and costs, it should recognise the additional financial burden often placed on people living with long term conditions, disabled people and unpaid carers to live independently and participate equally in society. We are particularly concerned that the additional costs associated with carrying out an unpaid caring role are not recognised in the Bill. We recommend the Committee consider an amendment that refers to the additional costs faced by disabled people, people living with long term conditions and unpaid carers.

Given the commitment in the Fuel Poverty Strategy to give effect to economic and social rights<sup>6</sup>, we also recommend the new definition include the wider range of costs associated with the right to an adequate standard of living. As well as those described in the previous paragraph, the United Nations recommends that expenditure associated with food, clothing and education be considered<sup>7</sup>. The additional costs of living in rural and remote areas of Scotland should also be taken into account. We also support calls to cancel plans to increase the age from 60 to 75 for the purposes of enhanced heating regimes. While it is true that “[m]ore older people than ever before are living healthy, active independent lives, well into their retirement”<sup>8</sup>, we also know that poverty and health inequalities cause people to die before they are 60<sup>9</sup>.

---

5

[http://www.parliament.scot/S5\\_Bills/Fuel%20Poverty%20\(Target%20Definition%20and%20Strategy\)%20\(Scotland\)%20Bill/SPBill37ENS052018.pdf](http://www.parliament.scot/S5_Bills/Fuel%20Poverty%20(Target%20Definition%20and%20Strategy)%20(Scotland)%20Bill/SPBill37ENS052018.pdf), pp.5-7.

<sup>6</sup> <https://beta.gov.scot/publications/draft-fuel-poverty-scotland-2018/>, p.7.

<sup>7</sup> See, for example, Article 11 of the International Covenant on Economic, Social and Cultural Rights: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

<sup>8</sup> <https://beta.gov.scot/publications/draft-fuel-poverty-scotland-2018/>, p.38.

<sup>9</sup> <http://www.healthscotland.scot/health-inequalities/measuring-health-inequalities>

We note that the Bill provides for Scottish Ministers to make regulations to specify the types of households for which enhanced heating is required and to change the meaning of fuel poverty. We recommend that people with lived experience of fuel poverty, including those living with long term conditions, disabled people and unpaid carers, and the organisations that work for and with them, are actively involved in the development of these regulations.

**Sections 3-5** requires the Scottish Government to publish a fuel poverty strategy within a year of Section 3 of the Bill coming into force. It requires them to consult on the strategy, which must include individuals who are living, or have lived, in fuel poverty.

**3) Do you agree with provisions in the Bill requiring the Scottish Government to publish a fuel poverty strategy? Do you also agree with the consultation requirements set out in relation to the strategy?**

*Please explain your reasons why.*

The ALLIANCE supports the publication of a Fuel Poverty Strategy, but we believe that the proposed consultation measures in both the Bill and Strategy are unnecessarily limited and lacking in ambition. Creating a new law and strategy provides a valuable opportunity to meaningfully engage with and learn from people affected by fuel poverty issue and avoid tokenistic involvement which could result in further marginalisation.

We recommend a co-design approach be taken to ensure that the Bill and Strategy make the best use of the skills, experience and capacities of everyone. People living in fuel poverty are assets; experts by experience with valuable knowledge to help inform, identify and create effective solutions to complex challenges. There are recent cases in Scotland where meaningful engagement of people affected by an issue has led to stronger policy and practice.

People affected by suicide were supported by the ALLIANCE, NHS Health Scotland and Samaritans Scotland to shape the Scottish Government's new Suicide Prevention Action Plan. People's views and experiences were used to revise an early draft of the action plan<sup>10</sup> to one that has been positively received by the people it is aimed at helping, who view it as 'bold' and 'forward thinking'<sup>11</sup>.

<sup>10</sup> <https://www.alliance-scotland.org.uk/blog/news/call-for-ambitious-suicide-prevention-plan/>

<sup>11</sup> <https://www.alliance-scotland.org.uk/blog/news/charities-welcome-new-suicide-prevention-plan-shaped-by-lived-experience/>

As the Minister for Mental Health, Clare Haughey MSP, notes: “*The [Suicide Prevention Action] Plan has been developed with partners, stakeholders and people who have been directly affected by suicide. I am very grateful to all those who took the time to attend meetings and public engagement events. Your views and experiences played a hugely important part in informing and shaping this document.*”<sup>12</sup>

We ask the Committee to recommend the Scottish Government take a similar approach to developing the Fuel Poverty Strategy.

The Social Security Experience Panels is another example<sup>13</sup>. Here, the Scottish Government is taking an innovative approach to embedding participation in the development and continuous improvement of Scotland’s new social security system<sup>14</sup>.

The Experience Panels are comprised of over 2,400 people with lived experience of social security. The work is led by Scottish Government researchers and Panel members are voluntarily consulted on a wide range of issues relating to shaping the new system, like the new application and assessment process. We understand that ‘feedback loops’ allow officials to report back to the Panels to let them know what has been done with their evidence. Officials have also convened a core group of Panel members to drive the development of the new Social Security Charter, with support from a Stakeholder group of Third Sector organisations.

Whilst the Experience Panels process is not without its flaws<sup>15</sup>, we believe that this new approach offers an opportunity to ensure responsive, rights based and person centred policy is put into practice. We recommend the Committee urge the Scottish Government to put in place an Experience Panel for the new fuel poverty policy.

Practically speaking, there are a range of existing tools and processes which can be used or adapted to facilitate people’s engagement in developing the fuel poverty policy<sup>16</sup>. Whatever tools are used, there are several important elements to ensure that engaging people affected by an issue is done in an effective, meaningful and sensitive way.

---

<sup>12</sup> <https://www.gov.scot/Resource/0053/00539045.pdf>, p.2.

<sup>13</sup> <https://beta.gov.scot/publications/social-security-experience-panels-faqs/>

<sup>14</sup> The Social Security (Scotland) Bill 2018 notes that “the Scottish social security system is to be designed with the people of Scotland on the basis of evidence” (Section 1(f) at <http://www.legislation.gov.uk/asp/2018/9/section/1/enacted>).

<sup>15</sup> For example, the indication now is that the Experience Panels will only run for four years. The ALLIANCE has recommended that the Panels be extended well beyond this time frame to ensure people with lived experience play a meaningful and active role in the continuous improvement of the new system. See: <https://www.alliance-scotland.org.uk/blog/news/scottish-government-urged-to-support-the-rights-of-seldom-heard-people-who-access-social-security/>

<sup>16</sup> For example, The Poverty Alliance’s ‘Get Heard Scotland’ tool kit: [https://www.povertyalliance.org/article/scottish\\_govt\\_poverty\\_plan](https://www.povertyalliance.org/article/scottish_govt_poverty_plan).

Ideally the engagement process itself would be co-designed and developed with people with lived experience and the organisations that work for and with them. People need advance information about what will be done as a consequence of their participation, in order to make an informed decision about whether to engage or not. Adequate time and resources must be given to the process; people and organisations will require financial or other forms of support to actively engage; accessibility must be ensured; and consideration must be given to the timings, location and accessibility of engagement opportunities. Feedback loops can ensure people are subsequently informed about what has been done and achieved (or not) as a consequence of what they said.

In terms of ongoing scrutiny and review, we note the section of the draft Strategy related to ‘lived experience’<sup>17</sup> and welcome membership on the Scottish Fuel Poverty Advisory Panel and Partnership Forum by organisations that work with and for people with lived experience. We also note activity 15 in the draft Strategy that the Scottish Government intends working with the new Panel and Forum to ensure robust and effective governance for monitoring progress and providing additional scrutiny.

We recommend the Committee urge the Scottish Government to ensure equal membership on the Advisory Panel and Partnership Forum of people who self-identify as having lived experience of fuel poverty. If suitable support and resources are in place, this could ensure meaningful ongoing engagement.

While people affected by fuel poverty should be involved in decision-making across policy and practice, there are specific issues referred to in the Bill and draft Strategy where their views and expertise by experience are particularly important. For example, in identifying characteristics of households which are likely to be in fuel poverty, or for which getting out of fuel poverty presents particular challenges; and development of the proposed outcomes framework and associated indicators.

***4) A draft fuel poverty strategy was published alongside the Bill on 27 June. Do you have any views on the extent to which the measures set out in the draft Fuel Poverty Strategy for Scotland 2018 will contribute to meeting the Government’s new target? Have lessons been learned from previous initiatives?***

The ALLIANCE believes that a new fuel poverty strategy is a good opportunity to revisit the issue from an equalities (and human rights) perspective, as has been identified throughout our consultation response.

---

<sup>17</sup> <https://beta.gov.scot/publications/draft-fuel-poverty-scotland-2018/>, p.27

At present, little or no analysis has been done on the real impact of fuel poverty on the lives and experiences of people from various equality groups. As the Equality Impact Assessment points out, there are a range of drivers and causes of fuel poverty in Scotland, but it is rarely noted that how people identify, and are therefore treated, impacts on their experience of poverty.

To ensure that efforts are targeted at ‘those with the greatest need’, these individuals, families, households and communities need to be well identified. Protected characteristics identified in the Equality Act 2010<sup>18</sup> offer a framework with which to consider the various impacts of fuel poverty on a variety of people most likely to be disproportionately impacted by poverty.

The ALLIANCE believes that developing a variety of qualitative and quantitative means of identifying these impacts should be a key priority for the implementation of the Strategy – not just the completion of an assessment of its impact before it is implemented. Using tools like the Equality and Human Rights Impact Assessment<sup>19</sup>, developed by the Scottish Human Rights Commission and Equality and Human Rights Commission, is one opportunity.

To ensure the measures set out in the draft Strategy contribute to meeting the Government’s new target, we recommend that activity is focused on tackling and overcoming all four drivers of fuel poverty and not just those that are easier to achieve and/or measure.

We support the development of an outcomes framework that will be published in the final Fuel Poverty Strategy in 2019. While there are different frameworks for outcomes planning, all include setting concrete ‘SMART’ indicators and objectives against which the progress, impact and success of activities can be clearly measured. We recommend clear and explicit outcomes, indicators and activities be identified for each of the four drivers, and that these – along with information about the resources that have been provided to carry out the activities – can form the basis of regular reporting.

We note activity 16 that the Scottish Government will work with the Scottish Fuel Poverty Advisory Panel to develop the outcomes framework, and activity 17, to ensure the long term Strategy takes account of those with lived experience of fuel poverty by consulting with people with experience of fuel poverty when making any regulations under the new Fuel Poverty Act. We refer to our answer to Question 3, and strongly recommend people

---

<sup>18</sup> Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. See: <https://www.equalityhumanrights.com/en/equality-act>

<sup>19</sup> <http://eqhria.scottishhumanrights.com/>

affected by fuel poverty are meaningfully engaged and involved – indeed, help lead – these processes.

We note that the Strategy will indicate which organisations Scottish Ministers will work with to ensure that the 2040 target is met, and welcome the inclusion of those organisations mentioned in the ‘partnership working’ section<sup>20</sup>. We also note the Financial Memorandum, which states that “there should be no additional burden” to Third Sector organisations involved<sup>21</sup>. However, we believe that additional resources should be allocated. We ask the Committee to recommend the Scottish Government allocate sufficient resources to community and Third Sector organisations to ensure active and meaningful engagement in the reporting process.

**Sections 6-9** require the Scottish Government to report to Parliament every five years on: the measures taken to tackle fuel poverty over the previous five years; progress made towards the 2040 target; and the steps Scottish Ministers propose to take over the next five years to meet the 2040 target.

***5) Do you have any views on the Scottish Government’s reporting requirements to the Scottish Parliament, as set out in the Bill?***

We welcome the proposal to report to the Scottish Parliament as an example of accountability under a rights based approach, however we recommend more frequent reporting; every three years.

To bolster accountability we also recommend other measures of independent oversight and scrutiny be considered. For example, in addition to annual reporting to the Scottish Parliament, Scotland’s new social security legislation has created an independent Social Security Commission<sup>22</sup> to hold the new system to account (for example, by scrutinising regulations and reporting on matters requested by Ministers or the Scottish Parliament). A similar body could be established for fuel poverty.

As indicated in our answer to Question 4, we recommend that regular reports contain clear and explicit information relating to concrete, ‘SMART’ outcomes, indicators and activities for each of the four drivers, as well as resources allocated. This will enable meaningful scrutiny and oversight of the progress, impact and success of activity to mitigate and eradicate fuel poverty.

<sup>20</sup> <https://beta.gov.scot/publications/draft-fuel-poverty-scotland-2018/>, pp.27-32

<sup>21</sup>

[http://www.parliament.scot/Fuel%20Poverty%20\(Target%20Definition%20and%20Strategy\)%20\(Scotland\)%20Bill/SPBill37FMS052018.pdf](http://www.parliament.scot/Fuel%20Poverty%20(Target%20Definition%20and%20Strategy)%20(Scotland)%20Bill/SPBill37FMS052018.pdf), p.6.

<sup>22</sup> <http://www.legislation.gov.uk/asp/2018/9/section/22/enacted>



We note that the Bill states that Scottish Ministers must consult individuals who are living, or have lived, in fuel poverty when preparing their reports. The Policy Memorandum also states that the input of those with lived experience will be ‘taken into account’ before the publication of each report. As indicated in our answer to Question 4, we believe the involvement of people and organisations that work for and with them should go further than ‘consultation’ if it can be considered meaningful and active rather than tokenistic.

## **6) Other recommendations**

The new Social Security (Scotland) Act 2018 is prefaced by a set of ‘social security principles’<sup>23</sup>:

### ***The Scottish social security principles***

*The Scottish social security principles are—*

- (a) social security is an investment in the people of Scotland,*
- (b) social security is itself a human right and essential to the realisation of other human rights,*
- (c) the delivery of social security is a public service,*
- (d) respect for the dignity of individuals is to be at the heart of the Scottish social security system,*
- (e) the Scottish social security system is to contribute to reducing poverty in Scotland,*
- (f) the Scottish social security system is to be designed with the people of Scotland on the basis of evidence,*
- (g) 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,*
- (h) the Scottish social security system is to be efficient and deliver value for money.*

Current plans to tackle fuel poverty offer an opportunity to take a similarly ambitious, rights based and cross-sectoral approach to reducing poverty in Scotland. We recommend the Committee consider an amendment to the Fuel Poverty Bill to include the ‘Fuel Poverty Principles’.

<sup>23</sup> <http://www.legislation.gov.uk/asp/2018/9/contents/enacted>

## About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations. It brings together over 2,500 members including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals. Many NHS Boards, Health and Social Care Partnerships and Primary/Community Care practices are associate members and many health and social care professionals are Professional Associates. Commercial organisations may also become Corporate Associates.

**Andrew Strong**  
**Assistant Director (Policy and Communications)**

**Lucy Mulvagh**  
**Director of Policy and Communications**