

Renfrewshire Council Response  
Social Security (Scotland) Bill Consultation  
Response to Scottish Government  
September 2017

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Renfrewshire Council welcomes the opportunity to provide a response to the Scottish Government on Social Security in Scotland.

*1. The Bill aims to provide a framework for the creation of the Scottish social security system. In addition the Scottish Government has chosen to put most of the rules about the new benefits in Regulations. It believes that putting the rules in Regulations will make things clearer and less confusing. Parliament cannot change Regulations, only approve or reject them. The Scottish Government intends to develop Regulations with external help.*

**Q. Do you have any views on this approach?**

Regulations have the potential to provide a very clear approach, if developed with those closest to social security. This should include actual and potential customers, those currently delivering the social security services, local authorities and third sector agencies providing associated support and advice. Regulations should be useful for clients and agencies to refer to when required. The regulations should be as easily understood as they can be and use plain English.

*2. The Bill proposes that the Scottish social security system will be based on the following seven principles:*

- Social security is an investment in the people of Scotland.*
- Social security is a human right. It is essential to accessing other human rights.*
- Respect for the dignity of individuals is at the heart of the Scottish social security system.*
- The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for.*
- The Scottish social security system will be designed with the people of Scotland, and based on evidence.*
- The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.*
- The Scottish social security system is efficient and delivers value for money.*

**Q. What are your views on these principles and this approach? Please explain the reason for your answer.**

**Q. Are there other principles you would like to see included?**

**These principles seem acceptable. It will be important that the regulations make the appropriate principles meaningful and enforceable. Occasionally respect for the dignity of individuals can be lost within processes when delivering a system to the public. This should form part of staff training and be led by Managers to create a culture of dignity and respect.**

**The principle that the Scottish Government will make sure people are given the social security assistance they are eligible for is a key one for advice agencies and local**

authorities. We often see clients at a crisis point, as they have not been claiming their correct entitlement and struggling to pay basic items, rent, council tax etc and are then facing court action or eviction. Advice services have found that clients have to work hard under the current system to discover what they are entitled to. The most vulnerable are often the most in need and can miss out as they are the least able to ask for the support or information they need.

*3. The Bill proposes that there will be a publicly available social security 'charter'. This will say how the Scottish Government will put the seven principles above into practice. It will also say what is expected from people claiming benefits. A report on the charter will be produced by the Scottish Government each year.*

**Q. Do you agree with the idea of the charter? Please explain the reason for your answer.**

**Q. Is there anything specific you would like to see in this charter?**

**The idea of a charter is appealing if it is drafted with service users and potential service users, frontline staff and supportive third sector organisations. It will need to reflect a collective responsibility between both the service user and the service deliverer.**

*4. The Bill proposes rules for social security which say:*

- how decisions are made and when they can be changed*
- how to apply and what information people have to provide*
- how decisions can be challenged*
- when overpayments must be repaid*
- what criminal offences will be created relating to benefits.*

**Q. Do you have any comments on these rules?**

**Given the current level of successful appeals for certain benefits, it is important that reasons for awards and not making awards are clearly explained, with clear dispute rights and processes.**

**In terms of overpayments, official error overpayments should be distinguished from other types and repayment in these cases should not be required where this is found, as this will assist with ensuring that administration faults are addressed and improved. There should be clear guidance on any write off options, so this is carried out in a fair and responsible way.**

**If possible, it would be helpful to see reasonable stated time limits for decision making and clear regular target information for the public and expected time scales. These should be available as a minimum on a website. For example, our current average time for making decisions on appeals is within 4 weeks of your application or receipt of further evidence.**

*5. The Scottish Government will take over responsibility for some current benefits. The Bill does not explain how they will work in detail. This will be set out in Regulations at a later date. The current benefits which will be run by the Scottish Government are:*

- disability assistance (including disability living allowance, personal independence payment, attendance allowance and severe disablement allowance)*
- carer's allowance*
- winter fuel payments*

- *industrial injuries disablement benefit*
- *cold weather payments*
- *funeral payments*
- *sure start maternity grants*

**Q. What are your thoughts on the schedules in the bill in regard to these benefits?**

**We provided a detailed commentary on these areas in our original consultation response, so will not repeat that here. There could be the potential for issues to arise if amounts paid are based on geography and further clarification will be needed on the age criteria.**

*6. The Bill proposes that a new type of short-term assistance will be introduced. This will be for someone who is challenging a decision to stop or reduce a Scottish benefit.*

**Q. What are your views on this proposal?**

**At present, people can be left in very difficult circumstances whilst pursuing the appeal process and can experience a drop in income until their benefit is reinstated. They are then reliant on other emergency sources of income that are costly to administer and support. Associated benefits can also be disrupted due to the temporary change in circumstances causing a crisis situation and involving multiple agencies.** The regulations will need to be clear about how any short term assistance will be paid. Will it need to be claimed, or will it automatically go into payment? At present problems can arise, when a person is not told about Hardship Payments. No matter whether this assistance requires to be claimed or there is an automatic entitlement, it must last until a decision is made **and** notified to the client. It would be better to avoid short term claims that need to be made every week/fortnight, and not stopping as soon as a decision is made, but giving time to the client to get their benefits in order. Consideration should be given to the level of payment, particularly how it interacts with other benefits and support. Where a client has benefits disrupted or stopped after an unsuccessful appeal, they should be clearly signposted to other agencies for support to help them manage the change.

There will need to be a clear definition of what constitutes short term assistance in the regulations, as discretionary housing benefits started as short term assistance, but have become part of the benefits infrastructure. There should also be some consideration about coordinating the payment cycles, if this short term support is not given as a lump sum.

*7. The Bill includes the power for the Scottish Government to be able to top up 'reserved' benefits (ones controlled by the UK Government), but does not say how these will be used. The Scottish Government also has the power to create new benefits. This is not included in the bill.*

**Q. Do you agree with these proposals?**

**While this would give the Scottish Government more power to influence people's socio-economic situation and allow for future flexibility, it may create other issues. It is therefore difficult, as a Council to either agree or disagree.**

It would be helpful to have further clarity on the intention behind Part 3, S46 (2) and (3) on top up benefits and how this interacts with sanctions.

*8. The Bill proposes that carer's allowance should be increased as soon as possible to the level of jobseeker's allowance (from £62.10 to £73.10 a week).*

## **Q. What are your thoughts on this proposal?**

This proposal is more reflective of the commitment and support provided by carers, but it needs to be ensured that it doesn't lead to any losses elsewhere in the system for other add on benefits for the carer or cared for. For example, in the overlapping benefit rules, if the carer is not actually paid and there is an underlying entitlement only with a carer's premium added to a contributory benefit, the severe disability premium can still be paid to the disabled person.

*9. The Bill proposes that discretionary housing payments continue as they are. They will still be paid by local authorities. The Bill does not require any local authority to have a discretionary housing payments scheme but if they do, they must follow Scottish Government guidance on running it.*

## **Q. Do you agree that discretionary housing payments should continue largely as they are?**

## **Q. Do you have any other views on the proposals for discretionary housing payments?**

Yes, although it seems to run counter to the outlined principles that local authorities are not required to run a discretionary housing payment scheme. This may raise a query about what the longer term prospects are for the scheme and whether the guidance from Scottish Government will change. There is a fundamental and legal question about how 'discretionary' is understood. While DHP can be used in several different circumstances, it has become a regular benefit by default because of its part in ameliorating the effects of the 'bedroom tax.' There needs to be some thought given to the frequency of benefits and how they interact with each other, for example is there provision to align payments with an alternative rent arrangement?

In the financial memorandum, the caseload forecast for discretionary housing payments remains steady, whereas the spending forecast drops from £20 million to £14 million. This may be because of the housing element of Universal Credit, but it would be helpful to have this confirmed in the calculations. In terms of the block grant, it would be beneficial for this element to remain ring fenced to ensure its affordability.

The administration and back office functions involved with the new arrangements could be costly and complex. While it is understood that customer facing roles are to be fully funded, there would need to be provision for other costs.

## **10. Q. Is there anything else you want to tell us about this Bill?**

It would be useful to have further information about how the hierarchy would work between the new Social Security Agency and the DWP. For example if overpayments are being reclaimed, which parts of the over payments would have primacy. It would also be useful to have some indication of which options may be pursued for funding the system in the longer term. Data sharing will need to be carefully considered and appropriate protocols developed to ensure that clients are asked for too much or too little verification. The introduction of universal credit and its data sharing implications will require to be carefully considered.