

Consultation

Scotland's Social Security



Easy Read Version

Introduction

What is a consultation?



The law says that the Scottish Government has to ask people their views before important changes are made.

When the Scottish Government asks people for their views it is called a Consultation.



This consultation asks for views about Social Security.

The Scottish system of social security is based on dignity, fairness and respect.

The consultation has 4 main areas:



Improving client experience



Value for money



Independent advice



Coronavirus (COVID-19)

Improving Client Experience



The Scottish Government designed the social security system with people who use the services.



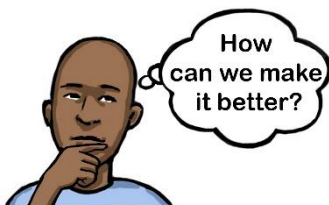
Social Security Scotland is the organisation that deals with claims for assistance and pays money.



A client is a person who gets money paid to them by Social Security Scotland.



Most people who used Scotland's social security system said they were treated fairly and with respect.



We want to make this even better.

Scottish Child Payment



Scottish Child Payment supports children under the age of 6. Soon we will pay more children under the age of 16. The payment is £20 per week per child.



It will increase to £25 per week by the end of 2022. There are no limits to the number of children per family.

At the moment you can only get Scottish Child Payment if you also get some other UK benefits.



We are thinking about how to make sure we can make future changes to Scottish Child Payment. This could make it more flexible.

Q1. Would it be useful if we were able to make changes to Scottish Child Payment?

Yes

No

Please explain your answer in the box below:

Re-determinations



Re-determinations are when people ask for a benefit decision to be looked at again.



The Social Security Scotland re-determination process is different from the DWP system. There is short-term assistance (STA). STA may be paid where a person's money is reduced or stopped. STA can be paid while they ask for the decision to be looked at again.



If a client has asked for a re-determination they cannot ask for this to stop. The decision must be looked at again

The Scottish Government wants clients to decide if a re-determination should go ahead. They can ask for the re-determination to stop and the decision will stay the same.

Q2. Do you think a client should be able to stop a re-determination?

Yes

No

Please explain your answer in the box below:

Making an appeal



After a re-determination, if the client still disagrees, they can appeal. Clients can also appeal if Social Security Scotland does not make a re-determination in the time allowed.



Appeals are made to the Social Security Chamber of the First-tier Tribunal. The Tribunal is not part of the Scottish Government.



If a mistake or new information shows that the re-determination is wrong, an appeal must happen. We want Social Security Scotland to be able to make a new decision so that the appeal would not need to happen.

Q3. Should a new decision only be made if it can give the same result as a tribunal?

Yes No

Please explain your answer in the box below:

Q4. Before a new decision is made do you think that a client should be asked if they want that new decision?

Yes

No

Please explain your answer in the box below:

Appointees



An appointee is a person who acts for somebody when they cannot make decisions for themselves.



Social Security Scotland works differently from the DWP. We cannot use the same appointee. Social Security Scotland must make its own decision about a person's appointee.



We would like to let a DWP appointee act for a person for a short time. This would be while checks are done by Social Security Scotland.

Q5. Should Social Security Scotland be able to use a DWP appointee? This would be until it finishes its appointee checks.

Yes

No

Please explain your answer in the box below:

Challenge rights for overpayments



An overpayment is when a client is paid more money than they are due.



When Social Security Scotland sees an overpayment has happened, it will make a new decision on a client's benefit. This new decision will have re-determination and appeal rights if the client wants to challenge it.



When a client wants to challenge the decision it means that they disagree with the decision and want it looked at again.

At the moment a client who has an overpayment cannot challenge the decision about if they have to pay back the money. The Scottish Government thinks the client should have this right.

Q6. Should people have the right to challenge a decision to pay back an overpayment?

Yes

No

Please explain your answer in the box below:

Q7. Please give your views on who should decide challenges against Social Security's decisions.

For example, whether Social Security Scotland should first look at its decision again or whether it should go to a judge in a court or tribunal.

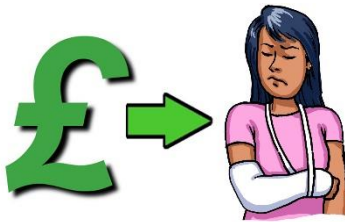
Please give your answer in the box below:

Value for Money



People who need help come first in the Scottish social security system, but it also has to be good value for money.

Compensation Recovery



A person who has an accident, injury or disease may get benefits. If another person or company was to blame, then the person may be paid money called compensation.



Compensation is usually paid by insurance companies.

We want to think about if the insurance company should pay back the money that the person has had from Social Security Scotland.

Q8. When someone gets compensation from an insurance company, should the insurance company give back money paid out by Social Security Scotland?

Yes

No

Please explain your answer in the box below:

Fraud



When a person lies and gets money that they should not have, they have committed fraud. We must stop fraud. When it does happen we need to find fraud and deal with it.



Social Security Scotland can take people to court if they commit fraud. The DWP can give fines to people who commit fraud instead of taking them to court. This cannot be done in Scotland.

Q9. Should Social Security Scotland be able to give fines to people instead of taking them to court?

Yes

No

Please explain your answer in the box below:

Overpayment where someone acts on behalf of a client



Sometimes a client will need someone else to act for them. The law says that the person who the benefit is for must pay back an overpayment. They do not need to pay back an overpayment if they did not cause or make an error.



Where a person is acting for the client, the person must agree to be responsible for paying back an overpayment.



If the person acting for the client will not pay back an overpayment then Social Security Scotland may have to take them to court.



We think anyone who tries to keep money from an overpayment should be made to pay it back. If the person acting for the client keeps the money then that person should pay it back. If the client has had the money then the client should pay it back.

Q10. Should people acting for clients be responsible for repaying overpayments if they keep the money?

Yes

No

Please explain your answer in the box below:

Independent advice



Lots of people and groups have taken part in creating the new Scottish social security system. There are 2 groups that have played the biggest part:



The Scottish Commission on Social Security (SCoSS). This is an independent group that gives advice on social security. It must check some social security laws.

The Disability and Carers Benefit Expert Advisory Group (DACBEAG). This group provides independent advice and recommendations to the Scottish Government. This covers disability and carers benefits.



The Scottish Government wants to use people's experience in the best way. However it can be difficult due to people's time.



The Scottish Government will review Adult Disability Payment in summer 2023. This will be a year after the benefit has started. We need to review how we give advice to Social Security Scotland.



It may be possible to join all these roles together into one independent group.

Q11. Do you think the current ways of advising and checking on the Social Security system are good enough?

Yes

No

Please explain your answer in the box below:

Q12. Can you think of a better way to advise and check on Social Security?

Please tell us about this in the box below:

Coronavirus (COVID-19)



Due to COVID-19 we made some short-term changes to social security. People had more time to apply for benefits or ask for decisions to be looked at again.



We want to know if these changes should stay. We also want to think about if late benefit applications should be allowed for reasons other than COVID-19.

Q13. Should COVID-19 still be a reason for more time to make benefit applications and asking for decisions to be looked at again?

Yes

No

Please explain your answer in the box below:

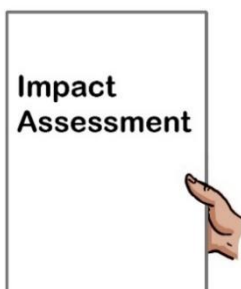
Q14. Should you be allowed to make a late application for a benefit for reasons other than COVID-19?

Yes

No

Please explain your answer in the box below:

Impact assessments



An Impact Assessment looks at effects and outcomes on people, businesses and communities. We would like to take your views on impacts these changes might have.



We need to think about things such as disability, age and sex. These are called protected characteristics.

Q15. Do you have any information you wish to share on the impact on groups who share protected characteristics?

Yes

No

If yes, please tell us about this in the box below:



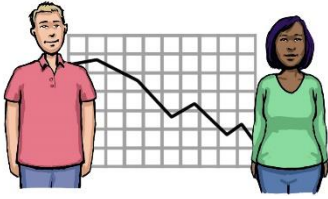
We need to think about how services affect island communities. This can be different to other communities.

Q16. Can you think of any impacts the changes might have on Island communities?

Yes

No

If yes, please tell us about this in the box below:



Decisions we make about Social Security Scotland can help reduce the challenges that people face. These challenges are caused by differences like low income or not being able to get basic goods or services.

Q17. Can you think of any impacts the changes might have on inequality?

Yes

No

If yes, please tell us about this in the box below:



A Child Rights and Wellbeing Impact Assessment helps make sure that our policies look after the wellbeing of children and young people. A child is anyone under 18.

Q18. Can you think of any impacts the changes might have on children's rights and wellbeing?

Yes

No

If yes, please tell us about this in the box below:



A Business Impact Assessment helps make sure our policies look at the impact on all business and organisations. These can be private businesses or charities.



We will look at the costs these changes may have for businesses and organisations. We will work with them to understand any impacts.

Q19. Can you think of any impacts the changes might have on businesses or organisations?

Yes

No

If yes, please tell us about this in the box below:

Responding to this Consultation



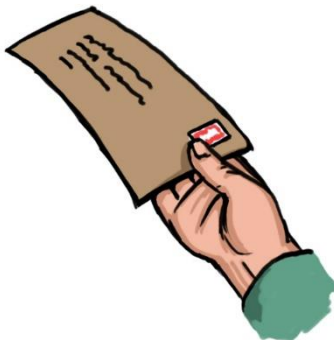
We would like you to give your answers to this consultation by 27 October 2022.

You can give your answers using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>).



Access and respond to this consultation online at <https://consult.gov.scot/social-security/scotlands-social-security-system>

You can save and return to your responses while the consultation is still open. Please give your answers before the closing date of 27 October 2022.



If you cannot use our consultation hub, please complete the Respondent Information Form and send it to:

Social Security Policy Team
Scottish Government
4 Atlantic Quay
Glasgow
G2 8LU



Or email the Respondent Information Form to socialsecurityci@gov.scot

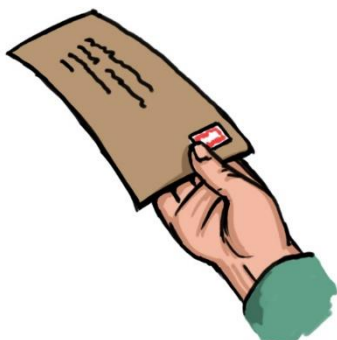
Handling your response



If you use the consultation hub, you will be directed to the About You page before finishing. Please tell us how you want your personal information to be handled and if you are happy for your answers to be public. If you ask for your answers not to be public, we will do what you tell us.



The Scottish Government has to follow the Freedom of Information (Scotland) Act 2002 and would have to consider any request made to it under the Act for information about the answers made to this consultation.



If you cannot respond via Citizen Space, please fill in and send back the Respondent Information Form.

Next steps in the process



Where people are happy for their answers to be made public, and after we have checked their answers, they will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your answers via email.



After the closing date, all answers will be considered with any other evidence to help us. Answers will be made public where people are happy for us to do so. A report will also be made public.

Comments and complaints



If you have any comments about how this consultation has been carried out, please send them to the postal address above or at socialsecurityci@gov.scot



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