

# ***THE SOCIAL SECURITY (SCOTLAND ) BILL 2017***

- **The Bill represents the next significant milestone in delivering a new Scottish social security system.**
- The Bill is being delivered in parallel with the early stages of an implementation programme, to deliver an operational Scottish social security agency before the end of this Parliamentary term
- One of the effects of the Bill will be, in due course, **to introduce £2.9 billion of (mostly) demand-driven spending to the Scottish budget.**

## ***THE BILL***

- The Bill will establish the first social security system in the UK to be based on the principle that **social security is a human right and is key to the establishment of other human rights.**
- The Bill enables the Scottish Government to **create new benefits and new versions of existing benefits.**
- The Bill will enable us to improve the way benefits are delivered. **For example, we will replace ‘mandatory reconsiderations’ with a fairer process.** The initial decision will be set aside and people will have their applications looked at again, in full.

# ***PRINCIPLES, CHARTER AND ACCOUNTABILITY***

- The Bill embeds in legislation the principles of the Scottish social security system, **including a commitment to a human-rights based approach.**
- It provides for the production of a charter which is informed by the principles and **requires the Scottish Government to report to the Parliament on their delivery against the charter.**
- The Bill also includes a statutory principle which reflects the Scottish Government's commitment to **help maximise people's incomes and encourage the take-up of all benefits.**

## ***GIVING OF ASSISTANCE***

- The Bill sets out the basic machinery through which the Government will provide social security assistance, which will enable us **to improve the way in which benefits are delivered.**
- The Bill makes provision for general benefits administration - e.g. applications, determinations, re-determinations and appeals.
- The Bill also provides for the following:
  - Powers to investigate fraud.
  - Uprating of benefit amounts.
  - Re-determinations and appeals.
  - Pass-porting between benefits and other entitlements.
  - Establishment of liability and recovery of overpayments

## ***GIVING OF ASSISTANCE***

- We will introduce a new, fairer approach to challenging decisions. The initial decision will be set aside and the ‘re-determination process’ will be a complete re-run of the application and decision process, carried out from scratch, by an official in another part of the agency.
- Re-determinations will have fixed time-limits. If the agency does not complete a re-determination within the time limit, the individual will be able to proceed directly to an appeal to a tribunal.
- The Bill will make it possible for individuals’ payments to be maintained if they decide to make an appeal.
- The Bill does not replicate the DWP’s existing civil penalty regime in relation to overpayments.

## ***TYPES OF ASSISTANCE***

- The Bill defines the types of social security assistance which the Government will give (i.e. benefits in the areas being devolved by sections 22, 23 and 25 of the SA 2016).
- This part of the Bill gives a brief description of each of type of assistance, and confer powers on the Government to set out the rules for eligibility and entitlement in subordinate legislation.
- The Bill has been designed this way for a good reason. Putting the rules relevant to a particular type of assistance together in a single piece of subordinate legislation will make the legislation easier to understand.
- We intend to provide illustrative regulations during Stage 1, so people can see how we intend to use our new powers.

## ***TYPES OF ASSISTANCE***

- **The benefits being devolved and which will be covered by the Bill are:-**
- Ill Health and Disability Benefits. Currently these are Disability Living Allowance (DLA) and Personal Independence Payment (PIP), Attendance Allowance (AA), Severe Disablement Allowance (SDA) and Industrial Injuries Disablement Benefit (IIDB).
- Benefits for carers, currently Carer's Allowance (CA).
- Benefits for maternity expenses, currently the Social Fund Sure Start Maternity Grants.
- Benefits for funeral expenses, currently provided as a Social Fund payment.
- Cold Weather Payments and annual Winter Fuel Payments
- Discretionary Housing Payments.

## ***SUPPLEMENTING ASSISTANCE***

- The Bill enables the earliest possible delivery of our commitment to increase Carer's Allowance to the level of JSA.
- The Bill has been designed so that provisions can be commenced without the need for secondary legislation.
- This means that the supplement will be delivered from summer 2018, increasing payments to carers to the same level as Jobseeker's Allowance – **an investment of more than £30 million per year.**
- We can't deliver this alone; we need to work with DWP, and further design work is now underway.



## *Agency Implementation*

- The Agency will have an efficient centralised function as well as providing locally accessible face-to-face pre-claims advice and support, co-located, where possible, in places that people already visit.
- This approach aims to provide both a consistency of service across Scotland, irrespective of where an individual lives, and a more responsive service.
- Early estimates are the agency will employ at least 1,500 staff with annual running costs of around £150 million. These will be refined as further policy and operational decisions made.
- Private sector will not be involved in assessment of people's health and eligibility for benefits.

## *Service Design and Technology*

- The Cabinet Secretary set out plans on 30 May for the first wave of benefits to be implemented – Carer’s Allowance Supplement, Best Start Grant and Funeral Expense Assistance.
- Staged approach to the transfer of the individual benefits allows us to reduce the risk by focusing attention on developing and testing one at a time.
- Engagement with people with lived experience of the benefits system is central to our approach – involving people from the earliest stages in designing and developing the systems and processes that they will need to use