

*SOCIAL SECURITY (SCOTLAND) BILL 2017*

## **CPAG CONFERENCE**

# **SCOTTISH SOCIAL SECURITY: THE LATEST**

19 MAY 2017

## ***THE BILL***

- The Bill will be an ‘enabling’ Bill.
- By putting the detailed rules for the operation of our benefits into subordinate legislation, the Government will be able to make the legislation as clear and accessible as possible.
- In UK legislation, the rules are partly in primary legislation, but that primary legislation needs to be read alongside further rules in subordinate legislation. This approach makes UK social security legislation difficult to follow.

# ***CONTENT***

## **Key Points:-**

- The Bill is being delivered in parallel with the early stages of a 5 year implementation programme, to deliver a new Scottish social security agency before the end of this Parliamentary term.
- Provisions in the Bill need to keep step with a service-design process which is ongoing and will not be completed until well into the Parliamentary process.
- One of the effects of the Bill will be, in due course, to introduce £2.7 billion of (mostly) demand-driven spending to the Scottish budget. This will create new and complex financial risks and interdependencies

# ***CONTENT***

**The Bill will be divided into multiple parts. The main parts are: -**

1. Principles, charter and accountability
2. Giving of assistance (including types of assistance)
3. Supplementing assistance under other Acts
4. Discretionary housing payments

## ***CONTENT – 1. Principles***

- The first thing the Bill will do is embed in legislation the principles of the Scottish social security system, including a commitment to a human-rights based approach.
- It will require the production of a charter which is informed by the principles; and
- It will require the Government to report to the Parliament on their delivery against the charter.

## ***CONTENT – 2. Legislative Machinery***

- The Bill will also set out the basic machinery through which the Government will provide social security assistance.
- We will make provision for general benefits administration - e.g. applications, determinations, re-determinations and appeals.
- We will also make provision 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

## ***CONTENT – 3. Scottish Benefits***

- The Bill will define 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 will give 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.

## ***CONTENT – 3. Scottish Benefits***

- **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.