

SOCIAL SECURITY (SCOTLAND) BILL 2017

MAS CONFERENCE

**SOCIAL SECURITY
(SCOTLAND)
BILL 2017**

22 JUNE 2017

THE BILL

- The Social Security (Scotland) Bill marks a historic moment and **represents the next significant milestone in delivering a new Scottish social security system.**
- The Bill will establish the first social security system in the UK to be based on the principle, set out by the United Nations, that social security systems should **“be established under national law and ensure the right of individuals and organisations to seek, receive and impart information on all social security entitlements in a clear and transparent manner.”**
- The Bill includes a statutory principle which reflects the Scottish Government’s commitment to **help maximise peoples’ incomes and encourage the take-up of all benefits.**

THE BILL

- 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 £2.9 billion of (mostly) demand-driven spending to the Scottish budget.**

THE BILL

- The Bill is an ‘enabling’ Bill.
- The Bill enables the earliest possible delivery of our commitment to increase Carer’s Allowance to the level of JSA. **Increased payments to carers will be paid in Summer 2018.**
- The Bill reflects the Scottish Government’s commitment to **putting people with direct personal experience first and involving the people of Scotland in the design of our legislation, processes and services.**
- The Bill will enable the Scottish Government **to improve the way benefits, such as disability benefits, are delivered.**

CONTENT

The Bill is 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 requires the production of a charter which is informed by the principles; and
- It requires the Government to report to the Parliament on their delivery against the charter.

CONTENT – 2. Legislative Machinery

- The Bill sets out the basic machinery through which the Government will provide social security assistance and will enable us to improve the way in which benefits are delivered.
- It makes provision for general benefits administration - e.g. applications, determinations, re-determinations and appeals.
- The Bill also makes 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 – 2. Legislative Machinery

- The Bill introduces a new, fairer approach to challenging decisions. The ‘re-determination process’ will be complete re-runs 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.

CONTENT – 3. Scottish Benefits

- 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.

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.

WHAT HAPPENS NEXT?

- **BILL PUBLISHED: 21 JUNE 2017**
- Committee 'Call for evidence' – June to August 2017
- Stage 1 Oral Evidence: September to November 2017
- Stage 1 debate: December 2017 (tbc)
- Stage 2: February 2018
- Stage 3: March 2018
- Royal Assent: April 2018
- Commencement: (earliest realistic dates) from March to May 2018

- All timings subject to agreement by Parliament and the relevant Committees.