

Social Security (Scotland) Bill

This historic Bill puts the full-range of Scotland's new social security powers to good use, by helping up to 1.4 million people in Scotland move away from an existing UK welfare system which has been described as inhumane, complex and difficult to navigate and which fails to meet the needs of those it is meant to help.

The Bill is brought forward because of changes to the devolution settlement enacted in the Scotland Act 2016. As a result of these changes, the Scottish Parliament is now responsible for eleven existing social security benefits. These include: disability, industrial injuries and carer's benefits, benefits for maternity, funeral and heating expenses, and Discretionary Housing Payments. The Scotland Act 2016 also provided the ability to top up benefits which remain reserved to UK Parliament, and allow new benefits to be created in any area except old age pensions or where there is a connection to a matter reserved to the UK Parliament (such as child support maintenance or reserved aspects of employment support).

All parties in Parliament now have a stake in what the Scottish Government is doing to deliver a new, social security system for Scotland and in making sure that the system is set up from the outset, to deliver in the best and widest interests of the people of Scotland.

The Bill will establish the first social security system in the UK to be based on the statutory principle that social security is a human right. It will help ensure that no future Scottish Government is criticised, as the UK Government has been, for failing to guarantee a right to social security.

Anyone in Scotland may need support from our Scottish social security system, at some point in their lives. The system exists because, in a democratic society, people come together to support each other in times of need and everyone benefits from the protection that the right to social security provides.

The Cabinet Secretary for Communities, Equalities and Social Security made this clear, on 29 July 2016, at the launch of the Scottish Government's consultation on social security, when she said:

"We believe in a contract between the government and the people. And we believe that social security is the living proof of that contract. People contribute to society in all sorts of different ways. In return, it's only right that the government contributes support and care, where and when it's needed. That's how healthy societies work and that's how we want our social security system to work."

The Scottish Government is committed to putting people with lived experience first and involving the people of Scotland in the design of our legislation, processes and services. By participating in our 'Experience Panels', people can share their experience of receiving benefits and help to shape the new system with - and for - the people of Scotland. Well over 2,000 people have volunteered to join the

Experience Panels, from across Scotland and representing all of the devolved benefits.

The Bill reflects the need for the Scottish Government to make its social security principles meaningful by translating them from statements of aspiration into more focussed aims. It places a statutory duty on the Scottish Government, to prepare and publish a social security charter. Taking this approach will enable the principles to be embedded in a way that is open to monitoring, reporting and scrutiny, and available in a format that can be easily understood. It will also support the Scottish Government's clear commitment that key information will be available in ways that are accessible to all.

The Scottish Government's overriding priority is to ensure the safe and secure transfer of benefits to those who receive them and to ensure that no-one who depends on this vital support misses a payment. Achieving a successful transition of the eleven benefits and delivering on our manifesto commitments in relation to social security requires the biggest programme of change which the Scottish Government has undertaken since devolution, and the most complex.

Once we have achieved a safe and secure transfer of the existing benefits, the Bill will enable the Scottish Government to improve the way benefits, such as disability benefits, are delivered. For example, the Scottish Government intends to reduce face to face assessments for disability benefits. We have also committed to introducing longer term or lifetime awards.

Figures, from April to June 2016, which show that 65% of appeal against PIP decisions resulted in a decision in favour of the applicant, make it clear that the current system of mandatory reconsiderations and appeals is broken. That is why the Bill provides that, if a decision is not reviewed within the time-limit set by regulations, the individual will have an immediate, automatic right of appeal to a Tribunal.

People should not be intimidated or made to fear the consequences if they want to challenge a decision that they disagree with. That is why the Bill makes it possible for individuals' payments to be maintained, in certain circumstances, if they decide to make an appeal against a decision to reduce their payment.

The Scottish social security system should focus on helping people, not penalising them. That is why the Scottish Government will not replicate the DWP's existing civil penalty regime in relation to overpayments - because civil penalties are not consistent with our Scottish social security principles.

People should also get the help they are entitled to. That is why 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.