

SOCIAL SECURITY (SCOTLAND) BILL – OVERVIEW

ISSUE: The Bill sets up a framework for a new, Scottish social security system. It transposes eleven devolved social security benefits onto a Scottish legislative platform, allowing the Scottish Ministers to shape a distinctly Scottish social security system

QUOTE: “The Scottish Government intends to hold itself to a gold standard of decision making on social security, demonstrating at every stage that the decisions we make are made on the basis of the best available evidence, with the direct engagement of those who are most effected and those who have the expertise and experience that we need . . . Such an approach will steer us through the complex task before us and ensure that the social security system that we establish for Scotland will be an exemplar - the fairest and most accessible social security provision in the UK . . . The people of Scotland deserve nothing less.” - **Jeane Freeman MSP, Minister for Social Security (29 September 2016¹)**

TOP LINES:

- **This historic 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.
- **The Bill puts 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 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.
- **The Scottish Government believes that people should not be intimidated or made the fear the consequences if they want to challenge a decision that they disagree with.** That is why the Bill will make 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 Government will put people with lived experience first and involve them in the design of processes and services.** As of 12 May 2017, well over 2,000 people have volunteered to join the Experience Panels, from across Scotland and representing all of the devolved benefits.
- **The Scottish Government believes that people should get all the help they are entitled to.** That is why the Bill reflects our commitment to help maximise peoples’ incomes and encourage the take-up of all benefits.

Structure/Content of the Bill

The Bill is set out in 5 parts and 7 Schedules as follows-

Part 1 - The Bill will embed in legislation the principles of the Scottish social security system, including a commitment to a human-rights based approach:

¹ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=10554>

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- 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.

Part 2 - Provision for general benefits administration - e.g. a requirement to apply and powers to prescribe how applications are to be made and what is to happen to them, and how payments are to be made. Also the ability of the delivery agency to revisit awards that have been made and about length of awards. Powers will also be needed to investigate suspected fraud.

- A short term assistance power will allow the agency to continue to make payments pending a re-determination or appeal.
- Appeals and complaints handling within and from the benefit system.
- Recovery of overpayments which will inevitably arise.
- Types of social security assistance which the Government will give. These 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 early years expenses, currently the Sure Start Maternity Grants.
- Benefits for funeral expenses, currently provided as Funeral Payment.
- Assistance with heating costs in cold weather currently provided as Cold Weather Payments and annual Winter Fuel Payments. .

Part 3 –

- Carer's Supplement (temporary provision)
- Top up of reserved benefits

Part 4 –

- Discretionary Housing Payments

Part 5 –

- Contains final provisions, including, subordinate legislation, ancillary and commencement powers.

Schedules - 1 to 7

- Set out what any subordinate legislation made under the power may, must or must not contain.