**A New Future for Social Security**

**Consultation on Social Security in Scotland**

**Consultation Questionnaire**

**July 2016**



**Introduction to the consultation questionnaire**

This questionnaire is designed to accompany the Consultation on Social Security in Scotland. [insert link] Please refer to that consultation to give context to the questions repeated here.

Send your completed response to:

[socialsecurityconsultation@gov.scot](mailto:socialsecurityconsultation@gov.scot)

or

Social Security Consultation

5th Floor

5 Atlantic Quay

150 Broomielaw

Glasgow

G2 8LU.

We need to know how you wish your response to be handled and, in particular,

whether you are happy for your response to be made public. Please complete and

return the **Respondent Information Form**. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the

provisions of the Freedom of Information (Scotland) Act 2002 and would therefore

have to consider any request made to it under the Act for information relating to

responses made to this consultation exercise.

**Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Chris Boyland

5th Floor

5 Atlantic Quay

150 Broomielaw

Glasgow,

G2 8LU.

or

E-mail: [socialsecurityconsultation@gov.scot](mailto:socialsecurityconsultation@gov.scot)

**CONSULTATION QUESTIONNAIRE AND RESPONDENT INFORMATION FORM**

Consultation on Social Security in Scotland to determine how best to use the new social security powers which will be devolved by the Scotland Act 2016.

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

Individual

X Organisation

Full name or organisation’s name

Scottish Socialist Party

Phone number

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Address

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Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

X Publish response with name

Publish response only (anonymous)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

X Yes

No

**CONSULTATION QUESTIONS**

**PART 1: A PRINCIPLED APPROACH**

**1. Fixing the principles in legislation**

**Q: Which way do you think principles should be embedded in the legislation?**

(please tick the option/s you prefer)

|  |  |
| --- | --- |
| 1. As a ‘Claimant Charter’? |  |
| 1. Placing principles in legislation? | X |
| 1. Some other way, please specify |  |

The SSP believes that a fair and equitable social security system should be based on the basic socialist principle of ‘from each according to their ability, to each according to their need’ and should therefore be linked to a taxation system that will reduce existing wealth and income inequalities. Whilst that is not within the remit of this consultation process, underlying principles should be enshrined at this point so that the way is open for further progressive reform of the system in the future under a government committed to socialist policies. We would therefore propose that the Five Basic Principles should include a commitment in *Our Vision* to eradicating poverty and creating a just and equal society. Principle 1 should include a commitment to public sector service delivery and should read: *Social Security is an investment in the people of Scotland and should be delivered through a strong and well-resourced public sector.*

The principles of social security delivery should be enshrined in legislation so that disputes and failings can become a matter for parliament rather than unelected officials and bureaucrats. ‘Citizens Charters’ emerged in the 1980s under neo-liberal Conservative governments in Westminster and are only as good as the persons responsible for their interpretation, and the ability and resources of the individual to argue their rights within them i.e. the educated and well-off. They tend to fail those who lack such resources. Legislative enshrinement of principle would, however, have to include the right to Legal Aid for claimants who wish to challenge decisions that are considered in breach of the principles governing the social security system in Scotland .

Why do you favour this/these option/s?

See above.

If you think option A, ‘ a Claimant Charter’ is the best way to embed principles in the legislation please advise:

**Q: What should be in the Charter?**

Please explain your answer

**Q: Should the Charter be drafted by:**

(please tick the option/s you prefer)

|  |  |
| --- | --- |
| 1. An advisory group? |  |
| 1. A wider group of potential users and other groups or organisations? |  |
| 1. Both |  |
| 1. Some other way, please specify |  |

Why do you favour this/these option/s?

Please explain your answer

**Q: We are considering whether or not to adopt the name, “Claimant Charter”. Can you think of another name that would suit this proposal better? If so, what other name would you choose?**

Please specify below

**Q: Do you have any further comments on the ‘Claimant Charter’?**

Please specify below

If you think option B ‘placing the principles in legislation’ is the best way to embed principles in the legislation, please advise:

**Q: On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect?** (please tick the option you prefer)

|  |  |
| --- | --- |
| 1. The Scottish Government | X |
| 1. The Scottish Ministers |  |
| 1. The Chief Executive of the Social Security Agency |  |
| 1. Someone else, please specify |  |

Please specify below

**Q: Do you have any further comments on placing principles in legislation?**

See above. Responsibility should rest collectively with government in order to ensure effective accountability and scrutiny.

**Q: Do you have any further comments or suggestions in relation to our overall approach, to fix our principles in legislation? For example, do you feel that there is no need to fix principles in legislation?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

As detailed earlier our view is that the principles should be enshrined in legislation rather than Charter.

**2. Outcomes and the user experience**

**Q: Are the outcomes (shown in the table on page 17 of the consultation) the right high level outcomes to develop and measure social security in Scotland?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

Whilst broadly welcoming the outcomes laid out in the consultation, we would prefer more emphasis in the long term on eradicating poverty and inequality and creating a society based on the principles of ‘*from each according to their ability, to each according to their need*’. SSP policy is for the introduction of a Basic Citizens Income that will guarantee minimum levels for all members of Scottish society irrespective of work status, employability, health status and age.

**Q: Are there any other outcomes that you think we should also include (and if so, why?)**

Delete final section (‘value social security as they do other public services’) under long term outcomes for *People Resident in Scotland* and insert:

* Cease to view social security as a safety net for those who are unable or unwilling to provide for themselves, but instead as a vital public service and bedrock to a stable, equal society for the people of Scotland

**Q: How can the Scottish social security system ensure all social security communications are designed with dignity and respect at their core?**

Please specify below

**Q: With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?**

Please specify below

**Q: Are there any particular words or phrases that should not be used when delivering social security in Scotland?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

Please state below which words or phrases should not be used

**Q: What else could be done to enhance the user experience, when considering the following?**

* When people first get in touch
* When they are in the processes of applying for a benefit
* When a decision is made (for example, about whether they receive a benefit)
* When they are in receipt of a benefit

Please specify below

**Q: How should the Scottish social security system communicate with service users? (For example, text messaging or social media)?**

Please specify below

**Q: What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?**

Please specify below

**Q: We are considering whether or not to adopt the name “User Panels”. Can you think of another name that would better suit the groups of existing social security claimants which we will set up?**

Please specify below

**3. Delivering social security in Scotland**

**Q: Should the social security agency administer all social security benefits in Scotland?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

We would prefer to see all Social Security and welfare provision devolved to the Scottish Government. This includes all those benefits and provisions that presently remain under Westminster control. We are concerned that even the Smith Commission recommendations regarding disability benefits have been ignored in terms of the administration of Employment Support Allowance (ESA) which continues to be a Westminster function.

**Q: Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

Choice is an important principle – some people lack the means or opportunity to purchase the goods or resources they require and when they indicate this is the case a menu of goods and services should be offered that are arranged by the agency.

**Q: How best can we harness digital services for social security delivery in Scotland?**

Please specify below

**Q: Should social security in Scotland make some provision for face to face**

**contact?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

Online, call centre based services may suit some but should not substitute for properly staffed local offices where users of services can discuss their needs and requirements with properly trained and sympathetic staff. This can also maintain quality job levels in the public sector.

**Q: Who should deliver social security medical assessments for disability related benefits?**

Social Security medical assessments should be removed entirely from the private sector whose record (through ATOS and Capita) is one of profiteering through poor services for users. This service should be delivered through the direct public employment of Doctors and other assessors who might be required.

**Q: Should we, as much as possible, aim to deliver social security through already available public sector services and organisations?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

We are concerned at developments in England whereby Attendance Allowance is being given to local authorities to administer and possibly provide services as a substitute for cash. This benefit should be paid direct to the individual and services should be provided by local authorities separately from this function.

Any proposals to deliver social security functions through local authorities should be examined individually on their own merits and we would not want to see blanket agreement to any such proposals. E.g. the administration by Scottish local authorities of the Scottish Welfare Fund seems to work (where hard pressed austerity limited staffing resources allow) reasonably quickly and effectively.

**Q: Should any aspect of social security be delivered by others such as the 3rd sector, not for profit organisations, social enterprises or the private sector?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

As stated above in the Basic Principles section, we would want the Scottish Social Security system to hold that public services should be delivered by public bodies. We are concerned that 3rd sector and not for profit organisations often deliver services for local authorities on the basis of lowest cost – this is not effective when low costs are borne by low paid staff on poor and insecure conditions compared with colleagues in the public sector.

**4. Equality and low income**

**Q: How can the Scottish Government improve its partial EqIA so as to produce a full EqIA to support the Bill?**

These prompts could be helpful in framing your answer:

* What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?
* What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that any implications for those on low incomes are fully taken into account?
* Are there equality considerations for individual benefits that you would like to draw to our attention?
* Are there considerations about individual benefits for those on low incomes that you would like to draw to our attention?
* What are your views on how we can best gather equality information for the new Scottish benefits?
* What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?
* What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

Please specify below

**5. Independent advice and scrutiny**

**Q: Do you think that there is a need for an independent body to be set up to scrutinise Scottish social security arrangements?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

A standing parliamentary committee involving nominated representatives from user and carer organisations could enhance the scrutiny of Government.

**Q: If you agree, does the body need to be established in law or would administrative establishment by the Scottish government of the day be sufficient?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Enshrinement in law provides a better guarantee of power and usefulness. |

**Q: If yes, what practical arrangements should be made for the independent body (for example, the law could state how appointments to it are made and the length of time an individual may serve as a member of the body)?**

|  |
| --- |
| The parliamentary committee should involve:  The responsible Minister  2 MSPs from the governing Party  1 MSP from each parliamentary group  3 STUC representatives (representing local authority, health and civil service sectors)  3 User representatives (representing carer and user groups determined by the Scottish Council of Voluntary Organisations)  1 Cosla representative (an elected Councillor)  Advisory (non-voting) members from Health and Civil Service sectors  Members should serve for a maximum of the life of a parliament and should be subject to recall and change by nominating organisations if required.  The committee should meet monthly during parliamentary session. |

**Q: Should there be a statutory body to oversee Scottish social security decision making standards?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| If principles are enshrined in law, recourse to legal process should be facilitated once normal appeal processes are exhausted. |

**Q: If yes, should this be a separate body in its own right?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain your answer |

**Q: Do you have any other views about the independent scrutiny of social security arrangements in Scotland (e.g. alternative approaches)?**

|  |
| --- |
| Please specify below |

**PART 2: THE DEVOLVED BENEFITS**

**6. Disability Benefits** (Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severed Disablement Allowance and Industrial Injuries Disablement Benefit)

**Q: Thinking of the current benefits, what are your views on what is right and what is wrong with them?**

**Disability Living Allowance (DLA)**

|  |
| --- |
| What is right with DLA? |

|  |
| --- |
| What is wrong with DLA? |

**Personal Independence Payment (PIP)**

|  |
| --- |
| What is right with PIP? |

|  |
| --- |
| What is wrong with PIP?  As with what is left of DLA and AA, PIP success often depends on the articulateness or otherwise of the claimant (or their advocate if they are lucky enough to have one) and their ability to complete a form competently and to their advantage. That is not right or just and results in anomalies and inequalities. Variance is also reported with the expertise or otherwise of the medical assessor. Some of the questions in the PIP questionnaire are insulting and tell little about the extent of disability e.g. can you lift a cardboard box? Assessment should be based on how someone is on their worst day not on how they present on the day of assessment. |

**Attendance Allowance (AA)**

|  |
| --- |
| What is right with AA? |

|  |
| --- |
| What is wrong with AA? |

**Q: Is there any particular change that could be made to these disability benefits that would significantly improve equality?**

|  |
| --- |
| We would recommend that the individual concerned, NHS and social care staff, professional and unpaid carers should be central to the assessment process. |

We want to make sure that the process is clear and accessible from start to finish, and that people claiming devolved benefits understand how and when their claim will be dealt with.

**Q: In relation to the above how should the new Scottish social security system operate in terms of**:

* A person applying for a disability related benefit
* The eligibility criteria set for disability related benefits
* The assessment/consideration of the application and the person’s disability and/or health condition
* The provision of entitlements and awards (at present cash payments and the option of the Motability Scheme)
* The review and appeal process where a person isn’t content with the outcome

|  |
| --- |
| Culture needs to change in order to effectively challenge the prevailing one of benefit claimants being regarded widely as scroungers and cheats – this promotes hate crime and prejudice at all levels including government ones. If the Scottish Government are serious about promoting equality and inclusiveness, then they need to start from the premise of believing claimants when they give an account of their disabilities and illnesses, and the effect on their lives.  This culture change should permeate all assessment, decision making and appeal processes. |

**Q: With this in mind, do you think that timescales should be set for assessments and decision making?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Decisions should be made within two weeks of receipt of claim and staffing and other resources should be put in place to enable this. |

**Q: What evidence and information, if any, should be required to support an application for a Scottish benefit?**

|  |
| --- |
| As already stated the SSP believe that claimants, health and social care professionals, and professional and unpaid carers should be central to the claim process. |

Who should be responsible for requesting this information?

|  |
| --- |
| If the claimant is unable to provide this for themselves the assessor should request such information from health and social care agencies. |

Who should be responsible for providing it?

|  |
| --- |
| This might vary but could include the GP, social worker, NHS nurse, support agency, carer (paid or unpaid) and of course the individual themselves. |

|  |
| --- |
| Such a process will provide evidence to assess the value of claims. It shouldbe based not just on tickbox questionnaires but an evaluation of the hard information provided. |

**Q: Should the individual be asked to give their consent (Note: consent must be freely given, specific and informed) to allow access to their personal information, including medical records, in the interests of simplifying and speeding up the application process and/or reducing the need for appeals due to lack of evidence?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| If no, please explain why |

**Q:** **If the individual has given their permission**, **should a Scottish social security agency be able to request information on their behalf?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| If no, please explain why |

**Q: Do you agree that the impact of a person’s impairment or disability is the best way to determine entitlement to the benefits?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| All aspects of an individual’s life and circumstances. |

|  |
| --- |
| If no, how do you suggest entitlement is determined? |

**Q: Currently there are only special rules for the terminally ill but should there be others?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |
| How could this be determined? |

**Q: What do you think are the advantages and disadvantages of automatic entitlement?**

|  |
| --- |
| Please specify below |

**Q: Would applicants be content for their medical or other publicly-held records, for example, prescribing and medicines information or information held by HMRC, to be accessed to support automatic entitlement where a legal basis existed to do this?**

|  |
| --- |
| Please specify below |

**Q: Do you agree that the current UK-wide PIP and AA process for supporting people with terminal illnesses is responsive and appropriate?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| If yes, should this approach be applied to all disability-related benefits for people with a terminal illness? |

|  |
| --- |
| If no, how could the approach could be improved? |

**Q: Should there be additional flexibility, for example, an up-front lump sum?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain your reasons |

**Q: In the longer term, do you think that the Scottish Government should explore the potential for a consistent approach to eligibility across all ages, with interventions to meet specific needs at certain life stages or situations?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: What would the advantages and disadvantages of a single, whole-of-life benefit be?**

|  |
| --- |
| Please specify below |

**Q: Could the current assessment processes for disability benefits be improved?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Please explain how |

**Q: For those people that may require a face-to-face assessment, who do you think should deliver the assessments and how?**

For example, private organisation, not-for-profit organisation, public sector body or professional from health or social care.

|  |
| --- |
| Appropriately fully qualified and trained Doctors and other assessors directly employed in the public sector. This should not be added to the existing workloads of professionals in the health and social care sectors, but assessors should be working in tandem with these professionals. Assessments must NOT be made by assessors trained only for this task. |

**Q: What are the advantages and disadvantages of different types of assessments?**

e.g. paper based, face-to-face, telephone

|  |
| --- |
| Face to face assessments can help avoid discrimination against those unable to complete forms competently and articulately |

**Q: How could the existing assessment process be improved?**

|  |
| --- |
| Please specify below |

**Q: Could technology support the assessment process to promote accessibility, communication and convenience?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: If yes, please explain what technology would be helpful**

e.g. Skype, video conferencing

|  |
| --- |
| Please specify below |

**Q: If the individual’s condition or circumstances are unlikely to change, should they have to be re-assessed?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: What evidence do you think would be required to determine that a person should / or should not be reassessed?**

|  |
| --- |
| Please specify below |

**Q: Who should provide that evidence?**

|  |
| --- |
| Please specify below |

**Q: Do you think people should be offered the choice of some of their benefit being given to provide alternative support, such as reduced energy tariffs or adaptations to their homes?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Choice should be integral to the system. |

|  |
| --- |
| What alternative support do you think we should be considering? (Please specify below) |

**Q: Would a one-off, lump sum payment be more appropriate than regular payments in some situations**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain the reason for your answer |

|  |
| --- |
| If yes, what are they? |

**Q: What would be the advantages and disadvantages of such an approach?**

|  |
| --- |
| Please specify below |

**Q: Should the new Scottish social security system continue to support the Motability scheme?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: How could the new Scottish social security system support older people with mobility problems not eligible for a mobility allowance?**

|  |
| --- |
| Please specify below |

**Q: How could the new Scottish social security system better support people of all ages with mobility problems who are in receipt of a mobility allowance?**

|  |
| --- |
| Please specify below |

**Q: What kind of additional support should be available for people who need more help with their application and during assessment?**

|  |
| --- |
| Please specify below |

**Q: How could disability benefits work more effectively with other services at national and local level assuming that legislation allows for this** e.g. with health and social care, professionals supporting families with a disabled child.

|  |
| --- |
| The administering agency should be based in localities so that effective and user friendly liaison structures can be created. The present practice of administering fundamental benefits through systems that can only be accessed through call centres that move about the UK from one day to the next is incompatible with user friendly benefit administration. |

**Q: How do you think this might be achieved?**

|  |
| --- |
| Please specify below |

**Q: What are the risks?**

|  |
| --- |
| Please specify below |

**Q: If DLA and PIP help meet the additional costs of disability, what is the role of Industrial Injuries Disablement Benefit (IIDB) and its supplementary allowances (Constant Attendance Allowance, Reduced Earnings Allowance etc) in the benefits system?**

|  |
| --- |
| Please specify below |

**Q: In addition to the issues set out at page 47 of the consultation, please tell us:**

|  |
| --- |
| **What is right with the IIDB scheme?** |

|  |
| --- |
| **What is wrong with the IIDB scheme?** |
| Please explain your answer |

**Q: Should different approaches be taken for people with life limiting conditions compared to people with less severe conditions?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| What would be the advantages or disadvantages of such an approach? |

**Q: Are there situations where a one off lump sum payment would be more appropriate than a regular weekly IIDB benefit payment?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| What are they, and why? What would be the advantages and disadvantages of such an approach? |

**Q: Should the Scottish Government seek to work with the UK Government to reform the IIDB scheme?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| If yes, what should the priorities be? What barriers might there be to this approach? |

**Q: Do you agree with the Scottish Governments approach to Severe Disablement Allowance?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**7. Carers Allowance**

**Q: Do you agree with the Scottish Government’s overall approach to developing a Scottish Carer’s Benefit?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
|  |

**Q: Do you agree with our proposed short to medium term priorities for developing a Scottish carer’s benefit?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Carers often work 60 hours a week or more saving the government an estimated £10 billion a year in unpaid care. The SSP believes that all carers, from age 16, should be paid the TUC Living Wage level of £10 per hour based on a 40 hour week minimum. A commitment to challenge the notion that a carer’s job is essentially a woman’s domestic role will require matching the words of Government in this respect with deeds. |

**Q: How can we improve the user experience for the carer (e.g. the application and assessment process for carer’s benefit)?**

|  |
| --- |
| Please specify below |

**Q: Should the Scottish Government offer the choice of exchanging some (or all) of a cash benefit for alternative support (e.g. reduced energy tariffs)?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Real choice should be integral to the system. |

**Q: What alternative support should be considered?**

|  |
| --- |
| Please specify below |

**Q: How can we achieve a better alignment between a future Scottish carer benefit and other devolved services?**

|  |
| --- |
| The SSP are concerned that support services for carers and the people they look after are now almost solely provided through voluntary/third sector agencies. We would like to see a commitment to bring these back into the public sector so that they can be delivered through accountable and properly funded staff working on the best terms and conditions that reflect the value of the work they do.  We would also like to see an accompanying commitment to a guaranteed 14 nights a year respite for all carers – or the equivalent hours according to their needs. A guaranteed choice of an alternative of day centre provision should be offered in all cases. All carers of children in receipt of the higher rate of DLA should be offered 4 weeks respite a year. |

**Q: Do you agree with our proposed long term plans for developing a Scottish Carer’s Benefit?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| Long term objectives cannot be limited to changing the definition of a carer. They should include a commitment to work towards payment of a Living Wage to carers. |

**Q: Do you have any other comments about the Scottish Governments proposals for a Scottish Carer’s Benefit?**

|  |
| --- |
| The SSP would like to see a commitment to support for Young Carers and are disappointed that there are no proposals within the consultation for such support. The support that exists varies considerably between localities and such a postcode lottery is unacceptable. This requires a recognition within Education of the pressures on young carers. It also requires funding for the statutory appointment of Young Carers support worker in every secondary school whose services should be offered to every identified young carer in order to assist them with choice of employment and continued education. |

**8. Winter Fuel and Cold Weather Payments**

**Q: Do you have any comments about the Scottish Government’s proposals for Winter Fuel and Cold Weather Payments?**

|  |
| --- |
| We note from the consultation document that less than half of those eligible for cold weather payments received them and that this seems a small figure compared to those unable to afford to heat their homes in cold weather. Whilst we would not want to remove the cold weather payment system until research has demonstrated a better alternative, we would put an emphasis on increasing the winter fuel payment.   * Doubling the allowance for senior citizens * Extending it to the unemployed, low paid and students   The scourge of fuel poverty requires drastic action due to our climate in Scotland and our policies to tackle this include:   * Doubling current investment in home insulation schemes * Taking the energy industry back into democratic public ownership with progressive distribution of profits |

**Q: Could changes be made to the eligibility criteria for Cold Weather Payments? For example, what temperature and length should Cold Weather Payments be made on in Scotland?**

|  |
| --- |
| Please specify below |

**9. Funeral Payments**

**Q: Proposals for Funeral Payment: What should the benefit cover?**

|  |
| --- |
| Please specify below |

**Q: Which of these elements do you think should be paid for by the Funeral Payment?**

|  |  |  |
| --- | --- | --- |
|  | YES | NO |
| Professional funeral director fees – advice and administration etc. | X |  |
| Removal or collection of the deceased | X |  |
| Care and storage of the deceased before the funeral | X |  |
| Coffin | X |  |
| Hearse or transport of the deceased | X |  |
| Limousines or other car(s) for the family | X |  |
| Flowers | X |  |
| Death notice in a paper/local advertising to announce details of funeral (time and location) | X |  |
| Fees associated with the ceremony e.g. for the minister or other celebrant | X |  |
| Order of service sheets | X |  |
| Catering for wake/funeral reception | X |  |
| Venue hire for a wake/funeral reception | X |  |
| Memorial headstone or plaque | X |  |
| Travel expenses to arrange or attend the funeral | X |  |

**Q: Are there other elements that you think should be included or explicitly excluded?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| The cheapest funeral currently costs £3,400. But Funeral Payment by the DWP has been halved, leaving the poorest , at their most vulnerable moments in life, faced with demands for a bill of £1700, hounded by funeral directors and others.  SSP want restoration to at least the full cost of a basic funeral - £3400.  Those currently eligible to the Funeral Payment excludes many on low incomes, in particular low paid workers.  The SSP wants the criteria for those eligible to be widened. As an immediate, interim measure this could include all those on Working Tax Credit.  The present 3 months deadline for claims is not sufficient at such a traumatic time in people's lives. In some cases people only qualify for Funeral Payment AFTER the death of a loved one, due to changes in eligibility for other benefits, which takes time to determine. We want this to be extended to at least 6 months. |

**Q: How can we improve the process for identifying whether someone is responsible for the funeral and should receive the funeral payment?**

|  |
| --- |
| See above – the scheme should be extended immediately to those in receipt of Working Tax Credit whilst research and further consultation is conducted into widening the scheme. |

**Q: In terms of the Scottish Funeral Payment, are there any qualifying benefits (e.g. Pension Credit) that you would add to or take away from the current qualifying benefit list?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| See above. |

**Q: Is the three month application window for a Funeral Payment sufficient time for claimants to apply?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| See above – extend to six months. |

**Q: What are your views on the options for speeding up and simplifying the payment?**

|  |
| --- |
| Broadening the universality off the Funeral Payment Scheme should make administration easier and faster. |

**Q: The other funds which are deducted from the DWP funeral payment are listed below. What sorts of funds do you think it is appropriate to deduct from a Scottish FP?**

|  |  |  |
| --- | --- | --- |
|  | YES | NO |
| Funds in the deceased’s bank account |  | X |
| Funeral plan/insurance policy | X |  |
| Contributions from charities or employers | X |  |
| Money from an occupational pension scheme |  | X |
| Money from a burial club | X |  |

**Q: Are there any other funds that you think are appropriate to deduct?**

|  |
| --- |
| Please specify below |

**Q: Which services should promote awareness of the funeral payment to ensure that claimants know about it at the relevant time?**

|  |
| --- |
| The SSP believe that the burden on the poor of paying for funerals should pass to the state so that everyone can expect a minimum but reasonable standard to dispose of their remains and celebrate their lives in their passing. Funerals should not be a symbol of the inequalities that have blighted the lives of the deceased and those they leave behind. This should be promoted as a basic standard by all state agencies – health, social services and benefit administration. |

**Q: Are there any other points that you would like to raise in connection with the new Scottish Funeral Payment?**

|  |
| --- |
| Please specify below |

**10.** **Best Start Grant**

**Q: What are your views on who should receive the Best Start Grant (BSG)?**

|  |
| --- |
| Please specify below |

**Q: Should we continue to use the same system to determine who is responsible for a child for the purposes of the BSG application?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: Do you agree that each of the three BSG payments should only be made once for each child?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| If no, what exceptions would you make to this rule? |

**Q: Should we continue to use the same method as the SSMG to determine whether a child is the first child in a household?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

|  |
| --- |
| **If no, what alternative method should we use?** |

**Q: Do you agree that we should retain the requirement to obtain advice from a medical professional before making a maternity payment?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain your answer |

**Q: Are there other points during the first five years of a child’s life when families face greater pressure than at the start of nursery (other than birth and the start of school)?**

|  |
| --- |
| Please specify below |

**Q: What are your views on defining ‘the start of nursery’ as the point of entitlement to a funded early learning and childcare place, for the purposes of making the second payment?**

|  |
| --- |
| Please specify below |

**Q: Are there any particular issues related to the nursery payment that you think we should consider?**

|  |
| --- |
| Please specify below |

**Q: Are there any particular issues related to the school payment that you think we should consider?**

|  |
| --- |
| Please specify below |

**Q: Should the school payment be payable to all eligible children who begin primary school for the first time in Scotland, or should an upper age limit be included?**

|  |
| --- |
| Please specify below |

**Q: What are your views on our proposals in relation to the BSG application process?**

|  |
| --- |
| Please specify below |

**Q: What are your views on establishing an integrated application process for the BSG and Healthy Start?**

|  |
| --- |
| Please specify below |

**Q: What are the advantages and disadvantages of this approach?**

|  |
| --- |
| Please specify below |

**Q: Would the option to receive items rather than a cash payment as part of the BSG have benefits?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: Which services should promote awareness of the BSG to ensure that claimants know about it at the relevant time?**

|  |
| --- |
| Please specify below |

**11. Discretionary Housing Payment**

**Q: Could the way that Discretionary Housing Payments (DHPs) are currently used be improved?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| By definition this is discretionary, which leads to a post code lottery, with wide variations on payments between different local authorities. There is no consistency on who gets DHP from one local authority to the next.  Tighter regulations by the Scottish government on the amounts paid in different specified circumstances need to be investigated, concretised and implemented - with the same rates of payment for the same criteria across every local authority.  DHP needs to be adequately funded, so local authorities don't spend it all on mitigating impact of the bedroom tax at the expense of preventing other payments for other circumstances facing tenants.  Additionally, caps on rents in both the social and private sector need to be devised, rather than tenants facing the punishment of the current Local Housing Allowance and bedroom tax systems. (Both of which the SSP wants abolished for all tenants).  Currently, DHP payments for the bedroom tax are awarded for 12 months and then reviewed annually, with any changes of circumstances calculated.  In contrast, all other DHP is paid in blocks of 6 months, often with 2/3 months of back-payments, then only leaving 3/4 months before the next assessment.  The payment system should be equalized upwards, to a one-year award, reviewed annually. |

**Q: Could the administration of DHP applications be improved?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| See above |

**Q: Does the guidance for local authorities on DHPs need amending?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| As outlined above, there needs to be consistency in application across local authorities to end the current post code lottery – this requires clearer Scottish Government guidance and increased funding. |

**12. Job Grant**

**Q: What should the Scottish Government consider in developing the Job Grant?**

|  |
| --- |
| Please specify below |

**13. Universal Credit flexibilities**

**Q: Should the choice of managed payments of rent be extended to private sector landlords in the future?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| The SSP are in favour of a benefits system that makes life easier for those in receipt rather than one based on a ‘workhouse’ type system of punishment as a deterrent to claiming and an incentive to accept any type of work. However, as stated in the section on DHP, there needs to be a cap on rents in both the social and housing sectors so that rent payment is not just a means of making enormous profit on provision of what should be a basic human right. We would like to see a reversal on the present trend of an increasing reliance for housing on the private rented sector and this can only be achieved by an increase in the provision of housing for rent by the public and not for profit sectors. |

**Q: Should payments of Universal Credit be split between members of a household?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

If Yes, please indicate if you think the default position should be:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a) automatic payments to individuals, with the option to choose a joint payment  (please tick one box)   |  |  | | --- | --- | | **Yes** |  | | **No** |  |   b) automatic household payments, with the option to choose individual payments?  (please tick one box)   |  |  | | --- | --- | | **Yes** |  | | **No** |  | |

**If Yes, how do you think payments should be split? For example 50/50 between members of a couple or weighted towards the person who is the main carer if the claim includes dependent children?**

|  |
| --- |
| Please specify below |

**Q: Do you have any other comments about how the Scottish Government’s powers over Universal Credit administrative flexibilities will be delivered?**

|  |
| --- |
| See comments at the head of this section. The administration of benefits that pay towards rent costs cannot be separated from the desperate need for provision of more housing in the public sector. |

**Q: Do you have any comments about the Scottish Government’s powers over the housing element of Universal Credit?**

|  |
| --- |
| See comments at the head of this section. The administration of benefits that pay towards rent costs cannot be separated from the desperate need for provision of more housing in the public sector. |

**PART 3: OPERATIONAL POLICY**

**14. Advice, representation and advocacy**

**Q: What role[s] should publicly funded advice providers play in the development of a new Scottish social security system?**

|  |
| --- |
| The SSP are concerned that cuts in local government funding, including those which pre-date the 2008 Banking Collapse and implementation of ‘Austerity’ policies, have undermined and in some cases eradicated the services provided by Welfare Rights Officers based in Scottish Local Authorities. Those that remain are often focused solely on maximising income for service users in order that charges for services such as homecare can be made. WROs were regarded in previous years as important in tackling poverty in localities and empowering the underprivileged. Their work often complimented that of LA employed community workers who aided and promoted collective user based groups. We would recommend a commitment to reinvigorate such local authority services and not leave them to the insecurities and vagaries of third sector service delivery. |

**Q: What steps need to be taken, to understand the likely impact of the transfer of the devolved benefits on publicly funded advice in Scotland?**

|  |
| --- |
| Please specify below |

**Q: How could the transfer of the devolved benefits to Scotland be used to drive improvements in the provision of publicly funded advice?**

|  |
| --- |
| Please specify below |

**Q: Do you think that Independent Advocacy services should be available to help people successfully claim appropriate benefits?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| ‘Independent’ need not imply third sector voluntary organisation: whilst some worthy examples exist there is no reason why such services cannot be provided from within the public sector by securely and properly re-numerated and employed welfare rights officers based in a network of local money advice centres. This will require increased government funding but as the target will be uptake on unclaimed benefits, the benefits to local communities will outweigh the costs. |

**Q: What next steps would you recommend that would help the Scottish Government better understand the likely impact of the transfer of the devolved benefits on independent advocacy services?**

|  |
| --- |
| Please specify below |

**15. Complaints, reviews and appeals**

**Q: Do you agree that we should base our CHP on the Scottish Public Services Ombudsman’s ‘Statement of Complaints Handling Principles’?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: How should a Scottish internal review process work?**

|  |
| --- |
| Please specify below |

**Q: What would be a reasonable timescale for the review to be carried out?**

|  |
| --- |
| Please specify below |

**Q: Should a tribunal be used as the forum for dispute resolution for the Scottish social security system?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| As stated earlier in this response the SSP believes that a legally based social security system should facilitate recourse to legal remedy when other channels have been exhausted. |

**Q: If no, are there any alternative methods of dispute resolution that you think would be preferable to a tribunal?**

|  |
| --- |
| Please specify below |

**Q: How can we ensure that our values underpin the appeals process for a Scottish Social Security agency?**

|  |
| --- |
| Please specify below |

**Q: Are there any other values that you feel should be reflected in the design of the appeals process?**

|  |
| --- |
| Please specify below |

**Q: What do you consider would be reasonable timescales to hear an appeal in relation a decision on a devolved benefit?**

|  |
| --- |
| Please specify below |

**Q: In order to ensure a transparent appeals process, what steps could be taken to ensure that those appealing fully understand and are kept informed at each stage of the appeals process?**

|  |
| --- |
| Please specify below |

**Q: How could the existing appeals process be improved?**

|  |
| --- |
| Please specify below |

**16. Residency and cross-border issues**

**Q: Should Scottish benefits only be payable to individuals who are resident in Scotland?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain why |

**Q: What are your views on the ‘habitual’ residence test currently used in the UK by DWP?**

|  |
| --- |
| Please specify below |

**Q: Are there other issues that the Scottish Government should take into account when it comes to residency rules?**

|  |
| --- |
| Please specify below |

**Q: What factors should Scottish Government consider in seeking to coordinate its social security system with other social security systems in the UK?**

|  |
| --- |
| Please specify below |

**Q: How can the Scottish Government ensure that no-one either falls through the cracks or is able to make a ‘double-claim’?**

|  |
| --- |
| Please specify below |

**17. Managing overpayments and debt**

**Q: Could the existing arrangements for recovering social security overpayments be improved in the new Scottish social security system?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| Overpayment and debt should not be used as a means to punish and impoverish the poor. Repayment levels should be agreed at a face to face meeting between the claimant, their advocate and the agency seeking repayment, and not simply be subject of administrative decision making processes. |

**Q: What are your views on the role that financial advice can play in the recovery of overpayments?**

|  |
| --- |
| Please specify below |

**18. Fraud**

**Q: Should the existing Scottish Government approach to fraud be adopted for use in our social security system?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| The present emphasis on ‘fraud’ should not be replicated in a Scottish system that does not punish the poor for being disadvantaged and without means. 75% of the present resources used for benefit fraud investigation should be transferred to funding money advice centres as proposed earlier in this response. |

**Q: If yes, should our existing counter-fraud strategy be adapted in any way?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain your answer |

**Q: How could the new Scottish social security system ‘design out’ errors and reduce the potential for fraud at the application stage?**

|  |
| --- |
| Please specify below |

**Q: Should the Scottish social security system adopt DWP’s existing code of practice for investigators?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| The present system is based on a political view that seeks to penalise individual who are forced by circumstance and poverty to claim benefits. A Scottish system should be based on values of rights, justice and the eradication of inequalities. |

**Q: What are your views on the existing range of powers granted to investigators?**

|  |
| --- |
| Please specify below |

**Q: What are your views on conducting interviews under caution?**

|  |
| --- |
| Please specify below |

**Q: What improvements could be made around conducting interviews under caution?**

|  |
| --- |
| Please specify below |

**Q: Should the Scottish Government retain the same list of offences which people can be found guilty of in terms of social security fraud?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| See earlier responses in this section. |

**Q: Should the Scottish Government impose the same level of penalties for social security fraud as are currently imposed?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** | **X** |

|  |
| --- |
| See earlier responses in this section. |

**19.** **Safeguarding your information**

**Q: Should the existing Scottish Government approach to Identity Management and Privacy Principles be adopted for use in our social security system?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain your answer |

**Q: If yes, should our existing Identity Management and Privacy Principles be adapted in any way?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** |  |
| **No** |  |

|  |
| --- |
| Please explain how |

**Q: Who do you consider should be consulted in regard to the Privacy Impact Assessment and what form would this take?**

|  |
| --- |
| Please specify below |

**Q: What are your views on privacy issues that may affect the new agency?**

|  |
| --- |
| Please specify below |

**Q: Do you perceive any risks to the individual?**

|  |
| --- |
| Please specify below |

|  |
| --- |
| If Yes, What solutions might be considered to mitigate against these? |

**Q: Would you support strictly controlled sharing of information between public sector bodies and the agency, where legislation allowed, to make the application process easier for claimants?** For example, this information could be used to prepopulate application forms or to support applications, reducing the burden on applicants.

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| IT systems should make the sharing of information that might assist the processing of claims easier. However information sharing should always be based on the informed consent of the claimant. |

**Q: Would you support strictly controlled sharing of information between a Scottish social security agency and other public sector organisations (for example local authorities) to support service improvements and deliver value for money?**

(please tick one box)

|  |  |
| --- | --- |
| **Yes** | **X** |
| **No** |  |

|  |
| --- |
| See above. |

**Q: What are your views on having the option to complete social security application forms online? Can you foresee any disadvantages?**

|  |
| --- |
| This should be an option and not a requirement. |

**Q: What are your views on the new agency providing a secure email account or other electronic access to check and correct information for the purposes of assessing applications (noting that any such provision would need to be audited and regulated so that the security and accuracy of the information would not be compromised)?**

|  |
| --- |
| Please specify below |

**20. Uprating**

**Q: What are your views on the best way to ensure that devolved benefits keep pace with the cost of living?**

|  |
| --- |
| Devolved benefits should be reviewed annually (up the way only) on the basis of RPI |

**Q: Are there any devolved benefits in particular where uprating based on a measure of inflation would not be effective?**

|  |
| --- |
| If so, please explain which benefits and why |