



A Social Security System for Scotland

The UNISON Scotland submission to the Scottish Government
Consultation on a Social Security System for Scotland

Oct 2016

UNISON represents over 150 000 workers providing public services in Scotland. Our members work across public, private and voluntary sectors. Some of this work is directly related to the Social security system - for many others the way the Social security system operates has a direct bearing on their working lives. We therefore welcome this opportunity to contribute to the development of a Contribution

The scope of the consultation goes beyond matters about which UNISON has a defined policy – therefore not all of the topics included in the consultation will be addressed. It is also the case that the matters under consideration are often complex matters of policy and we believe not always open to a ‘please tick yes/no approach as we are invited to do on 57 occasions over the course of the consultation, so this response is not following the form prescribed on The Scottish Government website

The Principled Approach

We agree that it will be useful to embed principles in the legislation. We believe that the best way to do this is the obvious one of writing them into the legislation rather than in the form of a “A Claimants Charter” . There are a number of reasons for this. Firstly it is wrong to treat legislation on social security as being different from other legislation, which is generally unencumbered by such adornments even when dealing with fundamental rights. There is the unwelcome fact that existing social security legislation is often very complex indeed, it would we believe an error to add in a complicating factor such as ‘a charter’ when what should be aimed for is more straightforwardness.

There are two other objections to placing a ‘Claimants Charter’ in legislation. The first is that the social security system is there for all citizens to rely on and benefit from, not merely ‘claimants’. Also the idea of a claimants charter helps perpetuate the notion that benefits or entitlements should always have to be claimed – rather than for example being issued because of need / or right.

We believe the duty of to abide by the principle that claimants should be treated with dignity and respect should be placed with Scottish Ministers rather than the wider ‘Scottish Government’ responsibility far less a ‘Social Security Agency Chief Executive’. This will allow for the greatest level of accountability.

Whilst we support the outcomes that the Scottish Government aspires to in devising a Social security system (p17) there is at times a confusion of principle (eg dignity) and method (eg service integration). We would caution the government to avoid carrying this approach into legislation. Partly this is to allow any resulting system to have enough flexibility to adapt in differing circumstances. This will also help in avoiding the often bewildering complexity of much current social security legislation.

One surprising omission to the desired outcomes is the locality of the service. How accessibility is to be defined isn’t specified and this could be interpreted to be referring only to overcoming communication difficulties. We believe that there should be an explicit commitment to geographic accessibility included as an outcome.

Communication with service users should be tailored to both the nature of the information being communicated, the individual user and the nature of the information being communicated. For example reminders about appointments are suitable for text messages in a way that say decisions about benefit appeals are not. The guiding principles should be those of dignity and respect.

We are strongly in favour of a Scottish Social security system being designed using with users using a co-production approach. To fully utilise this method however would involve using experience of staff in public services who are currently engaged with social security system. In particular the experience of local government staff who administer Housing Benefit, Social work Staff and Welfare Rights Officers.

The Scottish Government's concern with the language to be used as part of the Social Security system is commendable. Much can and doubtless will be written about this. Our chief observation is that the term 'customer' should be avoided at all times. People are accessing social security because they have a right to as citizens. The term 'customer' is not adequate to describe this relationship. Being a customer is voluntary, contingent and allows for the possibility of exit from the relationship if it no longer suits.

More fundamentally whether those using the system are 'claimants' 'users' or 'customers' and whether they are receiving 'benefits', 'entitlements', or 'Citizens Supplements' or whether they receive information via email text or in person; the crucial factor is how much money people are receiving. If these are not set at a sufficiently high amount, no level of semantic sensitivity or personalised user friendly service will allow for the system to meet principles of dignity and respect.

Delivering Social Security in Scotland

We do not think that a Social Security Agency should deliver all benefits in Scotland. There is clearly a role for Local Government to be a significant, if not the main, body for the administration of Scottish benefits.

Councils have a long track record of administering Housing Benefit and so has staff and systems already in place. Local government also, almost by definition, have a nationwide network of staff, premises and facilities. This allows much greater scope for the provision of face to face services – which we feel is a vital component of any system which aims to put dignity and respect at its centre. Something which will be difficult if the Social Security Agency operates principally as several massive call centres remote from the communities they serve. In this regard the use of Local Government to administer the Scottish Social security system will reduce setup costs. If Local Government the administrator of benefits it allows for a greater opportunity to deliver a personalised cross cutting service as barriers to cooperation and joint working will be comparatively easier due to a fewer number of agencies being involved.

Whilst we believe the case for a significant role for local government is a strong one, whatever structure is arrived at we agree with the proposition that the aim should be to deliver social security through already available public sector services and organisations. We would argue that there should be no role for the private sector in the provision of social security.

Independent Advice and Scrutiny

There is a need for an independent body to be set up to scrutinise Scottish Social Security arrangements. Whilst we would hope Scottish Social Security legislation will avoid some of the issues of complexity and interpretation that bedevil matters at a UK level, much of it will perforce be secondary legislation and unlikely to receive much by way of Parliamentary scrutiny. This means that some sort of scrutiny body along the lines of the Social Security Advisory Committee will be essential. The establishment of this body should be part of the legislation – along with the commitment that it include representatives of service users and staff Trade Unions.

We agree that there should be a statutory body to oversee Scottish social security decision making standards. This is essentially an ombudsman type role although it is not self evident that the role should be allocated to the Scottish Public Service Ombudsman (SPSO). The role of the SPSO has expanded greatly in recent years and the pace of its decision making is arguably too slow for decisions around social security. Whether or not a new body is set up or this becomes the responsibility of the SPSO there is an unquestionable need for this role.

Devolved Benefits

It should not be the case that individuals must always have to make claims or applications in order to obtain benefits. For certain benefits the recommendation of a suitably qualified professional - medical, or social work say, should be sufficient criteria. As well as its administrative simplicity this will also help remove any claimant stigma and is likely to increase take up rates. It is also the case that certain conditions should be acknowledged as permanent and prompt lifetime awards without need for reassessment or reapplication.

In those circumstances where there is a need for face to face assessments we would argue that this be carried out by an appropriate public sector professional either employed by the Social security agency, Local Government, NHS or similar. We can see no role for, and much recent experience suggests there should not be, a role for the private sector here.

The time for assessments and decision making should be appropriately tight. It is very well attested that delays or interruptions in the payments of benefits can be what throws a family or individual into crisis. Suggesting an exact timetable for decision making is difficult before the precise nature of the system is known. It is perhaps worth noting though that the Scottish Government sets a target for the payment of invoices of ten working days – it is difficult to argue that actual citizens should have to wait longer for what is their due than corporate citizens. Any appeal or review system should also have a duty to be as rapid as possible. It should also have contained within it the opportunity for people to make case in person.

We would support the idea that over the longer term 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. This would meet with the application of the principles outlined for the system. They could also play a part in a more preventative approach to dealing with issues.

We would in general be sceptical of the idea that benefits should be paid in kind rather than cash. This would tend to reduce the potential for both empowerment and control on the part of those using the service. This also allows for the possibility of other perfectly reasonable social entitlements being subsumed within a benefit system rather than being considered as rights per se. The specific examples given – of adaptations to housing or lower fuel tariffs make this point. Adaptations to housing should be considered as part of any reasonable plan of care – rather than as a substitute payment for benefit, and there are other methods to tackle fuel poverty than diverting benefit payments.

Conclusion

The Scottish Government has declared that dignity, fairness and respect will be the guiding principles of their social security system we applaud this. These principles will be significantly easier to deliver if the system is both locally based and staffed at a level which allows for the proper consideration of individual circumstances. It is also the case that an increase in the amounts of benefits will also help deliver on these principles, however if this is to be done without impacting on other public services it will involve the Scottish Government using more of the other powers at its disposal , specifically those to raise tax.