

18-02-08 – FURTHER EVIDENCE FOR PETITIONS COMMITTEE FROM SUWN

The scale of the problem

The 2016 paper prepared by Sheffield Hallam University for the Scottish Social Security Committee, referenced in the briefing papers prepared for the Petitions Committee, calculated that by 2020-21 the direct impact of the welfare cuts in Scotland will total almost £2.2 Billion a year (http://www.parliament.scot/S5_Social_Security/General%20Documents/Sheffield-Hallam_FINAL_version_07.10.16.pdf, p10), which is 5% of the whole 2017-18 draft Scottish budget. However the 2017 Annual Report on the impact of Welfare Reform for the Scottish Government (<http://www.gov.scot/Resource/0052/00521895.pdf>) gives an even higher figure of around £3.9 Billion. We hope that the Scottish Government can enlighten us here! The latter report also notes (p7) that over half of this amount is due to policies restricting the uprating of benefits (especially policies passed by the coalition government). Pages 28 and 30 give a breakdown of this figure according to the different policy changes.

The impact of these losses is very unevenly distributed geographically, inevitably falling particularly hard on already poor areas. Glasgow will be the worst hit local authority overall, but West Dumbartonshire, North Ayrshire, Dundee, East Ayrshire and Inverclyde will suffer most in proportion to their populations (<http://www.gov.scot/Resource/0052/00521895.pdf>, p34). Help with benefits would put more money into the economies of these areas.

The current amount spent by the Scottish government in mitigating welfare cuts can be found here: <http://www.gov.scot/Publications/2017/06/6808/8>, however this doesn't give a figure for the non-ring-fenced sum transferred from Westminster to the Scottish Government in lieu of Council Tax Rebate. If we have understood this document correctly, the net outlay from the Scottish Government in 2017-18, taking this money into account, would be in the order of £150M a year.

We have argued strongly that inadequate spending on welfare has much more costly long-term consequences. These are very difficult to evaluate, but some idea of the scale of social disruption can be inferred from the growth in mental health problems among the unemployed (<http://www.independent.co.uk/news/health/cuts-mental-health-unemployed-rise-government-welfare-reforms-blamed-a7841941.html>).

Foodbank usage

In the 6 months from April to September 2017, the Trussel Trust alone gave out 77,000 food parcels in Scotland. More will have been given out by other foodbanks, and a huge number of households only survive by relying on help from family and friends.

Income Tax

The current proposals for alteration to the tax bands and rates are small. We need, and could have, much bigger changes. People have been persuaded by a biased media that they will all lose out, when most won't. It is easier to make these changes in the earlier years of a parliament so people have time to discover the truth.

Land Value Tax in place of Council Tax

Land Value Tax not only has the potential to be a much more progressive system, but it can also be used to limit land speculation and land banking. Here is the link to Andy Wightman's report for the Scottish Greens:

<http://www.andywightman.com/docs/LVTREPORT.pdf>

And here is his list of references: <http://www.andywightman.com/hot-topics/lvt>.

There have been various examples of LVT over the years (e.g. in Denmark, Estonia, and Australia), though these have generally been at quite low rates, making it difficult to isolate its impacts. There was a particularly striking example from Pennsylvania described in this 2016 report for the London Assembly (page 16):

https://www.london.gov.uk/sites/default/files/final-draft-lvt-report_2.pdf

Help for first time buyers

We made it clear that we don't want to see extra money for welfare raided from other vital services, such as council funding and decent pay for public sector workers, but we did point out one item in the draft budget that could and should be removed. When the UK Government introduced transaction tax cuts for first time house buyers, the Office for Budget Responsibility led the criticisms that the impact of this would be to push up house prices for all

(<https://www.ft.com/content/d20b286d-2429-3051-a0a5-abe35eb0ed95>). However this wasn't enough to stop the Scottish Government following suit with proposals for a similar scheme. There are strong and well-rehearsed arguments for not going ahead with this.

The Benefit Cap and Discretionary Housing Payments

Benefits are designed to just cover basic needs. If a household's benefits are high this reflects higher needs. If their benefit is then capped at a set maximum amount, it will no longer be enough for basic needs, which doesn't make sense. When benefits are capped, people's housing benefit is no longer enough to cover their rent.

In August 2017 the Scottish Greens produced a report on the impact of the Benefit Cap:

<https://greens.scot/sites/default/files/Benefit%20Cap%20Final%2030%20Aug.pdf>.

This found that the new lower cap was currently affecting 3,700 households, including 11,000 children. 2/3 of these were single parent households, and only 17% were on JSA and looking for work (making a mockery of the claim that the Cap would encourage reluctant job-searchers). On average these households stood to lose almost £3000 a year before mitigation. For 2017/18, the Scottish Government

estimates that the Cap will cause a total reduction in benefit of £11m, but they have only budgeted an extra £8m for Discretionary Housing Payments to help mitigate this.

Already people are having problems. There are numerous families in Edinburgh who have been refused DHP, been given insufficient DHP, or been awarded DHP for a while and had it removed. This is leading to evictions and to families being placed in B and Bs. Last June, when mums and kids protested at Ruth Davidson's office, at least 11 families, including 42 children, faced eviction from their privately rented homes in North Edinburgh. One mother told the *North Edinburgh News*:

“There isn't a worse feeling in the world when you have to pack all your belongings into bags and you know your kids are leaving their home for the last time. How can you explain something like this to bairns? These cuts are cruel – there's no other way to describe them.”

<http://nen.press/2017/06/08/mothers-protest-against-cruel-cuts/>

In January, protestors demonstrated outside one of the homeless hostels where evicted families are being dumped. Edinburgh Coalition Against Poverty (ECAP) reported:

Children are being traumatised by staying in Abbots House. Many rooms have no bathroom and parents report their children are scared to walk down the corridor and use a shared bathroom which has no lock. Abbots House residents told the protesters how they had no proper cooking facilities, no laundry facilities, no access to a fridge. It is against the law for families to be put in such homeless B&B's for more than seven days. But one family has just been told they will be in Abbots House for 6 – 8 weeks!

One family had been split up as the children were petrified.

Another family was evicted in the week that we appeared before the Petitions Committee. They have 3 kids under 7.

Scotland has led the way with recognition of the right to housing. Full funding of housing benefit is needed to ensure that right is respected, and this has to be offered automatically to ensure it is taken up. Full funding would be a relatively small extra cost – especially compared to the much greater costs of housing homeless families. And that's before we even consider the human and financial cost of the long term impacts of homelessness on families and children.

These issues were raised with the Minister for Social Security in a letter from ECAP and other campaigning groups dated 30 November 2017, but, despite the

fundamental importance of decent secure housing, the response makes it clear that the Scottish Government doesn't regard full help through DHP as a priority. It also pushes responsibility back to the local authorities, which, in light of the huge pressures on council funding, isn't helpful. (See letters in appendix A)

Extra money for Child Benefit

An extra supplement to Child Benefit has been deemed to be the most efficient way to address child poverty and to help with falling real benefit levels across the board, as a result of years of restrictions on uprating.

Around ¼ of Scottish children live in poverty. End Child Poverty charts how this is distributed. <http://www.endchildpoverty.org.uk/more-than-half-of-children-now-living-in-poverty-in-some-parts-of-the-uk/>. While most of the very worst places are in England – and this in part reflects the help already given by the Scottish Government - 47% of children in Calton are below the poverty level, and 34% in Glasgow as a whole.

The case for an additional £5 supplement on Child Benefit has been made by the 'Give Me Five' campaign, a coalition of third sector, civic society and faith groups. They produced a powerful summary for last week's budget debate:

<http://www.cpag.org.uk/content/give-me-five-child-benefit-top-campaign>.

They claim a £5 supplement would lift 30,000 children out of poverty by providing a stable secure source of income. The Poverty Alliance asked parents what this would mean for them. Here's a couple of responses quoted in the document above:

“£5 per week extra for each of my three children could go towards replacing shoes as they grow so fast. It's embarrassing for the kids to go to school with their shoes falling apart but at the moment I just can't afford to replace them. Replacing them in the past has meant sacrificing on heating, or me not eating much that week. That £15 a week extra would really help me”.

“I'm getting excited thinking I could maybe even manage to try and save £5 per week as that's £260 per year and that could help give us a wee family weekend in a caravan somewhere. My children have never had a holiday, or even been out of this town and that makes me really sad”.

You can find a more detailed briefing here: <http://www.cpag.org.uk/content/give-me-five-child-benefit-top-campaign>.

We would argue that there is not much point in having child poverty reduction targets and then not looking at a measure such as this.

People are increasingly recognising the importance of UBI (see below), and more money for child benefit is a small step in that direction.

More money for the Scottish Welfare Fund

Scottish Welfare Fund grants are hugely important for people with no other help – especially for gaps between benefits, or delays due to bureaucratic muddles. We frequently help people apply for SWF grants and can see what a life saver they are. But they are small and you can only get a limited number even if you still need help. (Normally you can't get another within 4 weeks, or more than 3 in a year.) The on-going rollout of Universal Credit and the delayed payments that get people into debt at the start, means the SWF will be even more needed, but the total amount has not gone up over the last three years, so the real value has actually gone down.

A significantly enlarged SWF, which would continue to be discretionary, could be used as a vehicle for helping a range of people who have been exceptionally badly affected by benefit cuts, including cuts to disability benefits. Could this, for example, be a way of helping those who have lost out on mobility help due to the change from DLA to PIP?

The SWF can already be used to help new 18-21 year old single UC claimants who are not given any allowance for housing (<https://digitalpublications.parliament.scot/ResearchBriefings/Report/2017/5/16/Housing-element-of-Universal-Credit-for-18-21-year-olds>), but there doesn't appear to be any money allocated for this.

Cuts affecting sick and disabled people

More help needs to be found for sick and disabled people, who have been especially badly hit.

Since last April, new claimants found unfit for work but deemed able to do work-related activities have only been paid the same amount as basic JSA or UC - £73.10 a week. This is a cut of nearly £30 a week on the previous benefit level. The argument given for this cut is that it will push them to find work – but they have been found *unfit* for work. This cut will affect 7-10,000 people a year with a combined loss of £26M a year by 2020-21. A further cut limits payments for people in this 'work-related-activity group' to one year unless they qualify for means tested benefits. This will result in a further loss of £20M a year by 2020-21 (<http://www.gov.scot/Resource/0052/00526666.pdf>).

And the shift to Universal Credit is being used as an opportunity to get rid of the current system of disability premiums.

PIP is being devolved, but the Scottish Government is not taking over until 2020/21, by which time the shift from DLA to PIP should have been completed. Although this shift has not cut as much money in total as the UK Government hoped, many people have suffered very badly, especially people who have lost the full mobility element and lost their mobility vehicles. 31% of people getting full mobility help under DLA are expected to lose this with the transfer to PIP (<http://www.gov.scot/Resource/0052/00521895.pdf>, p47), and new PIP claimants with similar mobility problems won't get this help either. This is making a huge difference to people's independence. (A recent court ruling will help those who lost out on payments due to the DWP's attempt to disregard mental health restrictions on mobility, but you still only get the full rate if you can't move further than 20m, rather than the 50m under DLA.)

The report for the Scottish Government on the Impact of UK Welfare Policy on Disabled People (<http://www.gov.scot/Resource/0052/00526666.pdf>), calculates that the shift from DLA to PIP will result in a total loss of £65M a year by 2020/21 with some individuals losing as much as £7,000. Around 30,000 people are expected to lose their entitlement altogether, particularly people with psychiatric disorders. Chances of getting an award are to some extent a postcode lottery.

There was widespread concern when the Scottish Government delayed taking on responsibility for PIP. The time for argument over whether this was avoidable has now past, but it is not too late to help those who've suffered because of the wait. As part of this, we would like to see the Scottish Government provide extra help for mobility vehicles, perhaps through an enhanced Scottish Welfare Fund.

Carer's Allowance

While we are pleased that the Scottish Government will be giving some extra money to top up the Carer's Allowance, the sum will still be derisively small. To get Carer's Allowance a person has to be caring for someone at least 35 hours a week. Caring is thus effectively their paid work. It also saves potentially huge sums that would otherwise have to come from health and social care budgets. While the Scottish Government rightly argues for people to be paid a living wage, we hope they will not be content with only raising the wages for carers to basic benefit level (currently £73.10 a week).

Sanctions

Although the sanction rate has fallen from its 2013/14 peak, Universal Credit sanctions seem to be more prolific, as well as more damaging (hardship payments under UC are a loan that has to be repaid off future benefits) (See David Webster's briefings on the statistics, <http://www.cpag.org.uk/david-webster>). Sanctions are still a huge source of worry and distress, including for some people on ESA. Ostensibly, the Scottish Government is not allowed to help mitigate sanctions, but Paul Spicker

has argued that there is scope for this to be challenged on the grounds that they are allowed to provide help in an '*exceptional event or exceptional circumstances*' (<https://www.commonspace.scot/articles/3746/paul-spicker-scotland-act-and-loop-hole-benefit-sanctions>).

More money for welfare advice

The importance of getting informed advice has been demonstrated again and again (<http://nawra.org.uk/Documents/Benefitsofwelfareadviceadviceelitreview.pdf>). As we find all the time, many people are unaware of their rights and of the rules and possibilities in an increasingly complicated and error-laden system. Many have just become resigned to conforming to instructions that show no regard for their circumstances or needs. Even when people do know their rights, they can lack the confidence to push their case. Familiarity with point systems and DWP thinking can make a big difference. For example, in 2012/13 the ESA appeal success rate was 43%, or 47% when the claimant came to an oral hearing, but when cases were represented, the success rate rose to 63% (<http://www.cpag.org.uk/sites/default/files/CPAG-Winning-Benefit-Appeal-contents-sample-chapter.pdf>, p9).

Good, accessible, welfare advice can make a huge difference to individuals, and is very cost effective as it ensures more people get the UK benefit money to which they are entitled. However, the availability of help is patchy and inadequate, with some areas very poorly served. We've been contacted by people who have had their ESA appeal delayed because there has been no-one able to help them for months, and by people who had someone helping them, but when that person left they were not replaced. And lots of people complain that services are too overstretched to give their case the time it needs. (With proper advice 'Daniel Blake' would not have been sanctioned or put under the stresses that killed him)

We appreciate the help the Scottish Government is already giving to advice services, which has ensured that the situation is generally better in Scotland than south of the border, but we need more advisors, who can give people more time.

We have been pleased to see the provision of welfare advice in some doctors' surgeries, and that there has been a serious attempt to evaluate its impact (http://www.improvementservice.org.uk/documents/money_advice/SROI-co-location-advice-workers.pdf). We hope that this will be extended.

We also need more, easily accessible sources of advice that can give personal back-up help for non-professional supporters, whether they are friends or family or volunteers like ourselves.

Bedroom Tax and Council Tax Reduction

We fully appreciate the difference that has already been made by the mitigation of the Bedroom Tax and of the cuts to Council Tax support, and trust that these will continue. We are very much in touch with campaigners in England and aware of the even worse situation that they face without this help and without the other schemes already discussed above.

Universal Basic Income

We were asked our views about this at the evidence session. We have a page on our website that explains our support for UBI and also warns about the dangers of UBI being used as an excuse to cut social services:

<https://scottishunemployedworkers.net/for-a-universal-basic-income/>

We have included the various letters and documents requested in the appendices.

APPENDIX A
CORRESPONDENCE MENTIONED ABOVE RE THE BENEFIT CAP AND
DISCRETIONARY HOUSING PAYMENTS

Letter from ECAP et al to Jeanne Freeman, 30 November 2017

THE BENEFITS CAP , THE SCOTTISH GOVERNMENT AND DISCRETIONARY
HOUSING PAYMENTS

Jeanne Freeman MSP
Minister for Social Security

copied to Nicola Sturgeon
Angela Constance MSP,
Cabinet Secretary for Communities, Social Security and Equalities

scottish.ministers@gov.scot

30 November 2017

Dear Jeanne Freeman

We are writing to ask that the Scottish Government grant sufficient funds to the local authorities in Scotland so that the Councils can fully mitigate the Benefits Cap by Discretionary Housing Payments, in the same way as is already done for the Bedroom Tax.

At present many families are suffering eviction and homelessness as the benefits cap, worsened by other social security cuts, is causing drastic cuts to people's housing benefit.

We realise that the Benefits Cap comes from the Westminster Government and we are campaigning for it to be abolished, we have already occupied Ruth Davidson's office in Edinburgh with this demand.

However in the meantime it is very urgent the Scottish Government uses its powers to stop families being made homeless and then often ending up in sub-standard homeless hostels. The present Discretionary Housing Payments (DHP) system is not working to stop evictions, we have supported numerous families in Edinburgh who have either been refused DHP or been given insufficient DHP, or been awarded DHP for a while, and then had it removed.

What is needed is for DHP to be automatically paid to all hit by the Benefits Cap, to fully cover the cut due to the Cap, to be fully back-dated where necessary, and to be paid until the Cap is eventually abolished. As you will no doubt be aware a report has been compiled by Alison Johnstone MSP and Dr Dan Heap which calculates the sum needed is an extra 3 million pounds – that is, increasing the DHP payment by the Scottish Government to mitigate the Benefits Cap from 8 million pounds to 11 million pounds.

You will be aware that families in North Edinburgh have been organising and campaigning to defend our homes and insist on decent housing for people made homeless. As well as the occupation of Ruth Davidson's office we have demonstrated at City of Edinburgh Council

offices and had deputations to City of Edinburgh Council meetings. Everyone has a right to a home and we are determined to continue our struggle to win this right. We would like to invite you to come to North Edinburgh to meet the mums and other campaigners who are battling for justice.

We are facing a housing crisis and we look forward to your early reply.

Yours sincerely

Power to the People group, All About Me group, Edinburgh Coalition Against Poverty.

Please reply to -----

Notes:

Report details: The impact of the extended UK benefit cap in Scotland – Dr Dan Heap and Alison Johnstone MSP, August 2017

Demonstration report: <http://nen.press/2017/06/08/mothers-protest-against-cruel-cuts/>

Response from the Scottish Government Housing and Social Justice Directorate,
January 2018

Sir

Thank you for your email to Jeane Freeman, Minister for Social Security regarding the benefit cap and Discretionary Housing Payments (DHPs). I know you will appreciate that due to the high volume of correspondence she receives, the Minister is not able to answer all correspondence personally. As a member of the team dealing with housing and welfare matters in Scotland I have been asked to respond.

The Scottish Government published an analysis of the impact of the benefit cap in June 2017 as part of the annual report to parliament on the impact of UK Government Welfare changes which estimated that in 2017/18, the lower benefit cap would cut around £9 million from the budgets of low income families, which is on top of the £2 million impact of the original cap.

We are providing £60 million in total to local authorities in 2017/18 for DHPs this includes £10.9 million to help those affected by other areas of welfare reform, of which £8.1m was specifically allocated to local authorities on the basis of the cost of the benefit cap, a substantial increase on previous years' funding made in light of the new lower benefit cap.

Local authorities retain discretion over the awards they make, although funding is calculated for local authorities on the basis of specific welfare reforms they are free to prioritise funding as they see fit. Local authorities also have the flexibility to top up their DHP budgets from their own resources. Local authorities, who administer DHPs, are best placed to respond to the needs of tenants and their local housing market and are able to consider the circumstances of each individual case when dealing with applications for DHPs.

Should you have an enquiry about a local authority and how they are allocating their funding you may wish to address it with them directly.

The Minister for Local Government and Housing, Kevin Stewart, recognising issues with the benefit cap and DHPs recently wrote to all local authorities to encourage them to share best practice in supporting those affected.

The UK Government's welfare cuts have increased the financial pressures on households, and increased the risk of homelessness or hardship impacting on some of the poorest and most vulnerable people in our society.

Every year we spend over £100 million to help relieve the worst impact of UK Government welfare cuts and support those on low incomes including mitigating the bedroom tax, which helps over 70,000 households in Scotland to sustain their tenancies and we also support people in crisis through the Scottish Welfare Fund.

We have strong homelessness rights in Scotland and a focus on preventing homelessness. We cannot continue to mitigate all of the UK Government cuts and would prefer to use those resources to enable us to invest in our priorities.

I apologise that I cannot be of any more assistance, but I hope that the above information is helpful.

Kind Regards,
Pauline Torley

APPENDIX B

CORRESPONDENCE BETWEEN SUWN AND THE MINISTER FOR SOCIAL SECURITY

Letter from SUWN to Jeanne Freeman, 5 March 2017

We in the Scottish Unemployed Workers' Network are very supportive of the different approach that the Scottish Government will be taking towards the soon-to-be devolved benefits, however we do have some serious concerns that we would like to raise with you.

First, we were very shocked to discover that the new PIP assessment system may not be in place until 2020. For so many people, that will simply be too late. We understand that this can't be put in place instantly, but cannot understand how this can take three years. In being so careful to iron out all possible problems and avoid 'sins of commission', you risk certain and widespread damage through 'sins of omission'. You also risk the political fallout that this failure to make timely use of the limited new powers is bound to cause. Also, while we wait for the full change over to the new regime, do you have any plans for interim improvements that could be brought in straight away, such as changing the mobility requirement, or halting the shift from DLA to PIP? With the DWP upping their attacks on people on ESA and making it harder for people to be found unfit for work, PIP is only going to become more of a lifeline benefit.

Second, we were wondering what plans the Scottish Government has to mitigate the latest round of cuts – such as the loss of the WRAG supplement on ESA – or to make use of the new powers to bring in new benefits. And we very much hope that you will be adopting the proposal to raise child benefit. We are very aware of the possible complications resulting from the benefits cap, and of the UK Government's obstructiveness over the implementation of the stopping of housing benefit for 18 to 21 year olds. We are watching what is happening with concern, and hope that we can soon reassure people that this latest Housing Benefit cut will not affect young people in Scotland.

Third, we believe that, outwith the complications of a semi-devolved benefit system, there are important things that other parts of the Scottish Government can do to make life easier for people on non-devolved benefits. It should be possible to insist that Scottish buildings used for Work Capability Assessments are easily accessible for people with mobility issues; and Scottish NHS doctors could be mandated to supply, without charge, the evidence needed to support people's benefit applications. Currently, most people can't get a doctor's letter or a print-out of their medical records because they can't afford the cost; and the DWP often doesn't bother to ask for a copy themselves. Also, under the current punitive system, an increasingly common reaction of bureaucrats whose decision or interpretation of the rules is being questioned, is to call security and then the police. This is the case with both DWP employees and with employees of their subcontractors, such as Maximus; and the police have been called for complaints about claimants and about people who have been helping them. We understand that if a complaint is made, the police have to investigate, but we have been very concerned by their failure to listen to the other side of the case. If you've had a chance to look at the book we gave you when you came to Dundee, you will see that this has proved a serious hindrance to our own work as advocates, and also to others. We would like to see Police Scotland made more aware of the need to ensure that rights are maintained for claimants and their advocates in these very unequal circumstances,

and believe that they should adopt an emphasis on diffusing the situation rather than on escalating complaints into court actions. The Scottish Government has demonstrated recognition of the important role played by professional third sector advocates, but much more attention needs to be given to supporting the wide network of friends and family and informal volunteers such as ourselves.

We look forward to your response to these issues and would be happy to discuss any of the points raised in more detail, either here in Dundee or in Edinburgh. Meanwhile we will continue to argue that welfare should be at the heart of our campaign for Independence, because there is no point in having a Scottish Parliament if it can't protect our most vulnerable. It is a vital argument that resonates across Scotland, but it is much easier to make if we can be shown to have made full use of the powers we have. You can be sure that we will keep up the pressure to do the maximum, as well as keeping people apprised of every positive achievement.

Regards

Sarah

Dr Sarah Glynn
For the Scottish Unemployed Workers' Network

PS When we read of proposals by the Westminster Government to make people in the ESA support group also subject to mandatory activities, would this also affect people in Scotland or would this come under the soon-to-be devolved powers?

Response from the Scottish Government

7 April 2017

Dear Dr Glynn

Thank you for your letter dated 5 March 2017 addressed to Ms Jeane Freeman MSP, Minister for Social Security regarding devolved benefits. Due to the high volume of correspondence she receives, the Minister is not able to answer all correspondence personally. As a member of a team dealing with social security matters in Scotland I have been asked to respond. Please accept my apologies for the delay in doing so.

You raise a number of issues.

Personal Independence Payment

There are a range of steps to be taken in order for the powers over disability benefits to be transferred to the Scottish Government. The UK Government must make changes to UK legislation to transfer the powers to the Scottish Government before the Scottish Government can then take forward its own legislation through the Scottish Parliament.

We will start this process in June 2017 with the passage of a social Security Bill and that will be followed by the introduction of regulations. Each stage of legislation needs to be

scrutinised and agreed by the Scottish Parliament. Meanwhile we will be building the delivery infrastructure to safely and securely deliver benefits – ensuring everyone gets the payment they are entitled to at the right time and in the right amount. It is imperative we put in place all the vital constituent parts of Scotland’s social security system.

The transfer of the disability and carer benefits safely is the biggest challenge that any Scottish Government has faced since devolution, and the most complex. This is a five year programme of work and we have always made clear our aim of having a Scottish agency delivering devolved benefits by the end of this parliamentary term. Until then, social security benefits including PIP remain the responsibility of the UK Government. We are fully aware however of the issues that are being faced by people in receipt of disability benefits.

The Scottish Government shares your concerns about the current UK Government approach to assessing people for PIP. We have asked the UK Government on several occasions to halt the roll out of PIP in Scotland, unfortunately without success.

The Scottish Government is determined to remove the stigma attached to accessing benefits and through our new social security powers we will take a different approach from the UK Government to develop policies for Scotland based on dignity and respect.

For those benefits that will be devolved, like PIP, the current assessment process will be reformed to ensure that they will work for the people who claim them. The process of applying for and receiving benefits will be made easier for everyone to understand and people will be supported through it. Clear timescales will be set for assessments, decisions and appeals and we will ensure the information is accessible for those who need it. If someone has a long-term condition that is unlikely to change, they will not be repeatedly reassessed.

To help us get the details of these ambitions right we have committed to establishing a Disability and Carers Benefits Expert Advisory Group to provide recommendations and guidance on how often assessments should be, what conditions should be given an automatic or lifetime award and the eligibility criteria for the disability benefits.

An in-depth public consultation to gather views on social security in Scotland ran for three months, until the end of October 2016. A total of 521 written responses were received and over 120 events were held to gather views from individuals and organisations. The Scottish Government published its response to the consultation in February 2017. The response outlined that human rights would be enshrined in the foundation and functions of Scotland’s new social security agency.

We are now setting up ‘Experience Panels’ to involve at least 2,000 people who have recent experience of benefits to help to design and test the new system to ensure it works for them. The recruitment for the Experience Panels is now open. People can find out more, and register online, at: www.gov.scot/socialsecurity

Child Benefit

The Scottish Government are committed to doing everything we can to give our children the best possible start in life and believes it is unacceptable to have so many children living in poverty. That is why we have introduced a bill to bring in statutory targets to eradicate child

poverty, though we are aware that future welfare cuts to be introduced by the UKG will push more families into poverty.

Child Benefit is the responsibility of the UK Government and Her Majesty's Revenue and Customs (HMRC) administer these on their behalf. This means that Scottish Ministers have no power over these.

However, in the future, we have some opportunity to do things differently in Scotland. We will give careful consideration as to how best to ensure that our new powers are tailored to the needs of the people of Scotland, and will ensure that individuals, communities and organisations have their say on this. The CSSE Cabinet Secretary has stated in parliament that she wants to support those children most in need and has noted that an increase to child benefit would mean that £7 of every £10 would go to children who are not living in poverty.

Housing Benefit

Changes, due to take effect from 1 April, will remove the entitlement to housing support for 18 to 21 year-olds in receipt of Universal Credit who do not have a specific exemption, such as disability or childcare. The Scottish Government has made its opposition to this policy absolutely clear to the UKG and is absolutely committed to ensuring that every young person can access the support they need which is why we have ensured the Scottish Welfare Fund will now be extended on an interim basis to ensure those young people who will be excluded from financial support by the UK Government will still be able to receive assistance with housing costs.

Work Capability Assessment

In March 2015 the responsibility for carrying out the Work Capability Assessment (WCA) passed from Atos to a company called Maximus. Maximus operate the Health Assessment Advisory Service to carry out the WCA which is contracted and managed by the DWP to determine entitlement to certain benefits. DWP are managed and their policies determined by the UK Government. Scottish Ministers have no powers over this and we cannot intervene.

You ask why the Scottish Government cannot mandate NHS doctors to provide medical information without charge for benefit applications. The vast majority of GP practices are contracted by territorial Health Boards to provide NHS services to registered patients under the terms and conditions of the nationally negotiated General Medical Services contract. The decision on whether or not to provide a service out-with their NHS contractual terms and conditions is a discretionary one for individual GPs and their practice to make. When they do provide a non-NHS service, they are entitled to charge a professional fee as remuneration for doing so. The decision on whether or not to charge a professional fee is a discretionary matter for the GP and neither their contracting Health Board nor Scottish Ministers can intervene in these issues.

I also note your comments about the approach taken by the police when responding to calls at premises where DWP assessments are carried out. The Code of Ethics for Policing in Scotland commits all Police Scotland officers and staff members to upholding the values of Integrity, Fairness, Respect and Human Rights see: <http://www.scotland.police.uk/about-us/code-of-ethics-for-policing-in-scotland> The handling of individual incidents, and the issuance of appropriate guidance and training to officers and staff are operational matters for

which responsibility rests with the Chief Constable. Therefore, if you have concerns about the approach being taken by Police Scotland on this issue, you may wish to bring your concerns to the attention of Chief Constable Phil Gormley at Police Scotland Headquarters, Tulliallan Castle, Kincardine, FK10 4BE. Alternatively, you can contact Police Scotland using the 'Contact Us' form on the Police Scotland website:
<http://www.scotland.police.uk/contact-us/contact-us-form>

Yours sincerely
Liz Davidson
Social Security Directorate

APPENDIX C
LETTER TO MSPS AND RESPONSES

Letter from SUWN to all non-conservative MSPs, June 2017

Transfer of Disability Benefit to the Scottish Government – AVOIDING THREE YEARS OF EXTRA SUFFERING

Along with many others who have experience of the current nightmares caused by PIP and the transfer to PIP from DLA, we were excited to learn of the Scottish Government's plans for the new Scottish disability benefit – but then stunned to discover that these would not come into effect for three years, which translates as three years of extra suffering.

This crushing of hope, was greeted with horror in *Third Force News* and has prompted a group of activists from across Scotland, Action Against Austerity, to declare this week a week of action on PIP.

For our part, we in the Scottish Unemployed Workers' Network are writing to every (non-Conservative) MSP to ask you to press for using all available powers to help disabled Scots over this interim period. We are fully aware of the magnitude of the task of transferring the benefit mechanisms and data base without risking disruption to anyone's vital benefit income, but believe that even if the full transfer won't take effect until all the structures are in place to deliver the new Scottish system, there are improvements that can be made in the interim. Indeed, with such a long waiting period, these *must* be made.

One of the biggest groups who have suffered in the shift from DLA to PIP has been people who have lost out on the higher rate mobility payment due to extra stringent rules on the distance you can move. Often this has left them without transport, and virtual prisoners in their own homes. One way to prevent this happening to many more people would be to **take over the mobility element much earlier as a first stage of transfer**. People who have already lost out could be given **discretionary help through the Scottish Welfare Fund** before applying again under the new Scottish system.

In calling for this intervention at a time of cuts to the block grant, we don't want to be accused of robbing Peter to pay Paul, or being part of a competition for which cuts most need mitigating. We would like to see serious and transparent discussion (not political point scoring) on how the Scottish Government can use its powers to make changes and to top up benefits without running foul of a DWP ready to claw back money; and how it can use tax powers, including Land Value Tax, to fund welfare properly. Whether you argue that devolution is enough or that real change is not possible without full Independence, you will want the Scottish Government to make the biggest impact it can; and that must begin by looking after Scotland's most vulnerable citizens.

Please let us know what you will be doing to help!

Sincerely
Dr Sarah Glynn
for the Scottish Unemployed Workers' Network

Standard response from SNP MSPs

Thank you for getting in touch with me regarding the devolution of social security powers to the Scottish Parliament. I know this is an issue people across Scotland, particularly those in receipt of those benefits being devolved, are concerned about.

The SNP is well aware of the issues with the migration from Disability Living Allowance (DLA) to Personal Independence Payments (PIP), which is why the Scottish Government has asked the UK government to halt the migration from DLA to PIP - but our calls have been refused.

The full rollout of Personal Independence Payment was originally due in 2015/16. However, this has been subject to significant delays with the date now pushed back to 2018/19 - before the Scottish Government have ability to deliver disability benefits.

To explain this further, the regulations which transfer competence for disability benefits to the Scottish Parliament only came into force on 17 May 2017. It is this competence which the Scottish Government needed to give them the powers to take forward legislation which will allow us to deliver benefits. This is what the Scottish Government is doing through the Social Security (Scotland) Bill, which was introduced on the 20 June 2017, and subsequent regulations.

The reality is that both the necessary legislation, which has to be scrutinised and agreed by the Scottish Parliament, and a coherent delivery infrastructure has to be put place before the Scottish Government can start to deliver disability benefits.

This may be frustrating but these processes must be gone through before the Scottish Government can legally deliver disability benefits.

Whilst the legislative process continues, the Scottish Government is also working hard to ensure that the delivery of benefits is one that matches the needs of the people of Scotland.

We have established a Carers Benefits Expert Advisory Group to provide recommendations and guidance on how often assessments should be, what conditions should be given an automatic or lifetime awards, and eligibility criteria and ensure we don't have an assessment process which is demeaning or deliberately difficult

The Scottish Government will also continue it's engagement with those with direct experience of the current benefits system – in particular the 2300 people who have signed up to the Government's Experience Panels.

We are all too familiar with the controversial disability benefit assessment process implemented by the UK Government, and the involvement of private companies such as Atos and Capita in carrying these out. That's why the Scottish Government recently announced that profit-making private firms will have no place in Scotland's new social security system – and we will instead put people before profits.

Where we have been able to move quickly the Scottish Government have done so, such as

with the devolution of Discretionary Housing Payments and where we can make relatively straightforward changes to the new devolved benefits, the Scottish Government are already committed to doing so - like increasing Carer's Allowance to the same rate as Jobseeker's Allowance.

You are right that we are getting these powers against a backdrop of a tough financial climate and difficult decisions will be needed to ensure we deliver a system that best meets the needs of everyone in Scotland. We believe should be using our powers and resources to lift people out poverty and not just to mitigate Westminster cuts.

You also referred to a Third Force News article from February on the matter, which unhelpfully has confused Work Capability Assessments with Personal Independence Payment assessments. It is my understanding that the Scottish Government has made representations about correcting this and other inaccuracies in the article such as the Scottish Government and the powers over disability benefits – as set out above, there are processes which we must go through before the Scottish Government can legally deliver these benefits.

I hope this has provided some clarity about the whole process of delivering these benefits and reassured you that the SNP are committed to building a social security system based on dignity and respect, which will have a human rights based approach.

Response from Mark Griffin MSP, Scottish Labour spokesperson. 18 June 2017

Dear Dr Sarah Glynn

Transfer of Disability Benefit to the Scottish Government – Avoiding Three Years of Extra Suffering

Thank you for your email regarding the Action Against Austerity week of action on PIP, and your concern about the delays to the delivery of devolved disability benefits. As Scottish Labour's Social Security spokesperson, I am pleased to respond the issues you have raised.

Scottish Labour is eager to see the new powers used because they give us a unique chance to change the lives of disabled people, tackle poverty and reinforce the safety net we can all rely on; in doing so we can also start to reverse the cruel and inhumane treatment passed down from the UK Tory Government. Labour is signed up to make the new system a success, which is why my colleagues and I have repeatedly demanded that the delivery of a new social security system is progressed more swiftly. We do share a concern that, for all the warm words we have heard so far, progress has been slow and as a result disabled people will continue to suffer.

While the UK Government continues to migrate people across the UK from DLA to PIP it is abundantly clear that disabled people will continue to experience “grave and inhumane violations of their human rights”, and any use of the Scotland Act powers to stop this should be used as swiftly as possible. This is something which has become vitally important since November 2016 when it transpired that the Scottish Government agreed with the UK Government to ‘split’ the devolution of competency over the

powers for the duration of the parliament. The effect of splitting competency means that while the Parliament now has power to legislate, the Scottish Government must agree its executive competence on an incremental basis until April 2020 – and therefore delay the delivery of devolved disability benefits. At the time, I pointed out to the Government that this would mean over 150,000 Scots still on DLA would almost certainly suffer the misery of a PIP reassessment, and pressed the Government to agree with the DWP to halt the PIP reassessment process. It later transpired that the Scottish Government failed to reach that agreement with the UK Government.

In-keeping with Scottish Labour's manifesto, and our commitment to improve the lives of disabled people, I was proud to announce in March that it would be Labour which would lead the charge to remove the private sector from the assessment process. While I am of course delighted that the Minister of Social Security agrees with this proposal, I am very much concerned that the Social Security Bill as lodged does not propose a legislative basis for the Scottish Government's commitment, or the commitment I secured from the Scottish Government last June to increase disability benefits in line with the cost of living. In the autumn I will be working to amend the Bill to make good on these pledges, and hope that I can rely on your support when laying the necessary amendments.

I am proud that Scottish Labour's commitment to remove the private sector from assessments was adopted in the UK Labour manifesto at the recent General Election. That manifesto also sets out how a UK Labour Government would overhaul the reserved social security system: by scrapping the bedroom tax and punitive sanctions regime across the whole of the UK, putting the UN Convention on the Rights of Persons with Disabilities into UK law, and reverse Tory PIP & ESA cuts.

Prompted by the suggestion in your email, I can confirm that I have lodged question S5W-09997 to ask what consideration the Scottish Government has given to the devolution of the mobility component of PIP and will advise you of the response in a month.

Now that the Social Security Bill has been lodged, I would be very keen to further explore how I can assist you and your colleagues in Scottish Unemployed Workers' Network. If you would find it useful to meet in the run up to stage I of the Bill, please contact my Senior Parliamentary Advisor, David Raine (david.raine@parliament.scot) to arrange this.

Yours Sincerely
Mark Griffin MSP

Response from Nicola Sturgeon's Office

11 July 2017

Dear Dr Glynn

Thank you for your email dated 19 June 2017 to Nicola Sturgeon MSP, First Minister of Scotland regarding the devolution of the disability benefits to Scotland. I know you will appreciate that due to the high volume of correspondence she receives, the First Minister is

not able to answer all correspondence personally. As a member of a team dealing with social security matters in Scotland I have been asked to respond.

As you will be aware, responsibility for the disability benefits has not yet fully transferred to Scottish Ministers. These will transfer before the end of this Parliamentary term and the UK Government is currently responsible for PIP and DLA (including the assessment process for these benefits).

The migration of DLA claimants to PIP is continuing and expected to be complete by 2018/19. We therefore expect all Scottish claimants to be on PIP before our legislation for disability benefits is scrutinised and agreed by the Scottish Parliament, and the delivery infrastructure is in place. The Scottish Government has always made clear that the main priority is the safe and secure transfer of the II benefits for the 1.4 million people who rely on them. Because we do not have powers over all of Social Security, our timetable is also dependant on that of the Department for Work and Pensions.

We do not intend to replicate UK Government legislation. If agreed by Parliament, section 18 of the Social Security (Scotland) Bill provides for a power which will enable Scottish Ministers to make payments on a short term basis. This would allow, for instance, short term assistance to be paid to someone who has had their benefit stopped, or reduced, whilst they seek a re-determination or appeal the decision.

Scottish Ministers are aware that people find the assessment process stressful, with some losing entitlement, including access to the Motability scheme with devastating consequences. We recognise the value the Motability scheme provides for disabled people, and the high regard in which it is held. The Scottish Government have been in discussions with Motability with a view to ensuring the scheme is available in Scotland when we take on delivery of the benefits.

As announced by Angela Constance, Cabinet Secretary for Communities, Social Security and Equalities on 30 May 2017 the Scottish Government will start to deliver the first wave of devolved benefits in summer 2018 with the Carer's Allowance Supplement, followed by the new Best Start Grant and Funeral Expense Assistance in summer 2019.

In advance of the new Scottish Social Security agency delivering the II devolved benefits, we will continue to support those affected by the UK Government's welfare cuts by providing significant funding for advice services alongside a raft of other actions, including full mitigation of the bedroom tax and delivery of the Council Tax Reduction Scheme and Scottish Welfare Fund. We will also seek to use of our administrative flexibilities in Universal Credit to allow tenants to choose whether they want their rent paid directly to their landlords or to receive fortnightly rather than monthly payments.

The Scottish Government provided over £21 million of funding in 2016/17 for advice services and expect to provide a similar level of investment this financial year. The Scottish Government and Money Advice Service will provide over £5 million of joint funding in 2017/18 to support advice projects funded through the Scottish Legal Aid Board. This funding has been prioritised to projects which can help the broadest range of people in the areas of most need. The Scottish Government will also directly fund a range of other voluntary sector organisations to provide support and advice to ensure there is national coverage of services available to people.

I hope you find this letter helpful and informative in setting out our approach to social security in Scotland.

Yours sincerely

Liz Davidson

Social Security Directorate

APPENDIX D

SUWN RESPONSES TO THE CONSULTATION ON SOCIAL SECURITY AND DRAFT BILL

SUWN response to the Scottish Government's Consultation on Social Security, October 2016

CONSULTATION ON SOCIAL SECURITY IN SCOTLAND A RESPONSE BY THE SCOTTISH UNEMPLOYED WORKERS' NETWORK OCTOBER 2016

Thank you for setting up this important consultation. We are glad of the opportunity to make known our views, and hope that the Scottish Unemployed Workers' Network can contribute to the on-going discussion on policy development and take part in the planned 'user panels'.

PIP Assessments

We are very encouraged by the discussion so far on changing the nature of the PIP assessment process away from the current tick-box, try and catch you out and show you are faking, approach back to one based on evidence from a person's doctor and other social services. We hope assessors will be able to be flexible as to the type of evidence they receive and that weight will also be given to the testimony of the claimant and their family and friends, as not all doctor/patient relationships are equally supportive.

We are sure that you are already well aware of the origins of the current punitive system, but feel it is important that it is not forgotten that the assessments used for both ESA and PIP were developed as a result of a long relationship, dating back to the 1990s, between the UK Government and a health insurance firm notorious for arguing that people's problems were fake or psychosomatic and for not paying up on claims, and that they were deliberately conceived to remove large numbers of people from claiming the benefits.¹

Evidence from GPs

We would also urge you to work closely with your colleagues in Health to ensure that claimants do, indeed, get the help they need from their GPs. Like you, we welcome the introduction of welfare rights officers into GP surgeries (so long as this is done with appropriate safeguards on patient privacy), but there are only welfare rights officers in a few places. In others, claimants for both PIP and ESA have to ask their GP directly for a supporting letter, and most GPs are charging for producing this. As benefit claimants don't generally have the money to pay, they are putting in applications without medical evidence, severely affecting their chances of getting the money they need and deserve. As health is devolved, the Scottish Government have the power to intervene and make sure that people are getting free access to the support they need.

¹ Foot, Paul (1995) 'Doctor on Call', *Private Eye*, 16 June 1995, reproduced here: <https://beastrabban.wordpress.com/2015/04/13/private-eye-from-1995-on-unum-and-peter-lilley-in-the-tory-government/>; Rutherford, Jonathan (2007) 'New Labour, the market state, and the end of welfare' *Soundings* 36, Lawrence and Wishart; Stewart, Mo (2016) *Cash not Care: the planned demolition of the UK welfare state*, New Generation Publishing

Advice and Advocacy support

While Scotland is much better provided with welfare advice than many places in England, we could benefit from increased investment in advice services, both face to face and over the phone, including more welfare rights officers in doctors' surgeries and more stalls in public places such as shopping centres. We would also like to see a positive recognition and encouragement of the role of friends and family and of volunteer citizen advocates and self-help groups (like ourselves) in accompanying people to appointments, helping them ask the right questions and acting as witnesses to their encounters with an often unsympathetic bureaucracy. This should include prominent and clear recognition of a claimant's right to be accompanied and for the person with them to be able to ask questions on their behalf if they require it. While such advocacy is already recognised in DWP rules, it is often denied in fact; but there could be a requirement for the rules to be prominently displayed in all Scottish offices, with contact details for an independent ombudsman. It should also mean that Police Scotland would not allow themselves to be used to shut down all questioning of DWP staff, as has frequently been experienced by both claimants and advocates, especially over the right to be accompanied. We have found that both the DWP and their subcontractors are very quick to call the police if anything they say is challenged, and that the police are very reluctant to listen to any other view of events. Better advocacy could also be assisted through the provision of a freely accessible, well publicised, telephone advice service dedicated to providing back up to the non-professional friends, family and volunteers who help claimants; something similar to the CPAG advice line for advisors, but more widely available.

Transfer from DLA to PIP

Of course many people have already lost out due to the UK Government's insistence on instigating the transfer from DLA to PIP before the benefit was devolved. We would propose that after April no more people are transferred from DLA until the new systems are fully in place. We would also like to see the Scottish Government use its powers to provide additional help to assist those who have lost out through this transfer. We would recommend automatic reinstatement of mobility benefits lost through the cut-off for eligibility being dropped from walking 50m to walking 20m. We would also like to see additional help for people who have lost out on the transfer, perhaps through an enhanced Scottish Welfare Fund on a case by case discretionary basis.

Questioning decisions

A fairer initial assessment system should reduce the number of appeals, but we would ask in addition that the Scottish Government takes out the Mandatory Reconsideration stage, which primarily serves to delay the appeal process and to discourage people from taking their appeal through to conclusion.

A petition on key points

We have drawn up a petition that highlights five key points for the newly devolved welfare services – both those covered by this consultation and those under the auspices of the Minister for Employability and Training. We will send the **551 signatures** by post as many are on paper, but the petition is reproduced below:

'When more welfare powers come to Scotland, please can you make sure that:

- No-one can get sanctioned for not attending or complying with any devolved 'employability' scheme, and this is made clear to everyone affected so that these schemes are effectively voluntary.
- Scottish health services and other social and community services are kept completely independent of any DWP schemes that pressure people to apply for jobs. (We especially don't want to see anything like the placing of 'work coaches' in GPs' surgeries recently trialled in Islington).
- The new Scottish PIP assessment process takes full account of evidence from health and other care professionals, and the GPs etc. have to provide this evidence.
- Everyone who has lost benefits as a result of the cut-off for Higher Rate Mobility having been dropped from walking 50m to walking 20m can apply to get them reinstated.
- There is no role for private companies in any devolved service.'

(We are emailing the pdf of the comments made on the online version of the petition along with this response)

Finally, we would like to give some additional responses to specific questions in the consultation that have not already been covered:

3. Benefits should be provided in cash, but with the option of paying the rent directly to the landlord. There should also be options of using the benefit for reduced cost schemes e.g. for energy or mobility, and continued schemes for free public transport etc.

Digital applications should always be an option not a default expectation, and free phone numbers should be easily available.

Social services should be delivered through the public sector and should never be contracted out to private profit-making companies.

Third sector organisations should be seen as a source of additional help and not part of the public social security service.

5. There should be some permanent independent body or ombudsman that one can approach with complaints and that could ensure that decision making is clear and transparent.

We would also like to see prompt publication of fully detailed statistics on claims/awards/appeals etc. (statistics *not* targets)

6. (Please also see comments above)

Yes, there should be timetables set for assessments and decision making.

Yes, people should be asked to give consent to allow access to personal information including medical records as part of their application process; they should also be able to give consent to access some parts of this and not others.

In looking at the impact of a person's impairment or disability, an assessment should include the impact on their ability to take part in social activity.

We are supportive of the idea of developing a consistent approach to disability benefits across all ages and ending the current arbitrary transfer from one benefit to another.

All assessments should be carried out by professionals within the public sector (see 3.)

People with long-term conditions should not have to undergo reassessment.

The option of reduced energy tariffs and other dedicated support is welcome.

We would like to see greater investment in public transport to help people more generally.

We support the continuation of some sort of motability scheme but are concerned that the present system may not always provide good value to those who use it.

7. We are pleased that the Scottish Government is raising the Carer's Allowance and hope that this is just the first step towards a Carer's Living Wage. Caring is, after all, deemed to be a full time job.

12. We are pleased that the extra help proposed for young people who have been unemployed is going to them and not to their employer, as schemes that pay the employer simply mean that younger people are taken on at the expense of those who are older.

13. We are pleased to see that people in receipt of Universal Credit will be able to get this paid twice monthly rather than monthly, and that they will be able to choose to have the rent element paid directly to their social landlord. This should certainly be extended to private sector landlords. The risk of eviction is worse in the private sector and without those guaranteed payments, many private landlords will refuse to rent to people on Universal Credit at all.

We would like to see individual payments of Universal Credit as the default position. This could be crucial in any household where there is abuse, and also in cases where a partner has difficulties controlling their spending, e.g. through an addiction to shopping or gambling. With respect to the housing element, one of the worst injustices that should be addressed is the meanness of the allowance given to single people under 35 who are in private rented housing. This is only enough to cover a room in a shared house, which is especially difficult for those who would like to be able to have their children come and stay.

16. In looking at eligibility for PIP, any new system should be more responsive to long-term Scottish residents who have returned from a prolonged time abroad.

17. We welcome the commitment not to recover overpayments that are the result of official error

18. We are glad that you have acknowledged how relatively rare benefit fraud is and ask that all investigation is done so as not to create unwarranted alarm – unlike in the current system of random checks and computer-generated letters.

20. Benefits should rise at least in line with the greater of the consumer price index or average earnings.²

SUWN response to draft Social Security Bill, August 2017

Social Security (Scotland) Bill – a response from the Scottish Unemployed Workers' Network

1/ There are a lot of good things in the Bill, as well as a lot of things that have been phrased to leave options open. We hope that there will be plenty of opportunity for consultation and political oversight on the development of these crucial outstanding practical details. Meanwhile, we would like to highlight a few concerns that we have over the Bill in its current form.

2/ We are pleased to see social security classified as a human right and hope that this has implications beyond the devolved benefits and also implies additional assistance to people suffering under the administration of reserved benefits. Besides assistance to formal advice

² Unemployment benefits used to be increased in line with earnings or prices, whichever was higher, but since 1980 have been tied to prices, which have risen more slowly. Average consumption and living standards have risen with earnings, but people on benefits have been left far behind.

services, this should include more help to informal support, such as friends and family and mutual support or other volunteer groups. It should also include instructing Police Scotland to take more account of the unequal dynamics operating in Jobcentres and other DWP facilities, and to prioritise diffusing angry situations and avoiding criminalising people who have been put under strain by severe and often arbitrary regulations. It should also include help for people who have been sanctioned – and clause 46 3) opens up possibilities for doing this.

3/ The provision of short-term benefit assistance to help people appealing decisions is welcome, but this could be much more beneficial if extended to include people appealing reserved benefits. This could be especially important for people who have put in a Mandatory Reconsideration after being found 'fit for work' and then find themselves having to sign up for JSA or Universal Credit and comply with stringent jobsearch rules.

4/ Clause 30 2) would appear to suggest that failure to provide further information when requested could result in a failure to meet eligibility rules. This could prove problematic for the significant number of people with chaotic lifestyles. However, the accompanying discussion paper appears to suggest that decisions would be made on the basis of the limited information, which would generally prove a better option.

5/ The liability to repay an overpayment due to official error is highly problematic, even with the presumption that this will not generally be pursued. Uncertainty, and the consequent inability to make financial plans and benefit from financial security, has a major impact on wellbeing all round. This could cause major hardship, punishing people who have done nothing wrong, and runs counter to the supportive role that discussions about the Scottish Social Security system have led us to expect.

6/ We are also concerned that the requirement to notify changes be administered with discretion, so that small delays and inefficiencies and the omissions resulting from difficult and chaotic lives do not result in criminalisation.

7/ We are glad to see the inclusion of a Carer's Supplement and hope that this will prove a step towards a genuine Carer's wage.

8/ We would like to see the future Scottish Disability Benefit providing mobility help for everyone over 65 who needs it.

9/ Familiarity with the experience of people made to go through a Mandatory Reconsideration before accessing an independent appeal demonstrates that the main function and result of such a system is to severely discourage access to appeals. It is therefore very disappointing to see this replicated in this Bill. We hope, of course, that a more sensitive Scottish system will result in fewer errors, but those that remain should be able to be addressed independently without delay.

10/ We remain very concerned about the situation of people having to apply for PIP before the new Scottish benefit comes on line, and the impact this has for people who have fallen foul of the tick-box application system and especially of its mobility 'test'. We would like to see much greater use made of the Scottish Welfare Fund to provide discretionary help to this group, backed by more Scottish Government funding.

11/ We are also concerned about failures of Discretionary Housing Payments to meet current and future needs. People can get into major problems and risk becoming homeless due to lack of awareness of the availability of DHP and also to poor administration. (E.g. because Edinburgh City Council provided too little too late, several families in North Edinburgh have faced eviction.) This situation is set to get much worse when the housing benefit cap is extended to social housing next April. The Scottish Government needs to make more provision for this.

12/ We would also like to express our support for the points made in the submission by Professor Paul Spicker, both those we have also included above and those we have not mentioned because we have not experience of our own to add.

Written by Dr Sarah Glynn
for the Scottish Unemployed Workers' Network
22 August 2017

APPENDIX E MEETINGS WITH MSPS

Notes on meeting with Shona Robison, MSP for Dundee East, 4 July 2017

NOTES ON MEETING BETWEEN SHONA ROBISON MSP AND SARAH GLYNN AND TONY COX FROM SUWN – July 4 2017

Discussed the delay in help for people going onto or being transferred onto PIP before the Scottish Gov take over running disability benefits in 2020. SUWN asked if this could be made easier by a) earlier takeover of disability element, and b) more funding for and use of the Scottish Welfare fund

SR will raise these points with Jeanne Freeman

We also discussed the consultation process about the benefit and raised the need for informal support organisations such as the SUWN to have a root to feed into the process.

SUWN raised the need for better funding for Social Security so that we are not told that it is a question of ‘difficult decisions’ between supporting different vital needs. SUWN asked that the Scot Gov look at raising more money through progressive taxation and a local Land Value Tax, and pointed out that, as well as meeting human needs, this makes economic sense as if these needs are not met the knock on consequences can be much more costly, and improved benefits also puts money into deprived communities where it is most needed. SUWN were concerned at the suggestion that funding a decent public sector pay rise could be at the expense of more money for welfare, which highlights the need for a comprehensive relook at tax and benefits.

SR promised to send SUWN a copy of the briefing on benefit changes to date.

SR outlined some of the Scot Gov’s plans for help for families and children. SUWN agreed the importance of this, but also pointed out two groups of people who we constantly come across at our stalls outside the buroo and who currently fall through the welfare net. The first is people just out of prison, who often go straight into problems with benefits and housing, being left to wait for money to come through or falling foul of sanctions. SR said that the Scot Gov is currently embarking on an assessment of health and support needs of prisoners and she will enquire about the possibility of including benefit concerns. The second group is former manual workers in their fifties and sixties whose physical health is gone, with poor literacy skills and often little in the way of a support network.

We discussed the need for more help for welfare services to ensure that people get the benefits they are due. (SUWN also asked if by affecting the size of the overall benefit bill before transfer, this will affect the size of the future grant to the Scot Gov.)

SUWN gave SR a copy of a letter they have sent to Jamie Hepburn about compulsory employability training. We have learnt that in the Highlands people are being mandated to go on a course run by the local college supported by the local council. We asked if anything similar was happening in Dundee and if the Scot Gov can prevent this in the same way they are ensuring that employability schemes funded by the Scot Gov are not mandatory and sanctionable.

Further issues that there was not time to raise:

Are there plans to arrange for Universal Credit to be paid separately to partners? This issue is of major concern to people suffering domestic abuse or where a partner has an addiction that causes overspend.

What is the progress of discussions on Universal Basic Income in the Social Security Committee?

SUWN would also like to raise concerns about the way Police Scotland respond when called to the jobcentre or a DWP subcontractor. These are places where people are placed under huge stress as they fear losing their livelihood and are commonly made to feel completely disrespected. If they question the staff or protest about how they are being treated, staff are quick to call the police and accuse them of 'threatening behaviour'. Our concern is that the police appear to operate under a presumption that the complaint is an accurate representation of what has happened and that they don't allow the claimant a proper hearing. This can result in cases coming to court where a more even handed approach could have diffused the situation.

We hope to meet again soon and continue this discussion

Notes written up by Sarah Glynn for the SUWN

We also met with Joe Fitzpatrick, MSP for Dundee West, on 23 June 2017 to discuss what could be done to help people who were suffering due to the transfer from DLA to PIP.