
REPORT ON THE RESPONSE TO THE SCOTTISH GOVERNMENT'S CONSULTATION ON SOCIAL SECURITY IN SCOTLAND

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

10 November 2016

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek approval for a response to the Scottish Government's Consultation on Social Security in Scotland.**
- 1.2 The Scottish Government's consultation on devolved Social Security powers began on 29 July 2016. The closing date for the consultation is 28 October 2016. An extension has been granted to Scottish Borders Council in order for its submission to be approved by the full Council. The consultation provides the opportunity to set out views on the shaping of the new Scottish social security powers that have been devolved to the Scottish Parliament under the Scotland Act 2016. These powers will provide opportunities to develop a strategic approach to welfare that can be closely linked to tackling local needs, reducing inequalities and supporting prevention.
- 1.3 The Council's response highlights that local authorities have an important role to play in administering the devolved benefits and to coordinate a joined up approach to supporting claimants at the local level working with other Community Planning partners. It highlights the importance of treating claimants with respect and dignity and of meeting the diversity of needs of claimants across Scotland, particularly those living in rural areas such as the Scottish Borders. The limitations of using digital technology are highlighted for the delivery of benefits and the need to promote digital inclusion. Also particular issues of importance to the Scottish Borders are outlined where claimants move back and forward across the border to live and work.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council approves the response as set out in Appendix 2 to the Scottish Government's consultation on Social Security in Scotland.**

3 BACKGROUND

3.1 As part of the UK Government's Scotland Act 2016 it was agreed that new social security powers would be devolved to Scotland. A paper on a New Future for Social Security in Scotland was published by the Scottish Government in March 2016. This indicated that the Scottish Government would consult on how best to use the new powers. The proportion of the Scottish social security budget that will be devolved to Scotland amounts to only £2.7 billion or 15% of the total £17.5 billion spent here every year.

3.2 The Scottish Government launched a consultation on the newly devolved Social Security powers on 29 July 2016. It is a large consultation paper (See Appendix 1) comprising 144 pages with an extensive range of questions. The Consultation is in three parts:

Part 1: A principled approach – this section contains questions around

- Principles for the new Social Security Agency.
- Outcomes and the user experience.
- Delivery of social security in Scotland.
- Equality and low income, and
- Independent advice and scrutiny.

Part 2: The Devolved Benefits – this section contains questions on

- Each of the powers being devolved to Scotland in the area of Social Security – Disability Benefits, Carer's Allowance, Winter Fuel & Cold Weather Payments, Funeral Payments, Best Start Grant, Discretionary Housing Payments, Job Grant, and Universal Credit flexibilities and housing element.

Part 3: Operational Policy – this section contains questions covering

- Advice.
- Representation.
- Advocacy.
- Complaints, reviews and appeals.
- Residency and cross-border issues.
- Overpayments and debts.
- Fraud.
- Protecting information, and
- Uprating of benefits.

3.3 Many of the questions in the consultation paper are of a technical nature about the working of particular benefits. This applies particularly to those questions posed in Section 2 on the specific Devolved Benefits. Inputs from officers have been provided based on their experience of dealing with these benefits.

3.4 The new social security arrangements will impact on the range of Council, health and voluntary services that support people in need in the Scottish Borders. This consultation provides the opportunity to make improvements to the social security system in order that it can be more closely tailored to meeting local needs, tackling inequalities and supporting prevention measures. A large number of questions have been asked in the consultation paper and to develop the response, input has come from a wide number of officials across the Council's services and partners including NHS Borders.

4 RESPONSE BY SCOTTISH BORDERS COUNCIL

4.1 The proposed response from the Council is shown in Appendix 2. There are a number of key themes which inform answers to the questions. These are as follows:

- The importance of ensuring that the opportunity is taken to change the strategic design of the social security support to support prevention, tackle inequalities and meet local needs.
- The widest range of expertise should be used to design the new services in order to ensure that they are effective and sustainable. This means drawing on existing expertise of service delivery including local authorities, users and organisations involved in supporting and advising clients. This expertise should be drawn from the different geographical areas within Scotland, including the Scottish Borders.
- Claimants should be renamed customers and they should be treated in a holistic way which would best be done by integration with local services, to ensure a joined up approach which should be better for the customer and more cost effective in the longer term. There should be a Customer Charter which should provide details of how claimants should expect to be treated and the standard of service they should receive. This includes the rights and responsibilities of claimants.
- There is considerable scope to utilise the skills, knowledge and experience within Local Authorities in order to administer some of the devolved benefits and to coordinate this joined up approach at the local level working with other Community Planning partners.
- There needs to be sensitivity to the delivery of social security for customers located in the different parts of Scotland particularly those living in rural areas including the Scottish Borders. The additional costs of accessing services and affordability of transportation are important issues that need to be fully recognised and factored into welfare support. There tends to be a historic low take up of benefits in rural areas that need to be addressed.
- There should be principles in the legislation that claimants should be treated with dignity and respect. It is important that the new system avoids as much as possible the negative stereotyping of benefit claimants.
- Whilst digital provision of services will be important going forward, the experience of supporting vulnerable people in the Scottish Borders highlights the importance of also where appropriate using face to face provision to ensure that customers do not miss out on entitlements.
- Benefits should be paid in cash as opposed to 'in kind' services. There is as yet limited information available as to what 'in kind' services could be procured as an alternative and there is the potential issue of claimants being stigmatised through non cash payments.

- 4.2 The response also refers to the particular issues where people often move back and forward across the Scottish/English border to live and work. Due to the rural nature of Scottish Borders there are often people who live in Scotland but have medical care in England and those who live in England who have medical and social care delivered in Scotland. There are also those who cross border to work or live temporarily across the border in order to work. There needs to be data sharing across the UK and Scottish systems or there will be the potential for people to make claims through both systems.

5 IMPLICATIONS

5.1 Financial

There could be considerable financial implications arising from this consultation depending on the future role of local authorities in the delivery of welfare benefits.

5.2 Risk and Mitigations

Changes in the delivery of social security services could have major implications for the delivery of Council and partners services to people in need across the Scottish Borders and for reducing inequalities and supporting work on prevention.

5.3 Equalities

Equalities issues are being addressed in the consultation paper.

5.4 Acting Sustainably

There are no direct sustainability implications arising from this consultation response.

5.5 Carbon Management

There are no effects on carbon emissions.

5.6 Rural Proofing

The needs of rural areas such as the Scottish Borders need to be considered in the future delivery of social security services in Scotland. The additional costs of accessing services and affordability of transportation needs to be fully recognised and factored into welfare support.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

6 CONSULTATION

- 6.1 The Council's Corporate Management Team, Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted on this report.

Approved by

**Tracey Logan
Chief Executive**

Signature

Author(s)

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Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Douglas Scott can also give information on other language translations as well as providing additional copies.

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