

A New Future for Social Security

Consultation on Social Security in Scotland

Answer Booklet

July 2016



Introduction to the Answer Booklet

This is designed to accompany the Consultation on Social Security in Scotland which can be found here: <http://www.gov.scot/Publications/2016/07/9955> . This booklet should be used if you cannot or do not wish to provide an online response. Please refer to the consultation document to give context to the questions.

Send your completed response to:

socialsecurityconsultation@gov.scot

or

Social Security Consultation
5th Floor
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU.

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form**. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Comments and complaints

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

Chris Boyland
5 Atlantic Quay, 5th floor
150 Broomielaw
Glasgow,
G2 8LU.

Or

E-mail: socialsecurityconsultation@gov.scot

RESPONDENT INFORMATION FORM



Scottish Government
Riaghaltas na h-Alba
gov.scot

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

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

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Coalition for Racial Equality and Rights

Phone number

0141 418 6530

Address

8 John Street
Glasgow
G1 1JQ

Postcode

G1 1JQ

Email

rebecca@crer.org.uk

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

Publish response with name

Publish response only (anonymous)

Do not publish response

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

Yes

No

CONSULTATION QUESTIONS

PART 1: A PRINCIPLED APPROACH

1. Fixing the principles in legislation

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

(please tick the option/s you prefer)

A. As a 'Claimant Charter'?	x
B. Placing principles in legislation?	x
C. Some other way, please specify	

Why do you favour this/these option/s?

CRER believes the principles should be embedded in the legislation alongside a charter. This ensures a strong legislative footing for the principles and offers the opportunity to expand upon these in a charter that may be more accessible and understandable and could help make individuals more aware of their rights.

However, we question the term 'claimant charter'. If the social security system is indeed intended to offer security to all residents and citizens of Scotland, the charter should reflect that it is for all of society, not just those claiming benefits. The title should reflect this shift in understanding and make it clear that everyone has a stake in the success of this system, not only current users.

While it is not one of the named principles of the new social security system, we believe the charter also offers an opportunity to highlight a commitment to equality and to ensuring all groups are treated fairly by the system. Fairness and dignity cannot be achieved without equality.

Q: What should be in the Charter?

The Charter should detail the principles of the new social security system, the rights individuals have within the system, the responsibilities the system has to its users, and what people can anticipate at each stage of the process.

Importantly, the charter should clearly state that no group or individual should be treated unfairly by or experience discrimination from the system. The right to be treated fairly should be emphasised and individuals should understand ways in which they can seek recourse if they feel they are experiencing prejudice or discrimination.

Minority ethnic groups should be consulted in the construction of the charter, both through a public consultation and stakeholder engagement. Their experiences of discrimination within the current system should be understood and the Charter should make clear that this is no longer acceptable.

Q: Should the Charter be drafted by:

(please tick the option/s you prefer)

A. An advisory group?	
B. A wider group of potential users and other groups or organisations?	
C. Both	x
D. Some other way, please specify	

Why do you favour this/these option/s?

Those with direct experience of the system should absolutely be consulted in the design of the charter, as they have the most knowledge of where the current system needs improvement. CRER also believes the involvement of equalities organisations would be beneficial, as these groups are able to highlight the inequality present in the current system and provide detailed research and analysis.

Oftentimes the voices of minority ethnic groups are not present in advisory groups and, as such, we ask that care be taken and monitoring occur to ensure these communities are fully engaged in this process.

Q: We are considering whether or not to adopt the name, “Claimant Charter”.

Can you think of another name that would suit this proposal better? If so, what other name would you choose?

CRER is not supportive of the term ‘Claimant Charter’ as we believe the charter should address the rights and responsibilities of all those involved in the system – users, staff, policy makers, etc. A social security system that works for all of society should reflect this in its charter. The principles of fairness, dignity, and equality affect and involve more than claimants and this should be made clear in the charter.

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

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

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

A. The Scottish Government	X
B. The Scottish Ministers	X
C. The Chief Executive of the Social Security Agency	X
D. Someone else, please specify	X

All individuals, public bodies, and organisations involved in the system should have a duty to treat claimants with dignity and respect. These principles should permeate the system, from those making legislative and policy decisions to frontline staff.

All members of the a Scottish social security agency should have this duty and it should also be detailed in all employee contracts to hold staff accountable and responsible.

All those whom people may want to hold to account should be bound by this duty.

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

CRER would like to highlight that, as with equality legislation, while embedding principles in legislation is a good starting point, it is not enough to change attitudes and beliefs.

Initiatives, campaigns, training, and policies will have to support the legislation and a robust system for redress should also be put into place for individuals who feel they have not been treated with dignity, respect, and fairness.

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

(please tick one box)

Yes

2. Outcomes and the user experience

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

(please tick one box)

Yes	x
No	

CRER agrees with these high level outcomes, but has concerns regarding the use of the term “equality”. Does advancing equality mean ensuring that groups more heavily affected by poverty, including minority ethnic groups, will see the cessation of these inequalities? Does inequality pertain only to income inequality or do the outcomes also seek to improve the income inequalities experienced by groups with protected characteristics? Equality should mean ensuring that poverty does not have a disproportionate effect on some groups and that the new system works for all groups, particularly those at a disadvantage, such as minority ethnic groups.

We also support the Poverty Alliance in its call for additional outcomes, including:

- People have enough money to live a dignified standard of life
- People are able to access advice and support about social security when they need it
- The social security system is responsive to the needs of those who use it
- People with experience of using social security are involved in making decisions that affect them
- Scotland has a comprehensive anti-poverty strategy that cuts across all government departments and layers of government.

If the purpose of social security is indeed to lower rates of poverty for all groups – and to ensure that particular groups do not experience disparate effects – then the outcomes should reflect the ambition to build a Scotland where poverty does not exist and where all groups are treated fairly and equally. Commitment to adequacy is a crucial aspect of this.

Movement to achieve these outcomes should lead to a discussion about top up powers and potential new benefits which could ensure that all people have enough money to lead a dignified standard of life and that certain equality groups do not experience disparate rates of poverty.

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

The additional outcomes we support are listed in the answer to the previous question. These are necessary to create a fairer and more equal Scotland in which poverty and inequality do not exist.

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

Social security communications should be designed following engagement from those who use the current system to ensure all communications are designed with dignity and respect at their core. There should also be opportunity for further consultation once detailed proposals are published.

Robust equality training for all those employed by the system – especially front-facing staff and those tasked with designing and sending communications – is necessary to counter racial prejudice and discrimination.

Furthermore, stigmatising language should be avoided; consultation with those who currently use the system will help the Scottish Government determine what these words and phrases are. People should be able to decide which words foster dignity and respect (e.g. are ‘claimant’ or ‘user’ still appropriate words?) and the system should honour this.

Language used in communications should also be Plain English and free of jargon. Communications are not serving their purpose if individuals cannot understand their purpose and meaning.

People should also be able to choose on an individual basis how they receive communication (e.g. through the post, on the phone, through email or text message).

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

The Scottish Government should consult with those who use the social security system and organisations which support them. Furthermore, it is important to consult with a wide range of organisations, including those who represent groups with protected characteristics such as minority ethnic groups. The Government should consider the use of Plain English and other languages for newer migrants.

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

(please tick one box)

Yes	X
No	

CRER agrees with the Poverty Alliance that the following phrases should not be used or should be reconsidered:

- Allowance (which has a patronising association and should be replaced with the word 'entitlement', as, for example, full time carers are entitled to a payment)
- Claimants/users (which reinforce a power imbalance in the social security system)
- Welfare ('social security' instead supports the notion of a system that exists for all of Scotland)
- Customers/clients ('customers' is more typically used in a purchasing context)
- Citizen (as not all those who rely on social security are citizens)

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

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

The user experience when people first get in touch is critical; the first experience sets the tone. When people first make contact, they should have the process clearly and respectfully explained to them. They should be given the Charter and have their rights and responsibilities explained to them, and be told what to expect from the process.

We believe that if DWP staff is maintained in the new Scottish system, it will be essential that staff are trained to uphold the principles of dignity and respect and also receive robust equality and anti-racism training. If not, the problems of the current system may be persistent in the new Scottish system.

There should be a single point of contact designated for the individual. If the person is comfortable with and agrees to have their information shared, they should not have to tell their story more than once if they do not wish to. After this, they should be told which payments they are entitled to; if those benefits are reserved, there should be an effective referencing mechanism.

Individuals should also be told all the options available to them for future communication and be able to choose the method of communication they would prefer. They should also be directed to agencies or services where they can access advocacy and advice and also be signposted to local organisations that offer support and advice.

Once a claim has gone through, individuals must be kept informed with their chosen method of communication, with a variety of options available (including non-digital for those without digital access). If this communication is oral (e.g.

on the phone), information on decisions should also be detailed in writing. This will ensure everyone is on the same page and that the user can seek additional help if necessary. Information on decisions should be clear and further explanations should be provided if requested.

When decisions are given, information on appeals should also be provided if applicable.

When an individual is in receipt of a benefit, it should also be made clear to them what their responsibilities are and should be told what to do if circumstances change. Any changes to the benefit or to the system should be clearly communicated to all affected.

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

Users should have their choice as to how the social security system communicates with them, whether by text message, email, letters, or phone calls. Information that is communicated orally should also be provided in written form to avoid confusion or misunderstandings.

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

CRER agrees with the Christie Commission report which recommended the co-design of services, as we feel that people involved in a service are the ones who know best how it could be improved and redesigned.

Independent co-design experts are needed to ensure the process is robust and genuine. Furthermore, the Scottish Government will need to make a concentrated effort to increase grassroots involvement and ensure that all groups – especially groups with protected characteristics – are included and participate fully.

Participation levels among minority ethnic groups tend to be lower than participation from white groups; as such, particular care should be taken to engage directly with these communities.

In the development of the Race Equality Framework for Scotland, the Scottish Government and CRER created the Community Ambassadors Programme to allow community leaders to consult directly with their own communities and feed back to the national consultation. This can allow for more sensitive and hidden issues to be discussed more fully and freely. A similar approach may be useful in engagement with groups who have traditionally had lower levels of involvement.

The co-design approach should also take care to ensure participants are treated with dignity and respect throughout and that their opinions are heard and respected. Questions/consultations should be clear and direct and ensure that participants understand fully what is being asked of them. The Scottish Government must also be transparent regarding plans and what is and is not possible in the design of the system. Organisations consulting with individuals and groups on behalf of the Scottish Government should receive funding support and individuals participating should be offered transport, childcare, and other reasonable costs. Furthermore, adequate time to consult, engage, and co-design should be given, as this may enable groups who do not traditionally participate an opportunity to do so. Finally, regardless of the outcomes, all individuals and groups who participated should receive feedback from the Scottish Government, as was the case with the Community Ambassadors Programme.

It may also be beneficial to appoint an independent advisor or lead on this work to ensure that the opinions offered are respected and genuinely taken into account in the design of the system.

Finally, CRER notes that it may be beneficial to carry out a capacity building exercise prior to co-design events and activities, as the issues surrounding the new social security system can be complex and there may be misconceptions about what can be achieved in the new system and with the new powers. Ensuring potential service users understand the issues fully will result in more robust co-design process. Furthermore, third sector groups with expertise in the areas of social security, anti-poverty, and equality work could add valuable contributions to the co-design of the new social security system and should also be involved.

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

CRER believes that the term “user” carries negative stigma and does not adhere to the principles of dignity and respect. “Expert panels” or “experience panels” may be suitable alternatives.

However, we acknowledge that the name of the panel does not matter as much as the way members of the panel are treated and represented and the respect given to members of the panel and their lived experience and expertise.

3. Delivering social security in Scotland

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

(please tick one box)

Yes	x
No	

Yes, a central agency should administer all benefits in Scotland. This ensures that there is a coherent, high quality national approach to the system and that there is not a postcode lottery, with residents in some local authorities faring worse than others. Decision making, appeals, information sharing, and entitlements would be consistent across Scotland.

A central agency simplifies the process and ensures that, even if individuals move across Scotland, they have access to the same benefits in the same way. This offers stability and reliability, which are crucial to ensuring dignity and respect. This is particularly important, as those who receive reserved benefits may already have to deal with more than one agency or system.

The social security system should not be administered by contractors and should not be run for profit, as this invites corruption into the system and reduces individuals to costs and risks.

It may be suitable to designate the agency as a Non-Departmental Public Body, which would ensure that the agency is accountable to Ministers, but also offer a degree of autonomy and independence.

Regardless, the agency should be subject to the public sector equality duties, as this will bind it to a responsibility to advance equality, eliminate discrimination, and foster good relations in its work. This is essential to ensuring that minority ethnic groups do not continue to experience disparate levels of poverty and benefit fully and fairly from the social security system.

Furthermore, we believe it will increase the transparency and accountability of the agency and require it to be forthright with its efforts to be an exemplar of equality for other public bodies. We welcome the Scottish Government's commitment to hold up the new social security system as an example to other public bodies and believe that ensuring adherence to the public sector equality duties would aid in this aspiration.

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

(please tick one box)

Yes	X
No	

CRER believes that all benefits should be paid in cash, as not doing so undermines the principles of dignity and respect.

If these principles are supposed to be at the core of the system, individuals should be allowed to spend their money as they see fit and as is particular to their circumstances. Supplying goods instead insinuates that individuals are not responsible with their money and must be told how to spend it.

Moreover, if the goods in receipt are things individuals should already receive, such as energy at a reasonable cost, there should not be a choice between this and the payments to which people are entitled.

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

Firstly, the agency must consider accessibility. Not all those engaging with the social security system will have access to digital technology and it is essential that they are not placed at a disadvantage as a result.

Again, individuals should have access to a range of communications options for engaging with the service.

CRER also notes that the cost to users must also be carefully measured. If there are text messages sent, what is the cost of receiving these? What happens if an individual does not have access to a mobile phone or access to the internet for social media? For those who do not have internet at home or on their mobile phones, access can be limited and privacy may not be guaranteed. These considerations are necessary well in advance of implementing digital services.

However, if the agency chooses to utilise digital technology to create a more accessible service, the approach should be shaped by people with knowledge of how to best implement this to avoid misuse of public money on initiatives which are not achievable or useful.

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Yes. Oftentimes face-to-face contact is faster and provides more clarity for individuals. Conversations can ensure that individuals both understand the process and any decisions/requirements and have the opportunity to get answers to questions quickly and clearly. The opportunity to choose this form of communication is important to uphold the principles of dignity and respect.

This is also a more holistic and person-centred approach and fosters an atmosphere of dignity and respect between staff and users.

Local branch offices of a national agency would provide a suitable opportunity for face-to-face contact and would allow for an individual to have a designated staff member. This simplifies the process and ensures people are not having to tell their story multiple times to brand new faces and may help build relationships and trust. The approach and attitude of the frontline staff is key and extensive training, including equality training, is necessary.

It would be beneficial if these local offices could also provide guidance and support on reserved benefits.

Local offices may also be able to direct individuals to other bodies or support agencies in the areas, such as health, education, or employment services.

Childcare should also be offered during appointments to help individuals with children meet their responsibilities. Amenities such as tea/coffee/water facilities and accessible toilets should also be available.

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

CRER believes that the number of medical assessments should be decreased and that this should be the exception rather than the rule, especially for those with long-term conditions or disabilities.

If the necessary information already exists, the social security agency should seek this out (with the permission of the individual to share relevant information).

If not, the assessments should be carried out by a GP or a medical professional.

The individual should be able to select who conducts the assessment, as their GP may have a comprehensive knowledge of their condition or situation, and as this provides more dignity and respect than a stranger conducting the assessment.

This may be especially important for fluctuating conditions that may change and develop or for sensitive or complex situations, such as mental health conditions. This should be done by the public sector and not by a for-profit agency.

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

(please tick one box)

Yes	
No	x

No. CRER is in favour of a new Scottish Social Security Agency in contrast to delivering social security through existing public sector bodies and organisations.

For minority ethnic individuals, many public services and organisations have negative connotations due to experiences of racism or discrimination.

A new agency should offer a chance for a clean slate and decrease the likelihood of institutional racism negatively affecting minority ethnic users.

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

(please tick one box)

Yes	
No	X

CRER believes this would lead to a more piecemeal approach and increase the likelihood of discrimination and racism, whereas with a singular agency, everything would be subject to the same standards and staff would receive the same training and be bound by the same code of conduct. Where there is discrimination and racism, it will be easier to address through a singular transparent national agency in which it is clear who is accountable and in which measures for redress exist.

Diluting the system to other bodies and organisations may lead to variations in practice that will leave some individuals at a distinct disadvantage.

4. Equality and low income

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

These prompts could be helpful in framing your answer:

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

To ensure equalities implications are fully taken into account in the development of the social security system, the Scottish Government must continuously and genuinely involve organisations with expertise in equalities strands in its production of the Equality Impact Assessment prior to the publication of the Bill. These groups should then be involved thereafter with a clear remit to identify potential inequalities and opportunities to further promote equality within the new system. Equalities must be built into the system from the start; we cannot afford for it to be an afterthought.

CRER would firstly like to highlight race equality concerns surrounding some of the general barriers highlighted in the consultation:

- Attitudinal barriers - Studies have demonstrated that minority ethnic groups, including those from ethnic groups more readily associated with migration, face discrimination and prejudice when accessing benefits or seeking support. For example, the report [“Unequal and Unlawful Treatment”](#) by the Oxfam Law into Practice Project and the Govanhill Law Centre details the discrimination and barriers faced by members of the Roma Community when accessing welfare benefits. We further note the [low take up of benefits from minority ethnic groups](#), which may be a result of the discrimination and stigma these groups face when attempting to access benefits and entitlements as well as rhetoric referring to minority ethnic groups as ‘benefit scroungers.’

- Communication barriers - New migrants may have particular needs surrounding communication support and may face linguistic barriers caused by complex language and jargon.
- Organisational barriers – Minority ethnic groups are more likely to be clustered in [occupations with longer, insecure, or unsocial working hours](#), which may inhibit their ability to access the system and attend appointments or informational events. A culture of institutional racism within social security and welfare agencies can also constitute a significant barrier for minority ethnic groups in accessing benefits and entitlements.
- Financial barriers – CRER notes that non-white minority ethnic groups [are twice as likely to be living in poverty as white ethnic groups](#) and therefore face disproportionate financial barriers. Additionally, although this may be beyond the scope of this consultation, we note that migrants with no recourse to public funds are particularly at risk for experiencing extreme poverty without access to the social security system.
- Environmental barriers – [Racist hate crime](#) continues to be the most frequently reported hate crime in Scotland. In addition to this, the EHRC’s report [“Is Scotland Fairer?”](#) found that those from minority ethnic groups (alongside those from religious minority groups and women) were more likely to be worried about violent attacks. As such, factors that may compromise a sense of safety could be barriers to minority ethnic individuals accessing the social security system.

CRER would also like to highlight race equality concerns in relation to some individual benefits listed in this consultation:

- Carer’s Allowance – [Studies](#) have suggested that there may be significant levels of under-reporting within minority ethnic communities, as individuals may prefer to think of themselves as spouses, sons or daughters, parents, relatives, or good neighbours rather than carers; the caring role is subsumed within this wider identity. Additional difficulties can also arise due to the lack of a conceptual framework and the language surrounding ‘informal caring’. More must be done to raise awareness of Carer’s Allowance and related entitlements within minority ethnic communities.
- Cold Weather Payment and Winter Fuel Payment – [A national survey](#) of children and young people in 2008 revealed that 10% of children in families with a Black mother were likely to experience persistent inadequate heating, compared to 4% overall. Overall, non-white minority ethnic people are also more likely to live in homes without central heating. According to the 2011 Census, non-white minority ethnic individuals are over-represented in living in homes without central heating with 7.2% vs 3.0%. This suggests minority ethnic households may be more at risk for fuel poverty and thus, concerted efforts to raise awareness of these entitlements may be necessary.
- Funeral Payment – In regards to the elements included in this payment, we note that there must be a level of discretion, as different cultures may have different traditions and requirements, including surrounding burial practices and timescales. This should be taken into account in the administration of this benefit.
- Best Start Grant – As minority ethnic groups are more likely to be [younger and as the majority of married couple families from minority ethnic groups have dependent children](#), again, efforts will likely be needed to raise awareness of this entitlement among minority ethnic families.

There are additional issues which should be examined in the Equality Impact Assessment. For example:

- Stigma – From discussions with communities, we know that there is a stigma attached to claiming benefits within minority ethnic groups. This stigma may be present within their own communities or may be the result of negative rhetoric describing migrant or minority ethnic benefit claimers as “scroungers” and scapegoating entire communities. This needs further consideration and methods to combat this stigma should be built into the design of the new social security system.
- Housing – Non-white minority ethnic groups are also [significantly over-represented](#) in private renting, but under-represented in home ownership and social renting. Private renting can be an indicator of potential deprivation and vulnerability, as housing problems are more likely in this tenure and many private tenancies are short-term and do not offer long-term security. Furthermore, private rent is typically twice the level of social rent and may not be fully covered by local housing allowances. The possible reason for this (including institutional racism), the impact of this on the social security, and the need for particular support should be considered within the EqIA.
- Family composition – We note that, according to the 2011 Census, non-white minority ethnic families tend to be larger than white ethnic families. Extended and multi-generational families are also more likely to live together. This may have a knock-on effect on child poverty rates and is also relevant when considering benefit eligibility and family income. These specific demographic variances should also be examined within the EqIA.

Furthermore, it is also important to note that minority ethnic groups claim benefits with much lower uptake rates than their white counterparts, despite being twice as likely to experience poverty. CRER found claimant count numbers for JSA and ESA to be very low in many minority ethnic groups. The exact reasons for this underrepresentation are unknown, although stigma and lack of awareness may play a role. This disparity should be a key consideration in the design of the new social security system for Scotland.

We note that while the partial EqIA provides suggestions about how different equalities groups are potentially disadvantaged by certain benefits or policy areas, it does not do this in a structured and holistic manner. There is not a set of questions or themes given for each equality strand and it appears the information provided is selective and largely anecdotal, particularly for race equality. Much more quantitative data and qualitative information on race is needed for this to be a substantive EqIA.

This information – along with much additional and necessary information – can be gathered by drastically improving disaggregated data collection and publication.

Anecdotal evidence is not enough to generate substantive equality policy and robustly equality impact assess social security reforms and systems. There must be consistent collection of quantitative data which can be disaggregated by equality characteristics to identify gaps, trends, and inequalities with all strategies, policies, legislation, and programmes associated with the social security system in Scotland.

All statistical information regarding those using the social security system should be disaggregated for protected characteristics when published. Data regarding applications, uptake, refusals, complaints, appeals, overpayment, fraud, sanctions, and devolved benefits should be equality monitored to ensure groups are not facing negative disparate outcomes. The ability to disaggregate this information should be built into the social security system from its inception.

Ongoing equality data monitoring, reporting, and evaluation procedures are necessary to measure progress, identify persistent areas of inequality, and take advantage of opportunities to further increase equality through the system.

Efforts must be made in the design of the system to ensure that minority ethnic groups are able to access benefits and better claim those to which they are entitled.

Further engagement with minority ethnic individuals, community groups, and third sector organisations is needed to source the race equality information missing from this EqlA and identify areas of inequality which must be addressed by the new system. More detail on the highlighted minority ethnic forum should also be published.

Overall, the Scottish Government must ensure that racial equality is firmly embedded and mainstreamed throughout the development of all initiatives, policy, legislation, and programmes associated with social security and the wider anti-poverty agenda. CRER believes that equality should feature alongside dignity and respect as one of the guiding principles of the social security agenda, as full dignity and respect cannot be achieved if only certain groups are benefitting.

We note that oftentimes there is a lack of integration between anti-poverty and equalities working; this must be addressed to ensure the new social security system works for all who use it, including minority ethnic groups.

5. Independent advice and scrutiny

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

(please tick one box)

Yes	x
No	

There is a need for an independent body to scrutinise and monitor the new social security arrangements. This will enhance accountability and transparency and limit the interference of bias.

This body could also provide a way for expert voices outside of the government to be involved in the management and oversight of the social security system long-term.

This will also be important as it will provide consistency and stability to a system that will last throughout many changes in government. An independent body would be less subject to changes following the installation of every new government.

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

(please tick one box)

Yes	x
No	

The body should be statutory and established in law. This ensures it is not at risk in fluctuating political situations and that it is able to maintain its independence.

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

As with all public bodies, equality must be a central consideration of the independent body. Provisions should be put into place to ensure that those with protected characteristics are well represented on this body (particularly groups more likely to be entitled to social security, such as disability groups).

Measures are also necessary to limit the ability of future governments to silence or eradicate this agency. This body should ensure that the views of users are seriously and genuinely taken into account if a new approach to social security is wanted.

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

(please tick one box)

Yes	X
No	

CRER would like to see the creation of a statutory body to oversee the decision making standards of the social security agency. It is critical that independent scrutiny measures are built into the system to limit the effects of bias, discrimination, or prejudice.

This body or committee should have the power to consider specific issues or claims. The appeals process should be straightforward and provisions should be put in place to ensure that those undergoing appeals are not left destitute during the process.

The body or committee should also ensure that the agency is upholding public sector equality duties and is not treating minority ethnic individuals unfairly. It should also be able to review the standards of decision making of the agency and produce recommendations for improvement.

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

(please tick one box)

Yes	X
No	

Creating a separate body is the only way to ensure independence and impartiality within the system, and allows for proper checks and balances.

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

Please specify below

PART 2: THE DEVOLVED BENEFITS

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

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

Disability Living Allowance (DLA)

What is right with DLA?

What is wrong with DLA?

Personal Independence Payment (PIP)

What is right with PIP?

What is wrong with PIP?

Attendance Allowance (AA)

What is right with AA?

What is wrong with AA?

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

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

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

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

Who should be responsible for requesting this information?

Who should be responsible for providing it?

Please specify below

Please explain why

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If no, please explain why

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, which aspects of an individual's life should the criteria cover and why?

If no, how do you suggest entitlement is determined?

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

How could this be determined?

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

Please specify below

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

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

If no, how could the approach could be improved?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your reasons

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

(please tick one box)

Yes	
No	

Please explain why

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

Please specify below

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

(please tick one box)

Yes	
No	

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

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

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

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

Q: How could the existing assessment process be improved?

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

--

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

e.g. Skype, video conferencing

Please specify below

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

--

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

--

Q: Who should provide that evidence?

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain the reason for your answer

If yes, what are they?

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

Please specify below

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

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

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

Q: How do you think this might be achieved?

Please specify below

Q: What are the risks?

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

Please specify below

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

What is right with the IIDB scheme?

What is wrong with the IIDB scheme?

Please explain your answer

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

7. Carers Allowance

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Q: What alternative support should be considered?

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

Q: How can we improve the support given to young people with significant caring responsibilities - beyond what is currently available?

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

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

8. Winter Fuel and Cold Weather Payments

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

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

9. Funeral Payments

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

Please specify below

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

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

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

(please tick one box)

Yes	
No	

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

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

- Funds in the deceased's bank account
- Funeral plan/insurance policy
- Contributions from charities or employers
- Money from an occupational pension scheme
- Money from a burial club

YES	NO

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

Please specify below

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

Please specify below

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

10. Best Start Grant

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

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Please explain why

--

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

--

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

(please tick one box)

Yes	
No	

Please explain why

If no, what alternative method should we use?

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

(please tick one box)

Yes	
No	

Please explain your answer

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

Please specify below

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

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

Please specify below

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

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

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

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

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

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

11. Discretionary Housing Payment

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Q: Could the administration of DHP applications be improved?

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

12. Job Grant

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

Please specify below

13. Universal Credit flexibilities

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

CRER supports the Poverty Alliance and Engender in their calls to split payments as the default option for Universal Credit payments, as payments to only one member of a household can reinforce and worsen power imbalances which often leaves women disadvantaged.

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

a) automatic payments to individuals, with the option to choose a joint payment

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

b) automatic household payments, with the option to choose individual payments?

(please tick one box)

Yes	
No	

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

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

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

PART 3: OPERATIONAL POLICY

14. Advice, representation and advocacy

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

These providers should offer clarity to users who may find it difficult to adjust to or fully understand the new social security agency. The right to advice should be statutory, as a system cannot have dignity and respect if people cannot understand it.

Those providing advice should ensure that people are aware of their rights, responsibilities, and entitlements and should be available to support individuals through the process or direct them towards an organisation which can.

They should also provide advice if an individual feels they have experienced discrimination or racism from the system and offer opportunity to see redress.

Advice providers should also seek to identify especially marginalised groups and ensure they are not further disadvantaged by the new system.

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

Consultation is needed with current publicly funded advice bodies to better understand the potential impact of the transfer of devolved benefits. These bodies will likely need increased resources and support once the new system is implemented, as people will have increased advice needs to understand and properly use the new system.

The Scottish Government should also ensure that advice providers are given training which emphasises support for groups who are most vulnerable following the changeover. There should be a particular effort to reach out to and provide support for these groups. This will foster additional equality and fairness in the system.

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

This offers the opportunity to embed an equalities focus and provide equalities training to all publicly funded advice providers. It is important that these providers understand additional advice needs that equalities groups may require and are well equipped and prepared to provide this.

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

(please tick one box)

Yes	x
No	

According to hard data and anecdotal evidence, minority ethnic groups consistently under claim benefits to which they are entitled. As these communities are already twice as likely to be in poverty, action to help these groups claim their benefits will reduce poverty and inequality.

Helping individuals claim appropriate benefits reduces the cost of a lengthy appeals process and also limits the numbers of people reaching a crisis point and having to rely on foodbanks and emergency funds. Spending on advice services is a preventative spend in this way.

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

The Scottish Government should engage directly with independent advocacy services who will know best how potential changes may affect them. The government should also make a concerted effort to engage with any agency which specifically support equalities groups, as there may be additional concerns for which these groups have expertise.

Advocacy services should also equality monitor their clientele to ascertain whether certain groups are seeking advice and advocacy with greater frequency or whether the transfer of the devolved benefits has had a negative impact on certain groups.

15. Complaints, reviews and appeals

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

(please tick one box)

Yes	X
No	

Yes, but the Scottish Government should also identify opportunities to improve upon this if possible. The 'Statement of Complaints Handling Principles' should serve as a minimum standard. Further consultation could be done once the complaints procedure is in place.

Q: How should a Scottish internal review process work?

The internal review process should be clear and transparent and users should be made aware of their rights to lodge complaints and request appeals if they feel their rights are not being respected.

We support the Poverty Alliance's view that there should be a two tiered review process in which the first tier review is an appeal to the decision maker and, if the original decision is upheld, then the appeal is passed onto the courts and tribunal service.

The process should also offer a way for an individual to seek redress if they feel they have been the victim of discrimination and prejudice.

Complaints should also be equality monitored to monitor whether certain groups are more likely to lodge complaints or seek reviews and appeals.

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

Due to the risk of individuals seeking appeals becoming destitute, any appeal which is not resolved within a month should be passed to the courts and tribunal service.

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

(please tick one box)

Yes	X
No	

Yes. This offers an additional degree of independence and impartiality and provides more transparency and clarity than an internal review only might.

Tribunals must also be made aware of equalities implications and consider the effects that racism, discrimination, and prejudice may have had on decisions made. Training should be provided if necessary.

Finally, there should not be a financial impact on those taking tribunal decision forward if they are found to be entitled to the benefit in question. Restitution should be made quickly.

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

Please specify below

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

It is important to ensure that the appeals process is independent and is free to impartially scrutinise decisions.

Applicants must be made aware of their right to appeal when they receive their awards decision. This should be clear and in writing, and the right to appeal should also be featured in the charter. They should be directed to an agency or service that can provide support and advocacy if needed throughout the appeals process.

Communications should be in writing, alongside any other form of communication requested by the individual. Language should be in Plain English and in a format that is understandable. This information should contain details about the steps that must be taken and the anticipated timescales for this. Information should also be given about the Scottish Welfare Fund if it is likely that the person will find themselves in destitution as a result of the decision.

Additionally, those who assess appeals need equalities knowledge and a distinct knowledge of how the system works and how it may affect different equalities groups. They should be receiving anti-racism training.

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

Alongside dignity and respect, fairness and equality should be reflected in the design of the appeals process and in the wider social security system. Concern should be given to groups more likely to be treated unfairly or experience discrimination, including minority ethnic groups. Without equality for all, dignity and respect cannot exist.

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

Appeals should be dealt with in an appropriate timescale to ensure that all necessary information is gathered, but also that the individual is not left waiting and uncertain. Alongside the Poverty Alliance, we would support appeals being transferred to the courts and tribunals service if they have not been resolved within a month.

Regardless of timescales, access to emergency funds should be available whilst the appeal process happens.

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

The person making the appeals should have the process, timescale, and their rights clearly explained to them. This should occur in a format requested by the individual, including face-to-face, and should also be given in writing to allow advice and advocacy organisations to provide support if necessary.

Appellants should also have the right to speak to a designated person in preparation for the appeal if requested.

Q: How could the existing appeals process be improved?

Please specify below

16. Residency and cross-border issues

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

We agree with the Poverty Alliance that there are some areas of social security over which the Scottish Government will have control that are available for claimants who are not currently resident in the UK, such as payments made to British nationals who are resident in EU states. This should be maintained.

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

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

Given the complexities of the change-over, it is likely that there will be disputes about residency tests. The Scottish Government should ensure that interim payments are available to claimants whilst dispute issues are resolved. Care should also be taken to inform those who may be affected by any changes well in advance. Clear guidance and advice may be needed.

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

To guarantee as smooth a transition as possible, the Scottish and UK Governments must work together to develop reciprocal agreements on residency and social

security.

The Scottish Government should also equality impact assess any residency process to ensure certain groups do not experience disparate negative outcomes as a result of any changes.

The Scottish Government may also want to consider a piece of work which involves migrants groups to see how residency policies affect these communities in particular and identify any disadvantage faced.

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

The key to this will be to ensure that there is transition that is as seamless as possible for claimants. Collaboration with the UK Government and agreement on residency and cross-border issues will be necessary for this.

Furthermore, the Government should conduct a particular Equality Impact Assessment on all residency and cross-border issues to identify communities, such as migrant groups, which may be adversely affected by this.

17. Managing overpayments and debt

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

(please tick one box)

Yes	X
No	

CRER believes that the focus should be on preventing overpayments based on individual circumstances in the first instance. Oftentimes overpayments occur as a result of overly complex systems and poor communications, which means that claimants may not be aware that an overpayment is likely to occur. Simplifying and clarifying the process and issuing communication which is simpler to understand will likely reduce the occurrence of overpayments.

Where an overpayment has occurred, the focus should be on ensuring the claimant is not adversely affected in the recovery of the overpayment. Actions should be discussed and agreed with the claimant as much as possible. The rate at which the overpayment is recovered must consider the individual circumstances of the claimant to ensure that they do not face destitution as a result of the recovery, which will have a rolling effect on other parts of the social security system.

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

Where an overpayment has been identified, the Scottish Social Security Agency should direct the claimant to an independent organisation where they can access advice, advocacy, and support.

An increase in the provision of advice will be needed to ensure that claimants do not bear the brunt of understanding new procedures and risk providing misinformation that results in an overpayment.

The Scottish Government could also consider looking at the impact of debt management schemes and the impact this may have on overpayment.

18. Fraud

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

CRER believes it's important to highlight that benefit fraud only accounts for approximately 0.7% of welfare spend. As such, it should not be heavily prioritised in the design of the system given its extremely low rate of occurrence. Focus on preventing fraud should not inhibit the creation of a social security system that is open and treats claimants with respect and dignity. The system should not be designed with the very small percentage of those who cheat it in mind.

It is also important, when speaking about fraud, to stress that it is extraordinarily rare. This will help reduce stigma and negative prejudices surrounding the social security system and claimants.

The language used around fraud must be very carefully chosen and a distinction between fraud and error must be stressed.

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

(please tick one box)

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

CRER also stresses that it is important to account for the role racial prejudice may play in accusations of fraud.

The report "Unequal and Unlawful Treatment: Barriers faced by the Roma Community in Govanhill when accessing welfare benefits and the implications of section 149 of the Equality Act" highlights the discrimination faced by members of the Roma community. It is essential that in any future social security system, the role discrimination and prejudice may play is acknowledged with measures put in place to prevent illegal and unequal treatment, particularly regarding fraud accusations.

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

To design out errors or reduce the potential for fraud at the application stage, claimants must be given clear, understandable information about the application process, eligibility requirements, conditions for entitlement, ongoing duties, and the process to follow if circumstances change. Care should be taken to ensure this is understood and there should be provision for advice if requested.

A straightforward application process within a robust social security system and a manageable workload for assessors will help to reduce errors and confusion.

CRER stresses that all fraud investigations must be based on solid evidence, not assumptions, prejudice, and discriminatory attitudes. Claimants should be treated as innocent until proven guilty and must be given a fair opportunity to explain any discrepancies or changes.

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

The Scottish Government may wish to draw upon this, but consultation with claimants should be carried out, especially with individuals who have been wrongfully accused of fraud.

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

CRER believes that investigators must be put through rigorous anti-racism training to ensure personal prejudices do not impact upon their work.

Investigators must also be made aware of the rights of claimants and, in turn, claimants should be made aware of their own rights and the role of the investigators. Claimants should also be given the opportunity to have a support/advocacy workers accompany them whilst the investigator is present.

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

Please specify below

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

Please specify below

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Whether a new list of offences or the same, it will be important to equality monitor instances of fraud to ensure that minority ethnic groups are not unfairly treated or experiencing disparate negative outcomes.

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

(please tick one box)

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Whether a new level of penalties or the same, it will be important to equality monitor instances of fraud to ensure that minority ethnic groups are not unfairly treated or experiencing disparate negative outcomes.

19. Safeguarding your information

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

(please tick one box)

Yes	X
No	

Yes, as long as the approach has been cleared with the Scottish Information Commissioner and the Office of the Information Commissioner Scotland.

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

(please tick one box)

Yes	X
No	

When processing applications, there have been instances in which staff read a recognisably minority ethnic name and treat the information/applicant less favourably due to racial prejudice.

Measures should be taken to eradicate racism throughout the social security system and a review of the way information is shared and how this could create potential opportunities for racism and prejudice to impact services and decisions should be considered.

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

It is important that the Scottish Government particularly consult those most likely to experience prejudice and discrimination in information sharing, including minority ethnic groups.

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

CRER believes that internal staff at the social security system should be limited in their ability to access the names of applicants/users, dependent on their role, with procedures built in to limit the effects of racism and prejudice.

Q: Do you perceive any risks to the individual?

As above, there is a risk to minority ethnic individuals with names which are easily identified as non-white, as they may experience prejudice and discrimination from the system.

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

As above, limits should be introduced as to which staff members are allowed to view the names of applicants/users, and decisions should be equality monitored to ensure minority ethnic individuals are not experiencing discrimination or unequal treatment.

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

(please tick one box)

Yes	X
No	

Yes, we would support this as long as individuals had given informed consent and the outlined provisions were put into place to account for prejudice and discrimination.

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

(please tick one box)

Yes	X
No	

Yes, we would support this as long as individuals had given informed consent and the outlined provisions were put into place to account for prejudice and discrimination.

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

CRER believes it may be beneficial to have this as an option, as long as either the online option or the paper application are not favoured over the other. Monitoring should take place to ensure that applications are treated equally, regardless of how they are lodged.

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

Obtaining informed consent for this and ensuring security for information is critical. Again, it is important to guarantee that applications assessed electronically are not favoured over those which are assessed on paper or through other methods.

20. Uprating

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

CRER agrees with the Poverty Alliance that the best way to ensure that devolved benefits keep pace with the cost of living is to increase them in line with the Retail Price Index. The Scottish Government should also give consideration as to whether it is possible to triple lock certain benefits in the same way as the UK Government has done with pensions.

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

If so, please explain which benefits and why