Scottish Commission on Social Security (SCoSS) Scottish Employment Injuries Advisory Council Bill Note from SCoSS to the Social Justice and Social Security Committee

This note is intended to assist the Committee with its consideration of the Employment Injuries Advisory Council Bill.

The role of the Scottish Commission on Social Security

The role of SCoSS is to provide independent scrutiny of the Scottish social security system. Our full functions are set out in section 22 of the Social Security (Scotland) Act 2018. These are to scrutinise proposals for social security regulations upon referral from the Scottish Government, to prepare a report on any matter relevant to social security upon request by the Scottish Government or Scottish Parliament, and to monitor the compliance of the Scottish social security system with the social security charter. All types of social security assistance fall within the scrutiny remit of SCoSS, including employment injury assistance.

To date, the vast majority of our work has been reactively scrutinising draft regulations referred by the Scottish Government. SCoSS has four members with expertise in social security law and practice, human rights, policy and strategy development and social work. To inform our scrutiny work, SCoSS regularly engages with stakeholders, and can also can establish committees and sub-committees.

The role of the Industrial Injuries Advisory Council

The role of the Industrial Injuries Advisory Council (IIAC) is primarily is to keep under review the list of diseases and jobs that are covered by industrial injuries disablement benefit. They consider emerging scientific evidence and make recommendations to the Secretary of State for Work and Pensions on updates to the list. To do this, IIAC has 17 members including members with expertise in occupational medicine and employment law, and representatives of employers and workers.

The roles of IIAC and SCoSS are very different. Advice from IIAC is proactive so that government policy on benefits for occupational disease is based on scientific evidence. SCoSS's role is a reactive scrutiny of policy in draft regulations, including not just eligibility conditions but also 'cross-cutting' provisions on social security matters such as administration, residency and links across the UK and Scottish systems.

An independent review of SCoSS, conducted by Glen Shuraig Consulting in September 2022,² noted that "the skills and expertise of members of the Industrial Injuries Advisory Council (IIAC) were very different to those of the Social Security Advisory Committee (SSAC) or SCoSS, and that although SCoSS does scrutinise regulations relating to benefits for those with industrial injuries, it could not take on a wider role in relation to advice on the industrial injuries scheme, such as whether prescribed diseases for which benefit can be paid should be added to or amended.

¹ Social Security (Scotland) Act 2018 (legislation.gov.uk)

² Letter from Cabinet Secretary for Social Justice to SJSS Committee regarding independent review into SCoSS (parliament.scot)

As far as we are aware no such role is envisaged for SCoSS, and it appears very clear that it would not be appropriate."

The role of a Scottish Employment Injuries Advisory Council

If established with both a proactive advisory role similar to IIAC and a reactive role similar to SCoSS scrutinising resulting regulations, a Scottish Employment Injuries Advisory Council would require <u>both</u> sufficient expertise in Scottish and UK social security alongside the medical and scientific expertise to conduct proactive elements of its work and employer and employee representation.

Summary

The roles of SCoSS and of IIAC differ significantly, as does the expertise of their memberships. SCoSS's role is reactive, with expertise on social security law and practice, human rights, and cross-cutting social security provisions. IIAC has both reactive and proactive roles, with expertise in occupational medicine and employment law, and representatives of employers and workers. A Scottish Employment Injuries Advisory Council as set out in the Bill would require a significant breadth of expertise across its membership.

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