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An t-Ionad Fiosrachaidh

## Social Justice and Social Security Committee

### 7th Meeting, 2024 (Session 6), Thursday, 7 March

## Social Security (Amendment)(Scotland) Bill

### Introduction

This is the first of five panels on the Social Security (Amendment) (Scotland) Bill.

Today's session will hear from welfare rights experts and the Law Society of Scotland.

The Committee will hear from:

- Diane Connock, Advice Services and Welfare Reform Team Leader, Stirling Council
- Richard Gass, Welfare Rights and Money Advice Manager, Glasgow City Council
- Jon Shaw, Welfare Rights Worker, Child Poverty Action Group (CPAG)
- Erica Young, Policy Officer, Citizens Advice Scotland (CAS)
- Michael Clancy, Director of Law Reform, Law Society of Scotland

### Background

[This Scottish Government Bill](#) was introduced on 31 October 2023. It has eight substantive parts, each dealing with a different aspect of social security administration.

All the changes are by amendment to the framework legislation - the [Social Security \(Scotland\) Act 2018](#). The overarching aim is:

"To create efficiencies and enhance the administration of the Scottish social security system, with a focus on measures to improve the client experience and to deliver value for money."

The [SPICe Bill briefing](#) provides more background.

The Committee held a 'call for views' which received [27 responses](#), 10 of which also responded to [the Scottish Government consultation](#). There was a generally positive response albeit with some detailed suggestions for amendments and some concern raised about ensuring vulnerable clients would always be supported.

All of today's witnesses responded to the Call for Views.

## Overview of the Bill

**New benefits** - Part 1, sections 1 and 2 set up the legal framework that would allow new benefits for care experienced people and for families with children to be introduced in future. This would allow the proposed 'Care Leaver Payment' to be introduced and allow Ministers to introduce regulations to change the legislative footing of the Scottish Child Payment.

**Late applications**- Part 2, section 3 repeals COVID measures that allowed late applications for benefits.

**Challenging decisions** - Part 3, sections 4 to 8 make changes to the processes for re-determination and appeal.

**Overpayments** - Part 4, sections 9 to 13 make changes to the rules on liability for 'assistance provided in error'.

**Appointees** - Part 5, sections 14 and 15 concern arrangements where someone who cannot manage their own benefit payments (such as a child or an adult with incapacity) has an appointee to manage their benefits for them.

**Providing information** - Part 6, section 16 would require individuals to provide information to Social Security Scotland in order to estimate the amount of fraud or error in the system as a whole.

**Compensation recovery** - Part 7, section 17 would apply where a person who gets social security payments as a result of an injury, accident or disease, is awarded compensation for the same incident. Some of the compensation payment would be paid to Scottish Ministers.

**Scottish Commission on Social Security (SCoSS)** - Part 8, sections 18 to 21 would bring additional regulations into the scope of SCoSS' scrutiny and make changes to governance arrangements following recommendations from an independent review.

## Financial Memorandum

Total implementation costs are estimated at between £10.2 million and £27.8 million (Table 5, Financial Memorandum). Once fully up and running, the administrative provisions in the Bill may generate a net saving of between £1.1 million and £4.5

million per year. Most of the estimated savings would arise from compensation recovery.

## Themes for discussion

The following suggests nine themes for discussion:

- Theme 1: New forms of benefits (Part 1 of the Bill)
- Theme 2: Applications for assistance (Part 2 of the Bill)
- Theme 3: Challenging decisions (Part 3 of the Bill)
- Theme 4: Overpayments (Part 4 of the Bill)
- Theme 5: Appointees (Part 5 of the Bill)
- Theme 6: Information for audit (Part 6 of the Bill)
- Theme 7: Compensation recovery (Part 7 of the Bill)
- Theme 8: SCoSS (Part 8 of the Bill)
- Theme 9: Social security principles and aims of the Bill

### Theme 1: New forms of benefit (Part 1 of the Bill)

In the Call for Views, today's witnesses welcomed the provision for Childhood Assistance and Care Experience Assistance, giving suggestions for how they may be used.

#### ***Scottish Child Payment***

In their response, CPAG stated that:

“We will be very disappointed if future childhood assistance regulations do not address the issues already identified with Scottish child payment as a ‘top-up’ benefit.”

Suggestions for potential changes to the Scottish Child Payment included making changes to eligibility, introducing backdating, covering gaps in payments, introducing a taper and better alignment with the other ‘five family payments’ (that is, the 3 best start grants and best start foods).

CAS caution that care should be taken to make sure that changes to eligibility don't result in the rules defining entitlement for SCP becoming “excessively more complex.

#### ***Care Experience Assistance***

Care Experience Assistance could be used to deliver the proposed Care Experience Payment. The way the Bill is drafted gives the Scottish Government the option to

introduce this as a Social Security Scotland benefit or via some other agency such as local authorities.

In their submission CPAG recommend that Social Security Scotland should be the first option for new payments. They said:

“CPAG in Scotland believes in the default of all assistance being developed and delivered by Social Security Scotland, unless there is very good reason. This ensures that the development and delivery of the assistance is in keeping with the Scottish social security principles such as dignity and respect, contributes to the realisation of human rights and the reduction of poverty, as well as continuous improvement.”

They also consider that, whoever delivers it, the regulations creating it should be considered by the Scottish Commission on Social Security;

“While it may be delivered by someone other than Social Security Scotland, we believe it would be wrong for it not to have the benefit of expert, independent scrutiny.”

#### **Members may wish to discuss:**

- 1. The Bill would give the Scottish Government more flexibility over the rules for Scottish Child Payment. What changes should be prioritised?**
- 2. CPAG suggest that the Care Leaver Payment should be delivered by Social Security Scotland unless there is a very good reason to use a different agency. Why is that? Why would delivery by Social Security Scotland be your first choice?**

## **Theme 2: Applications for assistance (Part 2 of the Bill)**

This theme looks at the deadlines for applying for benefits. Theme 3 looks at the deadlines for challenging decisions.

Only some benefits have an application deadline. Examples are:

- Best Start Grant applications must be made within the ‘application window’, related to the age of the child. There is some flexibility – for example if you become eligible within 10 days of the ‘application window’ closing, or up to 20 days if you’re waiting for a backdated award of a qualifying benefit.
- Adult Disability Payment. Part 2 of the application must be submitted within 8 weeks of Part 1 or later with ‘good reason’ in order that entitlement starts from when Part 1 was submitted. Otherwise, the date of claim will be the date Part 2 is submitted.
- Funeral Support Payment can be applied for up to six months after the funeral with some flexibility for backdated awards of qualifying benefits.

Currently, applications can be made more than a year late where the reason they are late relates to COVID. The Bill would repeal this.

In their submission CPAG said:

“It would improve the system for people in vulnerable situations if regulations allowed late applications when there are good reasons for the delay.”

CAS recommend to:

“Expand the use of good reason and exceptional circumstances beyond re-determination and appeal requests.”

The Scottish Government considers that there are sufficient flexibilities already. The Policy Memorandum states:

"There are already a range of flexibilities specific to the forms of assistance where they apply, and which offer scope for the circumstances of the individual case to be taken into account. For example, an application can already be accepted after the initial 8-week deadline for completing an application for ADP has passed, provided the applicant has a 'good reason' for being late." (PM, para 55)

**Members may wish to discuss:**

- 3. The Scottish Government argues that it's not necessary to create further flexibilities to allow late benefit applications. Do witnesses agree? If not, what changes do you propose and why?**

## Theme 3: Challenging Decisions (Part 3 of the Bill)

### Background

If someone is unhappy with the decision about their benefit entitlement, they [can ask for a re-determination](#). A different decision maker at Social Security Scotland will make a new decision. Timescales for re-determinations are set in regulations for each benefit (see table below).

**Table 1: Re-determination timescales**

Benefit	Deadline to request a re-determination	Social Security Scotland time limit to complete re-determination
<a href="#">Best Start Grant</a> <a href="#">Scottish Child Payment</a> <a href="#">Funeral Support Payment</a> <a href="#">Young Carer Grant</a> <a href="#">Winter Heating Payment</a>	31 days	16 working days
<a href="#">Child Winter Heating Payment</a>	42 days	16 working days
<a href="#">Carer Support Payment</a>	42 days	56 days

<a href="#">Child Disability Payment</a>		
<a href="#">Adult Disability Payment</a>		

In all of the above, late requests for determination can be accepted up to a year with ‘good reason’, and *currently*, after a year due to COVID (the Bill would change this to after a year in exceptional circumstances).

If someone is unhappy with the outcome of a re-determination they have up to 31 days to [appeal to the First-tier Tribunal](#). This can be extended up to one year with good reason, and *currently*, after a year due to COVID. (The Bill would change this to after a year in exceptional circumstances). Further appeal rights exist up to the Supreme Court.

If someone’s application or re-determination request is rejected for not being in the right way, or is late for no good reason, then this [‘process decision’](#) can be appealed to the First-tier Tribunal, but no further. There is no re-determination stage. The deadline to submit a process appeal is 31 days.

(Best Start Foods and Job Start Payment are made under other legislation and have reviews instead of re-determination and appeal. There are no rights to challenge Carer’s Allowance Supplement other than making a complaint).

### **Part 3 of the Bill would:**

- Allow requests for re-determination and appeal to be submitted after a year in exceptional circumstances (section 4)
- Allow individuals to withdraw their re-determination request (section 5)
- Require Ministers to complete a re-determination (section 6)
- Allow appeals to ‘lapse’ where the client consents to a more advantageous award offered by Social Security Scotland (section 7)
- Clarify the actions that a Tribunal can take following a process appeal (section 8).

### **Submissions from witnesses**

In their submissions CPAG, Glasgow City Council, Stirling Council and CAS welcomed the provisions but had suggestions for modifications and additional safeguards. On the other hand, the Law Society of Scotland said the provisions: “run the risk of unnecessarily complicating the review and appeal provisions.”

### **Deadlines**

CPAG suggest that deadlines to request re-determination should be aligned and extended, saying that:

“The difference in deadlines is confusing for individuals and advisers and is too short.”

In contrast, the Law Society of Scotland state that:

“Some might take the view that the existing deadline of a year to request a re-determination or an appeal is already generous enough, and that trying to over-prescribe the circumstances in which an extension might be allowed will over-complicate the system to the extent that it will become difficult to administer and for customers to understand.”

CAS give an example of a client receiving wrong information from Social Security Scotland and recommend clear guidance on re-determinations and appeal deadlines. The policy memorandum states that guidance will be provided on what ‘exceptional circumstances’ means for re-determinations. Decisions in relation to appeals are for the Tribunal:

“Examples will be provided in guidance, e.g. severe physical or mental illness, unstable housing, abuse or detention, but guidance will not prescribe a limited number of scenarios. [...] Exceptional circumstances for appeals beyond a year will be a matter for the Tribunal to determine.” ([PM para 63](#)).

### ***Withdrawing re-determination requests and lapsing appeals***

CPAG “seek assurances” that individuals would not be pressurised into withdrawing a re-determination request and suggest “an option of reinstating their request within a reasonable time limit.”

Similarly, Glasgow City Council welcome the introduction of lapsing appeals, but caution that: “it should not become a form of bargaining to encourage appellants to withdraw their appeal.” CAS stress the need for clear guidance. The Policy Memorandum states that “robust guidance” will be put in place ([PM para 91](#)).

CPAG welcome the provision for lapsing appeals but suggest removing the requirement for an ‘error’ to be identified before an appeal can be lapsed. This would allow appeals to be lapsed if Social Security Scotland take a more generous view of the same facts.

### ***Other proposed changes: Required re-determination stage***

CPAG propose that a re-determination shouldn’t be required if someone is challenging the decision that results from a lapsed appeal. They should be able to go straight to appeal.

More broadly, CAS recommend removing entirely the requirement that a decision must be redetermined before it can be appealed, saying “it is not the optimal way to support access to justice in a manner compatible with the dignity of the individual.” They suggest that, instead of a re-determination stage, the process of lapsing appeals could avoid unnecessary appeal hearings.

### ***Other proposed changes: Process appeals***

The Bill clarifies the actions that the First-tier Tribunal can take when deciding a process appeal. CPAG suggest additional changes:

- Rather than rejecting a claim, the First-tier Tribunal ought to be able take a decision about entitlement based on the available evidence “to prevent people who cannot meet evidence requirements getting stuck in a process decision loop.”
- Allowing a further right of appeal to the Upper Tribunal “to help develop the case law around process decisions.”

#### Members may wish to discuss:

4. **The Bill makes changes to provisions for late requests for re-determinations and appeals. Will these changes ‘improve the client experience’? What other changes to re-determination and appeal timescales are needed?**
5. **What measures are needed to ensure individuals are not pressurised into either lapsing appeals or withdrawing re-determination requests?**
6. **CPAG suggest that re-determination requests that have been withdrawn should be able to be reinstated if the client changes their mind. How would that work in practice?**
7. **The Bill does not change the requirement to have a re-determination before an appeal. CAS would like to see this changed. What are the advantages and disadvantages of a mandatory re-determination stage?**
8. **The Bill would clarify the actions a Tribunal and Ministers can take in a ‘process appeal’. What are the advantages and disadvantages of having different procedures for challenging ‘process decisions’ compared to other kinds of decisions?**
9. **Are there any changes to Social Security Scotland’s current practice you would recommend which may not require changes to the law?**

## Theme 4: Overpayments (part 4)

### Background

The legislation calls overpayments ‘assistance provided in error’.

The individual who is entitled to the benefit is liable for overpayments if:

- the error was their fault, or
- it was the kind of overpayment it would be reasonable to notice

An individual’s representative (such as an appointee) is not currently liable under the 2018 Act for overpayments. The Bill changes this.

Currently, the 2018 Act does not include any rights to challenge a decision on liability. The Bill would enable reviews and appeals.

If someone is considered liable for an overpayment, Social Security Scotland has discretion whether to recover it. Before doing so Social Security Scotland must [consider the financial circumstances of the person that owes the money](#).



Their [Debt Management Strategy](#) also states that:

- No individual will knowingly be placed into hardship
- Overpayments resulting from official error will not be recovered, unless in specific circumstances.

Social Security Scotland's annual report 2022-23 notes £295,000 overpayments in Best Start Grant, Best Start Foods and Scottish Child Payment due to client error and states that:

“Where client induced error results in an overpayment of benefit, we or the Department for Work and Pensions would recover that debt where appropriate.” (Annual Report p.66).

[...]

“Social Security Scotland will normally seek to recover all overpayments where there is a legal basis to do so and recovery is cost effective. For those benefits directly administered by Social Security Scotland current debt levels are minimal.” (Annual Report p.77)

#### **Part 4 of the Bill would:**

- Make formal representatives (such as guardians or appointees) liable for overpayments in some circumstances but only if they had misused the funds (sections 9 to 11).
- Result in the individual being liable for overpayments caused by their representative (whether noticeable or not), so long as the representative had not misused the funds (Section 9)
- Clarify that overpayments can be recovered from the deceased's estate and extend this to include decisions on overpayment liability taken after the individual had died (section 12)
- Introduce review and appeal right for decisions on overpayment liability (section 13)

#### **Submissions from witnesses**

##### ***Liability of representatives***

CPAG are not convinced the provisions on liability of representatives strike the right balance saying:

“We would not want to discourage people from being representatives [...] but as drafted this section could make representatives careless (or worse) and leave a vulnerable person paying for their representative's error or misinformation.”

Both Glasgow City Council and CPAG point out that it might be difficult in practice to disentangle how much liability rests with the individual and how much with their representative. The submission from Glasgow City Council states:

“Where an appointee is not acting wholly in the interests of the claimant and as such is benefiting from the payments, [...] they may take some money for themselves and use some for the benefit of the individual.”

### ***Review and appeal rights***

Witnesses welcomed these provisions, having recommended this change previously. However, instead of creating a right to re-determination followed by appeal, the Bill creates a review process. The process for a review is the same as the process for a re-determination. In their submission CPAG consider that it would be simpler to provide a right to re-determination rather than creating a new review process.

### ***Other proposed changes: threshold for debt recovery***

CAS recommend introducing an income threshold for debt recovery. There is already a requirement to have regard to financial circumstances. In their submission they say:

“This would involve setting a threshold under which no payment for recovery of an SSS debt is deducted and amounts over it are deducted at a fixed percentage. Payment will be sufficient to clear the debt over time or written off at the end of the payment period.”

### **Members may wish to discuss:**

- 10. The intention of the provisions on liability is that the person who benefits from the overpayment is liable for it. Is this the right balance, and if not, do witnesses have alternative suggestions?**
- 11. The Bill would allow a review of a decision on overpayment liability. What is the practical difference between this and a re-determination?**
- 12. Social Security Scotland must already consider financial circumstances when recovering debt. Why does CAS suggest there should also be an income threshold?**

## **Theme 5: Appointees (Part 5)**

Under the Bill, an individual appointed to manage a person’s Department for Work and Pensions (DWP) benefits would also manage their Social Security Scotland benefits until Social Security Scotland completes its own checks (section 14).

This is already in place for individuals transferring from PIP or DLA onto CDP or ADP. Section 14 of the Bill would enable this to be put in place for other situations, such as when someone moves from England or Wales to Scotland.

Section 15 of the Bill provides that where an appointee uses any funds outwith their common law or statutory duties, and does so in bad faith, they would be liable to repay those funds to the individual they represent.

There was little comment on this in the witness submissions in the Call for Views. Witnesses welcomed the temporary recognition of DWP appointees in the Scottish system.

**Members may wish to discuss:**

- 13. Do witnesses have any comment on the extent to which DWP appointees are already recognised in the Scottish social security system and the time it takes to be authorised under Social Security Scotland rules?**

## **Theme 6: Information for audit (Part 6)**

Part 6 of the Bill would give Ministers the power to require clients to provide information so they can establish estimates of error and fraud. If they fail to do so, then their benefits could be suspended.

These provisions were not consulted on. The Policy Memorandum states that:

“This provision is high priority, fundamental to the functioning of the Scottish social security system and aligns with the practice of other government departments. No public consultation was therefore conducted on the provisions at section 16. Stakeholder engagement will inform the processes used to capture information for audit to ensure that they are clear.” (PM para 159).

### **Background**

Part 6 raises considerations of social security as a human right and also the statutory duty to manage public finances effectively.

One of the [statutory principles](#) underpinning the 2018 Act sets out that: “social security is a human right.” When reporting on provisions that originally created the ability to suspend benefits, SCoSS noted the relevance of human rights considerations when developing rules on suspending benefits:

“The suspension of a social security payment thus clearly has potential for interference with the individual’s right to social security (article 9, International Covenant on Economic, Social and Cultural Rights (ICESCR) and to the peaceful enjoyment of their possessions (Protocol 1, Article 1, European Convention on Human Rights (ECHR)). The purpose for which payments are made means that suspension of SCP could also represent an interference with the right to respect for family life (article 8 ECHR), while suspension of CDP would arguably be an interference with the right to be included in the community (article 19, Convention on the Rights of Persons with Disabilities (CRPD)).” ([SCoSS report on The Suspension of Assistance \(Disability Assistance for Children and Young People\) \(Scottish Child Payment\) \(Scotland\) regulations 2021.](#))

Another principle is that the Scottish social security system is to be efficient and value for money, reflecting [section 15 of the Public Finance and Accountability \(Scotland\) Act 2000](#) which provides that the functions of accountable officers include ensuring the regularity of finances and that resources are used effectively, efficiently and economically.

Audit Scotland has recommended that Social Security Scotland establish robust estimates of error and fraud in the Scottish social security system. In their [2022-23 Audit](#) they recommend:

"Social Security Scotland must continue to develop processes to measure the level of fraud and error within the range of benefits being delivered. This includes working with the Scottish Government to remove the barriers that exist in assessing the level of client induced error and fraud." (Recommendation 4)"

Social Security Scotland plan to do this by checking entitlement in a random sample of the caseload. This Bill would give them the powers to do this. At Committee on 1 February, James Wallace (Social Security Scotland) explained that:

"They will be statistical estimates, not a deterrent to fraud and error. It will be an audit process to understand our case load and what statistical estimates of fraud and error in that case load might be."

[...]

We must speak to the client because we will have data in our system that might not be current. It might not have been updated by the client in previous years, so we need to speak to the client to understand whether what they told us two years ago or five years ago or 10 years ago is still the case. The Social Security (Amendment) (Scotland) Bill will allow us to interact with the client.

[...]

It is the only way of measuring fraud and error, because clients would otherwise self-select out, but the values of dignity, fairness and respect will run right through the process and no one will lose eligibility as a result of being in a sample" ([Committee Official Report, 1 February 2024, col 43](#)).

The Policy Memorandum states that if individuals were able to opt-out:

"this would prevent reliable estimates of overpayments, underpayments and fraud being obtained and would create a self-selecting rather than random statistical sample. In addition, it is unlikely that individuals engaged in fraudulent activity would willingly participate in any process that is likely to scrutinise their entitlement, defeating the purpose of the audit." (PM para 157-8).

#### **The Bill would:**

- require individuals to provide information to Social Security Scotland about their entitlement or payment. The information would be used to estimate the amount of fraud or error in the system as a whole.
- allow for benefits to be suspended if clients fail to meet the deadline to provide information.

#### **Safeguards are:**

- Regulations will set out who is exempt from being asked to provide information.

- Clients can ask for the request to be withdrawn if they have a ‘good reason’. Ministers define ‘good reason’ and their decision is final.
- Clients can have a supporter present during interviews and phone-calls.
- Disabled clients have a right to independent advocacy.

### **Suspending benefit**

Schedule 11 to the 2018 Act already allows benefits to be suspended if:

- The client has failed to provide enough information to determine their entitlement.
- There is an appointee in place and they are unable to continue.
- There is an appointee in place and financial abuse is suspected.
- The client has requested a temporary stop.

***This Bill would add a further reason to suspend benefit*** – that the client has failed to provide information for audit within the required deadline.

The existing provisions on suspension require that:

- Financial circumstances are considered.
- The client is informed of the suspension, the reason for it and how they could end it.
- The client has a right to a review of the suspension.
- When a suspension ends, clients are paid what they ought to have been paid while benefit was suspended.

See section 51 and Schedule 11 to the 2018 Act.

***If someone continually fails to provide information***, further regulations under section 52 of the 2018 Act could provide for an unscheduled review of entitlement. Where entitlement could not be established, payment could be ended. (Such regulations would, following this Bill, be scrutinised by the Scottish Commission on Social Security). The Policy Memorandum states that:

“Where, following suspension they still fail to provide the requested information an unscheduled review may be triggered to review their entitlement, which could be brought to an end if appropriate in the circumstances.” (PM para 153).

An unscheduled review would result in a new determination of entitlement which could be redetermined or appealed in the normal way.

### **Witness submissions**

Glasgow and Stirling Councils agree with the provisions, with Glasgow City Council emphasising the need for safeguards for vulnerable claimants.

On the other hand, CPAG and the Law Society of Scotland oppose the compulsory nature of the provisions.

CPAG recommend making provision of information for audit voluntary rather than compulsory. They say the Bill provisions are:

“likely to prejudice individuals who have difficulty managing their affairs and engaging with bureaucracy and has the potential to stop payments to the most vulnerable individuals.”

The Law Society of Scotland describe the provisions as ‘confusing’, ‘unusual’ and ‘draconian’, saying:

“These are unusual and rather confusing provisions, which appear to conflate audit and fraud”

[...]

“The withdrawal of benefits from vulnerable people for an ‘audit’ is draconian and undermines the dignity of the claimant and should be rethought.”

[...]

“it is not clear why individuals should need to be involve in auditing the system in this way, or indeed, why Minister could not obtain the information they need through other channels.”

#### **Members may wish to discuss:**

- 14. Do witnesses have any comment on the balance in these provisions between the right to social security and the principle of value for money?**
- 15. The Scottish Government argues that it would not be possible to get a statistically robust sample if these provisions were voluntary. Do witnesses have any comment on this?**
- 16. The Bill includes various safeguards. Do witnesses think these are adequate? If not, what needs to be added?**

## **Theme 7 Compensation Recovery (Part 7)**

Part 7 of the Bill would introduce a scheme of compensation recovery, similar to that which exists for DWP benefits. This is a long standing feature of the reserved benefit system.

This would apply where a person who gets social security payments as a result of injury, accident or disease, is awarded compensation for the same incident. The person making the compensation payment must deduct the value of the social security payments from the compensation due to the individual and pay it instead to Scottish Ministers.

In the written submissions, Stirling and Glasgow Councils agreed with the proposals and other witnesses did not comment.

#### **Members may wish to discuss:**

**17. Do witnesses agree with the principle of compensation recovery? Is it consistent with the Social Security principles?**

## **Theme 8: SCOSS (Part 8)**

The [Scottish Commission on Social Security](#) (SCoSS) was established under the 2018 Act to:

- Scrutinise draft social security regulations
- Report on the implementation of the Social Security Charter
- Respond to requests from the Parliament and Ministers to report “on any matter relevant to social security”.

An [independent review of SCoSS reporting in 2023](#) made recommendations for changes, some of which are implemented by this Bill.

### **The Bill would:**

- Add to the list of draft regulations that SCoSS scrutinise
- Remove its status as a corporate body
- Remove the requirement to audit its accounts.

### **Witness submissions**

In their written submission, CPAG point out that the Bill includes a large number of new regulation making powers which are not added to SCoSS’ remit. They say that: “All should be subject to statutory scrutiny by SCoSS.”

There is no comment on this part of the Bill from other witnesses.

### **Members may wish to discuss:**

**18. What further regulations should be added to SCoSS’s remit and why?**

## **Theme 9: Social security principles**

The Policy Memorandum sets out the overarching policy objectives of the Bill, with reference to the statutory social security principles. The measures in the Bill are intended:

“to enhance the Scottish system of social security in line with those principles, laid out in section 1 of the 2018 Act, particularly the principles which require that ‘opportunities are to be sought to continuously improve the Scottish social security system in ways which put the needs of those who require assistance first, and advance equality and non-discrimination’ and that ‘the Scottish system of social security is to be efficient and deliver value for money.’ (PM para 5).

The full list of statutory principles is:

- a) social security is an investment in the people of Scotland,
- b) social security is itself a human right and essential to the realisation of other human rights,
- c) the delivery of social security is a public service,
- d) respect for the dignity of individuals is to be at the heart of the Scottish social security system,
- e) the Scottish social security system is to contribute to reducing poverty in Scotland,
- f) the Scottish social security system is to be designed with the people of Scotland on the basis of evidence,
- g) opportunities are to be sought to continuously improve the Scottish social security system in ways which—
  - i. put the needs of those who require assistance first, and
  - ii. advance equality and non-discrimination,
- h) the Scottish social security system is to be efficient and deliver value for money.

**Members may wish to discuss:**

**19. To what extent does the Bill as a whole align with the social security principles?**

**20. Overall, in what ways will this Bill improve the client experience? Are there any provisions (not already discussed) that would make the client experience worse?**

**Camilla Kidner  
SPICe  
29 February 2024**