

The Scottish Women's Convention's
response to the Scottish
Government's consultation on:

Scotland's Social Security System: Enhanced Administration and Compensation Recovery



October 2022

Premise

In 2018 the Scottish Government passed the 'Social Security (Scotland) Act 2018' which founded a devolved social security system in Scotland that was based around dignity, fairness, and respect. The hope was to create a system which had increased stakeholder and public support, in order to remove the stigma surrounding benefits.

Now that Social Security Scotland has become established, the Scottish Government have opened this consultation to understand what changes could be made to better the system. They have placed particular onus upon lived experience, prioritising the voices of clients rather than service-providers.

The information gathered during this consultation process will shape and change the social security system in Scotland, ultimately altering the proposals put forward.



The Scottish Women's Convention (SWC)

The SWC is funded to engage with women across Scotland to ensure that their views are represented in policy and decision-making processes. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at Scottish, UK, and international levels.

The SWC gathers information using different methods, including roadshows, thematic conferences, surveys, and both in-person and online roundtable events. This submission presents the views of a range of women, reflecting their opinions, ideas and lived experience. Working together with many other equalities organisations and community groups, we use our broad network to ensure that women from a range of backgrounds are heard and acknowledged. We are continually reviewing innovative ways of engaging with women and developing our trauma-informed and culturally sensitive practice to support vital contributions from as many women as possible.

Scottish Child Payment

Do you agree or disagree that it would be useful to be able to make changes to Scottish Child Payment that were not limited by the current approach that completely relies on 'top-up' powers?

Agree

Due to the significant impact the current rising cost of living is having on households across Scotland, we believe that it is integral that more finances are readily available for women and children. To effectively mitigate costs for families in need, providing a larger sum would go a long way to support women as they currently feel that the inflexibility of the payment does not properly support families. Women have also stated that families, and particularly single parents, will be significantly affected by the rising cost of living and support an increased Scottish Child Payment to mitigate disaster.

- “I work with families who count every penny. In the past few weeks, I have had many more in contact with me for help/support than ever before. Many of these families are in employment, but they're having to borrow the basics: toilet rolls, teabags, bread, etc.”
- “They need to ensure that there's appropriate funding support to ensure that homes can be warm, and families can cope this winter.”

Please give your views on the advantages that could arise from creating this additional flexibility.

By making the Scottish Child Payment more flexible the Scottish Government would be able to effectively respond to the current cost of living crisis, helping those in dire need. When we spoke with women about the rising cost of living, many made it clear that they felt families would be significantly impacted and as such a more flexible scheme would enable an immediate response to major changes in an individual's life: for example, changes to employment.

- “Single mothers are going to struggle with childcare costs, they already do, they are working so many hours to feed their families and heat their homes.”
- “Some women can't take on more hours because of caring commitments, it would be good if the government put something in place to give them a hand when they need it.”

Re-determinations

Do you agree or disagree that a client should be able to withdraw a re-determination request before Social Security Scotland has made a re-determination decision?

Agree

It is imperative that Social Security Scotland aim to be person-centred and empowering. By allowing individuals to withdraw requests they will feel more in control of their finances and ultimately be given the power of choice. Women have told us that current social security set-ups are demeaning and belittling, contributing to feelings of helplessness and a lack of decision-making power.

- “By giving people the money they need, you give them freedom.”

Determinations After an Appeal is Lodged

Do you agree or disagree that a new determination should only be made if it gives the client everything they could get from the Tribunal?

Agree

We agree with the reasons proposed by the Scottish Government, whereby allowing new determinations to go ahead would minimise impact on the claimant and reduce waiting times.

Do you agree or disagree that a client should be asked for their consent before a new determination is made?

Agree

As stated above, we believe that it is incredibly important that service-users feel empowered throughout the social security process. Currently, women who claim benefits regularly have feelings of dismay and anxiety, viewing themselves as ‘scroungers’. They must consistently justify their claims and do not have control over their own finances: contributing to an overall negative experience. Therefore, asking women for their consent would include them within the decision-making process.

- “Claiming your benefits is like doing the walk of shame.”
- “You don’t want to go to the job centre and beg and plead for money... you feel like a scrounger.”

Please provide your views on what challenge rights the client should have on the new determination.

It is key that claimants feel a sense of control over their finances, and as such challenges and appeals are integral to this process. In a case where a new determination has been made and a client is unhappy with the outcome, it is reasonable to allow the opportunity for an appeals process to be made with well-trained and helpful staff. These staff members should facilitate healthy communication, and fully explain why an individual has not been successful in their application. They may also provide further assistance and advice on what to do next, and how the claimant can perhaps make an alternative claim which fits their needs better. This approach will encourage service users and providers to work together in a more positive way and ultimately create a better system for everyone.

Appointees

Do you agree or disagree that Social Security Scotland should be able to make payments to a DWP appointee until it completes its appointee process?

Agree

By carrying out this process Social Security Scotland will provide safety and security during the application procedure: further supporting those in need. Some women have explained that the current process for accessing benefits is difficult and complicated, therefore any way in which Social Security Scotland can assist with this is beneficial.

- “It can be very complex, and the forms are not always the easiest to fill out... It was so confusing, and I was worried I would put down the wrong information and be penalised for it.”

Challenge Rights for Overpayment Liability

Do you agree or disagree that the Scottish Government should introduce rights of challenge against Social Security Scotland's decision that someone is liable to repay an overpayment?

Agree

We believe that in order to create a good, innovative social security system it is key to encourage active participation from service-users, as well as to create a positive conversation between users and providers. Therefore, it is important that claimants have the right to challenge Social Security Scotland decisions as it will allow individuals to have power over their own finances.

Please provide your views on the most appropriate way to hear challenges against Social Security's decisions that someone is liable to repay an overpayment, bearing in mind that the aim is to avoid clients having to go to court:

Employing a cooperative methodology would allow for the exchange of views and opinions in a safe and supportive way. This collaborative approach could assist in reducing stigma and fear regarding benefit claiming, as well as encouraging individuals to take part in the decision-making process. Women explained that currently they do not feel that the system takes their experiences into consideration, and as such collaboration is key. Therefore, we recommend a more person-orientated approach with staff specifically trained to manage difficult situations – rather than a court-process.

- “A more individual holistic support-orientated service would really help. If they looked at everyone’s unique circumstances and aims, it would help them to identify what support would be available to help them.”
- “They need to make things client-focused, especially when it comes to those who are disabled or sick...It’s about reframing the system as something that is there to protect people, and surely the pandemic has taught everyone that we are all just one incident away from our lives changing forever?”

Compensation Recovery

Do you agree or disagree in principle that the Scottish Government should undertake recovery of Scottish social security assistance from compensation paid as a result of injury or disease for which a third party is liable?

Disagree

Claiming money from a third-party source can be difficult and fraught with legal elements, actively worsening the claimant’s life. Therefore, we do not believe it is within the best interest for the Scottish social security system to actively undertake recovery work if a person has been compensated because of injury or disease for which a third-party is liable. Instead, we encourage a cross-party approach, whereby the Scottish Government work with third-party providers to ensure that claimants receive the assistance they are entitled to. Once an individual has been fully supported it may be viable for the social security system to reclaim compensation – however, this must be done on a case-by-case basis to minimise damage to claimants.

Alternatives to Prosecution for Low-value Fraud

Do you agree or disagree that Social Security Scotland should have available an alternative to prosecution where small sums of money have been obtained illegally?

Agree

At the SWC, we believe that it is highly beneficial to avoid prosecution for women, and rather use alternative options: such as community-centred penalties. Placing women within the justice system ultimately rips apart families, with women being far more likely to be sole carers for children, placing further burdens on public services. Women we have spoken to have stated that a lack of a gendered lens regarding justice and social security actively contributes to social inequality and instead, public services must consider how women’s lives and experiences are different from men’s. Therefore, we believe that Social Security Scotland must consider alternatives to prosecution where small sums of money have been obtained illegally, and instead support and empower these women.

- “As for women in the criminal justice system, and women being split from their families, we’ve openly fought against that for years...they’re treating women the same as men... and they’re not the same. Pulling a woman out of the home is far different from a man, they’re usually supporting the family, they’re doing the housework.”
- “...families are being pulled apart, and it was women who had addictions or coming from poverty. I remember at the time saying that the women are sad, they’re not bad.”

If you agree, please describe what alternatives to prosecution you consider might be appropriate where small sums of money have been obtained illegally?

We believe that this must be considered on a case-by-case basis, with cross-sector support for women and children. For example, if a woman has obtained a small sum of money illegally and suffers from poor mental health and addiction, she should be redirected to health and social care systems which will provide support in a positive environment. Where specialised care is not required, it would be beneficial for women to be given community-based learning and development reprimands, where they could remain within the home, while also repaying their obligation to society.

Overpayment Liability Where Someone Acts on a Client's Behalf

Do you agree or disagree that third parties, such as appointees, should be included within the scope of statutory liability for overpayments in the way described above?

Agree

We concur with the proposals set out by the Scottish Government, particularly surrounding minimising impact on vulnerable individuals. We also believe that it is encouraging that the Scottish Government are attempting to increase flexibility and are accepting that mistakes or misunderstandings can occur. However, it is imperative that those taking advantage of vulnerable peoples are held accountable. Many claiming social security would be considered vulnerable, either through disability, race or age, and as such it is key that they are properly protected and given a good quality of life. Therefore, Social Security Scotland should include third parties in statutory liability for overpayments – while maintaining a non-judgemental attitude.

Independent Advice and Scrutiny of Social Security

To what extent do you think the current arrangements for the provision of independent scrutiny and advice work effectively?

Partially

As an organisation which prioritises lived experience, it is very positive to see such an inclusive approach to service design. We support the adoption of a collaborative approach, and through listening to women who have direct experience of the social security system the proposed changes will benefit those most in need. We also believe that incorporating expert advice is integral to creating a system which will work for everyone – including service providers.

Our key concern however is the diversity on experience panels and steering groups. We would just like to highlight that in order to create a system which works for everyone in Scotland, an intersectional approach is needed – particularly when it comes to women from minority groups. The barriers in place for these women, such as ethnic minority women, are more numerous than their white counterparts, and as such it is integral that Social Security Scotland include their voices.

If the current arrangements were changed, would it be right to:

- **Maintain separation between independent scrutiny and advice**
- **Combine these functions to maximise the use of independent expertise and secretariat responses**
- **Take a completely different approach**

We concur with the suggestions made by the Scottish Government surrounding combining functions, as this may free up resources for secretariats and maximise the use of independent expertise. This will hopefully create a more flexible and efficient service that will work better for claimants – while also working towards a collaborative system.

Please describe your views on how independent advice and scrutiny should be organised in the future:

Independent advice and scrutiny is an essential element of the policy-making process, as it contributes to good quality knowledge production and collection. However, placing too much confidence in experts can negatively impact communication between the wider public and decision-makers. It is therefore imperative that the Scottish Government continue to integrate lived experience into policy by negotiating with those directly affected and organisations which value qualitative data. This approach is fundamentally collaborative and, if done effectively, can empower people across Scotland – particularly groups which are often ignored, such as women and minority groups. Women have explained that they do not feel that they are often listened to by governments and would like to be more involved in the policy process, and qualitative data collection is considered more approachable and flexible for women.

- “There’s nothing stronger than real experience.”
- “Unless people have lived experience, they don’t know what it’s like. I would love for some of the politicians to come and live in my shoes for a week so they could understand how difficult it is.”

- “All these organisations and places where we can get help have actually empowered me to help myself, but I'd love to see that empowerment from the people with the power, sitting on these big chairs and making all the big decisions, I'd love to see it coming from there.”

Do you agree or disagree that the public body or bodies providing the Scottish Government with independent scrutiny and advice of Scottish Social Security should also provide advice in the future on Employment Injury Assistance?

Agree

Within this consultation document it has been highlighted that there is a limited pool of knowledge surrounding social security advice. As such, consulting with these experts on Employment Injury Assistance will limit this impact, as well as effectively utilising knowledge. However, it is key that the Scottish Government continue to consult with those with a lived experience, as well as individuals with specific expertise on Employment Injury – for example medical professionals and health and safety inspectors. Therefore, a collaborative approach which incorporates cross-sector advice will be key in the creation of a good social security system.

Coronavirus (COVID-19) Measures

Do you agree or disagree that applications for assistance to Social Security Scotland should no longer be able to be treated as valid where they are made late and the reason for that delay is related to COVID-19?

Disagree

Despite Covid-19 reducing its impact considerably over the course of 2022, it is difficult to ignore that the past two years have created major hardship, and long-lasting consequences. Women have explained to us that health issues, such as Long-COVID, have created barriers in their lives - and as such, it is likely that more women with Long-COVID will seek social security. Many of these women have never accessed benefit support before and therefore may find the process difficult, creating delays. It is also key that proper support for those still experiencing negative health effects from Covid-19 is given, to limit the effect on the NHS and care systems. Therefore, if Social Security Scotland want to effectively introduce a system that is empowering and respectful, they must properly consider the long-term impacts of Covid-19.

Do you agree or disagree that the ability to apply late, where deadlines for making applications for assistance apply, should be extended to reasons other than COVID-19?

Agree

There are many extraneous circumstances that may prevent an individual from meeting social security application deadlines, with some being more pertinent than others. It is therefore key that flexibility is provided, and a case-by-case basis approach is taken in order to empower claimants and create a more positive system. The barriers in place to claiming benefits are such that they are off-putting, by lifting deadlines to some extent, Social Security Scotland can help alleviate pressure felt by some of the most vulnerable in society.

Impact Assessments

Do you have any information you wish to share on the impact of the proposals on groups who share protected characteristics?

The data presented by the Scottish Government shows that the vast majority (86%) of social security applicants were women, with this aligning with wider studies. Women are more likely to experience poverty than men, due to reduced economic opportunity and more caring commitments. Therefore, any improvements made to the social security system in Scotland are welcome, with women stating that the current system does not meet their needs. They have also highlighted that a lack of gendered lens and analysis has created a system, which is designed by men, for men, and does not consider systematic issues, which cause inequality.

- “We need to be ensuring that women have enough money to live, especially in a single parent household, we must end benefit schemes which are having a detrimental effect on women and lose the two-child benefit cap.”
- “Let’s recognise that women are bearing the brunt of this, mothers in particular. If we assisted with childcare costs, put more money into mental health resources and dealt with the systemic problems – maybe we could actually get rid of poverty in Scotland.”

Furthermore, disabled women have explained that they consistently feel let down by current social security services, so again changes may assist in mitigating these feelings. They have stated that the complicated forms and demeaning disability assessments create an inhumane, unethical atmosphere. They have explained that they regularly experienced disbelief of their conditions, as well as a lack of empathy and an unwillingness to help. Disabled women are also very worried about the rising cost of living, with their daily costs being significantly higher than the average person. They have stated that they are unsure how they will afford assistance or be able to pay for electricity to charge essential technology in their home. Therefore, it is vital that the Scottish Government incorporate the experiences of disabled women into policy to produce a user-based service, while also providing further financial aid during the current crisis.

- “You have to jump through metaphorical hoops, with assessment after assessment as well as having to provide proof from clinicians and doctors to prove that you are ill enough to claim the benefit.”

- “During my PIP interview I had to perform my suffering and felt like she was trying to catch me out, it was horrific.”
- “I’m not sure that the new social and welfare funding is going to cover our needs... from young women who are being cared for by their parents to mothers who maybe need lots of equipment... that needs energy to work.”
- “When I go to the job centre they read a script, and they ask me every single time: is your son still autistic?”

Do you have any information you wish to share on the impact of the proposals on island communities?

Women who reside on Scottish islands have told us a plethora of issues, which cause poverty and inequality on the islands. They have explained that due to housing shortages, low economic prospects and poor educational provision, poverty rates can be high and as such, individuals may claim social security. These issues have been worsened by the current cost of living crisis, with many stating that the cost of fuel and food is unaffordable and made worse by poor transport links. Those who have direct experience of claiming benefits have explained that the service has improved since the Scottish Government have taken on responsibility for social security. They have explained that there is increase language provision and there is a more welcoming environment.

It was also explained however that some social security is complicated and that it is difficult to access your entitlement. Some women stated that they felt that the process can be a negative experience, and that due to the geographical isolation islanders feel, they were not fully considered in decision-making processes in Scotland. Therefore, it is key to speak to island communities and actively include them, while also supplying improved services, which align with island lifestyles.

- “...now the Scottish Government have taken over it’s so much better. People feel they can trust the person on the other end of the line, and they’re nice. You get through to a nice person... and the form is better, even though it has to stick to the same criteria that Westminster uses, it’s still... it’s got less ticky boxes, you can explain more.”
- “You can have someone come to your house and explain the form in your own language now... they provide an interpreter, so it’s a lot more enlightened than it was... same rates though.”
- “...the questions force people to become negative, it’s people’s tendency to say that they can manage, and the minute you say you can manage you’ve had it... it relies on a psychological mechanism, that people don’t want to say that they ‘can’t do something.’”

Do you have any information you wish to share on the impact of the proposals on reducing inequality caused by socio-economic disadvantage?

At the SWC we believe that reducing inequality is imperative to a healthy and positive Scotland, and as such any changes that can be made to effectively provide increased funds for those experiencing socio-economic disadvantage is welcome. It is an undeniable fact that social security systems exist in order to provide help to those who need it, and generally this is financial aid. Women who have utilised this service have found that they struggle to gain the resources they are entitled to and that the complicated service has been off-putting. Rather than pushing people into employment, many of them simply cannot enter employment or are already in a job, they are instead pushed into further poverty, creating further suffering. There is substantial worry that this will worsen over the next year due to the rising cost of living, and therefore a flexible service is required.

Do you have any information you wish to share on the impact of the proposals on children's rights and wellbeing?

The suggested proposals will assist families to procure the necessary funds to endure this winter. By creating a more flexible system the Scottish Government can assist families in managing the rising cost of living more effectively. However, women have stated that they are concerned about financial provisions after March 2023 – with current emergency plans only reaching this point. They have stated that despite being appreciative of these proposals, there is a current lack of assurance and instead would rather long-term planning to be put in place which suitably supports them over the coming financial difficulties. We do accept that the decisions surrounding social security will go a long way in assisting families this winter and beyond, however it must be considered that the current financial situation is unprecedented and as such families and children must be supported in further than current provisions.

- “I think it goes back to looking at the bigger picture, we need to look at our budgets... And although they've increased the child payment there's still a lot of worry.”
- “...it's across the board, this short-term resourcing... the actions being taken are all short-term”

Do you have any information you wish to share on the impact of the proposals on businesses or organisations in the public, private or third sector?

Currently third sector organisations are being heavily relied upon to provide essential services to those in need. By creating a system which works for the majority, these pressures may be relieved, freeing up resources to handle the cost of living crisis. However, it is imperative that alongside reduced pressures the Scottish Government increase third sector budgets so that they can go on to provide specialised care for those who need it most.

Conclusion

Having listened to women, our three key recommendations on this topic are:

- Due to the rising cost of living women need immediate financial support and as such we believe increased benefit amounts would be beneficial.
- The Scottish Government must ensure they are hearing from a varied, and diverse group of people to create a system that works for everyone in Scotland.
- A cooperative methodology to engage with services, the public and third sector organisations would ensure that a range of voices are listened to, as well as creating a more open, positive conversation around social security reducing stigma.

The SWC is grateful for the opportunity to respond to the Scottish Government's consultation on **SCOTLAND'S SOCIAL SECURITY SYSTEM: ENHANCED ADMINISTRATION AND COMPENSATION RECOVERY**. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to this topic and its effects on women's equality.

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