

Scotland's Social Security: Consultation results

Easy Read

March 2023

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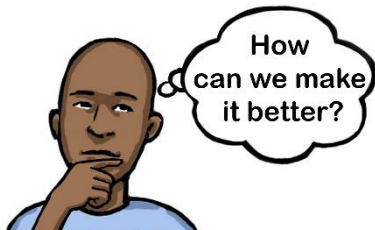
Introduction



This report sets out answers people gave to the Scottish Government consultation on Scotland's social security system. A consultation is a process where the Government asks people for their views before important changes are made.



The consultation ran from 4th of August 2022 to 27th of October 2022. A company (EKOS Ltd) had the job of looking at the responses. This report explains what they found.



The Scottish Government wants to make changes to the social security system that would make things better and give more value for money. The consultation asked people for their views.



Please click [here](#) to see the Easy Read consultation paper.

The consultation



There were a total of 34 responses to the consultation. A response is when somebody answers the questions in the consultation. Most of the responses were from organisations who speak on behalf of people. The rest of the responses were from people and companies.



As well as the online consultation, the Scottish Government held six events between 27th of September 2022 and 15th of November 2022. At the events the Scottish Government spoke to organisations and people who use the social security system.



The Scottish Government has also asked more questions to people on the Social Security Experience Panel and Client Panel. The people on the Social Security Experience Panel and Client Panel have claimed benefits before. The Scottish Government will use their answers to make decisions about the suggested changes.

Improving client experience



The Scottish Government designed the social security system with people who use the services.



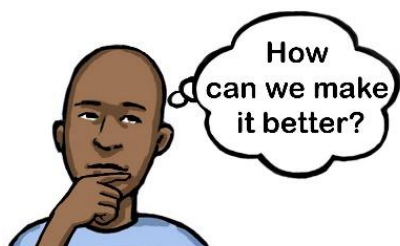
Social Security Scotland is the organisation that deals with claims for benefits and pays money.



A client is a person who gets money paid to them by Social Security Scotland.



Most people who used Scotland's social security system said they were treated fairly and with respect.

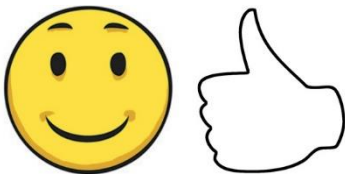


We want to make this even better.

Scottish Child Payment



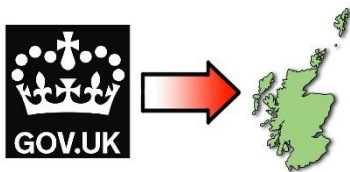
Most people agreed with the Scottish Government's idea to make changes to Scottish Child Payment. Almost all the people who answered this section agreed with the idea while a small number did not know.



Most people said the idea was good because:



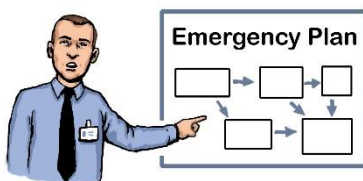
- It would help reduce child poverty.



- It could protect the Scottish Child Payment from changes made by the UK Government to the benefits system.



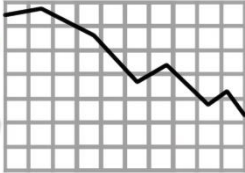
- It could make Scottish Child Payment more like other Social Security Scotland benefits.



- It could let the Scottish Government deal with changes and future events more quickly.



Some people said there could be problems with the idea. They said:



- Any changes might need more money and staff. It might be difficult to find the money to pay for this.



- It might make the way people apply for Scottish Child Payment more difficult and confusing.

Re-determinations



Re-determinations are when people ask for a benefit decision to be looked at again.



People were asked if a client should be able to stop a re-determination before Social Security Scotland has made a decision. Almost all people who answered the question agreed. A small number of people disagreed.



People who agreed with this idea said:



- It would be fair to let the client decide what they want to do. Clients should not feel forced to stop their re-determination.



- Getting independent advice could help people think about all their choices. It would mean less work for Social Security Scotland.

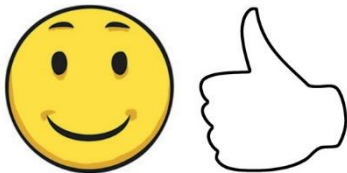
Making an appeal



The consultation asked if a new decision should only be made if it could give the same result as a Tribunal.



The answers were mixed. Nearly half of the people who answered this question agreed and nearly half disagreed. A small number did not know.



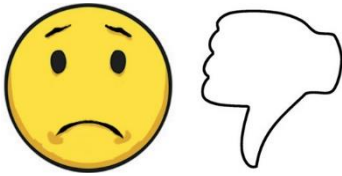
People who agreed with this idea said:



- People should not have to go to any unwanted Tribunal hearings. This idea could mean less stress for people.



- Less time and money would be spent on appeals, the system would be fairer and mistakes could be fixed early.



People who disagreed with this idea said:



- It could give fewer options for Social Security Scotland to respond to an appeal.



- Some people might be happy with the new decision. They might want to take money that is less than what they could get from a Tribunal.



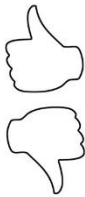
- Applying for a re-determination could be stressful for people. Some people might not apply for a re-determination because of the stress.



People were also asked if the client should be asked if they want that new decision to be made. Most people who answered this question agreed. Some disagreed or said they did not know.



People who agreed with this idea said:



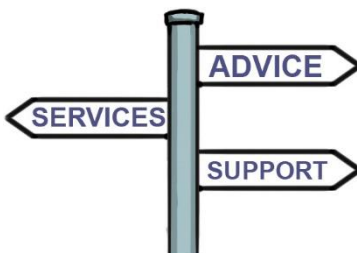
- People should be asked what they want at all stages.



- It lives up to the promises made by the Scottish Government about putting people in control of their benefits.



- It would reduce stress for everyone.



- People could be told to go to somebody else who could help with independent advice.



People who disagreed with this idea said that asking the client if they want the new decision might not be needed. Social Security Scotland is allowed to make a new decision. Asking people if they want the new decision could give them more stress.

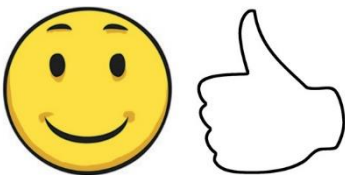
Appointees



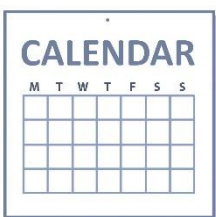
An appointee is a person who acts for somebody when they cannot make decisions for themselves.



People were asked if Social Security Scotland should be able to use a Department for Work and Pensions (DWP) appointee. This would be until Social Security Scotland finishes its appointee checks.



Almost all the people who answered this question agreed with the idea and only a small number disagreed. The people who agreed said:

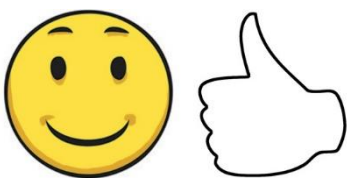


- The idea would help payments to be made on time.
- The idea has more good parts than risks.

Challenge rights for overpayments



An overpayment is when a client is paid more money than they are due. People were asked if they agreed that people should have been able to challenge Social Security Scotland's decision that an overpayment had to be repaid.



All the people who answered this question agreed with the idea. They said the right to challenge the decision was important for many reasons:



- People should be able to challenge an overpayment because it could have happened for a number of reasons and might have been a mistake. Each case should be looked at separately.



- The idea could mean people did not have to go to court.



- The idea could make the Scottish social security system fairer and more equal, and make it fit better with the UK system.



Many people thought that Social Security Scotland should look at its decision again when a re-determination was asked for. If the person still disagreed then challenges should go to the First-tier Tribunal for Scotland (Social Security Chamber).



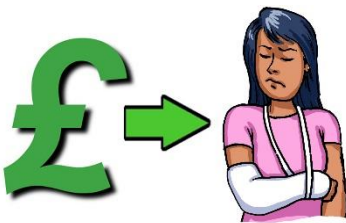
Other people suggested going straight to the First-tier Tribunal for Scotland (Social Security Chamber) in some cases or an independent review.

Value for money



The second section of the consultation set out Scottish Government ideas to make the social security system give better value for money.

Compensation recovery



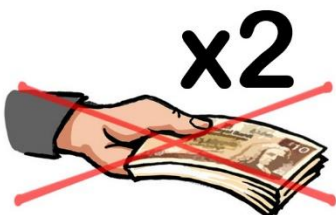
A person who has an accident, injury or disease may get benefits. If another person or company was to blame, then the person may be paid money called compensation.



People were asked if insurance companies should pay back the money that the person has had from Social Security Scotland.



Feedback was mixed on this. Almost half of people who answered the question agreed, almost half did not know and the rest disagreed.



People who agreed said it was important that taxpayers' money was not used to pay people twice for the same injury or disease.



People who disagreed said the idea would put too much stress on people. A large number of people were unsure about this idea because they did not know much about the subject.

Fraud



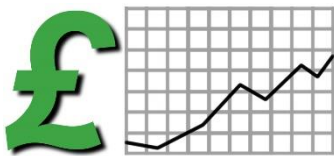
When a person lies and claims money that they should not have, they have committed fraud.



People were asked if Social Security Scotland should have other options instead of taking people to court.



More than half of people who answered this question agreed. Around a third disagreed and the other third did not know.



People who agreed with this idea said that taking people to court was expensive, takes a lot of time and is stressful or scary for the people involved. It was suggested it would be better to make people pay back the money and a penalty or community payback.



People who disagreed with this idea made two main points:

- People should always be taken to court if there is enough information to show that a fraud has taken place.
- It would be important for people who were taken to court to have access to a legal defence.



Overpayment where someone acts on behalf of a client



The Scottish Government suggested that if there is an overpayment, Social Security Scotland should ask the person who got the money to repay it. People were asked if third parties, like appointees, should also be responsible for repaying overpayments if they kept the money.



Most people who answered this question agreed, while a small number disagreed and some did not know.

People who agreed said:



- The idea would help to protect vulnerable people without stopping people from volunteering to act on someone else's behalf.



- Friends or family could be involved in helping someone and could make an honest mistake.



- Third parties should not have to pay back an overpayment if they did not make the mistake or it was the sort of mistake that a person could not be expected to notice.



Some people said that third parties like appointees should only have to pay back the money if they got the money. They said it would be unfair to hold that person responsible otherwise.



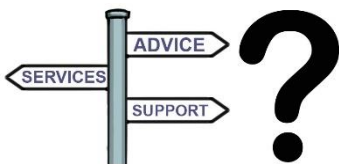
People who disagreed with this idea felt that a third party like an appointee might not want to act on someone's behalf if they thought they might have to pay back overpayments.

Independent advice



The third section of the consultation set out ideas for getting independent advice to help make the best social security system. There were also ideas on how best to check on the system and make sure it is working properly.

Current arrangements



People were asked if they thought the current ways of advising and checking on the social security system were good enough.

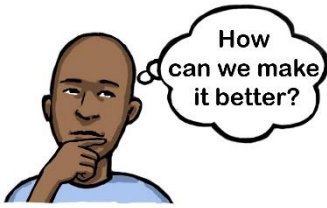


Feedback was mixed on this. Almost half of people who answered this question thought the way advising and checking works in the social security system now is quite good. A quarter thought the way it works now is not good enough, and the rest did not know.



People said that membership of the Scottish Commission on Social Security (SCoSS) and Disability and Carers Benefit Expert Advisory Group (DACBEAG) could be widened. This would make sure a wider range of voices are heard.

Future options



People were asked how they thought the system for advice and checking on the social security system could be better.



Feedback was mixed on this. Half of people who answered this question thought it would be right to keep independent advice and overseeing separate. This would avoid the same people giving advice and then checking how the system was working.



Over a quarter thought it would be right to combine the groups who give advice and check up on the social security system. This would make the most of resources and make sure the work is done efficiently.

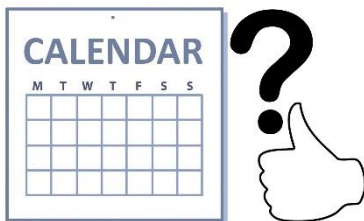


The rest of the people who answered thought a new independent group should be set up to oversee the Scottish benefit called Employment Injury Assistance, which will replace Industrial Injuries Disablement Benefit. This group would need different skills and experience than other benefits.

Coronavirus (COVID-19)



The fourth and final section of the consultation was about changes made to the social security system because of the COVID-19 pandemic.



Changes were made to the benefits system during the COVID-19 pandemic. These changes meant that people were given more time to apply for benefits or ask for decisions to be looked at again.



People were asked if COVID-19 should no longer be a reason for giving extra time to apply for benefits and asking for decisions to be looked at again.



Feedback was mixed on this. Just more than half disagreed with the idea, and less than half agreed. The rest did not know.



People who agreed said that the temporary changes had done their job. They felt that people did not need extra time to apply or ask for decisions to be looked at again. Some people who agreed said there should be flexibility in special cases where people are still feeling the impact of COVID-19.



Most people who disagreed said the impacts of COVID-19 were still being felt. They felt that the extra time to apply or ask for decisions to be looked at again might still be needed.

Report prepared by: EKOS Ltd.

The opinions expressed in this report are those provided by respondents to the public consultation.

EKOS Limited, St. George's Studios, 93-97 St. George's Road, Glasgow, G3 6JA.

www.ekos-consultants.co.uk

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