

Briefing: Scottish Government debate: Building a Social Security System Together: Co-designing the Social Security Charter 2 October 2018

Summary of ALLIANCE recommendations

- Scottish Government should broaden their engagement on the Charter, with particular emphasis placed on involving seldom heard groups and the Third Sector agencies that support/work with them.
- Scottish Parliament endorse extending the time period for developing the Charter – if required – to ensure the process is led by people’s free, meaningful, active and informed participation and not overly driven by time constraints.
- The Charter should contain specific, measurable outcomes and indicators against which progress can be independently assessed.
- The Charter should contain clear information about robust systems of redress and support for people to access these, including independent advocacy.
- Restating Ministerial commitments on the assessment process in the new Charter will help ensure it is the “clear, plain English statement of what people are entitled to expect from the new system”.
- Scottish Government should seek further advice from third sector organisations, coordinated by the Scottish Union for Supported Employment (SUSE), to ensure a diverse social security workforce.

The Charter

The ALLIANCE welcomes the creation of a Social Security Charter, and the stated intention in the Social Security (Scotland) Act 2018¹ that it will clarify what should be expected of people accessing the new system and of officials acting on behalf of the new agency, Social Security Scotland. The Social Security (Scotland) Bill Policy Position Paper also provides helpful guidance as to the intended content and

¹ <http://www.legislation.gov.uk/asp/2018/9/contents/enacted>

purpose of the Charter to “provide an accessible and understandable articulation of people's rights”².

Based on these commitments, the ALLIANCE believes that the Charter has the potential to support and bring to life the Scottish Social Security Principles and the overarching intention of achieving dignity and respect at the heart of Scotland’s new human rights based social security system.

Human rights provide a common language and unifying philosophy for the principles of co-design, participation, equality, fairness, transparency, accountability, dignity and respect. The ALLIANCE has consistently recommended that the new social security system – including the Charter – use the rights-based PANEL principles as a framework to help ‘sense check’ at each stage of design, delivery, oversight and review. The PANEL Principles are: Participation; Accountability; Non-discrimination and Equality; Empowerment; and Legality³.

Participation, non-discrimination and empowerment

Co-design of the Charter will help to create a discourse and environment that encourages and promotes respect and dignity within a human rights based framework. We welcome Scottish Government activity to date – as evidenced in the recent report, ‘Designing the Social Security Charter’⁴ – that has facilitated members of the Experience Panels to lead on Charter development. However, we are concerned that the core group of 30 people may not represent the diversity of people who access social security in Scotland.

The ALLIANCE recommends Scottish Government broaden their engagement on the Charter, with particular emphasis placed on involving seldom heard groups⁵ and the Third Sector agencies that support/work with them.

Co-design aims to make the best use of skills, experience and capacities of everyone involved to jointly create effective solutions to what are often complex challenges. This shouldn’t be ‘nice to have’, but a key driver of the commitment to continuous improvement. Giving people the opportunity to play an active and meaningful role increases empowerment and helps redress power imbalances.

² <https://beta.gov.scot/publications/social-security-charter-and-independent-scrutiny/>

³ <http://www.scottishhumanrights.com/rights-in-practice/human-rights-based-approach/>

⁴ <https://www.gov.scot/Resource/0054/00540957.pdf>

⁵ For example, people living in rural and remote areas, asylum seekers and refugees, people with experience of homelessness, people with sensory impairments/multiple conditions, people with learning difficulties, people with lived experience of mental health problems, people from the BME community, people who identify as LGBT+, people from the Gypsy/Traveller community, older people aged 65+, people under 16, care experienced people, people who have survived trauma/abuse, and people with lived experience of the criminal justice system.

The ALLIANCE's recent experience of co-design (see Annex 1) show that it takes time, there are often cultural barriers and fears from professionals about the sharing of power, new ways of working and shared decision making. None of these challenges have proved insurmountable, but they will take thought and consideration to work through.

We acknowledge the time constraints imposed by the Act that "Scottish Ministers are to prepare the charter within 6 months of this section coming into force." However, if significant change is to be achieved in the new system, the process of how the Scottish Government goes about developing the Charter will play as crucial a role as the final product itself.

We recommend Scottish Parliament endorse extending the time period for developing the Charter – if required – to ensure the process is led by people's free, meaningful, active and informed participation and not overly driven by time constraints.

Accountability

Regulations to date have sought to lay out what is expected of people accessing the Social Security Agency in relation to fraud and overpayments⁶. The ALLIANCE believes that the Charter now provides a significant opportunity to consider what happens for people when things "go wrong" within the Agency and people administering the system do not meet the principles outlined in the Act.

We therefore welcomed statements in the Scottish Government Policy Position Paper that the Charter could:

- *Be analytically robust, setting out clear outcomes and indicators of how those outcomes will be evidenced; avoiding the risk of the charter amounting to little more than warm platitudes*
- *Set out clear and robust arrangements for individuals or organisations to seek redress in circumstances where it is felt rights have not been fulfilled*
- *At systemic level, provide for strong scrutiny and accountability – there should be little dubiety over whether outcomes are being achieved"*⁷

The ALLIANCE recommends the Charter contain specific, measurable outcomes and indicators against which progress can be independently assessed.

⁶ <https://www.gov.scot/Resource/0053/00538994.pdf>

⁷ <https://beta.gov.scot/publications/social-security-charter-and-independent-scrutiny/>

The Charter should also contain clear information about robust systems of redress and support to access these, including independent advocacy.

Agency operations

The ALLIANCE welcomes the opportunities created by the formation of the new Agency to ensure people with long term conditions, disabled people and unpaid carers have better experiences of the social security system. In this regard, we welcome the Cabinet Secretary's recent commitments⁸ that there will be a level of flexibility about timings and venues of assessments and that audio recording of assessments will be used and available as evidence in tribunals. Many of the people the ALLIANCE spoke to from seldom heard communities recommended measures such as these for the new system⁹.

Restating Ministerial commitments on the assessment process in the new Charter will help ensure it is the “clear, plain English statement of what people are entitled to expect from the new system”¹⁰.

We also recommend reviewing what CAB clients and advisers propose as content of the Charter, as set out in the ‘Written briefing from Citizens Advice Scotland’.

The new social security workforce

We believe that recruitment of a diverse workforce is an important element of making sure that Social Security Scotland meets the Experience Panel's expectations around staff behaviour¹¹. The ALLIANCE warmly welcomed the previous Minister for Social Security's commitment to ensuring “the many skills and experience you get from a diverse workforce” are recruited to the agency¹². We are, therefore, disappointed to note that in response to a recent Parliamentary Question, just 5.52% of current Social Security Scotland staff identify as disabled people¹³.

The third sector has significant experience of supporting disabled people into work, through voluntary efforts, funded contracts and the Scottish Government's Fair Start programme.

⁸ <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11688&mode=pdf>

⁹ https://www.alliance-scotland.org.uk/wp-content/uploads/2017/11/Research_report_-_A_new_social_security_assessment_process_for_Scotland_the_views_of_seldom_heard_people.pdf

¹⁰ <https://beta.gov.scot/publications/social-security-charter-and-independent-scrutiny/>

¹¹ <https://www.gov.scot/Resource/0054/00540957.pdf>

¹² <https://news.gov.scot/news/social-security-scotland-recruitment>

¹³

<http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-18564>

Scottish Government should seek further advice from third sector organisations, coordinated by the Scottish Union for Supported Employment (SUSE), to ensure a diverse social security workforce. The following issues should be addressed:

- 1. Accessible applications (not just online applications).**
- 2. Partnering with minority group employment orgs for candidates.**
- 3. Reviewing job specifications to eliminate unnecessary core criteria (particularly around educational attainment).**
- 4. Accessible recruitment (work trials, etc, not just interviews).**
- 5. Training for interviewing managers.**
- 6. Training for operational managers.**
- 7. Links to Access to Work and consideration of disability in job design.**

About the ALLIANCE

The ALLIANCE is the national third sector intermediary for a range of health and social care organisations. The ALLIANCE has over 2,300 members including a large network of national and local third sector organisations, associates in the statutory and private sectors and individuals. Many NHS Boards and Health and Social Care Partnerships are associate members.

Our vision is for a Scotland where people who are disabled or living with long term conditions and unpaid carers have a strong voice and enjoy their right to live well.

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Annex 1: Recent examples of ALLIANCE-led social security co-design activity

Case Study 1 – Seldom heard

From January to March 2017 the ALLIANCE carried out a rapid, small-scale, mixed methods consultation project. The target audience was people with direct experience of social security – in particular the entitlements that are being devolved – who identify as belonging to one or more seldom heard group.

Feedback noted that people wanted the development of any new entitlement to focus on improvement – to hear their experiences and to have that influence how other people are treated. Closing the feedback loop between users of the system and those who administer it is also a critical element of this work.

People told us that they had previously had bad assessment processes which affected their experiences and broken trust with the social security system. This is all important customer feedback for the Agency to tackle with and consider as it designs new services and ways of engaging with people.

Case Study 2 – Physical environment

Between December 2017 and February 2018, the ALLIANCE worked with the Social Security Agency and Disability Equality Scotland to gather views on the initial requirements from the Social Security Agency's main office in Dundee and secondary office in Glasgow. These events were attended by disabled people, experts in design, social security agency staff and other stakeholders to discuss the elements required to create the right physical environment to meet the needs of people accessing the eleven social security payments.

This work generated a series of recommendations to Government, including in relation to:

- Accessibility issues – signage, toilets, car parking.
- Lighting and ambience issues related to particular long-term conditions including dementia and autism.
- Basic issues of seating arrangements in assessment rooms.

Subsequently we have been working with Scottish Government officials to ensure these views are heard and support their future work plans as they procure and manage the new spaces – and will be seeking opportunities to do so locally as new local Agency staff are recruited.