



homeless action scotland

Response to 'A new Future for Social Security' Scottish Government consultation on Social security in Scotland

Homeless Action Scotland is the national membership body for organisations and individuals tackling homelessness in Scotland. We are grateful for the opportunity to respond to the document, but have restricted our response to those areas which have a significant impact on people at risk of, or experiencing, homelessness.

Homeless Action Scotland has a long track record in engagement with the social security system, and is currently working closely with the Department of Work and Pensions to raise awareness amongst their staff of the impact of homelessness on people's ability to seek and undertake work. Homeless Action Scotland services a network of frontline homelessness voluntary sector organisations who meet senior DWP officials every six weeks to act as a sounding board, for example, for the roll out of Universal Credit. The organisation is involved in the Scottish Government's Housing Benefit Stakeholders' Advisory Group and the DWP's Customer Reference Group. It has made representations on a broad range of benefits issues including the proposal to restrict help with housing costs to those aged under 22.

General comments

Homeless Action Scotland recognises that the social security system is the initial point of contact for people in a range of vulnerable situations. For example, staff involved in the social security system may well be the only contact with authority for some people who are sleeping rough or sofa surfing, and may be the point where people in abusive relationships first seek assistance.

We believe that the Scottish Social Security system offers an opportunity to build a new positive relationship between the system and clients, which could lead to a better outcome for both parties. The role of the new system should be that of support, providing both the welfare benefits outlined in legislation and a high level of service and, where necessary, advice. Too many people at present view the social security system as something with which there is likely to be a confrontation, or where they are likely to be disbelieved and have to prove they are not 'scroungers.'

We believe the new key roles for the Scottish Social Security system should be to act as a partner of the client, to help identify people at risk, and with a duty to signpost (or make referrals wherever necessary) to other helping agencies where appropriate, rather than operating in a silo.

We believe this would assist the principle (which we strongly support) 'respect for the dignity of individuals is at the heart of everything we do.'

A second general point is that we believe it is important that the Scottish Social Security system should be based primarily on entitlements, rather than subjective judgements. However we also recognise that solutions to individuals' problems may be complex and an element of tailoring responses to individual circumstances is required. This part of the system requires a careful and delicate balancing of the rights based approach with an element of flexibility.

The third general point is that we have concerns that there will be considerable confusion as the new Scottish system is introduced. There may be three systems working simultaneously during the transition period: legacy benefits, Universal Credit UK elements and the Scottish System. We therefore **believe that there will need to be specific work carried out to ensure the transition years do not result in people in need slipping through the social security net.**

Fixing the principles in legislation

Homeless Action Scotland supports the vision and 5 principles identified in the paper. However, we have reservations about the wording of principle 5 'we will demonstrate that our services are efficient and value for money.' This principle could be misinterpreted to mean that future policies might be driven by value for money rather than the prime element of the vision which is to meet need. Some of the more controversial and damaging welfare reforms have been cloaked under the heading of 'efficiency' and 'value for money.' We recognise that it is not this Scottish Government's intention to interpret the principle in this way, but believe the wording should be tightened to avoid misinterpretations in the future.

Homeless Action Scotland believes a further principle should be considered: our services aim to ensure social inclusion. This complements the recovery approach in many social policy fields and helps drive future policy towards greater equality.

Homeless Action Scotland supports **Option b: place the principles in legislation.**

This makes any amendment subject to full parliamentary scrutiny and keeps the foundation of the system more stable and independent from the government of the day.

We recognise the value of co-production and input from claimants and believe that in developing the principles and holding the agency to account, claimants should be actively involved.

Responsibility for ensuring that claimants are treated with respect and dignity should lie at many different levels, but ultimately with the Minister and Scottish Government.

If the duty is not adhered to, it is important that there is a means by which there can be redress and where there can be an assurance that the fault is remedied. For example, there may be a need to have access to judicial review and for a power on someone to insist that a remedy to unfair treatment is implemented (along the lines of Ombudsman). Most importantly any access to such a system must be affordable and simple for those with very little means, for it to be effective.

Outcomes



We believe the outcomes require some small but important additions:

1. Under the 'People resident in Scotland' section we suggest adding 'view the social security system as something they can access without stigma.'
2. Linked to this is a further suggestion that 'people are assisted where appropriate to access complementary support and assistance to meet their broader needs and promote social inclusion.' In our view the social security system should be one of many places where a person in difficulty can go and end up with the help they require.






A new way of working could be to give a role to the Scottish Social Security system to help identify people who need additional assistance and signpost them appropriately. Ultimately this is likely to lead to less reliance on the system but more importantly lead empowerment and to better outcomes all round.

3. Long term outcomes should in general be more ambitious
4. 'Outcomes should seek 'to reduce' rather than 'impact on' poverty and inequality.
5. Plain English should read 'plain language' (and include translation for people who don't have English as a first language).
6. The digital approach whilst welcomed, needs always to be accompanied by adequate face to face opportunities, as well as telephone provision. It is important that the system is not 'digital by default' or that people are viewed as being awkward or difficult if they prefer face to face contact. Many people accessing the social security system have complex circumstances which don't fit easily into the boxes, which a digital approach usually requires. Figures below demonstrate people will have literacy problems or be unfamiliar with computers. Some may have brain injuries which prevent them from being able to make full use of the digital approach. It is also important to stress that access to a mobile phone does not enable someone to have full access to a service digitally. **We recommend therefore that people should have a right to request the form of communication they find most comfortable.** Where there is a request for face to communication, this should not have to be made through a digital interface.

Points to be taken into account when thinking in relation to a digital output:

-  UK wide, the recent House of Commons 'Digital Skills Crisis' reported 12.6 million of the adult UK population lack basic digital skills. An estimated 5.8 million people have never used the internet at all.¹
-  An example of IT literacy within homeless accommodation services: Simon Community Scotland did a recent survey of service users across all of their accommodation services, to gauge how many people have an email address. The results showed that under 20% had an email address. If this didn't include the young people's services, this fell below 15%.

¹ <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmsctech/270/270.pdf>

-  Scotland has committed to 100% of the country to have broadband access, but this is currently not the case; with a number of areas not being able to access broadband.
-  Wifi does not provide the security people may wish to have when accessing personal data.
-  There can be limits to timeframes and privacy where wifi or internet stations are available within community provision.
-  To have wifi access in your home you need to have an Internet connection set up and a phone line as well as have electricity.
-  There is an expectation that people have equipment to access the internet on. Whilst many people have smart phones, not everybody does, and form filling on a phone in any case can be difficult.

7. We welcome the mention of the statutory duties under the Equality Act 2010 and other legislation. However, there are other groups of vulnerable people who are not specifically mentioned in the legislation (such as rough sleepers, ex-offenders etc.). It is important that the equality guarantee is not restricted only to the nine protected characteristics but relates to everyone having equitable access, or a principle that **no-one is disadvantaged by communication barriers, or prejudice.**
8. 'Existing data could be shared' (p.19): statement needs to be clarified. We recognise that there will be elements of anonymised data that could be collected to improve services, and feed into possible improvements. However, all data should be anonymised, and it should be made clear to claimants that this is the case.
9. **Co-production must not just be about including those who are currently in the system or make us of it**, but also those who feel excluded from it either because of stigma or because of their life experience. It should also include those who have experienced benefits sanctions and appeals. There is a danger that co-production happens with the groups who are easiest to work with (e.g. those with permanent or long term issues) or those who are more at ease in conventional meetings etc. There is a need to be ambitious to be inclusive in this approach. **So user panels must be diverse and not just comprise those who are currently part of the system. It is important too that the voice of professionals and experts is included in the model of co-production.**
10. Customer satisfaction is all very well, but it depends what it measures. A customer can be satisfied that it is easy to navigate a system and feel respected, but still end up with no service at the end! A good range of measures of quality of service are needed.

Delivering

Payments

The system should primarily deliver cash, with a number of routes to this cash available, for example, into an account or via a pay point. It should never demean people with vouchers, which reinforce stigma and are open to abuse. However, where relevant, claimants should be offered a free choice of cash, or cash and goods. An example of this may be where, due to advantageous procurement, clients may find it more cost effective or convenient to opt for goods, rather than cash

options. This model has been used with the Scottish Welfare Fund and the Motability scheme, with some success.

Digital

As mentioned in our 'Outcomes' section, it is extremely important that face to face contact is offered as an equal option to digital – not digital by default. Many people need to explain themselves verbally. The complexity of individual situations is not always possible to make clear digitally, especially with 'drop down' answers to questions. More detailed concerns around this are described above.

A range of benefits interlinking

The inter-relationship of a number of elements of benefits needs to be understood by staff; there can no longer be people with expertise in only one area. We would anticipate in these cases, especially where the entitlement to benefit needs to be enhanced by some flexibility, for the staff to enable a holistic approach to a person's problems to be taken.

Convenience

One stop shops should be part of the answer. Whether it is the Scottish Agency which delivers all the benefits is open to question, but all a person's needs should be able to be addressed at a single visit without constantly having to re-tell their history.

Not for Profit / Private / Other

Services should not normally be provided by Not for Profit or Private organisations. Instead this should be delivered as a civil servant run provision. It should be delivered efficiently, with the ethos that service delivery is equally important as the core principle of treating people with respect and dignity.

Outsourcing this service to any other organisation (Private or NGOs) brings about possible changes in ethos (due to tendering), which could affect some of the basic principles. By retaining delivery with the government that could and should be avoided.

Where there is specific expertise required which is not able to be run well by the Agency directly, involvement of relevant expert not for profit organisations could be considered, provided there is close attention to their adherence to all of the principles underpinning the system.

Payments by Results

It is important to abandon the concept of 'payment by results' which can skew service delivery towards those who are easiest to help, make the service fit the results criteria rather than the client's needs, or push people through a system more quickly than is needed to meet their individual needs successfully in the medium to long term.

Equality

This must relate to more than low incomes (though poverty is an important element). It must relate to exclusion and the ability to participate equally. Equality must be a principle which applies to all

and not simply the specific groups protected by legislation. Others, such as homeless people, face multiple exclusion and need to be included.

Scrutiny

Homeless Action Scotland believes there is a need for an independent scrutiny committee. It should be established by law so that it is not beholden to the government of the day. There should be an obligation as with SSAC for the Government to refer significant proposals to the committee and respond publicly to any recommendations it makes.

It is important to have time limited membership to prevent any close relationship developing between the government and committee that may be detrimental to claimants.

There should be a body to oversee the quality of decision making and which could insist on redress where mistakes have been made.

Specific benefits

Homeless Action Scotland will only make comment on specific benefits which are of direct interest to people affected by homelessness.

We believe the 'whole life' disability benefit is an interesting concept, but not just for disability. Should there not be a long term aim to move towards a 'liveable decent income' for all, which allows everyone regardless of illness or disability or current life experience to live with dignity?

Should a Scottish Social Security Agency be able to request info on behalf of a claimant? We believe this should only happen if permission is freely given and informed consent applies. There is a danger of it being misused and becoming the default position rather than an open choice for the claimant which could undermine the trust of the claimant and deter people from making a claim who do not wish certain information about themselves being shared. However, we recognise that in certain cases, it may remove the burden from the claimant of gathering data from multiple agencies and reduce the need to retell distressing personal histories to multiple agencies. In this, informed consent is the key.

Discretionary Housing Payments


Homeless Action Scotland believes we should take this opportunity to clarify different elements of DHP that have arisen over recent years, and separate these parts of budget where necessary; in particular, taking into account that several of the earmarked elements of the fund are not viewed as discretionary in Scotland. In addition to this we believe the initial uses of DHP may have become lost or significantly reduced in recent years. It is important that there is specific provision to ensure its initial important purpose has full effect again. Here are our main points broken down:


1. There should be a separate element specified or earmarked for Bedroom tax (or a separate pot, taken from DHP).


2. There should be a separate element (or a separate pot, taken from DHP) for other Local Housing Needs allocated by the Scottish Government, for example the £45 management fee in relation to temporary accommodation costs. In this pot we would like to see the additional elements of Shared Accommodation taken into account, where good practice and legislation in Scotland do not work alongside the restrictions of SAR. An example of this is where SAR does not allow for someone (with part-time child access) who sees their child/ren at the weekend, to pay the difference to have a room for their child to visit. This sits in line with the requests of good practice from the Local Authority Social Work Departments.
3. The DHP residual pot should be retained, but returned to how it would be allocated to claimants in need before Bedroom tax and other additional allocations. This in turn would bring back the following points into more regular use and allocation (preventing homelessness):
 - Two homes payment, allowing people moving from temporary and supported accommodation projects into their own tenancies to move with a degree of flexibility to arrange the set-up of electricity, accessing grants, furniture packages, etc. Currently without accessing DHP, people start in arrears, or need to move within 1 or 2 days, without the goods necessary to sustain a tenancy.
 - Rental deposits, where there are no other funds available.
 - Rental top up for single parents in need; avoiding tenancy failure.
4. Within additional guidance for DHP we would also like to see an element to include funds for Rough Sleepers, or for this to become a separate provision from DHP.

Job Grant

Whilst the job grant is to be welcomed we have a few points to raise in relation to the suggested parameters:

 We do not understand the logic behind the difference of £150 in start-up costs for people with or without children. We would therefore suggest there is no difference made in relation to household / family, but that the emphasis is placed on need, and the amount is paid in relation to this. We realise there may need to be a maximum in place.

 We believe that whilst it is often useful to have something connected to the needs of young people, in this case it is equally important for those who have been outside the labour market for some time to get similar assistance (e.g. people with a history of homelessness or addictions). We would therefore suggest that this grant is available to a broader range of people, to include these circumstances, and not only age dependant.

 We are aware that the Department of Work and Pensions operates a Flexible Support Fund, which is intended to assist people into work who have additional needs; it is unclear from the paper how the job grant and Flexible Support Fund will inter-relate. We would hope the two are able to work in tandem, and all relevant staff are aware of the offer both provide, as it is important for people who need extra funding to assist them to take up work that both schemes complement each other and are able to be accessed at the same office and via a single application.



We welcome the assistance this will give, especially to young people. WE are aware that there are specific definitions of 'unemployed' in current DWP definitions which would not include 16 and 17 year olds in receipt of Universal Credit and we therefore recommend that Scottish regulations take account of the different legal position of young people in Scotland and enable them to access the fund.

Overall, the more flexibility in the opportunities regarding how to use the Job Grant, the better. For example, it may be that someone with little access to public transport choose to buy a bicycle (and in turn, not even require the free bus travel).

Universal Credit flexibilities

Homeless Action Scotland believes that the choice of managed payments to private sector landlords should be open in future, but the choice must be completely a matter for the tenant. The landlord must not be able to make a condition of granting a tenancy that the rent is paid directly to them. It is important to protect a tenant's ultimate right to withhold rent if the landlord is not providing the promised service such as keeping the property in good repair.

Homeless Action Scotland also strongly believes that Universal Credit payments should be able to be paid to separate members of a household. This should be a free and open choice. In many working couples each partner receives their own income and contributes to joint bills. The danger of a single payment to a household is that one household member can exert control (which in some cases can be abusive) over the other, or that if one partner does not meet their claimant commitment the other partner is punished as well.

This is particularly important in circumstances, for example, where a disability benefit may not be paid to the person with the disability or the carer's benefit not paid to the main carer, which would enable control and autonomy to be removed from the disabled person or carer.

The option of being paid every two weeks rather than every month should be a free choice as well. The social security system should be designed to offer security and assist people with managing their complex lives in as helpful a way as possible.

Universal Credit Housing Element

A number of issues in relation to the universal credit housing element affect people at risk of or experiencing homelessness. There are some adjustments which are minor but could make a considerable difference.

Because of the lengthy processing time for UC claims any person starting a new claim begins their tenancy in rent arrears and therefore in an uncertain housing situation. Any change (such as an interim payment) which prevented rent arrears building up would be helpful.

There has always been the possibility of housing benefit meeting the cost of two homes for a transition period while a household moves (for example) from a hostel into a tenancy or from temporary accommodation into permanent accommodation. This allows for the inevitable repairs

and furniture buying/ removal to happen. This is rarely used and it is unclear to what extent it will still be possible under UC. It affects a small number of households but can make a significant difference as to whether they move successfully into permanent accommodation.

The UK Government has still not made clear its plans on restricting help with housing costs for young people aged under 22. It will be important to examine the exemptions carefully to ensure that homelessness does not increase among young people in Scotland as a result of any change.

There is still no absolute clarity about the future funding of temporary and supported accommodation under the new system. However, it is important to recognise that in Scotland there is a duty on local authorities to provide temporary accommodation to every household which presents as homeless for 'a reasonable period.' Elsewhere in the UK the duty only applies to certain groups who are assessed as homeless. Therefore, there is a legal duty to provide temporary accommodation to a considerably larger cohort in Scotland than elsewhere in the UK. It will be important to find a means to ensure that the world leading homelessness legislation in Scotland is not undermined by the new system and that some means of continuing to fund this is found.

Advice Representation and Advocacy

Homeless Action Scotland believes that there is a need for independent publicly funded advice and advocacy providers. They give confidence to claimants that there is someone on their side and enable challenges to be made to ensure a high quality of decision making by the system. The ability for people to advocate for themselves would be enhanced by using plain language in all communications and basing the new system on clear entitlements (rather than subjective judgements).

Tribunal

We believe that the existing social security tribunal system is tried and tested and therefore offers a reasonable forum for dispute resolution. We would expect training to be delivered in relation to this to advocacy and advice services to enable smooth processing where this needs to be accessed.

Overpayments and debt

There should be a proportionate response to overpayments. Where these are minor and the administrative cost of recovery is significantly greater than the sum to be recovered the overpayment should be written off. Where the overpayment is more substantial, in accordance with the principle that people should be treated with dignity and respect, a repayment should be negotiated according to the claimant's individual circumstances.

Too often in the current system there is a 'tick box' approach to a standard deduction regardless of the personal circumstances of the claimant. So an agreed negotiated plan of what it is reasonable to recover and when should be the approach rather than standard deductions.

Where an overpayment is being arranged, there should be an automatic offer to signpost (and referring wherever relevant) for financial assistance and or / advice.

Fraud

Whilst combatting fraud is important we believe the current system starts from a deeply flawed assumption that claimants are seeking to defraud the system. The new approach should be proportionate, treating people with respect and dignity; accepting that the vast majority of claimants are not seeking to find ways of accessing funds fraudulently.

Safeguarding information

Homeless Action Scotland would not support the sharing of information between public sector agencies for the purposes described i.e. deliver value for money and support service improvements. The sharing of personal information should only be for the purpose of streamlining the process for applicants and only done with their informed consent.

However there is a case for anonymised data being shared for the purpose of service improvement. The distinction between personal information and anonymised data is important in respecting client confidentiality.

We do not support the concept of Digital First, since it implies that those who choose another form of communication are the second choice or in some way awkward or difficult. The principles of equality and dignity and respect should mean that whilst digital is a choice it does not have to be the first choice: it should be one of a range of equal options open to claimants. This is especially important given the profile of claimants and that many will have limited access to good quality digital services, may have literacy problems, may have little or no digital experience or may need to communicate in a different way. So we believe digital should simply be one of a range of equally valued options.



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