



# EAS Response to the Scottish Parliament's Social Security Committee Consultation on the Social Security (Scotland) Bill

August 2017

**SOCIAL SECURITY COMMITTEE**  
**SOCIAL SECURITY (SCOTLAND) BILL**  
**SUBMISSION FROM:**  
***ENERGY ACTION SCOTLAND***

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**Introduction**

Energy Action Scotland (EAS) is the Scottish charity with the remit of ending fuel poverty. EAS has been working with this remit since its inception in 1983 and has campaigned on the issue of fuel poverty and delivered many practical and research projects to tackle the problems of cold, damp homes. EAS works with both the Scottish and the UK Governments on energy efficiency programme design and implementation.

**Fuel Poverty in Scotland**

The Scottish Government was required by the Housing (Scotland) Act 2001 to end fuel poverty, as far as was practicable, by 2016. This statutory duty expired and the target was missed. The number of Scottish households living in fuel poverty in 2015 was 748,000 (Scottish House Condition Survey Key Findings Report 2015).

EAS welcomes the opportunity to respond to this consultation. Given its remit, EAS has limited its response primarily to those areas that it considers most likely to impact on fuel poverty and on those at risk of becoming fuel poor i.e. the winter fuel payment and the cold weather payment. EAS considers that there are other organisations better placed to answer in detail the remaining consultation questions.

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Control of a number of existing social security benefits is being passed from the UK Government to the Scottish Government. The Parliament would like your views on the Scottish Government's plans before they become law. The Social Security Bill is the proposed law.

1. The Bill aims to provide a framework for the creation of the Scottish social security system. In addition the Scottish Government has chosen to put most of

the rules about the new benefits in Regulations. It believes that putting the rules in Regulations will make things clearer and less confusing. Parliament cannot change Regulations, only approve or reject them. The Scottish Government intends to develop Regulations with external help.

**Q. Do you have any views on this approach?**

Without more (and more specific) detail, the Bill simply provides a framework on which to build. EAS supports this approach in general terms, but believes there must be further consultation as the Regulations are developed.

2. The Bill proposes that the Scottish social security system will be based on the following seven principles:

- Social security is an investment in the people of Scotland.
- Social security is a human right. It is essential to accessing other human rights.
- Respect for the dignity of individuals is at the heart of the Scottish social security system.
- The Scottish Government has a role in making sure that people are given the social security assistance they are eligible for.
- The Scottish social security system will be designed with the people of Scotland, and based on evidence.
- The Scottish social security system should always be trying to improve. Any changes should put the needs of those who require social security first.
- The Scottish social security system is efficient and delivers value for money.

**Q. What are your views on these principles and this approach? Please explain the reason for your answer.**

EAS agrees with the principles on which the social security system will be based, however would like a more in-depth explanation given on some of the key terms. Firstly, EAS considers it would be useful to have a stated definition of the term 'human rights'. In addition more clarity is required regarding terms such as 'eligibility', 'based on evidence' and 'value for money'. These terms could be misinterpreted and it would be beneficial to have a glossary/guidance alongside the Bill.

**Q. Are there other principles you would like to see included?**

EAS also considers that the principles should make specific mention of both 'justice' and 'fairness'.

5. The Scottish Government will take over responsibility for some current benefits. The Bill does not explain how they will work in detail. This will be set out in Regulations at a later date. The current benefits which will be run by the Scottish Government are:

- disability assistance (including disability living allowance, personal independence payment, attendance allowance and severe disablement allowance)
- carer's allowance
- winter fuel payments
- industrial injuries disablement benefit
- cold weather payments
- funeral payments
- sure start maternity grants

**Q. What are your thoughts on the schedules in the bill in regard to these benefits?**

Energy Action Scotland continues to support the Scottish Government's initial proposal to extend Winter Fuel Payments to families with disabled children on the higher rate of DLA, and to making payments in advance to households who live off the gas grid. The Scottish Government should further consider whether payments in advance could be made to others who have to pay for their fuel before using e.g. prepayment meter users and those reliant on unregulated fuels.

EAS believes that Winter Fuel Payments should continue to be universal at present, because any financial benefit resulting from change is likely to be outweighed by the cost to administer.

The Scottish Government should consider weighting the Winter Fuel Payment, perhaps on the basis of a geographic split i.e. in line with higher network costs in the north of Scotland.

The Scottish Government should also consider introducing weighted Cold Weather Payments, for example higher payments for areas clearly defined as very rural. Too many additional factors are likely to make the system more complex and costly to administer, however consideration might be given to the impact of wind chill, for example.

EAS would welcome a reduction in the 7-day period after which Cold Weather Payments are triggered and an increase in the weekly payment amount.

Whilst EAS has no doubt regarding the Scottish Government's intention to develop a system that works effectively to support those in need, there are two particular issues that EAS believes need to be addressed in relation to Winter Fuel Payment and Cold Weather Payment:

- As above, EAS believes that Winter Fuel Payments should continue to be universal at present, because any financial benefit resulting from change is likely to be outweighed by the cost to administer. The draft legislation gives rise to concerns for EAS that a mechanism for the introduction of means-testing will be put in place. Retaining it within the Bill would allow a greater level of scrutiny, including Committee amendments. Quite apart from the Scottish Government previously stating that this Payment would be universal, there are general concerns about the stigma connected with means-testing of such benefits
- The wording of the draft legislation gives rise to concerns for EAS about how people are to receive Cold Weather and Winter Fuel Payments i.e. these Payments '*may or may not take the form of money*'. EAS believes that given the lack of clarity (what exactly would an eligible person receive, if not in the form of money?) this clause should be removed. Retaining it within the Bill means that secondary legislation would effectively enable future government to put this into effect. EAS does not think this is acceptable without further explanation.

**10.Q. Is there anything else you want to tell us about this Bill?**

EAS believes that some detail on future inflationary measures should be stated. In addition, the inclusion of specific measures to ensure accountability and independent oversight.