



WELFARE REFORM IN SCOTLAND: TAKING A RIGHTS-BASED APPROACH TO COMBAT THE RISE IN POVERTY

Background

A report released by the Scottish Parliament in October 2018 found that austerity reforms to UK welfare payments will in effect have cut £3.7 billion from welfare spending in Scotland if they continue until 2020/21.

Further, delays in processing Universal Credit payments have led to a 7% increase in applications for crisis grants from local councils, with a 69% increase in the number of claimants stating that an emergency handout is the only thing preventing them from being forced into homelessness. According to the report, "Despite concerns raised by the Scottish Government, the National Audit Office, third sector and other civic organisations, the DWP [Department for Work and Pensions] have confirmed that it intends to continue with the UC roll out."

In November 2018, UN Special Rapporteur, Phillip Alston, conducted a week-long investigation of poverty in Britain. The results were grave, as he issued a damning indictment of the UK Government's welfare policies. Alston found that the austerity measures had caused "great misery" with "punitive, mean-spirited, and often callous" welfare benefits cuts. He further added that child poverty was: **"not just a disgrace, but a social calamity and an economic disaster", and that the austerity measures introduced since 2010 were in breach of four UN human rights agreements relating to women, children, disabled people and economic & social rights.**

Welfare Reform for Scotland

As part of an agreement made between Westminster (the UK parliament) and Holyrood (the Scottish Parliament) in the wake of the failed Scottish independence referendum in 2014, Scotland is now in the process of forming its own welfare agency, which will gradually take over responsibility for administering 11 forms of welfare payment within Scottish borders. The handover these welfare powers to the Scottish Parliament was passed with a unanimous vote in April 2018.

Presenting the final bill to the Scottish Parliament, Scotland's welfare minister Jeane Freeman said:

"The devolution of social security represents the greatest single increase in the responsibilities of this parliament since devolution. Today we write a new chapter in our history, a system built for the people of Scotland, designed in partnership with the people of Scotland, a system with dignity, fairness and respect at its heart, a system quite unlike any other that has gone before."

Holyrood is now pledging to create a social security system which will "do things differently". Campaigners have praised the proposed changes to the welfare system for recognising social security **as a human right.**

"This Bill has been an opportunity to set up a new service and to do things differently - to remake the system in a way that fits the ambition we have for ourselves as a Parliament and for our country," said Freeman. The new welfare system will involve a number of legislative changes that will set it apart from the system legislated by Westminster, and will address human rights by:

- barring unnecessary medical assessments, and ensuring that claimants will not be forced to go through the private sector for medical assessments
- ensuring that clinical judgment, rather than a time limit, will be used when defining a terminal illness
- allowing claimants to bring an advocate with them to appointments, who will be permitted to speak on their behalf (under the UK system, friends or family members were allowed to attend only to offer moral support)
- splitting welfare payments between bank accounts so that women are able to maintain their financial independence (the UK system requires that all payments for a household are paid into a single bank account, putting women who are at risk of domestic abuse in further danger as they cannot easily access the money to leave).

Advocacy for welfare claimants

Holyrood has confirmed that its new social security legislation will allow claimants to bring someone with them during welfare assessments. Making the **announcement, Ms Freeman said:**

"This is proof that Scotland will do things differently and one of the first ways we can show people we mean exactly what we say."

On the UK system, she said: ***"I think this runs contrary to our rights-based approach and if we truly want our system to have fairness, dignity and respect at heart then we should give people the right to have a friend or family member - a supporter - with them when they need it."***

When the UK government said in reply that this was already the case under their current system, the Scottish government later clarified that its user research suggested that "the ability to be accompanied is not being applied consistently in all areas and that where being accompanied is permitted, the person there to provide support is not allowed to participate".

It further said that: ***"There is also an important distinction that our amendment will allow a person accompanying someone to make representations on their behalf."***

Freeman announced in January that there will be an independent body, the Scottish Commission on Social Security, that will scrutinise proposed changes to the new system and give its view of their compliance with human rights protocols – before MSPs vote on them.

Increased Calls on Crisis Funding

In spite of the positive steps being taken by Holyrood, the Scottish Greens have called on MSPs to do more still to help people struggling under the welfare changes and austerity measures. Social Security spokesperson for the Scottish Greens, Alison Johnstone MSP, said: ***"The growing need for crisis funds in our wealthy society is simply appalling. It shows the human impact of the UK Government's cruel austerity agenda, with cuts to benefits harming people's***

physical and mental health. The huge increase in people applying for a grant because they are at risk of homelessness is especially concerning.

"I fully expect these figures to be met with cold indifference from the Conservatives but I hope they prompt SNP Ministers to be bolder in their approach to preventing poverty. They must look again at uprating devolved benefits in line with inflation and topping up Child Benefit, and they must increase investment in genuinely affordable housing."

Lib Dem social security spokeswoman Caron Lindsay said that there was a "mammoth task" ahead, and warned that a "golden opportunity to tackle poverty and inequality can't be squandered".

The work of creating this new paradigm in welfare payments is far from over. The Bill passed in April merely forms the framework for a new benefits system. Future regulations will set out the rules over eligibility and the benefits to be paid.

The opportunities provided by the formation of the new welfare system has been welcomed by all parties in the Scottish Parliament. Adam Tomkins, the Tory Welfare spokesman, said the legislation marked "an important day in the coming of age of our Parliament." He said: "It will allow us to experiment, to try something new - it will allow us to learn from others' experience and to build on experience, including experience elsewhere."

Sources:

Scott Macnab, *Scots welfare approach to be 'different' as MSPs pass new benefits system*, 25/4/2018

<https://www.scotsman.com/news/politics/scots-welfare-approach-to-be-different-as-msps-pass-new-benefits-system-1-4730507>

BBC News, *Scottish social security system plans at 'critical point'*, 28/3/2018

<https://www.bbc.com/news/uk-scotland-43559726>

BBC News, *Scottish welfare assessment rights outlined*, 19/1/2018

<https://www.bbc.com/news/uk-scotland-scotland-politics-42739130>

Scottish Government, *2018 Annual Report on Welfare Reform*, 1/10/2018

<https://www.gov.scot/publications/2018-annual-report-welfare-reform/>

Ben Wray, CommonSpace, *Rudd says she's willing to listen on Universal Credit, but lashes out at UN poverty expert*, 19/11/2018

<https://www.commonspace.scot/articles/13564/rudd-says-she-s-willing-listen-universal-credit-lashes-out-un-poverty-expert>

David Jamieson, CommonSpace, *Rising financial emergency in Scottish households as Universal Credit continues roll-out*, 30/10/2018

<https://www.commonspace.scot/articles/13485/rising-financial-emergency-scottish-households-universal-credit-continues-roll-out>

Libby Brooks, The Guardian, *Future-proofed against austerity: new Scottish social security system*, 21/1/2018

<https://www.theguardian.com/uk-news/2018/jan/21/future-proofed-against-austerity-new-scottish-social-security-system>

Libby Brooks, The Guardian, *Scotland recognises social security as a human right*, 26/4/2018

<https://www.theguardian.com/uk-news/2018/apr/25/scotland-recognises-social-security-as-a-human-right>