

Building a Social Security System Together: Co-designing the Social Security Charter

Scottish Government Debate

2 October 2018

Written briefing from Citizens Advice Scotland

Citizens Advice Scotland (CAS), our 60 member Citizen Advice Bureaux (CAB), the Citizen Advice consumer helpline, and the Extra Help Unit, form Scotland's largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone.

In 2017-18 the Citizens Advice Service network helped over 295,100 clients in Scotland and dealt with almost 800,000 advice issues. With support from the network clients had financial gains of over £138 million and our self-help website Advice in Scotland received approximately 3.2 million page views.

Summary

- The Social Security Charter has the potential to improve the experience of using the social security system for people who need support from it.
- CAS believes the most important role of the Charter is to embed the Social Security Principles into the system to empower those using it to challenge substandard service and seek redress, and to train all staff who come into contact with system users.
- CAS welcomes the Charter being co-designed with people with lived experience of the social security system, which we would consider essential to it being meaningful
- CAS would recommend the Parliament consider how it might enable any other individual or organisation with an interest to be consulted, as part of its scrutiny of the draft Charter.
- CAS believes the Charter will be strongest if it encompasses all parties involved in the social security system, rather than being solely aimed at individuals who use the system.
- CAB clients with lived experience have previously suggested a number of points for inclusion in the Charter. These are appended to the briefing to give a flavour of what might emerge from the co-design process.

What is the Social Security Charter?

The Social Security Charter is proposed to define what people are entitled to expect from Scotland's social security system, as well as translating the Social Security Principles¹ into specific, measurable commitments. Additionally, the Social Security (Scotland) Act 2018 gives the following formal functions to the Charter:

- Requiring Ministers to ensure that independent advice is available on the Charter's content, as part of advice on social security issues
- Enabling it to be taken into account by courts and tribunals on relevant matters
- Requiring Ministers to report annually on what they have done to meet the expectations set out in the Charter
- Requiring the Scottish Commission on Social Security (SCoSS) to report on how the Charter is being fulfilled, and make recommendations for improvement

Citizens Advice Scotland (CAS) supports the creation of the Charter as part of the new system as it has the potential to improve the experience of using the social security system for people who need support from it.

Role of the Charter

CAS believes the most important role of the Charter is to embed the principles into the system to empower those using it to challenge substandard service and seek redress, and to train all staff who come into contact with individuals who use the system.

It is of utmost importance that the Charter is ensuring that it is "not just words". The Charter must strengthen the guiding principles by embedding them into the system in a practical sense. The Charter should be used for training all staff who will come into contact with those needing support from the system. It should ensure staff are aware of the rights and responsibilities of all parties involved, and that they undertake, from the outset, to provide people with a dignified service where their rights are respected.

To empower people the Charter must be clear, accessible, and well-advertised. People who do not receive the service they are entitled to should be able to use the Charter to challenge substandard service and seek redress. Empowering people who require support is in the best interests of the whole system. When service falls short of the necessary standard, people who know their rights can challenge this, which in turn helps to ensure that a high quality level of service delivery is maintained.

Co-designing the Charter

CAS welcomes the Charter being co-designed by people with lived experience.

It is essential that the views of those who interact with the current social security system on a frequent basis are at the heart of the development of the Charter. Additionally CAS has

¹ The principles are contained in Part 1, Section 1 of the Social Security (Scotland) Act 2018
<http://www.legislation.gov.uk/asp/2018/9/enacted>

previously recommended a wider group of interested parties could be invited to provide feedback on a draft Charter.

The Scottish Government has recruited a 'core group' of 30 people from its Experience Panels to draft the Charter, which enables it to be co-designed by people with lived experience. In addition, a stakeholder group of wider organisations (which includes CAS) has been recruited to comment on proposals from the core group, as well as providing expert advice and input.

Whilst it would ideally have been better to include a larger number of people with lived experience to contribute to the co-design of the Charter, as well as allowing any organisation with an interest to be consulted on its contents, CAS recognises the requirement in the Act to bring forward a Charter within six months does not allow a long period to do this.

Nonetheless, CAS would recommend that the Parliament consider how it might enable any individual or organisation with an interest to be consulted, as part of its scrutiny of the draft Charter.

Who should it apply to?

CAS believes the Charter will be strongest if it encompasses all parties involved in the social security system, rather than being solely aimed at individuals who use the system. CAS welcomes the Scottish Government's desire to bring about a cultural change within the new system, and to embed dignity and respect at its heart. For this to be effective in practice, all parties involved need to take this principled approach. Therefore the Charter will need to apply to individuals who receive support from the system, medical assessors, decision makers, and service providers. This supports CAS' stance that the Charter should include both rights and responsibilities, similar to the Charter of Patient's Rights and Responsibilities.

What might be included in the Charter?

As a flavour of what might be produced by a group of people with lived experience of the social security system, appended are CAS' suggestions for what might be included in a charter. This is a summary of more than 165 ideas from 65 CAB advisers and clients that CAS consulted with between August and October 2016. This list is not intended to be comprehensive, but it does represent the views of those who interact with the current social security system on a frequent basis.

Advisers and clients were on the whole supportive of the charter including both rights and responsibilities and being aimed at users of the system and those providing services. However, they did raise concerns about how this would work in practice, and were keen that the system would be designed and delivered with these principles in mind, to ensure that the social security charter would not be "just words on a page".

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Appendix – Suggestion from CAB clients and advisers for content of the Charter

Underpinning principles and priorities

- Social security offers a cradle-to-the-grave safety net
- Social security allows for people to fulfil their potential, despite life circumstances
- Social security protects people in a time of need
- Value should not be measured in monetary terms alone
- The right not to experience hardship or be left without any income is paramount
- The right to know that staff will be held accountable if they fall below the standards set out in the charter
- The charter should reflect expectations of both users and service providers
- The social security system is not to be abused; it is there to provide support to people when they need it.

Rights

Accessibility

- The right to an accessible social security system which makes reasonable adjustments for those with protected characteristics
- The right to have needs taken into account and an acknowledgement of the various difficulties people face when accessing social security
- The right to have vulnerabilities identified and addressed
- The right for people's changing needs to be recognised and provided for

The right to information

- The right to free, prompt advice
- The right to information in multiple formats including online and hard-copy information leaflets and booklets
- The right to up-to-date information about other benefits, not just devolved benefits
- The right to, at the point of claiming benefits, be made aware of all benefits they may be entitled to and information about the claiming process
- The right to open and transparent information that is written in unambiguous plain English, and other languages as required

Dignity and respect: how people can expect to be treated

- Both the agency staff and the benefit claimant should have the right to mutual respect throughout the entire process of applying for and receiving benefits
- The right to be treated in a fair and consistent manner
- The right to be trusted
- The right to have opinions and experience respected
- The right to be treated as an individual and to have specific limitations taken into account
- The right to be treated with sensitivity – to prevent those who react strongly due to health conditions from being turned away
- The right to be believed and listened to by non-judgemental staff
- The right to be supported through traumatic events, such as bereavement
- The right for any conditionality and expectations placed on the claimant to be reasonable and meaningful
- The benefit department should be able to help the claimant more inclusively in using on-line services to claim benefits if they are requesting claimants use this method of submitting a claim.

Processing times

- The right to timely assessment, decision and payment of benefits
- The right to have a claim dealt with efficiently, correctly, with reasonable timescales and with regular updates
- The right to have a decision reviewed within a specified timeframe

Communications

- The Social Security Agency will communicate with clients in the clearest most easily understood terms when explaining their claims whether it be in writing, by telephone or face to face
- The right for claimants to speak to someone who is aware of and knows about their case.
- The right for the client to say how they wish to be contacted, depending on personal circumstances; the right to a flexible approach to contact method including face-to-face, letter, phone, paper forms, online and email
- The right to be kept fully informed of all decision-making from the beginning of the process and throughout
- The right for phone calls to be answered within a reasonable and specified time; and for users to be called-back within a timescale which is appropriate and set
- The right to be spoken to with respect and for agency staff to take a user-centred approach to communications
- The right to receive written communications that are relevant to the individual (i.e. not just a template)
- The right to have confirmation that the agency has receipt of information (for example, regarding changes of circumstances)
- The right to speak to trained and skilled advisers who have a good knowledge of reserved and devolved social security benefits

Complaints, reviews and appeals

- The right to an easily accessible and confidential complaints process which: is responsive to feedback within strict time limits; offers meaningful redress to the user; and will not affect any current claim
- The right to provide feedback (even if through intermediaries)
- The right to challenge decisions through a streamlined review and appeal process, and have their review and/or appeal determined within a reasonable fixed time limit
- The right to an independent appeal and a fair hearing

Working with other agencies and access to independent advice

- Commitment by the Social Security Agency to form partnerships and good working practices with other public and voluntary organisations resulting in appropriate referrals for users and the ability to address emerging issues
- The right to give permission to allow data sharing to ensure efficiency and correct decision making for benefits eligibility
- The right to free and independent advice, advocacy and representation throughout the claim, review and appeal process
- The right to be signposted or referred to other services as appropriate
- The right to expect relevant information to be shared between agencies to ensure accurate benefit awards and therefore avoid both under and overpayments

Decisions

- The right to high quality decision making by trained professionals and to expect the right decision first time
- The right to receive feedback regarding how decisions have been reached, with reference to the relevant evidence

Continuous improvement

- There should be reviews of processes and systems in accordance with client experiences
- A quality and audit department should be introduced into the new agency, to flag up systemic problems
- Effective tools for gathering feedback from other agencies and service users should be embedded
- Processes and services should be evidence based

Assessments and use of evidence

- The right for unnecessary assessments to be avoided
- The right to, where necessary, receive assessments which are fit for purpose and inquisitorial rather than adversarial
- The right to identify the best people to give evidence in their case, and for all evidence to be accepted
- The right to provide evidence and have this considered in an unbiased appraisal of all the relevant evidence
- The right to a paper-based assessment if the medical evidence suggests this is appropriate
- The right for medical information to be collected from all relevant health professionals as identified by the client

Responsibilities

Underpinning principles

- Responsibilities should mirror rights – e.g. if clients have a time limit, the Agency should have a time limit
- Claimants' responsibilities should be underpinned by mutual respect
- Responsibilities should be clearly stated at the start of any claim and reiterated throughout the journey
- Responsibilities need to be built into the charter, though must be flexible enough to fit personal circumstances

To treat staff with respect

- The responsibility to treat staff with the same dignity and respect that they would expect to receive

Sharing information

- The responsibility to provide a means of contact and where this is not possible, the responsibility to co-operate with the agency in establishing an appropriate means of contact
- The responsibility to provide all necessary information
- The responsibility to not knowingly provide incorrect information
- The responsibility to provide evidence where necessary
- The responsibility to communicate changes of circumstances as soon as possible

To engage and co-operate

- The responsibility to engage and co-operate with all relevant agencies (within the individual's capabilities)
- The responsibility to adhere to the terms and conditions of the contract and to receive both a paper and digital copy of any agreement between the claimant and the Agency
- The responsibility to attend appointments or communicate if that is not possible