



Citizens Advice Scotland response The Socio-Economic Duty – A Consultation Scottish Government September 2017

Citizens Advice Scotland (CAS), our 61 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. Our self-help website Advice for Scotland provides information on rights and helps people solve their problems.

In 2015/16 the Citizens Advice network in Scotland helped over 310,000 clients in Scotland alone and dealt with over one million advice issues. With support from the network clients had financial gains of over £120 million and our Scottish self-help website Advice for Scotland received over 4 million unique page views.

Citizens Advice Scotland welcomes the opportunity to respond to the consultation, which builds on the previous consultation on the same subject carried out in 2009.¹ Scotland's CAB network has expertise in addressing socio-economic inequalities through the provision of independent advice, including income maximisation, benefits and money advice to groups who would be considered a priority in considering how the Socio-Economic Duty might be applied.

1. The key terms defined in this section are:

- **Socio economic disadvantage**
- **Inequalities of outcome**
- **Decisions of a strategic nature**
- **Due regard**

Do you agree that the definitions of these are reasonable and should be included within the Scottish Government's forthcoming guidance on the socio-economic duty?

Socio-economic disadvantage

CAS agrees with the recognition that socio-economic disadvantage is not experienced in neat concentrations of people in recognisable communities. However, we would recommend further clarity is given to a number of terms referred to within the section.

Further clarification on how 'particular disadvantaged places' will be defined should be included within guidance, including whether this is by using data from the Scottish Index of Multiple Deprivation (SIMD) or from another source. There are also limitations with using SIMD exclusively for this task, as there are known issues with

¹ UK Equality Bill – Socio-economic Duty consultation – Scottish Government, August 2009
<http://www.gov.scot/Publications/2009/08/Socio-EconomicDuty>

measuring deprivation in rural areas², and it also does not measure low pay, debt or zero hours or precarious work, which cause increasing issues for CAB clients.³⁴

In addition, the ability to be able to define and agree who is in the 'particular disadvantaged communities of interest' is essential. This needs to be transparent to all, so the public authority can point to a clear definition, and so others can challenge that definition. The reference to 'communities of interest' is considerably less well defined than places, and there is no indication of how it is intended to provide better definition, other than to provide examples of impacts on certain groups.

Inequalities of outcome

Further definition of 'inequalities of outcome' should be included in the guidance on implementing the Duty. If particular issues are defined too broadly, then a substantial majority of the population could be classed as experiencing at least one inequality of outcome, which risks diluting the focus of the Duty. References to the National Performance Framework, the associated National Indicators and Community Planning Partnerships frameworks and plans are made within Section 3 of the consultation document but not within the definitions which makes it unclear whether these are intended to be indicators for monitoring inequalities of outcome in the long term.

The Citizens Advice Service uses the Equality and Human Rights Commission (EHRC) Equality Measurement Framework⁵ to measure inequalities of outcome. CAS recommends that the Scottish Government adopt a definition of any barriers which prevent the achievement of the dimensions of equality as defined in the Framework. This would provide a consistent and established framework for measurement.

The ten dimensions of equality outlined in the EHRC Equality Measurement Framework can be summarised as follows:

- **Longevity** - including avoiding premature mortality.
- **Physical security** -including freedom from violence and physical and or sexual abuse.
- **Health** – including wellbeing and access to high-quality healthcare.
- **Education** – including being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.

² Scottish Index of Multiple Deprivation FAQ – Rural Issues, Scottish Government May 2013 <http://www.gov.scot/Topics/Statistics/SIMD/FAQRuralIssues>

³ Living From One Pay Day to the Next: A look at how people in Scotland feel about finances, credit and debt – Scottish Government, May 2017 <http://www.cas.org.uk/publications/living-one-pay-day-next>

⁴ Response to the 'Future World of Work and Rights of Workers' Inquiry – Citizens Advice Scotland, December 2016 <http://www.cas.org.uk/publications/cas-response-future-world-work-and-rights-workers-inquiry>

⁵ Equality Measurement Framework – Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/equality-measurement-framework>

- **Standard of living** – including being able to live with independence and security and covering: nutrition, clothing, housing, warmth, utilities, social services and transport.
- **Productive and valued activities** – such as access to employment, a positive experience in the workplace, work-life balance, and being able to care for others.
- **Individual, family and social life** – including self-development, having independence and equality in relationships and marriage.
- **Participation, influence and voice** – including participation in decision making and democratic life.
- **Identity, expression and self-respect** – including freedom of belief and religion.
- **Legal security** – including equality and non-discrimination before the law and equal treatment within the criminal justice system.

Decisions of a strategic nature

The definition of ‘decisions of a strategic nature’ should also include Corporate Plans for local authorities and other public bodies, as other plans referred to are outwith the decision-making process for setting the budget. In addition, the authority’s budget itself should also be within the scope of the duty, to ensure that reducing inequalities of outcome resulting from socio-economic disadvantage are reflected in spending priorities.

2A. Do you agree that the socio-economic duty should apply to the Scottish public authorities named here? If not, please specify which you do not think it should apply to and why?

2B. Do you think the duty should apply to any other public authorities, similar to those listed in the Equality Act 2010? If so, please name them and explain why you think the duty should apply.

CAS agrees that the Duty should apply to the public authorities listed in the consultation document. In addition, it may be appropriate for them to apply to Community Planning Partnerships, Education Authorities, City Deals and other similar partnerships between local authorities. It should also be extended to all public authorities that are currently covered by the Public Sector Equality Duty. As detailed elsewhere in this response, the Duty should apply at the highest level, in setting Corporate Plans and budgets.

3A. Do you have any comments on the steps set out in Section 3?

3B. What other actions could public authorities take to demonstrate that they are meeting the duty?

There is a case to be made for the Socio-Economic Duty to be regarded as an additional protected characteristic and enshrined within the Public Sector Equality Duty. This would better make the links between socio-economic inequalities and human rights. This could give the Equality and Human Rights Commission a role in monitoring the implementation of the Duty and give it greater weight and effect.

This would also enable the Duty to be incorporated into public authorities' existing requirements to produce human rights and equality impact assessments. As detailed elsewhere in this response, the Duty should also apply to budgets and Corporate Plans.

However, we also note concerns that doing so could dilute efforts to fully consider equality impacts. Furthermore, research is being conducted by EHRC and others to examine the operation of existing socio-economic duties in other legislation, and into the effectiveness of Impact Assessments.

Depending on the outcome of the above, CAS recommends public authorities should produce socio-economic impact assessments. It is also important that suitable resources are made available to enable public authorities to carry out the assessments, as well as the other requirements under this Duty.

As outlined in our earlier answer, there are some inconsistencies between Section 1 and Section 3 of the consultation, and some areas where any guidance would benefit from clarification. For example, Section 3 states that 'public authorities need to be aware of the inequalities of outcome, caused by socio-economic disadvantage'. However, Section 1 says that 'we would therefore expect public authorities to focus on communities within particular disadvantaged places; but also within particular disadvantaged communities of interest'.

This would require public authorities to make clear statements of their interpretation of why living in a disadvantaged place and/or being a member of one of the communities of interest leads to inequality of outcome. Additionally, under Step 2, there seems to be an expectation on each public authority to identify inequalities of outcome, which may lead to overlap and duplication.

In addition, in the absence of an overriding starting point or framework to work to, there is a risk of inconsistency, leading to challenge both whilst decisions are being formulated, and after decisions are made. Depending on how the inequalities are defined by different authorities, there is a risk that everyone can fall into a broad definition, or no-one in a tightly defined outcome.

As in our earlier answer, CAS recommends that the EHRC Measuring Outcomes Framework is used, alongside the National Performance Framework and National Indicators, rather than each public authority creating different models for defining, measuring and monitoring socio-economic inequalities.

3C. Could you offer suggestions as to how public authorities could improve budgetary analysis and reporting so as to take better account of inequalities related to socio-economic disadvantage?

In addition to the monitoring and reporting requirements recommended elsewhere in this response, public authorities could better take account of inequalities related to socio-economic disadvantage in the budgeting process by utilising established techniques such as gender budgeting⁶ and by increased use of participatory budgeting in local communities.⁷

3D. Can you offer examples of how public authorities and others have made best use of the expertise of people with direct experience of poverty?

Citizens Advice Scotland makes use of the people who have direct experience of poverty through the experiences of CAB clients. We do this both through our 'Citizen Alerts' system which enables citizens advice bureaux to report cases where a social policy issue has caused them detriment, and through direct consultation with clients. Around 7,000 cases are submitted through our Citizen Alerts system each year, and to inform our response to the Scottish Government's consultation on Scotland's new social security system, CAS directly consulted with around 1,000 CAB clients, through a mixture of focus groups, interviews and surveys.⁸

Other examples of making use of the expertise of people living in poverty include the Poverty Truth Commission⁹ and the community and participatory research carried out by the Poverty Alliance¹⁰. The Scottish Government has established 'Experience Panels' to directly consult people with experience of receiving social security benefits in the design of the new Scottish social security system, which are at a relatively early stage of development, but show promise.¹¹ Additionally, the use of co-production in Scotland has the potential to directly involve people with experience of poverty in the shaping of services.¹²

As mentioned in the consultation document, seven Scottish local authorities have established Fairness Commissions. Although their direct engagement with people with experience of poverty has varied¹³, the reports of the Commissions have

⁶ What is gender budgeting? – Women's Budget Group <https://wbg.org.uk/resources/what-is-gender-budgeting/>

⁷ What is participatory budgeting? – PB Scotland <https://pbscotland.scot/about/>

⁸ Response to 'A New Future for Social Security in Scotland: Consultation on Social Security in Scotland', Citizens Advice Scotland, October 2016 <http://www.cas.org.uk/publications/designing-social-security-system-scotland-consultation-new-powers>

⁹ Poverty Truth Commission <https://www.faithincommunityscotland.org/poverty-truth-commission/>

¹⁰ For example – Community Views on Poverty 2015-16; Beyond Four Walls: Participatory Youth Research Project; A Scotland Without Poverty Report; Surviving Poverty: The Impact of Lone Parenthood; Muslim Women in Poverty – Poverty Alliance http://www.povertyalliance.org/news_and_publications/reports/0

¹¹ Social Security Experience Panels: FAQ – Scottish Government <https://beta.gov.scot/publications/social-security-experience-panels-faqs/>

¹² What is Co-production? – Scottish Co-production Network <http://www.coproductionscotland.org.uk/about/what-is-co-production/>

¹³ Fairness Commissions from Shetland to Southampton: The Role of Fairness Commissions in the Enabling State – Carnegie UK Trust <https://www.carnegieuktrust.org.uk/carnegieuktrust/wp->

provided local authorities with a clear plan to reduce poverty and inequality in their local areas.

3E. What kind of guidance and support on meeting the duty would be most useful for public authorities?

CAS recommends that guidance should provide clarity over identification of inequalities of outcome, as well as monitoring and reporting as detailed elsewhere in this response. It should also promote best practice in techniques such as gender budgeting and participatory budgeting.

CAS also recommends that the guidance is co-produced with people and communities with direct experience of poverty. It is important that suitable time and resources are allocated to allow this to happen in a meaningful way. As the rollout of the Duty may be done progressively in stages, the guidance should be regularly reviewed to ensure its ongoing relevance.

CAS would also recommend that additional support is provided to public authorities to implement and supplement the guidance in practical terms. This could be supplied by the EHRC

3F. Do you have a view on whether public authorities should use existing monitoring frameworks to track whether the socio-economic duty is making a difference to outcomes over the long term?

CAS believes the monitoring arrangements should be at a higher level than Community Planning Partnerships, as it is less clear who is responsible for monitoring, as none of the partners individually have responsibility. As detailed elsewhere in this response, CAS recommends the EHRC Equality Measurement Framework could be used. There may also be a role for Audit Scotland in monitoring outcomes.

CAS would also encourage public authorities to consider intersectionality – recognition of the interconnected nature of social characterisations, such as race, class, disability and gender, which create overlapping systems of disadvantage and inequality. For instance, 45% of female lone parents and 23% of families with a disabled adult are in poverty After Housing Costs.¹⁴

4A. Once the socio-economic duty is introduced, the Scottish Government is keen for public authorities to look strategically across all planning processes in place to maximise their impact. What could public authorities and the Scottish Government do to make sure that the links between the different duties are managed effectively within organisations?

[content/uploads/sites/64/2017/06/Fairness-Commissions-from-Shetland-to-Southampton-the-role-of-Fairness-Commissions-in-the-Enabling-State.pdf](#)

¹⁴ Equality characteristics of people in poverty in Scotland, 2015/16 – Scottish Government Communities Analysis, June 2017 <http://www.gov.scot/Topics/Statistics/Browse/Social-Welfare/IncomePoverty/CoreAnalysis/povertyanalysis>

As detailed above, public authorities should produce socio-economic impact assessments and give further consideration to aligning these with existing equality and human rights impact assessments. The Duty should also be required to be used at the highest strategic planning levels in public authorities, including when setting Corporate Plans and budgets. Public authorities should also be encouraged to think and plan intersectionally in their planning processes.

4B. Can you offer examples of good practice in taking an integrated approach to issues such as poverty, equality, and human rights?

Citizens Advice Scotland’s work provides an example of addressing inequality and socio-economic disadvantage in an integrated way through the advice services provided by Scotland’s CAB Network. The following table sets out how CAS funded projects align to some of the Scottish Government’s priority areas for addressing inequality.

Priority Areas – Scottish Government	CAS Funded Projects
Low income families with children	Kinship care
People accessing health and social care services	Kinship care; PASS (Patient Advice and Support Service)
Disabled people	Core Business for CAB. Outreach Service dependant on money available to sustain home visits
Young people not in full time education, employment or training	Core Business. Contact levels depending on numbers presenting at CAB office or through partnership work with Youth or Housing organisations.
Unemployed and/or on employment benefits	Core Business for CAB.
Older people on low incomes	ASAP (Armed Services Advice Project); PensionWise
Priority Areas – Others	
Fuel poverty	Energy Best Deal; Local Energy Advice Project; Extra Help Unit
Remote rural access	Inherent in how we design projects to enable access to specialist service in those areas; also inherent in the philosophy of the CAB service providing a locally accessible service through local CAB with local governance.

As another example, CAB and CAS, funded by the Scottish Government, are undertaking a Scotland-wide development project to provide a mitigation service to the changes in social security that delivers advice in a holistic, better co-ordinated and developmental way. The project works with all 61 member Citizens Advice

Bureaux, supported by Citizens Advice Scotland, to increase access to advice for those impacted by welfare reform right across the country.

From April 2016 to March 2017, we supported over 29,000 clients with nearly 94,000 issues, which is a 31% increase in the number of people supported over the last year, providing them with Client Financial Gain of £15,786,000 (excluding debt remedies). This represents a return of nearly £11 for every £1 of funding. In particular, the service is supporting the goal of a fairer Scotland and provides invaluable support to large numbers of people from the more vulnerable parts of society, with 33% of clients coming from the most deprived areas of Scotland. The service is incredibly valuable to clients, with 98% of clients asked rating the service very good or good, and 92% said it gave them improved peace of mind.

Analysis of client profile data shows that the people who were given advice through the project – as well as CAB clients generally – aligned to these priority areas, as shown in the table below.

Characteristic	% clients supported through Welfare Reform Mitigation Fund	% CAB clients
SIMD 1 (living in the most deprived 20% of areas)	32.9%	32.0%
Unable to work due to long-term ill health/disability	26.4%	24.1%
Unemployed	17.7%	15.5%
Living in council and other social rented housing	47.2%	43.6%
Homeless	1.4%	1.8%
Single parent	11.4%	12.2%
Single pensioner	7.5%	7.6%
Living in remote rural area	8.6%	7.2%
Aged 65-79	13.3%	11.8%
Aged 80+	2.7%	2.5%
Disabled	58.9%	53.4%

Examples illustrating how funding has been used to help address socio-economic inequalities for particular priority groups can be found at Appendix A.

As part of our work, Citizens Advice Scotland collects extensive and rich data on inequality and socio-economic disadvantage through the advice services provided by citizens advice bureaux. There is the possibility of this data being used to assist the monitoring of the implementation of the Duty, although this would need to be suitably resourced.

The implementation of the Socio-Economic Duty should also include funding for the delivery of services, such as the provision of independent advice which support the reduction of socio-economic inequalities, through income maximisation, benefits and money advice. For instance, in 2016/17, Scotland's CAB network secured over £120 million of financial gain for over 39,000 clients, an average of £3,460 per person. As

shown above, CAB clients are typically amongst socio-economically disadvantaged groups.

Appendix A – Examples of addressing socio-economic disadvantage through advice work

Young Families - Lewis CAB (Western Isles) and Early Years Collaboration (Maternity)

Project Description

When people experience significant changes in their lives, they may already be in contact with a range of services especially in a medical setting. However, many information and support needs may not be immediately accessible, especially in Island and rural areas. This collaboration is part of a range of activities aimed at increasing awareness of welfare benefits and promoting benefit take up for those who are eligible.

Building on good partnership arrangements with local NHS Western Isles services, an opportunity was developed to establish an initial pilot as a mechanism for staff in the Maternity Unit in Western Isles hospital to refer pregnant women to Lewis CAB for advice and assistance. It covered various issues including, but not limited to, benefit entitlement, employment and housing.

Case Study

A young unmarried couple expecting their first child attended the Maternity Unit at the Western Isles hospital. The manager of the Maternity Unit made a referral to CAB to provide support and information on the couple's entitlements and rights as new parents. The CAB Training Officer and Strategic Manager visited the unit and were able to assess and provide significant information and advice to the young couple.

A considerable amount of time was spent with the couple in explaining their rights and responsibilities as parents, information relevant to them with regard to welfare benefits, tax credits, housing and employment matters. The service provided bridged a significant gap in knowledge and support which would not have ordinarily been available without the pilot. Further opportunities for ongoing support were made available to sustain client contact with CAB staff in the event of any follow up enquiries required.

Disability – East Kilbride CAB and Shopmobility Café

Project Description

It is the barriers and inaccessibility that people face in their life which disables them, often leading to inequality, social exclusion and disability poverty. It asserts that equal access to goods and services must be seen as a basic right. CAB outreach service is person-centred and flexible. It is aimed at delivering an accessible service in locations servicing marginalised communities. Outreach sessions are currently once a month within the café operated by Shopmobility. CAB Advisers assist with benefit claims and appeals, debt advice and representation. It has been particularly successful in helping disabled clients who would not usually approach the bureau.

Case Study

Mr C attended CAB outreach services held at Shopmobility. He was referred to CAB by the Shopmobility Café Manager, as she was concerned about the client's well-being. Mr C has been diagnosed with the following conditions; Sciatica, angina, asthma, diabetes, obesity, clinical depression, learning difficulties and also suffered a mild stroke in 2013. He struggles to deal with people, has trust issues and doesn't engage easily. He finds it easier to be in areas where people don't know the client and travels by bus every day from South Ayrshire to East Kilbride.

The CAB adviser has used the Café as an opportunity to build trust and establish a supportive way of working to help the client access bureau services. The client has advised the CAB that he found it easier to speak to someone at the café setting.

Mr C requested support for benefit issues including a Personal Independence Payment (PIP) medical assessment. Support from CAB was provided by the Advice in Mind and Welfare Reform Mitigation projects. Further support was made available through the Chest, Heart & Stroke society to organise transport for the client to attend the assessment.

Mr C struggles to understand what is being told to him. He had his PIP award stopped, for nothing he said to the adviser, but on investigation it was because he had been admitted to hospital and no one had notified his discharge dates.

Therefore through CAB intervention, the PIP was restarted.

Access to Rural Advice Services – Turriff and District CAB and St Kane’s Church, New Deer

Project Description

Turriff and district is a rural area where a range of social services are not visible. There are fewer opportunities for hosting outreach opportunities without nearby public libraries or GP Practice etc. The CAB has developed a good partnership with a local Church with a café and car parking facilities based in New Deer. This is arisen from good networking opportunities provided by board members who are also active within the community. The church offers a room to provide confidential advice and a waiting area for clients to meet up.

Case Study

Mr K attended the church café as a social activity. He found Turriff CAB information and decided to seek some help and advice. He was 42 years old and unfamiliar with the benefits system. He had been made redundant and his relationship had broken down at that time. Mr K’s Universal Credit had been unpaid twice in error and he had run out of heating oil. Mr K asked for help and was advised to complete a Crisis Grant covering living costs, a phone bill, electricity and central heating oil. He was granted two weeks of living costs excluding the heating oil costs which were “too substantial”. He decided to appeal this decision.

Aberdeenshire Council explained that ‘too substantial’ refers to costs for things are ‘on-going’ and ‘anticipated’. Mr K should have ordered enough oil to cover the winter. The adviser explained that the Department of Work and Pensions (DWP) agreed he would receive a backdated payment, however this would take 5 weeks to process. It was agreed to include this information in the review letter. The Credit Union was discussed as an option, but adviser explained the difficulties in travel from rural Banff to Aberdeen, and the costs that involves.

The Child Poverty Action Group (CPAG) confirmed that when the date of payment is known – 4 weeks living costs should be granted and 2 weeks costs when the date is unknown. On behalf of Mr K, the adviser applied to the Scottish Welfare Fund independent review service at the Scottish Public Sector Ombudsman (SPSO), who carry out independent reviews of decisions the councils make on community care, and crisis grant applications. They admitted they had never had a case involving heating oil before. The adviser explained the heating situation in rural Aberdeenshire and that oil is the most common. It was agreed that the Crisis Grant should be awarded to include the heating oil payment and for four weeks living expenses.

Mr K received £199.50 for fuel costs and £82 living expenses. If it had not been for the outreach service with the CAB and the New Deer Church, he may not have had the confidence and information to successfully appeal his case.

*The Scottish Association of Citizens Advice Bureaux - Citizens Advice Scotland
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