

# **New powers for social security**

**The current Scotland Bill**

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# Scotland in the United Kingdom

## The unitary state

The sovereignty of Parliament

The 'competence' of the Scottish Parliament

- responsible parking
- the powers of local authorities
- the Social Fund

The reservation of social security

*Schedule 5F: "Schemes supported from central or local funds which provide assistance for social security purposes to or in respect of individuals by way of benefits"*

## Scotland's new powers

A 'permanent' Scottish Parliament

- Some powers over tax
- Some powers over benefits
- More say on public bodies
- More powers on road transport
- Some powers on energy production

"One of the most powerful devolved parliaments in the world"  
(except for every federal parliament)

# Amendments to Schedule 5(F) of the Scotland Act

## The proposed categories of exception

1. Disability benefits, IIB and SDA
2. Carers benefits
3. Social work services (existing exceptions, including provision for social welfare, disability and child care)
4. Maternity, funeral or heating expenses
5. Topping up reserved benefits
6. Discretionary Housing Payments
7. Short-term needs (Scottish Welfare Fund)
8. Leaving care, prison or hospital
9. Welfare foods
10. New benefits if not in reserved areas, pensions or subject to conditionality

## Exceptions to the exceptions

- National Insurance
- Social Fund
- Loans

# The Scotland Bill: draft clauses

Draft clauses	Content
Section 20	Disability: Benefits for 'significant' long-term functional impairment or care needs
	Carers: Benefits for unemployed carers
	Industrial Injury: IIB excluding prescribed industrial diseases
Section 21	Regulated Social Fund: maternity, funerals, heating
Section 22	Topping up - additional financial assistance for reserved benefits
Section 23	Discretionary Housing Payments
Section 24	Discretionary payments (Scottish Welfare Fund)
Section 25	Welfare foods
Section 26	Power to create other new benefits
Section 27	Universal Credit: housing costs
Section 28	Universal Credit: payments and timing
Section 29	Employment programmes: for disability or risk of long term unemployment

# The “no detriment” principle

## Smith Commission

*No detriment as a result of transferring powers*

*No detriment as a result of UK Government or Scottish Government policy decisions post-devolution*

## from The White Paper

“... if the Scottish Government changes income tax in Scotland, this will have a direct impact on the level of benefits that the UK Government will be liable to pay. Under this ‘no detriment’ principle, the Scottish Government would receive any savings from lower UK Government benefit spending or meet any costs of higher UK Government benefit spending.”

# Increased responsibilities?

The central principle of devolution:

*Everything is initially forbidden*

The “no detriment” principle:

*Scotland will pay for any variation*

The debates on the Scotland Bill:

*The clauses on welfare devolve potential responsibility for defined benefits rather than devolving powers*

The “parity” principle in Northern Ireland:

*Devolved powers do not mean devolved control*

# What happens next

## The benefits being 'transferred'

Disability Living Allowance  
Personal Independence Payments  
Attendance Allowance  
Severe Disablement Allowance (legacy cases)  
Industrial Injuries Benefits  
Welfare Foods (Free milk and vitamins)  
Cold Weather Payment  
Funeral Payments  
Sure Start Maternity Grant  
Carers Allowance

*added to*

Scottish Welfare Fund  
Social Work benefits  
Social care  
Council Tax Reduction  
Discretionary Housing Payments

## What else could be done

### Changing administration

fast-track judicial review  
PO Boxes for claimants  
computer access

### Changing procedures

accept medical certificates  
short-term employment courses

### Changing unfair rules

mobility support for older people  
defining 'exceptional' circumstances to  
relieve sanctions  
shortening the wait for UC

### Offering services rather than benefits

reduce funeral costs  
restore housing subsidies  
free school meals

### New approaches

Scottish Child Benefit  
Citizens Pension  
Severe Disablement Allowance  
No fault compensation for accidents