



Camphill Scotland

The membership body for Camphill communities in Scotland

Camphill Scotland is the membership body for the 11 Camphill communities in Scotland. Together, our members support more than 500 people with learning disabilities and other support needs, ranging from children to older people. The communities are located in a variety of beautiful settings across Scotland, from Dumfries to Aberdeen. Each offers a supportive community life with personalised opportunities to find purpose and belonging through a wide range of social, cultural and work activities. Camphill Scotland welcomes the opportunity to submit evidence to the Scottish Parliament's Social Security Committee for its Stage 1 consideration of the Social Security (Scotland) Bill.

Question 1 (Regulations)

Camphill Scotland notes that the Scottish Government is proposing to introduce most of the rules about the new benefits in Regulations, and intends to develop Regulations with external help. We further note that, under Section 55 of the Social Security (Scotland) Bill, some of the regulation-making powers will be subject to the negative procedure, while the affirmative procedure will apply to others. Camphill Scotland takes the view that many of these regulations will introduce significant aspects of the new benefits, as well as of the Scottish social security system. We, therefore, strongly recommend that further consideration should be given to ensuring that the regulation-making powers should be subject to the super affirmative procedure. Camphill Scotland believes this is necessary to strengthen parliamentary scrutiny, and to ensure that the draft rules about the new benefits and other key measures are subject to formal Scottish Government consultation with a range of stakeholders. In particular we consider it vital that those requiring assistance under the legislation, including people with learning disabilities, should be involved in consultations relating to the development of the new benefits, and other parts of the Scottish social security system.

Questions 2 & 3 (Scottish social security principles)

New duty on Ministers to comply with the Scottish social security principles

We welcome the rights based approach being taken by the Scottish Government to the proposed Scottish social security system. Camphill Scotland takes the view, however, that in order to ensure this approach is effective, and delivers positive outcomes for those requiring assistance under the legislation, it is vital that the Social Security (Scotland) Bill must be amended to place a statutory duty on the Scottish Ministers to comply with these principles. This will help to promote a rights based approach within the Scottish social security system. Camphill Scotland has drafted an amendment to the legislation which would introduce such a statutory duty, and will be engaging with the Scottish Government and with the opposition parties to secure support for this, and other, amendments at Stage 2 of the Social Security (Scotland) Bill.

Right to independent advocacy support

Camphill Scotland also believes that the Scottish social security principles should be amended to ensure that Individuals shall, under the Scottish social security system, be entitled to support

from independent advocacy services at all stages of the determination of their entitlement to assistance, where they request the support of independent advocacy services. This is another area where Camphill Scotland has drafted amendments, and will be working with other organisations to secure support from the Scottish Government, from the opposition parties and from individual MSPs to ensure that the Scottish social security system recognises individual's rights to support from independent advocacy services. The amendments would ensure that individuals requiring assistance under this Act are entitled to support from independent advocacy services, and that the Scottish Ministers inform individuals requiring assistance of the availability of such services to support their applications for assistance, and at all stages of the determination of their entitlement to assistance. The amendment would also give the Scottish Ministers the powers to make provision for, or in connection with, independent advocacy services, including in relation to the funding of such services.

Question 10 (any other comments)

Independent review of the legislation

Camphill Scotland believes it is vital that the Social Security (Scotland) Bill should be amended in a number of other key areas. We have worked, for example, with Disability Agenda Scotland and other partner organisations to draft an amendment which would require the Scottish Ministers to make arrangements for an independent review of the legislation no later than 3 years after the commencement of Part 1 of the Act, with a copy of the review report being submitted to the Scottish Parliament. This proposed amendment will ensure that the effectiveness of the new social security system for Scotland, and of the Social Security (Scotland) Act, including specific provisions of the legislation and its overall administration and implementation, are subject to an independent review, and are kept under review on an ongoing basis.

Powers to establish the Scottish Social Security Agency

Another area in which we believe the legislation requires significant amendment is in relation to the proposed Scottish Social Security Agency. We are aware that the Scottish Government is committed to establishing the Scottish Social Security Agency to manage, and to provide assistance under, the new social security system for Scotland. The establishment of the new agency is not, however, on the face of the Bill. Key details about, for example, the status, structure and functions of the Scottish Social Security Agency are not addressed in the legislation.

Camphill Scotland is aware of the vital, strategic and operational role which the Scottish Social Security Agency will have in relation to the development, management and operation of the social security system for Scotland. We, therefore, believe it is essential that the establishment, and the arrangements for the operation of the Scottish Social Security Agency, are placed on the face of the Bill. We believe this is necessary to ensure that the new agency is established, and operates, in a way which is both accountable and transparent.

We have worked with partner organisations to develop an amendment which would place the establishment of the Scottish Social Security Agency on the face of the legislation. Our amendment would, for example, ensure that the Scottish Social Security Agency, in exercising its functions under this and any other relevant legislation, must have regard to the Scottish Social Security principles in Section 1 of the legislation. We believe this will help to develop and

promote a rights based approach within the agency, and in its engagement with those requiring assistance under the legislation. The amendment would also strengthen the accountability and transparency of the Scottish Social Security Agency by requiring the latter to submit an annual report about its activities to the Scottish Ministers, and to the Scottish Parliament. This would support the Scottish Ministers and the Scottish Parliament to evaluate the effectiveness of the Scottish Social Security Agency in exercising its functions, and in its provision of assistance under the legislation.

Duties to create a Scottish social security advisory committee

In addition, Camphill Scotland has worked with partner organisations to develop an amendment which would require the Scottish Ministers to establish a Scottish social security advisory committee. We consider this is necessary to ensure that the Scottish Ministers receive independent advice about the operation of this legislation, and about other relevant enactments. Establishing an independent advisory committee could make an invaluable contribution to the development of the Scottish social security system. One area where we believe this contribution could be particularly helpful would be in advising the Scottish Ministers on the various regulations which will be introduced through the legislation. In this respect, Camphill Scotland's proposed amendments will place a duty upon the Scottish Ministers to consult the advisory committee about these regulations. This will help to ensure that the regulations are effective, draw upon best practice and robust evidence and are best suited to meet the needs of the Scottish social security system, and to promote positive outcomes for those requiring assistance under the legislation.

Duty on Scottish Ministers to secure feedback

Camphill Scotland has also developed an amendment which would require the Scottish Ministers to put in place arrangements to receive feedback on an annual basis from those applying for assistance under this Act. This would include feedback on issues such as the extent to which the determination of their entitlement to assistance complied with the Scottish social security principles in Section 1, and with the Scottish social security charter in Section 2.