

Social Security (Scotland) Bill

Alternatives to Cash - “Assistance (which may or may not take the form of money)”.

CPAG are concerned the Bill removes the right that should be fundamental in the system, the right to assistance in the form of cash.

The Scottish Government policy intention is to explore with stakeholders what alternatives to cash may be offered but that this would always be as a choice (Policy Memorandum para 134).

The wording used in the Bill, “Assistance (which may or may not take the form of money)”, introduces more flexibility than is need to deliver this aim.

A better approach is to provide that people are entitled to a cash payment which can then be paid to someone else to provide the alternative service – e.g. funeral support or fuel payments. In UK law, an example of this is offering people the choice of a Motability car instead of cash DLA or PIP mobility payment. This is done by awarding benefit in the usual way while offering the claimant the choice to have their benefit paid to Motability.

The risk in providing in primary legislation for assistance to be paid other than in cash is that it gives government the power to remove entitlement to cash benefits entirely through secondary legislation alone. This is not in keeping with a rights-based approach to social security.

- There is already a provision in schedules to the Social Security (Scotland) Bill which would allow secondary legislation to provide for the Motability scheme or other choices. That is the ‘Meeting liabilities’ paragraphs (see for example, Schedule 4 para 10).
- This is framed in a similar fashion to the GB equivalent, section 5(1)(p) Social Security Administration Act 1992. This would permit regulations similar to the Motability provision in regulation 44 Social Security (Claims and Payments) Regulations 1987.

We suggest that the provisions in paragraph (1) of clauses 11 to 18 of the Social Security (Scotland) Bill are deleted, ‘(which may or may not take the form of money)’, and ‘financial’ inserted between ‘is’ and ‘assistance’.

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