

SAMH'S VIEW:

SCOTTISH SOCIAL SECURITY

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POLICY LEAD

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ABOUT THE SAMH'S VIEW SERIES

SAMH's View statements set out SAMH's position on a particular policy topic.

In developing SAMH's position, the issues of equalities, diversity and human rights are investigated.

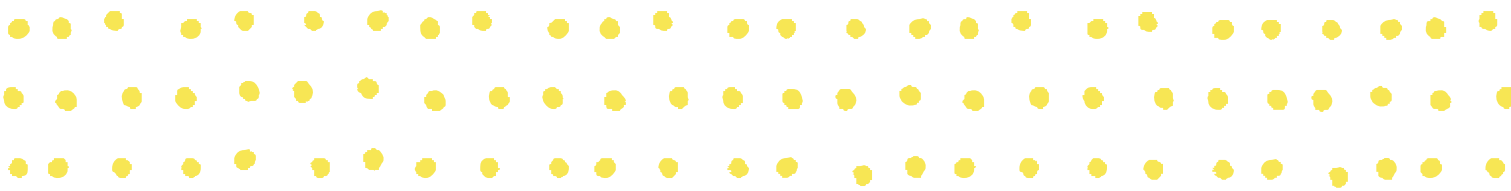
SAMH Views are produced by the Public Affairs team.

Context

Scotland is developing its own social security system. Following the Scotland Act 2016, responsibility for some aspects of social security has been devolved to the Scottish Government and Parliament. These include responsibility for non-income related disability benefits; carers benefits; and support in a number of discretionary areas such as funeral costs.¹ The executive agency, Social Security Scotland is responsible for the administration of the Scottish social security system.² Non-income related disability support is the largest area to be devolved, with Adult Disability Payment (ADP) due to replace Personal Independence Payment (PIP) for new claimants from 2022.

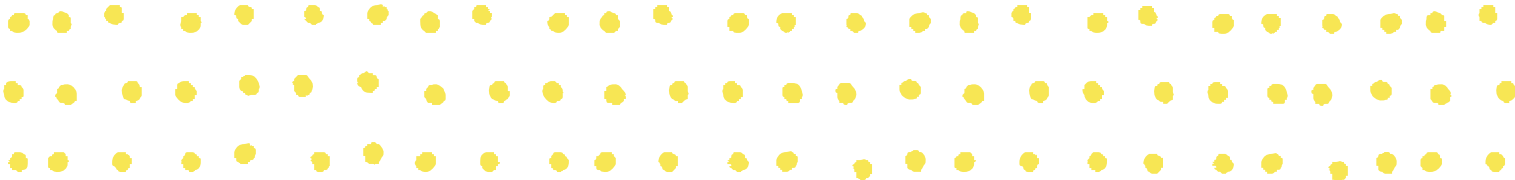
Key points

- The Scottish social security principles set out in the The Social Security (Scotland) Act 2018 provide a rights based framework for operation of the Scottish system.³ The principles include a commitment that 'social security is itself a human right and essential to the realisation of other human rights'.⁴
- The Scottish social security charter – Our Charter – sets out what people can expect from the Scottish social security system and how Social Security Scotland and Scottish Government will uphold the principles of the act.⁵ This includes a commitment to support people's wellbeing when engaging with the Scottish social security system.⁶
- Adult Disability Payment (ADP) will replace Personal Independence Payment in Scotland. People with mental health problems are the largest cohort of PIP claimants, with 39% of people in receipt of PIP in Scotland having a mental health problem.⁷
- PIP is not working for people with mental health problems. SAMH research found that applications, assessment processes, and frequent reassessments cause additional distress to claimants, at times leading to mental health crises.⁸
- Despite largely retaining the PIP framework, current ADP proposals have potential to improve the experience for people with mental health problems compared to PIP in a number of areas, including: a reduction in face to face assessments; long term 5-10 year awards; assessors required to be suitably qualified, including in mental health; and rolling awards preventing stressful reassessments.⁹
- Due to the Coronavirus pandemic, the opening of ADP to new claimants has been delayed from 2021 to summer 2022, with case transfer of existing PIP claimants due for completion in 2025.¹⁰
- The delay in rolling out ADP means that close to 60,000 people with mental health problems will now have to be assessed or reassessed under the UK's flawed PIP system.

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- The Scottish Government has committed to an Independent Review of Adult Disability Payment, commencing in 2023.
 - Promotion of benefit take-up for Scottish social security benefits is a legal duty on the Scottish Government, with the first Benefit Take-up strategy published in 2019.¹¹ International research highlights that particular groups such as migrants, and people with disabilities may disproportionately not apply for social security they are entitled to.¹²

SAMH calls for:

- Introduction of indefinite awards for ADP for people whose condition is unlikely to change, including for people with long term mental health problems.
- Following the introduction of ADP, Social Security Scotland to rapidly transfer people who successfully made a PIP claim during the delay period.
- Following the introduction of ADP, Social Security Scotland to rapidly review failed PIP applications during the delay period and run a publicity campaign encouraging people in that situation to re-apply
- Scottish Government to co-produce the 2023 independent review of ADP with people with lived experience of receiving social security, and examine the award value as part of this review, drawing on the Scottish Campaign on Rights to Social Security's (SCORSS) recent proposals.¹³
- The independent review of ADP to also consider fundamental changes to ADP including moving away from a points based system and abolishing the "50% rule" whereby claimant's applications are judged against meeting a set of descriptors 50% of the time during the qualifying period.
- Ongoing evaluation of the Scottish system including against the Charter commitments to measure the impact of engagement with the system on peoples wellbeing.
- The Scottish Government to ensure benefit take-up activity includes targeted actions promoting take-up amongst marginalised groups and people with protected characteristics.
- The Scottish Government's Social Security Experience Panels to be retained permanently to ensure people with lived experience of disability and social security coproduce the Scottish social security system on an ongoing basis.



Further detail:

FURTHER READING

Social Security Scotland [Our Charter](#) 2019

Scottish Government [Social security: benefit take-up strategy](#) October 2019

SAMH [PIP Whats the problem?](#)

SCORSS [BEYOND A SAFE AND SECURE TRANSITION – A LONG TERM VISION FOR DISABILITY ASSISTANCE IN SCOTLAND 2020](#)

Notes

¹ Scottish Government [Responsibility for benefits: overview](#) 2017

² <https://www.socialsecurity.gov.scot/>

³ Scottish Government [Social Security principles and a rights based approach](#) 2017

⁴ [Social Security \(Scotland\) Act 2018, Part 1, Section 1](#)

⁵ Social Security Scotland [Our Charter](#) 2019

⁶ Social Security Scotland [Our Charter](#) 2019

⁷ DWP Stat-Xplore [PIP Cases with Entitlement Jan 21](#) [accessed June 2021]

⁸ SAMH [PIP Whats the problem?](#)

⁹ Scottish Government [Social Security: Disability Assistance](#) [accessed June 2021]

¹⁰ Scottish Government [Child Disability Payment to be Introduced next summer](#) November 2020

¹¹ Scottish Government [Social security: benefit take-up strategy](#) October 2019

¹² Dubois and Ludwinek [‘Access to Benefits’](#) Eurofound. 2014

¹³ SCORSS [BEYOND A SAFE AND SECURE TRANSITION – A LONG TERM VISION FOR DISABILITY ASSISTANCE IN SCOTLAND 2020](#)