

## FAIRER SCOTLAND DUTY SUMMARY TEMPLATE

<p><b>Title of Policy, Strategy, Programme etc</b></p>	<p><b>The Social Security Information-sharing (Scotland) Regulations 2021</b></p>
<p><b>Summary of aims and expected outcomes of strategy, proposal, programme or policy</b></p>	<p>The Scottish Government is committed to delivering a system of social security founded on core principles of fairness, dignity and respect. As part of that approach, Social Security Scotland requires the ability to obtain information about individuals from other organisations, if that individual so wishes, in order to make determinations of entitlement to benefits, and to make the application process for those benefits as burden-free as possible for the individual. Social Security Scotland may also need to supply Local Authorities or providers of Accessible Vehicles and Equipment (AVE) with information about individuals in situations where the individual wishes to access a benefit, grant, discount, concession, etc. provided by that organisation and Social Security Scotland can assist their application by supplying the provider with information about the individual's entitlement to benefits.</p> <p>The Social Security Information-sharing (Scotland) Regulations 2021 will exercise powers conferred by sections 85(2)(g) and (5) of the Social Security (Scotland) Act 2018 ('the 2018 Act') to provide for Scottish Ministers to request and supply information about clients to certain organisations under particular conditions, as specified in the regulations. These powers are especially necessary for the delivery of Scottish disability benefits in 2021.</p> <p>By requesting and supplying information about clients in the ways enabled by these regulations, Social Security Scotland can provide prospective social security clients with an easier and faster benefits application process. This will ensure the time between application and receipt of assistance (where entitled) is minimised and will assist clients who may potentially be vulnerable to gather supporting information, unless they wish to gather the information by themselves. This not only has positive impacts on clients, it also assists Scottish Ministers to fulfil their duties to promote uptake of benefits (as per section 3 of the 2018 Act).</p>
<p><b>Summary of evidence</b></p>	<p>Research has shown that poverty disproportionately affects people who have a disability, with disabled people experiencing</p>

higher poverty rates than the rest of the population.<sup>1</sup> UK-wide, disabled people make up 28% of people in poverty and a further 20% of people in poverty live in a household with a disabled person. This statistic is largely replicated in Scotland where around 410,000 households in poverty (42% of all households in poverty) include a disabled person or are disabled themselves.<sup>2</sup>

Scotland-wide, there are higher levels of child material deprivation in households containing a disabled person, at 20% compared to households without a disabled person (at 8%). There are higher rates of food insecurity among disabled people (18%) compared to non-disabled people (5%). There is a higher likelihood of living in relative poverty after housing costs with a disabled person in the household (24% of families with a disabled person compared to 17% of families with no disabled members).

If disability benefits are not counted towards household income, this rises to 30%. 'Family' in these circumstances referred to the core family in a household, comprising one or two adults and children, if any.

There is also a positive correlation between disability and unemployment. Recent statistics have found that, compared to non-disabled people in the United Kingdom (81.7), disabled people had a significantly lower rate of employment (53.6%). In Scotland, a recent publication identified that 45.6% of disabled people were employed compared to 81.1% of non-disabled individuals. In 2018, almost half of disabled people between 16-64 in Scotland were economically inactive (49.7%), compared with 15.9% of non-disabled people.

Disability and unemployment / under-employment are positively correlated. 14% of 'workless families' (defined as families where parents are predominately out of work or have little connection to the labour market; who live in social rented accommodation and are reliant on benefits for their income) have one or more children with a disability or long-term illness.

A further 17% of 'struggling to get by' families (unemployed or working part-time, half of which are single-parent families) have one or more children with a disability or long-term illness.<sup>3</sup> Child material deprivation in households containing a disabled person reaches 20% compared to 8% of households without a disabled person.

Even where one or more parent in the household is in employment, within families with a disabled child, the same

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<sup>1</sup> <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

<sup>2</sup> [https://www.npi.org.uk/files/3414/7087/2429/Disability\\_and\\_poverty\\_MAIN\\_REPORT\\_FINAL.pdf](https://www.npi.org.uk/files/3414/7087/2429/Disability_and_poverty_MAIN_REPORT_FINAL.pdf)

<sup>3</sup> <https://www.gov.scot/publications/poverty-perspective-typology-poverty-scotland/pages/5/>

level of income secures a lower standard of living than it would for a disabled person.

Research conducted by the Papworth Trust<sup>4</sup> showed that the annual cost of bringing up a disabled child is three times greater than for a non-disabled child. Disabled people face higher costs than non-disabled people, such as the cost of specialist equipment, therapies and home adaptations to manage a condition.<sup>5</sup> Travel costs too, may be higher as families have to afford the cost of taxis to and from hospital where it is not possible to use public transport (and/or public transport may not be available).

The Scottish Government has sought the views of people with lived experience of engaging with the current UK benefits system. Social Security Experience Panels made up of over 2,400 people from across Scotland were set up for this purpose. This has enabled the Scottish Government to reflect the needs of individuals in the design of Scotland's social security system. Providing a social security system that meets the expectations and needs of individuals will naturally lead to a range of positive impacts on people experiencing socio-economic disadvantage, as these services are specifically targeted to supporting the disadvantaged.

In addition, the Disability and Carers Benefits Expert Advisory Group (DACBEAG), which is independent of the Scottish Government, was formed to provide recommendations and advice to Scottish Ministers on the development of policy related to Disability and Carer's Assistance. DACBEAG is comprised of experts from a range of professional backgrounds including the Director of Policy of Inclusion Scotland and the Associate Director for Scotland of the Joseph Rowntree Foundation. One of DACBEAG's recommendations<sup>6</sup> was for Social Security Scotland to have an obligation to collect information on clients' behalf (should the client so wish). This recommendation was accepted by the Cabinet Secretary for Social Security and Older People<sup>7</sup>.

Between 5 March and 28 May 2019, the Scottish Government sought views on whether its approach to Disability Assistance will meet the needs of the people of Scotland. The objective of the consultation was to gather views from individuals and organisations to ensure that we have identified the best possible approach to delivering Disability Assistance.

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<sup>4</sup> <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

<sup>5</sup> <https://www.jrf.org.uk/income-and-benefits/>

<sup>6</sup> <https://www.gov.scot/publications/disability-and-carers-benefits-expert-advisory-group---sources-of-supporting-evidence-advice/>

<sup>7</sup> <https://www.gov.scot/publications/disability-and-carers-benefits-expert-advisory-group---supporting-evidence-response-to-advice/>

## Summary of assessment findings

Information gleaned from the Experience Panels and consultation confirmed that individuals expect Social Security Scotland to play a role in gathering supporting information on a client's behalf when they apply for a disability benefit. Disabled people explained how their condition can make gathering information costly or difficult for them, as their mobility or sensory needs and their financial position can affect their ability to attend appointments and contact the assortment of professionals necessary to gather the required information. The policy will give clients the option to avoid these burdens and costs if they so wish, minimising (if not eliminating) the costs they would otherwise experience when making an application.

Some Experience Panel respondents raised potential concerns around confidentiality and accuracy if information is gathered on their behalf. These concerns have been recognised and accounted for in the policy, which requires client authorisation for all information gathering and puts limitations on how that information can be used. The policy was also closely scrutinised to ensure it only allows information sharing with persons who are likely to hold relevant information about clients. The policy includes limitations on how the information can be handed which are over and above the common law duty of confidence and existing data protection legislation.

Different approaches were considered, with particular attention to the existing social security services provided by Department for Work and Pensions (DWP) in England and Wales, and the Department for Communities in Northern Ireland. Views from individuals and sector stakeholders were sought on whether Social Security Scotland should emulate the existing information gathering model used by DWP (i.e. onus for information gathering placed on client) or to implement a new model where Social Security Scotland would take up the information gathering burden on behalf of clients. Respondents highlighted the strengths and weaknesses of the current DWP model and based on this feedback it was decided that implementing a new information gathering model was the preferred option.

Views were then sought on what information Social Security Scotland should gather, and whether they should gather it automatically whenever an individual applies for a benefit or only if the client requests it. As described above, a majority of respondents wanted Social Security Scotland to be able to gather all relevant information on their behalf, however some respondents did raise concerns about confidentiality and accuracy of data. In light of these concerns, it was decided that clients should always be given the choice to either gather and provide information themselves or authorise Social Security Scotland to gather it on their behalf.

**Sign off**

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