



SCOTTISH GOVERNMENT CONSULTATION ON SOCIAL SECURITY IN SCOTLAND

ENGENDER RESPONSE, OCTOBER 2016

Engender welcomes this opportunity to respond to the Scottish Government's consultation on social security in Scotland. Together with partners at Scottish Women's Aid, Close the Gap, the Scottish Refugee Council and Carers Scotland, we have consistently worked to highlight the links between women's inequality and the current UK social security system. Earlier this year we released a policy report on Scotland's new powers over social security, recommending a suite of ways in which new powers can be engaged to increase women's equality in Scotland.¹

The UK Government's 'welfare reform' programme and wider agenda of cuts to public spending is having an egregious impact on gender equality. As women's organisations we have set out how and why welfare reform is affecting women, and why this demands a gendered response from policymakers.² Meanwhile, whilst the Scottish Government's programme of welfare reform mitigation is extremely welcome, it has not taken account of the gender inequalities at the heart of our social security system or the complexities of women's lives. To date, nor has work to mitigate welfare reform been concretely linked to devolved strategies over related areas such as women's employment, social care, childcare and violence against women.

The Scotland Act 2016 devolves a number of powers over social security that overlap with devolved policy and services that are crucial for women's equality. This provides an opportunity for the Scottish Government to make progress against commitments on gender equality, by pausing to take stock of ways in which social security, and specific welfare reform measures in particular, have not delivered for women. In Scotland, we can avoid replicating ungendered policies which are entrenching women's inequality across the UK and create a divergent approach. Without such an approach, policy and programmes undertaken by other Scottish Government departments and public bodies will be less effective, and high-level targets and commitments will be undermined.

Policy direction to be established following this consultation must also take stock of parallel agendas and processes, including Scottish Government commitments to gender equality and the work of the new ministerial advisory group on women and girls, the Child Poverty

¹ Engender (2016) *Securing Women's Futures: using Scotland's new social security powers to close the gender equality gap*

² Engender (2015) *A widening gap: women and welfare reform*

Bill and wider anti-poverty strategies, the Race Equality Framework, and the Fairer Scotland Action Plan. We are disappointed that there is very little reference to the adequacy of benefits levels in this consultation document, and no consideration of how powers to create new benefits, or to top-up existing benefits might be engaged to help achieve these commitments. Whilst we understand the budgetary constraints faced by the Scottish Government, social security strategy and policy must not be limited to the parameters set out in this consultation, and all options for allocating and raising revenue must be considered as Scotland’s new systems and services are developed.

Our response to this consultation draws on a series of eight ‘Gender Matters in social security’ focus groups held with groups of women in September and October 2016.³ It is also based on analysis of systemic gender inequalities that dictate the impact of social security policy on women, in terms of paid work, unpaid work, domestic abuse and multiple discrimination.

PART 1: A PRINCIPLED APPROACH

1. FIXING THE PRINCIPLES IN LEGISLATION

Q: Which way do you think principles should be embedded in the legislation?

A. As a ‘Claimant Charter’?	X
B. Placing principles in legislation?	X
C. Some other way, please specify	

Establishing the principles that will guide Scotland’s social security system and strong mechanisms to ensure that they are adhered to will be vital if improvements to the status quo are to be delivered. Engender therefore believes that principles should be embedded both in primary legislation and a claimant charter that underpins their delivery.

Social security is extremely gendered. Women are twice as dependent on social security as men, due to low-paid work, unpaid caring roles, violence against women and the multiple inequalities faced by disabled women, refugee women, lone parents and others. The majority of people in receipt of devolved social security entitlements in Scotland will be women. As a result of systemic inequality, welfare reform and the UK government’s wider austerity agenda are having a grotesquely disproportionate impact on women’s access to resources, security and safety. Over the decade of austerity, from 2010 to 2020, 86% of net

³ Scottish Women’s Aid ran three sessions with women in Kilmarnock and Edinburgh, including a session with BME women, Engender ran three sessions at women’s community-based organisations in Leith, Maryhill and East Kilbride, Scottish Refugee Council ran a session with refugee women in Glasgow, and Carers Scotland and Engender ran a session with women unpaid carers from across Scotland.

'savings' raised through cuts to social security and tax credits will come from women's incomes.⁴

Gender equality should therefore be a principle and an objective that is embedded throughout development of Scotland's social security system. The principle of equality has previously been included on the face of legislation passed by the Scottish Parliament, and all new legislation and policymaking will be subject to the provisions of the Equality Act 2010. However, the equality impact assessment process has failed to be effective for women many times, and the extent to which gender cuts across social security issues necessitates a stronger approach here. Gender equality should be included as a distinct principle in the Social Security Bill.

Q: What should be in the Charter?

A form of charter which underpins the Scottish Government's approach in more detail, and sets out claimants' rights with respect to service delivery could also help to ensure that principles are delivered in practice. However, unless accompanied by a mechanism via which claimants could contest a breach of rights, such a document could only have limited value.

Q: Should the Charter be drafted by:

A. An advisory group?	
B. A wider group of potential users and other groups or organisations?	
C. Both	X

Content of a charter should be drafted by an advisory group that includes those with experience of the system, including women, and women's organisations, and should clearly set out what is meant by the terms dignity and respect.

Q: On whom would you place a duty to abide by the principle that claimants should be treated with dignity and respect?

A. The Scottish Government	
B. The Scottish Ministers	X
C. The Chief Executive of the Social Security Agency	
D. Someone else, please specify	

We believe that a duty to ensure that principles are adhered to should be placed on Scottish Ministers.

⁴ Women's Budget Group (2016) *The impact on women of the 2016 Budget: Women paying for the Chancellor's tax cuts*

2. OUTCOMES AND THE USER EXPERIENCE

Q: Are the outcomes (shown at annex 1) the right high level outcomes to develop and measure social security in Scotland?

Broadly these outcomes are consistent with an approach that would improve people's experience of the social security system.

Q: Are there any other outcomes that you think we should also include (and if so, why?)

In addition, we believe that advancing gender equality specifically should be included as a longer-term outcome. The UK Government programme of 'welfare reform' has had a disastrous impact on women and women's equality, with 86% of net 'savings' raised through cuts to social security and tax credits coming from women's incomes over the decade of austerity from 2010-2020.¹ This demonstrates what can happen when robust gender mainstreaming does not form part of the policy process, and that gender concerns need to be more strongly and explicitly recognised throughout Scotland's new social security systems than this consultation document appears to suggest.

We also think that the timescales for the short-medium term and long-term frameworks should be specified.

Q: With whom should the Scottish Government consult, in order to ensure that the use of language for social security in Scotland is accessible and appropriate?

Scottish Government should consult people with experience of the social security system, including diverse groups of women, and organisations that work to support them.

- "It's confusing, language isn't accessible and you can't understand what it means. I just give up."

At our Gender Matters focus groups, a clear theme to emerge was that women themselves are the experts in social security and their own lives. Whether with regards to their support needs or caring roles, living circumstances, childcare requirements, or issues relating to paid work, women know what will or will not work for them. They urge officials to listen to them and to take them seriously.

- "Half the time I leave in tears they are so nasty"
- "You're just brushed aside"

Q: Are there any particular words or phrases that should not be used when delivering social security in Scotland?

Participants in our focus groups feel stigmatised by the label 'claimant'. Women carers spoke about their contribution to society (estimated at a value of £10.8bn to Scotland's economy), which is not recognised by the current social security system. Conversely, their experiences of struggling to receive the support that they and those that they care for need

to survive, was fraught with stress and guilt. Carers have consistently faced assumptions that they are out to scam the system.

This is reflected by the disproportionate emphasis on fraud in this consultation document. The number of people who fraudulently claim benefits is tiny. The number of people who have negative experiences when accessing their entitlements, as a result of pervasive stigma is ubiquitous. One participant described the application and assessment process as “six months of pure torture”.

Use of the words citizen, applicant and recipient in place of claimant was proposed in our focus groups. Women were very clear that language has a strong impact, about how people see themselves and others. Focussing more on entitlements, rather than benefits was also raised in several of the groups.

Q: How should the Scottish social security system communicate with service users? (For example, text messaging or social media)

A multi-media approach will work well for some people, but is not inclusive. Flexible communications should be developed, so that clients can opt for the method that works for them. Many people won't have access to technology, including refugee women and other low-income groups. Text messaging and social media may also be problematic for women experiencing domestic abuse. Written confirmation of entitlements, in the needed accessible format, must be also be retained.

Q: What are your views on how the Scottish Government can ensure that a Scottish social security system is designed with users using a co-production and co-design approach?

For co-production and design to work effectively, diverse groups of women must be included in the process. Women-only focus groups to feed into design of the system will be vital to ensure that women are able to speak more freely about their experiences in a safe environment. Organisations that support women experiencing domestic abuse, refugees, minority ethnic groups, lone parents, carers, disabled people and others should be consulted on how best this might be achieved.

This will help to ensure that the principles of dignity and respect are translated into practice and avoid replicating a system where people are made to feel worthless. This was a recurring theme to emerge from our eight focus groups with women.

- “It’s as if you’re just nothing, and you have to put up with that”
- “You don’t tick their boxes so you should just leave. You’re not human any more, it’s demoralising”
- “It’s how people speak to other people – you shouldn’t be working in these jobs if you have that attitude”
- “When you ask for help it’s like ‘who are you to ask for help?’ There’s no compassion anymore”

3. DELIVERING SOCIAL SECURITY IN SCOTLAND

Delivery is not an area that we have focussed on in great detail in our policy work or engagement with women in receipt of social security. We therefore offer brief answers, based on our recent focus groups, to only some of the questions in this section. Broadly, however, our core points about the need for a robust gender mainstreaming methodology also apply. Gender issues should be taken into consideration throughout the development and delivery of services. Frontline staff must be trained in the gender inequalities at the heart of the social security system and the objective that Scotland’s social security system helps to advance equality between women and men.

Q: Should the social security agency administer all social security benefits in Scotland?

Yes	X
No	

A national agency would help to streamline the social security system, both in terms of a standardised service and ease of access for clients. We do not support local administration or delivery of benefits, due to the risk of variation in standard across regions and the deeply held concern that social security and social care budgets could be merged in light of the budget crises faced by local authorities.

Q: Should the social security agency in Scotland be responsible for providing benefits in cash only or offer a choice of goods and cash?

Engender believes that benefits should be provided in cash. At our Gender Matters focus groups on the Best Start Grant, some women were initially open to the idea of goods in-kind, but this was subsequently outweighed by discussion on the risk of stigmatisation. Women spoke of their fears of the label “catalogue kids”, and the benefits of control and choice. Overall, it was felt that in-kind benefits would be inconsistent with the principles of dignity and respect.

Q: Should social security in Scotland make some provision for face-to-face contact?

Yes	X
No	

Maintaining provision for face-to-face contact is vital for those marginalised groups who are not able to, or comfortable with accessing digital services. In-person services may also reduce the risk of financial abuse. Others will prefer to manage their entitlements online – real choice must be offered, in line with the principles of dignity and respect.

Q: Who should deliver social security medical assessments for disability related benefits?

Women at our carers’ focus group questioned whether medical assessments are necessary at all, given the wealth of medical and other evidence that can attest to a person’s condition and support needs. Certainly, assessments should not be the default route to providing support. Should Scotland choose to emulate the medical assessment model, practitioners with specialist knowledge should deliver assessments. Women cited examples of GPs not having sufficient knowledge of mental health conditions in particular.

Private contractors should not deliver medical assessments on behalf of the government. Women spoke of this process as humiliating, “soul destroying” and avoidable.

There are also specific issues around data protection that relate to violence against women, and these must be taken into account. We would all welcome an assessment system that is less humiliating and intrusive than the current approach. Sharing medical records means that very sensitive personal information, including experience of rape and sexual assault, female genital mutilation, domestic abuse, child sexual abuse, and that of terminating one or more pregnancies will be accessed by more people. This has the potential to function as a significant breach of privacy, dignity, and wellbeing of survivors. Organisations such as Rape Crisis Scotland and Scottish Women's Aid should be consulted during the design of medical assessments.

Rape Crisis Scotland is currently exploring the feasibility of developing a protocol by which GPs review medical records with their patients who are also complaining witnesses about whom disclosure has been sought in rape and sexual assault criminal justice proceedings. There may be some useful principles that can be extrapolated from this work.

Q: Should we, as much as possible, aim to deliver social security through already available public sector services and organisations?

Yes	
No	X

As above, social security should be delivered through a national agency, to standardise access and best practice, and to allow for principles (including that of gender equality) to be embedded in new structures and systems.

4. EQUALITY AND LOW INCOME (in reference to the ‘partial EQIA’)

Q: How can the Scottish Government improve its partial EqIA so as to produce a full EqIA to support the Bill?

The Scottish Government should consider commissioning organisations with expertise in different equality strands to co-produce the Equality Impact Assessment of this Bill. Equalities organisations have consistently called for the standard of EQIAs across the public

sector to be improved, with investment in capacity-building needed to achieve an integrated approach that sees EQIAs informing decision-making. Given the manifestly enormous implications of Scottish social security policy for women, disabled people and other groups, it is vital that the equality impact assessment for this Bill, and those that follow for individual policy areas, measure up to best practice.

The partial EQIA to date contains thoughts about how different equality groups are linked with respective policy areas, but it does not systematically pose and consider a set of questions around each equality strand.

With regards to the introductory content of the partial EQIA:

- We welcome that it recognises that meeting the requirements of the public sector equality duty is particularly important in light of devolved disability benefits and “questions around women’s financial independence”. It’s also important to recognise that social security policy is vital for women’s equality more broadly.
- We also welcome recognition that the full EQIA will look at how policies might have a positive impact on a particular group – so often this opportunity to proactively advance equality is missed. We caution against the trap of assuming that women will benefit from a policy because they form the majority of the recipients, however.
- It is crucial that the EQIA is developed in consultation with officials across relevant devolved areas of government, as identified. In addition those listed, policy and programme work on violence against women, childcare, and gender and racial equality (many of which are listed in the Fairer Scotland Action Plan)⁵ should be taken into account.
- We are pleased that there are plans to further engage with organisations like Women’s Aid to explore potential negative unintended consequences for women disadvantaged in terms of any household payment system, but note that Women’s Aid and many others have spelled out the negative consequences of household payments since these plans were announced by the Coalition Government over five years ago. This should be reflected in the EQIA and taken into account when establishing Scottish Government policy around payment of Universal Credit. Otherwise, the negative, and dangerous consequences experienced by women will not be unintentional.
- Organisational and transport barriers are also extremely gendered. Women are the majority of public transport users, and use public transport in more complex and irregular ways than men. Planning of transport systems does not account for this, however. As low-paid workers (often with less autonomy and flexibility in the

⁵ These include the ministerial advisory group on women and girls (to focus on occupational segregation) and the Returners Programme to support women back into paid work following a career break to care.

workplace) and mothers, women also experience issues with inflexible services and appointment times. Lone parents (92% of whom are women) are particularly affected in this regard.

- Consideration of financial barriers should recognise that women, as well as disabled people and BME people, are more likely to live in poverty. The recognition that women are disadvantaged by welfare reform is important, so that a Scottish approach can take account of the UK Government's recent failures to deliver social security for women. However, women's economic inequality predated welfare reform and the factors which underpin this must also be taken into account. The extent of women's poverty, and therefore child poverty, is masked by household statistics. Disabled women and BME women are also more likely to live in poverty than disabled and BME men.⁶

Q: What does the Scottish Government need to do, as it develops a Scottish social security system, to ensure that equality implications are fully taken into account?

Primarily, Scottish Government needs to ensure that gender equality and other forms of equality are properly mainstreamed throughout the development of all legislation, policy and programmes. This means embedding the advancement of gender equality as an objective of social security policy from the outset of policy development, and establishing monitoring and evaluation measures to assess progress.

This should already be happening under the terms of the Equality Act 2010, with the equality impact assessment process outlined in this consultation document. However, it routinely does not. To ensure that equality implications are fully taken into account, the principle of gender equality should be included in primary legislation, and capacity and resources should be earmarked to ensure that development of EQIAs for individual policies and programmes are robust. This means that the EQIA informs decision-making, rather than acting as a tick-box addendum to the process.

As recognised in the partial EQIA, the Scottish Government needs to improve disaggregated data collection. We know the binary gender composition of most devolved benefits, but there is a lack of information on ethnicity and other protected characteristics that would allow for intersectional analysis. For instance, we can predict that social security policy will have particular impacts within some of Scotland's minority ethnic (ME) communities and for ME women in particular. Underemployment is a key issue for women from certain ME communities, who are less likely to be in paid work than the white population.⁷ Although there are large variations across communities, as a whole people from minority ethnic groups have lower household incomes and higher numbers of dependent children than

⁶ Engender (2016) *Securing women's futures: using Scotland's new social security powers to close the gender equality gap*

⁷ Coalition for Racial Equality and Rights (2008) *State of the Nation: Race and Racism in Scotland*

white ethnic groups. All of this points to the importance of social security policy for ME women, but data is lacking.

Devolved benefits for which gender-disaggregated data have not been made available are Discretionary Housing Payments (DHPs), Funeral Payments and Cold Weather Payments. This information gap should be plugged.

Q: Are there equality considerations for individual benefits that you would like to draw to our attention?

1. The main disability benefits – DLA, PIP and AA

Over the course of the current UK parliament alone, £4.4bn worth of cuts will come from disabled people, a small majority of whom are women.⁸ In 2015, 55% of those on personal independence payments (PIP) in Scotland were women, as were 65% of those in receipt of Attendance Allowance.

Disabled women face a raft of additional barriers on account of their gender. In addition to the exclusion experienced by all disabled people, many disabled women struggle to access childcare and experience discrimination and stereotyping in the labour market on account of their gender. Around half of disabled women experience domestic abuse in their lifetime, compared with one in four non-disabled women.⁹ These issues are reflected in an average pay gap of 22% compared with non-disabled men, (as opposed to 11% for disabled men).¹⁰ Many disabled women also report that partners control their access to benefits and that this increases their isolation.¹¹

Thousands of women will lose disability benefits as PIP is rolled out across the UK and Employment Support Allowance (ESA) is replaced with Universal Credit. Analysis suggests that claimants are simply being moved from ESA onto the lower Jobseeker's Allowance.¹² Once on JSA they are subject to the strict conditionality regime and sanctions - 29% of all JSA sanctions to date have fallen on disabled people.¹³ Yet, as above, access to employment is hugely limited for disabled women, due to discrimination, stigma and public attitudes. In addition, many thousands of carers (mostly women) across Scotland will lose linked entitlements as a result of these cuts.

In setting criteria and levels for Scotland's new disability benefits, these factors around disabled women's access to income, and the implications for Scottish Government's commitments on gender equality should be taken into account.

⁸ There are 6.6 million disabled women and 5.5 million disabled men in the UK, figures which have remained broadly consistent over time. Papworth Trust (2014) *Disability in the United Kingdom 2014*.

⁹ Women's Aid (2007) *Disabled women and domestic violence: Making the links*

¹⁰ EHRC (2010) *How fair is Britain? The first triennial review*

¹¹ TUC and Women's Aid (2015) *Unequal, Trapped and Controlled: Women's experiences of financial abuse and potential implications for Universal Credit*

¹² Inclusion Scotland (2011) *Welfare reform briefing*

¹³ Inclusion Scotland (2016) *Scottish Parliament Elections 2016: Social security manifesto briefing*

2. Carer's allowance

It is estimated that around 70% of unpaid carers are women, despite census statistics that put this figure at 59% in Scotland. This is because women are less likely to identify as carers for family members, as a result of social expectations that women will take on caring responsibilities. Women make up the majority of carers in Scotland across all age groups, and this is particularly acute amongst working-age women between 25 and 49 years old where they represent almost two thirds of carers.

Within this, important gender patterns shape women's experiences of caring and of the benefits system. Women make up both the majority of carers in employment and those who provide care for more than 35 hours per week. Long caring hours and low-paid, part-time work therefore illustrate why women are twice as likely to claim Carer's Allowance as men.

Increasingly, women are combining looking after young children with providing unpaid care for older and disabled people. Over 2.4 million people in the UK combine raising children with caring for parents.¹⁴ This is called sandwich caring or dual caring, with women undertaking the majority of this work. Women are four times as likely as men to have given up paid work because of multiple caring responsibilities.¹⁵ This impact on the ability to work means that the retirement income of these women will be significantly impacted.

Women's experiences of caring are shaped by other gender inequality issues that affect their lives. As well as challenges linked to motherhood, these include discrimination in the labour market, occupational segregation, barriers to accessing education and training, systemic violence against women, gender stereotyping, and sexism in public spaces. These issues should inform decision-making on the eligibility criteria for the new carer's benefits.

3. Universal Credit flexibilities

The implications of the household payment of Universal Credit on women's equality are profound. The current UK policy, to pay joint awards to one individual in a couple, is discriminatory and regressive. Scotland has certain opportunities with new powers over social security to chart a different course from the UK's damaging 'welfare reform' agenda. However, the Scottish Government's pledge that "new powers will be founded on dignity and respect" will be undermined from the outset if social security cannot be accessed equally by women.

Access to resources is a fundamental aspect of gender inequality. Income and other resources are often not controlled or shared equally within the household and this is a major factor in women's economic inequality.¹⁶ Financial independence is crucial for

¹⁴ YouGov and Engage Mutual Survey 2012

¹⁵ Carers UK and Employers for Carers (2012) Sandwich Caring Combining childcare with caring for older or disabled relatives.

¹⁶ JRF (2014) *Poverty through a gender lens: Evidence and policy review on gender and poverty*

women, who are twice as dependent on social security as men due to gendered caring roles and disadvantage in the labour market.¹⁷ Otherwise, we risk returning to the ‘male breadwinner model’ which prioritises men’s needs, compromises women’s safety and creates huge imbalances of power within households. Women that face multiple inequalities across society, including disabled women, minority ethnic and refugee women are amongst those who would be at particular risk of increased harm from a policy that undermines women’s access to resources.

Payment of all Universal Credit (UC) entitlement to one partner in a couple is likely to result in less equal relationships, with one individual less able to access income. This is relevant to both sexes, but especially for women. Women are more likely to be economically dependent than men, more likely to hold caring roles, and more likely to be subject to financial and other abuse. As UC encompasses child tax credit, childcare costs and housing benefit, and may disincentive ‘second earners’ (who are mainly women) from entering into the labour market, the implications of single household payments are grave for low-income women whose security is at risk.

Under the UK system, recipients of a joint UC award will be required to nominate who receives the payment at the outset of a claim. This does not account for the fact that financial decision-making takes place within the context of gendered power dynamics. The majority of jointly awarded ‘out of work’ benefits are claimed by men and assumptions that couples own, access and control joint banks accounts on an equal basis are unfounded.¹⁸ Although the option to ask for alternative payment arrangements does exist on paper, this is not a realistic ‘choice’ for many women, especially those experiencing coercive control.¹⁹

Single payment of UC will also undermine the ability to practise financial capability and other skills needed to move into paid work. This disadvantages women who are less likely to access other forms of income, including those who take extended periods of leave from paid employment in order to care for children and relatives. Women already face multiple barriers which constrain their access to the labour market, and to financial independence; single payment of UC will be yet another addition to this.

Women who face multiple discrimination across society are at particular risk of harm from single household payments of UC. The UK policy will not only entrench gender inequality, but to compound the multiple inequalities experienced by disabled women, young women, minority ethnic women, refugee women and unpaid carers, all of whom have less access to income than others as a result of additional barriers and layers of disadvantage.

¹⁷ Engender (2015) *A widening gap: women and welfare reform*

¹⁸ Women’s Budget Group (2011) *Welfare Reform Bill 2011: Universal Credit Payment issues* (87% of JSA, 65% of income support, 81% of pension credit claims made jointly or with a dependent partner are made by men)

¹⁹ Coercive control is a process used by the perpetrator to entrap a partner. Physical violence is used (or not) alongside a range of other tactics — isolation, degradation, mind-games, and micro-regulation of everyday life

Our briefing paper setting out these inequalities was signed by twenty civil society organisations in Scotland.²⁰ We are calling for Universal Credit to be automatically split between individual members of the household, in line with their entitlements, on the grounds of equality.

4. Discretionary Housing Payments

Gender-disaggregated data on DHPs is not available, but housing benefit statistics are extremely gendered: 55% of those in receipt of housing benefit are single women, 25% are single men and 21% are in couple households (no gender breakdown provided). Affordable housing is therefore clearly a gendered issue. The following related equality issues should be taken into account when developing more accessible DHP policies for Scotland.

Access to safe housing is crucial for women at risk of abuse. Low income, a lack of independent income and immigration status are major barriers for women seeking safety, and domestic abuse is the fourth most common reason given for homeless application in Scotland. Financial autonomy is a major element of this. Research shows financial abuse is part of 89% of women's experience of domestic abuse.²¹ Access to the Scottish Welfare Fund is restricted to people with low-income, but thresholds are often calculated at the household level, which masks women's need for housing support. The 'bedroom tax' has resulted in a loss of housing benefit for many women and accessing replacement DHPs continues to cause uncertainty and anxiety for women trying to move to safety. Changes to the benefit entitlement of EU migrants mean that many women separating from abusive partners can no longer claim housing benefit and Scottish Women's Aid groups and CPAG Scotland's Early Warning System have registered many women in crisis as a result.

Thousands of carers are losing an average of £105 per week in housing benefit due to the benefits cap, and women are 74% of those on carers' allowance. (Despite this year's high court ruling, carers are currently subject to the benefits cap.) Overall, 49% of households subjected to the benefits cap are headed by single parents with children under five. 95% of lone parents on income support are women.

Many other groups of women have support needs to access housing. These include older women, disabled women, refugee women, women with mental health issues, women at risk of violence, survivors of sexual violence, ex-offenders, women who are trafficked into the UK, and women exiting prostitution. Discretionary decision-makers should receive training in all of these gender equality issues.

²⁰ Engender (2016) *Gender matters in social security: individual payments of Universal Credit*

²¹ Refuge (2008) *What's yours is mine: The different forms of economic abuse and its impact on women and children experiencing domestic abuse*

Q: What are your views on how we can best gather equality information for the new Scottish benefits?

It is vital that equality information is built in to the data structures that are being developed and used by the new social security agency. Experience tells us that where equality information is not associated with the records of individuals that its use is ad hoc, and contingent on laborious and expensive equalities data projects being implemented. Failure to link equalities data with individual records means that important analysis can therefore not be produced about the groups of individuals that are less likely to benefit from a particular service or social security payment, and that positive interventions to benefit specific protected groups are less likely to be implemented.

However, as some equality information is sensitive and personal, this should be done in such a way that ensures confidentiality for the individual in accordance with the letter and spirit of the Data Protection Act. If information about experiences of domestic abuse or rape is being gathered or processed in line with existing DWP policy, then this must be protected with extreme caution, in order to ensure that women and children's right to privacy is protected, and also to ensure the physical safety of victims of domestic abuse.

Q: What does the Scottish Government need to do to ensure that its social security legislation (including secondary legislation and guidance) aligns its vision and principles with equality for all those who need assistance through Social Security support?

As we highlight throughout this response, the principle of gender equality should be embedded throughout primary and secondary legislation and guidance.

Q: What does the Scottish Government need to do to ensure that a Scottish social security system provides the right level of support for those who need it, and what are the possible equality impacts of this?

Women, disabled people, BME people, older and younger people all have less access to income than other groups in Scotland. This is compounded for people who face multiple discrimination, including disabled women and BME women. This question about the “right level of support” points very clearly to the question of adequacy, which is addressed only sporadically in this consultation document. There is no getting away from the fact that low-income groups in Scotland will not be adequately supported or feel like the system treats them with dignity and respect, if the social security system does not provide them with a benchmark standard of living, such as that mapped out in the Minimum Income Standards framework.

The Scottish Government now has powers to top-up reserved benefits and create new benefits, but these are not mentioned in this consultation on use of new social security powers. A Living Wage for carers, a £5 top-up to child benefit (a Scottish Child Premium), and a destitution fund to support those with no recourse to public funds would all have a positive impact on women’s economic inequality. Analysis of the use of these powers to

increase income for those living in poverty should be considered as part of this consultation process. It is hard to see how many of the ambitions set out in the consultation document and in the Fairer Scotland Action Plan can be achieved without additional investment to reduce income inequality.

5. INDEPENDENT ADVICE AND SCRUTINY

Q: Do you think that there is a need for an independent body to be set up to scrutinise Scottish social security arrangements?

Yes	X
No	

Independent scrutiny of the new system will enhance Scottish Government's ability to achieve its proposed outcomes, including that people feel that they are treated with dignity and respect. The independent body should be set up in line with the principles set down in legislation, and staff should be trained in gender, and other, equality issues.

It is difficult to unearth information about the current appeals process, for instance in terms of gendered breakdowns of cases brought and decisions made. A new independent body to scrutinise social security in Scotland should adhere to the principle of transparency and publish information accessibly. In line with commitments to advance equality, data disaggregated by gender and other equality characteristics should be collected and made available.

Q: If you agree, does the body need to be established in law or would administrative establishment by the Scottish government of the day be sufficient?

Yes	X
No	

A statutory body would be best placed to provide independent oversight.

PART 2: DEVOLVED BENEFITS

6. DISABILITY BENEFITS

We do not have independent detailed comments to make about disability benefits, but endorse those put forward by the Scottish Campaign on Welfare Reform (SCoWR) and by the Coalition of National Carers Organisations. In addition, we are calling for gender equality to be mainstreamed throughout the development of policies and services for disabled people, to ensure that they are fit-for-purpose for disabled women.

Disabled women are amongst those most affected by social security policy. Over the course of the current UK parliament alone, £4.4bn worth of cuts will come from disabled people, a majority of whom are women.²² In Scotland, 55% of those on personal independence payments (PIP) are women, as are 65% in receipt of Attendance Allowance.

In addition to the exclusion experienced by all disabled people, many disabled women struggle to access childcare and experience discrimination and stereotyping in the labour market on account of their gender. Around half of disabled women experience domestic abuse in their lifetime, compared with one in four non-disabled women.²³ These issues are reflected in an average pay gap of 22% compared with non-disabled men, (as opposed to 11% for disabled men).²⁴ Many disabled women also report that partners control their access to benefits and that this increases their isolation.²⁵

On top of this, thousands of women will lose disability benefits as PIP is rolled out across the UK and Employment Support Allowance (ESA) is replaced with Universal Credit. Analysis suggests that claimants are simply being moved from ESA onto the lower Jobseeker's Allowance. Once on JSA they are subject to the strict conditionality regime and sanctions - 29% of all JSA sanctions to date have fallen on disabled people.²⁶ Yet, as above, access to employment is hugely limited for disabled women, due to discrimination, stigma and public attitudes.

Given the extent of cuts to both women's and disabled people's incomes, Scottish Government must consider the impact of different levels of devolved benefits and assessment models on disabled women's poverty. Ongoing work to monitor the impacts of social security policy on disabled women and carers should also be a priority. This is an opportunity for the Scottish Government to adopt an approach that properly values disabled people and women, and to ensure that disabled women are adequately supported within the Scottish social security system.

7. CARER'S ALLOWANCE

It is estimated that around 70% of unpaid carers are women, despite census statistics that put this figure at 59% in Scotland. This is because women are less likely to identify as carers for family members, as a result of social expectations that women will take on caring responsibilities. Women make up the majority of carers in Scotland across all age groups, and this is particularly acute amongst working-age women between 25 and 49 years old where they represent almost two thirds of carers. Within this, important gender patterns

²² There are 6.6 million disabled women and 5.5 million disabled men in the UK, figures which have remained broadly consistent over time. Papworth Trust (2014) *Disability in the United Kingdom 2014*.

²³ Women's Aid (2007) *Disabled women and domestic violence: Making the links*

²⁴ EHRC (2010) *How fair is Britain? The first triennial review*

²⁵ TUC and Women's Aid (2015) *Unequal, Trapped and Controlled: Women's experiences of financial abuse and potential implications for Universal Credit*

²⁶ Inclusion Scotland (2016) *Scottish Parliament Elections 2016: Social security manifesto briefing*

shape women’s experiences of caring and of the benefits system. Women make up both the majority of carers in employment and those who provide care for more than 35 hours per week. Long caring hours and low-paid, part-time work therefore illustrate why women are twice as likely to claim Carer’s Allowance as men.

Q: Do you agree with the Scottish Government’s overall approach to developing a Scottish Carer’s Benefit?

Yes	X
No	

We support the Scottish Government’s broad intention to provide additional support for unpaid carers, including for those who care for more than one disabled child, and to embed the new Scottish Carer’s Benefit within the wider carer’s strategy. We also welcome the intention to improve the inclusion of carers’ voices in the design and development of support for themselves and those that they care for.

We do not, however, subscribe to the introductory statement that development of a Scottish Carer’s Benefit “has to be within the resources available”. Whilst we recognise the budget constraints faced, resource allocation is not set in stone and the Scottish Government can choose to use tax-raising powers to help lift many carers out of poverty. This narrow framing of the discussion on support for carers is very disappointing and ignores the fact that unpaid carers undertake work worth an estimated £10.8 billion to Scotland’s economy.

The commitment to equalise Carer’s Allowance (CA) with Jobseeker’s Allowance once carers’ benefits have been devolved is welcome. However, even at this increased rate, CA will represent only £2 per hour for a minimum of 35 hours per week. Carers at our Gender Matters focus group do not feel that this treats them with dignity and respect, and helps to explain why nearly 40% of carer households have to manage a gross monthly income of £1000 or less.²⁷ This initial increase must therefore be matched with a staggered plan to uprate CA over time. Alongside carers groups, we are calling for a Scottish Living Wage for Carers, in recognition of the both the enormous workload that unpaid carers undertake and their enormous social and economic contribution to Scotland.

The current lack of recognition that caring is work, and the lack of value placed on carers and disabled people throughout the social security system was a strong theme to emerge at our focus group with women carers.

- “They need to stop treating as non-workers. We are workers, it’s a 24/7 job”
- “£10 a week is not enough, it’s a slap in the face”
- “Every other employee in this country gets a day off, carers don’t get a day off”

²⁷ Carers UK (2016) *State of Caring 2016*

Over the long-term, we advocate for a Citizen's Basic Income in Scotland, to replace means-tested social security. This basic income, to which every citizen in Scotland would be entitled, would help to shift our narrow conception of what constitutes 'work' and how we value caring as a society. We are calling for Scottish Government to introduce pilot schemes over the course of this parliament, possibly targeted at unpaid carers.

We are also disappointed that the overall approach to developing a Scottish Carer's Benefit is not gendered. Increasingly, women are combining looking after young children with providing unpaid care for older and disabled people. Over 2.4 million people in the UK combine raising children with caring for parents.²⁸ Women are four times as likely as men to have given up paid work because of multiple caring responsibilities.²⁹ This impact on the ability to work means that the retirement income of these women will be significantly impacted.

A culture of expectation around women's caring perpetuates this. Women who gave evidence to the Carers UK *Inquiry into Caring and Family Finances*, and Engender's *Preparing to Care* project faced widespread assumptions about their responsibility to provide long-term care, to the detriment of career and pay progression. The National Carer Organisations highlight linked issues such as carers' health, access to employment and carers' leave. Women are twice as likely as men to give up paid work in order to care and women aged 45-54 are also more than twice as likely to have reduced working hours as a result of caring responsibilities.³⁰

Women's experiences of caring are shaped by other gender inequality issues that affect their lives. As well as challenges linked to motherhood, these include discrimination in the labour market, occupational segregation, barriers to accessing education and training, systemic violence against women, gender stereotyping, and sexism in public spaces. These issues, and Scottish Government's commitments to address them, should inform decision-making on the eligibility criteria for the new carer's benefits. These decisions will determine whether Scotland's new carer's benefit will improve access to resources, opportunities, health and wellbeing for large numbers of women.

Q: Do you agree with our proposed short to medium term priorities for developing a Scottish carer's benefit?

We do not disagree with the existing short to medium term priorities. We support the aim to equalise Carer's Allowance with JSA as soon as is practicable. We also broadly agree with the ambition to provide support to young carers, although at our focus group with women

²⁸ You Gov Poll 2012 YouGov and Engage Mutual Survey – polling a GB representative sample of 1008 people aged 45-60 who had elderly parents and 500 people aged over 65 who had adult children.

²⁹ Carers UK and Employers for Carers (2012) Sandwich Caring Combining childcare with caring for older or disabled relatives.

³⁰ Employers for Carers and Carers UK (2015) Caring and isolation in the workplace

carers it was felt that cash support for young people could be problematic and that other forms of support, such as short breaks, could be more appropriate.³¹

However, we do not think that these proposals are ambitious enough. The increased allowance of £11 per week will not make a meaningful difference to women's lives, especially for those who are caring for children in addition to older, disabled or ill relatives. For many women, including some of those represented at our focus group, the ability to undertake paid work in addition to caring roles would make a significant difference to their lives in a range of ways. It would increase their independent income and that of the household. For many, it would have a positive impact on their wellbeing, self-esteem, and social life. It would enable women to maintain or develop skills in the workplace, and it would prepare women for the possible need to return to work after their 'carer journey' has ended.

At present, a low earning disregard within Carer's Allowance can act as a financial disincentive to take up paid work where this is possible. For carers able to do so, only a penny above the earnings threshold means the loss of their whole entitlement. The earnings threshold does not automatically align with the minimum wage and carers whose earnings rise suddenly over the weekly threshold by just a few pounds are then forced to choose between reducing their hours, giving up work, or losing their benefits. The majority of carers in low-paid jobs and in receipt of Carer's Allowance are women.

Carers claiming working tax credit face a particular dilemma, as it is necessary to work for 16 hours to be entitled to it. The earnings threshold is currently £110 a week. In March 2016, a carer working 16 hours a week on the minimum wage earned £107.20 a week, meaning they are able to claim Carer's Allowance. From April 2016, due to the rise in the minimum wage, the same person working the same hours now earns £115.20 a week, taking them above the earnings limit and meaning they faced the difficult choice of cutting their hours or losing entitlement.

Restricted access to education for carers under the current system also undermines women's equality of opportunity and future earning potential, which is already significantly lower than male peers. The gender pay gap in Scotland persists at 33.5% when comparing women's part-time hourly rate with that of men's full-time equivalent.

We are calling for these restrictions on carers' ability to access paid work and education to be lifted as an immediate priority within the development of a Scottish Carer's Benefit.

Otherwise the statement, "[w]e want carers to have the same opportunities as everyone else and it is important we support them to remain in work or study, if they choose", within the list of short-medium term priorities will be rendered meaningless. As with the outcomes

³¹ We have not consulted with young carers organisations on this issue and therefore this is not an Engender position, but the view of participants at the workshop

framework set out in section 2 of the consultation document, it is also necessary for the Scottish Government to define what is meant by short, medium and long-term priorities.

Q: Should the Scottish Government offer the choice of exchanging some (or all) of a cash benefit for alternative support (e.g. reduced energy tariffs)?

Yes	
No	X

Women who participated in our focus group were adamantly against this suggestion. Indeed there was some anger at the suggestion that a portion of their only independent income, which even with the increase to £73.10 per week is nowhere near adequate to cover basic living costs, should be annexed for other purposes or replaced with alternative support. Women said:

- “It would be a tax on disability”
- “Using part of my benefit for a cheaper fuel bill? For me it’s a big no-no”
- “Hidden layers of disability [for instance high energy bills] are not understood”

It was suggested that the Scottish Government could use any purchasing power it may have to reduce energy costs more broadly, which would have a positive impact on fuel poverty.

Q: What alternative support should be considered?

We do not believe that alternative support should be offered, but there are a number of additional support measures that could be put in place. Women at our focus group discussed the benefits of a free bus pass for carers, which would have a significant impact on their mental health and wellbeing. Many carers spend considerable sums of money on public transport in order to attend multiple appointments and navigate complex schedules, leaving them with little or no leisure time. As well as the positive impact on overall budgets, the flexibility afforded by free bus travel for carers would help enable them to carve out some time for themselves.

- “With a bus pass, I could nip down the park at lunchtime”
- “I’m stuck in the house because I had to give up my job”

Other additional support that women would find valuable is discounted or complimentary access to relaxation therapies, such as those provided by the Carers’ Support Centre and other organisations. This would have a positive impact on carers’ emotional wellbeing and make them feel valued.

- “We’re on so little money the government should look after us a little. We save the government a lot of money”

Q: How can we achieve a better alignment between a future Scottish carer benefit and other devolved services?

We support the proposal to ensure that a future Scottish Carer's Benefit is aligned with the wider carer's strategy, in terms of principles and policy direction. We share concerns about the potential implications of integrating social security and social care services, however. It is imperative that budgets to support carers remain distinct from social care budgets at local authority level, and that the Scottish Carer's Benefit is administered by the new, central agency.

Not all carers are aware of their entitlements, often as a result of gendered expectations around women's caring roles. Devolved health (including maternal and mental health), social care, employability, and violence against women services could support a broader move to proactively inform carers of their entitlements.

Q: Do you agree with our proposed long term plans for developing a Scottish Carer's Benefit?

We agree with the proposal for a consultation process to establish wider and more socially just entitlement criteria for a Scottish Carer's Benefit. As above, however, we think this should be undertaken in the short-medium term. Scottish Government has stated that it will probably be over two years until the new social security agency is in place to administer devolved benefits. Carers whose opportunities, wellbeing, income and future pensions are being eroded by the current restrictions to Carer's Allowance should not have to wait for years on end for a fairer system when the Scottish Government could take action now.

8. WINTER FUEL AND COLD WEATHER PAYMENTS

We do not have detailed comments about Winter Fuel and Cold Weather Payments, but endorse the collective position outlined in the Scottish Campaign on Welfare Reform's (SCoWR) consultation response. We also support the Coalition of National Carers Organisations' proposal that eligibility for the Winter Fuel Payment should be extended to those on Carer's Allowance.

We note that gender-disaggregated data on Cold Weather Payments has either not been collected or not been made available, and that this should be addressed.

9. FUNERAL PAYMENTS

Likewise, we do not have detailed comments on the questions on Funeral Payments, but endorse the collective position outlined in the Scottish Campaign on Welfare Reform's (SCoWR) consultation response. Costs attached to funerals vary significantly across local authority areas in Scotland, and this kind of postcode lottery is unacceptable; no-one should experience material deprivation or additional mental anguish as a result of the need to pay for a funeral.

We also note that gender-disaggregated data is either not collected or not made available for Funeral Payments. As reflected in the gender caseload of other pension-age entitlements, however, older women tend to have less access to income and to live longer than men, and will therefore be disproportionately impacted by the need to budget for the funeral of a partner.

10. BEST START GRANT

Policy changes announced in successive budgets since 2010 have had an extremely negative impact on women with children. Changes to child benefit, child tax credit, Income Support, maternity benefits and the benefit cap will all have significant impacts on women with children, and on gender equality. Forthcoming cuts to social security announced in the UK Government Summer Budget 2015 and subsequent Welfare Reform and Work Act will hit women hardest yet again. Analysis from the House of Commons Library estimates that 70% of the overall additional £34bn pounds of savings to be made by 2020/21 will come from women's pockets.³² Particularly at risk are the 92% of single parents who are women.

If the Scottish Government wants to fulfil its aims of providing the right level of support for those who need it, and using social security to achieve dignity and respect, then targeting the fullest possible support at low-income women with children is one key way in which this can be done. Reducing financial pressure on mothers is also crucial in terms of the Scottish Government's child poverty proposals.

Q: What are your views on who should receive the Best Start Grant?

Engender believes that eligibility criteria for the Best Start Grant (BSG) should be as wide as possible. Given the severe cuts to social security faced by mothers, eligibility for the new BSG should not be pegged to entitlement to a narrow range of UK benefits. Rather, it should be based on an income threshold such as minimum income standards.³³ At the very least it should be linked to a much wider range of qualifying benefits, including those devolved to the Scottish Parliament. Its value should also be annually updated in line with the Retail Price Index. In line with proposals to integrate the system with the Healthy Start programme, women under 18 should also be eligible for the grant.

Clearly, reinstating a maternity grant for second and subsequent children would be a huge support to new mothers on low incomes, as would the proposed nursery and school payments of £250. However, current plans for the initial payment do fall short of the original overall level of the Sure Start Maternity Grant for families with more than one child, even before significant inflation is taken into account. Along with others, this will have a particular impact on women and children from certain minority ethnic groups, who tend to be part of larger families.

³² WBG (2015) *The impact on women of July budget 2015: A budget that undermines women's security*

³³ JRF (2015) *A minimum income standard for the UK in 2015*

Q: Should we continue to use the same method as the SSMG to determine whether a child is the first child in a household?

Yes	
No	X

The current system is not fit for purpose for women having a first child whose partner has older children. It also discriminates against refugee and migrant women who have not received the SSMG for children born outwith the UK. The vast majority of these women will have been unable to bring essential and bulky equipment with them.

Q: Are there other points during the first five years of a child's life when families face greater pressure than at the start of nursery (other than birth and the start of school)?

Women at our two Gender Matters focus groups on the Best Start Grant felt that whilst other pressure points exist, these are the junctures at which financial pressures are greatest.

Q: What are your views on defining "the start of nursery" as the point of entitlement to a funded early learning and childcare place, for the purposes of making the second payment?

Women at our focus groups highlighted the need to ensure that grants are processed in time to enable the purchase of essential items, or to organise any related childcare needs. The point at which a nursery place is confirmed by letter was suggested as a suitable point of entitlement.

Q: Should the school payment be payable to all eligible children who begin primary school for the first time in Scotland, or should an upper age limit be included?

There should not be an upper age limit attached to the primary school payment. Circumstances in which children would start school at a later point are likely to be linked with other financial pressures, such as a change in immigration status, moving house, or disability within the household. Support should therefore be extended to mothers of all eligible children starting primary school in Scotland for the first time.

Q: What are your views on our proposals in relation to the BSG application process?

Engender and all the women that we consulted believe that the BSG application process should be open for at least six months after the birth of the child. Having children may alter entitlement to a range of qualifying benefits, and this takes time to understand and process.

- "Your head is all over the place after a new baby, not everyone is able to just nip down to Citizen's Advice. It's so complicated."
- "You might not find out about it in time with three month deadline. It's just the luck of who you meet and who tells you."

The current deadline to apply within 12 weeks of the birth of a child also excludes women who are struggling to access benefits to which they are entitled. This includes a high number of refugee women, whose payments are subsequently backdated, but would currently miss out on the BSG in such a scenario. Sanctions related to Universal Credit, including those of a partner could have an impact on eligibility. The BSG should be flexible and designed to take these issues into account.

Given the complexity of the benefits system at the household level and precariousness of the labour market, especially for the women who make up the majority of low-paid, part-time workers, eligibility should not be pegged to a fixed point in time. For instance, a woman on a zero hours contract, or with a new partner (or countless other circumstances) might not be eligible for BSG payments on a child's birthday, but be eligible a week later. Circumstances over a period of time should therefore be used as the basis for assessment.

- “Zero hours contract means that you can end up in debt really quickly. People started coming knocking on my door, so I was terrified to open the door. I thought I wasn't eligible for the grant, because I was working and wasn't on these benefits. It turns out I was eligible for the benefits, but I didn't know.”

Q: What are your views on establishing an integrated application process for the BSG and Healthy Start?

We support the proposal to integrate the BSG with other support for pregnant women, particularly in light of low uptake of the Sure Start Maternity Grant (SSMG). This was the consensus view at our focus groups with mothers of young children, where women described struggling to access information about the range of support to which they are entitled.

- “It would be so helpful, I can't even put it into words”
- “There's not a lot of information out there, if you don't ask, you don't get”

We were told that many women had been unaware of their entitlement to a SSMG (or in some cases, particularly amongst migrant women, to any social security payments at all). Women spoke of the 'school gate' as being their best source of information and advice, a situation which evidently will see many of those entitled to support falling through gaps. An integrated approach makes a great deal of sense.

Q: Would the option to receive items rather than a cash payment as part of the BSG have benefits?

Yes	
No	X

Engender believes that the award should continue to be paid in cash, in order to tackle stigma and enable choice. Some women at our focus groups were initially open to the idea

of goods in-kind, but this was subsequently outweighed by discussion on the risk of stigmatisation. Women spoke of their fears of the label “catalogue kids”, and the benefits of control and choice.

- “Every beginning of every term is a nightmare. Everything is so expensive now and you don’t want your kids going in being picked on”
- “It’s degrading”

Some people are given or can source cheap second hand goods, and would prefer to use the grant to cover core costs, such as heating or transport that increase along with family size. Cash is also needed when kids start school, for things like school trips, materials to help with projects and tickets for school plays. Overall, it was felt that in-kind benefits would be inconsistent with the principles of dignity and respect.

- “You don’t want people to know that you’ve got stuff from a benefits catalogue”
- “It gives you a confidence boost as well as a financial boost. It gives you a feeling of control”

In certain circumstances, however, women may prefer to have direct access to needed items, including where women are experiencing or at risk of financial abuse. An option to choose items over cash could be explored for women in these circumstances, although in practice this could further compromise safety. Any such alternative measures should be thoroughly explored with women experiencing domestic abuse and violence against women organisations.

Q: Which services should promote awareness of the BSG to ensure that claimants know about it at the relevant time?

Midwifery and other maternity care services should promote the BSG to ensure that women are aware of their entitlement. Women at our focus groups suggested that posters could be placed in waiting rooms for appointments with sonographers, gynaecologists and maternity assessment. The BSG could be flagged in NHS ante-natal classes and included in the literature that is given to all pregnant women.

- “I wasn’t entitled to any benefits before my child was born, but afterwards yes. But no-one tells you that, so it is scary.”

Likewise, broader health and social care services could also help to promote the BSG (and other potential entitlements), especially amongst newly-registered women, who may have moved to the area and be entitled to the nursery or primary school payments. Early years centres and services that support refugees, lone parents, unpaid carers and other low-income groups could also play a role in promoting the scheme.

More widely, women suggested that graphics could be used to better convey information about entitlements throughout pregnancy and beyond. This could be in the form of a

flowchart, illustrating timelines, qualifying benefits and clear distinction between different types of support. These would include the new Baby Box, and eligibility for state-funded childcare, as well as means-tested benefits throughout the early years such as free school meals and clothing grants.

11. DISCRETIONARY HOUSING PAYMENTS

Q: Could the way that DHPs are currently used be improved?

Yes	X
No	

DHPs are not currently accessible to women experiencing domestic abuse, for whom access to safe housing is crucial. Low income, a lack of independent income and immigration status are major barriers for women seeking safety, and domestic abuse is the fourth most common reason given for homeless application in Scotland. Financial autonomy is a major element of this, with research showing that financial abuse is part of 89% of women's experience of domestic abuse.³⁴ The Scottish Welfare Fund is not accessible to many of these women, as means-testing is calculated at the household level, which masks the urgent need for housing support. The 'bedroom tax' has also resulted in a loss of housing benefit for many women and accessing replacement DHPs continues to cause uncertainty and anxiety for women trying to move to safety.

DHPs should also be made accessible for women leaving refuge or other temporary accommodation, in order to move into a new tenancy and cover both sets of rent for the first few weeks. At present women have to start their new tenancy immediately but can't move in until they get a Scottish Welfare Grant to furnish it. This results in rent arrears as housing benefit is only paid for one property. This was raised by women at the Gender Matters focus groups run by Scottish Women's Aid. Where women in these circumstances applied for DHPs they were unsuccessful.

Q: Could the administration of DHP applications be improved?

Yes	X
No	

Local authorities should be held accountable for the use of DHP funding in order to ensure consistent application across different areas. Training on gender equality issues for frontline staff making discretionary decisions would improve the quality of decision-making and women's experiences of applying for DHPs.

³⁴ Refuge (2008) *What's yours is mine: The different forms of economic abuse and its impact on women and children experiencing domestic abuse*

Q: Does the guidance for local authorities on DHPs need amending?

Yes	X
No	

The guidance on DHPs does not currently mandate local authorities to monitor the gender of those in receipt of payments. In order to help assess any underlying gender equality issues that should be addressed with regards to housing, gender-disaggregated data should be routinely collected.

12. JOB GRANT

We have no comments on the new Job Grant.

13. UNIVERSAL CREDIT FLEXIBILITIES

The current UK policy, to pay joint awards to one individual in a couple, is discriminatory and regressive.³⁵ Scotland has certain opportunities with new powers over social security to chart a different course from the UK's damaging 'welfare reform' agenda. However, the Scottish Government's pledge that "new powers will be founded on dignity and respect" will be undermined from the outset if social security cannot be accessed equally by women.

Q: Should payments of Universal Credit be split between members of a household?

Yes	X
No	

The UK policy of one monthly household payment, paid to one individual, is likely to reduce women's access to income and economic autonomy, even if the level of income for the family is sustained. It will also place significant pressure on household budgeting, which is still primarily undertaken by women. Evidence shows that the majority of jointly awarded 'out of work' benefits are claimed by men, a pattern unlikely to change under Universal Credit.³⁶ Assumptions that couples own, access and control joint bank accounts on an equal basis are unfounded, therefore the single household payment will mean many women will have no independent access to an income.

Women who attended our Gender Matters focus groups for this consultation were unanimously in favour of splitting payments.

- "The weans will starve"
- "Absolutely bonkers"

³⁵ Engender (2016) *Gender Matters in social security: Individual payments of Universal Credit*

³⁶ Women's Budget Group (2011) *Welfare Reform Bill 2011: Universal Credit issues*

- “Look at women who are with men who are abusive – it’s not just about violence, there’s a financial abuse as well. Those men could just be taking that money and we wouldn’t see anything. The mother and child wouldn’t get anything. Absolutely horrible”

Single payment of Universal Credit will also undermine the ability to practise financial capability and other skills needed to move into paid work. Women already face multiple barriers which constrain their access to the labour market and to an independent income, and the single household payment will be yet another addition to this. Financial independence is crucial for women, who are twice as dependent on social security as men. Without it we risk returning to the ‘male breadwinner model’ which prioritises men’s employment, sees women trapped in the domestic sphere, and creates huge imbalances of power within households.

- “It’s like going back to the 50s where just the man got a wage and he just kept it”
- “It’ll get spent down the pub”
- “It’s scary to think that my partner will be in total control of the family income, I honestly don’t know to what to think about that.”

Women who face multiple inequalities across society, including disabled, minority ethnic and refugee women, are among those who would be at particular risk of increased harm from a policy that undermines women’s access to resources.³⁷

When couples jointly claim Universal Credit awards, both partners will “play an equal part in the claim”, sharing responsibility for reporting changes, and liability for claimant commitments. This means the single household payment will impose responsibilities without rights on those receiving joint awards. The introduction of personalised conditionality will mean a significant change for women; nearly three in four of those affected are women, many of whom will have had lengthy gaps from paid work.³⁸ In couples with children, one person will be designated as the ‘main carer’ and will be subject to less onerous conditionality; however there is concern that this could lead to some partners falsely assuming this designation for conditionality purposes.

In broad terms, it is a matter of principle that everyone should have access to an independent income. This is vital in ensuring that individuals are able to realise their human rights, including those to food, physical and social security and housing. The principles of universalism and individual entitlement that underpin the welfare state will be eroded by the policy of single household payments and other welfare reforms. As both partners will be liable for claimant commitments, and therefore the risk of sanctions, single payments will impose responsibilities without rights on those receiving joint awards. In practice, neither

³⁷ Engender (2016) *Gender Matters in social security: Individual payments of Universal Credit*

³⁸ Bennett, F. and Sung, S. (2013) *Gender Implications of UK Welfare Reform and Government Equality Duties: Evidence from Qualitative Studies*

partner will have an independent income through Universal Credit, with entitlements depending entirely on the behaviour, actions and any fluctuating earnings of the other.

We should also be able to manage relationships and household affairs without major intervention from the government. It is wholly inappropriate that the state should impose this level of control over household financial management. The policy of single payments is based on a projected nuclear family model that does not reflect reality, and the notion that couples budget in a prescriptive, uniform way. Such assumptions could lead to far-reaching ‘unintended’ consequences for couples and families, including in terms of cohabitation, reconciliation, new or transient couple relationships and child custody rights. Scottish Government has an opportunity to work through and take stock of these assumptions in developing its own policy for payment of Universal Credit.

The Scottish Government and Scottish Parliament are also obliged to protect individual rights set out in a suite of international human rights treaties. These include the UN Convention on disability rights (CRPD), which states that policies should have “respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”, the UN Convention on child rights, and the UN Convention on women’s rights (CEDAW). Individuals right to social security are also recognised in Article 22 of the International Declaration of Human Rights and Article 9 of the International Covenant of Economic, Social and Cultural Rights. Following its last examination of the UK in 2013, the CEDAW committee recommended that the UK Government take action to prevent the potential harm to women caused by household payments of Universal Credit in its ‘concluding observations’ on its examination of the UK.³⁹

Q: If yes, please indicate if you think the default position should be:

a) Automatic payments to individuals, with the option to choose a joint payment

Yes	X
No	

b) Automatic household payments, with the option to choose individual payments?

Yes	
No	X

It is extremely important that the default position is automatic payments to individuals. Automatic household payments with the option to choose individual payments, is the current UK policy which has caused so much alarm amongst equality groups. Even if the option to choose individual payments was made more explicit, this would send a clear signal around the expectation for couples to pool their income. Automatic household payments of

³⁹ UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); CEDAW (2013) Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland

Universal Credit would also increase the likelihood of financial dependency and control, and places women and their children experiencing domestic abuse at increased risk. Around 90% of women experience financial abuse as part of their experience of domestic abuse.⁴⁰

Requiring joint recipients of Universal Credit to nominate who receives the payment at the outset of a claim does not account for the fact that financial decision-making takes place within the context of gendered power dynamics. The majority of jointly awarded 'out of work' benefits are claimed by men and assumptions that couples own, access and control joint banks accounts on an equal basis are unfounded.⁴¹ Although the option to ask for alternative payment arrangements does exist on paper, this is not a realistic 'choice' for many women, especially those experiencing coercive control.⁴²

Women who took part in the Gender Matters focus groups run by Scottish Women's Aid have been shocked to learn the details of UC payment arrangements. Women were concerned that they wouldn't be able to take care of their children as the benefits they received as the main carer could be now withheld to control and punish them. They were worried that when their partner was sanctioned their income would be reduced and women would "bear the brunt" of managing such a situation.

Comments from women include:

- "When there's domestic abuse there's no sharing. I had to provide him with receipts for everything I spent. I would be too scared to ask for money or ask him what the money was spent on."
- "Very scary for women and children"
- "Unlikely to see one penny"
- "fundamentally unfair and dangerous"

Q: If yes, how do you think payments should be split? For example 50/50 between members of a couple or weighted towards the person who is the main carer if the claim includes dependent children?

We are calling for payments to be split in line with entitlements linked to caring. Elements related to dependent children, or caring for disabled, ill or older relatives should go directly to the main carer. Similarly, if housing benefit is included in the claim, and rent is not paid directly to the landlord, this portion of the entitlement should go to the person named on the tenancy.

⁴⁰ Refuge (2008) *What's yours is mine: The different forms of economic abuse and its impact on women and children experiencing domestic abuse*

⁴¹ Women's Budget Group (2011) *Welfare Reform Bill 2011: Universal Credit Payment issues* (87% of JSA claims, 65% of income support claims and 81% of pension credit claims made jointly or that include a dependent partner are made by men.)

⁴² Coercive control is a process used by the perpetrator to entrap a partner. Physical violence is used (or not) alongside a range of other tactics — isolation, degradation, mind-games, and micro-regulation of everyday life

PART 3: OPERATIONAL POLICY

14: ADVICE, REPRESENTATION AND ADVOCACY

Q: What role[s] should publicly funded advice providers play in the development of a new Scottish social security system?

Women at our focus groups repeatedly highlighted the complexity of the social security system, and inherent challenges in navigating it to secure their rights and entitlements.

- “You need a specialist worker to help you because it’s so complicated, you really need to know the system to understand so that you can be confident to ask for what you want.”

With the best will the in the world, the creation of a new agency and new systems will initially increase this complexity and could lead to confusion. We support the calls of colleagues in the Scottish Campaign on Welfare Reform for a right to independent advocacy to be embedded in the legislation.

Q: Do you think that Independent Advocacy services should be available to help people successfully claim appropriate benefits?

Yes	X
No	

Engender believes that this is a key role for advocacy services. Uptake of certain benefits is low, for instance the Best Start Grant, and many women are unaware of their entitlements, for instance to Carer’s Allowance. Preventative spending to ensure that low-income groups, including lone mothers and unpaid carers, are accessing their entitlements will have a positive impact on women’s and children’s poverty. Women at our focus groups spoke at length about the value they place on support and advice, given the difficulty of getting anywhere within the system and their treatment within it.

- “Having help and advice somewhere and not feeling like you’re on your own, that is one of the biggest things.”

15. COMPLAINTS, REVIEWS AND APPEALS

Q: How can we ensure that our values underpin the appeals process for a Scottish Social Security agency?

As with all new operational systems and processes, the principles of dignity, respect and equality must shape the design of the appeals process. Applicants must be made aware of their rights to appeal a decision and to independent advocacy and advice throughout the process. This must be done in a way which sets out to counter the “stressful” and

“degrading” experiences that women have relayed to us repeatedly throughout this consultation process.

Q: Are there any other values that you feel should be reflected in the design of the appeals process?

Gender equality should also be specifically mainstreamed throughout the process, to address the gendered stereotyping and assumptions that women currently experience when accessing social security.

16. RESIDENCY AND CROSS-BORDER ISSUES

We have no particular comments on this section.

17. MANAGING OVERPAYMENTS AND DEBT

Q: Could the existing arrangements for recovering social security overpayments be improved in the new Scottish social security system?

Many women at our focus groups spoke about their fear and anxiety at receiving long, complicated letters about overpayments and debt. This could be resolved with clearer communication, alongside a drive to reduce the number of administrative errors in the first place.

- “The way the letter came, I was really scared. Really scared.”
- “It’s confusing, language isn’t accessible and you can’t understand what it means. I just give up. Ignoring it happens and folk get more and more into debt.”

Women also repeatedly pointed out that it is “impossible” to get through to the correct person or to pin down a response from social security workers when needed. Conversely, when an overpayment has been made they are quick to respond.

- “The benefits agencies should do more to tell you about it, if you’re entitled to it. If you’ve been overpaid they’re on to you immediately, but it’s like they don’t want you to know what you are entitled to.”

18. FRAUD

Q: Should the existing Scottish Government approach to fraud be adopted for use in our social security system?

The extent of fraud within the social security system is exaggerated by the UK Government, and grotesquely skewed by the UK media. This leads to the stigmatisation and cultures of blame that have been described by women in our focus groups, and that the Scottish Government has stated it will tackle. It is therefore disappointing to see an emphasis on

fraud within this consultation document that does not reflect the approximately 0.7% of social security spending that is linked to benefits fraud.

If applicants are to be treated with dignity and respect, it is vital that they are no longer made to feel like they are cheating the system when securing their entitlements.

- “Half the time I leave in tears they are so nasty”
- “It’s like they’re paying you out of their own pocket”
- “You feel like you’re instantly blamed for everything”

19. SAFEGUARDING INFORMATION

Q: Would you support strictly controlled sharing of information between public sector bodies and the agency, where legislation allowed, to make the application process easier for claimants?

Women at our focus groups were supportive of the idea of controlled sharing of information between agencies, provided that they were given the choice to do so. Advantages identified were improved uptake of linked benefits, where people may not have been aware of their entitlements, and reduced stress with regards to completing multiple forms which ask the same questions, and are time-consuming and complicated. People can also assume that they don’t have to make a separate application for qualifying benefits (e.g. the current Sure Start Maternity Grant).

- “There should be better sharing of information between agencies.”

As we have pointed out with regards to medical assessments, there are specific issues around data protection that relate to violence against women, and these must be taken into account. Sharing medical records means that very sensitive personal information, including experience of rape and sexual assault, female genital mutilation, domestic abuse, child sexual abuse, and that of terminating one or more pregnancies will be accessed by more people. This has the potential to function as a significant breach of privacy, dignity, and wellbeing of survivors. Organisations such as Rape Crisis Scotland and Scottish Women's Aid should be consulted during the design of information sharing systems.

Q: What are your views on having the option to complete social security application forms online? Can you foresee any disadvantages?

Many people with experience of the social security system and organisations that work to support them have pointed out that not everyone has access to the internet. This includes many groups of women, who are the majority of older people, working-age people living in poverty and lone parents. The option of other ways to complete the application forms is therefore vital.

Online security is also an issue for women experiencing domestic abuse. The online management of Universal Credit which will allow both members of a couple to access information about payments, appointments and other personal details will be extremely dangerous for some women. The issue of security must be thoroughly explored from this angle to prevent any unintended consequences.

Whilst mindful of this, women at our focus groups felt that greater online flexibilities would be useful, especially with regards to reducing complexity and confusion. An online profile, which would only be accessible by the applicant, with all information in one place was proposed as a potentially useful tool.

20. UPDATING

Q: What are your views on the best way to ensure that devolved benefits keep pace with the cost of living?

Devolved entitlements should be increased in line with the Retail Price Index, or else Scottish Government commitments to tackle poverty, inequality and gender inequality will be undermined. The new Best Start Grant will total £1100 for the first child, an increase of £600 on the current Sure Start Maternity Grant (SSMG). However, if the SSMG had been updated in line with the cost of living, it would now equate to more than these new proposals.

A system similar to the UK Government's 'triple lock' on pensions could also be adopted, whereby benefits rates are guaranteed to rise in line with whichever is highest - 2.5%, inflation or earnings. In this case, inflation would have to be pegged to the Retail Price Index, as illustrated by the effective cut to the basic state pension when it was tied to the Consumer Price Index instead.

FOR FURTHER INFORMATION

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ABOUT ENGENDER

Engender has a vision for a Scotland in which women and men have equal opportunities in life, equal access to resources and power, and are equally safe and secure from harm. We are a feminist organisation that has worked in Scotland for 20 years to advance equality between women and men.

ANNEX 1

Proposed outcomes for the Scottish social security system

Short and medium term outcomes		Long term outcomes
 <p>People applying for or in receipt of Scottish benefits and their families</p>	<p>People applying for or in receipt of Scottish benefits are:</p> <ul style="list-style-type: none"> • treated with dignity and respect. • can access help and advice to claim the benefits they are entitled to. • supported throughout the application assessment process. • given a choice about how their benefits are administered. • have positive experience of the Scottish social security system. 	<p>People in receipt of Scottish benefits and their families are enabled to have:</p> <ul style="list-style-type: none"> • an increased sense of control and empowerment over their lives. • an increased sense of confidence and security. • are happier and are more resilient • are better able to participate in society and fulfil their potential in life.
 <p>The Scottish social security system</p>	<p>The Scottish social security system is:</p> <ul style="list-style-type: none"> • administered in a swift and streamlined manner which meets the needs of recipients. • accessible, user friendly and simple to access. • aligned effectively as possible with the reserved benefit system. • aligned effectively as possible with other services to help ensure recipients get the support they need. 	<p>The Scottish social security system is:</p> <ul style="list-style-type: none"> • works effectively with the reserved benefit system. • effectively integrated with other services to ensure a person-centred service where recipients get the support they need when they need it. • advances equality by how it operates and what it delivers.
 <p>Scottish benefits</p>	<p>Scottish benefits:</p> <ul style="list-style-type: none"> • target the right people and seek to impact on poverty and inequality. • make a positive difference to recipients. • are paid to as many of those who are entitled to them as possible. • are paid at the right time and at the right amount to make a positive difference to recipients. 	<p>Scottish benefits continue to:</p> <ul style="list-style-type: none"> • target the right people and are impacting on poverty and inequality. • be paid to as many of those who are entitled to them as possible. • be paid at the right time and at the right amount to make a positive difference to recipients.
 <p>People resident in Scotland</p>	<p>People resident in Scotland:</p> <ul style="list-style-type: none"> • have an awareness of benefits and who and what they are for. • view the benefit and those who receive them positively . • see Scottish benefits as providing value for money . 	<p>People resident in Scotland:</p> <ul style="list-style-type: none"> • view benefit recipients positively and without stigma. • recognise the vital role that carers fulfil in society and to the economy. • value social security as they do other public services.
<p>Other public and third sector services.</p> 	<p>Other public and third sector services:</p> <ul style="list-style-type: none"> • experience less pressure due to the changes to social security in Scotland. <p>Alongside the health and social care system:</p> <ul style="list-style-type: none"> • social security has a part to play in enabling wellbeing, and in particular, to enable people to live healthier lives in their community. 	<p>Other public and third sector services:</p> <ul style="list-style-type: none"> • experience less pressure due to the changes to social security in Scotland. <p>Alongside the health and social care system:</p> <ul style="list-style-type: none"> • social security has a part to play in enabling wellbeing, and in particular, to enable people to live healthier lives in their community.