



Law Society  
of Scotland

# A New Future for Social Security

Law Society of Scotland's Response to Scottish Government Consultation

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The Law Reform (soon to be Public Policy) Committee has an overarching duty to ensure that, through engagement in the law reform process, the Society fulfils its statutory objectives to promote the interests of the solicitors' profession, and of the public.

## A definition:

*“The overall system by which decisions of an administrative or executive nature are made in relation to particular persons, including:*

*the procedures for making such decisions,*

*the law under which such decisions are made and*

*the systems for resolving disputes and airing grievances in relation to such decisions”.*

# Administrative Justice Sub Committee



The Sub-Committee was established in 2014.

Committee Members come from both within and outside the legal profession bringing background knowledge of the scope, statutory and regulatory framework of the civil justice system including the administrative justice and tribunals systems in Scotland.

# Aims and Functions

- Promote access to justice for the public
- To identify barriers to access to justice and, where possible, work alone or with others to identify or implement solutions
- Monitor the supply of publicly funded legal assistance across Scotland, encouraging greater coordination of services
- To examine how a range of funding sources for, and providers of, legal advice can be encouraged
- Liaise and negotiate with external organisations such as Scottish Government, Citizens Advice and others
- To identify opportunities to promote Pro Bono work
- To build the Society's relationship with law centres, Part V solicitors, and other advice providers
- Collaborate with other LSS Committees, including Civil Justice, the civil Legal Aid negotiating team, Mental Health and Disability, Equality and Diversity and Human Rights and Discrimination.

# Key areas of work

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- Consider proposals from The Scottish Government, UK Government and the European Union Institutions in so far as they impact on administrative justice in Scotland
- Monitor and keep under review developments in the administrative justice system of Scotland
- Engage in discussions with external third parties including Government and public officials and others as to developments which affect administrative justice and tribunals in Scotland
- Review and comment on proposed draft and amended legislation on behalf of The Law Society of Scotland

# Why social security?

- Solicitors (Scotland) Act 1980, section 1:
  - (2) The objects of the Society shall include the promotion of—
    - (a) the interests of the solicitors' profession in Scotland; and
    - (b) the interests of the public in relation to that profession.*
  - (3) The Society may do anything that is incidental or conducive to the exercise of these functions or the attainment of those objects.*
- Social security working group
  - Responding to the consultation

# Part 1: a principled approach

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- Delivery
- Medical evidence and assessments
- Independent scrutiny



# Part 3: Operational policy

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- Advice, representation and advocacy
  - Root and branch review
- Internal reviews
- Overpayments and fraud

# Next steps

- Input from other Committees
- Social Security Bill
- Engagement with Scottish Government

# A final thought

GPs charge debtors up to £150 for evidence of mental health condition

***“Paying £20 for the doctor’s note had a really big impact...I didn’t have any money left...I couldn’t afford fresh food...”***

*Ian, member of the Money and Mental Health Research Panel*

#StoptheCharge

[Moneyandmentalhealth.org/stopthe charge](http://Moneyandmentalhealth.org/stopthecharge)



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# Thank you