

SOCIAL SECURITY (SCOTLAND) ACT 2018

EXPLANATORY NOTES

OVERVIEW

Part 1 (Tenets and Oversight)

Restriction on private-sector involvement in assessments (section 12)

21. In order to access assistance under the Scottish social security system a person may have to undergo an assessment. Section 12 prevents someone being required to undergo such an assessment by a person who is not working in the public sector (as defined by subsections (2) and (3)).
22. While section 12 prevents a person from being required to undergo an assessment by a person not working in the public sector, it does not preclude the Scottish Government from taking an assessment report prepared by a private-sector body into consideration in determining someone's entitlement to assistance should they wish the government to do so.
23. It may be an eligibility condition for receiving Scottish social security assistance that a person is eligible for assistance through other schemes. For example, being in receipt of a UK Government disability benefit may be an eligibility criterion for receiving winter heating assistance (see section 30). Subsections (4) and (5) of section 12 clarify that the restriction on the use of non-public sector assessments established by subsection (1) does not preclude eligibility for Scottish social security assistance being made to depend on eligibility for other forms of assistance which may have required assessment by a person not working in the public sector.