

# **SOCIAL SECURITY (SCOTLAND) ACT 2018**

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## **EXPLANATORY NOTES**

### **OVERVIEW**

#### **Part 1 (Tenets and Oversight)**

##### **Scottish social security charter (sections 15 to 19)**

26. **Section 15** defines what the Scottish social security charter is to be. The charter is to set out what can be expected from the Scottish Ministers in designing and delivering social security, and from persons who apply for, and receive, assistance from the Scottish social security system (see section 15(2) and, for the meaning of “Scottish social security system”, see section 23). The charter is to do so in a way which reflects the principles articulated in section 1 (see section 15(3)). For example, the charter will provide for how respect for the dignity of individuals will be placed at the heart of the system (the principle articulated in section 1(d)) when Ministers are exercising functions such as determining a person’s entitlement to assistance.
27. **Section 16** requires the charter to be published for the first time within 6 months of that section coming into force (section 16 is to come into force on a date appointed by regulations under section 99). Section 16 also provides for consultation in development of the charter, which must include consultation with the persons listed in subsection (4). These are persons who are receiving from the UK Government the types of assistance that correspond to those which will in future be provided to people in Scotland by the Scottish Government under Part 2 of the Act. Subsection (3) requires that in consulting certain categories of people described in subsection (4), the Scottish Ministers must consult them in representative proportions based on whether they have physical or mental impairments. Subsection (5) makes clear that consultation undertaken before the Bill for the Act was passed, or section 16 was brought into force, can be taken into account in determining whether the statutory consultation duty created by section 16 has been complied with.
28. **Section 17** requires the Scottish Ministers to make the charter available to the public. This is an ongoing duty placed on Ministers. As the charter may change from time to time in accordance with section 18, the Ministers will have to ensure that the version of the charter made available to the public as required by section 17 is the current version.
29. **Section 18** requires the charter to be reviewed every five years. It requires the Scottish Ministers to include as part of the review process consultation with the Scottish Commission on Social Security (established by section 21), persons who have received assistance through the Scottish social security system (as defined by section 23) and bodies who work with, or represent, people whose finances are adversely affected by a person in the household having a protected characteristic listed in section 4 of the Equality Act 2010 (for example age, disability). After each review the Scottish Ministers must provide a report to the Parliament explaining the consultation undertaken and what changes to the charter (if any) have been made, with reasons why changes have been made, or not made.

*These notes relate to the Social Security (Scotland) Act  
2018 (asp 9) which received Royal Assent on 1 June 2018*

30. [Section 19](#) allows courts and tribunals to take the charter into account where it is relevant, and makes clear that breach of any of the expectations set in the charter is not, of itself, a ground for legal action.