



# Social Security (Scotland) Act 2018

## 2018 asp 9

### PART 1

#### TENETS AND OVERSIGHT

##### *Promotion of take-up*

### 3 Scottish Ministers' duty to promote take-up

The Scottish Ministers must—

- (a) keep under consideration what steps they could take to ensure that individuals are given what they are eligible to be given through the Scottish social security system, and
- (b) if the Ministers consider it appropriate to do so, take any of the steps identified by that consideration.

#### Commencement Information

- II S. 3 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

### 4 Recognition of importance of inclusive communication

- (1) In fulfilling their duty under section 3(a), the Scottish Ministers must have regard to the importance of communicating in an inclusive way.
- (2) In subsection (1), “communicating in an inclusive way” means communicating in a way that ensures individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual's needs.

*Status: Point in time view as at 10/12/2019.*

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#### Commencement Information

**I2** S. 4 in force at 22.10.2018 by S.S.I. 2018/298, **reg. 2(1)(b)** (with **reg. 3**) (as amended (10.12.2019) by S.S.I. 2019/406, **regs. 1, 2(2)**)

### 5 Recognition of importance of accessible information

- (1) In fulfilling their duty under section 3(a), the Scottish Ministers must have regard to the importance of providing information in a way that is accessible for individuals who have a sensory, physical or mental disability.
- (2) The steps taken by the Scottish Ministers under section 3(b) must include steps in relation to ensuring that—
  - (a) the information this Act requires the Scottish Ministers to give to an individual is given in a format that is accessible to the individual, and
  - (b) all information which this Act requires the Scottish Ministers to make publicly available is available in formats that are accessible to individuals who have a sensory, physical or mental disability.

#### Commencement Information

**I3** S. 5 in force at 22.10.2018 by S.S.I. 2018/298, **reg. 2(1)(b)** (with **reg. 3**) (as amended (10.12.2019) by S.S.I. 2019/406, **regs. 1, 2(2)**)

### 6 Recognition of importance of independent information, advice and advocacy

- (1) In fulfilling their duty under section 3(a), the Scottish Ministers must have regard to the role that—
  - (a) independent information and advice, and
  - (b) independent advocacy,
 can play in ensuring that individuals are given what they are eligible to be given through the Scottish social security system.
- (2) The steps taken by the Scottish Ministers under section 3(b) must include steps in relation to providing, or ensuring the provision of, information about—
  - (a) independent information and advice, and
  - (b) independent advocacy,
 for individuals applying for, or receiving, assistance through the Scottish social security system.
- (3) The steps taken by the Scottish Ministers under section 3(b) must include steps in relation to ensuring the availability of independent information and advice (that is accessible to, and proportionate to the needs of, the individuals to whom it is given) about the Scottish social security system, and the following matters in particular—
  - (a) how to apply for assistance,
  - (b) the process by which entitlement to assistance is determined,
  - (c) the types of assistance available,
  - (d) income maximisation,
  - (e) the content of the Scottish social security charter.

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- (4) For the purposes of this section, information, advice and advocacy are independent if they are provided by a person other than the Scottish Ministers.

#### Commencement Information

- I4** S. 6 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

### 7 Recognition of importance of available data

In fulfilling their duty under section 3(a), the Scottish Ministers must have regard to the possibility that information obtained for the purpose of determining an individual's eligibility for one type of assistance might be used to identify the individual's eligibility for other types of assistance.

#### Commencement Information

- I5** S. 7 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

### 8 Strategy to promote take-up

- (1) The Scottish Ministers are to prepare a strategy to promote take-up in accordance with this section and section 9.
- (2) A strategy to promote take-up is to set out—
- (a) the Scottish Ministers' best estimate of the extent to which, at the time the strategy is prepared, all individuals who are eligible to be given assistance through the Scottish social security system are being given the assistance they are eligible to be given,
  - (b) the steps under section 3(b) that the Ministers intend to take during the strategy's lifetime.
- (3) Having prepared a strategy to promote take-up, the Scottish Ministers must—
- (a) lay it before the Scottish Parliament, and
  - (b) make it publicly available by such means as they consider appropriate.

#### Commencement Information

- I6** S. 8 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

### 9 Further provision about preparing strategies to promote take-up

- (1) The Scottish Ministers must prepare—
- (a) the first strategy to promote take-up within 1 year of this section coming into force,
  - (b) the second strategy within 3 years of this section coming into force, and

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- (c) thereafter, a new strategy within 5 years of the last strategy being laid before the Parliament in accordance with section 8(3)(a).
- (2) In preparing a strategy to promote take-up, the Scottish Ministers must consult such persons as they consider appropriate.
- (3) The persons consulted must include—
  - (a) individuals who have received assistance through the Scottish social security system, and
  - (b) persons who work with or represent individuals living in households whose income is adversely affected, or whose expenditure is increased, because a member of the household has one or more protected characteristics within the meaning of section 4 of the Equality Act 2010.

#### **Commencement Information**

- I7** S. 9 in force at 22.10.2018 by [S.S.I. 2018/298](#), [reg. 2\(1\)\(b\)](#) (with [reg. 3](#)) (as amended (10.12.2019) by [S.S.I. 2019/406](#), [regs. 1, 2\(2\)](#))

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