



The Coalition of Carers in Scotland

Submission to the Smith Commission – October 2014

The Coalition of Carers in Scotland welcomes the Smith Commission and the opportunity to create a fairer, more equal Scotland through the introduction of further devolved powers to the Scottish Government.

There has been a clear commitment by all the main political parties at Westminster to deliver further powers to Scotland and these promises must be delivered on.

While we welcome the opportunity to submit our views to this process, we feel that the timescale has not allowed organisations like ours to fully consult with our members. We believe that there is a need for meaningful public involvement on how constitutional reform may best be achieved and what it should encompass. This must be incorporated into the next stage of the process.

However, the views we set out here reflect the expressed voices of carers over many years, particularly on issues of welfare and employment rights which carers have recognized as key policy areas for improved carer support.

Principles underpinning Devolution

A Human Rights Approach: We believe that additional powers should be underpinned by a human rights approach. With greater autonomy Scotland will have the ability to view any new powers in a holistic way, looking at how they impact on the lives of individuals and ensuring that any changes, such as new rights, are consistent with the principles and overall policy direction already in existence in Scotland.

Equity: We think the starting premise for giving more powers to the Scottish Parliament must be the ambition to deliver opportunity, reduce inequality and ensure positive outcomes for all the people of Scotland. In terms of building a fairer society, priority must be given to ensuring equity of opportunity for the more vulnerable and disadvantaged members of society, including disabled people and their unpaid carers.

Involving Citizens: We also believe that there needs to be a new relationship, not just between citizens and central government, but with individuals, communities and local

government, co-producing solutions, rather than being the passive recipients of a top-down approach. Individuals and communities should have a central role in shaping how Scotland will use its new powers

Barnett formula: In devolving further powers to Scotland there must be agreement in relation to the allocation of resources. We believe that Scotland must not be financially disadvantaged in this process and that the existing Barnett formula should be used during the transition period to calculate the resources to transfer to Scotland and in the future allocation of grants

Parity We do not believe the principle of 'parity' is conducive to enabling Scotland to have autonomy over its decision making. We do not believe Scotland should be constrained in developing its own policy and legislation by the rules applied in the rest of the United Kingdom. Any additional functions that are devolved to Scotland must be devolved with full power. It would not be meaningful to devolve the administration of policies which are set by Westminster.

Welfare

1. Responsibility for all welfare policy and administration should be devolved. We believe that in relation to Welfare Benefits, we need to be 'All in or all Out' The benefit system is very complex with the way in which benefits interact with each other. We therefore do not feel it would be achievable to devolve some benefits, and not others, without making the system even more complex and difficult to navigate. Neither do we agree with the proposal to devolve Attendance Allowance, without other disability benefits. We believe this would result in an unfair system which would inevitably disadvantage either younger disabled people, or older disabled people.
2. As a priority the roll out of Universal Credit and Personal Independence Payments in Scotland should be halted to ensure that the practical ability to devolve individual benefits is not compromised.
3. We endorse the recommendations in the Scottish Government's Expert Working Group on Welfare's Report '*Re-Thinking Welfare*' and believe this should be used as a basis for reforming welfare benefits in Scotland.
4. We believe that by devolving welfare to Scotland there will be the opportunity to to redefine how we support disabled people and their unpaid carers, to create a much fairer system. It will also allow Scotland to look at how carers can be supported to balance paid employment with their caring responsibilities, by removing some of the barriers which are currently in place as a result of the benefits system.
5. We particularly support the recommendation in *Re-Thinking Welfare* to increase Carers Allowance in line with Job Seekers Allowance to £72.40 a week. This would benefit over 100,000 carers by an extra £575 a year. We believe that Carers Allowance, as the lowest means-tested benefit, is inadequate and in the

event of Scotland assuming responsibility for all welfare benefits the Scottish Government should commit to a full review of Carers Allowance

6. While local charging policies for non-residential social care services are currently devolved in Scotland, how welfare benefits interact with charging policies is outwith the control of local councils, making the current system for charging complicated and inequitable. By assuming control for both areas the Scottish Government would have the ability to simplify processes and introduce a fairer more transparent system for charging

Equality and Human Rights

1. Scotland should have full devolved responsibility for equalities and be empowered to design and implement equality legislation. We see this as being imperative to enable Scotland to address current inequalities in society and create stronger, fairer communities. This is already the case in Northern Ireland
2. Carers are impacted, not only in relation to their own situation, but also in relation to the person they care for, as a result greater equality for disabled people will benefit carers as well.

Taxation

1. We support full fiscal responsibility for the Scottish Parliament with all tax revenues being retained in Scotland. The Scottish Parliament should have policy responsibility for all taxes unless there is a specific reason for a continued reservation.
2. We believe that the Scottish Parliament should have the power, not only to set policy, but to have control over the funding required to implement policies which they agree through a democratic process
3. Having responsibility for taxation will also provide Scotland with the opportunity to work towards greater income equality. Since low income and poverty is a major factor in health inequalities, this will also support the Scottish Government's policies in relation to health.
4. We support the Scottish Government's proposal to look at 'taxation policy to enhance charitable giving and to alter the tax regimes for Third Sector organisations which are not charities.' We believe that Scotland should have the power to support the third sector in this way.

Employment Law

1. We support the devolvement of all employment law and employability policy
2. We believe that Scotland should have the power to introduce its own policies to create jobs and reduce unemployment and that the revenue raised should be retained to enable further reinvestment
3. We believe Scotland should have the ability to set the minimum wage and we

support the Scottish Government's commitment to work towards a living wage for the lowest paid.

4. There are any examples of the positive impact of employment law in introducing more flexible working for carers. We believe that Scotland should have the power to build on this best practice to provide the right environment to enable carers to retain or return to employment. This should include an extension of the Carer Kitemark scheme and the introduction of a statutory entitlement to paid care leave for people with a significant caring role (as suggested at the Carers Parliament 2014)

Legislative Competence and Representation in Europe

1. The Scottish Parliament should become responsible for its own elections, rules and procedures
2. We support the recommendation from the Scottish Youth Parliament and the Young Carers Festival to lower the voting age to 16 for all elections
3. We support the proposal from the Scottish Green Party for Scotland to have the power to develop a written constitution
4. We believe Scotland should be represented as a nation within European and global governance forums to advance the specific interests of Scotland's citizens on all future devolved powers.

About The Coalition of Carers in Scotland

The Coalition of Carers in Scotland exists to advance the voice of carers by facilitating carer engagement and bringing carers and local carer organisations together with decision makers at a national and local level.

Since its inception in 1998 the Coalition has played a fundamental role in advancing carer recognition and support and more recently in establishing a Carers Rights agenda in Scotland.

It is our vision that carers in Scotland will achieve full recognition as equal partners in care. Carers will have the right to quality services and access to personalised support at every stage in their caring role to ensure they enjoy good health and a life outside of caring.

Through our membership we connect with carers and carer-led organisations from all local authority areas and from many different caring communities, ensuring that carers from the Borders to the Shetlands have the opportunity to have their views heard.

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