



The Scottish Parliament  
Pàrlamaid na h-Alba

## Social Justice and Social Security Committee

Rt. Hon. Sir Jack Beatson FBA  
Chair  
The Independent Commission  
on UK Public Health Emergency  
Powers

Social Justice and Social Security Committee  
The Scottish Parliament  
Edinburgh  
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Via email only

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Dear Rt. Hon. Sir Jack Beatson FBA,

### Consultation on UK Public Health Emergency Powers

Thank you for inviting the Committee to respond to the Independent Commission's call for views and inform the Commission's work in providing a legal and constitutional analysis of emergency public health laws in the UK; parliamentary oversight of emergency public health powers; and the ways in which emergency laws and public health guidance were made, scrutinised, utilised and disseminated during the COVID-19 pandemic.

The Committee notes that the Commission's UK call for views hopes to explore:

- 1) Existing legislative options during a public health emergency
- 2) Legislation enacted during the COVID-19 pandemic
- 3) The creation of offences and enforcement powers
- 4) Divergences throughout the UK
- 5) Parliamentary scrutiny processes
- 6) The adaptation of parliamentary procedures
- 7) The use of guidance vs. law
- 8) Legal clarity
- 9) International comparisons.

We refer you to the SPICe Spotlight "[COVID-19 emergency powers: a short explainer](#)". Information below is provided to give you a broader context to your deliberations.

The Social Justice and Social Security Committee was established in June 2021, and as such, many of the early actions taken in response to the COVID-19 pandemic pre-date this Committee. In this regard we highlight the Session 5 Social Security Committee's [legacy report](#) and its [inquiry into the social security response to COVID-19](#). The Scottish Government responded to this report on [2 July 2021](#).

Other aspects of our remit relating to the pandemic were covered by the Session 5 Equalities and Human Rights Committee and its [report on the impact of the COVID-19 pandemic on equalities and human rights](#). Specifically, the areas of our remit it covers are the third sector, violence against women and girls, and refugees and asylum seekers. The Scottish Government responded to this report on [8 September 2021](#).

In the current session, the Committee has scrutinised several areas within its remit that relate to the pandemic and marginalised groups.

### **Social security and poverty (including child poverty)**

On [20 July 2021](#) the Committee wrote jointly with other UK Parliamentary Committees to the UK Government, regarding the ending of the £20 Universal Credit Uplift to support people through the pandemic. The Secretary of State responded on [6 August 2021](#).

Much of the work undertaken on social security and poverty by the Committee has been through its pre-budget scrutiny 2022-23. In particular, the Committee considered the impact of COVID-19 and trends in eradicating child poverty (see the [SPICe briefing](#) for the [16 September 2021](#) meeting). The Scottish Government's [response](#) to the Committee's [pre-budget letter](#) sets out the financial decisions taken to support people experiencing poverty.

### **Homelessness and rough sleeping**

On [4 November 2021](#), the Committee held an evidence session on homelessness and rough sleeping.

According to the [SPICe briefing](#) produced for the session, "during the pandemic year, 2020/21, homeless applications to councils declined (although not everyone who is homeless will make an application to a council). In 2020/21, councils received 33,792 homeless applications, decrease of 9% compared to 2019/20. In 2020/21, 27,571 households were assessed as homeless in 2020/21, a decrease of 13% compared to 2019/2020."

Also, "one of the impacts of the pandemic is that there has been an increase in the number of people in temporary accommodation as COVID-19 restrictions limited the ability of councils to move households into permanent accommodation. The number of households in temporary accommodation had been at a stable high of 10-11,000 for the decade up until March 2019. At 31st March 2021 there were 13,098 households in temporary accommodation, a 12% increase from the previous year."

Theme 1 of the SPICe briefing sets out the actions taken in response to the COVID-19 pandemic, including restrictions to evictions. Legislation regarding evictions falls within the remit of the [Local Government and Communities Committee](#) in session 5, and in session 6, the [Local Government, Housing and Planning Committee](#) and the [COVID-19 Recovery Committee](#) including the [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill](#).

Themes raised in the Committee's evidence session highlighted that the pandemic exposed issues with the homelessness system (Col 8); the pandemic was a catalyst to overcoming barriers in systems with a reduction in rough sleeping (Col 9); and the pandemic led to better joined up working between local authorities and the third sector (Col 8).

### **Refugees and asylum seekers**

Evidence sessions held on [3](#) and [10](#) February 2022 examined the policy area of refugees and asylum seekers. SPICe briefings for [3](#) and [10](#) February provide background to the sessions.

The Committee was told by JustRight Scotland that COVID-19 had an impact on employment. Statutory sick pay, the furlough scheme and the self-employment income support scheme were not accessible to migrants with No Recourse to Public Funds (NRPF) conditions unless they had a work visa. NRPF migrants who do not have access to the welfare system were much more likely to experience destitution (Col 10, 10 Feb).

The Committee heard the public health emergency enabled different ways to deal with people experiencing NRPF. For example, Glasgow City Council put in place a new support structure for single men with NRPF. Also, they highlighted there were no negative cessations in Glasgow (a negative cessation is when people are evicted from asylum accommodation because the Home Office considers them as "appeals exhausted"). Stakeholders advised this was not the approach taken in the rest of the UK. Concerns were raised that when the Home Office decides to restart negative cessations, it would be challenging for the local authority to continue to provide additional support for people with NRPF (Col 11, 3 Feb).

### **Third Sector**

The Committee held an evidence session on [9 December 2021](#) focusing on recovery of the third sector from the pandemic. The associated [SPICe themes paper](#) sets out the background to the session, including actions taken by the Scottish Government.

In evidence, the Scottish Council for Voluntary Organisations (SCVO) referred to their research which showed that 98% of the sector faced challenges since the start of the pandemic, 88% experienced disruptions to service delivery and roughly half experienced financial issues. About 600 organisations were surveyed in total, 9% of which had to make staff redundancies. The Committee was told the Scottish Government provided significant support for the Scottish voluntary sector, in particular the third sector resilience fund, which SCVO said saved thousands of jobs. They also advised the furlough scheme was hugely important as well. SCVO's research showed that 29% of organisations made use of the furlough scheme (Cols 3).

## **Violence against women and girls**

This session was held on [3 March 2022](#). The [SPICe briefing](#) highlights the impact of the pandemic (page 8).

Evidence from Engender stated that there was increased funding for violence against women services, but the further upstream issues were not considered. For example, when schools were shut, we saw a huge increase in domestic work and childcare, and care for adults and older people was offset from the state back to the household, and largely it was women who picked that up (Col 4).

Scottish Women's Aid said issues around people with no recourse to public funds demonstrated how, in Scotland, in a public health crisis, women and children living with domestic abuse and who had NRPF were supported in a more humane and human rights-based way (Col 7).

The Committee considers the information collated above will provide the Commission with an understanding of the breadth and complexity of the pandemic scrutiny undertaken by the Committee and its predecessor committees. In addition, the Committee highlights the importance of the legacy process to inform newly established committees to take decisions about further scrutiny of issues related to the public health emergency. This was particularly crucial as the Parliament moved its focus from immediate action during the pandemic to sustainable recovery from the pandemic.

We wish the Commission well with its review of the UK's public health legislative framework, institutional arrangements, and Government decision-making during the COVID-19 pandemic.

Yours sincerely,



**Natalie Don MSP**  
**Convener**  
**Social Justice and Social Security Committee**