



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# **Social Justice and Social Security Committee**

**Thursday 10 March 2022**

**Session 6**



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**SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**  
**10<sup>th</sup> Meeting 2022, Session 6**

**CONVENER**

\*Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP)

**DEPUTY CONVENER**

\*Natalie Don (Renfrewshire North and West) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Miles Briggs (Lothian) (Con)

Foysol Choudhury (Lothian) (Lab)

\*Pam Duncan-Glancy (Glasgow) (Lab)

\*Marie McNair (Clydebank and Milngavie) (SNP)

\*Emma Roddick (Highlands and Islands) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Andrew Latto (Department for Work and Pensions)

Margarita Morrison (Department for Work and Pensions)

Chloe Smith MP (Minister for Disabled People, Health and Work)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



**Scottish Parliament**  
**Social Justice and Social  
Security Committee**

*Thursday 10 March 2022*

*[The Convener opened the meeting at 09:00]*

**Decision on Taking Business in  
Private**

**The Convener (Elena Whitham):** Good morning and welcome to the 10th meeting in 2022 of the Social Justice and Social Security Committee. Our first item of business is to decide whether to take items 4 and 5 in private. Do members agree to that?

**Members indicated agreement.**

**Department for Work and  
Pensions (Devolved Social  
Security)**

09:00

**The Convener:** Agenda item 2 is the role of the Department for Work and Pensions in devolved social security. This morning we will hear from Chloe Smith MP, who is the Minister for Disabled People, Health and Work. She will discuss how the Department for Work and Pensions is supporting the Scottish Government and its implementation of the social security provisions of the Scotland Act 2016. There is interdependence between the hybrid Scottish and United Kingdom systems in delivery, infrastructure and decision making. The committee is keen to develop its working relations across the nations at parliamentary and governmental levels.

I welcome Chloe Smith to the meeting. The minister is accompanied by Andrew Latto, who is the deputy director for pensioner benefits and carers allowance policy in the devolution team, and Margarita Morrison, who is the area director for work and pension services Scotland at the Department for Work and Pensions. I invite the minister to make a short opening statement before moving to questions from committee members.

**Chloe Smith MP (Minister for Disabled People, Health and Work):** Thank you very much, Ms Whitham. Can I double-check that you can hear me and see me as you would expect to?

**The Convener:** Yes, we can, thank you.

**Chloe Smith:** Great. That is an excellent place to start. I thank the committee very much for inviting us today, Ms Whitham; your predecessor issued the invitation. We are very pleased to be here to talk about the issues at hand.

It might be helpful to make a few broader remarks—as you have invited me to do—before questions start. I want to begin by underlining the long-standing commitment of the United Kingdom Government to devolution. The Scotland Act 2016, as you know, devolved significant social security powers to the Scottish Parliament. Full legislative responsibility transferred to the Scottish ministers in 2016, with executive competence passing on in April 2020.

Therefore, a range of benefits continue to be administered by the DWP, under agency agreements, on behalf of the Scottish ministers. In practice, that means that my department and I continue to work in close collaboration with the Scottish Government, including Social Security Scotland, at both ministerial and official levels, to support the implementation of the devolved

powers. That includes sharing information to support administration of the new benefits—such as the carers allowance supplement—providing access to our customer information systems to identify and verify information, and giving Social Security Scotland use of our payment and accounting services.

As you know, we have already commenced the transfer of some existing disability living allowance for children cases, and joint planning is under way on the transfer of the other existing case loads. Our core shared priority is to do that safely and securely without disruption to claimants. That is not without its challenges—which, of course, it would be good to discuss today.

I think we are all aware that there is an ambitious to-do list ahead of us in 2022. The resource that is required from both Governments is considerable. As we saw during the pandemic, we are at our strongest when we are able to work together to achieve common goals. Therefore, it is absolutely essential to maintain an open dialogue between the two Governments to ensure that we understand the Scottish Government's policy and design at the earliest opportunity, especially in cases in which the Scottish Government is relying on the DWP to support delivery. That allows us to do the necessary planning and to avoid having unnecessary interdependencies at the policy, data or operational levels.

As we move forward, many people in Scotland will receive support from both Governments; many recipients of Scottish social security benefits also receive reserved DWP benefits and employment support. Again, we need very clear and close working together, which we intend to do in order to help claimants to be clear about how to get the support that they need from both organisations.

As and when systems diverge in the future, we intend to continue to work very closely with the Scottish Government to understand the relationship between the devolved and reserved elements to make sure that we take into account people's experiences.

I want us to work together to deliver all that because I want Scottish people to get the support and the opportunities that they need. When we work together successfully, we are helping people to be safer and stronger, and more prosperous. I see it as an absolute privilege to be in this role and, therefore, to be with you today answering questions, because it is important to provide that foundation at scale for so many citizens.

As you mentioned, Ms Whitham, I am accompanied today by Andrew Latto, who is my deputy director for devolution, and Margarita Morrison, who will be able, in particular, to

illustrate how we serve Scottish people on the ground through the jobcentres and so much more.

**The Convener:** Thank you very much for your opening statement. I will move straight to questions from members. There is a lot of interest in putting questions to the minister, so I urge my colleagues, if a question has been answered, to reframe their questions a little to allow enough time for discussion.

We will look at five broad themes. The first is UK disability benefit reform. We will then move on to questions on passported benefits, then on to case transfer, then on to Scottish child payment data sharing and, finally, we will have questions on the fiscal framework review. I will start off with my colleague, Miles Briggs, who is in the room, then we will move on to Pam Duncan-Glancy, who is also in the room

**Miles Briggs (Lothian) (Con):** Good morning, minister. Good morning to your officials, as well. Thank you for joining us today.

I want to start by looking at how the systems have worked during the pandemic. I think that we all accept that there have been unprecedented pressures put on the social security system. Specifically, how have the systems both within the DWP and in its working with Social Security Scotland been able to respond?

**Chloe Smith:** That is critical. I think that one of our core common goals ought to be how we recover from the pandemic and support people in doing so right across the United Kingdom. Certainly that is at the forefront of my mind.

I think that the scale of what we have been able to do speaks for itself. We saw during the pandemic how we had to work together in order to be able to face up to one of the biggest challenges in recent memory. If you look at what we were able to do, for example through the furlough scheme and more, you can see that about 900,000 jobs in Scotland have been supported or protected by the UK Government's scale of support. That begins to give an idea of the extent of what we have been through.

Of course, at the same time systems including universal credit hugely ramped up—again, so that we were able to support people in their hour of need. I can pass to Margarita Morrison, if she would like to add some practical detail about what that looked like in the immediate circumstances, as people in need walked through the doors of jobcentres.

I point to how much we have to do together to recover now. Much of that can be supported through DWP services and in the common work that we must do together, which I have been

talking through. Of course, a lot of this goes much wider and into the broader needs of the economy.

Will it be helpful if I let Margarita Morrison say something on the front-line part of the work?

**Miles Briggs:** Yes.

**Margarita Morrison (Department for Work and Pensions):** We practically doubled our case load at the beginning of Covid, so it was very important that we got in additional colleagues. We brought in about 1,200 additional work coaches in Scotland and we did fast-track training to make sure that they could do the immediate things, which were about getting claimants paid.

Our jobcentres remained open throughout the pandemic. Even during the period when the whole country was closed down, we made sure that we were doing customer welfare calls so that we could understand, from people at home, what help we could provide for them. If there were issues of concern, we passed them to our advanced customer-service leads to ensure that they got in touch and could talk through the issues and provide help and support that the customer needed.

We work very closely with the Scottish Government. We have a joint operational forum where issues are discussed. The key thing for us was to make sure that people had money in their pockets. Then, we could start to talk to them about the future at a later stage of the pandemic. That worked very well. I will have to get the exact figure; in the mid-90s per cent of people were paid on time at the beginning of the pandemic, so the system stood up extremely well.

**Miles Briggs:** That is very good to hear. Further to that, now that we are coming out of the pandemic, I want to ask about future plans, before I move on to disability benefit reform questions. How is the labour market in Scotland recovering? How are key programmes that we need to help people into work—for example, the kickstart programme—being embedded in Scotland?

**Margarita Morrison:** On the kickstart programme, we have had significant success, with about 11,000 young people getting into work over the period, which has been exciting.

There are also some fantastic stories from the disability and ill-health front. Mental health has been a very big issue during the pandemic, so we are taking extra care to give support. We favour face-to-face contact and we give our direct support to customers, but we use telephony when there is a mental health issue or something else that the customer has explained. That has taught us a lot about pace and speed, which are important. We are getting people into work quickly—especially people who have just come out of working and are

keen to get back into the labour market. There are a lot of great stories.

We have used a lot of the learning from the kickstart programme. In our “Way to work” programme, we are making sure that we are talking to employers out there and that we are bringing them on site. We are trying to cut away some of the paperwork, such as CVs and supporting letters, in order to make sure that we can join up the employer and the younger person or the 25-plus person who is looking for work, so that they can get a chance to have a great conversation. We have seen customers leaving jobcentres with a job because we have had the employer on site.

We are also doing our successful jobs fairs and youth hubs. At the youth hubs, for example, we have had young customers getting peer support from other young customers, as well as getting our support. The Ibrox youth hub, for example, was extremely successful. People had connections there and were able to talk through what they wanted to do with other people. That was a real success. We want now to take some of that forward for older customers, to make sure that they get that opportunity. We are looking at that, at the moment.

Another thing that we are doing on a large scale is jobs fairs throughout Scotland. Towards the end of March we will go into every local authority area that would like us to do so to hold care sector jobs fairs—we are speaking to them at the moment and it appears to be that a lot of them want it. We feel that a lot of our customers have the entry-level skills that will help the care sector during the time when it has vacancies, so we hope that we can assist with that. A number of initiatives are on the go.

We are also talking to the Scottish Government. One of the additional things that we are doing is a pilot with Dundee City Council and the Scottish Government on loan payments. We are trying to understand the current barriers to work and how to overcome them together so that we can help people to get work. I hope that that gives you a flavour of what we are doing.

**Chloe Smith:** Mr Briggs, I would like to add to that if it would be helpful, because part of your question was about statistics.

At the UK level, as the economy continues to rebound and we come back after the pandemic, we currently have 1.2 million vacancies available, many of which are in sectors that are absolutely vital for our recovery. The priority is to be able to go further and faster to help people into jobs that they can do right now—to help them to find a job, to progress in work and to thrive in the labour market, wherever that might be. In Scotland, when

I look at the rates of people seeking work, I see that the number of Scottish people who are seeking work is down from the previous quarter, which I think is a positive thing. The rate is lower than the rate for the UK as a whole—3.6 per cent compared to 4.1 per cent—which I think is a positive position from which to be looking.

**Miles Briggs:** I am pleased to hear about that work. It would be useful if you could keep the committee informed about any of these programmes as they are developed as well. I think we would all appreciate advance knowledge of that.

I want to ask, lastly, about how the DWP and Social Security Scotland have functioned and worked together during this period. We know that there will be significant work involving the Scottish Government, especially in developing proposals for changing the personal independence payment and DLA.

I wonder how that relationship is being built. I know that you and the Minister for Social Security and Local Government went to university together here, and I hope that positive relationships are being built at the Government level. How are the two organisations working together to make the transition as smooth as possible?

09:15

**Chloe Smith:** You are absolutely right—Mr Macpherson and I have had a chance to know each other in a couple of different roles, and it is a pleasure to continue to work with him.

At the ministerial level, we have the right relationships to exchange ideas, work and details, and we meet regularly. That is supported by the joint ministerial working group on welfare, which is the structure that goes around the work that we do as individual ministers. In addition, my officials at various levels of the programme run all the work that is necessary for co-operation. I will bring in Andrew Latto to mention a few aspects of that.

This has involved extensive work, considering that we are talking about what has been needed since the earlier legislation that brought about the devolution and considering the length of time still to play in some of the agency agreements and the work that I referred to in my opening remarks. These relationships will need to endure as well. I invite Andrew Latto to describe the work a bit more.

**Andrew Latto (Department for Work and Pensions):** I am very happy to do so. There are a number of informal and formal strategies between the two Governments. The most established ones are around fair start Scotland. With the fair work part of the Scottish Government, we are

contracted to deliver fair start Scotland, and we have a model that works. We are trying to transfer the bits of that that work across to co-operation on social security.

If I were to characterise it, I would say that there are three communities. There is the operational community—Margarita Morrison and her expert in Social Security Scotland, Mr Wallace, the chief executive. There are the two devolution programmes—one in the DWP, which is turning things off, and one in the Scottish Government, which is turning things on. That community has very formal structures, which it will need to have because of the nature of the work that is being undertaken. Then there is my community, which is the policy community. I talk very frequently to my counterpart in the Scottish Government.

The relationship that you asked about, I think, is the developing relationship between Social Security Scotland and DWP operations. That is probably the one that is most a work in progress. We certainly co-operated a lot during the pandemic. Our excellent colleagues in Social Security Scotland were delivering the carers allowance supplement, the Scottish child payment and people's expenses, but, inevitably, we had to carry on delivering DLA for children although we had intended to replace that with the child disability payment. That was an effect of the pandemic. We also have practical discussions. We have a lot of people who work in Dundee—at the jobcentres, the pension centres or wherever—and Social Security Scotland's main centre is in Dundee. It can help us and we can help it when we have peaks and troughs of work, because we have people trained to do very similar work.

**Pam Duncan-Glancy (Glasgow) (Lab):** Good morning, minister and officials. It is good to meet you. I want to start on disability benefit reform, but with a word of caution about the workplace statistics that you shared. Those statistics may hide some inequalities in the workforce and in the workplace, and they also may be people getting into work that is not secure in the long term or that does not guarantee more than a few hours—in some cases, zero hours. I ask that some of that data also be considered, so that we make sure that the whole economy and everyone in it is doing better, not just some of us.

On disability benefit reform, I am keen to ask about access to work and where that sits. Does the minister believe that some of the changes that were made during the pandemic around the electronic submission of claims and so on, which were quite useful in ensuring that a number of disabled people were able to access work, could be made permanent?

I have two further questions, but they are short.



**Chloe Smith:** It is great to join you at the committee, Ms Duncan-Glancy. I understand the point that you make about the statistics, and I want to underline how committed I am to supporting, in particular, disabled people and those with health conditions into employment in the right way. For me, it is not just about starting in a job; it is about starting, staying and succeeding in a job. I hope that we all share those values as we scrutinise data that is about people's lives, not about numbers.

On access to work, I will make a few brief points and then I will draw on Margarita Morrison for the practicality of how this has been run through her jobcentres. We have made a few easements in access to work, as we have done across a number of different DWP services throughout the pandemic. The broad point for me is that I am really open to reviewing those, learning from them and taking forward the good after the pandemic and in the recovery that we are now looking towards.

For me, the key issue in access to work is that we want to make sure that people are getting the support quickly. I am conscious of the fact that, over the past couple of years, there have been delays in people getting access to work. We have been open about that and about how we are working to get those delays down and get the support where it is needed as quickly as possible. For example, right now, we are processing the applications of those who have a job offer—and, indeed, those self-employed people who need to start something—inside four weeks, because we think that that is the right thing to do to support people when they need it, at the sharp end.

Margarita Morrison might be able to add a bit more about what that has been like through the pandemic and what it looks like now.

**Margarita Morrison:** I will give you some headlines and then some information about what is happening in jobcentres. Over the past 18 months, access to work has delivered in-depth upskilling sessions to a wide variety of internal colleagues, including our work coaches, our disability employment advisers and our employer advisers. Externally, we provided awareness of access to work to a range of organisations, employers and customer representative groups. That will continue throughout 2022, focusing activities in areas with the largest disability employment gap in Scotland. We frequently promote access to work through the department's social media channels, and we have introduced specific access to work pages on the job help website.

We are taking a range of steps to continue to raise awareness of access to work among people with a disability or health condition in all parts of

the country. We regularly promote the scheme through the department's channels and access to work pages. We are also ensuring that our advisers who work with potential claimants, including jobcentre plus, health professionals and advisory groups, have the information. We are talking regularly to disability-confident employers, of which there are 1,400 in Scotland, to make sure that we can work in collaboration to get the best outcome for our customers.

I will cite some practical things that we are doing. In some of our offices, we are working very closely with GP surgeries, and we have work coaches in there so that we can understand better what the barriers are. We work with Autism Scotland around autism accreditation and making our jobcentres better places to be, so that people have a calm atmosphere in which to talk to us about their aspirations.

We have pilot health model officers in Scotland working alongside our national health service colleagues to understand what barriers exist and how we can jointly overcome them. We also have advanced customer support. As I mentioned earlier, if we think that someone needs more time on their application or in the discussion that we are having with them, we will make a referral to our advanced customer support or, particularly, our disability employer advisers. They carry out a dual role: they can talk to customers about their needs and overcome the barriers with them, but they are also training our work coach colleagues so that everybody has awareness and knows where to go on such matters.

We also have youth employee work coaches, who work with claimants with multiple barriers. Our youth hubs provide another environment that we can take them to, in which to spend the necessary time to make sure that we get the right outcomes for them.

That is just a flavour of what we are doing.

**Pam Duncan-Glancy:** Thank you both for that. That is really helpful. How do the minister and the DWP plan to include the Scottish Government in the development of the reforms to the personal independence payment? How much consideration is being given to the effect on potential case law divergence?

**Chloe Smith:** In many ways, that brings us on to the areas where we have to work closely together. The Scottish Government is introducing its adult disability payment to replace PIP from March this year in three local authorities, with early implementation in two further areas and then full national roll-out at the end of August. We are making sure, at a legislative level, that that is orderly. For example, I recently took through some Scotland Act 2016 orders to support the

introduction of ADP. There is then the full devolution programme, in which we are working together in much greater detail to make sure that the transfer is safe and secure.

I will start with the general points. The design and any questions to do with ADP are for the Scottish Government to answer, and any questions on PIP are for me and the team here today to try to tackle for you.

The key point for me is that we want to be able to jointly have a stable system that gives people the support that they need on time. On PIP, I acknowledge that there can be, in some cases, an amount of time that people are waiting for a PIP decision to come through. That has been in large part due to the pandemic, with various problems to do with assessments that have related to how people can be seen. There are a number of ways in which the DWP and Social Security Scotland can work together to make sure that, between us, we have the right assessors and processes in place to support that, so that people are getting the support that they need.

**Pam Duncan-Glancy:** Can I ask for some clarification? Sorry, minister—I probably was not as clear in my original question as I should have been. It was more about the green paper that proposes changes to disability benefits at the UK level, which might have an impact on people in Scotland. I was asking what engagement you have with the Scottish Government on that particular process.

**Chloe Smith:** I am sorry, but I misunderstood your question. Thank you for clarifying that.

We have a broad piece of work on the part of the UK Government, which is, as you say, a green paper to do with the health and disability benefits. It is called “Shaping future support: the health and disability green paper” and it was brought out last year. In that green paper, as you know, we are committed to bringing forward a white paper this year. Work has gone on to get a great range of consultation responses—4,500 of them, which I really value—and, from there, to shape what we think may be the way forward to achieve the objectives that we set out in the green paper. Those are rooted in supporting people to live independently and to have the right experience of the benefit system—and supporting people into work where that is appropriate.

On how we need to dovetail that with the Scottish Government, although that review is our piece of work, I understand that the Scottish Government has an independent review on its side, and it is quite right and fair that those two pieces of work are within each of our responsibilities. However, we will need to work together to ensure a safe and secure transfer of

people from the reserved benefits to the ADP in Scotland. In as much as it is in a shared space, I am always very happy to have conversations about our green paper with my Scottish Government colleagues, but I think we understandably have two different lines of work going on.

**The Convener:** I will hand over now to Jeremy Balfour for his questions. Marie McNair has had her question on the scheme answered. We will then go back to Pam Duncan-Glancy after that.

**Jeremy Balfour (Lothian) (Con):** Good morning, minister and officials, and thank you for coming. I will follow up briefly on my colleague Pam Duncan-Glancy’s question about the access to work scheme. That is one of those hidden secrets that a lot of people do not know about. I was interested in what the official said about trying to promote it more. Have you ever discussed a joint piece of work on that? I know that the money comes from the DWP, but it seems to me that many companies, particularly smaller and medium-sized companies, do not know about the scheme. Can you give us an idea of how the two Governments can work together to promote it better?

09:30

**Chloe Smith:** There is a huge amount to do on that. Because the access to work scheme is so valuable and so needed to—[*Inaudible.*]—all our interests to raise awareness of it. The scheme will continue to be provided by the Department for Work and Pensions, and we will retain responsibility for it but, nonetheless, I hope that the message could go out from the committee and in other ways to raise awareness of and give information about the scheme.

Recently, we have been doing that in various ways across the United Kingdom. We have been working with stakeholder organisations to raise awareness and ensure that their members know about the scheme. We want to work with employer associations as well. We are working with disability charities and disabled people’s organisations, which is absolutely critical. I want the voice of disabled people to be central in everything that I do. For me, it is very important to work with disabled people’s organisations and others, and the work on the access to work scheme is a good example of that.

At employer level, we find that it is positive to promote the scheme to employers as part of the disability confident employer scheme, which has 1,400 members in Scotland. Those are some of the ways in which we have been continuing to raise awareness recently.

Margarita, would you like to add anything on what is happening at the front end?

**Margarita Morrison:** The other important point is that, in early 2020, the access to work stakeholder forum was established in Scotland. It is led and chaired by disabled people's organisations, with DWP and Scottish Government officials working collaboratively to understand the existing experience and to explore opportunities for improvement, and to collaborate on policy developments. The group meets frequently and continues to contribute and provide insight on the access to work scheme. It is consistent with our wider approach to stakeholder engagement. Similar forums operate in England and Wales, and the chairs of all three work together to ensure that experiences and improvements, including views, are shared.

We have a collective approach to access to work scheme administration policy development. Any devolution of the access to work scheme could create an inconsistency, so we are keen to keep the collaboration with jobcentres to ensure that we get an understanding of ideas that work. I have seen at first hand employees in the DWP who have used access to work grants to ensure that they have the ability to get to work and stay at work, and so that they have the right adjustments to ensure that they have a pleasurable experience in our employment.

I hope that that helps.

**Jeremy Balfour:** Thank you—that is really helpful.

My final question in this area is on the differential between the number of disabled people in employment in Scotland compared to the number in England. In Scotland, a higher number of people who are disabled are unemployed than is the case in England, and the number is growing larger. Why might that be the case? What can we do about it in Scotland, as we come out of the two-year pandemic, when disabled people might be left behind? How can we get more disabled people into safe employment that gives them an opportunity to be promoted and to be fulfilled by doing real work?

**Chloe Smith:** There is a huge amount to do under that heading—it is a really important question. You are of course correct on the figures. Across the UK, the disabled employment rate is 53 per cent and, regrettably, in Scotland it is 49 per cent. We are interested in two measures in that regard, and they are both manifesto commitments for us. We are interested in helping greater numbers of disabled people into employment. In 2017, we set a goal of helping 1 million more people into employment over 10 years, and that is happening. I think that the goal will be met, and I

am pleased to see it. However, there is plenty more to do beyond that.

The other measure that we are interested in is the disability employment gap. To cite the figures, at UK level, the gap in employment rates between disabled and non-disabled people is 28 per cent. Unfortunately, in Scotland, it is 33 per cent.

I am looking at ways that we can bring all our efforts to bear to help disabled people into work. As I said, it is not just about being in work; it is about starting, staying and succeeding in work. If we think about what would need to be the case for the gap to close, we can see that retention is absolutely critical. For example, it is about helping people to stay in the workplace if their health worsens while they are in work. We want to support such people and help them to stay in work.

We are using a number of tools to do that. We have mentioned the access to work scheme and the disability confident employer scheme, which is our way of engaging with employers to encourage them to do their part.

As Margarita Morrison mentioned, in jobcentres we have disability employment advisers, who are there to support the effort. The advisers support claimants directly and, critically, they support colleagues in jobcentres to put the right expertise towards supporting disabled people.

We also have a large range of programmes of particular provision to support people with disability or ill health. I am excited about the way that some of those programmes will move forward in the years to come. For example, we want to make sure that there will be increased time with the work coaches in jobcentres and the right support through those programmes so that we can continue to encourage disabled people to start, stay and succeed in work.

**The Convener:** I pass over to my colleague Marie McNair, who is joining us remotely and who has a question on this theme.

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning, minister, and thank you for coming. Many of the points that I wanted to make have been covered, but I have one on PIP. Will there be any changes to your proposals for changes to the PIP criteria prior to 2025? You will be aware that that is the target date for the completion of the transfer from PIP to adult disability payment. We are looking for assurances that there will be nothing that puts at risk the safe and secure transfer.

**Chloe Smith:** As you say, and as I mentioned, the aim absolutely is to ensure the safe and secure transfer of benefits. Of course, behind that is people's lives—we are talking about real people

who need real support. As I have covered, and as I noted in my letter to Ms Whitham in February, we intend to introduce proposals in a white paper in mid-2022. I appreciate that, at the same time, the Scottish Government is looking to have an independent review. The two are perhaps parallel strands. The key for me will be to ensure that we can keep both our schemes under review as the landscape evolves, and do so in a way that has claimants firmly in mind.

**The Convener:** We will move on to a question from Pam Duncan-Glancy on theme 2.

**Pam Duncan-Glancy:** Does the minister believe that changing the eligibility criteria for the enhanced rate of the mobility component would impact on passported benefits?

**Chloe Smith:** I am sorry, but we just had a little scuffle in the room. My colleague Andrew Latto wants to say something on the previous question. May I let him do that and then come to Pam Duncan-Glancy's question?

**The Convener:** Absolutely.

**Andrew Latto:** On the point about 2025, the key date really is August this year, because that is the date on which ADP will be available throughout Scotland. Anybody who has a new claim or who comes up for a reassessment for PIP will not do it through PIP; they will do it through ADP. The changes that we might make to PIP in England and Wales, whatever they may or may not be, will not be directly relevant to Scotland, because ADP will be the benefit that operates there.

**The Convener:** Thank you for adding that. I guess that that leads on to Pam Duncan-Glancy's question about passporting benefits.

**Andrew Latto:** I will start on that, and the minister can follow. On a technical level, to explain passporting, which is a phrase that I dislike intensely—I prefer to say “access to premiums”—the DWP needs to find the right people who need the additional amount, whether they are disabled people or carers.

We do it in different ways with different benefits. For example, with universal credit, the assessment of whether somebody is a carer is done within universal credit; it is not done by passporting from carers allowance. Using another benefit as a passport is not the only way to find people who need extra money in the reserved benefits. There are potentially other ways of doing it but, clearly, if somebody has done the assessment that we need, whether that is in the DWP or the Scottish Government, it will not give a very good customer experience if we ask that person to go through a second assessment just to find out whether they can get an additional amount in universal credit

alongside what they are getting from the Scottish Government.

The whole point of devolving the disability benefits, however, is precisely that the Scottish Government can take a different path from the UK Government. From a DWP point of view, we provide reserved benefits to everybody in Great Britain, and we will need to find the people who get the premiums. If we cannot use a Scottish Government benefit to do that because it has veered away from the English and Welsh benefit, we will need to find another way of doing so. Whatever we provide to people in England and Wales, we have to provide to people in Scotland. We have to find a way of achieving that.

**The Convener:** Did that answer your question, Pam?

**Pam Duncan-Glancy:** That was very helpful. I am keen to hear whether the minister has a view and whether the answer that has just been given, which is helpful, is true for carers allowance as well.

Also, at any point, have you threatened to label adult disability payment not comparable to PIP, based on proposed changes to eligibility criteria that the Scottish Government may wish to make?

**Chloe Smith:** Perhaps we can come to carers allowance in a separate thread, because there is probably quite a lot to say and bring together on that.

On the point about PIP and ADP, as Andrew Latto set out, the construction of ADP and the thresholds or qualification within it is absolutely a matter for the Scottish Government. I entirely agree with how Andrew set out the position on any changes that may be made to PIP, which is the responsibility of the UK Government, and how the two things relate. On a practical level, we continue to work closely to understand each other's changes, but I want to echo and be clear about the distinction. Decisions to do with the design of ADP are for the Scottish Government and, as Andrew explained, access to premia through that is something that we have been able to take decisions on for the immediate term.

**Marie McNair:** Again, a number of my points have been covered. Ms Duncan-Glancy asked about the 20m rule. Will you comment on the rationale for introducing it in the first place?

**Chloe Smith:** I am happy to do that, although I note that it is a historical point and not one that is to do with the conjunction between reserved and devolved benefits, which is the point of this session. However, with a benefit to support people with disability, there is a need to understand in a sensitive way how their needs may be impacted by their condition. In the case of PIP, we primarily

try to understand what functional effect there is on a person's life, rather than provide support based on the label of condition. That is the reason why there is a mobility rule. We have sought to set it at what we think is an appropriate level, so that we get the support to the people who need it the most.

**Marie McNair:** Witnesses to our committee have been on record saying that the Westminster Government introduced the rule to cut money from disability benefits. Do you dispute that?

09:45

**Chloe Smith:** Yes. What we are trying to do and have always tried to do with PIP is to get support to where it is needed.

**The Convener:** Jeremy Balfour will be followed by Emma Roddick, who is participating remotely.

**Jeremy Balfour:** I want to go back to the helpful answer that we got about how access to passported benefits—I will keep calling them that for the moment, as I think that we all understand what we mean by that—is assessed.

Have there been discussions between the UK and Scottish Governments about whether access to passported benefits could be assessed in another way if PIP was not used as a criterion? Have such discussions started at ministerial or official level? Could you explain how that could happen? If we had a divergence between benefits in Scotland relative to benefits in England and Wales, are there mechanisms that we could use to allow people to still get, for example, the £10 Christmas bonus that is available to those who are on PIP at the moment, which is obviously linked to a particular benefit. Could work be done on that or would that be almost too complicated to do?

**Chloe Smith:** The broad answer here, as I set out in my letter to the committee, is reflected in the way that we have answered the questions this morning, which is to say that, in the immediate term, we have decided that receipt of the equivalent elements of ADP and child disability payment will be the means of identifying the additional needs. We think that that is a reasonable thing to do and have therefore decided that that is our best option.

As I said in the letter, the way of identifying those needs can and certainly will be kept under review as the benefit landscapes continue to evolve. We have already pointed to our green paper and the independent review, which are perhaps vehicles for how each Government can look at such matters in future.

I am happy to bring in Andrew Latto if he wants to add anything on the discussions at official level.

**Andrew Latto:** I would like to make two comments. Mr Balfour, you are quite right to identify the Christmas bonus. That is a unique situation in which the UK Government gives money to somebody who has been assessed as getting a benefit by the Scottish Government. There is a direct link—there is no other way of doing it, because the entitlement to the Christmas bonus derives from the entitlement to the other benefits. The way in which we will deal with that, if we need to, is through the spillover effect, whereby if there is a cost to the UK taxpayer because of decisions that the Scottish ministers have made, we will recoup that cost from the Scottish Government. We are in the process of working that out at the moment. That is a very specific issue.

On your question about discussions with officials, at the moment we think that it is premature to have such discussions. There is a lot of work to be done simply to replace PIP with ADP, winter fuel payments, cold weather payments and so on. For the time being, our ministers are content that CDP and ADP meet the terms under which we would give people an increase in pension credit, for example. At the moment, there is no need to improve how we would do that if those benefits veered significantly away, because they have not yet done so.

In due course, we will need to do that. I am responsible for pension credit, and I am looking very carefully at how my universal credit colleagues deal with carers in the context of universal credit—they do that by not using carers allowance and getting the work coach to have a discussion with the carer to see what their caring responsibilities are—and how we could do that on the pension credit side of things.

If I might say—I do not wish to be rude—that is a matter for the UK Government. We would keep our Scottish Government colleagues informed, but the operation of policy on the reserved benefits system is for UK Government ministers.

**Emma Roddick (Highlands and Islands) (SNP):** It is good to meet you virtually, minister. Thank you for giving us your time this morning.

My question is very much along the same lines as that of my colleague Pam Duncan-Glancy, but I would like a bit more clarity on policy change. You said that you agree that no further changes to ADP are possible at this time, and that that will be for the Scottish criteria in future. Do you appreciate that although there has been devolution of some social security powers, there are limits to those powers? We are not yet entirely clear on where those limits are or on what can be done without risking the eligibility of claimants of devolved benefits to continue to receive their reserved benefits. Is it your intention to reconcile

that and to facilitate the Scottish Government's policy wishes on devolved benefits?

**The Convener:** Over to you, minister. I hope that you managed to get that.

**Chloe Smith:** Yes, I did, thank you, although, unfortunately, Emma Roddick's sound quality was not ideal.

Thank you very much indeed for your question. I hope that we have made it clear that we do not believe that there is such a risk. We think that there is perhaps a misunderstanding or, dare I say it, a red herring.

We are very clear that the construction of the Scottish Government's benefit is a matter for it. I hope that I have also been clear about the fact that we understand that our landscape and the Scottish Government's landscape may well evolve through our green paper and the review, but that, nonetheless, we want to continue to work together to ensure that we have a safe and secure transfer of benefits in order to get support to the people who need it the most.

Andrew Latto wanted to add a point, which I will let him do, and I hope that that will answer your question.

**Andrew Latto:** I want to take a hypothetical example. This is not real and not what the Scottish Government proposes but, in theory, the Scottish Government could replace PIP with something completely different that is not a benefit. It could use the money to do something else—for example, to make infrastructure improvements. It is not going to do that; it will use it to pay a benefit. However, if the Scottish Government decided to do that, we in the DWP would still need to find people in Scotland who could get a premium on the reserved benefit because of their disability. Even if there were no benefit in Scotland, we would still have to find a way of doing that.

**Emma Roddick:** I have certainly noticed some difficulties in a Scottish context to do with the hybrid nature of social security at this point. Is the DWP also struggling with the hybrid nature of social security? Do you think that there will be a need to increase devolved powers in the future, to remedy some of the issues that we have covered this morning?

**Chloe Smith:** I do not see a need for that because, as we have said, we have comprehensive ways of working together, and I think that it is by working together that we will be able to get the best result for people. As I said, I think that we will be able to help people to be safer, stronger and more prosperous if we work together sensibly.

On the subject of devolving further powers, there is a legitimate question to ask here, which is

about first being able to grip the powers that have been devolved. Regrettably, we are in a position in which, for example, we are looking at the end of the agency agreements, yet there is still a large number of things to do to ensure that the Scottish Government will be ready to deliver. I hope that there will be a focus on making most use of the powers that have already been devolved and being ready to deliver for citizens, rather than looking for more powers.

**The Convener:** The next theme is case transfer. I know that Jeremy Balfour has had his question answered, so we will move on to questions from Pam Duncan-Glancy.

**Pam Duncan-Glancy:** Has the Scottish Government raised with the Department for Work and Pensions changing the 20m rule in the eligibility criteria for the mobility component as a priority?

**Chloe Smith:** I am terribly sorry, but could I ask you to repeat the question? I did not quite hear you.

**Pam Duncan-Glancy:** Of course. Has the Scottish Government raised with you changing the 20m rule in the eligibility criteria for the mobility component of ADP as a priority?

**Chloe Smith:** If the Scottish Government would like to change it in the ADP, that is entirely a matter for it. Is it the Scottish Government's responsibility to take such a decision and has that come up in conversation? I do not believe that it has been raised with me, but I will ask Andrew Latto whether it has been raised at an official level.

**Andrew Latto:** No, it has not. Frankly, I would not expect the Scottish Government to raise that with us, because it is a decision for the Scottish Government to make.

**Pam Duncan-Glancy:** Have you at any point insisted on adult disability payment eligibility criteria and descriptors remaining unchanged from those that are used in PIP?

**Chloe Smith:** No.

**Pam Duncan-Glancy:** Thank you.

**Miles Briggs:** We are on theme 2, but we have ventured into a lot of theme 3 as well. I want to ask about the scale of resource that the DWP has had to commit to the transfer process—can you outline what that has looked like? We know of the additional and higher cost of delivering the social security system through Social Security Scotland. We hope that that will come in line with the DWP's current projections, but what does that resource look like currently?

**Chloe Smith:** I think that these are essential questions, which we all want to see addressed well, for the reasons that I have been talking about

throughout the morning, because we want to see a safe and secure transfer of benefits and delivery for people who need it the most. To illustrate the point as I understand it, Social Security Scotland staff requirements have doubled from the original estimated requirements, from 1,900 up to 3,500. It is important to have accurate estimates of the resource that will be required and certainly that will be true for staffing and the cost required. The cost estimates could be argued to be considerably larger than those that the Scottish Government might have made at first. For our part, we want to ensure that we have a sensible supporting dialogue and all structures necessary to make a success of this.

Andrew Latto might be able to explain what the resource commitment is at a programme level for working together with the Scottish Government to execute this devolution.

**Andrew Latto:** I would like to make two points. One is about the long term. In a steady state, there will be no PIP or a number of other DWP benefits in Scotland; therefore, there will be a saving to the DWP, because we will not be having to administer those benefits, but a cost to Social Security Scotland. However, there are, of course, start-up costs and there are devolution programmes and change professionals in both the DWP and the Scottish Government. They will not be there for ever but will be there for as long as is necessary to move to the two parallel systems.

It is difficult to give an exact figure, because a lot of people in the DWP are working on Scottish devolution as part of another job. There are obviously some people who are dedicated to Scottish devolution, but I cannot put a figure on it for that reason. For example, everybody in the DWP who is responsible for administering DLA for children at some point has been involved in the devolution of social security to Scotland. That is quite a lot of people.

The other point is a constitutional point. The decision was made in the wake of the independence referendum that there would be the establishment of autonomous social security in Scotland. That comes with a cost. It is clearly not as efficient to have two social security systems rather than one, but there are reasons why the offer was made to the people of Scotland that this would be set up. It is less efficient to have two systems.

**Miles Briggs:** I think that none of us in either the UK Government or the Scottish Parliament want to see administration costs being the focus. The focus should be on getting money to the front line and to people who really need it. Is the exercise that we are seeing presenting unprecedented complexity for the DWP or is it similar in scale to previous benefit changes?

Where are the increasing costs and the additional staff that the Scottish Government is now saying will be needed to administer the system coming from? What is in the system that is making this so complicated compared with other benefit changes that we have seen under the DWP?

**Chloe Smith:** I will let Andrew Latto answer that question in the first instance, because he has a fantastic organisational history and memory here.

10:00

**Andrew Latto:** I would say that the nearest analogy is tax credits and the transfer in the early 2000s of such things as child premiums and income support to Her Majesty's Revenue and Customs, which had a different ministerial team, different data structures—a different way of looking at the world even, because HMRC is an organisation that generally takes money from people rather than giving money to them. We did a lot of work on tax credits and the reverse is true in bringing tax credits into universal credit.

I think that it is the fact that there are two different systems that is the complexity. There are different procurement cycles and we are in different cycles of technology. The DWP's information technology is extremely advanced in the case of universal credit but rather creaking, frankly, in the case of some other benefits, whereas Social Security Scotland has the opportunity to start from the most modern technology. That adds to the complexity.

A question that has been asked previously is whether part of the problem is to do with ideological differences between the two Governments. Frankly, at an official level, no. The problem is that we have different IT systems and different procurement cycles and those sorts of things.

**Chloe Smith:** I will emphasise one point from that. I think that the point that Andrew Latto makes is fair. Two systems are inevitably less efficient than one in the sense that we both want to be able to support the same people, in many cases with the same need and the same shared concerns. In my view, when we work collaboratively to tackle big problems, whether they are administrative or the kind of shocks that we have seen in recent years, we are better able to draw on skills if we do that together and at scale.

**The Convener:** I will go back to my colleague, Emma Roddick, who unfortunately I cut off. I did not realise that she had another question, because she froze on the screen.

**Emma Roddick:** Thank you for your patience with my IT. I wanted to come back in on two points. First, on the issue that we have, while I

appreciate the—[*Inaudible.*—]—to move emphasis and resources because of the pandemic. I note that in a previous response—[*Inaudible.*—]—rather than punishing the Scottish Government for doing so?

**Chloe Smith:** Convener, I am terribly sorry, but we could not hear that clearly enough to be able to answer it.

**The Convener:** I completely understand that. We may need to follow that up in writing with you. Those of us in the room caught some of it and then it sped up at the end and we could not catch what Emma Roddick was saying, unfortunately. I will have to move on the next theme. We have questions from Natalie Don, who also joins us remotely.

**Natalie Don (Renfrewshire North and West) (SNP):** It is nice to have you here with us this morning. Can you advise how the DWP is progressing delivery on the agreed transfer of the Scottish child payment from the UK Government to the Scottish Government? Can you confirm whether that is on track?

**Chloe Smith:** We are indeed working closely together and I believe that it is on track. Mr Macpherson and I have had very close discussions on this recently and officials are working extremely tightly to be able to get the data that is needed in the way that it is needed and to support the transfer. I am very happy for Andrew Latto to take any more technical questions, but I hope that I can give you that assurance in answer to your first question.

**Andrew Latto:** I will supplement that by saying that we have had extensive discussions with the Scottish Government at a technical level. Some of it relates to what I was saying earlier about incompatible IT systems. It is not just universal credit that gives rise to the Scottish child payment; other benefits that do not have the same data structures do so as well. It is a very technical issue. It is not that the DWP does not want to provide this information to the Scottish Government, because clearly we do. If I can put it crassly—I am a policy person, not a technician—the question is whether the DWP changes its system to fit with what the Scottish Government system has or whether the Scottish Government changes its system to accept the data in the format in which the DWP holds it. That should not be something that needs to go into the public domain; it should be behind the scenes. It is unfortunate that we are getting into discussions about those technical issues, which unsettle people unnecessarily, because we are definitely providing the information to the Scottish Government where the Scottish Government requires it.

**Natalie Don:** It is good to know that we are on track. Obviously, the Scottish child payment is aimed at tackling poverty head on and it is a very ambitious programme. Does the minister recognise the hybrid nature of devolved benefits and accept that, if Scotland is to have low-income benefits that will help tackle poverty in this way and help people with the cost of living crisis that we are seeing now, the Scottish Government needs the data on eligibility, which is obviously reserved and needs to come from the UK Government? If this is genuinely a joint programme of work, again as you have just touched on, the Scottish Government cannot be thwarted in its aims to use these powers to help people who are reliant on the data from the UK Government. What do you suggest is the way forward to ensure that joint co-operation?

**Chloe Smith:** I think that we have the methods of joint co-operation already at hand. I can add my assurance that Ben Macpherson and I are explicitly agreed that our joint efforts and our commitment to resolve this on both sides have already secured the agreed approach to the provision of data, which supports the proposed delivery timeline of the Scottish Government. Indeed, Ben has thanked me for that in letters:

“Thank you again for DWP’s contribution so far and continued commitment to delivery of the extended Scottish child payment.”

I would not say that that is the action of a pair of ministers who are trying to thwart each other in any way.

**Natalie Don:** I appreciate those answers. Thank you very much.

**Pam Duncan-Glancy:** The roll-out of the Scottish child payment to over-sixes has taken some time. What pressure, if any, has the Scottish Government put on the Department for Work and Pensions to move faster to do that? What assurances has the Scottish Government sought that the DWP strategic solution will be operational by the time of the roll-out?

**Chloe Smith:** There are a number of points that we could provide in answer to that and Andrew Latto may want to confirm the full history and extent of discussions. The key point is that those discussions have been lengthy. We are all aware of the pressing timetable and we have reached agreement on how to do it. I think that the committee will be aware of the history in the sense that there was simply a different type of data that related to the under-sixes compared to the over-sixes. That has been the thing that we needed to resolve. We have done that, and that is really important. It allows us then to get on and do it, which for me is the absolute priority. I would not describe any of those things as pressure being put by one Government on another; I would describe it



as us having to roll up our sleeves and work out how to do it. Andrew Latto, would you like to add anything to that?

**Andrew Latto:** If we have learned one thing from the SCP and the SCP2 issue, it is to make sure that the two Governments are talking to each other in advance and not making assumptions. I think that we are getting better at that. We were already providing data to the Scottish Government to administer the best start grant for children under the age of six.

Currently, with the best will in the world, I think that there may have been a misunderstanding about whether that data was available in exactly the same format for children over the age of six. It is a simple matter to pick up the phone and ask, "Is this data available in our format, yes or no? If not, can it be made available in that format?" and to do that before making announcements.

**Pam Duncan-Glancy:** That is helpful. At what point did the Scottish Government ask that particular question?

**Chloe Smith:** I am afraid that the point is that it did not necessarily do so, and we would very much prefer that to happen in future if we were ever to find ourselves in a similar position. As Andrew Latto says, the key point is that we need to be able to have such discussions first before promises are made. All of us round this committee table are politicians, and I am sure that we all love to make promises, but we have to do that in a responsible way that is backed up by a sensible knowledge of what can technically be achieved and by when.

**Pam Duncan-Glancy:** Thank you.

**The Convener:** Emma Roddick has questions on this theme, too. Broadcasting are hopeful that we have a better connection, so let us try again.

**Emma Roddick:** In a previous response, Andrew Latto advised that further costs that are associated with changing eligibility, due to more disabled people being eligible, would result in the Scottish Government being charged for the difference. If it is your intention, as you say, to get disability benefits to all who need it, should the DWP not be leading on changing eligibility to make sure that that happens with reserved benefits, rather than punishing the Scottish Government for doing so?

**Chloe Smith:** Thank you for putting your question more clearly, because of technical reasons—we now hear you loud and clear.

I reject that characterisation. I am sorry, but I do not think that it is at all appropriate to talk about one Government punishing another, when we need to work together to help people. I think that we can do better than that.

I will give Andrew Latto an opportunity to go back to what he said and to answer your fresh question, but the point is that we need to think sensibly and collaboratively about the population that we are seeking to support and the nature of what we together understand to be disability or ill health and ensure that the support is there. The idea that people might unfortunately suffer a particular change in their health in future or may have functional impairments from a disability should not be taken as an excuse for a bun fight. We need to be able to support people with that, and we will.

**Andrew Latto:** I will add one point. We are of course all concerned primarily with the customer and the customer's experience. I was making a more technical comment on how we account behind the scenes for who makes the payment. The payment needs to be made. In the case of the Christmas bonus, many people will receive it anyway, because they are in receipt of multiple benefits that give rise to the Christmas bonus. If we could isolate the point at which the UK Government has forecast a certain amount of expenditure based on the criteria for people to get the Christmas bonus, and if a few people in Scotland get an extra Christmas bonus that was not budgeted for, that will need to be paid for in some way.

**Chloe Smith:** I understand that the committee may want to ask about the fiscal framework or broader budgetary points at the end of the session. The point is that, from the spending review in autumn of last year, the Scottish Government will receive the biggest funding settlement since devolution. Indeed, over the next three years, the devolved Administrations are all receiving at least 20 per cent more per person than the equivalent UK Government spending. Those are the fundamentals of how budgeting works, as every committee member will know. It is about the block grant, Barnett consequentials and how we make the sums add up behind the scenes to get the support to where it is needed.

10:15

**The Convener:** We will move on to the last theme, which is on the fiscal framework.

**Jeremy Balfour:** I have two quick questions, minister, to get information on where we are. Back in October 2021, both Governments asked for an independent report on the fiscal framework. Will you update us on where we are with that and when we are likely to see any of the workings from the independent review come into the public domain?

**Chloe Smith:** That is ideally a question to put to the Treasury, which is the department that leads

on that in the UK Government. I am afraid that I cannot give you the detail that you are asking for today.

**Jeremy Balfour:** Maybe we can take that up in a letter.

The answer to my final question might be the same. Has any thought been given to, or has the independent review been asked to look at, how any divergence within the social security system would be dealt with in the fiscal framework? Again, that might be a question for the Treasury rather than for you.

**Chloe Smith:** Yes. It is certainly a question that I can recognise although, as I say, the Treasury is conducting the review, and you might want to get further information from it.

At a general level, the principles on social security are, of course, already addressed in the current framework. Despite all that we have discussed this morning, policy divergences have not materialised significantly on social security at this stage. It would therefore be difficult and hypothetical to argue what might need to change in the existing framework. The practical answer is that it is too early to tell and that my expectation is, therefore, that the matter will not be a core part of the fiscal framework review that is being done at present.

**Jeremy Balfour:** Thank you for that and for giving us your time this morning. It is much appreciated.

**The Convener:** That brings us to the end of our questions. I want to say my own thanks to you and your officials for coming. You have given the committee a lot to think about. The key issues are the collegiate working between the two Governments, the twin tracks of the independent review and the changes that might be made to the UK Government's disability benefits. Thank you very much. I hope that we will have further conversations in future.

**Chloe Smith:** On behalf of my officials and me, thank you for having us. It was good to hear your questions. We look forward to working closely with you in future.

**The Convener:** I suspend the meeting briefly to give members a moment for a comfort break. We will start again in about 10 minutes at the most. We are a wee bit ahead of schedule.

10:17

*Meeting suspended.*

10:27

*On resuming—*

## **Subordinate Legislation**

**Disability Assistance for Working Age People (Consequential and Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (SSI 2022/31)**

**Carer's Allowance Up-rating (Miscellaneous Amendment) (Scotland) Regulations 2022 (SSI 2022/28)**

**Social Security (Industrial Injuries) (Prescribed Diseases) Amendment (Scotland) Regulations 2022 (SSI 2022/42)**

**Council Tax Reduction (Scotland) Amendment Regulations 2022 (SSI 2022/52)**

**The Convener:** Agenda item 3 is subordinate legislation. We will consider four negative Scottish statutory instruments. Members are invited to consider all four of the instruments together. Background information is outlined in papers 3 to 6.

Do members have any comments on the instruments? If so, it would be helpful if you highlight which instrument they relate to.

**Pam Duncan-Glancy:** On the SSI on council tax reduction, it would be helpful to know whether the Government has any plans to gather data on the numbers of people who access council tax reduction and who they are. Also, do we know how many people, if any, have missed out as a result of the error that is noted in the papers and will their payment be given back? Will that be backdated? I do not know whether the committee will wish to write to the Government about that. I intend to vote for the SSI, but it would be worth asking those questions.

**The Convener:** Yes. I am content for us to write to seek clarity on those points. Do members agree that we should do that?

**Members** *indicated agreement.*

**Pam Duncan-Glancy:** Unsurprisingly, I also have a point on the SSI on uprating carers allowance. Although any increase is welcome, I am still disappointed that it is only £4 and that the Government has not looked at the adequacy of carers allowance any sooner than it has. I want to put on record that £4 is welcome, because it is an increase, but it is absolutely nowhere near enough. I hope that the Scottish Government moves as quickly as possible to address the rate

of carers allowance and eligibility for it. I will of course vote for the SSI.

**The Convener:** Your comments are on record and will be noted in the *Official Report* of the meeting.

Are members content to note the SSIs?

**Members indicated agreement.**

**The Convener:** That concludes the public part of the meeting. At next week's meeting, we will consider the medium-term financial strategy and the resource spending review framework, as well as considering affirmative subordinate legislation.

10:30

*Meeting continued in private until 11:10.*



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