



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 16 June 2022

Session 6



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Pàrlamaid na h-Alba

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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

19th 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)
Foysof Choudhury (Lothian) (Lab)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Paul McLennan (East Lothian) (SNP)
*Emma Roddick (Highlands and Islands) (SNP)

*attended

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 16 June 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 Social Justice and Social Security Committee's 19th meeting in 2022. We have received apologies from Foyso Choudhury.

Our first item of business is to decide whether to take item 3 in private. Do members agree to do so?

Members indicated agreement.

Subordinate Legislation

First-tier Tribunal for Scotland Social Security Chamber and Upper Tribunal for Scotland (Rules of Procedure) (Miscellaneous Amendment) Regulations 2022 (SSI 2022/162)

09:00

The Convener: The committee will now consider two negative instruments. For the first instrument, background information is outlined in paper 1. Are members content to note the instrument?

Pam Duncan-Glancy (Glasgow) (Lab): I have just one question. Are you in a position to set out what the rationale and grounds would be for withholding information from someone, and what the test would be for that?

The Convener: I guess that it would be helpful if we had that information. I anticipate that it would be clinical information. My understanding from reading the instrument is that the person who has had information withheld from them would have the right to know why it was being withheld. I guess that the reason why they were not being given the information would have to be laid out explicitly, and that it would be due to the harmful nature of that, as perceived by health professionals.

Pam Duncan-Glancy: I can see that there will be such circumstances, but I just cannot work out what they might be or why a tribunal would be privy to a piece of information that an individual would not yet know. I get that it could cause the person harm but, in the circumstances of the particular tribunal, I am not sure that I can imagine a reason or rationale for withholding that information.

The Convener: I cannot say what the rationale behind that would be without having the clinical background, and we do not have anybody from the Government here to answer that. We could write to the Government and ask for that to be clarified.

Pam Duncan-Glancy: Thank you.

Miles Briggs (Lothian) (Con): It might be useful to include a question about the appeal process in any letter to the Government.

The Convener: Yes, because I anticipate that, should such information be withheld and the person be provided with the reasons why, there would have to be an appeal process. We will ask the clerks to write to ask for clarification on that. Do members agree to that approach?

Members *indicated agreement.*

The Convener: Fantastic.

**Welfare Foods (Best Start Foods)
(Scotland) Amendment Regulations 2022
(SSI 2022/167)**

The Convener: I refer members to paper 2 for background information on the instrument. I had a slight concern with regards to ensuring that pregnant women would always have the right to apply in their own right and that that would supersede any other applications, but information on that is laid out in the paper. I am therefore happy to just put that on the record, and note that it has been dealt with.

As there are no other comments, are we happy to note the instrument?

Members *indicated agreement.*

The Convener: That concludes the public part of the meeting. At next week's meeting, we will hear from the Cabinet Secretary for Social Justice, Housing and Local Government and the Cabinet Secretary for Finance and the Economy on the subject of the resource spending review. We will also hear from the cabinet secretary and the minister in the final evidence session of our low income and debt inquiry. We were due to have that session today, but it had to be postponed.

09:03

Meeting continued in private until 09:16.

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