



Department
for Work &
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Elena Whitham MSP
Convener
Social Justice and Social Security
Committee
The Scottish Parliament
Edinburgh
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11 February 2022

Dear Ms Whitham,

Congratulations on your appointment as Convener of the Social Justice and Social Security Committee.

I have agreed to appear at the Committee on 10 March 2022 to discuss the ways in which my Department is supporting the Scottish Government in its implementation of the social security provisions of the Scotland Act 2016.

In the meantime, please see below my response to Mr Gray's letter of 11 January 2022 regarding the UK benefit system and delivery of Scottish benefits.

Divergence in policy

The construction of Adult Disability Payment (ADP) is, of course, a matter for the Scottish Government.

Some reserved benefits include additional amounts or premiums paid in respect of an 'extra costs disability benefit' received by someone with a long-term health condition or disability. Entitlement to these additional amounts depends on individuals meeting specified criteria which includes receipt of other specified benefits or certain elements or components of them. The level of support varies across all the reserved income-related benefits and the links to the disability benefits also vary. For example, receipt of either rate of the daily living component in Personal Independence Payment (PIP), the middle or highest rate of the care component in Disability Living Allowance (DLA) or either rate of Attendance Allowance (AA) are part of the qualifying criteria which can give rise to an additional amount for severe disability in Pension Credit, although again there are other conditions that need to be satisfied including no-one being paid Carer's Allowance to support them.

Once PIP, DLA and AA have been replaced in Scotland, DWP will need to find an alternative way of identifying those with the relevant long-term health conditions or disabilities for the purposes of calculating entitlement in reserved benefits, which continue to use qualifying benefits as part of the overall criteria. In the immediate term, I have decided that receipt of the equivalent elements of ADP (and Child Disability Payment) will be the means of identifying these additional needs in order to satisfy the current eligibility criteria within reserved benefits. The way of identifying those needs will be kept under review as the disability and carer benefit landscapes evolve.

In terms of the independent review, although it is a matter for the Scottish Government, I am of course, content to share the position as set out above with the reviewers.

Shaping future support: the health and disability green paper

The UK Government has a clear objective: to make sure that disabled people and people with health conditions can lead the most independent lives possible and reach their full potential. The publication of 'Shaping Future Support: The Health and Disability Green Paper' and the subsequent public consultation explored how the benefits system can better meet the needs of claimants now and in the future by improving claimant experience of our services, enabling independent living and improving employment outcomes. The UK Government is working through the responses to the consultation and will bring forward proposals in a White Paper in mid-2022.

PIP roll-out and ADP

Mr Gray asked about the current timetable for completing PIP roll-out in Scotland. However, the Committee will be aware that Scottish Ministers requested that DLA recipients in Scotland should not be pro-actively invited to claim PIP and would move directly from DLA to ADP instead once ADP is introduced. My predecessor agreed to this request in July 2019 on the basis that DWP would continue to invite claims to PIP where there was a change of circumstances or where people requested it. The timetable for the introduction of ADP and the transfer of Scottish cases of both PIP and DLA to Social Security Scotland are matters for the Scottish Government. My Department provides support with the implementation of this through its Scottish Devolution Programme.

I trust this answers the questions raised by the Committee and thank the Members for their close interest in how the two Governments are working together on the implementation of the relevant provisions of the Scotland Act 2016.

Yours sincerely,



Chloe Smith MP
Minister for Disabled People, Health & Work

I am copying this letter to Alister Jack, Secretary of State for Scotland, and to Ben Macpherson MSP, the Minister for Social Security and Local Government.