



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# **Social Justice and Social Security Committee**

**Thursday 30 September 2021**

**Session 6**



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**Thursday 30 September 2021**

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**SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**

**6<sup>th</sup> Meeting 2021, Session 6**

**CONVENER**

\*Neil Gray (Airdrie and Shotts) (SNP)

**DEPUTY CONVENER**

Natalie Don (Renfrewshire North and West) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)

\*Miles Briggs (Lothian) (Con)

\*Foyso 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:**

Colin Armstrong (Scottish Government)

Maggie Chapman (North East Scotland) (Green)

Ben Macpherson (Minister for Social Security and Local Government)

Dr Ruari Sutherland (Scottish Government)

Evelyn Tweed (Stirling) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Social Justice and Social Security Committee

Thursday 30 September 2021

[The Convener opened the meeting at 09:00]

#### Decision on Taking Business in Private

**The Convener (Neil Gray):** Good morning, and welcome to the sixth meeting in 2021 of the Social Justice and Social Security Committee. We have received apologies from Natalie Don, and I am glad to say that Evelyn Tweed is attending as her substitute. [Interruption.] I am reminded by the alert on my laptop going off that we should have our mobile phones on silent.

Our first item of business is a decision on whether to take item 6, which is consideration of our work programme, in private. Do we agree to take item 6 in private?

**Members** *indicated agreement.*

## Subordinate Legislation

### Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021 [Draft]

09:01

**The Convener:** Agenda item 2 is an evidence session on the draft Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021. As this is the committee's first consideration of affirmative regulations, I will quickly summarise the process.

We will start with an evidence session with the minister, which will be followed by a formal debate on the motion. The minister will be given the opportunity to move the motion and to respond at the end of the debate. The committee will be asked to make a recommendation to Parliament on whether we consider that the regulations should be approved. That recommendation will be made via a report.

Before we begin, I thank the minister for sharing the draft amended advocacy service standards with the committee to allow us to make a more informed decision on the regulations that we are considering. I remind colleagues that the draft standards were shared in confidence. Therefore, I encourage members with any questions on the regulations to refer to the draft standards in general terms.

I again welcome to the meeting—his appearing before us is becoming a bit of a habit—Ben Macpherson, Minister for Social Security and Local Government, and Dr Ruari Sutherland, supporting access to social security team leader in the Government's social security policy division. We are also joined, online, by Colin Armstrong, sponsorship and delivery manager in the social security policy division, and James Clelland, a solicitor in the Scottish Government legal directorate.

I invite the minister to make an opening statement on the regulations.

**The Minister for Social Security and Local Government (Ben Macpherson):** I am pleased to be here to talk about our new social security advocacy service standards. I am also pleased to confirm—as I have done in writing to the committee—that, following a regulated procurement process, we have now awarded the first four-year contract for the provision of an independent advocacy service, as required by the Social Security (Scotland) Act 2018. I will provide a little more detail on that shortly.

First, I will give a brief overview of the amendment that is sought by the Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021. The social security advocacy service standards set out the standard of service that independent third-party organisations are required to provide on behalf of the Scottish Government.

The current advocacy service standards, which were published in January 2020, restrict providers to the use of individual instructed advocacy. Such advocacy is where the individual is able to directly communicate to the advocacy worker what outcomes they want, as well as the actions that they would like to be taken. Through extensive consultation with stakeholders on our advocacy short-life working group, which included the Scottish Independent Advocacy Alliance, Citizens Advice Scotland and several independent advocacy providers, it became clear to us that removing the restriction to instructed advocacy in the service standards would increase the scope of the service and build on our human rights-based approach by making the service more widely accessible.

Such an amendment to the service standards was therefore suggested by stakeholders in the advocacy sector, and it enjoys the unanimous support of the members of the advocacy short-life working group. We are pleased to respond to that suggestion by bringing the proposed amendment before the committee today. Crucially, it will allow providers to offer non-instructed advocacy, which is an holistic approach whereby the advocate combines alternative methods of communication with observations of the client and their situation, and information from significant others in the client's life.

That leads to a more person-centred approach in which providers are able to offer the forms of advocacy that are most appropriate to each client according to their circumstances. That will increase the scope of the service, reduce any potential for confusion and avoid potentially inconsistent outcomes. I am sure that the committee agrees that that is a positive step towards providing a more inclusive service and helping disabled people to access social security.

The service standards are designed to be applied in practice. I wrote to the committee yesterday to provide an update on delivery of the independent advocacy service and the organisation that will be responsible for implementing the standards. As I mentioned, we have now concluded the regulated procurement process to appoint a national supplier, and I am delighted to say that we will work with VoiceAbility to fulfil that vital role. VoiceAbility is a charity with 40 years' experience of delivering independent

advocacy services. It brings a deep knowledge of the sector and a wealth of experience in supporting people with disabilities to get the outcomes that they deserve.

VoiceAbility's delivery model promises a number of positive impacts for the people of Scotland, including commitments to establish a new base and bespoke training centre in Glasgow; create up to 100 new jobs and three apprenticeships as devolved benefits are introduced; have a clear presence in all health boards at launch; recruit 75 per cent of its workforce from people who are long-term unemployed or economically inactive; sign the Scottish business pledge; and pay at least the real living wage.

That is an important step in the delivery of the Social Security (Scotland) Act 2018 and a substantial contract award, with the Scottish Government committing to investing £20 million in the service over the next four years.

I am happy to provide any further information on the matter that would be of value to members.

**Jeremy Balfour (Lothian) (Con):** The amendment is welcome. It will open lots of avenues for everybody who offers advice to the most vulnerable, so I support it totally.

I have a few questions about how the advocacy service will develop. If I give you three questions, minister, I hope that I will not have to come back.

My first question relates to funding. Is the funding that will be paid to the service new? Other organisations already provide advocacy services that get Scottish Government money. Is it new money or will the money be taken from advocacy services that already operate?

Secondly, how will parents and others know about the service? How will it be advertised so that people will be able to make use of it?

Thirdly, how will the changes fit into providing advocacy services for tribunals? Citizens advice bureaux, advice shops and other organisations already do that. Will the VoiceAbility service be exclusive or will people still be able to choose to go to another organisation and get funding for it?

**Ben Macpherson:** The funding is new. As I said, it is an investment of £20 million in a new service to fulfil the obligations in the 2018 act. We will make that investment over four years.

We will work with VoiceAbility on raising awareness. I will be pleased to keep the committee updated on our engagement with the charity as it develops its presence in Scotland and creates the networks that are needed to deliver its service effectively. That will involve working with a range of partners, which is what VoiceAbility has done in other parts of the United Kingdom, to raise

awareness of the service. As part of the 2018 act, there is an obligation on us in that regard. As ministers, we are focused on raising awareness of what social security support in the round is available to people, as are Social Security Scotland and the wider Government.

On the point about the service being exclusive, when people request advocacy support with devolved benefits that are delivered by Social Security Scotland, that will be delivered exclusively by VoiceAbility. However, if people want advice, they will still be able to go to a citizens advice bureau or through other organisations.

Of course, the distinction between advocacy and advice is important. Mr Balfour will recall that we discussed it at length during the progress of the 2018 act.

Ruari Sutherland might want to come in.

**Jeremy Balfour:** Can I just seek clarification on my point? If I go to a tribunal for a hearing on my personal independence payment, which is going to be run by Social Security Scotland, and I am looking for an advocate to represent me, at the moment, I have the choice of advocating for myself or having a CAB, the advice shop in Edinburgh or other organisations across Scotland to do that. Are you saying that the only people who will be allowed to advocate at a tribunal will be from the organisation that you are paying for? Are we closing the door for other organisations to be able to provide a service of advice at tribunal? Is it an exclusive contract?

**Ben Macpherson:** Yes, it is, in terms of what the Scottish Government will fund. I ask Ruari Sutherland to talk about what happens if people act on a preference.

**Dr Ruari Sutherland (Scottish Government):** The minister is absolutely correct about the exclusivity of the Scottish Government-funded service. Clients will be able to choose whichever service they want in terms of the support that they receive but, as the minister has said, the funding will now be exclusively for VoiceAbility advocacy services.

**Jeremy Balfour:** Does that mean that funding for citizens advice bureaux and other organisations will be cut? The advice shop in Edinburgh gets money from the City of Edinburgh Council or the Scottish Government to offer advice and assistance at tribunals. Will that funding be reduced in due course because such organisations are no longer able to give advocacy services?

**Ben Macpherson:** We cannot speak on behalf of the City of Edinburgh Council when it comes to the choices that it will make—

**Jeremy Balfour:** I am talking about the Scottish Government funding.

**Ben Macpherson:** Currently, advocacy services and advice services—of course, there is a distinction between them—provide advocacy and advice on a range of social security benefits, many of which are reserved. If people are looking for support with reserved or other benefits, some of those services will still be available to them if funding choices are made in that regard.

I must emphasise that we went through a regulated procurement process. Bidders were encouraged, as you will appreciate and as was appropriate. We have gone through the process and that is the outcome.

There is a need to avoid double funding. That is a question of prudence in public finance that the Government always has to consider.

**The Convener:** Just to be absolutely clear, are you saying that you expect that citizens advice bureaux or, for instance, CABIA in my constituency, will still be able to represent constituents at Social Security Scotland tribunals, but it is just that they would not be funded by the Scottish Government?

**Ben Macpherson:** That is correct.

**Pam Duncan-Glancy (Glasgow) (Lab):** I have questions on the procurement process and on the points that have been made about funding. You said that a significant procurement process has been gone through. That is excellent and is what we would expect. I might have expected that an organisation that already has jurisdiction and works in Scotland would end up providing the service. Were there any applications from organisations that already deliver advocacy in Scotland? I am keen to know a bit about that, particularly given that you said that funding will be provided for the purpose of advocacy relating to Social Security Scotland benefits to one organisation only, and that that organisation is not yet based here.

09:15

The convener's point about representation at tribunals and during assessments is important, because it is important that people have the option to take a person with whom they have a relationship as an advocate and to have a bit of choice in that. Notwithstanding the fact that funding only one agency to do that limits choice, will people still be able to go to their assessment with someone else as their advocate? Will it be the case that that advocate's views will not be disregarded because they do not work for VoiceAbility?

**Ben Macpherson:** On your last question, the answer is yes. I will bring in Colin Armstrong to speak about the procurement process. The procurement process was undertaken twice—once in 2019-20, when an award was not made because of the pandemic, and then again more recently. Throughout the process, Scottish Government officials engaged with current providers to give them all the awareness and information that they would need if they wanted to, for example, make a collective bid. However, that was not undertaken.

I will let Colin Armstrong come in on that.

**Colin Armstrong (Scottish Government):** This is the second procurement process. I am afraid that we cannot announce here what other organisations bid, but three did so. It was a regulated procurement process. It was done under the most—what is the word I am looking for? [*Inaudible.*—within Scotland.

**Ben Macpherson:** Thanks, Colin. I will say a bit more. Consortium bids were welcome, but were not made. Two organisations with a presence in Scotland—Citizens Advice Scotland and Money Matters—made applications but, through the regulated procurement process and following an assessment under the appropriate law and criteria, VoiceAbility was assessed to have made the strongest bid and therefore was awarded the contract, as is appropriate.

**Pam Duncan-Glancy:** I echo what we have heard already, which is that the regulations are welcome. They will open up opportunities for advocacy for other people.

My final point is about training for the advocacy providers. Have you given thought to the sort of training that they might get in relation to disabled people or carers, for example? In the past—not here, but in other jurisdictions—some providers have not necessarily had the training or support required to give clients the full support that they need. Will the training take into account the range of conditions that the people who they will be supporting might have?

**Ben Macpherson:** Pam Duncan-Glancy makes an important set of points, which we took seriously throughout the consideration of the process. In a moment, I will bring in Ruari Sutherland, who has had a lot of engagement with VoiceAbility in the lead-up to, and since, the award of the contract. Those are important considerations, which VoiceAbility has included in its service delivery elsewhere in the UK, and they are important considerations for the organisation now as it builds the service in Scotland.

Ruari, can you say more on that?

**Dr Sutherland:** It is clear from meetings that we have already had with VoiceAbility that it is absolutely committed to working with the Scottish Government on developing its programme of training as well as with Social Security Scotland, which has a training programme on working with disabled people and various parts of the population. VoiceAbility has committed to setting up a bespoke training centre, based in Glasgow, which will deliver the training to all its advocates. We have already had discussions with VoiceAbility about using some resource from Social Security Scotland to support the delivery of the training.

It is important to add to the minister's point about VoiceAbility's previous experience in the rest of the UK. It already supports up to 30,000 people a year, and 80 per cent of the clients whom it supported last year had a disability of some description.

**The Convener:** Thank you—that is helpful.

I have one quick question. For the benefit of potential service users who are watching today, can the minister please outline how we can guarantee that VoiceAbility will be independent and that it will be willing and able to criticise Social Security Scotland and the Scottish Government if necessary?

**Ben Macpherson:** That is absolutely the focus of the amending regulations. If the committee agrees to recommend approval of the instrument, the amended advocacy service standards will ensure that the quality of advocacy is appropriate and regulated, and that its independence is absolutely assured. That has been the case with the interim service, too.

When we considered the Social Security (Scotland) Bill in 2018, there was a determination and commitment to ensure that independent advocacy was available, and we are now delivering that. The advocacy will not be provided directly by anyone who works for the Scottish ministers, including staff of Social Security Scotland; it will be provided by people working for another organisation, VoiceAbility. The advocacy workers will support social security advocacy rights and needs, and they will work for and on behalf of the individual in a way that is as free from conflicts of interest as possible. That is all set out in the service standards.

It is important to emphasise that, under the terms of the award, VoiceAbility will deliver only advocacy and not advice. It is specifically contracted to deliver the advocacy commitments in the 2018 act, and to be there for clients when they need it.

**Marie McNair (Clydebank and Milngavie) (SNP):** To go back to the point that Mr Balfour made, I think that he is confusing advocacy



services with advice and professional services. Surely an advocate is not expected to make welfare rights points during a tribunal. We need to be careful about the different roles.

I certainly welcome the regulations. As the minister will know, the assistance that people need often covers many entitlements to a range of social security benefits. Is it the case that some people will need advocacy with regard to devolved and reserved benefits at the same time? Do you envisage that overlap getting in the way of the overall advocacy that a person needs?

**Ben Macpherson:** The point about the difference between advocacy and advice is well made. Advocacy involves the provision of support that helps someone to express their rights, views and wishes and what they want to achieve, whereas advice involves imparting guidance or recommendations to someone with regard to a future action or decision. The focus of VoiceAbility's service will be on advocacy when it comes to social security benefits that are delivered by Social Security Scotland.

**Miles Briggs (Lothian) (Con):** I have a couple of questions, but first I put on record that, like everyone round the table, I welcome the move to independent advocacy.

However, there are concerns about the organisation that will deliver the service not having a footprint in Scotland and institutional knowledge. What assurances have you had, beyond those that you refer to in your letter to the committee, that it will genuinely be a national service? Setting up a centre in Glasgow is one thing, but Glasgow is not Scotland. I apologise to Glasgow members, but it is important that we make sure that the service is a national one and that some of the barriers that we have had previously will not be put up by the new service.

In addition, could you outline what level of funding is currently provided to other organisations in Scotland to provide advocacy?

**Ben Macpherson:** The questions that Mr Briggs has raised are important ones that we obviously considered in the award process. The VoiceAbility delivery model is built around home-based staff and an existing network of more than 100 accessible co-location venues in local communities across the country. VoiceAbility has already been engaged in such work, and it will continue to engage in it as it delivers the contract.

The organisation used that approach before Covid-19, so it was ahead of the game with its move to digital and accessibility in communities. That has allowed it to be flexible and responsive to fluctuating demand and to have a clear presence in all health boards at launch. As a result, the

geographical presence that Mr Briggs rightly asked about will be there.

As you would expect, the organisation is very committed to creating that presence and working in collaboration with others. I look forward to seeing that happen, and I am sure that the committee, too, will look forward to engaging with it as it expands into Scotland from a strong position of delivering in the rest of the United Kingdom. With its Scottish base and bespoke training centre in Glasgow, the organisation will ensure that advocates and volunteers are equipped with the knowledge and skills that we have talked about to deliver the service to a high standard, as set out in the standards that we are discussing.

It is also important to point out that the organisation will scale up in line with demand. We do not necessarily know what the demand will be—in fact, we will see that only when the service is rolled out.

As far as I can recall, I made this point in my letter, but I should emphasise that there will be a working group that the service will engage with, which will include not only key stakeholders, who will be able to have an input to and to engage with VoiceAbility, but, crucially, people with lived experiences, to ensure that we have a connection between the new service and those who use it.

We are excited about what the organisation is going to do and how it will perform under the contract, and we look forward to working with it as it rolls things out. Of course, as I have emphasised to members, any such advocacy will be independent.

On the issue of costs, I do not have those figures just now, but I undertake to come back to the committee on that.

**Miles Briggs:** With regard to commitments, you touched on the issue of digital barriers. We have seen some improvements in that respect, but not for those who might be at a further remove from such technology. Perhaps some consideration should be given to making commitments with regard to people who do not have such access. Moreover, have there been any commitments in relation to British Sign Language translation services and advocacy?

**Ben Macpherson:** I will let Ruari Sutherland talk about engagement with VoiceAbility on that matter, but I can say that it is committed to providing an accessible service, as it has done previously.

The Government is committed to providing accessibility in general when it comes to social security. Indeed, we have introduced local delivery teams in Social Security Scotland to help and

encourage people to apply for benefits, and the same considerations, as you would expect, have been an important aspect of what we are doing here.

**Dr Sutherland:** VoiceAbility has already given a clear commitment to providing a fully accessible service, and the service standards that it will have to adhere to also make it clear that advocacy services and workers will communicate using the methods and forms that the client needs and prefers in all cases.

09:30

**The Convener:** Mr Balfour has a brief supplementary.

**Jeremy Balfour:** I reassure Marie McNair that, as someone who has drafted amendments on advocacy, I think that I have a reasonable understanding of the difference between advocacy services and advice and professional services.

I want to go back to a point that was made by my colleague Miles Briggs. What would happen if I lived in Orkney or Shetland and I was looking for an advocate to come to a tribunal with me? I presume that VoiceAbility has no presence in those areas. How will it provide services there or in, say, Stornoway or more rural Highland areas? How many people will it have working in those areas, given that there might be tribunals in Inverness and Stornoway on the same day? Can I be guaranteed that the advocacy that I need will be there on the day?

**Ben Macpherson:** I have already mentioned the 100 co-location venues, full accessibility and a presence in all health boards, and the combination of utilising those venues, being present in those health boards and the collaboration that will arise means that support will be available to people, no matter their geographical location in Scotland.

**Jeremy Balfour:** I must push you on this, minister, because there is a difference between having a presence in a health board and having a presence on the day of a tribunal. Is there an absolute guarantee that if I need someone to advocate for me in Stornoway on a Tuesday morning, there will be enough people to cover that and provide that service?

**Ben Macpherson:** The service commits to giving people the advocacy support that they need, where and when they need it. That is in the contract.

**The Convener:** I call Evelyn Tweed, and then I think Miles Briggs has another supplementary.

**Evelyn Tweed (Stirling) (SNP):** Independent advocacy is absolutely to be welcomed, but I am interested in the outcomes of the service and what

it will achieve for people. How are you going to report on those?

**Ben Macpherson:** To Parliament, do you mean?

**Evelyn Tweed:** Yes.

**Ben Macpherson:** We will continually review the service as part of the contract. There will be no formal process of parliamentary updates, but I will, of course, keep the committee updated and the committee, on behalf of Parliament, will be able to make inquiries of VoiceAbility about its performance. I can assure you that, as with any contract that is procured for services, we will continually review the contract, consider performance and ensure that the service provider—in this case, VoiceAbility—is not only fulfilling what needs to be met in our contract but meeting the standards.

Do you want to say anything more about that, Ruari? The contract contains some significant reporting aspects.

**Dr Sutherland:** As the minister has said, the contract sets out a number of significant reporting requirements on VoiceAbility. As for how that gets reported to Parliament, I guess that the minister can consider that issue and write to the committee on it in the coming days. However, there are significant reporting requirements, and they will feed into any contract extension. The initial contract period is two years, with an optional extension of two 12-month periods beyond that, which takes us to the full four years. All the reporting in the first two years will feed into decisions on extending the contract.

**Ben Macpherson:** The milestones in the contract relate to assessing performance and provision. As for outcomes, the Government and the Parliament will be watching to ensure that the standards are being met and the service is being effective for people, and that will happen in due course.

**Miles Briggs:** Listening to this morning's conversation, I have a question about the rationale behind using the health board model. I fully understand that as far as patient advocacy is concerned, but would it not make more sense to use a local government model, given that a lot of advocacy is already provided for people in that area?

**Ben Macpherson:** The fact that VoiceAbility will be present in all health boards is an illustration of its comprehensive geographical engagement across the country. There are wider considerations, such as collaboration with different organisations and the wider engagement on awareness that Jeremy Balfour rightly highlighted, and local government will need to be kept

informed about and included in the awareness-raising process. We will, of course, engage on that. However, I highlighted the issue of a presence in all health boards as part of the considerations around the contract to illustrate the geographical availability and the fact that there will be a comprehensive service throughout Scotland.

**The Convener:** As there are no more questions, we will move to agenda item 3, which is consideration of motion S6M-00996. I remind the committee that only members and the minister may take part in the formal debate.

I invite the minister to formally move the motion.

**Ben Macpherson:** I hope that today's discussion has been helpful and that it is clear that the new service, along with the regulations under consideration, is another step towards delivering a social security system that works for people and which has fairness, dignity and respect at its heart.

I move,

That the Social Justice and Social Security Committee recommends that the Social Security (Advocacy Service Standards) (Scotland) Amendment Regulations 2021 [draft] be approved.

*Motion agreed to.*

**The Convener:** I thank the minister and his supporting officials very much for their evidence—it is very much appreciated.

We will have a brief suspension to allow for a changeover of officials.

09:37

*Meeting suspended.*

09:39

*On resuming—*

## **Carer's Allowance Supplement (Scotland) Bill: Stage 2**

**The Convener:** Agenda item 4 is the committee's consideration of the Carer's Allowance Supplement (Scotland) Bill at stage 2. The Minister for Social Security and Local Government stays with us for this item—it is a pleasure to have you again, Mr Macpherson. I also welcome Maggie Chapman, who is here to speak to her amendments.

The minister is now joined by Andrew Strong, but I remind members that, as officials cannot take part in the debate, they are not named on the record. Stephanie Virlogeux is also watching from the public gallery. I welcome them both.

Everyone should have with them a copy of the bill as introduced, the marshalled list of amendments that was published on Monday and the groupings of amendments, which set out the amendments in the order in which they will be debated.

There will be one debate on each group of amendments. I will call the member who lodged the first amendment in that group to speak to and move that amendment and to speak to all the other amendments in the group. Members who have not lodged amendments in the group but wish to speak should indicate that by catching my attention in the usual way. The debate on the group will be concluded by me inviting the member who moved the first amendment in the group to wind up. The standing orders give any Scottish minister a right to speak on any amendment. Therefore, I will invite the minister to contribute to the debate just before I call the winding-up speech.

Following the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press ahead, I will put the question on that amendment. If a member wishes to withdraw their amendment after it has been moved, they must seek the committee's agreement to do so. If any committee member objects, the committee immediately moves to the vote on the amendment.

If any member does not want to move their amendment when called, they should say, "Not moved." Please note that any other MSP may move such an amendment. If no one moves the amendment, I will immediately call the next amendment on the marshalled list.

Only committee members are allowed to vote. Voting in any division is by a show of hands. It is important that members keep their hands clearly raised until the clerk has recorded the vote.

The convener has a personal vote as a committee member and a casting vote in the event of a tie. It is entirely at my discretion as the convener how to use the casting vote. There are no agreed conventions on that point. However, if the casting vote is used, I intend to indicate the basis on which I will use it immediately before doing so.

The committee is required to indicate formally that it has considered and agreed to each section and schedule of the bill. Therefore, I will put a question on each section at the appropriate point.

If everybody is content with where we are after that brain dump—I am conscious that we had to get through that because this is the first time that we have considered stage 2—we will move to the consideration of amendments.

**Section 1—Increased amount of carer's allowance supplement in respect of the period of 1 October 2021 to 31 March 2022**

**The Convener:** Amendment 3, in the name of Maggie Chapman, is in a group on its own.

**Maggie Chapman (North East Scotland) (Green):** Thank you for taking the time to go through the procedure, convener. It is my first time at stage 2.

Carers fulfil an essential role throughout Scotland and the pandemic has placed them under unprecedented strain. That is why I warmly welcomed the bill last week. It will help more than 90,000 carers this winter by doubling the carers allowance payment. As there is no Green member on the committee, I wanted to place on record the Scottish Green Party's support for the increase and I am grateful to the convener for giving me the chance to do that.

However, doubling the payment is only part of what we need to do to ensure that the social security system recognises and values the work that carers do. As with universal credit and other benefits, we have our work cut out for us. I welcome the willingness of the Scottish Government and others to work together to do better.

Over the past couple of weeks, I have had useful meetings with the Scottish Government about support for carers, including young carers. My meeting this week with the Minister for Social Security and Local Government was particularly helpful. Those conversations have been wide ranging, and I thank the minister for his time, for the information and assurances that he has given

and for the discussions that we will continue to have.

On that basis, I am content that there are other avenues to explore and by which we can take action on the issues that my probing amendments sought to address. Therefore, I will not press amendment 3 or move any of the other amendments in my name.

I move amendment 3.

**Pam Duncan-Glancy:** Forgive me if this is the incorrect moment to say this, but amendment 3 is really good and gives us a strong opportunity to send a signal to carers who have worked day and night throughout the pandemic and before that. We must not forget that unpaid carers provided care long before the pandemic. However, over the past year in particular, they have been doing that under a lot of stress and strain, and many have been plunged into poverty.

09:45

**Jeremy Balfour:** I understand where the member is coming from. The Parliament debated universal credit a couple of days ago, and I have no doubt that the debate will continue. However, I am slightly concerned that these changes will mean that one group will get £711.46, while other carers will get nothing. Rather than picking on one set of carers, is it not better to deal with all carers? Is this the right methodology?

**Pam Duncan-Glancy:** I take the member's point. You are right about the number of people who will miss out. Carers allowance supplement is available to only one in 10 people who provide unpaid care across Scotland, so it is correct to say that it does not meet the needs of all unpaid carers in Scotland. However, no element of the bill meets the needs of all unpaid carers in Scotland. Applying the uplift at this point recognises that the people who are captured by the bill—the people who will get the supplement—get a supplement that is representative of the amount of money that we, as a Parliament, this week agreed was a better reflection of the amount of money that people need to live on. We have an opportunity today to apply that uplift for unpaid carers, which is why it is important to use that mechanism.

The Government and almost all parties around the table—at least the ones in opposition—agreed that that uplift was essential, and I think that we need to do all that we can. You ask whether I feel that it is the best mechanism. It is not the best mechanism, because it is missing nine in 10 carers. However, it is the only mechanism that we have and, as the Government has said, it is the fastest mechanism that we have right now to put money in unpaid carers' pockets. That is why I strongly support this amendment, and, if it is

possible for me to do so, I will press the amendment.

**Ben Macpherson:** Improving support for carers was one of our first priorities with our new social security powers, and our carers allowance supplement, which was launched in September 2018, has increased carers allowance by 13 per cent. Since that launch, carers in Scotland who are continuously in receipt of carers allowance and carers allowance supplement will have received £2,270 more than carers in the rest of the UK. We have secured the resource—an important point—for a doubling of the December carers allowance supplement in this year's budget. Therefore, we must focus the bill that we are considering today on ensuring that we get that increase to carers in December.

Amendment 3 would increase by £480.06 the amount of carers allowance supplement to be paid in December, which would more than triple the amount to be paid.

**Pam Duncan-Glancy:** Do you think that the current amount of support that unpaid carers get from the state, through either the supplement or carers allowance, is sufficient to keep them out of poverty?

**Ben Macpherson:** There is more that we need to consider and do for carers, as we look to bring in Scottish carers assistance, but we also have to work within the fixed budget of the Scottish Parliament. It is important to consider the fact that, in order to deliver that, we are working within a budget that was set in the spring.

**Pam Duncan-Glancy:** I appreciate the minister taking a second intervention. You are right to point out that it is based on a budget that was set in spring but, this week, the Equalities, Human Rights and Civil Justice Committee heard from organisations, including carers and women's organisations, that the time between the programme for government and the budget process is a bit restrictive, in exactly the way that you have just described. You can set out your programme for government and all your aspirations, but you can therefore continually claim that you have to wait to make any material difference to people's lives by putting the budget in place. Will you consider a way in which we could change that? In addition, that committee also heard that, although you have to work within the budget, you have to be sure that you are using the maximum available resource and targeting that at the people who need it the most. I would consider that those people are unpaid carers.

**Ben Macpherson:** Pam Duncan-Glancy is right that, as a Government, we want to target our support at those who need it most, which is why we have committed to and brought forward the bill,

which will enable us to pay a double supplement in December and give that added support. We have secured the budget for that.

I am sure that Pam Duncan-Glancy will appreciate that I cannot speak to the evidence that was given in another committee, because I have not seen it.

It is important to remember that section 2 will allow us the flexibility to consider the need for increases in future. I appreciate that that point may relate to other amendments that we will consider in due course. Any increase must be dealt with through budget processes alongside considerations of funding for wider support for carers. That could be improved by any UK Government move to increase the underlying level of carers allowance, which we would welcome.

With regard to amendment 3 in particular, the important consideration is the challenge of the resource that is available in this year's budget. I cannot support amendment 3, because any further increase this year would require resource to be allocated from elsewhere in the budget that was agreed by Parliament, which would have repercussions in other parts of Government spending. We cannot do that recklessly; the matter needs to be considered.

I am grateful that, following discussions on those points, Maggie Chapman is content not to press the amendment on the basis of the arguments that I put forward. To allow responsible consideration of the budget in the round, we cannot agree to the amendment at this point. Therefore, I urge members to reject it, and to focus on making sure that the December double supplement for carers, which is provided for in the budget, gets to those who are entitled to carers allowance in good time.

**The Convener:** I apologise to Evelyn Tweed and Miles Briggs. I said at the outset that I would call other members after the amendment had been moved and the minister had spoken to it, and then call the proposer of the lead amendment to wind up. I note that Ms Chapman said that she wished to withdraw the amendment; however, the debate had started. I now invite her to press or withdraw amendment 3.

**Maggie Chapman:** I would like to withdraw amendment 3.

**The Convener:** I will suspend briefly.

09:52

*Meeting suspended.*

09:52

*On resuming—*

**The Convener:** Are members content for amendment 3 to be withdrawn?

**Members:** No.

**The Convener:** The question is, that amendment 3 be withdrawn. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

09:54

*Meeting suspended.*

09:55

*On resuming—*

**The Convener:** Just to clear up any confusion, the question is, that amendment 3 be agreed to.

**For**

Choudhury, Foysol (Lothian) (Lab)  
Duncan-Glancy, Pam (Glasgow) (Lab)

**Against**

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Gray, Neil (Airdrie and Shotts) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 2, Against 6, Abstentions 0.

*Amendment 3 disagreed to.*

**The Convener:** Amendment 4, in the name of Maggie Chapman, is grouped with amendments 5, 8 and 9. I invite Maggie Chapman to move or not move amendment 4.

**Maggie Chapman:** Not moved.

**Jeremy Balfour:** I intend to move amendment 4, and also amendments 5, 8 and 9 if Maggie Chapman has decided not to move them. The amendments in the group are helpful and I thank her for lodging them.

Amendment 4 would require the Scottish ministers to review the amount of carers allowance supplement once payment has been made, and to report to the Parliament. The amendment is helpful because it would allow the committee and the whole Parliament to review what was happening on an on-going basis. The report would also be required to cover Scottish ministers' views on an increase to the young carer grant. I think that we all have aspirations for such an increase, even if it cannot happen at the moment. The amendment is helpful because it would keep the issue alive for us as a committee and for the

Parliament and it would enable us to move forward.

Amendment 8 is a paving amendment for amendment 4.

Amendment 5 calls for a review of whether people who care for more than one person should get more money. In such cases, we make a one-off payment. The committee in the previous session grappled with and took evidence on how we deal with people who care for more than one person. I think that that will become a growing issue. People may have one elderly parent or two, and many families have two children who have a disability and need care, but we have never quite grasped that. Again, amendment 5 is helpful in keeping that issue alive.

Amendment 9 is a paving amendment for amendment 5.

I thank Maggie Chapman for lodging her amendments in the group and helping Parliament to have not only a wider review, but a continuing conversation on those issues.

I move amendment 4.

**Miles Briggs:** I reiterate what my colleague Jeremy Balfour has said. Amendments 4, 5, 8 and 9 are useful and I, too, thank Maggie Chapman for lodging them. Further to what she has outlined to the committee at stage 2 about the discussions that she has had with the Scottish Government on the issues, can she reassure us that the Scottish Government and the Scottish Green Party will bring what is proposed in the amendments back to Parliament at stage 3 so that the important requirements in them can be taken forward? Has she received such a commitment from the minister? He is here, so maybe he will also outline that to the committee.

**Maggie Chapman:** I am happy to defer to the minister on that. We have had several discussions about the information that the amendments seek to require. Some of it is already available, and further reporting and information mechanisms will be made publicly available as consultation and discussions carry on. The minister might want to say more.

**The Convener:** Before I bring in the minister, does any other member wish to speak to amendment 4 and the other amendments in the group?

**Marie McNair:** The ad hoc nature of the amendments is no way to proceed. I cannot support them.

10:00

**Ben Macpherson:** I thank colleagues for their comments. I respect and appreciate the points that

Jeremy Balfour has made, but I do not believe that the review and reporting obligations that would be imposed by the amendments in the group are required, and I will set out why.

The Scottish Government has recently published evaluations on the carers allowance supplement and the young carer grant, as Maggie Chapman alluded to a few moments ago. The evaluation shows that the supplement has gone some way towards meeting its overall aims, which are to improve outcomes for carers by providing extra financial support and to provide greater recognition of the essential societal contribution that carers make. The majority of young carer grant recipients felt that it helped to make a difference to their lives, gave them access to more opportunities and improved their mental wellbeing.

We have undertaken all of that, and we are progressing our work to deliver Scottish carers assistance, including the commitment to an additional payment for those with multiple caring roles. I cannot support the amendments in the group, because meeting the additional reporting requirements that they would create would require reallocation of resources internally in the Scottish Government, away from our work to develop Scottish carers assistance and away from on-going work to consider improvements to the young carer grant.

**Jeremy Balfour:** If you are not reporting to Parliament, what reporting are you doing internally? If reporting to Parliament would remove resources, what reporting will take place? If you are reporting internally, why can that information not be shared with Parliament?

**Ben Macpherson:** As I said, we have recently published evaluations on the carers allowance supplement and the young carer grant, and we will continue to do that as appropriate and in due course. However, the obligations that the amendments would place on us would take resources away from our development of Scottish carers assistance and the on-going work to consider improvements to the young carer grant, which is where our focus should be.

To respond directly to Miles Briggs, I note that, if the amendments are not agreed to, there is no intention to bring them back at stage 3, but I can commit to continuing to explore options outside the bill. I have talked about what we have done in terms of evaluation in recent times.

I am grateful to Maggie Chapman for the discussions that I have had with her in recent days, and for not moving amendment 4. As Jeremy Balfour has moved it, I will say that, although I am grateful for the debate that we have had, I urge members to reject all the amendments on reporting requirements, because they would

detract from our work on developing the new Scottish carers assistance.

**The Convener:** Maggie Chapman did not wish to move amendment 4, but it has been moved by Jeremy Balfour. I therefore ask him to sum up and say whether he wishes to press or withdraw amendment 4.

**Jeremy Balfour:** I am slightly confused by the minister's response. On the one hand, we are told that the Government is trying to evaluate and do all the work to produce reports, but on the other hand we are told that producing a report for Parliament would take resources away from other work. It slightly feels to me that the Government is trying not to be open to scrutiny from Parliament and is deciding on the scrutiny on its own terms. For that reason, I believe that amendments 4, 5, 8 and 9 are important. I press amendment 4.

**The Convener:** The question is, that amendment 4 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Choudhury, Foysol (Lothian) (Lab)  
Duncan-Glancy, Pam (Glasgow) (Lab)

#### Against

Gray, Neil (Airdrie and Shotts) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 4, Against 4, Abstentions 0.

As the result is a tie, I will need to use my casting vote. Given the minister's assurances that he will continue to evaluate and assess by other means, I cast my vote against the amendment.

*Amendment 4 disagreed to.*

*Amendment 5 moved—[Jeremy Balfour].*

10:05

*Meeting suspended.*

10:05

*On resuming—*

**The Convener:** The question is, that amendment 5 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### For

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)

Choudhury, Foyso (Lothian) (Lab)  
Duncan-Glancy, Pam (Glasgow) (Lab)

### Against

Gray, Neil (Airdrie and Shotts) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 4, Against 4, Abstentions 0.

Again, there is a tie, so I will need to use my casting vote. Given the minister's assurances regarding further work in the area, I cast my vote against amendment 5.

*Amendment 5 disagreed to.*

*Section 1 agreed to.*

### After section 1

**The Convener:** Amendment 1, in the name of Jeremy Balfour, is grouped with amendment 6.

**Jeremy Balfour:** I will speak to my amendment 1. I also support Pam Duncan-Glancy's amendment 6.

For us, the proposal in amendment 1 represents the key issue in relation to the bill. It is welcome that the double payment will be made this year. I appreciate that the money is coming out of a budget that has already been set and that it will have to be found from that. However, we have seen many delays to the Scottish benefits that are being delivered by the Scottish ministers, and we need to get on and deliver them. I hope that the timescales that the Government has given will be met, even if they are not what we hoped for when we started on the journey. However, we have no guarantee that that will happen. None of us has a crystal ball and we do not know what is going to happen in the next few years. There could be further delays.

Amendment 1 seeks to create an increase through a one-off payment every year so that there is a double payment. We have not set a budget yet and I presume that budget negotiations are going on between ministers and the Cabinet Secretary for Finance and the Economy so that the payment can be budgeted for and put into next year's budget. I appreciate that this involves more money, but I presume that the Scottish Government will pay all the benefits that we are already committed to. We are told that it has to come under a budgetary negotiation, but that is true of all benefits. The moneys for PIP, disability living allowance and attendance allowance all have to be provided.

As the minister is well aware, the service is demand led, so none of us can be sure about exactly how much the social security budget is going to be. We have seen the social security

budget go up this year because of what has happened in the past 18 months, and that may also be true in future years. As benefits are taken up and the amounts increase, that will have to be met within the Scottish Government's budget.

The proposal in amendment 1 is reasonable and it would give people some kind of guarantee that they were going to get money. As the minister pointed out forcefully in the chamber on Tuesday afternoon, these are political decisions. We have taken different views on the universal credit issue, but this is a decision that we can take as the Scottish Parliament. It is a political decision, and we can decide whether we want to take it. Amendment 1 proposes that we show that we value carers, not only through nice words but through a financial package.

If the Government and the Parliament want to be even more generous, we can support amendment 6, in the name of Pam Duncan-Glancy, which would provide for two payments. I recognise the need for that, and in the current financial circumstances it is worth arguing for.

We have options to make a one-off payment until at least 2025 or to make two payments. I am interested to know the minister's view on that. It is clear to me that it is a political choice. We often criticise other Governments for doing different things, but we have the power here in Scotland today to give a guarantee to carers. I hope that committee members will make the right political choice and send a clear message that we care about carers and want to support them financially.

I move amendment 1.

**Pam Duncan-Glancy:** An additional 392,000 people have become carers overnight due to the pandemic. Not all of those people will be able to access some of the funding, but a significant number of them can, and we need to show them that we recognise the work that they have done this year.

In the past year, I have spoken to carers who have told me that they are undervalued and feel invisible, exhausted and broken. Before I go any further on the reasons why I would like the committee to support amendment 6, I thank all the unpaid carers in Scotland for the work that they have done, regardless of whether it has been recognised with a financial uplift. I also thank paid carers, without whom I would not be sitting here today.

Unpaid carers have worked 24/7 with no break for a year and they are absolutely exhausted. It is important to remember that, before the pandemic, carers in Scotland were poorer than the average due to a combination of factors including access to secure, adequately paid, flexible employment and



additional disability-related costs such as higher energy and transport costs.

Family Fund notes that, in 2019 alone, a third of the families that it supported saw an income reduction in their household. A third of carers are struggling to pay utility bills, 47 per cent have been in debt, and half are struggling to make ends meet and are cutting back on food and heating as a result. All of us round the table can agree that that is unacceptable.

Carers were then hit even harder by the effects of lockdown. Family Fund says that 78 per cent reported that their overall financial situation had got worse. Half of the families that were surveyed had seen their income fall as a result of the coronavirus pandemic, furlough and increased caring responsibilities. At the Equalities, Human Rights and Civil Justice Committee the other day, we heard that many women have had to give up paid work in order to undertake unpaid caring, which has cost them in excess of £15 million a day.

Uplifting benefits for carers by doubling the carers allowance supplement during the pandemic was absolutely the right thing to do, but the pandemic is nowhere near over. This week, some Opposition parties and the Government agreed with that principle when they made the same argument about the need to retain the uplift in universal credit.

The Scottish Government has promised to introduce Scottish carers assistance, which will be a new benefit that replaces carers allowance. However, we know that it will be a considerable time before the issues to do with the rate of and eligibility for carers assistance are addressed. That means that unpaid carers in Scotland are having to wait too long for the promised reforms and to have more money in their pockets. Today, we have a chance to keep the uplift permanently until carers assistance is introduced, and carers agree with that approach.

Carers Scotland estimates that, every day of the Covid-19 pandemic, unpaid carers have saved the Scottish Government £43 million. A contributor to the report, who is an unpaid carer, says that the supplement should be doubled permanently. They said:

“If the government had to pay for outside agencies to do the work of carers it would cost a lot more. Carers are completely undervalued and forgotten about.”

I fundamentally believe that we have an opportunity to ensure that we retain the uplift while the teeth of the pandemic are still biting. Doubling the supplement this year was the right thing to do, and it is right to give carers certainty for the future until we have reviewed carers assistance. I urge the committee to vote for amendment 6 and

ensure that we do not make the payment only once a year, as is proposed in amendment 1. Unpaid carers are not just for Christmas but are much more valuable, and the payment should be made twice a year.

I urge the committee to support carers, thank them for their work and value them. Please support my amendment and give them extra money in their pockets.

10:15

**Evelyn Tweed:** The bill absolutely shows that the Scottish Government values carers. In previous evidence sessions, the committee heard that carers really appreciate what the Government is trying to do. Obviously, the Scottish Government wants to do more, but we have to make these changes in a planned fashion. There is an enabling power in the bill to increase carers allowance supplement, but that must be done in a proper, planned fashion.

**Jeremy Balfour:** I thank Evelyn Tweed for taking an intervention. I absolutely agree that it must be planned. In December, we will have a planned budget, which will then be decided on. Both of the amendments in the group would give certainty about plans. It is not new money that is having to be found from a set budget—this is a new budget. What more planning needs to take place, given that we will have budget negotiations over the next few months?

**Evelyn Tweed:** It is up to the Scottish Government to look at that in the round.

**Pam Duncan-Glancy:** I thank Evelyn Tweed for taking another intervention. I take the point about planning, but I would hope that considerable planning is going on anyway as a result of the Government looking at introducing carers assistance in the future. I also ask the member to consider the planning that unpaid carers have to do given their financial circumstances and household bills. It is far easier for people to plan when they have certainties, rather than decisions being left to the discretion of ministers, who might at any point decide that they will not double the payment.

**Evelyn Tweed:** I take the member's point, but the Scottish Government is listening, as we have heard in evidence. I note that it has already introduced seven brand-new benefits and four replacement benefits, which are more generous than those elsewhere in the UK, so I think that the Scottish Government is listening.

**Pam Duncan-Glancy:** I thank the member for taking a further intervention. She is right to point out that those benefits have been more generous in some ways, but unpaid carers in their homes

are not comparing themselves with people elsewhere in the UK. They are comparing themselves with people who are considerably better off because they do not have to provide unpaid care. Unpaid carers who are not getting carers allowance because the eligibility has not been extended are also comparing themselves with carers who are getting the allowance. Those are the comparisons that unpaid carers in the constituencies and communities that we represent are making. They are not looking at whether someone is better off elsewhere.

**Evelyn Tweed:** I acknowledge that point, but I say again that the Scottish Government is listening and will be looking at the situation for carers. I note again that, in the evidence that the committee has heard, carers acknowledged and welcomed what the Scottish Government is trying to do.

**Marie McNair:** I welcome the bill's key aims, which can be summarised as doubling the carers allowance supplement to recognise the massive contribution that unpaid carers have made during the pandemic, and getting money into the pockets of carers at Christmas, which is a time of financial pressure for families. The bill is also part of the Scottish Government's continuous approach to rectifying the long-term injustice of carers' treatment by the Westminster Parliament. It is also an addition to the £149 million that has rightly been provided to 120,000 carers since September 2018.

I do not, however, support the ad hoc approach that the amendment takes to setting future rates of the supplement. The proper way to do that is through the budget process.

**Pam Duncan-Glancy:** Will the member take an intervention?

**The Convener:** Members should make interventions brief, please.

**Pam Duncan-Glancy:** Thank you, convener—that is noted. Will the member explain why she thinks that that is an ad hoc approach?

**Marie McNair:** We need to plan, and it is important to get it right. At the end of the day, 45 years—

**Jeremy Balfour:** Will the member give way?

**Marie McNair:** I am going to carry on. It is important that we have meaningful consultation with carers about how we best support them through the new carers assistance benefit. Mr Balfour, as part of your Tory budget, you should bring forward a proposal and show how you would balance the books. It has been said that the supplement should go further. That could happen if the Tories finally did the right thing and aligned the value of the carers allowance with that of the

jobseekers allowance. It has been like this for 45 years.

In response to Pam Duncan-Glancy's point, I do not support the ad hoc nature of the amendment. The best way to proceed is through the Government's £40 million spending commitment. The bill already contains enabling powers, as my colleague has already mentioned, and it gives the ability to increase the supplement during the budget process. Pam will know from my contributions in the chamber and in committee that, like her, I recognise that there is much more that we need to do to provide a decent social security system and to mitigate the impact of the Westminster cuts. Given the scale of what we want to do, that must happen through the budget process, and it is important that we develop the new system alongside and in consultation with carers.

As for doubling the supplement to assist with the impact of Covid-19, we are fixing a wrong that has been inflicted on carers for years. Since 1976, when, as was mentioned last week, the carers allowance was initially introduced as the invalid care allowance, successive UK Governments have refused to align it with other benefits. Carers will now receive a 13 per cent increase and, as a result, will be £690 better off than carers down south. I repeat that it has been 45 years collectively—

**Pam Duncan-Glancy:** Will the member give way?

**Marie McNair:** No. You have made no effort to address the concerns of carers elsewhere, either.

**The Convener:** I remind colleagues to debate through the chair and, when referring to colleagues, to do so with their full names for the benefit of those watching.

**Emma Roddick (Highlands and Islands) (SNP):** I think that we can all agree that this extra winter payment is needed and deserved this year, particularly in light of the work that carers do and the extra burdens that have been created for them during the pandemic. I am not sure that it is right to decide now to uplift the supplement by the same amount next year, given that what we have learned over the past two years is that we cannot know what next winter is going to look like. I am reassured that the bill gives ministers the power to make further increases as part of the budget process.

**Jeremy Balfour:** Your colleague mentioned the phrase "ad hoc"—

**The Convener:** Through the chair, please.

**Jeremy Balfour:** I am sorry, convener. We have heard a member say that an ad hoc approach is not the way forward, because it

means that carers cannot plan. Do you not agree that, for carers, it is much better to have certainty instead of ad hoc decisions made at the whim of a minister? Moreover, all benefits have to be paid and administered, which means that in every budget process we will have to work out a social security budget that will have to be paid for.

**Emma Roddick:** I am hopeful that we will give carers the certainty that this winter they will get an extra payment that is needed. We have to recognise that Scotland will now be the only country in the UK where, thanks to this supplement, carers allowance is no longer the lowest working-age benefit.

Mr Balfour was right when he said earlier that these are political decisions. He could always encourage his colleagues in the UK Government to increase carers allowance to the level of jobseekers allowance and allow this supplement to go further.

The context here is important, because we are discussing an increase to a top-up to a benefit that is the lowest of any UK working-age benefit. It is a short-term intervention that gets extra cash into carers' pockets this Christmas, because their UK carers allowance payments are woefully inadequate. Over the past few months, witnesses have told us about, among other things, the huge issues around eligibility for carers allowance and, as we have heard, the supplement will benefit an estimated one in 10 carers, which is nowhere near good enough. The Government, therefore, needs appropriate time to consult carers, those whom they care for and carers organisations to bring in a new carers assistance that will reach as many people as possible, instead of members clumsily lodging an amendment that seeks to increase a top-up to a payment that we know is inadequate.

Given that money is not endless, it is right that we accept this extra payment as something positive that aims to top up a flawed system. Nobody in this room will disagree that carers deserve more, but we have to do this right.

**Ben Macpherson:** First, I want to emphasise that the Government absolutely values the role played by unpaid carers. We are the Government that introduced the carers allowance supplement in 2018 to ensure that carers no longer receive what Emma Roddick has rightly pointed out is the lowest of benefits, and we introduced the young carer grant. Both benefits are unique in the UK and are two of seven brand new benefits that we have introduced to provide, as Evelyn Tweed rightly made clear, more financial support for the people of our country.

Through our social security powers, we now invest more than £350 million a year in supporting carers through carers allowance, carers allowance

supplement and the young carer grant. That is a significant investment. Since September 2018, around 574,000 carers allowance supplement payments totalling £149.4 million have been made to around 120,000 carers. Carers continuously in receipt of carers allowance and carers allowance supplement will have received over £2,270 more than carers in the rest of the UK.

Like members round the table, I would like carers to receive more support. That is what we are working towards together. Like Emma Roddick and Marie McNair, I encourage the UK Government to increase the rate of carers allowance. That would mean more than 900,000 carers across Great Britain receiving increased support and mean that our supplement would go further.

We recognise—this is an important point—that, as Pam Duncan-Glancy emphasised, the pandemic has identified a need for greater flexibility in how we support carers when society faces significant changes in circumstances. That is why, last year, we used emergency coronavirus legislation to introduce an additional payment and why we are introducing such a payment again this year. That is what the bill is all about. To prevent the need for primary legislation in the future, the bill includes a power to enable ministers to introduce regulations that increase the amount of the carers allowance supplement. That is an important enabling power that we put into the bill.

In this financial year, we have secured the resource for a doubling of the December carers allowance supplement, which is why we prioritised introducing the bill. I thank the committee for its work on the expedited process for the bill, which is the first one of the parliamentary session to get to stage 2. We have done it at that pace to focus on ensuring that we get the resource to carers in December.

I appreciate members' ambition and desire to provide more assistance. Today and on Tuesday, Mr Balfour talked about political choices. We have political choices to make, just as we have financial ones, and the Government chooses to make a difference where it can. We chose to mitigate the low value of the carers allowance through the supplement to the cost of around £40 million a year since 2018. We did that because we want to make a difference. We chose to mitigate the bedroom tax at a cost of £70 million a year. We chose to introduce the Scottish child payment and bridging payments to support thousands of children and put £130 million into the pockets of families in this financial year.

Those are the political and financial choices that the Government makes every year within its fixed budget. The important point is that we have a fixed budget. Last year and this year, we chose to pay

an additional carers allowance supplement of more than £230. We might be able to make that choice in the future, depending on our budget and what else we do with Scottish carers assistance as it develops into a replacement benefit for carers.

We have choices ahead. Through the development of Scottish carers assistance, we are considering options for the longer term that will increase our support for carers through our social security system. We will begin our consultation this winter on proposals for the delivery of Scottish carers assistance. That will require us carefully to consider the balance to be struck between extending eligibility for, and increasing the amount of, Scottish carers assistance.

As I said in the stage 1 debate, future increases will be considered in the context of the circumstances faced by carers and the financial constraints that we face. If we were to commit over future years the resource that the amendments ask for, we could not utilise it, potentially, to support carers in other ways. That is why we need to consider the issues in the round, and is why I cannot support either amendment and urge committee members to reject them.

10:30

**The Convener:** To wind up the debate, I call Jeremy Balfour to press or withdraw amendment 1. I ask him to be brief.

**Jeremy Balfour:** I have a few points in response to the debate.

I was very proud, back in May, to be elected to the Scottish Parliament and to have the powers that we have. That is what I am here to do: to use the powers of the Scottish Parliament. I disagree with Evelyn Tweed that the decision is for the Scottish Government. I think that the decision is for us as a Parliament. That is why we have been elected: to be the voice of those who are perhaps the most vulnerable in our society. I do believe not in dictatorship but in democracy and in parties playing their role in that. That point is really important.

On the other point that the minister made, the budget is not fixed. The Government has powers, if it wants them, to increase or decrease the budget. The budget that is set is not fixed; the budget that is available depends on decisions that are made by the Government and by the Parliament.

The nub of the issue is that we all want the new Scottish carers assistance to come in. However, as the minister has pointed out, we will start the process in December, with a consultation that will, rightly, take people's views; the Government will then, rightly, respond to that consultation and the

proposals will come after that. That will not happen overnight; it will not happen next year; and it will probably not happen the year after. I think that the provisional date is 2025. That leaves us with four years of uncertainty on whether Ben Macpherson and the cabinet secretary have successful negotiations with the Cabinet Secretary for Finance and the Economy.

Marie McNair said that we do not want an ad hoc system. I absolutely agree. I do not want an ad hoc system. I want absolute certainty, and I want the Scottish Government to know, when it is planning its budget, that the payment will be made either once a year at double the rate, or twice a year, depending on which amendment members go for.

We all have choices to make. I am not an MP. I am not there to make choices at Westminster. I am here today, as are we all on this committee, to make choices on things that we can influence here in Scotland. That is why I press amendment 1.

**The Convener:** The question is, that amendment 1 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Choudhury, Foyso (Lothian) (Lab)  
Duncan-Glancy, Pam (Glasgow) (Lab)

**Against**

Gray, Neil (Airdrie and Shotts) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Roddick, Emma (Highlands and Islands) (SNP)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 4, Against 4, Abstentions 0.

The vote is tied. I will use my casting vote. Given what the minister and colleagues have said, I cast my vote against amendment 1.

*Amendment 1 disagreed to.*

*Amendment 6 moved—[Pam Duncan-Glancy].*

**The Convener:** The question is, that amendment 6 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Balfour, Jeremy (Lothian) (Con)  
Briggs, Miles (Lothian) (Con)  
Choudhury, Foyso (Lothian) (Lab)  
Duncan-Glancy, Pam (Glasgow) (Lab)

**Against**

Gray, Neil (Airdrie and Shotts) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)

Roddick, Emma (Highlands and Islands) (SNP)  
Tweed, Evelyn (Stirling) (SNP)

**The Convener:** The result of the division is: For 4, Against 4, Abstentions 0.

The vote is tied. I will use my casting vote. Again, based on what the minister and colleagues have said, I use my casting vote to oppose amendment 6.

*Amendment 6 disagreed to.*

### **Section 2—Power to increase amount of carer’s allowance supplement**

**The Convener:** Amendment 8, in the name of Maggie Chapman, has already been debated with amendment 4. I call Maggie Chapman to move or not move.

**Maggie Chapman:** Not moved.

**The Convener:** Although Maggie Chapman has chosen not to move amendment 8, there was a debate on it. Does any other colleague wish to move amendment 8? The answer appears to be no.

*Amendment 8 not moved.*

*Amendment 9 not moved.*

**The Convener:** To give colleagues a couple of minutes for a comfort break, I suspend the meeting.

10:35

*Meeting suspended.*

10:40

*On resuming—*

**The Convener:** Amendment 2, in the name of Jeremy Balfour, is in a group on its own.

**Jeremy Balfour:** We had an important debate earlier. Amendment 2 is a bit nerdy and more technical, but it is important that we debate it and come to a view on it.

The amendment relates to how the committee and the Parliament should consider any regulations that the Government introduces, in due course, under the bill. We heard from members and the minister that there is a power in the bill for the Government to introduce regulations to vary the amount of the supplement.

Regulations often end up at a committee at a late stage and do not get the proper scrutiny. That is no criticism of anyone; it is just how the system works. However, if we used the super-affirmative procedure, it would at least give us time to pause and examine any regulations properly. It would allow a third party a valuable tool for examining

them as well and would ensure that they had no unforeseen consequences. It would also allow us a bit longer to consider them.

The super-affirmative procedure would provide a proper check. When the Social Security (Scotland) Act 2018 went through the Parliament, in the previous parliamentary session, we all—including the Government and the Parliament—were keen to get it right because many of the benefits affect vulnerable people. Using the super-affirmative procedure for any regulations that the Government introduced would allow us a bit more scrutiny. It would make the Government think about them a bit more quickly, because they would have to be produced more quickly and they would go through the proper scrutiny.

I will be interested to hear what the minister has to say on that.

I move amendment 2.

**The Convener:** Thank you very much indeed for your brevity, Mr Balfour.

**Marie McNair:** I am minded to say that the amendment is unnecessary. The evidence that we heard at stage 1 and the submissions that we received showed that carers want the money paid as quickly as possible, and amendment 2 could create an unhelpful delay. Evidence from the Scottish Commission on Social Security indicated that there might be capacity issues.

Because there are delays associated with going down that road, I am not supportive of amendment 2.

**Ben Macpherson:** I appreciate Mr Balfour’s point in lodging the amendment, but it is not required.

The Scottish Commission on Social Security plays an important role in providing detailed scrutiny of draft social security regulations on which the advice of experts in social security is required. However, any decision to increase the amount of an existing benefit must be made in the context of the wider financial and non-financial support that is provided to the people who are entitled to the benefit and within the wider fiscal context and limits of our budget. Those decisions are best suited to the Parliament.

As the changes that can be made under any regulations that are laid under the new power that we seek to introduce are limited to increasing the level of the supplement for a specific period or periods, we do not consider that further scrutiny by the Scottish Commission on Social Security is necessary or appropriate. The application of the affirmative procedure in section 2 will allow members adequate opportunity to consider any regulations in draft form. I note that the Delegated

Powers and Law Reform Committee's stage 1 report on the bill supported that position.

Considering all those points, I do not support the amendment and urge Mr Balfour not to press it. If he does, I urge the committee not to support it.

**The Convener:** Thank you, minister. I appreciate your brevity.

10:45

**Jeremy Balfour:** I thank the minister for his reflections on my amendment. I agree with Marie McNair that there are capacity issues with regard to SCOSS that we, as a Parliament, will need to look at. In any case, the regulations that I am talking about are future ones. Perhaps the minister misunderstood me, as I am looking to ensure that any such regulations do not affect the December payment.

The minister has made some interesting points, which I would like to reflect on. With the committee's permission, I will withdraw amendment 2 and see where we are at stage 3.

*Amendment 2, by agreement, withdrawn.*

*Section 2 agreed to.*

*Sections 3 and 4 agreed to.*

*Long title agreed to.*

**The Convener:** Thank you, colleagues. That ends our stage 2 consideration of the bill. The deadline for stage 3 amendments is 12 noon on Monday 4 October, and we expect to consider stage 3 on Thursday 7 October.

I thank the minister, non-committee members and the minister's officials for joining us this morning, and I briefly suspend the meeting before moving on to the next agenda item.

10:46

*Meeting suspended.*

10:47

*On resuming—*

## **Subordinate Legislation**

### **Social Security (Claims and Payments) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/305)**

**The Convener:** Agenda item 5 is consideration of two Scottish statutory instruments under the negative procedure.

It might be helpful if I first clarify some procedural points. SSIs that are laid under the negative procedure come into force automatically unless the Parliament passes a motion to annul them or they are withdrawn by the Scottish Government. There is no procedure for amending such SSIs, and it is not possible for us to accept some parts of them but not others. The only way in which a committee member can prevent a negative SSI from coming into force is by lodging a motion to annul the instrument. That said, the committee can make recommendations for future changes to be brought forward through other instruments, or it can highlight any concerns that it might have to the Scottish Government.

The first set of regulations would allow large payments of arrears of devolved disability benefits to be paid in instalments to Scottish clients if consent is given by the clients. Further background information is outlined in paper 4.

If members have no comments, are we content simply to note the instrument?

**Members indicated agreement.**

### **Council Tax Reduction (Scotland) Regulations 2021 (SSI 2021/249)**

**The Convener:** Moving on to the second instrument, I refer members to paper 5, which details our consideration of the Council Tax Reduction (Scotland) Regulations 2021.

The purpose of these amending regulations is to ensure that, as far as is practicable, a household in the same circumstances receives the same level of council tax reduction whether or not it is on universal credit. The committee wrote to stakeholders in advance of today's meeting to invite further views on the regulations. On behalf of the committee, I thank Citizens Advice Scotland, the Child Poverty Action Group, One Parent Families Scotland and the Institute of Revenues Rating and Valuation for their responses. I also thank the Minister for Public Finance, Planning and Community Wealth for his written response to the issues raised.

Do members have any comments?

**Pam Duncan-Glancy:** I will support the regulations, convener, but I have a couple of questions.

I do not know whether it is just me, but it feels as though the regulations are really complex. To be honest, I do not think that we have had much time to get under the skin of them. Are we happy that enough data have been provided and that we understand who the winners and losers are here? I welcome the levelling of the reduction for people on legacy benefits and those on universal credit—it is absolutely the right thing to do—but do we really understand the differences here and who is or is not going to do okay out of this? That is my only concern about the regulations.

**The Convener:** I suggest that we write again to the minister, seeking further detail. That might be helpful to committee colleagues and it might address Pam Duncan-Glancy's comments. Are colleagues happy to go ahead with the suggestion that we write to the minister, seeking further comment?

**Members** *indicated agreement.*

**The Convener:** I invite Ms Duncan-Glancy to work with the clerks to frame the questions that she seeks answers to.

**Marie McNair:** I have more of an observation to make, convener. Looking at the start-up costs of the new system, I think that councils will lose quite a lot of income, so it is important that they are fully compensated. I also note that there is no guidance for the councils on how the scheme will be administered. Can we get a wee bit of background on that, too?

**The Convener:** Is Ms Duncan-Glancy content for Marie McNair to ask a question along those lines in the same letter to the minister?

**Pam Duncan-Glancy:** Absolutely.

**The Convener:** In that case, are we content simply to note the regulations?

**Members** *indicated agreement.*

**The Convener:** Thank you very much. That concludes the public part of the meeting.

10:51

*Meeting continued in private until 11:14.*





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