



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 27 January 2022

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

3rd 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)

*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:

Kayleigh Blair (Scottish Government)

Nathan Gale (Scottish Government)

David Hilber (Scottish Government)

Ben Macpherson (Minister for Social Security and Local Government)

Janet Richardson (Social Security Scotland)

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

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

Virtual Meeting

Scottish Parliament

Social Justice and Social Security Committee

Thursday 27 January 2022

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

Interests

The Deputy Convener (Natalie Don): Good morning and welcome to the committee's third meeting in 2022. Our former convener, Neil Gray, was appointed as Minister for Culture, Europe and International Development on Tuesday and therefore resigned from his convenership. We wish Neil all the best in his new post and thank him for all the work he has done for the committee.

I welcome to the committee Elena Whitham MSP, who will replace Neil Gray as a committee member. Apologies have been received from Emma Roddick MSP and we welcome Evelyn Tweed MSP back to the committee as Emma's substitute. Before we turn to the appointment of our new convener, I invite Elena to declare any relevant interests.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Thank you and good morning to colleagues, committee members and witnesses. I declare that I am still a councillor on East Ayrshire Council.

Convener

09:01

The Deputy Convener: We move to the appointment of a new convener. On 15 June 2021, the Parliament agreed that members of the Scottish National Party are eligible to be chosen as convener of the committee. I nominate Elena Whitham to be our convener.

Elena Whitham was chosen as convener.

The Deputy Convener: Congratulations, Elena. I will pass over to you to chair the remainder of the meeting.

Subordinate Legislation

Disability Assistance for Working Age People (Scotland) Regulations 2022 [Draft]

Social Security Information-sharing (Scotland) Amendment Regulations 2022 [Draft]

09:02

The Convener (Elena Whitham): Thank you very much. I look forward to working with the committee.

This morning, we will consider three items of subordinate legislation, as outlined on the committee's agenda. The minister will begin by making an opening statement on the adult disability payment regulations and the related information-sharing amendment regulations, after which we will consider the motions on those instruments. We will then consider the remaining Scottish statutory instrument, which is subject to negative procedure.

In advance of the regulations being laid, the committee took evidence from the Scottish Fiscal Commission on 7 October and heard from stakeholders at a meeting on 16 December. Following those meetings and in advance of today's discussion, the committee wrote to the Minister for Social Security and Local Government to seek further information. After our meeting on the budget on 13 January, we wrote to the Cabinet Secretary for Social Justice, Housing and Local Government and included in that letter some questions on the adult disability payment. We look forward to our discussion on these very important regulations.

I welcome to the meeting Ben Macpherson MSP, Minister for Social Security and Local Government. The minister is joined by Scottish Government officials. Today we have Kayleigh Blair and Camilo Arredondo, both solicitors for the Scottish Government. David Hilber is the team leader on case transfer policy and Nathan Gale is the team leader on disability benefits policy at the Scottish Government. Janet Richardson is the deputy director of client services delivery at Social Security Scotland. I invite the minister to make an opening statement.

The Minister for Social Security and Local Government (Ben Macpherson): Good morning. Welcome to the committee, convener, and congratulations on your new role.

Thank you for inviting me to give evidence on these important regulations, which, if passed, will introduce the adult disability payment in Scotland.

The adult disability payment will be the 12th benefit to be administered by Social Security Scotland and it is the biggest and most complex undertaking for the organisation to date.

I strongly believe that the regulations deliver on the principles of the Social Security (Scotland) Act 2018 and the Scottish social security charter. That is in large part due to the extensive input of a range of organisations and individual disabled people across the country and I take this opportunity to thank all those whose contributions have helped to shape the adult disability payment. I am also immensely grateful to the members of the Scottish Commission on Social Security, who have given generously of their time and engaged openly with me and officials. SCOSS has made a number of insightful recommendations on the regulations, almost all of which the Government has accepted.

The regulations enable the Scottish Government and Social Security Scotland to commence the delivery of the adult disability payment for new applicants from 21 March, initially in Perthshire and Kinross, Dundee and the Western Isles. We will then introduce the adult disability payment across two further pilot phases, before rolling it out nationally on 29 August.

Critically, the passage of the regulations will enable us to take a very different approach to delivering disability assistance, developed around our principles of dignity, fairness and respect. We will put an end to the stress and anxiety of private sector assessments. There will be no undignified physical and mental examinations. We will end the stressful cycle of unnecessary re-assessments and the adversarial approach of the Department for Work and Pensions. In contrast, we are introducing a system that is rooted in trust and supported by the input of suitably qualified in-house health and social care practitioners. We are funding an independent advocacy service that will support people to access social security throughout their journey.

Only one piece of information will be sought from a formal source to support the general care and mobility needs in a person's application. The onus of collecting that information will be on Social Security Scotland. Equal weight will be given to all sources of information, including from the people who know a client best: their friends, family and informal support network. Applications from people with a terminal illness will be fast tracked so that they can access the support that they need and are entitled to as quickly as possible.

Overall, the experience of applying for and receiving the adult disability payment will be fundamentally different from the current DWP experience. If the regulations are not passed, people will not be able to benefit from the

significant improvements that we intend to make. People would be left on the personal independence payment for longer and potentially subjected to the indignity and anxiety of private sector assessments. It is crucial that the Parliament agrees to the regulations.

We intend to begin the case transfer of PIP awards to the adult disability payment when it launches nationally in August. The case transfer of approximately 300,000 disability benefit awards from the Department for Work and Pensions to Social Security Scotland is an unprecedented exercise both in scale and complexity. We have, therefore, consistently prioritised the safe and secure delivery of the adult disability payment. That approach has been supported by SCOSS, the Disability and Carers Benefits Expert Advisory Group, DACBEAG, and by many responses to our public consultations on disability assistance and the adult disability payment.

We have focused on making changes that will have the greatest positive impact on how people experience accessing support, while not risking the safe and secure delivery of that support. That is why the rules for the adult disability payment will be broadly the same as those for PIP during the transition period. I want to stress, though, that what will be delivered on day one will be significantly different from how people experience the DWP and is not the limit of the Scottish ministers' aspirations.

We have already announced an independent review of the adult disability payment that will be carried out in two stages. The initial stage will commence later this year and will look at mobility criteria. The full adult disability payment framework will be considered during the second stage of the review, beginning in summer 2023.

In conclusion, I remain confident and determined that, from day one, the adult disability payment will deliver a new and much improved experience for disabled people and those with long-term health conditions. That experience will reflect the human right to social security and the ethos of dignity, fairness and respect that is at the heart of the new system that we are creating and delivering.

I welcome the opportunity to assist the committee in its consideration of the regulations and I am very happy to take any questions that members might have.

The Convener: Thank you for that opening statement, minister. I know that my fellow committee members are passionate about this subject and they have many questions to put to you. Our questions are grouped around themes: theme 1 is on the changes to eligibility criteria and independent review; theme 2 is about the transfer

from PIP and the disability living allowance to ADP; theme 3 is on moving from the child to the adult disability payment; theme 4 is about gathering evidence and consultations; theme 5 is about financial impacts; and theme 6 is about monitoring and evaluation. Marie McNair will ask the first question.

Marie McNair (Clydebank and Milngavie) (SNP): Thank you, convener, and congratulations on your appointment.

Good morning, minister. Is it the case that if the Westminster Government got rid of the 20m rule for PIP, that would create the space for a similar change to take place in Scotland for ADP?

Ben Macpherson: Marie McNair is raising the important point about why the eligibility criteria that we are proposing need to be largely the same as those for PIP. The committee will be aware that that is fundamentally about three important considerations. The first is safe and secure transfer; the second is making sure that we do not create a two-tier system where people on PIP who are still to transfer into Social Security Scotland would be subject to different conditions from those who are applying for ADP; and the third is the fundamentally important question of passporting and the need for the DWP to consider ADP on a like-for-like basis with PIP for passporting benefits. It is important to point out that we have made some changes in the eligibility criteria that relate to the better experience that we want people to have, but throughout our engagement with the DWP it has been important for them that there were not significant changes to the eligibility criteria for ADP, in order for it to be considered on a like-for-like basis for passporting.

Marie McNair mentioned the 20m rule and I know that the committee has received a lot of evidence on that. Scottish Government ministers have also had a lot of engagement on the issue, with stakeholders and others. It is important that people understand that if the DWP were to change its eligibility rules that could, of course, have an impact. We would be able to be more assured that the DWP would consider ADP with different eligibility rules, if they were concurrent with any changes that the DWP were making, for passporting purposes. Also, the considerations of any added payment out, within the fiscal framework, would be built into the resources received by the Scottish Government, so that there were better resources for the payment of social security. We are already committing a significant amount of additional resource to pay out over and above what we receive through the fiscal framework for social security benefits, because we want to do more and assist people more in our communities.

Of course, we have had no indication from the DWP that it intends to change the 20m rule and that is certainly not a suggestion in its green paper.

The Convener: Thank you, minister. Marie, do you have anything further?

Marie McNair: Yes, I have two further questions, convener.

Minister, you are clear, and so is SCOSS, that safe and secure transfer must be the priority before any major change to the approach is considered and that any further change will be guided by the independent review. You also indicated that the first stage of the review will focus on mobility criteria. What is the rationale for that and can you say more about the wider remit of the review?

Ben Macpherson: The independent review was announced by Shirley-Anne Somerville when she was Cabinet Secretary for Social Security, in recognition that, as we deliver the adult disability payment we want feedback and insight into how stakeholders believe the new system is performing. The review will also think ahead, to beyond the period of case transfer, when everyone in receipt of a disability benefit is in the Scottish social security system. It will consider what we can and should change, whether that is eligibility criteria or other considerations.

Of course, we are in not just a hybrid system with the UK Government, but a system in which we have two processes running in tandem. When we launch the adult disability payment, we will be both accepting new applications for ADP and simultaneously transferring into our system 300,000 individuals who are on PIP.

09:15

The review is important—it is important that we have feedback on how people are experiencing the system. We plan to establish a review group, the members of which will be drawn from outside the Scottish Government, with the intention that the group will secure input from people with experience of applying for and receiving ADP. I appreciate that there will be a lot of interest in the review and I am determined that as many people as possible will have the opportunity to contribute to it. The review will be completely independent, so it would be wrong for me to pre-empt any recommendations. Planning and scoping work is already under way on the first stage of the review and I will provide a further update to the committee and the Parliament as soon as possible.

As I laid out in my letter to the committee on 17 December, the reason why we want the review to commence with consideration of the mobility

criteria is that we are mindful of and respectful of the significant amount of evidence that the committee has received and the discussion that there has been about the mobility criteria. We want to make sure that we get the process of reviewing those considerations under way as quickly as we can.

Marie McNair: The changes to terminal illness criteria will make a huge difference. Not only is a time limit no longer required, which is fantastic, but the award is more generous. As I understand it, with PIP someone automatically gets the enhanced rate of the daily living component, whereas with ADP they get the enhanced rate of the daily living component and the enhanced rate of the mobility component. Is that change motivated by the intention to ensure that those with a terminal diagnosis get the highest possible level of financial support at the time of greatest need?

Ben Macpherson: Marie McNair is absolutely right to highlight those important differences. Not so long ago, I was a member of the Social Security Committee during the progress of the bill that became the Social Security (Scotland) Act 2018. I remember the powerful evidence that was provided by organisations that support people at a time of terminal illness and their families. It is a real tribute to the Parliament and to the stakeholders we work with that we have got to the point of delivering such support for those with a terminal illness. It is important that there is adequate support and that people get that support quickly. That is exactly why we have taken the position that we will rely on the evidence of clinicians to make our decisions about granting support to those with a terminal illness. It is a matter of considering not time periods, but people's situation and medical position. That will enable people to get support as quickly as possible.

Pam Duncan-Glancy (Glasgow) (Lab): Congratulations on your appointment as convener of the committee. I put on record my thanks to Neil Gray, who was an excellent convener. We will miss him, and I wish him well in his new role.

I thank the minister and his officials for coming to discuss the regulations. The current system of support for disabled people is wholly inadequate. I recognise the work that the Government has done in making improvements to the system, and I congratulate it on doing that. However, it will come as no surprise to the minister, the officials or other committee members that I believe that the regulations that we are considering today are a serious missed opportunity.

In the middle of a cost of living crisis, when 31 per cent of disabled people are living in poverty, we should have been looking at addressing issues such as the eligibility and adequacy of the

payments. Instead, we are looking only at the process. I recognise that some of the changes to the process will improve things, but the bar was very low. I am underwhelmed by what we see in front of us.

I will start by picking up the point about the 20m rule. The minister set out that the United Kingdom Government has not yet indicated its intent to get rid of the 20m rule. However, I note that neither has the Scottish Government nor the minister, despite the fact that I have asked direct questions several times about the intentions around the 20m rule. Will the minister set out whether it is the Scottish Government's intention to get rid of the 20m rule?

Ben Macpherson: I thank Pam Duncan-Glancy for her engagement and for her recognition of the significant changes that are being made.

On the points raised about our being constrained in the process of considering the eligibility criteria and the adequacy of the support, I refer to my opening statement. As I said, we have two workstreams working in tandem currently. We are launching a new benefit for applications and undertaking significant case transfer, which is unprecedented in its complexity. We must ensure that those who are receiving the new adult disability payment and those who are being transferred under the case transfer process from August receive the same amounts and are subject to the same criteria for assessment. That is about equality and parity. We have to ensure that, while in this tandem workstream, we are treating people the same and do not have a two-tier system.

I talked about the review earlier. I want to re-emphasise the important point that we recognise that, once case transfer has been completed, we should consider together—as a society and as a Parliament—what changes we should make at that juncture and consider what people's experience has been of the adult disability payment. Once there has been experience of the new system, we will receive, through the review, information on what people's perceptions and experience of the process have been.

We appreciate that we have heard, time and again over recent years, that the PIP descriptors are not consistently applied to individuals, particularly those with mental health conditions, fluctuating conditions or learning disabilities. Numerous successful appeals to DWP show that the PIP criteria have been wrongly interpreted. For example, when an individual is asked whether they can complete an activity, either at application stage or during an assessment, DWP's consideration of those issues has not been applied properly or consistently.

However, in our system, when an individual is asked whether they can complete an activity, either at application stage or during a consultation with Social Security Scotland or with a practitioner of Social Security Scotland, the full impact of an activity on the individual, including pain and fatigue, will be considered. We will be applying the reliability criteria properly and consistently. If someone tells us that they cannot walk a certain distance without losing balance, that means that they cannot walk that distance safely.

The changes that we are making to the delivery of the adult disability payment, such as providing additional application channels and replacing assessments with person-centred consultations, are intended to address many of the concerns that people rightly have about how mobility criteria are applied. We will monitor the impact of the changes on awards and collect feedback from clients and stakeholders, as I have said. We cannot know for certain what the impacts of the improvements that we are making will be until we commence delivery. That is why it is important that we have the pilot and the review.

The Scottish Fiscal Commission has projected that we will spend more on the adult disability payment because of the way in which we are delivering it. That is an indication that the commission believes that more people will be successful in obtaining awards.

Now is not the time to be definitive on particular parts of the eligibility criteria and on whether they should change once we have undertaken the review. We will undertake the review and see what people's experiences are of the new system. We can consider together the recommendations of the review and what change we could or should make once we emerge from the process of the twin set of workstreams, in which we will be in shortly, of delivering the new benefit and case transfer at the same time.

The Convener: Thank you, minister. I can see from the chat that Evelyn Tweed wants to come in. Is it on that point?

Evelyn Tweed (Stirling) (SNP): Yes, it is, convener.

The Convener: Go ahead.

Evelyn Tweed: Can you outline for the committee the Scottish Commission on Social Security's view on how the Scottish Government is dealing with eligibility? What was its view on the approach that the Government has taken?

Ben Macpherson: That is an important point to raise. I know from the committee's evidence on 16 December 2021 and from correspondence that I sent to the committee that you will be aware that SCOSS supports the position that we have taken.

After significant engagement with the Scottish Government and thorough consideration of the issues—we were very grateful for the important engagement that we had with the body—SCOSS endorsed our overriding commitment to safe and secure transfer by stating that:

“We are persuaded that changing eligibility criteria at this time would risk undermining the delivery of ADP, with extremely detrimental consequences for people who depend on it.”

We are also mindful that DACBEAG has stated that:

“In the short term, we agree that no significant changes should be made to eligibility rules to ensure a safe and secure transition”.

We have engaged with those that you would expect us to on that important issue, and we are reassured, comforted and grateful that they share our position.

Collectively, in time—not just in the short term through the delivery of ADP and all the significant improvements that I laid out earlier, but in the years thereafter once case transfer has been undertaken—we all want to improve the situation for disabled people as much as we can. I think it important that we undertake the process of case transfer and launch in the way that is envisaged in the regulations, to make sure that we deliver the adult disability payment better than the way in which PIP is delivered, in terms of experience and approach, and I have laid that out through the important changes that we are making. Then, after safe and secure transfer, we can consider where we go next with the benefit.

The changes that we are making, particularly on applying the reliability criteria properly, will make a significant difference for people, and the experience of the adult disability payment will be much improved, just like is the case on the child disability payment. The feedback to the Scottish Government and Social Security Scotland of people’s experience of that different system and approach to that which they had experienced previously from DWP has been very positive.

09:30

Pam Duncan-Glancy: I thank the minister for the points that he set out as a result of that question. However, I am not sure that he set out whether it is his intention to get rid of the 20m rule. I ask him to address that point.

I also noted the minister’s point about now not being the time. I cannot help but say that we were also told that in 2018, when disabled people—and the Scottish Labour Party—were keen to put the ambition that they wanted on the face of the bill. We were told in 2018 to trust that the issue would be sorted in regulations, but here we are in 2022

and the eligibility criteria and the adequacy of the payments under the new system will not be addressed until after the review, which looks like it will not happen until at least 2025. Disabled people, 31 per cent of whom are living in poverty in this country, are being told that now is not the time. I hope that the time will be soon and I ask the minister to say when that will be.

I will move on to my other questions.

I thank the minister for his reassurance about the way in which the descriptors will be applied. I am confident that some of the work that has gone into training through Social Security Scotland means that that may well be borne out—we look forward to seeing that and to scrutinising it further. Have you considered a system that is not a functional one but which is points based? What else you could do to address that issue, and when?

Is the minister able to be more explicit around psychological distress and how that will be applied in the descriptors and the assessment process?

We have heard from many people who have given evidence to the committee that there is not enough in the regulations about the ability to make a journey safely. That can make things very difficult for people who have mental health issues to get the enhanced rate. How does the Government plan to address that?

Related to that, a number of organisations and people have told us that changing and variable conditions are not addressed to any significant extent in the regulations. Can the minister set out how those concerns will be addressed in the regulations or in future guidance?

I appreciate that I am asking a lot of questions, but I have the talking stick for only a limited period.

Can the minister also set out how he sees the relationship and possible divergence between UK and Scottish case law developing as the payments are rolled out? For example, what would happen if a change in UK case law meant that the UK system became more generous than its counterpart here?

Finally, will there be any explicit reference in guidance to how the new system will support people with mental ill health through the application process? Can the minister set out what that support would look like? Thank you.

Ben Macpherson: I will try to come back on as many of those questions as possible. Forgive me if you have to come back on some of them, given their extent.

As I said, we need to consider the 20m rule within the review process; we need to get the feedback on how the adult disability payment

performs once it is launched; and we need to undertake the independent review so that the Government can receive feedback on the eligibility criteria. As I set out in a previous answer, we are undertaking consideration of the mobility criteria in 2022.

On the points that have been raised with the committee about those with fluctuating conditions and mental ill health, I appreciate the evidence that the committee received on 16 December. I considered it with interest and intent in a proper manner, and I am grateful for it.

I go back to some of the fundamental points about what our new system will deliver. We have removed all functional examinations from the process. As members will know, the DWP requires examinations, such as testing flexibility and strength and the mental state examination. Those tests do not meet our values of fairness, dignity and respect, and we know from feedback from individuals who have been through the process that they cause widespread stress and anxiety. We do not want that in our new system.

I have mentioned the reliability criteria, which require a person to be able to carry out activities “safely”, “repeatedly”, “to an acceptable standard” and “within a reasonable time”. Those criteria are defined more fully in our legislation to help us make sure that, when an individual is asked whether they can complete an activity such as walking 20m, the full impact of that activity on the individual, including pain and fatigue, is considered.

I appreciate that the considerations for fluctuating conditions have been raised in the evidence that the committee has heard. The improvements that we are making to the delivery of ADP, such as providing additional application channels and replacing assessments with person-centred consultations, are intended to address many of the concerns that people have about the eligibility criteria, how they are applied and their impact on people with fluctuating conditions such as multiple sclerosis and epilepsy.

We have proposed a new way of making entitlement decisions for the adult disability payment to ensure that the criteria are fairly applied to all people. That includes stringently applying the reliability criteria—and I have just pointed out what that involves. The criteria are fully enshrined in the regulations and embedded in every step of the decision-making process, which means that decisions will take full account of fluctuating conditions.

As I have set out, the application process will be inclusive, accessible and provided in a range of formats and routes—online, phone, postal and in person—and it will be transparent throughout to

help the individual on their journey. There will be comprehensive guidance for clients on how the eligibility criteria are applied so that they understand that process as well. We will ensure that a client is supported to provide relevant information, guided by the reliability criteria, about how they feel after completing an activity and how long the impacts last. Throughout the process, we will have the advocacy service as well.

I will bring in Janet Richardson to give the agency’s perspective on support for clients with mental health problems. I would be grateful if she could elaborate on some of what I have said for the benefit of Pam Duncan-Glancy and the rest of the committee.

Janet Richardson (Social Security Scotland):

Good morning, convener and committee members, and thank you, minister. I want to pick up on the point about the support that we are providing for clients with mental health problems to make sure that they feel supported through the process.

I think that it is fair to say that, from the very beginning, we have worked very closely with stakeholder groups to look at what concerns clients—particularly those with mental health problems—about interacting with organisations such as ours, and we have taken that on board for how we deal with people.

Many of the health and social care practitioners we have recruited specialise in mental health issues. We are directly recruiting those people, rather than going through an agency, and they are working closely with our case managers to create a relationship and interactions that will mean that there is a full understanding of some of the issues that clients have in that space.

Our local delivery team is working closely with the third sector and stakeholders in every local authority area. They are getting to understand some of the issues and concerns that clients have and are building trust and relationships with people so that they feel more supported and better able to come to us for the advice and support that they need.

Part of the training for all of our colleagues in Social Security Scotland is around creating and building trust. We recognise that that is important for people, so that they understand why we need to ask them for the information, what we will do with it and how it will be used, and so that we create the relationship that we think is missing from the current process.

The Convener: Thank you. Minister, do you have anything further to add?

Ben Macpherson: I want to bring in Nathan Gale to elaborate on some of the points that I

made on psychological distress, safety and case law, which I hope will be helpful in answering Pam Duncan-Glancy's questions.

Nathan Gale (Scottish Government): Thank you, minister, and good morning, convener and members.

Ms Duncan-Glancy raised an important point about the ability to do activities safely and the evidence that has been given to the committee about people safely completing journeys.

It is important to note that we have more fully defined "safety" in our regulations to take into account developed case law. That is intended to ensure that our case managers understand clearly how the criteria are supposed to be applied.

We have done a great deal of work with welfare rights advisers and other expert stakeholders to make sure that developments in case law on PIP are fully incorporated in our regulations. We know that there can sometimes be a lag between case law coming in and the PIP legislation being amended to reflect that. We have made sure that case law is embedded in our regulations from the outset.

We are aware that stakeholders have raised the issue of psychological distress, particularly in relation to people with mental health conditions and their ability to mobilise and move around outside, and that they have some concerns about how the criteria may be applied.

To build on what the minister said, how the criteria are applied and making sure that they accurately reflect how the client experiences their life will be instructive as we go forward into the review. If there are concerns, particularly about psychological distress and how that is handled in the adult disability payment, they will be raised by stakeholders during the review. We are definitely aware of the issue and we are keen to see how it develops as ADP is launched.

The Convener: Thank you very much for that. Minister, do you have anything further to add, or are we able to move on?

Ben Macpherson: There is nothing further from me. I hope that the information that officials and I have provided has covered the points that Ms Duncan-Glancy wished us to cover.

The Convener: I am going to hand the talking stick over to Jeremy Balfour. I will hand it back to Pam Duncan-Glancy when we move on to the next theme.

Jeremy Balfour (Lothian) (Con): Good morning, convener. I add my congratulations on your appointment. I look forward to working with you. I also wish Neil Gray all the best in his new role in the Scottish Government.

I have about four or five questions to ask the minister, but I will take them one at a time so that we do not get lost in them.

My first question seeks to develop the point that was just made about case law. What is the Scottish Government's thinking about what will happen with case law that comes in once ADP is up and running? If a case is decided in a tribunal in Newcastle that affects somebody's mobility, will that automatically be applied to Scottish case law? How will it be implemented, and who will make that decision?

09:45

Ben Macpherson: Thank you, Mr Balfour. As you would expect, as new case law emerges, we regularly and consistently consider its application and its repercussions for all the benefits to which it relates.

We are absolutely committed to considering case law that emerges in different parts of the UK and its repercussions for our system and for people in Scotland. Kayleigh Blair, from the Scottish Government legal division, will speak briefly about that.

Kayleigh Blair (Scottish Government): Good morning, convener and members. I thank the member for the question.

The minister is correct that, as case law emerges, consideration is given to how it should be taken on board and perhaps implemented further through the adult disability payment regulations. As members will be aware, once the adult disability payment is a separate benefit for clients in Scotland, the reach of UK-level case law will be limited with regard to the obligation to make changes in line with the personal independence payment. A determination might be made on whether the developments in UK-level case law would be beneficial and should be carried forward within the adult disability payment. Our ability to determine whether to follow the same approach as laid out in UK-level case law on the personal independence payment will be broader, in the sense that we will be able to decide whether it should be followed in relation to the adult disability payment.

Separately, case law in Scotland around the adult disability payment itself will develop, which will, of course, go on to impact the criteria and how they are applied in practice in relation to the adult disability payment.

Jeremy Balfour: I thank Ms Blair for that answer. Some of the key decisions around PIP and DLA have been made by the Supreme Court, so any decision that might be made by the Supreme Court, if it is an English case on PIP, will

not be binding on the Scottish system. Can she clarify that all decisions that have been made up to the point of the transfer to ADP will be binding on us, or are we starting with an absolutely clean slate?

Ben Macpherson: I would be grateful if Kayleigh Blair would answer Mr Balfour.

Kayleigh Blair: As my colleague Nathan Gale mentioned, the regulations have been developed with all the case law that has been in place with personal independence payments in mind. The regulations have been expanded to ensure consistency with the case law that has developed in relation to the personal independence payment. As we have discussed, examples of that can be seen in the expansion of the reliability criteria, such as in the definitions of “safely” and “to an acceptable standard”. Existing case law is being carried forward so that it will be applied in practice in relation to the adult disability payment. We have put that in the legislation because, if we had not done so, those aspects would not be binding in the same way in the Scottish system following the move to the adult disability payment. By pulling them into the legislation in that way, we have ensured consistency on those points.

Jeremy Balfour: Thank you. Minister, you said that one reason why we cannot change the eligibility criteria is that that might affect passported benefits. How many meetings have you had with the UK Government and the DWP to discuss whether that is the case and what line the DWP is taking on that? What individual discussions have you had with Westminster Cabinet ministers or other ministers?

Ben Macpherson: The considerations around passporting and treating ADP on a like-for-like basis with PIP took place with the UK Government before my appointment. In the three meetings that I have had with UK ministers since my appointment, the discussions have focused on how we go forward, other aspects of the social security system, and the UK Government’s green paper and what that will mean for the delivery of disability benefits in Scotland and the interaction between the two systems.

The engagement that took place with ministers and officials on considerations around passporting took place during the previous parliamentary session. It is important to emphasise that throughout the numerous discussions over that period, the DWP consistently made it clear that passporting was subject to the delivery of a like-for-like system. That was the clear position of the DWP throughout that period.

Achieving the changes that we have made to eligibility criteria in the regulations that are before you today, which my officials and I spoke about

earlier—for example, making the reliability criteria more fully defined—required significant engagement with DWP.

There has been engagement. We are in the process of having a hybrid system, and we need to deliver new benefits and undertake case transfer. Based on feedback from stakeholders, and because we think that it is the right thing to do, we have prioritised safe and secure delivery. Part of safe and secure delivery is making sure that passported benefits are secured in the process and that the adult disability payment and PIP are treated as like-for-like for passporting by the DWP.

Jeremy Balfour: To clarify, you have not had any direct discussions with the UK Government in the past 10 months about changing the criteria and how that would affect passporting. That all happened in the previous session of Parliament. You have not discussed that at all with any UK minister in the past nine or 10 months.

Ben Macpherson: I do not want to be definitive and say that it has never come up, but it was not a point of negotiation, because in order to deliver the adult disability payment safely and securely, the discussions had to take place prior to my appointment. The engagement around the adult disability payment has been on-going for some time. Its introduction was unfortunately delayed due to the pandemic, because the DWP had to reprioritise resources, and the Scottish Government and Scotland as a whole had to deal with the pandemic situation. The decisions were part of considerations, negotiations and discussions in the past period.

Jeremy Balfour: This is my last question on this theme. Minister, you were with me on the Social Security Committee as we chewed through the relevant legislation, and if you go back and look at the comments, particularly those of Jeane Freeman when she was cabinet secretary, you see that there was an expectation that the eligibility criteria would be very different by the time that we got to this stage. The only significant change has been around terminal illness and that, interestingly, was because of amendments lodged by me, Labour and the Greens.

What would you say to someone with MS or epilepsy or another variable condition, who might have a nice experience of the system but will still be turned down because they do not meet the eligibility criteria? We have waited six years for significant change around eligibility. Do you not feel that we, as the Scottish Parliament, have let those vulnerable disabled people down?

Ben Macpherson: There has to be a recognition of the effect of the pandemic, the fact that we are in a hybrid system and the fact that we

are undertaking two significant pieces of work: the launch of new benefits and the transfer of individuals from the DWP into our system.

The impact of the changes that we are making should not be understated. We are introducing a new, simplified, compassionate system that will treat everyone with dignity, fairness and respect and provide people with an improved experience. The impact of the improvements, as has been stated already, are reflected in the Scottish Fiscal Commission forecasts, in which more people will be eligible for the adult disability payment than are for PIP. Awards are also expected to be higher than PIP as a result of the improvements that we are making to the application process, decision making on entitlement, and reviews.

I would say that the change that we are delivering is significant. It will make a difference, and I am looking forward to seeing the feedback that we receive from people as they go through our new system.

Once we have undertaken the significant challenge and important task of case transfer, in the years ahead we can together think about what people's needs are and we can consider how we provide more and continue to extend and enhance our social security system. We are in a period of important introduction, delivery and transfer in order to build the strongest social security system that meets the needs of people across Scotland for not just the next 12 months or the remainder of this parliamentary session, but years and decades ahead.

The progress has been remarkable in the three years since 2018. We are about to deliver our 12th benefit and we have seven new benefits. We have established a new agency that is growing, delivering and helping people. The adult disability payment will be a significant new addition to what Social Security Scotland delivers and will make a difference for disabled people across Scotland.

Is there more work to do in the coming years? Absolutely, but we should be excited about what we are delivering in the period ahead, about agreeing to the regulations and about the difference that they will make for many people.

The Convener: Thank you, minister. Pam Duncan-Glancy will explore some of the issues in theme 2.

Pam Duncan-Glancy: Although I echo some of the sentiments that the minister has shared with us about the changes to the process, excitement is not the emotion that I feel about the adult disability payment regulations that are in front of us, and I am not sure that other disabled people will feel that, either.

Safe and secure transition is, of course, incredibly important. As someone who uses the personal independence payment, I understand the importance of that payment still coming in order to pay for things such as Motability vehicles. However, had we asked disabled people in 2018 whether they wanted to wait until at least 2025 for fundamental changes to who was eligible, or whether the payment was adequate, we might have had a different answer. Bill Scott agreed with that in his evidence. I again urge the Government to pick up the pace on this.

I have a couple of questions on the transfer of claimants from disability living allowance and PIP to the adult disability payment. Looking back to the earlier years of the discussions about social security, I note that the adult disability payment was due to be opened earlier, but it was delayed as a result of the pandemic from summer 2021 to 2022. Organisations such as the Scottish Association for Mental Health and others have said that they understand that the coronavirus pandemic impacted on the original timescale, and to a degree I can see that, too. However, it is now getting on a bit.

We believe that there should be mitigations for those who are affected by the delay. The Government made a welcome commitment that, once the adult disability payment was opened to new applications, no one with an existing award would be reassessed under the UK system. SAMH has identified that the delay of the regulations by a year could mean that at least 141,000 people in Scotland will still be on PIP or will have entered the PIP system who would otherwise, perhaps, have been assessed for the adult disability payment. About 55,000 of those people may have a mental health problem and a large proportion are likely to have gone through a very difficult face-to-face assessment for PIP, as we have highlighted.

To mitigate that, will the Government prioritise the transfer from PIP of people who successfully made a PIP claim during the delay period? Will you introduce a rapid review of failed PIP applications that were made during the delay period and a publicity campaign to encourage people to reapply?

10:00

Ben Macpherson: Again, I will try to respond to as many of those questions as I can. If Pam Duncan-Glancy wants to raise at the end of my remarks any questions on subjects that I have not managed to cover, I will be happy to have them reposed.

I have to challenge the question about picking up the pace, because I think that it is extremely

unfair, given the delivery and what the agency is undertaking. It lacks appreciation of the situation that we have been in with the pandemic and the fact that we are in a hybrid system where we have to deliver the new benefits, which requires significant engagement with the DWP, but also undertake case transfer.

I appreciate the evidence that the committee has heard. I listened carefully to what Bill Scott and others said. I had significant respect for him throughout my time on the committee. However, the pace of what Social Security Scotland has delivered has been remarkable. We have a really strong agency that is performing, and it has delivered well. In the Scottish child payment, it has delivered a new benefit that was not expected. The payment was created by the Scottish Government and delivered by the agency in a very short period, and I know that the Parliament strongly supports it. We will double the payment from April and we are working towards rolling it out for under-16s from the end of this year, provided that we get the data from the DWP.

I think that talking the achievement of Social Security Scotland down does no good for the collective determination that I know exists in the committee and across the Parliament for the agency to be a success. The agency is delivering strongly and it will deliver the adult disability payment strongly as well. We can all be ambitious and want to do more, but we also need to be realistic about what can be achieved in the dual process in which we have to undertake case transfer as quickly as we can.

Building a new agency and delivering a new service in the way that we have done is an extremely complex process that involves building information technology infrastructure, transferring data, engagement between two Governments, making sure that we adhere to all the legislative requirements, making sure that we have all the checks and balances in place, and making sure that we have all the people in place. It is a significant exercise. The reason why Social Security Scotland and the Scottish Government directorate have recently won awards for their achievements is that remarkable progress has been made in the delivery of Social Security Scotland, and the adult disability payment is a significant and key next step.

I will bring in Nathan Gale to talk about the fact that the changes that we are making will make a significant difference and are not just cosmetic. First, however, I will touch on some points about case transfer, because I know that there is significant interest in that, and understandably so. Members will be aware from my letter yesterday that the case transfer process is such that those who will be approaching a reassessment will be

prioritised. A PIP reassessment will be prioritised so that they are naturally case transferred into our system. We cannot consider cases retrospectively, because the adult disability payment did not exist when people were reassessed for PIP in months or years past. Of course, if people want to make an application for the adult disability payment when it is rolled out, they will be absolutely entitled to do that.

Pam Duncan-Glancy asked, rightly, whether there will be a campaign to promote the adult disability payment. As members know, through our benefit take-up strategy and our various initiatives, we continuously promote people applying for all the benefits that they are entitled to. One of the key differences in the Scottish social security system is that we want people to get the benefits that they are entitled to. We are proactively promoting the take-up of benefits because we believe that social security is a human right, that it is a collective investment in ourselves and one another, and that it benefits us all by building a fairer society for everyone. We will continue to be proactive in encouraging people to apply.

I would be grateful if Nathan Gale could make some points on the significant changes that we are making.

Nathan Gale: Building on what the minister has said about the changes, I note that it is very important to remember their significance for disabled people. Throughout the two consultations that we have done—the one on disability assistance in general and the one specifically on the adult disability payment—we heard from so many disabled people who have had a negative experience in trying to apply for PIP, and from people who, because of what they have heard about PIP, have been too anxious to even try to apply.

The fundamental changes that we are making, for example in removing assessments and replacing them with person-centred consultations that will not involve humiliating examinations that simply provide a snapshot of how the person is able to function in that one moment, are really significant changes. It is hoped that they will encourage people who have previously been too anxious to apply for PIP to consider applying for ADP. When we are talking about the legislation and the changes that have been made, it is important to look at the elements beyond that, particularly around our new consultation service.

Ben Macpherson: It may be helpful to the committee if I bring in David Hilber to add to what I have said about case transfer.

David Hilber (Scottish Government): On the prioritisation issue for PIP to ADP transfer, we have heard very clearly from stakeholders as we

have discussed case transfer for a number of years that one of the main things that they want is to avoid DWP face-to-face assessments. To deliver on that commitment, which we agree is important, we have decided to prioritise for PIP to ADP case transfer those who would be subject to one of those DWP face-to-face assessments after ADP launches nationally. That is the prioritisation that we have decided on.

When someone reports a change of circumstance to the DWP, their case will be selected for transfer. When somebody's fixed-term award is about to end and they would have to make an advance claim for PIP to continue, they will be selected for transfer. Those who are scheduled to have a review of their PIP award that would likely require a face-to-face assessment will be prioritised for transfer. We feel that that is good. We have really strong reasons for deciding to prioritise cases for transfer in that way in order to avoid what stakeholders have told us can be a very stressful assessment with the DWP. That is why we have decided to prioritise in that way.

The Convener: Minister, do you have anything to add before I go back to Pam Duncan-Glancy to see whether she has further questions?

Ben Macpherson: No. I hope that we have answered most of the questions that she put to me.

The Convener: Pam, do you have anything further to ask at the moment?

Pam Duncan-Glancy: I do, convener. I thank the minister and his officials for their answers. I am particularly reassured by the answers about the prioritisation of reviews for people whose circumstances change. It is helpful that you have put that on the record and I thank you for doing so.

I have a final question, but before I turn to that, I want to raise a point about talking down the work of the agency and the people who work in it. That is not how I characterise the problem. The issue is that the minister and his Government have promised since 2017 that there would be a significant divergence between the PIP regulations and the adult disability payment regulations. That was first promised a significant number of years ago, but we do not see a significant difference between the regulations. It is that delay that I and others take issue with. Our concern is about the Government's direction of that, and not the delivery by the agency or the staff, who have worked hard, particularly during the pandemic, to deliver what they have delivered.

My final question is about the fact that the regulations do not contain anything about the transfer of people who are on DLA to the adult disability payment. Will the minister set out why that is not covered in the regulations? I think that

SCOSS notes that it is forthcoming. Does the minister have a timescale available that he can set out today?

Ben Macpherson: The need to ensure that we do not create a two-tier system and that the case transfer is secure is one of the main reasons for its complexity.

Pam Duncan-Glancy makes an important point about the transfer from DLA to ADP. I know that the committee has received evidence on that as part of its consideration. It is not part of the regulations that we are discussing today, but I assure the committee that I will update it on that process shortly, ahead of producing separate draft regulations to make provision for the transfer of those cases.

Today, we are covering our plans for the adult disability payment, including the detail of our processes for transferring the PIP awards of approximately 300,000 people safely and securely to ADP and our commitment to making sure that they are paid the right amount at the right time. We know that the transfer from DLA to ADP is a really important process, too. As I said, we will produce regulations on that shortly and I will update the committee on it as soon as possible.

The Convener: Before I move to my colleague Marie McNair, as we have quite a lot of themes and questions still to explore, I ask everybody to try to make their questions and answers succinct. I know that I sound like the Presiding Officer, but I am conscious of time and we have a lot of questions to put to the minister and his officials.

I hand over to Marie McNair and I will bring in Jeremy Balfour after that.

Marie McNair: I will be quick.

Minister, you have set out clear timescales for the transfer of PIP to ADP. The history of DWP transfers suggests that such timescales are frequently missed. For example, that was the case with the transfers of DLA to PIP and of legacy benefits to universal credit. How confident are you that the timescales that you have set out will be met?

Ben Macpherson: We are confident, given that the process for case transfer for child disability payment is operating well. The adult disability payment is a significant undertaking. It is estimated that initially we will have around 7,000 applications for transfer per month. We will then look to ramp that up as we get the system under way and gain more experience and confidence with the processes, and as we ensure that everything is running properly for the safe and secure transfer. We continue to be determined to deliver the case transfer for all benefits by 2025—

that is our aspiration—and particularly, of course, for adult disability payment.

10:15

The Convener: Helpfully, Jeremy Balfour has indicated that Pam Duncan-Glancy covered his question, so we will move on to my colleague Foyso Choudhury for the next theme, which is theme 3.

Foyso Choudhury (Lothian) (Lab): Thank you, convener—welcome to the group and congratulations. I also congratulate our colleague Neil Gray on his new post.

What support will be given to young people who are transferring to ADP, and how will it be deployed?

Ben Macpherson: I will try to be as succinct as possible.

We discussed those issues when I brought previous regulations to the committee on 28 October. Although CDP and ADP are both types of assistance, they are different types of assistance, because the eligibility criteria are different and reflect the difference in the daily needs of and support for adults and children. The needs of disabled children can change as they age and grow. Up to the age of 16, one of the deciding factors is what a child's needs are compared with a child of the same age who is not disabled. The criteria for adult disability payment are more complex and assess the individual's ability to carry out a defined set of necessary daily living and mobility activities safely, to an acceptable standard, repeatedly and within a reasonable time period.

If we were to treat the process as a transfer from one form of disability assistance to another, the information held by Social Security Scotland about a CDP award would likely not be sufficient to make a decision on entitlement to adult disability payment for many clients. The person would therefore need to provide further supporting information and potentially would be required to make an application for adult disability payment. It is therefore in the best interests of young people on child disability payment to make an application for adult disability payment.

Extensive support and advice will be available to young people and their families undergoing the process, through a choice of channels. We are committed to making the process as smooth as possible, with no gap in payment, to ensure that it will be less disruptive than the current system. SCOSS has welcomed the changes and has commented that they are likely to strengthen the rights of clients who undergo the process.

Foyso Choudhury: Will there be much difference in the application process for those who are on CDP compared to those who are not on it?

Ben Macpherson: From the perspective of someone who receives CDP, the process of applying for adult disability payment has been designed to minimise gaps in entitlement to ensure that it is as smooth as possible. In contrast to the current system, young people will be given significant flexibility in choosing when to apply for adult disability payment after their 16th birthday. A person's child disability payment will stop only when a positive determination is made in relation to adult disability payment. If they do not receive any award of adult disability payment, their child disability payment will continue until their 18th birthday.

There will be that additional support, and a range of measures will be put in place to ensure that the process at that key transition point is as straightforward as possible. People will be able to access a single secure digital portal to apply for all forms of assistance, update information and check eligibility, and a local service delivery team will be there for in-person support. If young people need support with applying for adult disability payment, they will also be entitled to the support of our independent advocacy service, to which of course we are committing £20 million.

Considerations will be in place for those who are on child disability payment in their application for adult disability payment, as I have set out. I hope that that answers Mr Choudhury's questions.

Foyso Choudhury: I have one last question. Short-term assistance is available while someone challenges a decision to reduce or stop their benefit, but it is not available to someone who applies for a different benefit. The Scottish Government rejected the SCOSS recommendation on that. Will the minister explain more in detail about that decision?

Ben Macpherson: Members will be aware that short-term assistance is available only in the Scottish social security system and not in the DWP system. I emphasise that that is another point on which our system will be different and more supportive of people.

As members will know, short-term assistance supports people when challenging a decision and accessing their rights under the Social Security (Scotland) Act 2018. That addresses barriers to accessing justice by removing certain financial disincentives to challenging decisions that exist in the UK DWP system. However—this is the important point in answer to Mr Choudhury's question—child disability payment and adult disability payment are separate forms of assistance with different eligibility criteria, and

short-term assistance is not designed to be a bridge payment between two forms of assistance.

Extending the scope of the short-term assistance in that way would represent a significant departure from the current policy intent, as it would require short-term assistance to be paid based on an award for which a client was no longer eligible, because of their age or because they are in receipt of the adult disability payment.

Continuing to pay a client's previous award during a redetermination relies on the client having a previous award for a particular form of assistance that has been reduced or stopped. If short-term assistance were to be extended to cover moves between forms of assistance, it would be paid based on a different payment relating to different eligibility criteria to cover a period where a client was challenging a decision on a separate form of assistance. In effect, short-term assistance is available for the redetermination and appeals process, not as a bridging payment.

The Convener: I will bring in my colleague Miles Briggs.

Miles Briggs (Lothian) (Con): Congratulations on your appointment, convener. I, too, pass on my thanks to Neil Gray. We will miss his colourful socks in committee, when we are able to meet in person again.

Good morning, minister. I have a few questions that carry on the line that Foysoi Choudhury developed. What is the Scottish Government's view on the merits of a single disability benefit that would apply to children and to working age and older people?

Ben Macpherson: I presume that the committee's interest in that is with regard to considerations around the green paper from the UK Government. We do not want to pre-empt the review. The necessary prioritisation of safe and secure delivery of the adult disability payment means that we have been clear throughout the process about our intention that changes to eligibility criteria should not be made before the case transfer process is complete, as I have stated many times today.

The second stage of the independent review, which I talked about, will enable exploration of wider considerations of how we want the system to work in Scotland. That will provide an opportunity to consider alternative approaches, such as a whole-life disability benefit, without introducing significant change to eligibility criteria, which would put the safe and secure transfer at risk. To do that, we need an agency that is capable of delivering change and adapting. That is why it is important, in building the capacity of Social Security Scotland, that we undertake the

period ahead in a safe and secure way. We want to hear what the independent review says. The point that Mr Briggs raises will of course be a point of interest in the review process.

Miles Briggs: It would be useful to update the committee on any timelines that the Government is aware of for that independent review, because we are keen to add value to the process where we can.

I want to ask about changes that I think that the DWP has announced today to the PIP application process to try to make it easier for people to start a new claim. Has the Scottish Government captured and been involved in that work? The changes relate to individuals who need assistance to make a claim. For example, a supporting person, rather than the individual making the claim, will be able to make a phone call. Will those changes be captured in any changes to the ADP system, so that we have a system that can be flexible at UK level and in Scotland? Is the minister aware of that?

Ben Macpherson: Please excuse me, but I am not aware of the changes that have been announced today, which maybe says more about the UK Government's approach to intergovernmental relations than anything else. I look forward to examining them with interest.

People will be able to apply in a way that suits them best: online, in person through our local delivery teams, on the phone or through video call. Those aspects of our system will make a difference and improve accessibility. The process of going through an online application will be significantly improved. We have designed the user interface in such a way that people's experience will be better. The process will be much more helpful to them and it will ensure that we get accurate findings at the end. There will be support through the local delivery teams and the independent advocacy service, which is not available elsewhere in the UK.

I am grateful to Mr Briggs for raising the points about DWP announcements. I look forward to examining them and perhaps talking to the committee and Mr Briggs about them in due course.

Miles Briggs: It is an important area, and we should develop it in some of the work that is going on.

I want to return to younger people, because it is important that the system can meet their needs. How has the system been designed to consider younger people? They may not be encouraged to apply or be aware of what benefits are available. How will the situation change compared to what has gone previously?

Ben Macpherson: The child disability payment, which is already in place, is a significant move and a change that has already been undertaken. As I said, as younger people in the child disability payment system reach the age of 16 and in that period between the age of 16 and 18, there will be significantly improved support and awareness of how they go through the process of applying for the adult disability payment.

I will bring in Janet Richardson to talk about that from the agency side, but the Government is in a healthy place in relation to the promotion of our benefits more widely. We have had collective discussions with the committee and the Parliament on the importance of the benefit take-up strategy and using all communication methods and networks to raise awareness of the social security support that is available. However, there is always more that we can do. When the adult disability payment is launched—if Parliament chooses to pass the regulations, as I hope it will—that will be another opportunity for us all, in every constituency and region, to promote the new benefit and encourage people to apply for the support if they need it and are entitled to it, because we want them to get it.

10:30

Janet Richardson: I will be brief, as the minister has covered quite a lot.

On support for young people, we work closely with Young Scot and Young Scotland. Our local delivery teams are out and about in local communities and are reaching out to stakeholders that support young people. We have had extensive feedback on the way in which we are interacting with people for the child disability payment and we are linking that into how we will take things forward into the adult disability payment. A lot of learning is going on.

In that young people space—this is primarily for the child disability payment at the moment but it will also relate to the adult disability payment—we have proactively recruited practitioners who are specialists in children's health and wellbeing issues to support young people.

Ben Macpherson: I would like to add something briefly. I noted Bill Scott's evidence to the committee in December and his positive comments about the difference that the local delivery teams have made in the delivery of the child disability payment. He made important points about the significance of word of mouth in relation to the different experience and better service. I am confident that, when we deliver the adult disability payment, we will see a similar effect, with people having a different and improved experience, which

will help to build confidence in communities in the new service that we are providing.

The Convener: Thank you very much for those additional comments, minister. They were very helpful. I will move on to my colleague Natalie Don, who has questions on theme 3 and theme 4. Then, we will bring in Evelyn Tweed to ask about theme 5.

Natalie Don (Renfrewshire North and West) (SNP): We have touched on a couple of the points that I was going to raise, but I will seek a little bit more clarification on theme 3, then move on to theme 4.

The flexibility that we are giving 16-year-olds to apply from age 16 to age 18 is positive. Can you give me a bit more information on the sentiments and reasoning behind why you have chosen to do that?

We have also touched on local delivery services; I would like you to elaborate on that. From the information you have been given, do you feel that they will have a strong role in helping people to transfer from child disability payment to ADP?

Ben Macpherson: Thank you for the question. Yes, I do feel that. The feedback from Bill Scott to the committee on 16 December, on the difference that the local delivery teams have made in delivery of CDP and in helping people to make their applications, was powerful. It will be the same for the adult disability payment. The pandemic and the restrictions have, of course, had an impact on, for example, local delivery teams offering face-to-face assistance in community settings or people's homes. However as restrictions ease, those things will have more prominence. Local delivery teams being within local authorities is making an impact when people apply; it is a significant improvement that has been introduced in the Scottish social security system and it is making a positive difference in communities.

We have prioritised awards to clients who are between 15 and a half and 18 and are transferring from child disability payment to adult disability payment in order that we can ensure that they will be receiving child disability payments and can be supported by Social Security Scotland when it is time for them to transition. That minimises the need for people who require an appointee on turning 16 to have to go through two appointee processes—one with the DWP and another with SSS—when their awards are transferred. We also decided to prioritise people who meet the special rules for terminal illness in order to ensure that they can avail themselves of our more generous eligibility rules as soon as possible.

We are still working with the DWP to determine how we will prioritise the awards of clients who are

under 15 and a half, but we will do so in a way that best minimises the biggest impacts for those who are staying within the DWP system. I hope that that is helpful.

Natalie Don: The flexibility is positive and shows that we are taking a person-centred approach.

I will move on to theme 4. We have touched somewhat on this, but I want a bit more clarity. Can you give us a general update on how recruitment of the additional 2,000 staff is progressing? Specifically, how is recruitment of case managers and specialist practitioners progressing? I know that you mention that in your letter.

I would also like to ask again about training. How are we taking people on and how will they deal with people who apply for disability benefits? We have all heard horror stories about how people have been treated by the DWP. How will you ensure that with this most complex of benefits, support and respect will be adhered to at all times?

Ben Macpherson: Those are important questions. I will bring Janet Richardson in, shortly.

First, and briefly, I hope that the letter that I sent yesterday was of interest to the committee and has reassured you that we are on track with recruitment of case managers and practitioners. We have recruited case managers, practitioners and senior practitioners with backgrounds in social care, social work, nursing, learning disabilities, mental and general health, physiotherapy and occupational therapy. The skill set that spans those backgrounds is vast and includes experience with cancer, kidney disease, neurodiversity, long-term mental ill health, adults with problematic alcohol or substance abuse, arthritis, eating disorders and so on. Recruitment has focused on senior practitioners to ensure that there is experience of leading teams of health and social care professionals.

We have facilitated, with Social Security Scotland, monthly internal information sessions, to which we have invited people who are interested in our vacancies to learn more about our job roles, and to encourage further recruitment.

Everyone who delivers disability assistance, including practitioners, will undergo robust training that is reflective of the core values of dignity, fairness and respect. That will include training on the impact of common health conditions. Wherever possible, training will be developed in consultation with, and delivered in conjunction with, people with lived experience of health conditions and disabilities. Training will be ongoing; Social Security Scotland will continue to look for ways to add to staff training and will work

with other organisations to provide it. That is in order to ensure that we continue to get insight from stakeholders, particularly about conditions on which it is important that there is awareness within the agency and among people who make decisions, of the subtleties, complexities and nuances of certain conditions. Specific training and guidance on the special rules on terminal illness will also be provided to practitioners and case managers.

I could say a lot more, but I will leave it there, in the interests of time. I would be grateful if Janet Richardson could come in briefly with any points that I have not made. Of course, Janet already mentioned that we have recruited people with expertise in working with young people. Over to you, Janet.

Janet Richardson: I will re-emphasise some points. The question is about how we can make sure that staff have the skills that they need when they are considering complex disabilities. We take a scenario-based approach using case studies, in our training. Case managers work alongside our practitioners on cases that we have put together through liaison with clients, as well as some real-life cases—which are obviously anonymised—to help us to understand the impact of conditions and to ensure that case managers and practitioners work closely together.

On recruitment, we already have people in place for the adult disability payment pilot; that training is already happening. It takes something like two months to get a case manager up to speed, after which they have quite a lengthy period of consolidation before they go into the live work environment. Our recruitment of case managers has been successful. We will be welcoming about 800 colleagues—not just case managers—to the agency between the start of the year and the end of March.

In technical training, our case managers go through what we call intelligent-kindness and trauma-informed approaches. That is not just about how they assess a client's information, which is absolutely important; it is also about how they deal with clients and how they make them feel. The main thing in that is that we trust the information that comes from the client and are not always looking for additional information.

Recruitment of practitioners is well under way. We expect that we will need about 300 practitioners when we get fully into the adult disability payment, but that is a ballpark figure. It is not a number that we are aiming to get to but is what we think we will need. We have about 30 practitioners in place now and they are going through the comprehensive training that we talked about earlier. It is not just about the experience they already have, but is about our needing them

to help us to reach the right decisions for clients, working closely with the case managers.

The Convener: Thank you very much for that, Janet. It was very helpful. Minister—do you have anything to add? I know that Natalie Don would like to come back in with another question.

Ben Macpherson: Over and above what Janet Richardson has said, you will note from the letter that I sent yesterday that there are confirmed start dates for 37 candidates, 20 practitioners and 17 senior practitioners between now and April. That is in addition to the 29 that Janet Richard mentioned.

The Convener: Thank you very much for that additional information.

Natalie Don: Your answers have been very informative, which I appreciate. I have a more general question that follows on from an issue that I raised at last week's meeting. The legislation is, as always, full of jargon and is not very easy to read, so I would like confirmation from the minister that there will be guidance on eligibility criteria that will be simple and easy for people to understand. That is in relation to CDP and ADP.

Ben Macpherson: Yes—our communications and correspondence with stakeholders and applicants will be understandable and accessible.

Janet, do you want to add anything to that?

Janet Richardson: No, minister. You have covered it. I do not have anything to add.

Natalie Don: It was just a short question for confirmation.

Ben Macpherson: It is an important point.

The Convener: Evelyn Tweed will ask about themes 5 and 6, after which Jeremy Balfour will also ask about theme 6.

Evelyn Tweed: Thank you, convener. Congratulations, minister, on your new post. I also wish Neil Gray all the best as a minister. I am sure that he will be great.

I am very excited about ADP. It has been a long road, since 2018. The Scottish Government has done a power of work and, as we have heard from people with lived experience, ADP will be a game changer for them.

My first question is about the financial impact of the changes. How do you balance keeping an eye on rising costs that need to be paid with the duty to encourage take-up and promote the benefit?

10:45

Ben Macpherson: That is an important question. I thank you for the important words about where we are with the adult disability payment.

The question was about how we keep an eye on rising costs that need to be paid alongside the duty to take up and promote ADP and other benefits. Fellow ministers and I are absolutely clear that social security is a human right and are, therefore, committed to ensuring that everyone who is entitled to support from our system can receive it.

Our “Social Security (Scotland) Act 2018: Benefit Take-up Strategy—October 2021” details how we will encourage and support people to overcome barriers to accessing support. Of course, we have a duty to promote take-up regardless of how much is being spent on the adult disability payment. That duty is in the Social Security (Scotland) Act 2018.

Many of the improvements that we are making to the application and decision-making processes are intended to remove barriers to applying for disability benefits that currently exist in the system. We will promote and make the process more accessible. We will make it more straightforward and we will help people on their journeys, through our advocacy service and through our local delivery teams.

There is a real shift in consciousness from the approach of the Department for Work and Pensions and experiences that people have had, in respect of benefits having previously attracted a completely unjust and unethical stigma that we all need now to knock away. We want to remove stigma and we want to promote take-up. We want to encourage people to get the support that they need, because a social security system that exists to support people, that is accessible and that is delivering is good. It is good not just for the person who receives the award to which they are entitled, but for society as a whole, as we create a fairer society together. It is also good in relation to distribution in the economy—the fiscal impact and multiplier effect that it can have on the economy.

That is not the most important thing, though. The most important thing is that people get the support that they are entitled to, so we are very committed—I hope that you feel that from what I have said—to encouraging people and helping people to get that support.

Evelyn Tweed: Thank you, minister, I absolutely do feel that. A range of new supports are available to people who are applying for disability benefits, including short-term assistance and the advocacy service. What are the costs of those? Are they good use of resources from the Scottish Government budget?

Ben Macpherson: Yes—they are absolutely good use of resources, because they will help people throughout their journey. There was strong demand for those initiatives to be introduced

during the progress through Parliament of the Social Security (Scotland) Bill in 2016-17, which became the 2018 act. Those things are investments in the people of Scotland and are the result of extensive consultation of people with experience of the social security system, and of disabled people's organisations and experts. I am confident that that will result in a significantly better experience for people who apply for and receive the adult disability payment.

That, too, reflects points that I made earlier—that it is hugely important that social security be treated as a human right, and that we want to deliver it using the principles of dignity, fairness and respect that we are committed to.

Evelyn Tweed: Why have you chosen the same council areas for the pilot of CDP and what lessons have been learned from the roll-out of CDP?

Ben Macpherson: We have selected for the first pilot the same areas as we used for the child disability payment, because they represent a mixture of urban and rural geography. Using the same local authorities for phase 1 of the pilot for adult disability payment enables us to build on the working relationships and constructive engagement that we have had with Perth and Kinross, Dundee and the Western Isles local authorities.

I should put on the record that we are incredibly grateful for all the engagement that we have had with local authorities, health boards and others on delivery of the adult disability payment and all our benefits.

After phase 1, of course, the phases of the adult disability payment will include significantly more local authority areas. We have created the programme in a way that considers geographical spread and builds on our commitment to delivering things safely and securely, and to making sure that we continue to build the system up. When it all happens at the end of August, we will have undertaken a significant amount of work, with local authorities being engaged in the system already and our being in a strong position to roll out the service nationally.

Jeremy Balfour: Minister, you said previously that there will be a review of ADP and that the first stage of that, on mobility criteria, will start later this year. When would you expect that first stage to report to the Scottish Government? Will you set a timetable and, if so, can you outline it for us today?

Ben Macpherson: Is that question about the review of the adult disability payment?

Jeremy Balfour: Yes.

Ben Macpherson: I am happy to come back to the committee at a future juncture to talk about the review more generally, as I think that that would be helpful. I am certainly keen to give that undertaking today. As I said in a previous answer, the planning and scoping work for the first stage of the review is already under way and I will provide a further update to the committee and the Parliament in due course.

Jeremy Balfour: It would be helpful to know how long the review will take and when it will go back to you and the Parliament. Thank you. I have no further questions, convener. [*Interruption.*]

The Convener: I am sorry if you can hear the dog barking outside the door. I do not know whether that is coming through BlueJeans.

As I am not seeing any members indicating that they wish to come in at this juncture, I will put a question to the minister.

It is clear that the regulations will herald a new benefit for disabled adults, which is a major change in social security in Scotland as well as being a change in how people are treated. To somebody who has personal and professional experience of the benefit system, that is really important.

Minister, would you like to round up this part of the meeting by explaining to the committee how you will measure the success or failure of the benefit and, vitally, how you will ensure that disabled people who are in receipt of the benefits will be involved in that evaluation?

Ben Macpherson: This is a significant moment. We are delivering in as straightforward a way as possible, we will always start from a position of trust and people will be able to choose how they apply and the channel that best meets their needs. We will fund the independent advocacy service, so there will be no DWP-style assessments or functional examinations. We will need to collect only one piece of formal supporting information when making a decision, and the onus will be on Social Security Scotland to collect that on people's behalf.

We will give equal consideration to all sources of information, including the client's family, carers and friends. Importantly, and as has been emphasised throughout our discussion, we will apply the eligibility criteria fairly and consistently to get more of our decisions right the first time. We will take full account of people's needs and fluctuating conditions, and people will still be able to access short-term assistance if they challenge an adult disability payment decision. Finally, we will, of course, fast track applications from people with a terminal illness.

We are doing so much that we should all be positive about. Of course, as we have discussed, as the process of delivering the adult disability payment combined with the case transfer process progresses, the review and further discussion will help us to think collectively about what future constructive changes we can make over and above these significant improvements.

The evaluation programme will assess the operation of key aspects of the delivery of the new benefits, including the new procedures that are applicable to the adult disability payment as they unfold, such as the provision of supporting information, special rules for terminal illness, client consultations, case transfer from UK benefits and decision-making processes.

The first of those thematic evaluations is an assessment of the operation of the provision of supporting information for benefit decisions, drawing on the experience of the child disability payment, which will be commissioned later this year, and further aspects of evaluation that might require more evidence from the adult disability payment in particular, such as consultations, terminal illness rules and award duration that require the caseload to build up over time and the consequences to emerge. We will of course be cognisant of that.

The engagement of stakeholders has been so important up to this point. We invite academic and third sector organisations to our annual social security evaluation forum to discuss our approaches to evaluating benefits. We will continue to engage with stakeholders appropriately and meaningfully. As I have said throughout our considerations today, we deeply value the input of our stakeholders, not just in considering the regulations before us but through the whole process of establishing Scotland's new social security system, which is making and will continue to make a significant and meaningful difference for people in our communities all across the country.

The Convener: I understand that my colleague, Miles Briggs, has some questions and he will come in before we move to the formal debate on the motion.

Miles Briggs: I have two questions, the first of which is on the back of the letter that you sent to the committee yesterday, about the recruitment of practitioners. We have previously discussed the development of hubs and where people will be located to work. Could you update the committee on that? Also, I discussed with you previously the potential to create local authority hubs where people could go to access practitioners, and how they can help people in their homes as the pandemic regulations are lifted. Where is the

Government on the development of potential hubs for such practitioners?

Ben Macpherson: Just for clarity, I presume that Mr Briggs is talking about local delivery teams, which of course are active now. They are operating in community hubs and, with due consideration of the recent pandemic restrictions, they have already been giving clients face-to-face assistance for CDP, and they stand ready to that for ADP.

I will bring Janet Richardson in, in a moment, to talk about the agency perspective, but I emphasise that the local delivery team service is already up and running. Janet, could you elaborate further, please?

Janet Richardson: I think that this is about the practitioners, rather than the local delivery teams. I cannot comment on the Scottish Government's view on hubs, but I can tell you what we are looking to do for the practitioners. As we have said all along, we do not necessarily envisage a large proportion of our clients needing a face-to-face interaction with practitioners. If they choose to do that, or if we feel that it is necessary, we can offer that but, by and large, we feel that the practitioners should be there in an advisory capacity. They will be within the local vicinity because, as the minister has already said, our local delivery teams are based in hubs and offices within our local authorities. We are looking at whether there are opportunities for practitioners also to be in those premises.

It might not always be appropriate but, absolutely, that is something that we can do. If a face to face is needed, we will look at that. We are also looking at whether that could be done in the client's home, if necessary and if that is their choice, but, as I said, we think that such appointments will be few and far between compared to the current process.

11:00

Miles Briggs: That is helpful. Thank you very much. The last time that we discussed this, it was not necessarily clear whether the practitioners would be located in hubs, so I welcome any additional information that you can provide us with, as and when it develops.

Finally, I want to ask about the financial projections. Information that the committee has been given, specifically that from some of the work of the Scottish Fiscal Commission, suggests that in 2026, spend on ADP could rise to £567 million. The budget for this year looks to be around £38 million. We are debating stage 1 of the budget this afternoon, so are there any updated figures for the current financial projections?

Ben Macpherson: We are considering the financial projections that the Scottish Fiscal Commission recently published. As I mentioned earlier, our commitment to social security as a human right, and our commitment to the benefits that we are delivering, will mean that we will be considering funding and spending forecasts more generally in terms of targeting public spending to where it delivers throughout the forthcoming resource spending review as we continue to deliver our plans. It creates benefit and of course our commitment to social security delivery is a key part of that.

As I stated in an earlier answer, our commitment to delivering to the people who are entitled to benefits is absolutely clear, and the finances will be made available to ensure that we meet that commitment to people. That is absolutely clear.

I also add—and I say this as a statement of fact and regret—that the Scottish Government has to spend a significant amount of resource directly mitigating the impact of UK Government policies, particularly through discretionary housing payments and the Scottish welfare fund. That totalled £114 million in the financial year 2021-22. I say that as a reflective point. It would be much better if we could spend that resource elsewhere, rather than having to mitigate the bad policy decisions of the UK Government.

The Convener: Miles Briggs, do you have a further question?

Miles Briggs: I will try not to get into a debate about Scottish Government policy decisions at this late stage in the committee meeting, so I hand back to the convener.

The Convener: I have no further indication of anybody wishing to speak, so we will move on to item 4, which is the formal debate on the motion. I remind the committee that only members and the minister may take part in the formal debate. I invite the minister to move motion S6M-02604.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Disability Assistance for Working Age People (Scotland) Regulations 2022 [draft] be approved.—
[Ben Macpherson]

The Convener: Does any member wish to speak in the debate of the motion? Please type R in the chat box if you want to come in.
[Interruption.]

My door bell has just gone—would you believe that? What can you do when you are live?

Three members have indicated that they would like to speak. I will bring Pam Duncan-Glancy in first, then Evelyn Tweed and Jeremy Balfour.

Pam Duncan-Glancy: Too many disabled people are in poverty. Thousands have spent blood, sweat and tears trying to get the support that they need to live their lives, only to be told that they do not qualify for it or that it is being cut.

The regulations in front of us could have changed that. We could have consigned to history degrading and arbitrary measures, such as the 20m and 50 per cent rules. We could have developed indicators that reflect the real experience of disabled people and the support that they need. We could have been voting on rates of payment that reflect the real costs of living for disabled people, but we are not, and I cannot mask my disappointment.

None of the regulations in front of us change who is eligible or for how much. They do not address problems with the descriptors. They replicate the PIP rules. Most disappointing of all, they miss an opportunity to recast the rules on something that could properly have addressed disabled people's poverty.

In 2017, in response to Scottish Labour's ask for assurances that the new system would be ambitious and would not have the same effect as the PIP rules, the then cabinet secretary replied that

"the Scottish Government does not intend to replicate the UK Government legislation in our social security ... as will be clear from our actions, our approach will be very different."

Five years later, we are asked to vote for underwhelming rules and trust that something better is coming. Disabled people have already waited for years on a promise that the regulations do not deliver. Every day they wait is a day that we all lose out on their potential, because poverty holds people back.

Despite our disappointment and because of the need to not delay this further, Scottish Labour will vote for the regulations, but I would like the record to show that we are voting for the regulations because disabled people have waited long enough, so they must proceed. We believe that the current PIP is so appalling that we will not block an attempt, however unimaginative or unambitious, to improve it and we will make sure that the promises that this Government made to disabled people in 2017 will not be broken or delayed a minute longer.

Evelyn Tweed: As I said in my earlier remarks, I am very excited about the introduction of ADP. The Scottish Government has done a power of work in preparation for this, and we have heard from stakeholders and from those with lived experience that this is to be welcomed, so I hope that we will achieve cross-party support today for ADP.

Jeremy Balfour: As someone who has walked this journey for five years, I will vote for the amendments, but with a heavy heart. Unlike Evelyn Tweed, I see no excitement in the regulations. Both members of this committee who are actually on PIP and who have disabilities are voting for them with a heavy heart, and that says a lot about where we are today. The disability community is accepting this because nothing else is on offer. That is not what the Scottish Government offered us five years ago.

I and Ben Macpherson sat on this committee. We heard from cabinet secretaries. We heard from civil servants. We heard from stakeholders that they wanted a system that was radically different from what we have today. We are not addressing fundamental issues, such as mobility. We are not addressing people who have variable conditions, such as MS and epilepsy, who will still not get an award. They may be told no in a nicer way, but they will still be told no.

This is a lost opportunity for the Parliament and the country. We started five years ago with a blank piece of paper, and an opportunity to design something that would have helped those with disability to get the benefits that we need and deserve. In fact, that is what we were promised by the Scottish Government, and all that we have done today is paste over what we have had for many years. I hope that the cabinet secretary and the minister, Mr Macpherson, will hear what disabled people are saying about the regulations, perhaps not in public at committees but in private. It has taken five years to get to this point. I do not particularly blame the new agency. I do think that the Scottish Government has dragged the process out and has taken far too long.

I will vote for the regulations because there is nothing else on offer and we do not want to delay anything, but I do so with no excitement and with a heavy heart. I hope that any review will be speedy and will implement the changes that people in Scotland with disability deserve.

Marie McNair: I do not agree with Jeremy Balfour's comments. The regulations are the key point in the biggest transfer of social security powers in our nation's history. They are key to giving disabled people the dignity and respect that they are denied by the Westminster system.

The approach set out makes a safe and secure transfer a priority, which is how it should be, and that is what the consultation has asked for. It allows us to make changes and take a more compassionate, generous approach to claimants with terminal illness through the short-term assistance that is not provided in any other part of the UK. It recognises the financial hardship that is experienced in real life by many of our constituents, giving them more time to challenge

decisions, assistance to get the best possible information to aid the decisions, and an ending of the use of the private sector assessments that cause great misery to disabled people claiming what they are due.

Those are just a few examples of what we have achieved in a short time and an independent review will help to guide us to further important change. We should therefore just agree the regulations because they take a massive step towards providing a social security system that has been long overdue.

The Convener: Thank you for your comments. Before I hand back to the minister for his right to reply and his winding up, I would like to speak as a disabled adult and somebody who has self-excluded from the benefits process because I have represented people at tribunals in my professional life. I believe that the regulations as set out would speak to people who, like me, have self-excluded. Perhaps we will see them applying to Social Security Scotland for the adult disability payment.

Minister, I come back to you for your reply before we vote on the motion.

Ben Macpherson: I thank all members for their summing-up remarks. I listened attentively and with respect and good faith to all the points that have been made. I am grateful for and very much welcome the cross-party support. I appreciate the points that have been made by the Opposition parties, and I acknowledge their determination to see further change in the way that they wish to see it.

As I respect that, I ask them to respect this. We are in a hybrid system. We are undertaking two very important workstreams, launching the new benefit and undertaking case transfer. In that process, we have to ensure sure that we do not create a two-tier system. We have to undertake safe and secure delivery and have passporting agreements in place with the Department for Work and Pensions

Just as I ask members to respect the reality of the situation in the here and now, and although I appreciate their wish to see further change, I also ask that they acknowledge the changes that have been made to ensure that we provide the right reliability criteria consistently and properly in each case. We made changes to the application process so that it is more accessible and a better experience for people. We have made changes for people with a terminal illness, and changes to the assessment process so that there is no private sector involvement, no DWP-style assessments, no functional examinations, and the other changes that I have laid out in the course of the meeting.

This is a really important moment in the development of devolution and the delivery of our new social security system. By agreeing to the regulations, we are taking an important step, collectively, for the benefit of all our constituents, and also in creating a strong, robust, passionate, organised and structured system to deliver for people in our communities in the years ahead, with a strong foundation for further delivery in the years and decades to come.

I am grateful to colleagues for indicating their support for the regulations. I look forward to working with them as we progress into the next phase of delivering the adult disability payment and continuing to build our social security system here in Scotland.

11:15

The Convener: That concludes the debate.

Motion agreed to,

That the Social Justice and Social Security Committee recommends that the Disability Assistance for Working Age People (Scotland) Regulations 2022 [draft] be approved.

The Convener: I invite the committee to agree that the clerks and I will produce a short, factual report of the committee's decision and arrange to have it published as soon as possible. Are we agreed on that?

Members indicated agreement.

The Convener: We will now move on to item 5, on the motion for the information-sharing regulations, as already discussed. I invite the minister to move motion S6M-02603.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Social Security Information-sharing (Scotland) Amendment Regulations 2022 [draft] be approved.—[Ben Macpherson]

Motion agreed to.

The Convener: I again invite the committee to agree that the clerks and I will include consideration of the instrument in a short, factual report. Are we agreed?

Members indicated agreement.

The Convener: I thank the minister and his officials for attending today.

Social Security (Period for Re-determination Requests) (Miscellaneous Amendments) (Scotland) Regulations 2021 (SSI 2021/469)

The Convener: Item 6 is consideration of a negative SSI. Members are invited to consider the regulations, the background to which is outlined in paper 4.

I see no indication that members have any comments. Is the committee content to note the regulations?

Members indicated agreement.

The Convener: That concludes the meeting. At our next meeting on 3 February, we will take evidence on refugees and asylum as part of our work to explore the breadth of the committee's remit and establish key priorities for the session. I look forward to that.

Meeting closed at 11:18.

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