



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 16 May 2024

Session 6



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Pàrlamaid na h-Alba

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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
15th Meeting 2024, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
Katy Clark (West Scotland) (Lab)
*John Mason (Glasgow Shettleston) (SNP)
*Roz McCall (Mid Scotland and Fife) (Con)
*Marie McNair (Clydebank and Milngavie) (SNP)
*Paul O’Kane (West Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Peter Bell (Scottish Government)
Daniel Blaikie (Scottish Government)
Shirley-Anne Somerville (Cabinet Secretary for Social Justice)
Meg Sydney (Scottish Government)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 16 May 2024

[The Convener opened the meeting at 09:00]

Subordinate Legislation

Charities (References in Documents) (Miscellaneous Amendment) (Scotland) Regulations 2024 (SSI 2024/111)

The Convener (Collette Stevenson): A very good morning, and welcome to the 15th meeting in 2024 of the Social Justice and Social Security Committee. We have received apologies from Katy Clark.

Our first item is consideration of a negative Scottish statutory instrument, the purpose of which is to amend existing regulations to ensure consistency across different legal forms of charities in relation to information that is included in certain documents.

As members have no comments on the instrument, I invite the committee to agree that it does not wish to make any further recommendations in relation to it. Are members content to note the instrument?

Members indicated agreement.

Disability Assistance for Older People (Scotland) Regulations 2024 [Draft]

09:01

The Convener: Our next item of business is consideration of a statutory instrument that is laid under the affirmative procedure, which means that the Parliament must approve it before it can come into force.

I welcome to the meeting Shirley-Anne Somerville, the Cabinet Secretary for Social Justice. I also welcome her officials from the Scottish Government: Peter Bell, policy manager, pension age disability payment; Daniel Blaikie, solicitor; and Meg Sydney, disability benefits policy team leader. Meg is attending in lieu of Helen Speirs. I thank you all for joining us.

Following the evidence session, the committee will be invited to consider a motion to approve the instrument. I remind everyone that Scottish Government officials can speak under this item but not in the debate that follows.

I invite the cabinet secretary to make a short opening statement.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Thank you, and good morning. The regulations enable us to commence delivery of pension age disability payment for new applicants from 21 October, initially in Argyll and Bute, Highland, Orkney Islands, City of Aberdeen, and Shetland Islands. We will then introduce pension age disability payment with one further phase before rolling it out nationally on 22 April 2025.

Our priority, as always, is the safe and secure transfer to pension age disability payment, which means that the rules for eligibility are broadly similar to those for attendance allowance. However, the passage of the regulations will enable us to take a very different and more compassionate approach to the delivery of disability assistance for older people.

Across all forms of disability assistance, we have heard time and again that the previous Department for Work and Pensions scheme is complicated and stigmatising and that it can be difficult to access. The recent proposals by the DWP are yet another example of the United Kingdom Government's punitive approach to social security and we completely reject those heartless proposals.

In Scotland, we actively and vigorously encourage people to apply for the benefits that they are eligible for and we strive to make applying for them as easy as possible, supporting people at every step of the way. To that end, people will be able to apply in the way that works best for them, whether that is online, by post, over the phone or face to face, ensuring that no one is digitally excluded from the assistance that they are entitled to.

Our local delivery staff will provide one-to-one support, including assistance to complete application forms and take forward any follow-up actions. Establishing a third-party representative is being streamlined into the application process, which will mean that people who require that can gain support from friends and relatives from the outset, while maintaining their financial independence. We continue to fund an independent advocacy service that further supports people in accessing social security.

We are establishing a system that is rooted in trust with a focus on person-centred decision making. Where needed, Social Security Scotland will support people in identifying supporting information, or it will gather that information for them. As with our other disability benefits, when making a determination of entitlement, equal

consideration will be given to all sources of information.

Applications from people with a terminal illness will be fast-tracked so that they can access the support to which they are entitled as quickly as possible. We will use our devolved Scottish Government definition of “terminal illness”, which removes the arbitrary 12-month timescale that is currently used by the DWP and allows us to get expedited help to those who need it the most.

The 160,000 people in Scotland who are already getting attendance allowance do not need to do anything. The regulations make provisions so that we can begin transferring their awards to Social Security Scotland and get them on to pension age disability payment. That will happen in phases from early next year. The process happens automatically and ensures that everyone will continue to be paid the right amount at the right time.

This is the fifth benefit transfer process that we have designed, and our processes continue to improve with experience. We have had good feedback from those whose awards have already transferred, with a significant majority of people in a recent survey saying that they felt informed and reassured about the case transfer process. Our approach for the regulations has been supported by the Scottish Commission on Social Security and many responses to our public consultations, and by our on-going engagement with stakeholders.

From day 1, pension age disability payment will offer an entirely new experience for older disabled people in Scotland; an experience that reflects the human right to social security and the ethos of dignity, fairness and respect, which is now firmly embedded in our social security system.

I welcome the opportunity to assist the committee in its consideration of the regulations.

The Convener: Thank you, cabinet secretary. We will move to questions. Our questions will be directed to you, but you are, of course, welcome to invite any of your officials to respond, should you wish to do so.

I will bring in Roz McCall on theme 1, which is changes after case transfer.

Roz McCall (Mid Scotland and Fife) (Con): Good morning, cabinet secretary, and everyone else. Thank you very much for the opening comments. I have made a few notes. I note that, in response to SCOSS, the Scottish Government stated:

“what we deliver on day one will not be the limit of our aspirations and we will review the benefit over time to make such improvements as are practicable and affordable in line with the Principles”,

which I totally understand and accept. Does the Scottish Government expect to complete the case transfer by December 2025? Given those comments, what preparatory work has the Scottish Government been doing on changes that might be possible after case transfer?

Shirley-Anne Somerville: We expect to complete our case transfer process for pension age disability payment by the end of 2025, and we are on track for the case transfer of all our benefits by then.

We are always keen to look at continuous improvement in social security. I appreciate that the Government often says a lot about how we are very proud of what has happened in the social security system and that it is performing well, but, as I have said, I am also cognisant of the fact that it is a new system and that we will learn from the processes. That means that we have to be open to continuous improvement and to change.

Once we have completed the case transfer process and we have had a period of stabilisation, as part of our continuous improvement process we will, of course, consider how the payment can be developed over time. We will look to see whether there are opportunities to make improvements, as I hope the committee would wish us to do. Those will be evidence-led and based on the client experience of pension age disability payment. As we move through the case transfer process, we will see what needs to be done to change things.

Roz McCall: We have had suggestions about support for mobility and various other options. Would you be willing to look at those?

Shirley-Anne Somerville: I have met campaigners on the issue for many years now, since we first began discussing social security disability benefits, and I have always said to them that the Government is keen to look at what changes can be made. There are two areas in particular that we need to look at as we go through the process. One is the cost factor. I am happy to go into that in further detail when we talk about Motability, or we can come on to it later, but it is important that we have that on the record.

The other aspect is the ability for those who have a devolved benefit to continue to receive passported reserved benefits. Those are two areas—although not the only two areas—that we are exceptionally keen to keep in mind. We want to be open with stakeholders about the financial context that the Government is in, and we want to ensure that what might seem like a good idea has no unintended consequences, given that there may be a disbenefit if something impacts on passported benefits.

Roz McCall: Thank you. That is helpful. Will you explain further why the six-month qualifying period

cannot be shortened? How does that meet the needs of older people who are diagnosed with long-term conditions?

Shirley-Anne Somerville: The disability benefits that we have exist to ensure that we support people who have long-term disabilities or health conditions and the qualifying periods exist to ensure that assistance is targeted at such people. We have the qualifying periods because, if we did not, we could get into a situation where people who have short-term conditions would be eligible and would receive assistance for short periods. That is not the way that the current DWP system is set up, and it is one aspect that we feel it was right to transfer over to ensure that we focus our support on those who have long-term disabilities or health conditions.

I point out that, although there is a longer qualifying period for PADP than for child disability payment and adult disability payment, that goes hand in hand with the fact that there is no qualifying period into the future, as there is with CDP and ADP. That is one of the reasons why we have the slight difference in approach.

I come back to the question whether any change in the system would impact on the DWP's current position to ensure automatic passporting. If we had a shorter qualifying period, would that run into difficulty? That has not been tested, but I raise it as a concern that we have in our minds, particularly as we go through case transfer, to ensure that people who are applying for the benefits have the same rules and that there is, therefore, no danger of getting into that difficulty with the DWP.

Jeremy Balfour (Lothian) (Con): Good morning to you and your colleagues, cabinet secretary. The DWP told the committee that it would “find a way” to ensure that people receive their entitlements to reserved benefits. Does that alter your thinking about the risk of any divergence between attendance allowance rules and the new rules in Scotland?

Shirley-Anne Somerville: The evidence from the DWP was welcome. It is probably the most reassuring statement on the issue that we have heard from the DWP in a public setting. It is clearly something that I discuss with DWP ministers in our private meetings. That is good, and it demonstrates the benefit of the DWP giving evidence to the committee, because we have a shared system. I very much welcome that.

I will make a slight caveat to that. What does “find a way” mean? If it means that, for example—this is purely hypothetical—a person might get the reserved benefit only if they went through another application form or another type of assessment, the DWP would have found a way but found one

that was detrimental to the client. As we look to make changes in Scotland, it is important that we continue to work closely with the DWP to test out what “find a way” means, because we might get to the point where the clients or stakeholders who are asking for change would see it as a disbenefit if the way that is found is problematic for the people whom the DWP exists to support.

I very much welcome what was said, but I put the caveat on it that we cannot immediately assume that we can do absolutely everything in Scotland. For example, if we were to make substantial changes to any of the disability benefits that greatly increased the number of people who were eligible up here but would not be eligible down south, we would be asking the DWP to pay out benefits that it would not pay out to people in similar situations in England. That is a decision for the DWP to do with what it will, but we need to have that in mind as we look to the changes that we might wish to make.

09:15

Jeremy Balfour: I suppose that, to an extent, this is an academic discussion until either Government actually tries it out. Obviously, you have conversations with the DWP in private. In those conversations, has there been any fleshing out of how to find a way? Have you tested the DWP by asking, “If we do X, what will happen?”

Shirley-Anne Somerville: We need to get past the case transfer process first. At this point, more of the conversations that we are having with the DWP are because of the changes that it is about to make to reserved benefits. For example, if the DWP, following recent pronouncements from the United Kingdom Government, reduces the ability for people with mental illness to qualify for personal independence payment, but we still have the same ability within ADP—which we are absolutely committed to—what does that mean? Does it mean that the UK Government would make changes to the way that it treats people who qualify? There is a real and present danger, given some of the recent pronouncements from the DWP on changes to PIP and to work capability assessments, so that is what the conversations have been on at the moment.

Jeremy Balfour: That is helpful.

You touched on the elephant in the room—that is, money. To what extent is cost the single biggest factor limiting possible changes to disability benefits?

Shirley-Anne Somerville: I would not consider it to be the single biggest factor, but it undeniably needs to be looked at. I consider the principles in the Social Security (Scotland) Act 2018—Mr Balfour was a member of the Social Security

Committee when the Parliament passed that act—as our touchstone when looking at potential changes. I consider whether any changes will ensure that we still have a system that has dignity, fairness and respect, or how we can build more of that into the system.

I can, however, give examples of why cost needs to be looked at. The Scottish Fiscal Commission provided a full costing for pension age disability payment in its December 2023 publication, in which it estimated the 2024-25 expenditure to be £754.9 million, rising to £918.4 million by 2028-29. Costings for that financial year include a projected £87.1 million additional investment in Scotland when compared to the funding that is received from the block grant.

In some of our exchanges of a more combative nature in the chamber, Mr Balfour tells me that nothing has changed. I point out to him that the Scottish Fiscal Commission clearly thinks that something has changed, given that it thinks that PADP will cost us an extra £87.1 million because of the changes that we have made, such as the new terminal illness definition, the introduction of short-term assistance and the improved supported application process. Therefore, even making the changes that we have, which are in essence to do with not eligibility but how we run the system, has already built in an additional cost of £87.1 million.

Jeremy Balfour: Thank you.

The Convener: That was helpful. We will move on to theme 2, which is on mitigations for the mobility component. I invite John Mason to ask a question.

John Mason (Glasgow Shettleston) (SNP): This follows on from Jeremy Balfour's mention of money. Cabinet secretary, as you probably gathered, a number of witnesses have been looking for a mobility component for PADP. I just want to throw that out there. What is your reaction to the suggestion that there should be a mobility component?

Shirley-Anne Somerville: As I think I said earlier, I have had a number of meetings to talk about the issue, including one pretty recently with Age Scotland, the Health and Social Care Alliance Scotland and others, and I very much respect their opinions on it. I would say to them that this is one of the areas where we absolutely need to think about the cost.

During the early development of PADP, we undertook significant work to explore the feasibility of introducing a mobility component. The analysis that was done at that time found that it would cost an additional £580 million a year. That was based on figures from 2020-21. With the ageing population uprating during a period of high inflation, we think that, with the mobility rates

included, the cost is now in excess of £700 million a year. That figure does not make allowances for the case load being any higher than was projected at the time of the analysis; it is not a full new estimate, but it takes account of inflation. That highlights the cost of where we are.

I appreciate where stakeholders are coming from on the issue. However, there are a number of ways in which we provide additional support around mobility needs for older disabled people, including free bus travel that is universally available to anyone over the age of 60, the companion bus pass and free personal care, which is available in Scotland and can support a number of needs, including immobility problems. Although receipt of the pension age disability payment will not provide automatic entitlement to the blue badge scheme, eligible disabled people can apply for that vital support through their local authority.

There are different circumstances for this age cohort compared with people of working age, which presents a different case. Although I respect where the stakeholders are coming from on the cost issue, given the different circumstances of this age cohort and the other areas of support that are available to them, the Government does not intend to move forward with a change at this point or after the case transfer has been completed.

John Mason: I appreciate that full answer. However, do you accept that a bus pass is not quite the same as having a car, which gives you a lot of mobility? In many areas, there are no buses, so a bus pass is worth nothing. I take the example of my mother. Latterly, her walking was so poor and she fell so often that going on a bus became impossible for her. She had the bus pass, she could go on the bus for free and there was even a bus route that went past her door, but she still could not use the bus. I suspect that there are quite a lot of people in that position.

Shirley-Anne Somerville: I absolutely take Mr Mason's point. That is why I said that there is not just free bus travel but other aspects of support, including free personal care, which can include support for immobility problems.

I appreciate that this might not have been of use to Mr Mason's mother, but there is also an entitlement to the blue badge scheme, although it is not an automatic entitlement with PADP. There are different circumstances for this cohort compared with working-age people, and that is why the decision has been taken at this time.

John Mason: Should there be an automatic entitlement? That would be simpler.

Shirley-Anne Somerville: We need to look at eligibility. There is no mobility component to the pension age disability payment, so it is challenging

to see how local authorities could determine whether an individual's mobility needs satisfied the blue badge criteria based on the PADP award. That is the same for attendance allowance. That is the reason why there is not an automatic entitlement process.

In a recent meeting with Age Scotland, which I mentioned earlier, we discussed the blue badge scheme and whether more could be done to assist people through increasing knowledge of the scheme and the fact that, although there is not an automatic entitlement, it is still available for them to apply to. The agency will look at the award letter that comes through after someone gets PADP to ensure that it signposts them to information on the blue badge scheme and how an individual could apply to it.

Although entitlement is not automatic, because there is no mobility component to the benefit, the agency will look at what it can do after an award to signpost people to the blue badge scheme. I am happy to carry on that conversation with stakeholders to consider whether more can be done to ease that process. As we have discussed in committee before, I am keen on the automation of benefits and moving people along as fast as possible. If that is not appropriate in this case, which I do not believe it is, I am keen to carry on the conversation with them about what more we can do.

John Mason: Another angle is that there seems to be a bit of inconsistency with regard to age. If somebody applies for the mobility component just before they reach pension age, I understand that it carries on after they reach pension age. However, if somebody applies after they have reached pension age, they cannot get it at all. Do you accept that there is a bit of inconsistency, or that there appears to be?

Shirley-Anne Somerville: I accept that that is how the system is designed at the moment, and we plan to continue with that approach. I go back to the point that there are different eligibility criteria for adult disability payment and for pension age disability payment. We are keen to ensure that we are not taking anything away from someone as they age. It is fair to say that people who are receiving adult disability payment before they pass to state pension age will still receive the specific rate of the adult disability payment mobility component as long as they continue to satisfy the eligibility criteria, because we do not want to take something away from someone as they get older.

John Mason: Okay. I will leave it at that just now.

The Convener: Before I move on to the next theme, I believe that Bob Doris wants to come in with a supplementary.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Yes, thank you, convener. There are some quite stark financial realities here, cabinet secretary. Some modest but very welcome changes to the new Scottish system have already led to a forecasted additional cost of £87 million beyond the money that is provided from Westminster. I think that you have put on the record that introducing the mobility component would cost £700 million and that the cost would rise each year. That is eye watering. Across the parties, that is just a non-starter, if I am honest about it.

However, there are lots of frail older people with mobility issues. Some will qualify for pension age disability payment; others will not. I know that money will not become available tomorrow. The Government and we, as a country, are in a really difficult financial situation. If money became available, would it be sensible to bring in any element of mobility component for older people, or are there other ways that we could use any new moneys to help a lot of older people who are struggling with mobility to get out and about and live active lives? Are there ways to invest other than through the mobility component?

Shirley-Anne Somerville: There certainly does not appear to be anything on the horizon that suggests to me that money will become available, although I am an optimist, as Mr Doris knows. If there is a change in Government at a UK level, I very much hope that it will not follow the financial constraints that the Conservative Government has set, that it will have a better working relationship with the Scottish Government and that we can take forward such discussions.

Mr Doris made one suggestion. I have a feeling that, if I was here discussing carer support payment, committee members would suggest ways in which we could spend that money on carer support, because there are—rightly—calls from carers organisations to do more on that. Mr Doris is quite right. That is certainly something that could be considered in the future. The financial situation for the Scottish Government would need to be substantially different, given the sheer scale of the mobility component. In such a case, I would then wish to consider, in discussion with the committee and stakeholders, how that money could be spent.

As, I am sure, the committee will appreciate, there is a long list of things that people would wish me to do, and, indeed, that I would wish to do myself if the money became available.

Bob Doris: I was not suggesting that, if £700 million became available, that is how we would spend it. That will simply not happen. I was making the point that, if a small amount of money was to become available, there are lots of ways in

which the Government could use it to support frail older people to get mobile and live an active life. There are other demands on the money that could meet the needs that the mobility component is supposed to be trying to meet. Will the cabinet secretary think in an innovative way about how we could do some of that?

Shirley-Anne Somerville: The member raises an interesting point, and I am grateful to stakeholders for discussing this area with me. We did not just discuss social security; we discussed other ways to support older people. Some of that is done through the transport system, and some of it can potentially be done in other ways. Mr Doris is quite right to point out that social security is but one way to support people and that there may be other ways to do that that do not come with the same eye-watering figure.

It is a challenging situation, given the financial constraints, but stakeholders have taken the approach of asking the Government to consider the matter in the round, and I have committed to doing that. I think that Mr Doris is also asking me to do that.

09:30

The Convener: If only we had a never-ending money pot, that would be fantastic.

We move on to theme 3, which is differences from the attendance allowance. I invite Paul O’Kane to ask some questions.

Paul O’Kane (West Scotland) (Lab): Good morning, cabinet secretary and officials. Last week, we took evidence from stakeholders about their aspiration for the new benefit. We heard some evidence welcoming that aspiration, which will be rooted in the dignity, fairness and respect that we speak about, but there were also notes of caution about the experience of the transfer of other benefits and about wait times, too. I would like to get a sense of how the experience of applying for and receiving PADP will differ from the current process for attendance allowance.

Shirley-Anne Somerville: There are fundamental differences in approach. One is that there is an inclusive application support process, so that—as I mentioned in my opening remarks—people can apply in a way that is right for them, which is different from the current system.

Another aspect of our social security system that we are proud of is the local delivery teams. They provide support to people who are applying for benefits to maximise, as best they possibly can, what people can get, and they ensure that people get support to fill in the application forms correctly and in full.

Another area where we are keen to make a real difference is terminal illness, which we spoke about earlier. Our approach to award reviews has been very much welcomed within what we have done already in devolved areas. We are ensuring that the process is lighter touch and not as stressful, so that the individual has a lot more dignity in that process. One further example of the difference that we can make concerns short-term assistance, which is unique to Scotland.

Those are the improvements that will be made to ensure that applying for and getting the benefit is different. Mr O’Kane rightly points out that people will want to seek reassurance about the case transfer process and processing times. As I have said to him and others in committee and in the chamber, processing times for CDP and ADP were too long. There is a great deal of improvement in that, and I have been through some of the reasons for that with the committee. All the lessons learned are being built into the design of what we do with PADP.

Paul O’Kane: Last week, the committee heard about the 30-page form for attendance allowance. The cabinet secretary referred to the different formats of application for the Scottish benefit. How long will the form be for PADP? To what extent has Social Security Scotland tested it and worked with people to understand their needs in that respect?

Shirley-Anne Somerville: All the agency’s forms have been co-designed with people who would be applying. I remember going along to the process for best start grants way back in the day—we literally sat with women taking application forms apart and changing them. That was a process of continual drafting and redrafting to ensure that the form was fit for purpose. We still need to learn once a form goes live—we have made changes at that stage—but I can give that reassurance on how the forms are designed.

We have not concentrated on the length of the form; we have worked more on its usability. I appreciate that I am not answering Mr O’Kane’s question directly, but I can explain why. Through the co-design process, we have been asked to make the questions clearer and more spaced out, with examples given. We have also added images to the form, because people have told us that that makes it easier to complete.

The form is still being formatted. That work is not complete yet, but that is the type of process that we have been through before. In essence, the form may end up longer, but that is because it has been designed by the people who will be using it. They wanted it to be more spaced out, they wanted examples to be given and they wanted images to be put in, all in order to make it easier to use. We have been concerned with usability rather

than length, although we keep the length in mind as we go through the process.

One caveat that I will give is that, when somebody applies online, they get only the questions that relate to them. If some answers suggest that another part of the form does not relate to them, they do not have to go through that part of the form.

The form is a work in progress, and we will be happy to share it with the committee once it is complete.

Paul O’Kane: I appreciate that the form is a work in progress, but can you say whether it is around the 30-page mark? Last week, Debbie Horne from Independent Age said that the 30 pages are quite daunting for people. She qualified that by saying that she appreciates that the Scottish Government has looked at alternative formats and that the delivery support will help people, but I think that there is an issue with the initial length of pages. Although I appreciate that you might not want to give a figure, are we still in that ballpark?

Shirley-Anne Somerville: I am not able to say that at the moment, because the form is still going through the design process. However, I give an absolute assurance that every page will have been tested with folk who have co-designed it with us, and they will have assisted us in working out how best to set out the form. I am hopeful that, given what we have done in relation to the previous benefits, people will know that we design the forms with various people, including stakeholders, and that they are designed in a certain way because that is the way that the individuals think they work best. I am happy to keep the committee updated on that as we go through the process and the forms are finalised.

Paul O’Kane: I have a brief question on short-term assistance. Last week, SCOSS talked about its reservations about STA’s interaction with reserved benefits. I know that there is an on-going dialogue with the Scottish Government about that, because of the variance in view in that regard. Could you comment on the issue and on those discussions?

Shirley-Anne Somerville: This is one of the areas that are brand new to Scotland and of which we are proud. I am therefore keen to ensure that it is working effectively. If there are differences of opinion on usability, we are keen to hear them, because the system is still quite new.

Short-term assistance is not designed to replace disability benefits; it is there as a temporary payment to assist someone who is challenging a determination to reduce or cease their entitlement to a disability benefit. The intention when STA was being designed was to ensure that no one was

discouraged from challenging a determination by the idea of having to manage for a period with a reduced income.

Short-term assistance does not interact with the backdating of reserved benefits. If someone is successful in having their decision changed at redetermination or appeal, that does not affect that backdating. However, I appreciate that people want us to look at that issue and to have discussions about it, and I am happy to carry on that dialogue to ensure that people feel that the system is being used as intended, or that, if there are lessons to be learned, we can learn them.

The Convener: On our visit to Social Security Scotland in Dundee, we had a visual walk-through of the ADP application, which was really helpful. I think that a lot of members who attended that day benefited from seeing that. It would be helpful to get an update on the application and the co-design process when it is complete.

Bob Doris will ask the next questions.

Bob Doris: I, too, want to explore short-term assistance. I listened carefully to the cabinet secretary’s exchange with Paul O’Kane. The committee would welcome a note of all the areas for which short-term assistance is a passporting benefit in relation to UK reserved benefits. In that way we might understand the extent of what we might call the exposure from the DWP taking a different view of STA as a passporting benefit, as opposed to claiming back retrospectively once a benefit has been reinstated.

One example is the suite of carers benefits that exists as a passporting benefit. My understanding is that, by autumn this year, that will be wholly delivered by Social Security Scotland. In a Scotland-specific system of passporting benefits, if someone got short-term assistance in relation to pension age disability payment, would their carers payments be passported at Scottish level, or would they have to apply to Social Security Scotland to have them backdated to the point where that would otherwise have been available? Passporting is increasingly happening not just at a UK level but at a Scotland level, too.

Shirley-Anne Somerville: If Mr Doris is content for me to do so, I will be happy to get back to him further in writing about passporting benefits and short-term assistance in particular.

I agree that short-term assistance is unique to Scotland. The intention behind it is to ensure that no one is discouraged from challenging a decision. However, it is not in itself an award of a benefit, so there is a difference there. There is a nuance of approach between what happens when someone receives short-term assistance and what happens when they receive a benefit. I will be happy to provide that information in writing, in particular on

the carers element, as I appreciate that Mr Doris is talking about passporting to another part of the devolved system—not passporting to the reserved system. I can provide more detail in writing about how that would work and talk the committee through that process.

Bob Doris: That would be really helpful. The committee cannot start to call for things if we do not realise the granular detail of what it means in practice. At some point in the future, we might believe that the status of short-term assistance should change to being a stand-alone passporting benefit for a short period—I do not know. However, unless we can map out what that looks like, the committee cannot make an informed decision. I think that such a note would be welcome.

My only other question is on the lessons learned from the roll-out of other benefits, which you have touched on. Do you want to add anything on that—in particular, on the capacity to process applications or to respond to clients within a reasonable time? I know that you have mentioned that, but this is an opportunity to put more detail on the record and give the committee reassurance.

Shirley-Anne Somerville: It is important that the committee is reassured that the agency has undertaken a great deal of work to improve processing times. I keep an extremely close eye on those and am in close dialogue with the agency on that subject. I welcome the changes that it has made to its processing to ensure that it is done more quickly.

I hope that the committee members who went to Agnes Husband house saw that happening in real time and heard discussed in greater detail the amount of changes that have been made and continue to be made. The capacity is very much there. The lessons have been learned and continue to be so. I am sure that the agency would be more than happy to host the committee again in the future, to talk through the further work that is being done on processing times or anything else, or when we get to the point of PADP being live. Perhaps not in the first week, though—I will allow them some time for that.

Bob Doris: We will give it a couple of weeks, cabinet secretary. Thank you—I have no more questions.

The Convener: Cabinet secretary, you will be pleased to know that we are moving on to our final theme, which is improving take-up.

09:45

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. I come back to STA. Our Scottish Parliament information centre briefing

suggests that we ask the Scottish Government about that, but do you agree that it is more a question for the UK Government, if anyone at all?

Shirley-Anne Somerville: It is both, because of the point that Mr Doris rightly raised about some of it being passported to another part of the social security system up here and some of it being down to a reserved benefit. We were clear when we designed STA that it is not in itself a benefit. The question is for both Governments, but it is certainly one that the Scottish Government should be absolutely live to, given that we set up STA on a particular premise. There is a question for the UK Government, but I would not shirk our responsibility to consider that.

Marie McNair: I will move on to uptake. What are the Scottish Government and Social Security Scotland doing to encourage take-up of the pension age disability payment?

Shirley-Anne Somerville: I mentioned in my opening remarks the great importance that we put on ensuring that people are encouraged to apply for benefits that they may be eligible for. The committee will be well aware, and I believe that it has heard evidence, of the concerning level of benefit uptake of certain reserved benefits for older people—pension credit is the most obvious case.

We are keen to do everything that we can, and we already see that in one area. Because our system is seen to be easier to make applications in, and because the application and assessment process is seen to be more dignified, people are more confident in applying. I heard that directly on a recent visit. We talked about CDP and the fact that parents were talking among themselves about how information had been shared in the school community about how easy the process had been, and people were therefore encouraged to apply.

That is exactly the type of process that we want to see for the pension age disability payment. How do we do that? We will do similar things to what we have done for other benefits, particularly when we launch pilots. We are keen to engage with the local authorities that will be involved in those pilot schemes to ensure that they are fully up to speed with what is happening and that they can support our third sector partners in all those pilot schemes.

As the committee would expect, regular sessions happen during the build-up to a pilot and once a pilot launches. There is also further work that sits outside the social security system but is very important, such as the welfare advice and health partnerships, which place welfare rights advisers in 160 general practices.

There is on-going work to ensure that as we consider uptake we are challenging ourselves not just to look at those who are perhaps the easiest

to encourage but to look at seldom-heard groups. I hope that our approach to tackling the additional barriers that those groups face will be assisted when we publish a seldom-heard groups action plan later this year.

Marie McNair: I welcome that. I am aware of a joint initiative between Clydebank Asbestos Group, Unite and a retired members branch of Unison to promote the uptake of attendance allowance among their members. Would you or your officials be willing to meet them to hear about their efforts and how the Scottish Government could assist them?

Shirley-Anne Somerville: We would be delighted to take up that suggestion. Anything that we can do with any stakeholder or interested party to assist in uptake would be greatly welcome, so I am happy to follow that up with Ms McNair after the meeting.

Marie McNair: Thanks for that. How are Social Security Scotland processes being adapted to take into consideration the needs of the older clients who are applying for the benefit?

Shirley-Anne Somerville: I talked through some of that already, so I will not repeat those points, but I will expand on the importance of the local delivery team. We really see that as a key difference between the DWP system and how the system is set up here.

Our local delivery staff have the ability to be available throughout the community. They are not just sitting in an office somewhere waiting for people to come to them but going out to libraries, schools and community settings to meet people directly. They are also able to go directly to people's homes, should someone wish to receive that support in the home. That is vital, perhaps particularly but not only for an older age group. That service is available to all clients and not just those who are applying for disability benefits.

The local delivery teams are a part of the system that was set up right at the start and was absolutely designed to improve uptake. I hope that this is where it really comes into its own.

Marie McNair: As my colleague Paul O'Kane said earlier, we need to get the form right. The existing form is 30 pages long; perhaps we could try to adapt that a wee bit.

I will move on. The UK Government has launched a green paper on plans to overhaul the current disability benefits system. A few worrying options have been mentioned, such as one-off grants and vouchers instead of regular payments. I seek your assurance—is that an approach that we will take in Scotland?

Shirley-Anne Somerville: Briefly, no—it is not. I have raised those concerns with the UK

Government. I am greatly concerned that that does exactly the opposite of what we are trying to do, which is to actively encourage people who have a long-term condition or disability to apply for what they are entitled to. We should support people in that process. That goes back to the fundamental principle that social security is a human right and an investment in our people, and the Scottish Government has absolutely no intention of deviating from that course.

Marie McNair: Thanks, cabinet secretary. I appreciate your reassurances.

The Convener: Thank you. I very much appreciate the questions and answers.

We move to agenda item 3, which is formal consideration of motion S6M-12904.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.—[*Shirley-Anne Somerville*]

The Convener: I invite contributions from members.

No members wish to speak, so I invite the cabinet secretary to sum up and respond to the debate.

Shirley-Anne Somerville: I think that I am fine, convener.

The Convener: There was no debate. I am sorry about that—I was speaking from my script.

The question is, that motion S6M-12904, in the name of Shirley-Anne Somerville, be agreed to.

Motion agreed to,

That the Social Justice and Social Security Committee recommends that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.

The Convener: The committee will report on the outcome of the consideration in due course and a draft report will be prepared by the clerks. Are members content to consider the draft report in private at next week's meeting?

Members indicated agreement.

The Convener: Cabinet secretary, I thank you and your officials. That concludes our business.

Meeting closed at 09:53.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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