



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 31 March 2022

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

12th 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:

Louisa Brown (Scottish Government)
The Minister for Children and Young People (Clare Haughey)
The Minister for Social Security and Local Government (Ben Macpherson)
Hazel Stewart (Social Security Scotland)
Kate Thomson-McDermott (Scottish Government)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 31 March 2022

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Elena Whitham): Good morning, and welcome to the 12th meeting of the Social Justice and Social Security Committee in 2022. Our first item of business is a decision to take items 6 to 8 in private. Are we agreed?

Members *indicated agreement.*

Subordinate Legislation

Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 [Draft]

The Convener: Agenda item 2 is the draft Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022. The draft regulations were laid on 16 March, replacing the draft that was laid on 28 January. At our meeting on 17 March, the minister told the committee that the original draft regulations had been withdrawn, following the Scottish Government's decision to uprate some benefits by 6 per cent this year.

I welcome to the meeting Ben Macpherson, the Minister for Social Security and Local Government. The minister is joined remotely by Scottish Government officials. Simon Coote is the head of the cross-cutting policy unit, Camilo Arredondo is a solicitor and Dominic Mellan is an economic adviser for social security analysis. I invite the minister to make an opening statement.

The Minister for Social Security and Local Government (Ben Macpherson): Thank you, convener, and good morning to colleagues here and online. I welcome this opportunity to assist the committee in its consideration of the draft Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022. Once again, I register my sincere gratitude to the committee for accommodating the last-minute changes to the scrutiny process for the draft regulations.

When I attended the committee two weeks ago, I took the opportunity to update members on the changes that we have made to the regulations in order to urgently provide additional support to people in response to cost of living pressures. The relaid regulations now provide that additional support by further increasing several forms of devolved social security benefits and assistance, from the previously proposed 3.1 per cent increase up to a 6 per cent increase. The 6 per cent uprate will apply to the young carer grant, the funeral support payment, the three best start grants and the job start payment, and we will make future regulations that will also effect the increase to the carers allowance supplement. We will also now increase child winter heating assistance by 6 per cent, which is greater than the 5 per cent increase that was previously proposed, supporting more than 19,000 families of severely disabled children with their heating costs.

As the committee is aware, we had already taken the decision to double the Scottish child payment from £10 to £20 per week, a 100 per cent increase, which will immediately benefit around

111,000 children. Last week, the Cabinet Secretary for Social Justice, Housing and Local Government announced a further increase to the Scottish child payment, increasing it to £25 per week per child by the end of 2022, when we will extend the payment to under-16s. That is a 150 per cent increase on the current rate. Scottish Government analysis estimates that that will lift 50,000 children out of relative poverty in 2023-24, reducing the relative child poverty rate by five percentage points.

Moreover, we increased best start foods in August 2021 from £4.25 to £4.50 a week, a 5.88 per cent rise, which exceeds the September consumer prices index rate of inflation and is close to the 6 per cent uprate for other benefits.

On child disability payment and adult disability payment, it was necessary to match the Department for Work and Pensions and keep the uprate at 3.1 per cent. As I stated to Parliament recently, that is in order to meet the terms of the agency agreement that we have in place with the DWP, but also, and importantly, it was to avoid creating a two-tier system during case transfer. We must not create a system in which individuals who are paid by Social Security Scotland are paid more than clients whose cases have not yet transferred to the Scottish system, which would clearly not be fair.

I hope that that has been a helpful summary for members. Subject to parliamentary approval, the new rates that I have described and that are set out in the draft regulations will come into force tomorrow.

We have worked at pace to change the regulations to directly help families and carers. We wanted to ensure that we were using the powers that we have to help those who are most in need, who are facing rising costs—and we know that some other benefits that they may be receiving are not keeping up with the cost of living pressures, unfortunately.

I thank the committee again for its scrutiny of the uprating regulations and its co-operation around the need for urgent changes. I also thank my Scottish Government officials and those at Social Security Scotland, who have worked to implement the proposals that are before you. I trust that colleagues will welcome and support the regulations.

The Convener: Thank you very much, minister. We will now move to questions from members. We have two themes: the first is on uprating for inflation, and the second is on increases not related to uprating.

Pam Duncan-Glancy, who is joining us remotely, will start us off on theme 1, and she will

be followed by Marie McNair, who is also joining us remotely.

Pam Duncan-Glancy (Glasgow) (Lab): Thank you, and good morning, convener. Thank you, minister, for joining us this morning and for setting things out. Thanks to the officials, too.

First, although Scottish Labour will vote for the measures—because not doing so would mean no increase for anyone—I again put on record my disappointment that we are not doing anything to uprate disability and carers' benefits. People with disabilities and carers are facing cost of living pressures, too, and we should be using all the powers of the Parliament to address that.

Last week, the Institute for Fiscal Studies told the committee that the uprating by 6 per cent was well meaning but badly designed, and I have to say that I agree. It all feels very ad hoc, and I do not believe that that is the way to manage public funds. One Scottish statutory instrument said that some things will be uprated that would not be uprated at all. Then, literally overnight, that was removed. On the Monday, the Government still thought that 3.1 per cent was fine. On the Wednesday, it thought better of that and came to the right decision to uprate by 6 per cent. In addition, some benefits are being uprated by amounts that do not align with inflation. It feels as though the measures are very much grace and favour, but families cannot reflect that.

Will the minister commit to automatically uprating Scottish benefits in line with inflation in the coming years? Will the Government commit to uprating the adult disability payment and child disability payment in line with the rest of the benefits when the transfer process is complete?

Ben Macpherson: We have, of course, seen a significant increase in inflation and cost of living pressures from the September CPI—which was not anticipated at that time—because of various events. Using the flexibilities that we have in our system and under the regulations, we sought urgently to make the changes, utilising the Social Security (Scotland) Act 2018 as we could. As Pam Duncan-Glancy knows, the position as to why we use the September CPI is set out in the 2018 act, as was agreed by Parliament during scrutiny of the Social Security (Scotland) Bill.

We have increased the Scottish child payment at a higher rate because of an election commitment to double the Scottish child payment, and the cabinet secretary took action last week, with the further increase to £25 that will take place. That is based on our child poverty delivery plan, and it ensures that we are doing what we need to do to meet the binding targets in the Child Poverty (Scotland) Act 2017.

Members will be aware that the Scottish child payment, as well as being a new benefit, is an innovation from the Scottish Government. Much of the determination to increase as we have—which is a collective determination across the parties—is because of the reduction in universal credit. There was therefore an even more significant determination from MSPs across the Parliament to make that increase to the Scottish child payment to help households at this time.

The Convener: Thank you, minister. Have you completed your questioning, Pam?

Pam Duncan-Glancy: Would it be okay to consider the uprating of the Scottish child payment and other benefits not related to inflation now, or do you want me to wait until after Marie McNair has come in, when I can come back in on theme 2? Which would you prefer?

The Convener: If you could just go for it now, Pam, as we are so tight for time, that would be very helpful.

Pam Duncan-Glancy: That is much appreciated. Thank you, convener.

I thank the minister for that answer. I appreciate and understand the mechanisms in the 2018 act that are available to him. I was concerned more about the sudden change, which took place in a matter of days.

Moving on to the uprating that does not relate to inflation, minister, will you explain why there is no uprating at all to the carers allowance supplement? You said in your opening statement that you will do something about that in the future. When will that be? I am sure that that will be very helpful for unpaid carers.

I also ask what the Government intends to do for the 150,000 children who are on bridging payments and the 177,000 children who are getting no Scottish child payment at all just now because the roll-out has not happened. Will you explain to the committee and others what the Government will do for them before December this year?

Ben Macpherson: I will take the question on bridging payments first and the others thereafter.

As the committee will be aware, the Scottish child payment bridging payments are an interim measure that provides immediate support to around 144,000 school-aged children from low-income households ahead of our roll-out in full to those under 16 of the Scottish child payment by the end of 2022, which will be delivered following receipt of the necessary data from the DWP. We have discussed that previously.

The bridging payments make use of existing data that is available to local authorities, and over

£76 million was awarded to eligible families in 2021. A further £520 per child will be paid in 2022, with £130 being paid for eligible children ahead of the Easter holidays that are coming up. By the end of 2022, school-aged children will benefit from the increased value of the Scottish child payment that I set out, at which point around 430,000 children and young people will be eligible for the benefit. So, part of the bridging payment will happen in the coming weeks and we have set out how we will roll out the full extension of the Scottish child payment over the rest of the year.

When it comes to Scottish carers assistance, as I have alluded both in my opening statement today and at committee two weeks ago, there is a different process for implementing the uprate to the carers allowance supplement. We will also use the 6 per cent figure to update the carers allowance supplement, as I emphasised in my opening statement. We are currently exploring options for implementing that, including how we might apply inflation-setting powers, as provided for in section 81 of the Social Security (Scotland) Act 2018. That will ensure that the increase is reflected in the summer payment. We are currently in the process of determining how we will implement that 6 per cent uprate to the supplement, and we will keep the committee informed, as appropriate, as we progress that work.

The Convener: Thank you very much, minister.

Marie McNair joins us remotely. She will be followed by Emma Roddick, who joins us in the room.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning, minister. I want to follow up on the carers allowance supplement. As you know, in Scotland, we have introduced the supplement because of the failure over the past 45 years by successive Westminster Governments to align carers allowance to other income replacement benefits. In your continued conversations with Westminster DWP ministers, have you received any indication that they are minded to right that wrong? If they did that, could it free up Scottish Social Security resources to be invested in other areas of our social security budget?

Ben Macpherson: That is an important question for a number of reasons. When we went through the process of the bill that became the 2018 act, the supplement was brought in so that carers allowance would match jobseekers allowance. I continue to urge United Kingdom ministers to give that sense of equity across the UK. That would provide support to people not only in Scotland but in other places. That emphasises another important point that is under consideration across all the evaluation of what we are doing on

uprating. Of course, if there had been uprating and appropriate support for reserved benefits from the Chancellor of the Exchequer in the spring statement last week, that would have provided important additional support to families in Scotland and across the rest of the United Kingdom. I think that it is extraordinary that the chancellor did not, through his spring statement, provide any support to those on benefits. In my view, that was significantly wrong and a mistake.

09:15

Marie McNair: Do you believe that that was a missed opportunity to help those in the greatest need?

Ben Macpherson: It absolutely was a significant missed opportunity to do the right thing. I urge all UK ministers to impress on the chancellor the need for the UK Government to use its significant taxation, fiscal and monetary powers to do more for those who are on benefits, especially at this time.

Marie McNair: Given the increased prices and cost of living, we all welcome the higher uprating of those benefits. What else has been done to assist with the pressures on families?

Ben Macpherson: We are acutely aware of the many pressures that families face, in particular, due to higher energy bills, as well as the increases to the cost of the weekly shop, to interest rates and to the national insurance contributions that people pay to the UK Government. Our £290 million cost of living package builds on our existing support—£150 is going to families who receive a council tax reduction, irrespective of their property band, and £150 is going to other households in properties in bands A to D. Last week, the Cabinet Secretary for Social Justice, Housing and Local Government announced a number of measures in the tackling child poverty delivery plan, including—very significantly in my view and that of many others—the action to mitigate the benefit cap. That comes on top of actions that the Scottish Government has taken for a number of years to mitigate the bedroom tax. With the resources and powers that we have, we are doing what we can to help.

Emma Roddick (Highlands and Islands) (SNP): Good morning, minister. You touched on the need for increases to disability and carers benefits to be linked to the UK rate. Do you believe that the UK Government should be uprating those benefits, which would, in turn, allow the Scottish Government to do the same?

Ben Macpherson: For clarity, we are going to uprate the carers allowance supplement by 6 per cent. We are still just a number of months into the full roll-out of child disability payment and we

successfully launched the adult disability payment in our first pilot area on Monday 21 March.

I know that we will shortly be discussing case transfer, but, as we undertake the twin tasks of launching our new benefits and undertaking case transfer, we have to make sure that people are receiving the same amounts, whether they are a Scottish recipient of a UK disability benefit or a Scottish recipient of a Social Security Scotland benefit. We have uprated the child disability payment and the adult disability payment only by the September CPI of 3.1 per cent because that is what is happening with the personal independence payment and disability living allowance for working age adults at the UK level. Should the UK Government have done more for those who are on those benefits at a UK level? Yes, and that would have allowed us to raise the child disability payment and the adult disability payment by higher rates, to match what the UK Government had done. I continue to urge the UK Government to consider doing that.

Jeremy Balfour (Lothian) (Con): Good morning to the minister and his team. I have a couple of questions. First, when David Phillips, from the Institute for Fiscal Studies, gave evidence to the committee, he talked about a “cliff edge” for some families, who fear losing out on their eligibility for SCP if they take on extra hours of work. I presume that now is the right time to go into it. What work are you and your team doing on that? What mitigation is there around that and what thinking is being done?

Secondly, I go back to Pam Duncan-Glancy’s question, to which I do not think that I heard an answer. Once ADP is fully transferred and is being run by Social Security Scotland, do you intend to increase that benefit as you have increased the other benefits that are now being run by the agency? Once all the transfers have taken place, do you see a further increase happening, or do you see the amount staying aligned with the UK figure?

Ben Macpherson: Thank you for those two questions. I will start with your first question, on the evidence from the IFS that a high value for the Scottish child payment could create a “cliff edge” and make it more difficult for families to increase their working hours in relation to universal credit. We recognise that a higher value for the Scottish child payment could potentially, in some circumstances, from an analytical perspective—although we need to remember that people are motivated to work—reduce work incentives for some claimants in respect of the margin for exceeding the universal credit earnings limit. By increasing their working hours, they could be at risk of losing universal credit and, therefore, their Scottish child payment entitlement.

In analysing universal credit award data, we have observed no evidence of that in Scotland's economy to date. Nonetheless, as you would expect, we continue to monitor that potential issue, because it is important. The Scottish child payment is paid as a top-up of reserved benefits, using powers available to us under section 79 of the Social Security (Scotland) Act 2018. That means that, when someone drops off their qualifying benefit—for example, universal credit—we have no legal means to continue paying the Scottish child payment. That is why it is an important issue.

We have committed to reviewing the legislative footing on which the Scottish child payment is based once the payment is rolled out fully, later in the year, to those who are responsible for children under 16. More broadly—this is important—the Scottish child payment can positively impact on work incentives for claimants by reducing financial labour market barriers—for example, through helping to fund childcare costs to enable an increase in working hours. We therefore need to emphasise that it also has a very positive effect.

In the 2018 act, we committed to uprating. I remember discussing that with Jeremy Balfour when I sat on the Social Security Committee not so long ago. As we move into the position of delivering the adult disability payment and the child disability payment nationally, we will have to think seriously about how we ensure that our payment levels are appropriate to meet the cost of living for individuals.

Jeremy Balfour: I want to follow up on that. It is very helpful to hear that you will be carrying out a review. Roughly when will that review take place? Perhaps you can write to the committee once it has started, as I am sure that we would want to look at how the child payment is working once it has been rolled out. Do you have a rough date for when the review might happen?

Ben Macpherson: Are you referring to a review of the legislative footing?

Jeremy Balfour: Yes.

Ben Macpherson: I can get back to you on a review of the legislative footing on which the Scottish child payment is based. I think that that would be the best course of action.

Jeremy Balfour: Thank you.

The Convener: Thank you, minister. That would be very helpful for us.

Foysoil Choudhury (Lothian) (Lab): Good morning, minister. I have a couple of questions. What can the Scottish Government do to clarify the definition of kinship care? Will legislative change be considered?

The Convener: You are getting ahead of yourself—that is a question for the last panel.

Foysoil Choudhury: I am sorry, convener—I came in late.

The Convener: That is okay.

As we have no more questions from members on this part of proceedings, we move to 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 the motion.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 be approved.—[*Ben Macpherson*]

Motion agreed to.

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 later today. Are we agreed?

Members indicated agreement.

The Convener: I suspend the meeting briefly to allow a changeover of officials.

09:25

Meeting suspended.

09:26

On resuming—

Case Transfer

The Convener: The next item of business is an evidence session on case transfer, with the Minister for Social Security and Local Government. The session will allow members to discuss arrangements for case transfer, from DWP to Social Security Scotland, of people who are on disability benefits. The minister is joined by Scottish Government officials. Kate Thomson-McDermott, who is unit head of carer benefits and case transfer policy, joins us in the committee room. David Hilber is the team leader in case transfer policy, Kayleigh Blair is a solicitor and Jane Goodier is senior lead for disability and carers benefits at Social Security Scotland, and they join us online.

I welcome you all to the meeting and invite the minister to make a short opening statement.

Ben Macpherson: Thank you for inviting me to give evidence on case transfer of devolved disability and carer benefits.

I am grateful for the work of the committee to date in considering the case transfer provisions for clients whose awards are moving from disability living allowance to child disability payment and from personal independence payment to adult disability payment.

The Scottish Commission on Social Security has recently reported on draft regulations to ensure that Scottish adults who are in receipt of disability living allowance can also move on to adult disability payment in cases where they would otherwise be required by the DWP to apply for the personal independence payment. We hope to lay the final regulations for the committee's consideration in May.

As I have set out to the committee before, case transfer is not a simple administrative process; it is a complex transfer of data, forms and evidence, as well as of legal entitlement. We are transferring then refining data from a variety of legacy systems that are used by the Department for Work and Pensions, some of which are decades old, on to our new single system that will be used to administer all forms of Scottish assistance. We are transferring between two different Government agencies that have their own policies and procedures, and between two different regulatory schemes that were established by two different Parliaments.

We have worked with the experience panels and other key stakeholders to design a process that has dignity and respect at its heart, as we undertake the case transfer process. It was

through that intensive stakeholder engagement that we developed our five case transfer principles. The first is that no one will be required to apply for their Scottish assistance as part of the transfer process. Secondly, clients will continue to receive the right payment at the right time. Thirdly, after adult disability payment launches nationally, people's awards will, wherever possible, be transferred before they would be subject to a DWP face-to-face assessment. Fourthly, we will complete the transfer process as soon as possible, while ensuring that it remains safe and secure. Fifthly, we will clearly communicate with our clients. That is important.

09:30

Around 700,000 people will have their disability and carer benefits transferred from the Department for Work and Pensions to Social Security Scotland in line with those principles. Our top priority is to ensure safe and secure transfer for all, and we will endeavour to complete the transfer in 2025. If, during the process, we find that it is possible to accelerate the rate of case transfer for any of the benefits while still meeting the requirement that it is safe and secure, we will do so.

This is a joint programme of work with the Department for Work and Pensions. We rely on its support to match our timetable and we rely on it to provide us with the right data and with information in the right format at the right time, in line with processes that we have jointly developed. We are grateful for its collaboration thus far.

As you are aware, the transfer from disability living allowance for children to child disability payment started in October 2021. A significant number of children and young people are now receiving child disability payment because of transfer of their award. Personal independence payment awards are due to start transferring to adult disability payment this summer.

We continue to agree processes with DWP benefit by benefit to ensure that no one experiences a disruption in their award. It is vital that people continue to receive their awards on time and, of course, to receive the right amount. We will continue to keep the committee updated as that work progresses.

I am proud of what we have all been able to deliver to date despite the challenges that we have all faced as a result of the pandemic. We have done that on top of delivering 12 new Scottish benefits, including creating the Scottish child payment, delivering the two coronavirus carers allowance supplements, designing a new and inclusive application and decision-making process

and making provision for indefinite awards for the recently launched adult disability payment.

A lot has been done and there is a lot to do ahead. I welcome the opportunity to assist the committee in its consideration of case transfer and look forward to questions from members.

The Convener: Thank you very much, minister. Our first group of questions concerns the transfer from personal independence payment to adult disability payment.

Jeremy Balfour: Good morning to your team, minister. I suppose that, for the record, I should point out that I am at present on PIP and will, I hope, transfer to ADP at some point. I declare that as an interest.

I think that you said that you would lay the regulations in May. Did I hear that correctly?

Ben Macpherson: That was about the regulations with regard to DLA for working-age adults.

Jeremy Balfour: When will detailed guidance on case transfer from PIP to ADP be published? Do you have a date for publishing it?

Ben Macpherson: The guidance on transfer from personal independence payment to adult disability payment is available on our mygov.scot website. We intend to publish more detailed guidance in May and will make the committee aware when that happens.

Jeremy Balfour: I am on PIP at the moment. How much notice will be given to people of when they will be transferred to ADP? It is quite a long time. Is transfer being carried out geographically or alphabetically? How much notice will people be given that they are transferring from the DWP to the new agency?

Ben Macpherson: I will bring Kate Thomson-McDermott in shortly, if there is any more to add on the guidance.

On the notice period, all DWP cases that have a Scottish postcode as part of the person's record will be flagged for transfer on the DWP's systems.

When the selection criteria that have been agreed with the DWP are met—for example, for personal independence payment to adult disability payment, where the person's independence payment award is due to be reviewed—the individual's case will be selected for transfer. Once selected for transfer, the DWP will send us the data, forms and evidence that we need to set up the person's Scottish award. At that point, we will write to the person to explain that their case has been selected for transfer and we will outline when we expect the transfer to be completed.

In most cases, the transfer will be complete 13 to 17 weeks later, which means that the Scottish assistance will begin and the DWP-administered benefit will simultaneously end. That timing can be accelerated when the client meets the special rules for terminal illness. We can vary that timing in some cases, with the agreement of the DWP. We will write to the person again at the end of their case transfer process telling them what their Scottish award is, how much they will receive and when, and outlining their rights and obligations, just as we would had they made a successful application. That is in relation to those who will be selected for transfer because of their circumstances.

There is another process. I talked about one of the triggers for selecting a case being if the person's PIP award was due to be reviewed by the DWP. We will prioritise the transfer of Scottish clients with personal independence payment awards when they would otherwise be subject to a DWP review that could require a face-to-face assessment—for example, when a client reports a relevant change of circumstances or, as I said, is scheduled to have their personal independence payment award reviewed or ended. That is what we call natural case transfer, and that is where we will start.

We then have the process of beginning to transfer clients who do not fit into one of those categories thereafter, and we call that managed case transfer. That will begin from spring 2023. Do you want to say more, Kate?

Kate Thomson-McDermott (Scottish Government): You have covered most of it well. We have some general information on the case transfer process for PIP to ADP and for working age disability living allowance on the mygov.scot website, and I am happy to forward links after the meeting to add to what we have already made available. We will progressively update that information with more detail, as we get closer to the case transfers happening.

Social Security Scotland run roadshows on adult disability payment. They are under way and include general information about case transfer, and we will do some specific ones on case transfer in due course. We will continue to produce guidance for stakeholders and other bodies and for those who will be supporting people through the transfer processes. Much nearer the time of launch, the decision-making guidance will also be published, which will be a helpful source of information for people.

The last thing to say is that we are developing and testing our notifications of intent to transfer, which is the letter that legally triggers the case transfer moves, as the minister said; we will make sure that we clearly set out the processes that will

occur through that case transfer process and we will signpost people to where they can get further advice and help. We will make sure that that is clearly set out in those letters.

Jeremy Balfour: We live and breath this day in, day out, but there are lots of people out there who want that reassurance, so that is really helpful.

Could I seek clarification? You helpfully said that people who have long-term conditions will not have to go through the same assessment period for PIP as they do at the moment under the DWP. When people are transferred, if they are, say, two years away from a review, will they be told that that review will not need to take place? How will you make that decision about those who are already on PIP and are coming up for a review two or three years down the road? Will they be told at that point that the review will not take place or will that happen once everybody has been transferred?

Ben Macpherson: I will bring in Kate Thomson-McDermott and/or David Hilber shortly.

With regard to indefinite awards and review more generally, the committee will know that Social Security Scotland reviews will be light touch and less frequent than is the case in the current DWP system. Once a client has been transferred to Social Security Scotland, after a period there will be a review of their case. At that point, if an indefinite award is appropriate, that will be considered.

After the outcome of that review has been completed, the client will, of course, be able to utilise all other aspects of the enhanced system that we are delivering; for example, they will be able to challenge a decision in the way that we have set out and they will have all the other support that the ADP will deliver that is not available in the DWP system.

Jeremy Balfour: Has Social Security Scotland set itself a timescale for how long that review will take? Although it will, hopefully, be light touch, there is still the possibility that a person's benefit might be taken away, and it will obviously be an uncertain period.

Let us say that a person is transferred over on 1 January. How long will that review take from the day that a person is transferred over? Is there a target date for that?

Ben Macpherson: I will bring in Kate Thomson-McDermott on that point.

Kate Thomson-McDermott: I might bring in Jane Goodier on general timescales for conducting reviews at Social Security Scotland, which will, of course, apply across all new applications as well as case transfers.

We will review natural case transfers—those that are moving over because they have reported a relevant change of conditions or because they were due an award renewal or award end—once the transfer process is complete. We have committed to doing that as soon as is reasonably practicable, which is in the legislation. We are interpreting that as meaning that it should be done, at an absolute maximum, within a year of the notice of intent to transfer. However, we obviously hope that it will be done as soon as possible, and more quickly than that in the majority of circumstances.

For those who transfer from PIP to ADP, we hope that not too much more evidence gathering will be required. We are simply focusing on any changes in conditions, but there might be circumstances in which we need further evidence as part of that process.

For people who are coming through managed case transfer—where there has not been a natural case transfer trigger—we will, in the first instance, honour the review dates that are set for their PIP awards. We will set out clearly in the notice of determination that we will review their case. It will obviously be a light-touch Social Security Scotland review rather than a DWP-style review, but we will match that review date in the first instance, in order to give continuity and certainty. As the minister mentioned, if, at that review point, it is likely that an indefinite award would be appropriate, that would absolutely be considered—as it would be as part of the reviews for any of the natural case transfers.

The Convener: Before I bring in Pam Duncan-Glancy, I have a question on the back of Jeremy Balfour's questions.

A handful of people have contacted me in the past couple of weeks because they were expecting to be on a natural transfer pathway from PIP to ADP but are now all of a sudden being triggered with reviews from the DWP that they were not expecting. Although they had letters that said that they would not be reviewed until the end of 2022, there seems to be a flurry of people in that situation. Will those individuals now be subject to a managed transfer process, which will mean that it will be slightly longer before they get on to ADP? There seems to be a lot of confusion among people who are now subject to reviews that they were not expecting.

Ben Macpherson: As you would expect, I cannot comment on individual cases. However, that is certainly not a trend that has been brought to our attention yet. You might wish to write to me on that point—either as a constituency MSP or as convener, as appropriate—so that we can consider engagement with the DWP on the matter,

because we are certainly not aware of people having reviews that were not anticipated.

Of course, when our case transfer process is initiated, people who are subject to an upcoming DWP PIP review would be transferred naturally at the beginning of the process.

09:45

I would be interested to hear more details on that matter. In addition, for those who are on working-age adult DLA, we have managed to secure a pause in their consideration for moving over to PIP so that they are brought into our system. We will probably come on to discuss individuals on DLA shortly, so I will say more about that then.

The Convener: I am definitely happy to write to you on that, minister. It is reassuring that you have not noticed a trend in that regard. That is helpful.

Pam Duncan-Glancy: In written evidence to the committee, the Scottish Association for Mental Health estimated

“that the delay by a year in ADP”

meant that about

“141,000 people in Scotland”

were going to

“remain on PIP or enter the PIP system who would otherwise have been eligible for ADP.”

It also estimated that, of those people,

“55,000 ... have a mental health problem with a large proportion”

having to go through face-to-face assessments for PIP, which will of course have caused them a great deal of distress.

SAMH went on to state that,

“To mitigate this”,

it was asking for

“the rapid transfer of people to ADP from PIP who successfully made a PIP claim during the delay period.”

Would the Government consider doing that?

Ben Macpherson: I thank Pam Duncan-Glancy for highlighting the written evidence from SAMH; I recall the session at which SAMH gave oral evidence on that important aspect.

The member will appreciate that we have to be both pragmatic and responsible in how we undertake safe and secure transfer in the way that I have set out. There will be natural case transfer, and then there will be those who are selected for managed case transfer thereafter. Things will move as quickly as possible, but in a responsible way.

After we launch ADP nationally on 29 August, we will do all that we can to ensure that no one in Scotland will undergo a PIP reassessment for disability benefits wherever possible, because natural case transfer will take place in that regard. If someone who is in receipt of PIP reports a change in their condition after ADP is launched nationally, we will transfer the client's award to Social Security Scotland, so that they do not undergo an assessment with the DWP. Similarly, no Scottish clients will be referred for a review of their PIP award or will apply for an advanced personal independence payment award after ADP launches nationally, as we will prioritise the transfer of those cases before those points are reached.

For those reasons, prioritising for case transfer the specific group of clients that the member highlights would not reduce the number of DWP medical assessments to which they would be subject. I understand the frustration that clients may feel because they have had to claim a DWP benefit where they could have applied for a Scottish benefit if those benefits had been launched earlier. I appreciate that, and it goes to the heart of Pam Duncan-Glancy's question. However, I do not think that it would be fair or appropriate to prioritise transferring the benefits of clients who have recently applied for DWP benefits over those who have been in the DWP system for many years. There is a balance to consider there with regard to fairness.

I understand and share the desire to move clients' benefits to our new system as quickly as possible, and our top priority is to ensure that those benefits are transferred safely and securely. As I have said, if, during the process of case transfer, we find that it is possible to accelerate the rate of transfer while still meeting the requirement for it to be safe and secure, we will absolutely do that.

The Convener: We move to questions from Marie McNair, who joins us remotely.

Marie McNair: Minister, with regard to preparing for the PIP to ADP transfer, have any lessons been learned from the initial transfer from disability living allowance to the child disability payment that you would like to highlight?

Ben Macpherson: We have learned a lot of important things—I do not want to say “lessons”, because we have not made mistakes, but the process of undertaking the transfer from DLA for children to CDP has helped us to refine our systems and has given us an insight into the case transfer process ahead of the transfer to ADP, which is helpful.

As I set out in my opening statement, the magnitude of the task at hand in the case transfer

process, in both volume and complexity, and in dealing with different systems and legal processes, is significant. I think that it was both wise and sensible for us to undertake case transfer in the phased, systematic and scheduled way in which we are doing so. As a result of the way in which we have approached case transfer in general, we are in a stronger position as we undertake transfer to ADP, and thereafter to carers allowance.

Marie McNair: Given that the highest rate of the mobility component will also be awarded in ADP terminal illness claims, will those claims be a priority for transfer in the same way as they were for CDP?

Ben Macpherson: I will bring in Kate Thomson-McDermott on that shortly, because it is an important point. Since we launched ADP on 21 March, we have seen the welcome that there has been from people who are in the most difficult of circumstances for the changes that we are making around terminal illness. In short, the answer to Marie McNair's question is yes, but I will let Kate provide a bit more detail on that.

Kate Thomson-McDermott: For all the case transfer processes, we will build in a priority transfer route for those who meet the Scottish rules for terminal illness. In circumstances where they are not already on the highest mobility and care component, we will move them across to ensure that they gain access to the highest award. If they report a relevant change of circumstances that means that they would, for the first time, meet the Scottish rules for terminal illness, we will transfer them across in an expedited process. We should be able to get them from the DWP systems on to our systems and on to the payment within four weeks, because we recognise the need to ensure that that happens quickly in such circumstances.

Marie McNair: Thank you for that clarification. I have no further questions, convener.

The Convener: We move to questions from Emma Roddick, who joins us in the room, followed by Natalie Don, who will join us remotely.

Emma Roddick: Minister, it is possible that, after the case transfer, people who are currently on DLA might not end up staying on ADP. Do you think that that situation will be uncommon? Where it happens, will the data be monitored so that we can get a full picture of why it has happened and consider whether any changes to support or criteria should be made in the future?

Ben Macpherson: I will focus on the movement from DLA to ADP. What Emma Roddick mentions is an important point of consideration for a number of reasons, in relation to both our system and

people's historical and recent experiences in the UK Government system.

With regard to those who are moving from DLA to ADP, I will set the context a little. We are in the process of finalising a clear communications plan to explain the process to people. It is important that we set out the support that will be available to help people through the transfer and review process as they move from DLA to ADP.

Although Social Security Scotland cannot advise clients on their individual circumstances, we will clearly explain in our wider communications the differences between DLA and ADP, and signpost people to third sector organisations for independent advice and support. We are also committing £20 million to create our independent advocacy service to support people through the process. In addition, our local delivery colleagues in all 32 local authorities will be available to provide face-to-face support for anyone who requires it, in their own area, at any stage of the process. That context is important.

On whether ADP awards will be reviewed in the first year following case transfer, I will set out some of the detail, because it is quite important. For context again, the DWP publishes information on the outcomes for people who have already transferred from DLA to PIP. Up to the end of October 2021, approximately 150,000 DLA to PIP assessments were completed by the DWP in Scotland. Of those, before reconsiderations and appeals—that is an important point to note—43 per cent resulted in an increased award; 14 per cent in an unchanged award; 21 per cent in a decreased award; and 22 per cent in no award. I appreciate that Emma Roddick is referring to those who were part of the 21 per cent or the 22 per cent.

The number of people who receive an ADP award that is lower than their DLA award is uncertain, and I will set out why. We would expect the numbers of those receiving a decreased or no award to be lower when clients move from DLA to ADP than when people are moving from DLA to PIP. That is for two important reasons. First, the statistics to which I have referred with regard to the DWP do not factor in the outcomes of appeals for PIP. We know that 70 per cent of appeals in Great Britain have led to a decision in favour of the client. We will seek to get our decisions right first time—we are very committed to that, and I have articulated that in what I have set out to the committee regarding ADP and what we are doing.

Secondly, our assessment processes are based on dignity, fairness and respect, and we strongly believe that they will lead to fairer outcomes. For example, the Scottish Fiscal Commission, in preparing its forecast for ADP, has included assumptions for the outcome of award reviews as

a result of changes being introduced with ADP. In its “Scotland’s Economic and Fiscal Forecasts” report for August 2021, the SFC stated:

“Overall, we assume these changes will decrease the number of people who lose their award; we estimate that the disallowance rate at award review will decrease from 19.5 per cent to 5.4 per cent.”

That is indicative of the fact that, because of the changes that we are making to the experience for clients, and because we are committed to our principles of dignity, fairness and respect, we anticipate—although we cannot speak to individual circumstances and cases—that we will get our decisions right first time and that the support will follow through.

I know that that was a long answer, but I hope that it was helpful.

Emma Roddick: Yes, that was helpful—thank you.

10:00

The Convener: Thank you, minister; that was very helpful.

Natalie Don (Renfrewshire North and West) (SNP): I appreciate the assurances that the minister has given in this regard, but do we think that people will be hesitant about coming forward to request a transfer because they fear that they might lose out? As has also been touched on this morning, will any information campaign take account of that? On top of that, does the minister believe that the more person-centred and dignified process that Social Security Scotland—in contrast to the DWP—is following will be useful in encouraging people to come forward for that transfer?

Ben Macpherson: There are aspects of that question that are very important, but I emphasise that nobody needs to come forward for transfer. We will get in touch with people and manage their case transfer process. Social Security Scotland will be in touch with all those who are on a current DWP benefit, and we will seamlessly transfer their case. However, we encourage people who are not in receipt of a disability payment to apply to the agency.

I talked about communications in answer to Emma Roddick’s question. As a point of clarity, Natalie Don’s question is relevant to the fact that those who are on working age disability living allowance are an exception to the rule in relation to case transfer, because they can choose to apply.

Following on from my answer to Emma Roddick, with regard to the point about support through the process of case transfer and review, it is important to emphasise that, for individuals who get a

decreased or nil award and choose to seek a redetermination or appeal, there will be short-term assistance to avoid financial hardship during the redetermination and appeals process. We are also exploring other ways of providing support to clients who might face a reduced or nil award after a review. For example, we are discussing potential support for those with an electric vehicle who might have lost the enhanced mobility award after review. It is important to note that we are continuing to consider what assistance we can provide. A number of aspects in our system will be there to support people through any review process. I will bring Kate Thomson-McDermott in with regard to the exception for those who are on working age DLA, who can choose to seek case transfer.

Kate Thomson-McDermott: The minister has covered the majority of the points. As he mentioned, the general rule is that the clients will not choose to transfer; we will select them through the natural managed case transfer process that we have set out. That is to ensure that there are no breaks in payments and that we control the volumes, so that the processes are safe and secure. We are able to do that because, in the first instance, the main entitlement components for the awards that we are transferring from and to are the same, so we can do a like-for-like transfer in most circumstances, which means that clients will not necessarily be better off if they move earlier. In the very few circumstances in which that would be the case, we have included backdating provisions to make sure that clients do not lose out by moving later. For that reason, clients will not be able to choose when they transfer. They will be selected for transfer and we will inform them when that is happening.

The one exception to that is for those clients who are on working age disability living allowance. That is because the components of disability living allowance and adult disability payment are different. As we heard from the statistics that the minister read out earlier, some clients will be better off being assessed against the components of adult disability payment than they are for disability living allowance, so we are going to make sure that there is provision to allow those clients to select to transfer.

We will make sure that clear communications are planned and given out to explain the process and what it will mean for those who are transferring over. The communications will clearly set out the support that will be available to people to help them transfer through the process, as well as the differences between disability living allowance and adult disability payment, to help make sure that people make informed and supported decisions about whether they would be

better off applying for ADP or staying on DLA until they are transferred at a later date.

Ben Macpherson: I have already said something about it, but I will build on my answer to Natalie Don's question about how Social Security Scotland's person-centred approach to the review will be different from the DWP's reassessment of clients from DLA to PIP. I have talked about the fact that there will be a local delivery service, an independent advocacy service and short-term assistance to support people through any review or redetermination.

However, it is important to emphasise a point that we have put a lot of focus on, because it is so significant. In launching ADP, we have replaced the adversarial approach of the DWP by removing default face-to-face assessments and degrading functional examinations. We will trust what people tell us, so we are coming to this from a position of trust, which is important. I have talked before about the onus being on Social Security Scotland to collect information on people's behalf, rather than them having to get it themselves. When making a decision, we will need to collect only one piece of formal supporting information, which is very different from the current process of multiple bits of formal information being required for different parts of the person's claim. With regard to the general approach and the effect that it will have on individuals through the process, it is important for all of us to emphasise that we are starting from a position of trust, so that people who want to make applications feel encouraged to do so, and to make sure that word gets out across Scotland about the different approach that we are taking.

The Convener: Thank you, minister. As we have been talking, you have answered a number of other questions that members had, so I have been getting a flurry of messages on my phone to say that they have no further questions. Therefore, that brings us to the end of this evidence session. I thank you and your officials for coming this morning and giving evidence.

I will suspend the meeting briefly to allow for a changeover of witnesses.

10:08

Meeting suspended.

10:13

On resuming—

Kinship Care

The Convener: Welcome back, everybody. Under item 5, we will consider kinship care. This morning, we are taking evidence from the Minister for Children and Young People and discussing issues arising from our recent evidence sessions on kinship care. The committee heard evidence from stakeholder organisations on 24 February and had an informal session with kinship carers on 21 March.

I welcome to the meeting Clare Haughey, the Minister for Children and Young People. The minister is joined by Scottish Government officials from the improving lives for people with care experience unit, who are in the room with us: Gwen Davidson is unit head, and Louisa Brown is family care team leader.

I invite the minister to make an opening statement.

The Minister for Children and Young People (Clare Haughey): Good morning. I am grateful to the committee for inviting me to give evidence and I welcome the opportunity to discuss some of the issues raised by kinship carers on 21 March and by stakeholders at the session on 24 February.

Kinship care has evolved over many decades. What started as informal and ambiguous care for children has progressed to become more structured, resulting in recognition in statute.

I know that it can be complex—not only for kinship families, but for those who support them. We recognise and value the role that kinship carers play in providing secure, stable and nurturing homes for children and young people when they are no longer able to live with their birth parents.

10:15

We recently had kinship care week, which was an opportunity for us to celebrate the difference that kinship care is making to the lives of our children and young people. During kinship care week, I had the opportunity to meet kinship carers and families in order to hear about their experiences and the challenges that they face.

I know that the committee has heard from kinship carers directly and from the organisations working with them that there is still more to be done in relation to help and financial assistance. That is why the Scottish Government is fully committed to providing additional investment and support.

The “Keeping the promise to our children, young people and families” implementation plan, which was published yesterday, sets out the actions that we will take to keep the Promise by 2030. In the plan, we reaffirm our intention to introduce a Scottish recommended allowance for kinship and foster carers in order to end the postcode lottery and ensure consistency across all 32 local authorities. We have resumed our discussions with the Convention of Scottish Local Authorities following the pandemic, and I hope to be in a position to say more about the funding for the allowance and when it will be available soon.

As part of our ambition to keep the Promise and upscale family support services, we will have the whole family wellbeing fund, totalling £500 million, which will give families across Scotland access to the help that they need at the right time. In 2022-23, £50 million from the fund will be available.

On 24 March, we published our second tackling child poverty delivery plan—“Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026”—which sets out the transformational action that we will take with partners to tackle child poverty. In 2022-23, that work will be supported by investment of almost £113 million, on top of funding already allocated to on-going programmes.

However, although important, funding is only one part of how we plan to improve support for kinship carers. Along with partners, we established the kinship care collaborative in 2020 in order to deliver improvements in support for kinship carers, children and professionals working with kinship families across Scotland.

The priorities set by the collaborative include reviewing the current kinship care legislation and guidance—which was an area of focus for the committee’s roundtable discussion—identifying resources and gaps across the piece, and improving consistency of provision across Scotland. Despite a slow start due to the pandemic, the work of the collaborative now continues to gather momentum, and I look forward to receiving a range of recommendations from it in due course.

I welcome the committee’s interest in kinship care and the opportunity that it has given me to answer its questions.

The Convener: Thank you very much, minister. We will move to questions from members. We have several themes this morning. The first theme is around kinship care and reform of children’s care services.

Emma Roddick: Good morning, minister. In the evidence session with kinship carers last week, their wish to have a more consistent approach towards how kinship care is defined came through

very strongly. Some had one child in one category and one child in another. They told us that they wanted one clear definition: that children in their care were looked after and could therefore receive the same support as other care-experienced children.

Will the Scottish Government consider a clearer and more consistent approach to the definition of those in kinship care, whether through legislation or otherwise?

Clare Haughey: As I said in my opening statement, we accept that it is a very complex landscape. No kinship care arrangement is really the same as another. Some can be for very short periods of time; for example, a grandparent might look after a child because their mother or father is in hospital for a short period of time. Other arrangements, however, are for much longer periods.

The terms “formal kinship” and “informal kinship” refer to the legal status of a child or young person who is living with their relatives or friends. The kinship care collaborative is focusing on that area as part of its work.

A change in legislation or the introduction of legislation will not necessarily equate to good practice. There must be consistency in the interpretation of the guidance and the legislation. We are working hard to ensure that there is good practice and that it is aligned with national guidelines, and that there is emotional support for those carers, regardless of where they stay. Individual families have different requirements and children can go in and out of kinship care.

As we outlined yesterday in launching the keeping the Promise implementation plan, we need to provide person-centred support and services that fit around the individual and the family, and that is what the Scottish Government is doing. We are working closely with and funding the kinship care advice service Scotland, which I believe made a submission to the committee on its work. As part of that work, it is developing professional support and expanding good practice and learning for social work services right across the country.

Jeremy Balfour: I put on record my thanks to the kinship carers who gave evidence to us. I think that all of us who were there were deeply moved by what we heard.

I have two questions to follow up on Emma Roddick’s question. I appreciate that this is about good practice and how things work on the ground, but there is a lot of confusion around the definition of kinship care. For example, if kinship carers are defined in a certain way, they get certain benefits and help, and if they are defined in a different way, they get other benefits and face other issues. That

is very confusing for those on the ground. Can further guidance be given, without legislating, in relation to the understanding of kinship care?

In our session last week, I was particularly struck by one individual who told us that two of their grandchildren were given to them because their son or daughter could not look after them. They had no follow up from social work for months—literally months—and when they did work to their house to adapt it to allow the children to stay, they were given no financial support. Such situations do not seem to be exceptional; they seem to happen a lot of the time, and part of that is down to definitions. I appreciate that that is how the system works in practice, but definitions matter, and I wonder whether further work could be done with COSLA on the support that is required. Certainly, it is inappropriate to leave a grandparent with children for several months without any follow-up at all.

Clare Haughey: I echo your sentiment about thanking the kinship carers who gave such valuable evidence to the committee. That session was for the committee, but it is important that, as minister with responsibility for the issue, I hear such evidence, too. I engage regularly with stakeholders to ensure that there is a flow of information and to hear their concerns. That is vital and it helps us to drive forward policy, practice and legislation.

I mentioned the kinship care collaborative. Part of the work that it is doing in priority group 1 is about establishing a clear and universal understanding of the definitions in the legislation. As much as it is easy to define what the legislation says, people need to understand it. That is an important part of the work that the collaborative is doing. It is also reviewing the kinship care legislation and guidance. It is doing absolutely key work and will provide recommendations to the Scottish Government on a way forward.

Jeremy Balfour: Do you have a timescale for that?

Clare Haughey: The work is going on at pace. I cannot give you a timescale for when it will be completed, but if it would be helpful to the committee, I could update you on the work that the kinship care collaborative is doing.

The Convener: That would be very helpful, minister.

Foyso Choudhury: Good morning, minister. My question is more or less the same as the questions asked by my colleagues Jeremy Balfour and Emma Roddick. What can the Scottish Government do to give clarity to the definition of kinship care? Will the Government consider legislative change?

Clare Haughey: As you recognise, Mr Choudhury, I answered some of that in response to previous questions.

I agree that clarity is needed. It is one of the issues that kinship carers raise with me when I meet them. They ask about clarity, information and better communication from the professionals involved with their families and the support services that they have around them.

Clarity and communication are key. As I said in a previous answer, the kinship care collaborative is considering that. It has been identified as an area that needs work.

The Convener: Our next theme is financial support for kinship carers. Our first question comes from Natalie Don, who joins us remotely.

Natalie Don: Good morning, minister. I missed the first question so I apologise if this has been touched on already.

The committee heard evidence that there are major differences between different local authorities in relation to support for kinship care. I have constituents who have had issues with the transfer of cases between different local authorities. How can the Scottish Government aid that situation? What difficulties has the Government faced with implementing a national rate of allowance for kinship carers?

Clare Haughey: I touched on that earlier but I am happy to reiterate what I said about the work that the kinship care collaborative is doing. It has three priority work streams, one of which is to review the kinship care legislation and guidance and establish a clear and universal understanding of the definitions in the legislation. Priority group 2 is identifying resources and gaps, with a view to eliminating those gaps, and identifying good practice across the country. Priority group 3 is examining how to improve consistency of service and support across Scotland and ensure that kinship care is visible within our communities. I hope that that supplements some of the information that I gave earlier.

KCASS also plays a vital role in providing support for kinship carers. It not only provides emotional and peer support but helps them to access financial support and benefits. That is key and ensures that they are aware of the rights that they have as kinship carers.

You touched on the national rate of allowance for kinship carers. Yesterday, as we published the keeping the Promise implementation plan, we announced that we will set a recommended national amount for foster and kinship allowances. I hope that that will reassure some of the kinship carers who want that and have made

representations to the Scottish Government and the committee.

Jeremy Balfour: Words matter and definitions matter. I am interested in your comment that you will recommend a level of payment that local authorities should make. Does “recommend” mean that they have to do it, or is it a suggestion? How far does the word go?

Clare Haughey: We will set a recommended national allowance.

Jeremy Balfour: So local authorities in Scotland will have to pay it; they will not have a choice. Is that correct?

Clare Haughey: We certainly would not prevent local authorities from paying more than the recommended amount.

Jeremy Balfour: But not less.

Clare Haughey: That is right.

Jeremy Balfour: Not only in kinship care but fostering, if the grandparents live in a different local authority area from the one that the child comes from, there have been issues with the fact that the local authority where the child comes from is responsible for the payment. Will that be examined? Is it a satisfactory way of working or would it be better for the local authority where the kinship carer lives to pick up the costs because it understands the child’s needs better? Is that being considered in the review, as well?

Clare Haughey: I will ask my official, Louisa Brown, to answer on some of that, because the legal complexities around where a child is looked after come into play.

10:30

Louisa Brown (Scottish Government): The position is set out in the guidance, but that is another area that has been open to interpretation. Some work has been done on the matter already through the collaborative, and a document on which Social Work Scotland and others have worked is now ready to be issued. That should help with the explanation of payments across local authorities; we can share it with the committee very soon.

Clare Haughey: I recognise that concerns have been raised about differing rates, and that some kinship carers felt that they were not getting the same rate as people in other parts of the country. I am sure that that issue has been raised with the committee. As I mentioned earlier, it is really important that we no longer have a postcode lottery.

The Convener: We heard quite a lot about that issue, because there is quite a big variation in

payments across the country. As my colleague Jeremy Balfour highlighted, that can involve top-up payments or things that happen because a local authority chooses to do them, or because certain aspects are subject to interpretation of the guidance. The work that the collaborative is going to do in helping to shape how that guidance can be changed and updated will be invaluable.

Clare Haughey: You hit the nail on the head there, convener, in that transparency is absolutely key, as we move forward. As you said, some local authorities have a set rate and additional rates for specific reasons, whereas others do not. Ensuring that the rates are transparent would offer a degree of reassurance to kinship carers and kinship families. I have certainly heard that in my conversations with them.

The Convener: Thank you, minister. We move to a question from Pam Duncan-Glancy, who joins us remotely.

Pam Duncan-Glancy: Thank you, minister, for outlining the position and for your answers so far.

Do you intend that the national allowance will be uprated in line with the cost of living and inflation in the same way that benefits have been?

Clare Haughey: We are still in negotiation with the Convention of Scottish Local Authorities, and there will be further announcements about the allowance in due course.

Pam Duncan-Glancy: Thank you for that. Can you also set out what support would be in place for kinship carers and children in kinship care ahead of the roll-out of the £25 child payment in December? In particular, what can you say about the 150,000 children on bridging payments who will not get the increased amount?

Clare Haughey: The support that the Scottish Government gives to kinship carers is quite wide and varied, and we use all the powers that we have available to us to support households. The extra support for cost of living pressures targets people who are in need, and not only those who are in the benefit system, so that we help those who are struggling or just coping.

We firmly believe that kinship carers of non-looked-after children should be supported, as any parent would be, through the welfare system. They should be able to claim benefits such as child benefit and the child element of universal credit. To acknowledge that they are family units, and in recognition of the rising cost of living pressures, we have decided to further increase eight Scottish benefits by 6 per cent, moving on from the previous plan of uprating most by 3.1 per cent. I believe that the committee had a session this morning with the minister in charge of social

security; I am sure that he gave you much more detailed information about that.

We absolutely recognise that there are cost of living pressures across the country, and we have to acknowledge the impact that reserved benefits have on families. There is the impact of the £20 cut in universal credit, and the impact on other reserved benefits such as pensions—many kinship carers are on pensions. It is noteworthy that the benefit cap exemption does not apply to all kinship carers, and we want that to be changed.

As you mentioned, from April, we will double the Scottish child payment to £20, which is a 100 per cent increase, and we are increasing child winter heating assistance by 6 per cent, which is above the original planned rate of 5 per cent. That will support 19,000 families of severely disabled children in paying their heating costs.

As I said, the Scottish Government is using all the powers that we have to support households.

Pam Duncan-Glancy: Thank you for outlining the measures that the Government is taking, but I specifically asked about measures that you are not taking and what you will do about the 150,000 children who are getting bridging payments and who will not get the £20—the doubling of the Scottish child payment—in April. They will not get any increase until December this year. There are 177,000 children—*[Inaudible.]*—either, because of the claimant uptake. What can you do specifically for those children?

Clare Haughey: I am happy to write to the committee or to Ms Duncan-Glancy to outline what specifically is being done to support those children, if she is happy with that.

The Convener: Is that okay with you, Pam?

Pam Duncan-Glancy: If the minister is unable to say anything further at this time, I would be happy to hear about that in writing.

The Convener: Thank you.

Before we move to the next set of questions, I have a question about an issue that was raised with us in our informal session with kinship carers. Some people care on an informal basis and are deemed to be ineligible for any support, so a national rate will perhaps not help them. They have asked us to look into that specific issue. Is there any way in which that will change?

Clare Haughey: The Scottish recommended allowance, which we discussed earlier, is for people who are currently in receipt of kinship and fostering caring allowances. The kinship care collaborative will look at the issue that you raise, and I have no doubt that it will come back to us with recommendations—which, of course, we will consider.

The Convener: That is helpful. Thank you.

Our last theme is further supports for kinship care families. I think that the first question comes from Jeremy Balfour. No—I am getting a sign that his question has been answered, so we will go back to Pam Duncan-Glancy on that topic, to be followed by Marie McNair.

Pam Duncan-Glancy: I have no further questions, convener.

The Convener: All right. Everybody's else's questions have been answered, so we will have Marie McNair's question.

Marie McNair: Good morning, minister. I hope that this point has not been covered.

As you know, the 32 councils in Scotland all provide support to kinship carers. Because of the different approaches, there is variation in the support that is given, and that support is not just financial. Are you clear about what the core elements of the support should be? How is the Scottish Government engaging with councils to promote those elements?

Clare Haughey: That is a really important issue that is raised consistently with the Scottish Government and with me, when I meet kinship carers. The levels and types of support for kinship carers vary across the country, and some people feel that they do not get the support that they might get if they lived in another local authority area.

The national funding of the kinship care advice service for Scotland is important. The service gives national consistency and provides support, a helpline, assistance with peer support and access to legal and benefits advice. That consistency across the country is important.

It is important to recognise that, although levels and degrees of support vary among local authorities, some provide very good support. I believe that, when the committee took evidence from Perth and Kinross Council as part of its inquiry, that council detailed the support that it offers kinship carers and their families in its area. We should also remember that the professional groups that the kinship care advice service Scotland helps to convene and the training that they provide supports local authorities, social work managers and social workers on the ground in developing and learning from best practice that can be disseminated across Scotland.

Have I missed anything, Louisa?

Louisa Brown: The kinship care advice service is the main national support that is available, but its professional advisers group is also looking at sharing of best practice, training and so on. The issue is also being considered by the

collaborative, which is looking at what more can be done to expand guidance to local authorities and to help with sharing best practice across the country. In short, it is another issue that is under consideration.

Marie McNair: It is clear to us from the evidence that there is a great deal of informal support between kinship carers. What is the Scottish Government doing to support kinship carers in networking?

Clare Haughey: My experience of talking to kinship carers echoes what Marie McNair has just said with regard to the power and absolute value of peer support. It is important to note, though, that most local authorities are involved with kinship care support groups.

Some of the success of peer support groups in urban areas is down to the hard work and devotion of carers taking on responsibility for facilitating those groups. In some areas, geography has precluded group visibility and has given rise to transport issues, and difficulties with ensuring confidentiality in small communities has certainly been another issue that has been raised with me.

More recently, though, as we have moved into a more online and virtual world, many such groups have started to spring up across the country and were valued very much during lockdown, because they helped people to attend peer support group meetings that they might not have been able to attend if they had had to travel to them physically. As for social media, there is a range of closed Facebook groups in which people can access peer support, often on a 24/7 basis.

Marie McNair: Thank you, minister. I have no more questions, convener.

The Convener: I have one final question for you, minister. In our informal session with kinship carers, we heard that there is no provision for family leave for people who are in that situation and who can, indeed, find that their whole world is turned upside down overnight. That sort of thing depends very much on the good will of employers; we heard some good examples of where such provision has worked well and another example of there being no provision at all. Can the Scottish Government do anything to help with that and move things forward for those who find themselves in such situations?

Clare Haughey: As, I am sure, the committee is aware, policy on statutory leave such as parental leave remains reserved, but I am certainly happy to commit to writing to my Westminster counterpart to raise the issue and to ask them to explore it further. We all have an obligation to raise general awareness of kinship carers, the pressures that they face within their families at times and the responsibilities that they have, and

we have an obligation to ensure that employers are aware of all that. I think that, in addition to supporting and celebrating kinship care families and giving them the recognition that they absolutely deserve, one of the key messages of kinship care week has been the need to raise public awareness to ensure that people understand what kinship care actually is.

The Convener: Thank you very much. We have no further questions, minister, but we look forward to hearing updates on the work of the kinship care collaborative and on how the guidance is being shaped to ensure that learning and best practice are passported across all 32 local authorities and that the allowance is set at the level at which we want it to be set. Again, I thank you for coming along this morning.

That concludes the public part of this morning's meeting. Because Parliament is in recess next week, the committee's next meeting will be on Thursday 21 April. I invite members who are joining us remotely to leave the meeting and to join us on Teams.

10:45

Meeting continued in private until 11:19.

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