



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 15 December 2022

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
35th Meeting 2022, Session 6

CONVENER

*Natalie Don (Renfrewshire North and West) (SNP)

DEPUTY CONVENER

*Emma Roddick (Highlands and Islands) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Miles Briggs (Lothian) (Con)
*Foyso Choudhury (Lothian) (Lab)
*James Dornan (Glasgow Cathcart) (SNP)
*Pam Duncan-Glancy (Glasgow) (Lab)
*Paul McLennan (East Lothian) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Owen Allen (Scottish Government)
Angela Keane (Scottish Government)
Ben Macpherson (Minister for Social Security and Local Government)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 15 December 2022

[The Convener opened the meeting at 09:15]

Subordinate Legislation

Winter Heating Assistance (Low Income) (Scotland) Regulations 2023 [Draft]

The Convener (Natalie Don): Good morning, and welcome to the 35th meeting in 2022 of the Social Justice and Social Security Committee. Our only business this morning is the consideration of a statutory instrument, the draft Winter Heating Assistance (Low Income) Scotland Regulations 2023.

At last week's meeting—ahead of our consideration of the regulations—we took evidence from Energy Action Scotland and the Scottish Commission on Social Security about winter heating payments.

I welcome Ben Macpherson MSP, the Minister for Social Security and Local Government. I also welcome Scottish Government officials: Daniel Blaikie, a solicitor for the Scottish Government, who joins us in the room; and Owen Allen, winter heating benefits policy manager, and Angela Keane, service manager, winter benefits, who join us remotely. Hello all, and thank you for attending.

I will mention a few points about the format of the meeting. Angela and Owen, who are online, please allow our broadcasting colleagues a few seconds to turn on your microphone before you start to speak, if the minister wishes to bring you in. Members who are attending remotely, please wait until I say your name before speaking. If colleagues in the room wish to ask a supplementary question, they should indicate that to me or to the clerk; members online should use the chat box or the WhatsApp group.

The instrument has been laid under the affirmative procedure, which means that the Parliament must approve it before it comes into force. Following this evidence session, the committee will be invited at the next agenda item 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 minister to make a short opening statement.

The Minister for Social Security and Local Government (Ben Macpherson): Good morning, convener and colleagues. Thank you for the opportunity to discuss with you the draft Winter Heating Assistance (Low Income) (Scotland) Regulations.

The regulations will introduce our 13th Scottish benefit, which is called the winter heating payment. It will support around 400,000 people, replacing the United Kingdom Government's cold weather payments, which are dependent on certain weather conditions, the winter heating payment will be an annual, reliable £50 benefit delivered by Social Security Scotland, beginning in February.

Our approach will differ from that of the Department for Work and Pensions. To receive a single payment of the DWP's cold weather payment, someone must live in an area where the average of the mean daily temperature for seven consecutive days is 0°C or below—identified through weather stations, which often do not represent local conditions. By comparison, for the winter heating payment, we have removed the requirement for any period of a specific temperature being reached; instead, we will provide stability to people on low incomes, who are less likely to be able to afford additional heating costs during the winter.

The cost of living crisis has had a significant impact on everyone, but those who are likely to feel the increase in energy prices the most are those with the lowest incomes and the highest need for additional warmth. That includes older people, disabled people and households with young children. Our new winter heating payment targets those groups, ensuring that they receive a reliable contribution towards their winter heating expenses and do not have to hope for periods of cold weather to be sustained for seven days just to trigger a payment, as is the case with cold weather payments.

Between 2015-16 and 2021-22, an average of only £8.3 million was spent on cold weather payments in Scotland, supporting on average around 185,000 people each year. By comparison, we anticipate that our reliable £50 winter heating payment will provide at least £20 million to 400,000 people every year, as I have said.

We are facing challenging times, and we are working within a largely fixed budget in Scotland. An investment of £20 million each year is significantly more than the corresponding level of funding that we are forecast to receive from the UK Government under the block grant adjustment. Again, that reflects our principle that social security is an investment in people and can contribute to tackling poverty. For context, in four of the past 11 years, low-income households

received less than £1 million from cold weather payments to help with their heating bills.

As well as the £20 million that we have allocated for the winter heating payment, the Scottish Government is spending hundreds of millions of pounds on devolved social security, including our Scottish child payment, child winter heating assistance, carers allowance and other benefits that are available only for people in Scotland.

My officials and I are grateful to the DWP for its collaboration in delivering the winter heating payment as part of the joint delivery of our devolved social security programme. Our ability to meet our target of beginning payments in February is based on the DWP providing the Scottish Government with the right data at the right time. To ensure that payments can begin in February, it is critical that the DWP maintains its commitment to providing data to Social Security Scotland by 31 January, to allow us to conclude our internal assurance of the 400,000 records. That is really important. We continue to work closely with the DWP to ensure a safe and secure transition.

Lastly, members will be aware that the draft regulations were referred to the Scottish Commission on Social Security in June. We received its report in August. The Scottish Government's response to its recommendations was laid in the Parliament on 16 November, along with a final draft of the regulations. As always, I am extremely grateful to the Scottish Commission on Social Security for its scrutiny and recommendations.

I welcome the opportunity to be with you today and to take any questions as part of your consideration of these important regulations.

The Convener: Thank you, minister. We will move straight to questions from members. Our questions will be directed to you, but you are welcome to bring in any official. The first questions will come from our deputy convener, Emma Roddick.

Emma Roddick (Highlands and Islands) (SNP): Since last week's meeting, we have had some helpful information from the Scottish Parliament information centre about which weather stations have triggered cold weather payments in the past, and how many times. Six of the seven areas with the highest level of fuel poverty are in my region—the Highlands and Islands—but some of those areas, such as Stornoway, have not triggered any cold weather payment in many years. Where they have done so—for example, in Wick, Lerwick and Kirkwall—there tends to be one trigger a year, despite the challenges that exist there. Will the winter heating payment be a move in the right direction in tackling fuel poverty?

Ben Macpherson: Those important points get to the heart of the weakness of the cold weather payment system: it is unreliable and, as I said in my opening statement, it is dependent on the weather dropping below 0°C for seven consecutive days. That is combined with the fact that the weather stations do not necessarily capture the feelings of cold and the experience of cold weather that many communities are subject to. For example, wind chill is not factored into the considerations.

In the past 10 years, Lerwick, in Shetland, has had only three triggers for the cold weather payment. You mentioned other areas in your region, and Wick has had only two triggers since 2010-11. That shows the weakness of the current system.

In moving away from the cold weather payment and towards winter heating assistance, we seek to provide support to areas in a reliable way. Particularly for the communities that you represent, that will be an improved position. However, other areas of Scotland experience fuel poverty, although the weather is perhaps not quite as cold—albeit that it is still cold.

We have sought to make a change that will help low-income households in a more comprehensive way. It will increase the number of people who, on average, will benefit from support from that winter benefit from around 185,000 to 400,000, as I said. That is an increase of more than 200,000 people who will receive that support. The payment will also be reliable. That is the key change that we are making today.

Emma Roddick: On the point about reliability, Aviemore might have triggered only one cold weather payment—or maybe none—this winter, but, in other years, it could be looking at three or four. Is extra help available to people in such places if there is a very bad winter?

Ben Macpherson: I appreciate the point. The way in which the question was correctly worded around the terms “if” and “should” demonstrates why we need to get to a reliable position for people. Mr Balfour asked a question in the chamber yesterday about areas that would have received support under the cold weather payment system if there had been a prolonged period of several instances of seven consecutive days, which is unusual. In Scotland, we also have our fuel insecurity fund, which we have doubled, and we encourage people to engage with that support. We also have the different support mechanisms that are detailed in our cost of living website campaign, and I encourage people to look at that package of support and access all the support to which they are entitled. Of course, if the weather were extreme to the extent that the cold weather payment would have been initiated, many of the

households that would have received it in such a scenario would also receive additional support from the Scottish Government through the social security system—for example, through the Scottish child payment and, potentially, the carers allowance supplement. Those households are rightly receiving a lot of additional support from the Scottish Government.

Emma Roddick: Thanks, minister.

The Convener: We will move online to questions from James Dornan.

James Dornan (Glasgow Cathcart) (SNP): Good morning, minister. I do not know whom or what higher power I have upset, but my heating has been off for the past 24 hours, with no immediate sign of a thaw to the pipes. I appreciate that I—quite rightly—would not qualify for this benefit, but a number of my constituents will, I am sure, be going through the same experience right now. When I called my factor, they said that they had had hundreds of such calls over the past two days. First, when was the last time that my constituents, or people in Glasgow, received the cold weather payment? Secondly, would my constituents now benefit from the winter heating payment?

Ben Macpherson: The challenge is that the relevant weather station for Renfrewshire and most of Glasgow is Bishopton. I emphasise that part of the weakness in the cold weather payment system is that weather stations relate to certain postcodes and are not based on local authority areas.

The Bishopton weather station is the one that serves Glasgow to the largest extent. There was one cold weather payment of £25 in 2020-21. In 2018-19, there was one payment of £25. In 2017-18, there were two payments that totalled £50. In the period from 2011-12 until last year, your constituents who are served by the weather station at Bishopton would have received only £100, whereas, under our system, if it had been in place, they would have received £50 each year. That demonstrates that many low-income households will be better off under the winter heating payment system that we are seeking to introduce—which we are asking the committee to approve today—than they were under the cold weather payment system.

James Dornan: Thanks for that answer. Is it possible that the reason that most respondents to the consultation—I think that it was 76 per cent—agreed with breaking the link to the cold weather payment is precisely because a large group of people who could have done with that support have previously missed out? Can the minister outline how the feedback from stakeholders influenced the development of the policy? For

example, was the inherent unfairness in the CWP the primary reason that the Scottish Government decided to break the link with it?

09:30

Ben Macpherson: Just to correct the record, I should have said that there was also one payment in 2014-15, so that is another £25. I apologise to the committee, but, again, the amount of support that would have been paid through the winter heating payment system would have been £50 reliably per year, which would have accumulated to significantly more.

If I may, convener, I will bring in Owen Allen in a minute to talk about the engagement with stakeholders and others. The Scottish Government consulted more widely, and we really appreciated the feedback and contributions from all those who engaged with that consultation. From that and through our experience panels, which Social Security Scotland consults consistently regarding our work, there was a clear view that breaking the link with the cold weather payment was much preferred because of the unreliability of not knowing whether support would be available.

Under the cold weather payment system, the requirement for seven consecutive days of cold weather often means that, because there may be temperatures of 0°C or below for six days but not for a seventh, people do not get the extra support. There are also issues because the reliance on and geographical placement of the weather stations mean that some places cannot get the cold weather payment even when the weather feels—and is—cold. The way in which that is organised logistically feels unjust to people, and it is unjust, which is why we are seeking to make the change to a reliable payment.

Owen, do you want to say a bit more about the engagement that we undertook?

Owen Allen (Scottish Government): Thank you very much, minister. Good morning.

To reiterate what the minister said, the vast majority of respondents to the public consultation agreed with the proposal to move away from a weather-dependent payment towards one that is more universal and certain. That was echoed in our social security experience panel survey, which was run at the same time and asked similar questions of people with lived experience of cold weather payments and the benefits system. We also carried out extensive engagement with our stakeholder reference group, and the views were echoed there.

The overall stakeholder engagement was taken into consideration during the development of the

policy. It fed into the timing of the qualifying week, which was moved closer to the time of payment after the consultation period. We will continue to work with stakeholders once the benefit has been launched.

James Dornan: Thank you for that.

Ben Macpherson: If I may elaborate, most respondents to the consultation—76 per cent—agreed with breaking the link to the cold weather payment. If we reflect even on last winter, we can understand why. DWP estimates show that, in 2021-22, cold weather payments were triggered on only six occasions at only four of the 27 Scottish weather stations. That resulted in total payments of only £325,000 to approximately 11,000 individuals. If we had had the winter heating payment last year, there would have been £20 million of investment, compared with £325,000, and it would have supported 400,000 individuals rather than 11,000. The unreliability of cold weather payments means that the situation is different each year, but it is worth comparing last year with what we will be able to do this year, should the regulations be passed.

James Dornan: Thanks for that.

The Convener: Thank you, minister.

Pam Duncan-Glancy (Glasgow) (Lab): Good morning, minister, and good morning to your officials. Thanks for joining us.

I will not rehearse the arguments that we have just heard about the differentials. It is important for us all to remember that, for the additional people who will get money, it is £1 a week. That will barely scratch the surface, and Energy Action Scotland said last week that it would be

“a finger in a dam”—[*Official Report, Social Justice and Social Security Committee*, 8 December 2022; c 13.]

against fuel poverty. We really need to bear that in mind when we are talking about something that has also been described as an

“ill-conceived benefit. Aghast that it has ever been launched”.

I genuinely share that concern.

Last week, Energy Action Scotland told us that, during the winter of 2020-21, at typical consumption rates for energy, the cold weather payment provided 56 days of heat. A £50 payment to the same community at the current rate provides only seven days of heat. Across the winter of 2023-24, the £50 payment will provide only six days of heat. As I said, the offer is not going to be enough for people in need. You say that you have retained the ability to legislate for additional payments for those groups should the need arise. How do you determine need, and how do we know that you will do that, given that, when

you gave a commitment about doubling the carers allowance supplement, that never materialised?

Ben Macpherson: I appreciate the questions, and I listened to Frazer Scott's evidence last week. We have deliberately built into these regulations the capacity to pay a higher sum in future years if the Government is financially able to do that. That would require a change to the regulations—another set of amending regulations. The ability to pay two payments, or more, in the winter, if that were the determination of the Government at that time, would require two scans from DWP of the data available in order to implement that. I have deliberately built in flexibility to pay more—and more often—in the future if that is feasible and financially possible. Members are aware of the challenge for all of Government in this financial year, given the two statements that have been made by the Deputy First Minister and acting finance secretary about how challenging the budget is this year. The budget for the next financial year will be announced to Parliament this afternoon, and members will know that I cannot comment on that at this point.

The Government has a very strong record of seeking to do more with Scottish social security where and when it can. Unfortunately, we have not been able to pay an additional carers allowance supplement this year, but we have, of course, continued to pay the carers allowance supplement, which is not available anywhere else in the UK. We have increased the Scottish child payment by 150 per cent. We are delivering child winter heating assistance—that has been paid. There are a range of supports from the Scottish Government that are over and above what people receive elsewhere in the UK, utilising the social security system to provide additional support to people who need it. We are always looking at ways in which we can do more, but that is, to a very large extent, within the restricted budget that we have to operate within. That is the reality of the situation that we face in these financial times and with the limited powers and resources of the Scottish Government.

Would I like winter heating assistance to be a higher amount? Of course I would. However, we have to operate within the budget that we have. As I said, £50 is more than many individuals would have received under the cold weather payment system, and we are pleased to be able to give them that additional support. We appreciate the challenging times that people are experiencing.

Pam Duncan-Glancy: For the people who get the £50, that is £1 a week against the rising energy costs. I genuinely share concerns that that is a “finger in a dam”, but I am sure that they will appreciate the pound.

You noted that weather stations do not reflect everywhere in Scotland. I share that concern, and you will be aware that, last week, so did witnesses. What other weather-related options did you consider? Did you look at absolute temperature? You said that it would be “administratively burdensome”. Will you set out the conversations that you have had with the Met Office?

Ben Macpherson: On the latter point about engagement with the Met Office, I will again bring in Owen Allen. I would appreciate the point if the £50 support were the only thing that the Scottish Government was doing to provide additional support, and I appreciate the argument that the Government should always be looking to do more. However, it is important to consider also that the Scottish Government is providing hundreds of millions of pounds of additional social security support that is not available outside Scotland and that many of the individuals who will receive a winter heating payment will also receive other support from the Scottish Government. We have doubled the fuel insecurity fund as well, so a lot of other financial resource and support is available to people, and it is important to see the winter heating payment in that wider context, because it is a contribution to the costs that people are experiencing, along with other support.

On the question of delivery, as I said, we have moved from the weather-dependent approach because we know that, in some areas, differences in the location of weather stations that could trigger a cold weather payment have previously been a source of frustration for people. We understand that collectively. As I mentioned to the deputy convener, the exclusive reliance on temperature rather than other factors such as wind chill has also made some people feel that they are not being treated fairly. Indeed, island communities, in particular, have lost out under the cold weather payment system.

Retaining any weather dependency aspect when introducing a winter heating payment would require a new agreement to be reached with the DWP and the Met Office, and it would be much more technically complex to develop and test. It would be an administratively burdensome scheme for Social Security Scotland to deliver. I think that it is important to be up front about that. A flat-rate payment will be simpler to deliver and administer, and, more importantly, it will provide a guaranteed payment to the most vulnerable people, who have been identified as needing additional support. The guaranteed nature of the payment—the reliability of the winter heating payment—will be the most significant change, and it will make a difference for many, alongside the fact that we project that more than 200,000 more people will receive support.

Owen, do you want say anything more about the Met Office?

Owen Allen: I will just make one point, minister. You covered the majority of the main points.

During the policy development of the winter heating payment, we engaged with the Met Office on other ways of changing the cold weather payment. The weather dependency aspect of the cold weather payment is the most complex aspect of the eligibility. The conclusion of our discussions with the Met Office was that adding or changing anything further to do with weather, such as adding in wind chill or feels-like temperature, would add significant complexity to how that was calculated and identified by the Met Office. Obviously, that is the opposite of the approach that we have taken, which is to simplify the benefit itself to ensure that it is delivered more quickly.

The Convener: Do you have any further questions, Pam?

Pam Duncan-Glancy: Not on this area, convener.

Jeremy Balfour (Lothian) (Con): Good morning, minister and officials. I will follow up the question from my colleague Pam Duncan-Glancy. How many meetings did you have with the Met Office, and how many meetings did you have with the DWP to discuss other methods?

Ben Macpherson: Again, I will bring in Owen Allen in a minute because, of course, engagement takes place more at official level. The decisions on the development of winter heating assistance were made before I was appointed as minister, so it would not have been me personally. I will bring in Owen to discuss official engagement and perhaps he can also refer to any engagement that Ms Somerville undertook as cabinet secretary.

09:45

Owen Allen: As far as I am aware, there was no engagement at ministerial level. There were multiple meetings at official level initially, before Covid, and then in late 2021.

Jeremy Balfour: Can I just clarify, through you, minister, whether those meetings were with the Met Office and the DWP or just with the Met Office?

Ben Macpherson: Owen, do you want to answer that for Mr Balfour, please?

Owen Allen: Apologies. Those were specifically with the Met Office at official level.

Jeremy Balfour: Can I clarify, again through you, minister, how many meetings officials had with DWP officials to discuss how the new benefit would work?

Ben Macpherson: Owen, could you answer that for Mr Balfour? If you are unable to identify how many meetings there were, perhaps you can give an approximate number.

Owen Allen: I do not have the specific number to hand. There is constant engagement between Scottish Government officials and DWP officials across policy and programme. I do not have the specific number.

Ben Macpherson: I should say that engagement between the Scottish Government at official level and the DWP has been strong and constructive on the delivery of this benefit. In my opening remarks, I mentioned how important it is for us to get the scan that we require from the DWP before the end of January in order to deliver the benefit. We wished to get the scan earlier in January, but we appreciate and understand the demands on colleagues in the DWP in delivering the cost of living support, which is a significant undertaking for it. There is an understanding of the priorities and needs of both Governments in delivering support, and we are working to do that constructively.

Jeremy Balfour: I am grateful for that, minister. In the memorandum that was set out at the start of the policy, the Scottish Government committed to leaving nobody behind or worse off. The figures that we have from SPICe and the figures that you have been using show that there will be people who are worse off because of the introduction of the new benefit. Why has that happened? Would you like to apologise to those individuals?

Ben Macpherson: I can appreciate the question in that the cold weather payment has, in certain areas, initiated more than two payments in a winter in parts of Scotland, although not consistently, because there is nothing consistent about the cold weather payment—that is one of its inherent weaknesses. However, I appreciate that there are areas where, in certain years, support from the cold weather payment has been received that exceeds £50. We do not know what the weather will be like, even in those places, in winters to come.

I encourage people in certain places who may, in certain weather conditions, have received more than £50 under the cold weather payment to utilise other support from the Scottish Government, such as the fuel insecurity fund. It is important to recognise that, overall, hundreds of thousands more people will benefit from winter heating assistance than have done under the cold weather payment system.

Jeremy Balfour: Do you accept that, as we heard in evidence last week, there are people who will be worse off this year than they would have been in previous years?

Ben Macpherson: We do not know about this year, Mr Balfour. I do not mean to be flippant about that. This week would have initiated a cold weather payment in certain places in Scotland, because there have been seven consecutive days of weather at 0°C or below, but we do not know whether there will be another two weeks of that this winter in Scotland, even in those places. I appreciate, from last week's evidence and the stats, that there are places that have, historically, in some past years—not all years—received more than £50, but there is no guarantee that that would happen this year or in the years after that, even in those places, although, looking at the weather and analysis, it could be likely, and I accept that. Overall, however, as I said, tens of thousands more people will benefit from the winter heating payment than did under the cold weather payment system.

Jeremy Balfour: I will move on to my final question in this area. Your predecessor started with a blank piece of paper in designing a scheme. I accept that there were faults in the DWP scheme, and you have highlighted those, but the new system here has been criticised by a number of third sector charities. Did you consider any other scheme for deciding how to provide payments? For example, rather than take seven days at a certain temperature as the lower limit, did you look at three or four days? Why, in the end, did you come up with a scheme that, in certain years, will possibly leave a number of people in the coldest parts of Scotland less well off?

Ben Macpherson: I will bring in Owen Allen in a minute on the history of the considerations. It is important to recognise that the considerations around the benefit were impacted by the pandemic period. We have a work programme that we want to fulfil to meet Parliament's expectations and those of the public, as well as our ambition and determination to devolve social security in a way that is safe and secure and as expedient as possible within that.

With regard to my answer to your previous question, I recognise and appreciate that, in most years, around the Braemar station, several cold weather payments have been initiated.

On what considerations there were about the delivery of the benefit, the overarching recognition was of the unreliability of it and the fact that it did not guarantee support for low-income households. There was a need to build in consistency by having a measure for a reliable payment that helped those in need of assistance with their heating in different parts of Scotland. It is not the only payment, because, of course, there are other supports but, within that, there should be a reliable payment to provide that support.

Owen, do you want to come in on the considerations in the development of the benefit?

Owen Allen: Multiple options were considered during the development of the policy. I reiterate what I said earlier about retaining any kind of weather dependency aspect and making changes to the number of days over which a cold weather event is recorded. Alongside the temperature, considerations such as wind chill and rain would add significant complexity to how the benefit is delivered.

Ben Macpherson: Thanks, Owen.

Jeremy Balfour: Thank you, minister.

Foyso Choudhury (Lothian) (Lab): Good morning, minister, colleagues and the team. Last week, the committee was given evidence of fuel poverty rates across Scotland. Will the move to break the link with the weather not further disadvantage some already fuel-poor areas such as in the Highlands and Islands, for example?

The Convener: We have discussed that a lot already, so I would be grateful if you would keep your response to that point quite brief. We are running low on time.

Ben Macpherson: I appreciate the sentiment of the points that Mr Choudhury has raised. If it is helpful for expedience, I refer him to my previous answers to Mr Balfour. Are you content with that, Mr Choudhury?

Foyso Choudhury: Yes. I am good with that—thank you. When I join the meeting online, I sometimes miss a few things.

The Convener: We will move to theme 2. I ask members and the minister to keep questions and answers brief, as we are running low on time.

Paul McLennan (East Lothian) (SNP): Good morning, minister. I will keep the questions to what we concentrated on last week. You have mentioned the other schemes that are there to help people—those of the Scottish and UK Governments. How do we maximise the opportunity and ensure that people are aware of the winter heating payment and other benefits that are out there? The scheme was raised during the week to make people aware of it, but what can we do on an on-going basis?

Ben Macpherson: That is such an important question. First, people do not need to be aware of the winter heating payment; they will just get it. Social Security Scotland will write to people, and they will get the payment.

Collectively, as a committee and as a Parliament, we have discussed raising awareness in a constructive and helpful way, and public discourse is very engaged in raising awareness of the support that is available more generally. The

Scottish Government hosts a website that lists the support that is available to people, and we should encourage the use of that by disseminating it widely and raising awareness of it in all regions and constituencies of Scotland. I know that that is happening, and I appreciate members' engagement in that. The Government is working with local authorities, the third sector and other bodies to constantly raise awareness of what support is available.

We should all ensure that people are aware of the fuel insecurity fund, appreciating that some payments have already been initiated. Child winter heating assistance has gone out from Social Security Scotland to around 25,000 households; that is an additional support that has been paid in recent weeks. There are other supports available that require an application. The Scottish Government continues to raise awareness of the various family benefits that require an application. The response to the Scottish child payment has been remarkable; the number of applications has been extraordinary. Social Security Scotland is working to deliver and pay that as quickly as it can.

A campaign is under way to encourage people to apply for pension credit from the UK Government. I commend the DWP for the proactive way in which it is encouraging people to take up pension credit. That is helpful because it is a benefit that unlocks some Social Security Scotland benefits. A range of work is under way, and I encourage all parliamentarians, everyone who has a network and any people listening who have personal networks—whether through word of mouth, online or otherwise—to continue to raise awareness of the support that is available. The Government absolutely wants to get every pound of support that people are entitled to out to them, particularly at this time.

Paul McLennan: Thanks, minister. For the sake of brevity, that is fine.

The Convener: We return to Foyso Choudhury, who is joining us online.

Foyso Choudhury: When discussing theme 1, the minister talked about uprating the £50 payment. Is there any planned framework for that or—[Inaudible.]—winter heating payments? The minister talked about that when Mr Balfour asked his question. Is there any plan to uprate that payment?

10:00

Ben Macpherson: Again, that is an important point. Considerations on uprating are, of course, for the budget process. There will be a budget statement this afternoon, and I am sure that members appreciate that I cannot comment on the

uprating of this or any of the devolved benefits that are within our discretion.

Foyso Choudhury: I will wait for the budget report.

Pam Duncan-Glancy: As we discussed, the rate is £50, and, at the current rate of heating costs, that would probably heat a house for six days, as I said. Will you set out why specifically it is £50? In line with costs, the payment should be £125. What do you say about that to people who are struggling with their bills?

Ben Macpherson: As I said, following the consultation, we considered increasing the payments to £25 and £100. However, that would increase the forecast annual expenditure from £20 million to £30 million and £40 million respectively, and we are just not able to finance that this financial year. As members know, the Scottish Government budget is under significant pressure this financial year. We made the choice to invest over and above the corresponding level of funding that we forecast that we would receive from the UK Government for cold weather payments. That has limited our scope for making additional increases to the value or frequency of payments because of the nature of our significantly fixed budget. I should say that, on average, £50 is more than what people would receive from the cold weather payment. The majority of people would have received £25, and we have doubled that to £50.

Pam Duncan-Glancy: In the interests of brevity, I will leave it there.

The Convener: We now move to theme 3, which is on the qualifying date and the payment date. I will ask a question about this. The February payment date was raised a lot last week and is slightly concerning. The minister has already spoken of the increased number of people who are going to benefit from the payment, and that is hugely positive. However, the February date seems a little late in the winter. Will the minister outline how we have come to that date?

Ben Macpherson: That is an important question, and I understand the focus on the date. During our consultation, we engaged with several stakeholders, as well as people with lived experience of cold weather payments through our Social Security Scotland experience panels, which I mentioned. We appreciate that differing views were expressed about what would be the best time for the benefit to be delivered. However, some consultation feedback and wider considerations have argued that it can be colder in January and February. Also, it could be helpful to people who get quarterly bills, as the largest of those tend to land with people in February. However, I know that there are differing opinions

on this, and we will consider it ahead of future years. There are people who expressed a preference for such a payment to be made earlier in the winter. I have committed to reviewing that ahead of delivery next year and in future years. The regulations deliberately state that we deliver the benefit in winter, which creates flexibility so that we can consider when the optimum time would be.

This year, we have a congested delivery landscape. In answer to Mr Balfour earlier, I talked about the fact that the DWP is under pressure to deliver its payments of additional support, although I am in no way suggesting that the DWP has determined our timetable. We set our timetable for February because of what I said previously, but we also had to consider the fact that we were delivering child winter heating assistance and needed to deliver those payments. We were delivering the carers allowance supplement and had to consider that payment, and we rolled out adult disability payment this year, which has increased the demands on the agency. Significantly, we launched the second phase of the Scottish child payment on 14 November.

We always have to consider how we deliver benefits safely, securely and reliably, and, with the winter heating payment, the agency has to deliver a new benefit, providing enough time to ensure that we have developed the capacity to process the 400,000 cases when we receive the data scan from the DWP and ensuring that essential system testing is completed prior to commencing any payments. A wide range of considerations went into why, in this instance, the payment will be made from February, but, as I said, I have committed to considering if we would want to change that for next year or future years. I have listened attentively to the feedback on that, and I appreciate the evidence that the committee has heard.

The Convener: Thank you very much, minister, for providing that clarity. It is important to know that that flexibility is there.

Miles Briggs (Lothian) (Con): Good morning, minister and officials. I have to say that the issue that the convener has just raised is deeply concerning, because there seems to be no flexibility. From what we have heard, Scots living in some of the coldest communities in Scotland will lose out. Braemar recorded -15°C this week; today, as we speak, it is -2°C . Minister, do you accept that those rural communities are going to lose out and that the payments will not be in their bank account potentially until February? The DWP can pay within 14 days, which means that the money can be put out now, so why is there not the same flexibility here?

Ben Macpherson: As I have said, because we are increasing the number of people who will receive support from the Scottish Government, we need to receive a large data scan from the DWP, and we are working collegiately with it on that. When we receive that data, we will need to assurance-check it, make sure that we do all the appropriate system testing and alignment that has to happen to deliver our benefit and then deliver the benefit from February. The DWP has committed to providing that scan to us before 31 January. We are grateful for that, because we need the scan in order to deliver the benefit.

By making a comparison with the 14 days for the cold weather payment, you are not appreciating the fact that we are actually initiating our benefit this year. As I have said, there will be flexibility in future years if we want, for example, to change the payment to a different juncture in the calendar—to November, December or January, say—but that would be contingent on agreeing with the DWP to receive the scan in those years in advance of being able to deliver the payment. I am not saying that the DWP would do that, but we would have to agree that with it collegiately. As I have said, the flexibility has been built in.

I appreciate the points that have been made on cold weather payments with regard to the approximately 1,000 people served by the Braemar weather station. However, we have made a policy decision here to expand the number of people who will receive support, in a reliable way, to approximately 400,000 people. That means that a significantly higher number of people will receive support. Those people experience cold weather, too—perhaps not to the same extreme, but they still need additional support for heating costs. That is the policy decision that we have made, and we are asking the committee to approve it today.

Miles Briggs: I take that point on board, minister, but it seems to be an argument about process rather than about the people who are living in these conditions. That is concerning.

Ben Macpherson: I do not see how that is the case.

Miles Briggs: Well, under the old system, the communities that are facing those temperatures now would have received payments within two weeks. They will now receive one payment of £50 in February. It is quite clear that, with the data scan, they would be in a better place under the DWP's current system, because they would get that payment today. The question that I wanted to ask was—

Ben Macpherson: Well, I think that there is a balance here, because I can appreciate—

Miles Briggs: It is reality.

Ben Macpherson: You could argue that a smaller number of people would be better off with the cold weather payment, but, of course, more than 200,000 people will be receiving support from the winter heating payment who would likely not have received the cold weather payment. So, it is a balance.

Miles Briggs: We are talking about people living in the coldest communities in Scotland. Maybe there could have been more flexibility to take that into account now rather than in future years. The Scottish Government told SCOSS that it might take a few weeks in February to process the payments. Will the eligible recipients receive their payments before the end of February? Is that now guaranteed?

Ben Macpherson: Before I bring in Angela Keane, I should say that, contingent on receiving the data scan from the DWP, the data being in order and the processes being initiated in the way that we intend—all of that considered—we will aim to pay everyone as quickly as possible in February, but I cannot guarantee that everyone will receive the benefit in February. It is certainly our intention to get the support to people as quickly as we can.

Angela, do you want to say a bit more about that, please?

Angela Keane (Scottish Government): We will receive the data, as the minister has described, from the DWP at the end of January. Following our assurance of the data, we will start making the payments in batches. That will allow, first of all, the data's safe and secure transition into the automatic payment system so that we get as many people as possible paid automatically; it will also, as the minister mentioned, take into account Social Security Scotland's capacity to handle the processing of that data and queries and comments from our client group. We want to make sure that we are able, across the piece in Social Security Scotland and through our technical delivery, to get those payments out as quickly as possible. The payments will start from February in those batches, and we will continue to do that work as quickly as possible.

Ben Macpherson: Thanks, Angela. As for Mr Briggs's previous points, I would emphasise to those requiring a little bit of extra support that they should please engage with the fuel insecurity fund, which we have doubled, and the home heating support fund. We want people to get support if they are entitled to it.

Miles Briggs: Just before I hand back to you, convener, I suggest that it might be important for the minister, once he leaves this meeting, to write to the communities, specifically with that information. People might not be aware of what is

going on, so it would be useful, especially in the four postcode areas that we are talking about, to make sure that households are aware.

Ben Macpherson: It is not in my gift to write to communities in that way. Ministers are not able to write to individual households.

Miles Briggs: Perhaps you can liaise with the councils, then.

Ben Macpherson: The Scottish Government regularly liaises with local authorities on these matters. We are, of course, keen to support local authorities and local members in raising awareness of what support is available. I appreciate the context of Mr Briggs's constructive suggestion, and I thank him for it.

The Convener: Before I move on to Jeremy Balfour, I should say that we are running slightly behind time. Minister, can you grant us an extra 15 minutes just to allow us to get through the rest of our questions?

Ben Macpherson: Of course.

The Convener: Thank you. Members obviously have a lot of questions this morning.

As I have said, I call Jeremy Balfour. Can you take us into theme 4, Jeremy?

10:15

Jeremy Balfour: Yes, convener. I have to say, though, that I am slightly concerned by that last answer to Mr Briggs, minister, because I did not hear any guarantee from you or your official that the payments will be made in February. We have seen slippage in other payments by Social Security Scotland. From what has been said, you do not seem to have engaged with the DWP at ministerial level on this; however, you have said that officers and officials have had a good relationship with the DWP. Why are we waiting until the end of January for the information? Why are we not getting it now or even at the beginning of January, so that we can guarantee that the payments will be made in February? Why are we waiting until the end of the month?

Ben Macpherson: That is a good question, Mr Balfour. We certainly requested the data from the DWP from early January to give us more time and ensure that we could deliver the benefit as quickly as possible. However, the DWP has relayed to my officials that, because of other demands on it as a result of the cost of living payments, it was able only to guarantee getting the scan to us by the end of January. We are grateful that it has given us a guarantee and that it has committed to giving us a scan by the end of January. We had wished for it to be earlier, but we appreciate the demands on the DWP.

As Angela Keane has articulated, once we have the data scan, the agency will work as hard and as proactively as it can to get payments out to people as quickly as possible and in a safe and a secure way. I have said that I cannot guarantee that everyone will get their payment in February, but I can guarantee that we will seek to get payments to people as quickly as possible and to as many people as possible in February.

Jeremy Balfour: Just to push you on that again, minister, have you had discussions with your ministerial colleagues in London about the transfer of information? Have you discussed it with your counterpart in the DWP?

Ben Macpherson: Yes. There have, of course, been ministerial changes at the UK level. As far as I can recall, the winter heating payment was an issue that I discussed at points in bilateral meetings with Ms Smith. I did not discuss the data issue with her, because the concerns about not getting the data until late January had not emerged at that point. However, I had a helpful bilateral this week with the new minister, Mr Pursglove, and I am grateful to him and his officials for their confirmation, during that meeting, that we will receive the data scan on 31 January as agreed.

Jeremy Balfour: I will move on, as I am conscious of time, to two questions about the next area that we are considering.

You might not have this information to hand, minister, so I am happy if you want to write to us with it. You helpfully said that other benefits were available, and you mentioned several of them, but do you know the number of people for whom this will be the only winter payment that they receive? There might be older people who are not entitled to, say, any of the benefits related to children. Do you have a breakdown of people for whom this will be the only winter heating payment that they will receive?

Ben Macpherson: I do not have that data to hand. We can take that away as an action point and get back to the member and the committee on it. Of course, I would also point out that, with this situation, there are benefits that people will receive from the UK Government, too.

Jeremy Balfour: I appreciate that. My question was just on whether we could get that particular figure. Thank you for your response.

My final question is on something that you and I have discussed, both when you were a member of the committee and since you have been minister—your Government's view on extending the child winter heating assistance to disabled adults. Obviously, many adults who are in receipt of some kind of award—say, for mobility or for care—will not receive the winter heating payment, but often,

they will be at home more and have higher heating costs. Is there any policy intention to include disabled adults, too, obviously not this year but maybe the next? Is it something that the Government would like to do in the next two or three years?

Ben Macpherson: I would be interested in seeing the committee's engagement on that. Of course, the introduction of the child winter heating assistance delivered on a 2016 SNP manifesto commitment to extending the eligibility for the winter fuel payment to families with children in receipt of the highest care component of disability living allowance. Today, though, we are talking about introducing a winter heating payment, which is about supporting those on low incomes who are the most vulnerable, which will include adults with disabilities.

This will be followed, as members know, by the introduction of a pension-age winter payment in 2024 to replace the winter fuel payments. We have to deliver that in the time that lies ahead, and how we continue to support disabled children and disabled adults through the social security system is something that we are all concerned about. It is an area where we want to provide support where we can. Extending the child winter heating assistance to include disabled adults is not something that we have considered directly at this juncture, but I appreciate the committee's interest in the matter.

The Convener: For our last theme, we will move to questions from Pam Duncan-Glancy.

Pam Duncan-Glancy: We heard this morning about the support that you have put in place for people across Scotland, and, of course, we welcome the payments that are available here. We will all do what we can to make sure people access them through communication. However, I agree with Energy Action Scotland that it is

"like a finger in a dam."—[*Official Report, Social Justice and Social Security Committee*, 8 December 2022; col 13.]

When it comes to fuel poverty, we really are falling short for too many people in Scotland. Energy Action Scotland estimates that, even with the financial support, a lot of which has been described this morning, including changes to benefits in Social Security Scotland, one in three households in Scotland will be in fuel poverty by April next year, and one in four will be in extreme fuel poverty. In its submission, it says:

"Higher costs, with inadequate financial support will lead to an increase in excess winter mortality".

Of the Scottish Government payments, it says:

"None of which recover a position for any household ... The Scottish Government through its fuel insecurity fund has provided crisis payments to a relatively small number

of households. Important for those that received them but insufficient".

It concludes that the available support is a patchwork, with one-off payments being normalised and poor targeting. Can the minister commit to reviewing the fuel payments landscape in Scotland to help struggling families today?

Ben Macpherson: With regard to that last question, how do you envisage that taking place, just so I am clear on what you are asking?

Pam Duncan-Glancy: It is clear that none of the payments described this morning has addressed the real fuel insecurity and poverty that people across Scotland are experiencing. I was also going to mention the child winter heating payment issue that my colleague Jeremy Balfour mentioned. A number of disabled people, regardless of their age or level of impairment, are having to use more heating now than before, so they are disproportionately impacted by this. The reality is that, from what we have heard in this committee and from what people have told us in our constituencies, they do not have enough money to get by and none of what we are doing in Scotland is getting there. It is like a finger in a dam, as we have been told. Can you commit to reviewing that landscape, very quickly, and to starting to address the fuel poverty that people in Scotland are going to experience?

Ben Macpherson: I thank the member for raising those important points. Of course, they are considerations that I and my ministerial colleagues are engaged in. We are seeking, with the mechanisms and limited resources that we have in a largely fixed budget, to provide additional support to people. I appreciate that you recognised that in your question.

We will always seek to consider what more we can do but with mindfulness around how we do it. There are demands on other aspects of the public sector. There is strong demand across the board around what people need during this cost of living crisis. We have provided significant extra support over and above what we have from the UK Government with the block grant adjustment for social security, which is approximately £460 million in this financial year.

The evidence of creating the child winter heating assistance benefit, of seeking to provide the winter heating assistance to more households and of introducing the Scottish child payment and increasing it by 150 per cent shows that the Scottish Government is doing what it can to provide additional support, but we appreciate and absolutely recognise that people face significant challenges at the moment. We are working to identify, where we can, resource to support people in extra ways.

When it comes to addressing fuel poverty, there are wider aspects around people's dwellings and energy efficiency. I know that there was, quite understandably, a lot of discussion on those matters during the evidence that you took last week. I encourage engagement with my ministerial colleague Mr Harvie. I am sure that he would be interested in coming back and speaking to the committee about what the Government is undertaking to help people with their heating costs and dwellings and to reduce their energy consumption in order to help with those cost pressures as well.

Pam Duncan-Glancy: Thank you. I have no other questions.

Miles Briggs: My questions follow on from Jeremy Balfour's line of questioning. The minister is, I am sure, aware of Marie Curie's campaign to get the Scottish Government to look at extending eligibility for the assistance to terminally ill people and to make sure that it also includes people under the age of 65. Where is the Scottish Government on that? Given what the minister has outlined to the committee about potential reforms and changes, is the Government of a mind to take that forward?

Ben Macpherson: First, I thank Mr Briggs for raising the issue and for his work in that area. I know that, over the past year, Mr Briggs has questioned me on a number of different areas relating to the matter of terminal illness. Perhaps we can arrange a meeting in 2023 to discuss those issues more roundly. I think that that would be helpful.

Of course, we all want to make sure, as much as we can, that no terminally ill person has to worry about their finances at such a difficult time. As a Government, we recognise the specific requirements of those living with life-limiting conditions and the call for greater support. However, there is also a consideration of whether the winter heating payment is the correct vehicle for extending provision in those circumstances. Some people who receive disability benefit in relation to their terminal illness may already be eligible to receive a winter heating payment through entitlement to one of the qualifying low-income benefits and relevant premiums.

More generally, we have introduced a range of support measures for terminally ill people and their carers. For instance, as members know, when we introduced our Scottish disability benefits, we changed the definition of terminal illness to be more sympathetic in order to enable people to access the social security support that we want them to receive. We have done that in Scotland by removing any time requirement from our definition of terminal illness. That allows child disability payment and adult disability payment to provide

people who are terminally ill with fast-tracked access to financial assistance at the highest rates to which they are entitled, ensuring that accessing financial support is as straightforward as possible for them. Our person-centred approach to child disability payment and adult disability payment relies on the judgment of clinicians, as I said, rather than fixed periods of life expectancy.

Any potential improvements, including an extension of the eligibility criteria, will be considered once this new benefit of winter heating assistance has been delivered and its initial evaluation has been completed. I thank Mr Briggs for raising that. As I said, more generally, I would be happy to meet him in the new year on the issues surrounding terminal illness.

Miles Briggs: Thank you, minister. That would be very helpful. This week, I met Carolynne Hunter, of whom the minister will be aware. She very much highlighted the 5,000 families across Scotland who have seen their energy bills go up because of the equipment used at home for their children. I know that that is not directly related to this assistance, but I am quite keen to progress on that. I will look to do a cross-party round table on that next year. I am happy to take up the offer of that meeting with the minister, and, hopefully, those things can be discussed. Given energy costs, it is an important issue on which to try to look for a solution as well.

10:30

Ben Macpherson: Of course. I appreciate the costs that face those households. I hope that the delivery of child winter heating assistance and the changes that we made last year in increasing the number of people who were eligible for that has helped, but I appreciate the challenges for those households.

The Convener: We have one final question from the deputy convener, Emma Roddick, to finish.

Emma Roddick: I want to go back to the timeline issue, because the minister touched on the data. Could he outline, first, what preparations are taking place at Social Security Scotland in order to be ready to make the payments in February and say how reliance on the DWP for that data adds complexity to the delivery?

Ben Macpherson: The scan is essential to being able to deliver the benefit, because, as members will see in the regulations, the eligibility criteria are based entirely on reserved benefits, so we absolutely have to have that scan in order to deliver the benefit. Significant preparation has been undertaken to date and will be undertaken over the weeks ahead until we receive that scan. This is probably a good time for Angela Keane to

illuminate the practical issues from an agency perspective.

Angela Keane: As we have discussed, once we have received the data, there is a period of assurance. That is to make sure that we can put the data into the system and make as many automatic payments as possible. In conjunction with that, our agency colleagues have been identified and are being trained to assist with processing any cases that are not able to progress through the automatic route and to take questions from clients in relation to the payments that are about to be made.

Emma Roddick: Finally, we heard last week that those with the greatest need for help in paying energy bills are affected by other issues such as needing energy efficiency measures in their home and improvements in the wider context of UK energy policy. How is the minister working with other portfolios in Government to make sure that there is investment to reduce the need for social security?

Ben Macpherson: As part of the net zero agenda, as well as the tackling child poverty national mission that the Government has, ministers and partners are working collegiately on how we reduce demand and improve the quality and energy efficiency of people's dwellings. My cabinet secretary, Shona Robison, has social security and housing within her remit. The engagement between the work of Mr Harvie and the work of Social Security Scotland and how that all comes together to help to reduce demand for energy and for social security is absolutely part of the focus of two of the main pillars of the Government's work, which are the net zero agenda and the mission to tackle poverty—child poverty, in particular.

The issue is about the efficiency of housing but also the cost of housing. The fact that the Government is investing capital in significantly more social housing than anywhere else in the UK means that costs are lower for people. That means that their costs overall are reduced, and that is an important aspect of what the Government has delivered over the past decade. The recent action by the Government and Parliament on rents is also important to consider in the overall scenario.

The Convener: Thank you very much. That brings us to a close on that agenda item. I thank the minister for giving us that extra time.

Agenda item 2 is formal consideration of motion S6M-06818. I invite the minister to speak to and move the motion.

Ben Macpherson: I refer members to my opening statement and to the discussion that we have had. I urge colleagues to pass the motion.

I move,

That the Social Justice and Social Security Committee recommends that the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023 [draft] be approved.

The Convener: Thank you very much, minister. I now invite contributions from members.

Jeremy Balfour: I again thank the minister for his answers today.

Clearly, there are mixed views about the benefit and about how it has been handled and implemented. Although the minister has given some helpful answers, I am not sure that he has grasped the disappointment among many people about how the new benefit has been implemented. Clearly, it is the only thing on the table, so I will not vote against the motion, but I will not support it either. I will abstain because I think that the Scottish Government could have done a lot better. We need to say to the Government that we understand that payments will be made—we hope—in February but that, going forward, we need to see new regulations that address some of the issues that we have asked about today.

As the minister has pointed out, it is a new system, with the new benefit being created using the Scottish Parliament's powers. I find it slightly strange that a system has been designed that fails on one of the policy objectives that the Scottish Government had put down in writing, namely that "No-one will lose out". However the minister wants to argue it—as a fine lawyer, he has argued it well—the fact is that, with the new system, people will lose out, particularly in Braemar and surrounding areas of the Highlands.

I do not know what discussions took place in the Scottish Government, and I appreciate that the minister was not involved in those—his predecessors were—but going from a system that was not working particularly well to another system that will not work particularly well seems a rather odd situation. Why were we not able to sit down and come up with a scheme that includes more people and, at the same time, protects those who are most vulnerable to cold temperatures in Scotland? There will be people in other parts of the United Kingdom who, in the next couple of weeks, will get money from the DWP while residents in Braemar are hoping that they might get £50 in February. That does not seem to be treating people with dignity and respect.

Ben Macpherson: I appreciate the member's argument, but people who are entitled to the winter heating payment will not need to hope: they will get it. That is the different nature of the benefit. It will be delivered safely and securely to those who are entitled to it, and it will not rely on weather conditions.

Jeremy Balfour: With respect, minister, that is not what you said this morning. You said that you hope that we will get the payment out in February, but you were not willing to guarantee that we will get it in February. That seems to be a failing of the system.

I appreciate that a lot of the work was done before the minister came into post, but I would have thought that, with an issue of this importance and with the need to get information from the DWP, at some point over the past few months—not just this week, but in July, August or September—the minister would have picked up the telephone to his counterpart in London and said, “Actually, can you make this more of a priority? I appreciate that we’ve got”—

Ben Macpherson: Will the member take an intervention?

Jeremy Balfour: I will push on for the moment.

You could have said, “I am pleased that there is a good relationship between DWP, the Scottish Government and Social Security Scotland, but could you get the information to us two or three weeks early?”

Ben Macpherson: Will the member take an intervention on that point?

Jeremy Balfour: I will now, yes.

Ben Macpherson: I ask the member to be mindful of the turmoil that the UK Government has been in through the winter months and the challenging circumstances that that created for intergovernmental engagement, and in relation to new ministers being appointed and then brought up to speed in their departments. I assure you that my officials regularly pressed the point that we would have preferred to have the data earlier and that we needed it to deliver the benefit. However, we have also been sensitive to and mindful of the pressures on the DWP in delivering its cost of living support.

I want to be absolutely clear that the Scottish Government has made the case strongly that we would have preferred to get the data at an earlier juncture, but we were respectful of the demands on our DWP colleagues and we have come to an agreement. We are grateful to them for their strong commitment that they will give us the data that we need on 31 January.

Jeremy Balfour: I appreciate that, minister, but, again, my point is that you did not pick up the phone. There was an opportunity to do that, but you did not see the issue as a priority.

Ben Macpherson: Will you take an intervention?

Jeremy Balfour: No, I will move on, if that is okay, because I am conscious of the time and that we need to move on to other things.

My final point is that, if I had been sitting here a few years ago with Ben Macpherson, before he was a minister and when he was a member of the Social Security Committee, and the DWP had said, “We hope to get the payment to you by February, but, actually, we can’t guarantee that. It might be March before you get it,” there would have been outrage—rightly—from the committee. However, it seems that the committee is happy to say, “Well, maybe February, maybe March. Let’s just wait and see.” We are treating two systems completely differently.

It is time that the minister took responsibility. Payments are not being made on time. We can see people tweeting that they have not received the payment or that they have not received it when they should have. It is now time for Social Security Scotland to deliver it. I had hoped that the minister would be a bit more positive about the payment being made to everyone in February.

I ask that the minister go away with his officials to see whether he can come up with something better for next year. We will not vote against the motion because, clearly, not having the regulations in place would leave people even worse off. However, I am not sure that what is before us is what we envisaged when we hoped for new benefits from the Scottish Government.

Pam Duncan-Glancy: I thank the minister and his officials for answering questions this morning. However, I am afraid that I do not accept that the new payment is better simply because it is reliable. All that people can rely on is a payment for six days of heat. That is £1 a week, which Energy Action Scotland called

“a finger in a dam”.—[*Official Report, Social Justice and Social Security Committee*, 8 December 2022; c 13.]

Furthermore, it will not even be available until February, which is far too late.

The alternative that we have before us is not acceptable. I believe that my constituents in Glasgow will be aghast at the fact that all that they will get to deal with the fuel poverty that they are in is £1 a week. I agree with a Glasgow constituent who has written to the minister and me saying:

“I am aghast that this ill-conceived benefit has been launched.”

On that basis, minister and convener, I am afraid that I cannot support the motion but abstain. I hope that the Government will reconsider its approach.

Ben Macpherson: I appreciate Pam Duncan-Glancy’s stated view that she does not believe that £50 is a high enough figure, but does she

appreciate that the winter heating payment will deliver more support for her constituents than the cold weather payment did?

Pam Duncan-Glancy: First, I am not sure whether the minister has been outside in Glasgow in the past few days. We are heading for a very cold period. We will wait and see what happens with the weather.

Regardless of that, it is important to make clear that you are offering people in Glasgow—36 per cent of whom live in fuel poverty—£1 a week. The Scottish Government had an opportunity to redesign a fuel payment—a winter heating allowance—that could have a genuine impact on fuel poverty. I do not think that anyone who looks at its offer will think that it has achieved that. I do not think that they will accept that.

10:45

Ben Macpherson: On the basis of the past 10 years, the evidence shows that a winter heating payment will provide, on average, more assistance than cold weather payments have, and would have, had they continued. Does Pam Duncan-Glancy welcome that, by creating the new benefit, should the Scottish Government be able to finance a higher payment in a future financial year, the mechanism will be in place to provide more support to her constituents in Glasgow than would have been the case under the cold weather payment system?

Pam Duncan-Glancy: I accept the technical detail that the minister has set out, which states that there is a mechanism. I accept that there is a mechanism. I do not believe, on the basis of what I have seen since I have been in this place, which is from May 2021, that such commitments have ever come to fruition, so I will wait and see, and I hope that the mechanisms that are in the regulations will be used to support people who live in Glasgow.

I take the point about the average weather in the city over the past 10 years, but I share the concerns about how the data is collected and the weather stations from which it is collected. I was making the point that we have an opportunity to change the whole way in which we do things in Scotland. The offer in front of the people of Scotland is insufficient and it will leave thousands of families freezing this winter.

Convener, I will abstain on the motion for all those reasons.

Emma Roddick: A few colleagues have talked about the coldest parts of Scotland but have often missed out my region, the Highlands and Islands. We must be clear: cold weather payments are not going to the coldest places in Scotland. They are certainly not going to the coldest homes in

Scotland. Rather, they are going to the coldest weather stations. The minister addressed the fact that wind chill is not measured and that six days of -2°C will not trigger a payment. The people who struggle the most with energy bills in my region are in the Western Isles, the Northern Isles and areas of the Highlands. They have not been getting cold weather payments, but they are going to get £50 this winter.

Pam Duncan-Glancy: Do you think that £1 a week is sufficient to address that?

Emma Roddick: I thought you were going to ask that. It is exactly what I am about to address. Is it going to go far? No. We must be clear, however, that energy does not need to cost that much. I would much prefer that the UK Government took some action on energy companies instead of allowing them to take advantage of the situation and bankroll their eye-watering profits. If we are going to listen to criticism today about there being not enough social security going to the problem, we need at least to acknowledge the cause.

Pam Duncan-Glancy: On that basis, do you support my Westminster colleagues' argument that we should have a proper windfall tax, with no loopholes, on those energy companies?

Emma Roddick: Yes, I support a stronger windfall tax than what has been proposed.

Paul McLennan: If that is the case, do you support the Scottish Government and the Scottish Parliament having the powers to do that? Those powers are reserved not in this Parliament but down south.

Emma Roddick: That would be the ideal scenario.

Pam Duncan-Glancy mentioned a "finger in a dam", but we need at least to ask why there is a flood. More money will be spent on the scheme than was spent on cold weather payments. More of my constituents are going to benefit from it, as will more of hers. It is not the only measure that is aimed at supporting people through the winter. There is also the fuel insecurity fund, the islands cost crisis emergency fund and other benefits that are being delivered by Social Security Scotland. People who are in receipt of those are therefore not going to receive £50 only. That £50 is more of a winter uplift of sorts.

James Dornan: Emma Roddick raised a few of the points that I was going to make. I have been an Opposition politician. I was a councillor for a number of years in Glasgow, and I understand why Jeremy Balfour and Pam Duncan-Glancy are looking for a reason to abstain on the motion. Jeremy Balfour's reason seems to be that the minister never made a phone call. Pam Duncan-

Glancy's seems to be that her constituents will now get more money than they would have got before, so she is going to abstain. That does not make any sense whatsoever to me. It is not an ideal policy, but it is the best one that we are going to get, given our fixed budget. I would have liked to see the committee vote as one to support it.

Jeremy Balfour: Do you recognise that this is a new system devised by the Scottish Government? We have had a number of years to devise a scheme. Do you believe that this is the best scheme that could have been devised by the Scottish Government to cover everybody in Scotland and not just your constituents in Glasgow?

James Dornan: I cannot say for sure that it is, because I have not been involved in the discussions, but I do know that it is better than what we had previously and that it does not deserve the criticism that it has been getting from some members of the committee. We could be saying that we think that it could be improved and that we will be keeping an eye on it next year and in future years. We are working to a very strict timetable, and the other thing is that—

Pam Duncan-Glancy: Will the member take an intervention on that point?

James Dornan: Just one second, Pam.

You cannot make guarantees about February if you are not getting the detail until 31 January. It is just not feasible to make such a promise.

Pam Duncan-Glancy: I take the point about the data being available, and I sincerely hope that it will be, given what we have heard about the February payment already being too late, but I do not accept that we are having to rush this through. We have had powers over social security in Scotland for a significant number of years and here we are with an opportunity to redesign a benefit, but—yet again—we have fallen short.

James Dornan: Where does the extra money come from? You are talking about it being £1 a week and it being a “finger in the dam”. You are using all the phrases that the witnesses used last week, which is fair, but where does the extra money come from? It is extra money that has come from the Scottish Government to pay 200,000 people more than they were getting paid before. I accept that there are some potential losers, but surely we can see that the best is being done in the circumstances that we have.

Miles Briggs: I will pick up on the point that James Dornan has just made. The Government said that there would not be losers, but there clearly will be. As has been reflected in our discussions on the issue, I am concerned that the new scheme will leave behind many parts of rural

Scotland that benefit from the current system because of the extra cold weather that they experience, and it will make them financially worse off. That is not a system that should have been developed, and it could have been corrected before now. I am concerned about what that means for some low-income families living in communities such as Braemar, Aviemore and across rural Scotland, especially given the recent weather. That is a problem that should have been fixed.

Minister, I think that the committee has expressed frustration today that we are putting in place a system that moves us towards a universal payment system for people—I accept that—but that does not take into account the previous targeted support that was based on the coldest weather that communities across Scotland often experience. That is not acceptable. I hope that the minister takes on board the debate that we have had this morning on the changes, so that support will be provided and people will be made aware of the additional support—many will not know where and how to apply for it. I hope that the Government commits to coming back as soon as possible to try to fix it and put in place a better system, because all of us on the committee hoped for and wanted a better system to be put in place, and it does not feel as though this has lived up to that expectation. Like Jeremy Balfour, I will not vote against the regulations, but I will abstain, because I do not think that we should approve the system as it stands.

Paul McLennan: Sometimes, we have to take a wee step back from our discussions and look at the context. As opposed to 185,000 people, 400,000 people will get the benefit automatically. The estimated spend was £8.3 million and it is now £20 million. That is the first part of the context. We also have to look at the wider benefit context that has been mentioned. The payment that we are talking about today is part of it, and we mentioned the Scottish Government looking at the Scottish child payment and other benefits that are being brought forward. We also heard the DWP talking about pension tax credits, and I understand that between a quarter and a third of people who are entitled to pension tax credits do not claim them. Emma Roddick touched on energy costs. In energy-rich Scotland, we face some of the highest energy costs in the UK, if not in Europe. So, first and foremost, we need the powers to tackle that.

Miles Briggs: The member represents a very rural part of Scotland. Payments have not necessarily been triggered there to the same extent as they have in communities in the north. Does he want his communities to lose out, in a way? We have no Aberdeenshire members, for example, on the committee. We were led to believe that no one would lose out, but this will

result in communities losing out. Why has the Government not taken that on board?

Paul McLennan: I have looked at my areas and I know that there will be an impact. The fact that the payment is automatic and goes to more people is important. Just a few weeks ago, we were talking about a fixed budget. We would, of course, like to pay out more, but we operate within a fixed budget. Only a few weeks ago, in budget scrutiny, the committee voted against additional borrowing powers that would have given us the opportunity to have demand-led services and put our money towards such payments. We need to look at it in that regard.

The key thing for me, as I have said, is that it will benefit 400,000 people compared with 185,000 people. Previously, £8.3 million was spent; now, £20 million will be spent. It is not a perfect scheme. It is part of an overall package. We must look at the overall causes of why energy costs in Scotland are so high. We need powers to deal with that in Scotland. I will support the legislation.

The Convener: I thank members for all contributions. I invite the minister to sum up and respond to the debate.

Ben Macpherson: I thank all colleagues for the discussion that we have had today, the evidence that the committee heard last week and the constructive way in which it has been given. I challenge several parts of members' contributions. Of course, I have already done that through interventions, and I appreciate that there are time constraints, so I will not dwell on them all. However, I will pick up on Mr Balfour's point about engagement with the UK Government.

It is completely unfair and unreasonable to challenge ministerial engagement with the UK Government during the period of change that we have been through, when there has been turmoil at ministerial level in the UK Government. I assure Mr Balfour, the committee and the Parliament that my officials engaged regularly with UK Government counterparts on the need for us to receive a scan in good time. We came to an agreement on that, and we are grateful to the DWP for that. I have taken the two opportunities when I have had a conversation with my new ministerial counterpart to raise that point. Of course, he has been in post for only a number of weeks. The scenario in the summer made ministerial engagement very challenging. I assure the committee that, when I can, I undertake engagement with ministerial colleagues in a serious way to press the issues that are of concern to the people of Scotland and to ensure that we deliver social security in Scotland safely and securely.

On the wider points, as I have set out in my opening statement and throughout the discussion, the changes that we are making will help significantly more people—tens of thousands more people—on a reliable basis. People will be able to rely on the winter heating payment from the Scottish Government. They will be able to budget knowing that it is coming. It will not depend on weather conditions and will therefore, along with other support, help people who are in situations of fuel poverty and financial challenge.

Jeremy Balfour: I am grateful that it is guaranteed, because it is not guaranteed. If the DWP were saying, "We will try to get a payment to you, but it might be several weeks late," would that be acceptable? If it is not acceptable for the DWP, why is it acceptable for Social Security Scotland?

Ben Macpherson: It is guaranteed that the winter heating payment will be paid to people every year and will not depend on weather conditions. We have gone through the points about delivery in February, and I have made a strong commitment that we will seek to do what we can to get payments to people within that month. That is our strong ambition through the determination and commitment of Angela Keane and her team at Social Security Scotland. We will do what we can to get that payment to people as quickly as possible, but we are delivering to 400,000 people. That is a significant number of people, and we want to ensure that we get the support to them.

11:00

The financial commitment of the Scottish Government, at £20 million, is, of course, higher than the average of £8.3 million that is spent on cold weather payments. Again, we are spending more on this benefit than would have been the case under the UK system.

I thank members for their constructive engagement today. I urge the committee to pass the regulations so that we can deliver the winter heating payment for around 400,000 people in Scotland.

The Convener: The question is, that motion S6M-06818, in the name of Ben Macpherson, be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Don, Natalie (Renfrewshire North and West) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
McLennan, Paul (East Lothian) (SNP)
Roddick, Emma (Highlands and Islands) (SNP)

Abstentions

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

The Convener: As there is a tie, as convener I have a further casting vote.

Jeremy Balfour: There are four abstentions.

The Convener: Oh—I am sorry. It is my first time doing a vote like this, so forgive my mistake.

Motion agreed to.

Jeremy Balfour: On a point of order, and for the record, I would like you to know that I will seek to bring the regulations to the chamber when we come back after the recess, so that the whole Parliament can consider whether the regulations are appropriate.

The Convener: Thank you for that. The committee will report on the outcome of its consideration of the instrument in due course. I invite the committee to delegate authority to me, as convener, to approve a draft of the report for publication.

Members indicated agreement.

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

Meeting closed at 11:02.

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