

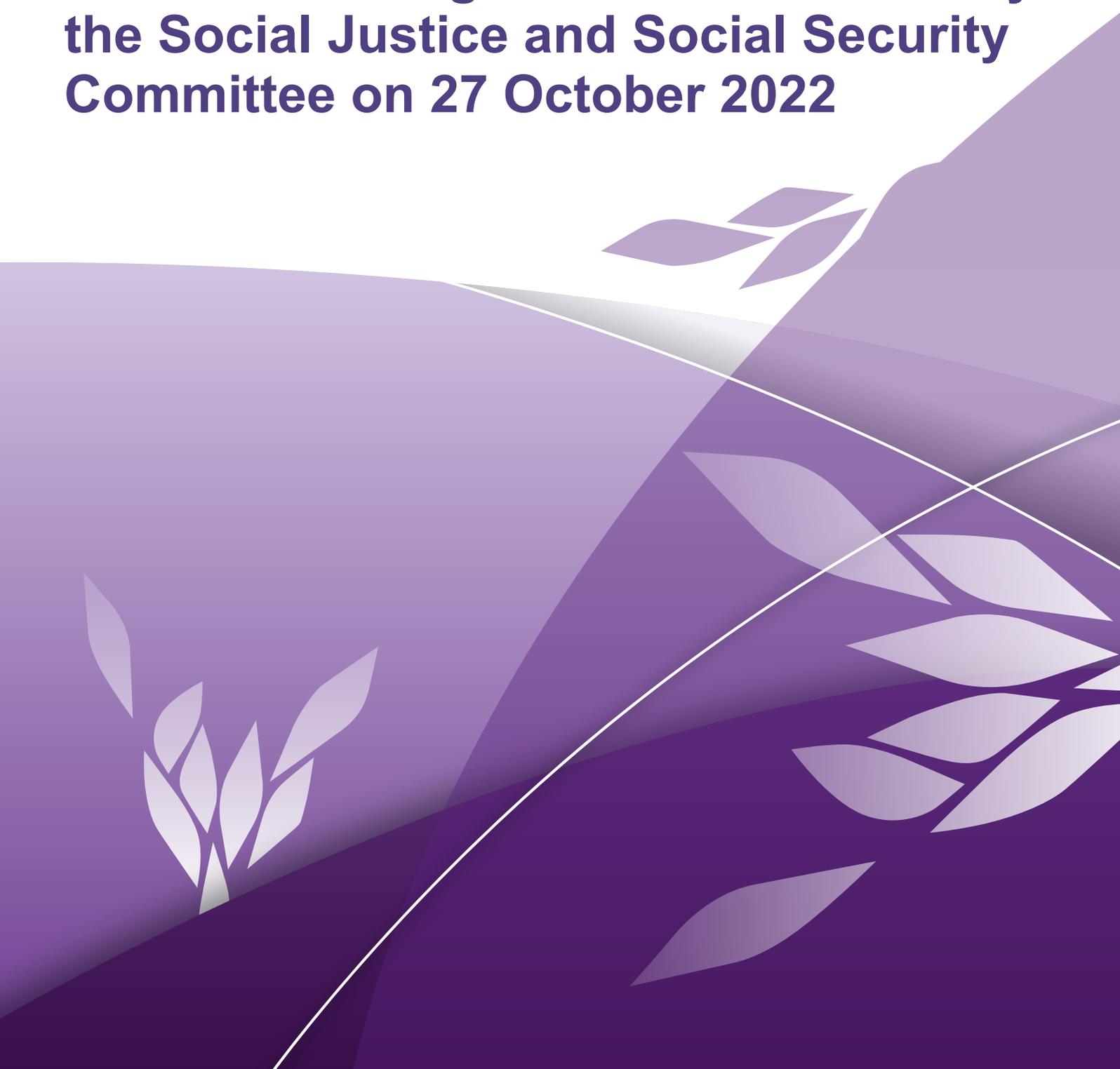


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Pàrlamaid na h-Alba

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## **Social Justice and Social Security Committee**

# **Subordinate Legislation considered by the Social Justice and Social Security Committee on 27 October 2022**



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# Contents

<b>The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022</b>	<b>1</b>
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# **Social Justice and Social Security Committee**

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.



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# Committee Membership



**Convener**  
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Scottish National Party



**Deputy Convener**  
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Scottish National Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



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Scottish Labour



**Paul McLennan**  
Scottish National Party



**Emma Roddick**  
Scottish National Party

# The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022

1. This report sets out the Social Justice and Social Security Committee's consideration of the [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022](#) at its meeting on 27 October 3033 (27th meeting, 2022). The [minutes](#) of the meeting have been published on the Committee's webpages. The [Official Report](#) of the meeting is available on the Scottish Parliament's website.
2. [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022](#) were laid on 20 September 2022 ("the amending regulations"). This Scottish Statutory Instrument (SSI) was made in exercise of the powers conferred by section 13 of the Social Security Act 1988, sections 64(1), 70(4) and 71(6) of the Social Security Contributions and Benefits Act 1992, section 77(3) of the Welfare Reform Act 2012, sections 28(2), 31(2), 32(2), 52, 79 and 95 of the Social Security (Scotland) Act 2018 ("the 2018 Act"), and all other powers enabling them to do so.
3. The amending regulations amend four separate principal instruments. These are the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019, the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018, the Scottish Child Payment Regulations 2020, and the Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022).
4. Some of those powers are subject to negative procedure and others to affirmative procedure. The powers are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. Section 33(3) of that Act makes the instrument subject to the affirmative procedure. Also, as required by section 97(2) of the 2018 Act, the Scottish Ministers have consulted the Scottish Commission on Social Security and a response to the Commission's report on the proposals is published along with the draft instrument.
5. According to the Scottish Government's [Policy Note](#) these regulations make changes to the Best Start Foods Regulations, Best Start Grant Regulations and Scottish Child Payment Regulations that set out the rules and eligibility criteria for Best Start Foods, Best Start Grant and Scottish Child Payment.
6. These benefits are collectively called the Five Family Payments. The main changes are extending eligibility for Scottish Child Payment to low income families with children under the age of 16, increasing the value of Scottish Child Payment to £25 per week per child, and allowing Social Security Scotland to automatically pay Best Start Grant Early Years Payment and Best Start Grant School Age Payment to eligible people who are in receipt of Scottish Child Payment.
7. It also makes other smaller changes around eligibility across the Best Start Foods, Best Start Grant and Scottish Child Payment regulations. The regulations also correct an administrative oversight identified in the Ukraine Regulations.

Amendment is required to ensure parity of access to benefits upon arrival in Scotland and the rest of the UK specific to people who hold Irish citizenship. The same oversight appears in the equivalent Ukraine Regulations in England and Wales and Northern Ireland, with those administrations taking forward similar amendments.

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [27 September 2022](#), and made no recommendations in its [report](#) in relation to this instrument.
9. The Committee took evidence from Ben Macpherson, Minister for Social Security and Local Government. During the evidence session Members raised several points regarding the regulations. In relation to the Scottish Child Payment, Members discussed the process for families who have a child that will ‘age out’, that is turn six before the regulations to extend the age limit have come into force. Further to this, the Minister was asked about the staffing level at Social Security Scotland with regards to whether the Scottish Government is confident there will be no delays to the roll-out of the payment, and whether applicants will receive it within four weeks.
10. In response to these points, the Minister set out that Social Security Scotland will send SMS text messages and/or emails to the cohort of families with children that have aged out to tell them that they need to reapply. In terms of staffing levels, the Minister stated that Social Security Scotland now has the necessary staff, processes, training and support either in place or scheduled imminently. Janet Richardson, Deputy Director, Client Services Delivery at Social Security Scotland added that the agency has recruited an extra 300 full-time-equivalent staff members who are either in training or in consolidation. With regards to the point about applicants receiving the payment within four weeks, the Minister stated that the Scottish Government and Social Security Scotland have a strong commitment to paying people as quickly as possible. Janet Richardson further commented that a large percentage of clients will go through the automated system which she stated would make receiving the payments quicker. For those clients requiring manual interventions, Ms Richardson said she hoped that group would be smaller, allowing for applications to be dealt with in a timely fashion.
11. Following the evidence session, the Minister for Social Security and Local Government moved motion S6M-05966 in his name—

That the Social Justice and Social Security Committee recommends that the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 [draft] be approved.

12. The motion was agreed to without division.

The Social Justice and Social Security Committee recommends to the Scottish Parliament that the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 be approved.

