

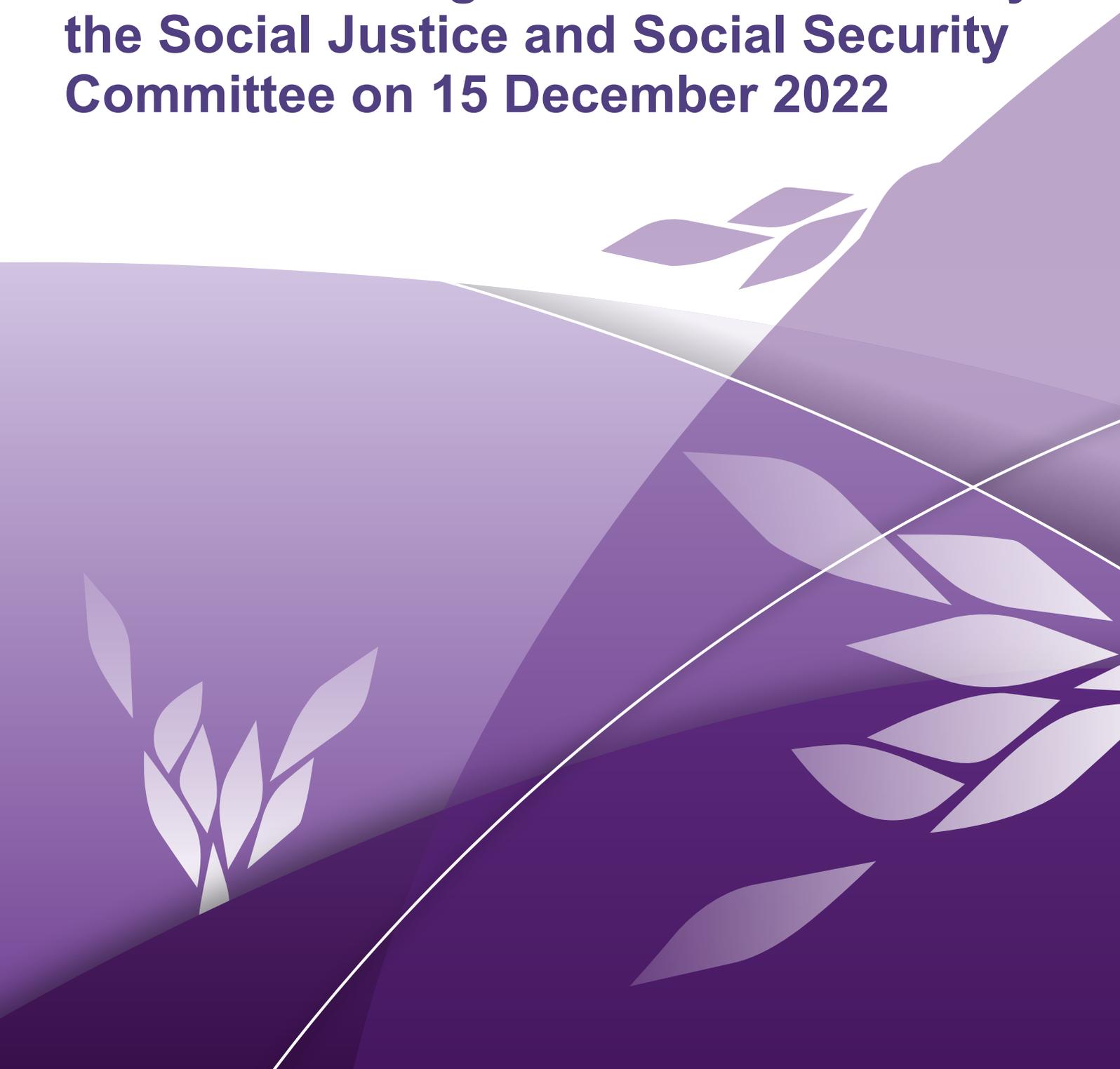


The Scottish Parliament
Pàrlamaid na h-Alba

Published 22 December 2022
SP Paper 286
13th Report, 2022 (Session 6)

Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 15 December 2022



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

The Winter Heating Assistance (Low Income) (Scotland) Regulations 2023	_____ 1
---	----------------

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.



sjss.committee@parliament.scot

Committee Membership



Convener
Natalie Don Scottish
National Party



Deputy Convener
Emma Roddick
Scottish National Party



Jeremy Balfour
Scottish Conservative
and Unionist Party



Miles Briggs
Scottish Conservative
and Unionist Party



Foyso Choudhury
Scottish Labour



James Dornan
Scottish National Party



Pam Duncan-Glancy
Scottish Labour



Paul McLennan
Scottish National Party

The Winter Heating Assistance (Low Income) (Scotland) Regulations 2023

1. This report sets out the Social Justice and Social Security Committee's consideration of [The Winter Heating Assistance \(Low Income\) \(Scotland\) Regulations 2023](#) (35th meeting, 2022). The [minutes](#) of the meeting have been published on the Committee's webpage. The Official Report of the meeting is available on the Scottish Parliament's website.
2. The Winter Heating Assistance (Low Income) (Scotland) Regulations 2023 [draft] was laid on 16 November 2022. This Scottish Statutory Instrument (SSI) was made in exercise of the powers conferred by sections 30(2), 41(4)(a), 43(5) and 52 of the Social Security (Scotland) Act 2018(1) and all other powers enabling them to do so. It is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations be approved.
3. According to the Scottish Government's [Policy Note](#) these regulations set out the rules and eligibility criteria for the Winter Heating Payment (WHP). This is a new form of social security assistance, replacing the UK Government's Cold Weather Payments (CWP) in Scotland and will be available to individuals in receipt of specified low income benefits.
4. The Scottish Government says that its key policy aim is to mitigate some of the impact of additional domestic heating costs in winter by providing targeted, reliable financial support to those most vulnerable households with low incomes.
5. It adds that it targets the support at particular groups that might need additional help with heating costs including people who are on a low income and who are also:
 - of pension age; or
 - a disabled adult; or
 - a family who have responsibility for either a child under the age of 5 or a disabled child or young person.
6. The WHP will consist of an annual payment of £50 for each eligible person, paid either to the individual or, where appropriate, to their appointee or another person deemed appropriate.
7. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [29 November 2022](#), and made no recommendations in its [report](#) in relation to this instrument.
8. At its meeting on [08 December 2022](#), the Social Justice and Social Security Committee heard from Energy Action Scotland (EAS) and the Scottish Commission on Social Security (SCoSS).
9. During this session, issues were raised in evidence around the effectiveness of the policy in terms of geography and eligibility, especially for those with disabilities or for those who are terminally ill. Responding to these points, EAS stated the universal

£50 payment does not take into account geographic inequalities or the varied circumstances people face regarding the energy efficiency of their homes. They added differentiated support that recognises the energy needs of those with life-altering conditions is lacking. SCoSS added that disabled people tend to have higher energy bills, often spending more time in their home and requiring a higher temperature compared to other households.

10. Members also discussed with witnesses whether anything could be done to make the regulations more effective and any analysis around who will or will not gain as a result of the changes. On this, EAS said better targeting for those with enhanced heating requirements would be good and SCoSS highlighted the geographic issues arising as a result of the changes, with those in areas who may have triggered several cold weather payments across a winter receiving decreased support through the new regulations. EAS specifically highlighted that in 2020-21, those eligible received multiple cold weather payments totalling more than 50 days of heat, conversely, they said this winter they will only get seven days' worth through the new policy. SCoSS added that in a recent year, some in Braemar received £175 worth of cold weather payments, so the shift to the £50 payment is a significant drop. EAS said when you take into account the 2.5 times increased energy bills people face, the £125 detriment is even more significant.
11. Further to this, discussions took place around breaking the link between financial support and temperature as well as the impact of the qualifying date. EAS commented that it is unclear what would happen were there to be a sustained extreme weather event. They also said they do not understand why it would take three months from the qualifying date for a payment to be activated, especially as the current cold weather payment system provides support within 14 days. SCoSS said breaking the link between temperature and payment will enhance the role of social security in reducing poverty across Scotland. On the qualifying date, SCoSS said they think having the qualifying week reduces the administrative burden on Social Security Scotland in terms of its interaction with the Department for Work and Pensions.
12. At its meeting on [15 December 2022](#), the Committee took evidence from Ben Macpherson, Minister for Social Security and Local Government. In response to Members' questioning, the Minister made several comments.
13. Referring to who stands to benefit from the new regulations, as well as the break with temperature, the Minister said the existing cold weather payment is unreliable and that the new payment is designed to provide financial certainty for households as well as reaching 200,000 more people. On the specific point about the potential detriment to households in places such as Braemar, the Minister said that a policy decision had been made to increase the number of people who will receive payments and to structure the system to make those payments reliable.
14. On engagement with the DWP and Met Office, the Minister and his official set out that they thought engagement had taken place at official as opposed to Ministerial level both before the pandemic and late in 2021.
15. Regarding payment amount the Minister said that, on average, a £50 payment is more than most would have received from the cold weather payment and although higher amounts had been considered by the Scottish Government, it decided the budget was too constrained to deliver more. The Minister added that decisions

related to uprating were part of the budget process and could not be commented on.

16. On the qualifying and payment date, the Minister said the decision was based on consultation feedback which argued it can be coldest in January and February. Additionally, he said the payment date could help those who get quarterly bills, and that the largest of these tend to be in February. However, the Minister also said he has committed to considering whether the payment date should change for future years. With regards to the data needed to facilitate the payment, the Minister said the DWP indicated that due to the pressure on the department because of the UK Government cost of living payments, it was only able to send the information by the end of January.
17. Following the evidence session the Minister for Social Security and Local Government moved motion S6M-06818 in his name—

That the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023 [draft] be approved.
18. After debate, the motion was agreed to (by division: For 4, Against 0, Abstentions 4).

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

