

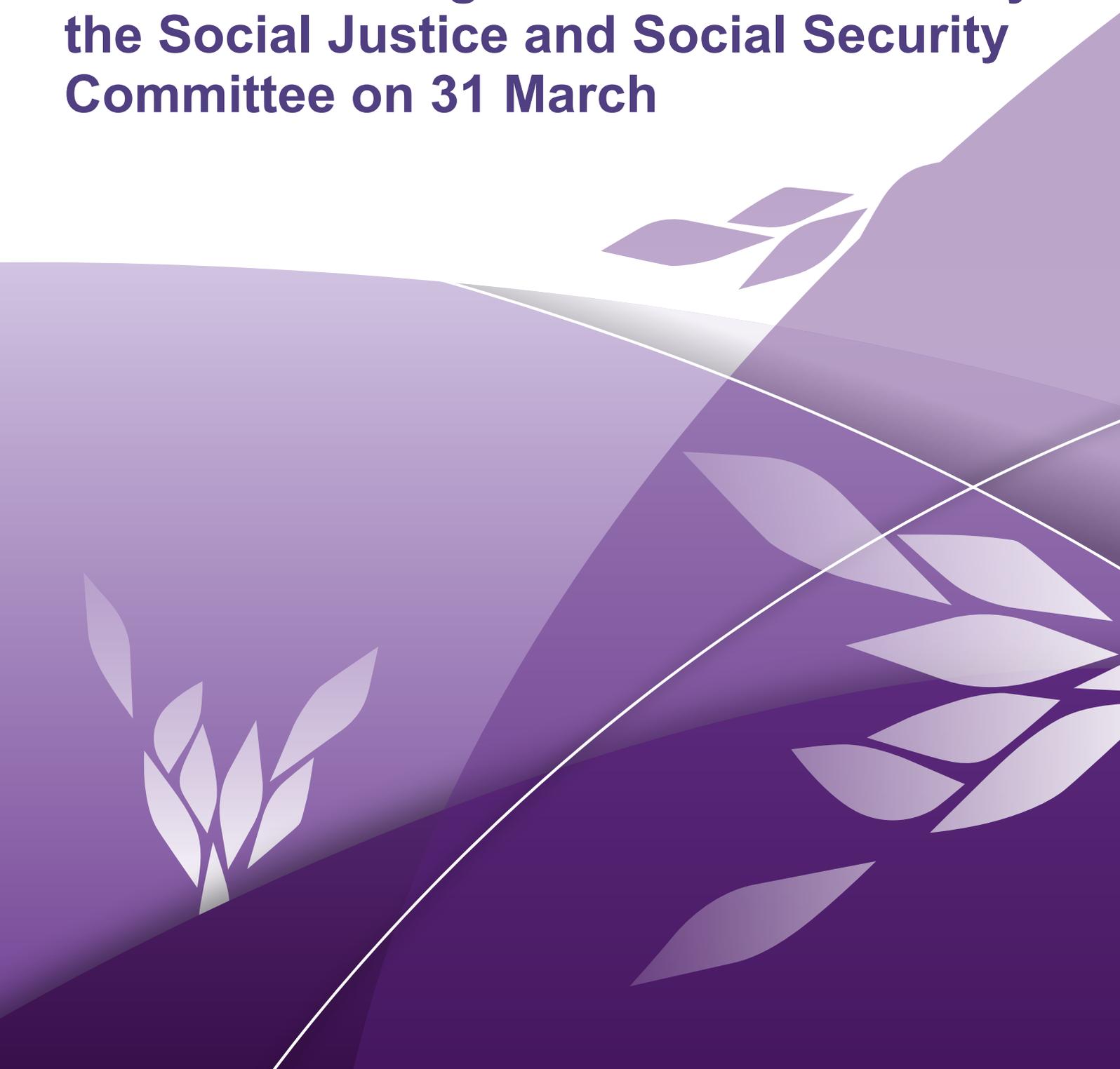


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Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 31 March



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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



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

1. This report sets out the Social Justice and Social Security Committee's consideration of the [Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2022](#) (12th meeting, 2022ⁱ). The [minutes](#) of the meeting have been published on the Committee's webpages. The [Official Report](#) of the meeting will be published in due course.
2. The Social Security Up-rating (Miscellaneous Amendment) (Scotland) Regulations 2022 were laid on 17 March 2022. This Scottish Statutory Instrument (SSI) was made in exercise of the powers conferred by sections 150(9) and 150A(6), and 189(1) and (4) of the Social Security Administration Act 1992 ('the 1992 Act'). This instrument 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. The instrument was previously laid on 28 January and the Committee was due to consider it at its meeting on 17 March 2022. However, it was withdrawn by the Scottish Government on 16 March 2022. The Scottish Government noted that the instrument was withdrawn and re-laid to respond to the growing cost of living pressures. The Minister spoke about these reasons during his appearance at the Committee Meeting on [17 March 2022](#) (OR, col 26).
4. The Minister wrote to the Committee on [17 March 2022](#) once the revised instrument had been re-laid. There was an agreement between the Scottish Parliament and the Scottish Government to follow an expedited timetable for this instrument.
5. According to the [Policy Note](#) this re-laid instrument would increase:
 - Funeral Support Payment, Young Carer Grant, Best Start Grant and Child Winter Heating Assistance by 6% (not the 3.1% previously advised).
 - Child Disability Payment mobility and care components, Adult Disability Payment daily living and mobility components would increase by 3.1% (in line with September 2021 Consumer Price Index) as these must increase in line with benefits still administered by DWP under agency agreement to avoid creating a two-tier system.
 - The regulations would also increase Scottish Child Payment by 100%
6. The increases to Young Carers Grant, Best Start Grant, Funeral Support Payment, Scottish Child Payment and Child Winter Heating Assistance would come into effect on 1 April 2022. The increases to Child Disability Payment and Adult Disability Payment would come into effect on 11 April 2022.
7. The policy also makes a technical amendment to The Welfare Foods (Best Start Foods) (Scotland) Regulations 2019, increasing the income threshold for Best Start

ⁱ Miles Briggs MSP did not attend this meeting.

Foods to take account of the increases in the National Living Wage and the increased levels of Working Tax Credit and Child Tax Credit.

8. Due to the expedited timetable, to ensure these regulations could come into effect on 1 April the Minister advised that the Scottish Commission on Social Security (SCoSS) were unable to report on these re-laid regulations. A statement in accordance with section 97(9)(b) of the Social Security (Scotland) Act 2018 was laid in Parliament alongside these regulations.
9. SCoSS produced its report on the initial draft regulations on [17 January 2022](#) and the Scottish Government responded to the recommendations by SCoSS on [28 January 2022](#). SCoSS wrote to the Minister on 30 March 2022 to indicate they do not plan to issue a new or updated report on these re-laid regulations.
10. The DPLR Committee considered this instrument at its meeting on [22 March 2022](#) and no points were raised.
11. Committee Members took the opportunity at the meeting on 17 March 2022 to briefly discuss these new regulations, asking the Minister where the money was coming from, where there are flexibilities within the budget and whether there will be a knock-on effect on the Government's ability to pay for other things. The Minister responded that budgets always have a degree of flexibility and the Scottish Government feels it can absorb the £2.7 million increase.
12. During the evidence session on 31 March 2022, one Member asked the Minister about the Government's decision making process and questioned why the higher up-rating value wasn't proposed originally. Members spoke about the rise in cost of living and asked the Minister what else that could be done to lessen the pressure on families. The Minister said the Government is acutely aware of the pressures families face and, with the resources and power they have, are doing what they can to help.
13. On speaking about the reasons why Child Disability Payment and Adult Disability Payment would remain up-rated by 3.1% the Minister advised it was to match the UK Government's equivalent benefits and avoid a 'two-tier' system. The Minister urged the UK Government to up-rate further and advised the Scottish Government would match any further up-rate.
14. Following the evidence session the Minister for Social Security and Local Government moved motion S6M-03675—

The the Social Justice and Social Security Committee recommends that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 be approved.

15. The motion was agreed to without division.

The Social Justice and Social Security Committee recommends to the Parliament that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 be approved.

