

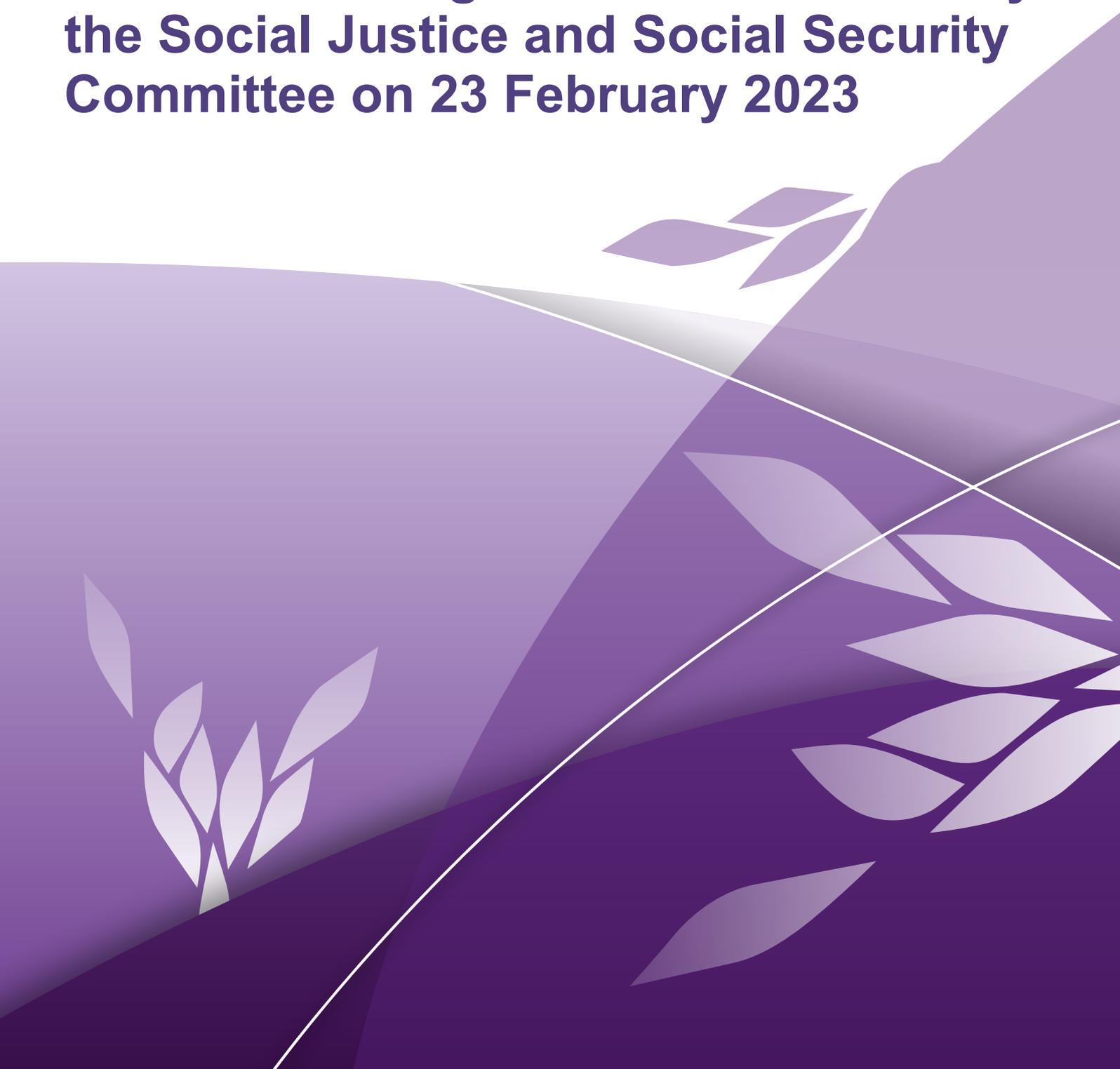


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Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 23 February 2023



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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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Introduction

1. This report sets out the Social Justice and Social Security Committee's consideration of [the Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2023](#). 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.

The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2023

2. The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] was laid on 31 January 2023. This instrument 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'). It is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
3. According to the [Policy Note](#) and [Explanatory Note](#), the Regulations uprate the following benefits by 10.1%:
 - Adult Disability Payment
 - Child Disability Payment
 - Child Winter Heating Assistance
 - Winter Heating Payment
 - Funeral Support Payment
 - Young Carers Grant
 - Best Start Foods
 - Best Start Grant
4. The Scottish Government notes that the Regulations fulfil the duty on the Scottish Government to consider the effects of inflation on the above assistance and bring forward legislation to adjust their amount in line with price inflation.
5. The Scottish Government adds it has also made amendments to the Social Security (Invalid Care Allowance) Regulations 1976 and the Social Security Benefit (Dependency) Regulations 1977. These amendments make changes to earnings limits used to determine entitlement to carer's allowance and to additional payments payable to carer's allowance recipients.
6. The regulations also include amendments to the Best Start Foods earnings limits.`
7. The Delegated Powers and Law Reform Committee considered the instrument at its [meeting on 21 February 2023](#), and made no recommendations in its report in relation to this instrument.

8. At its meeting on 23 February 2023, the Social Justice and Social Security Committee heard from Ben Macpherson MSP, Minister for Social Security and Local Government. The evidence session focussed on the Regulations as well as another affirmative instrument - the Social Security Up-rating (Scotland) Order 2023.
9. During the evidence session, Members asked questions about the adequacy of social security payments given the cost of living crisis and its impact particularly on low income households. The Minister said that the Scottish Government chose to increase the value of benefits where uprating is not a statutory requirement in light of the increase in the cost of living, including the high costs of food and energy.
10. When asked about the Scottish Government's use of uprating as a measure and the need for it to be reviewed, the Minister explained that the September Consumer Price Inflation (CPI) is a measure over the preceding 12 months to September and not just the month of September. Therefore benefits will get uprated in April 2023 with a CPI representing change in prices over the year to September 2022. He added that the Government looks into other options every year but the current approach is currently the best.
11. Members took the opportunity to explore concerns about the adequacy of the planning for delivery of the Winter Heating Payment (WHP) in 2023, the review of the WHP and whether the benefit would be paid earlier in the winter in future. The Minister said the review will start when all payments for the current year are out and the Scottish Government will get feedback from stakeholders and potentially its experience panels and engage with DWP counterparts to decide on the best time of year to make future payments. He added that—
 - ” We will be reliant on a data scan from the DWP, so we will have to negotiate and agree collectively with the DWP on a date for the data scan for the winter heating payment in the winter ahead. We will discuss that in good faith and collaboratively with the DWP. ¹
12. Members asked whether the Scottish Government might in future consider the uprating of benefits on an individual benefit basis instead of a blanket CPI rate and whether it would prefer to be able to decide independently of DWP about the increase of benefits with no statutory duty. The Minister replied that there has already been some flexibility and added—
 - ” There are exclusively Scottish benefits whereby there is discretion to uprate. In the previous financial year, we chose to uprate by 6 per cent instead of 3.1 per cent for a number of such benefits, and this year we have uprated by 10.1 per cent even though there was no obligation to do so. ²
13. Following the evidence session, the Minister for Social Security and Local Government moved motion [S6M07737](#)—That the Social Justice and Social Security Committee recommends that The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.
14. The motion was agreed to without division.

Recommendation

15. The Social Justice and Social Security Committee recommends that The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.

- 1 Social Justice and Social Security Committee. Official Report, 23 February 2023, Col
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- 2 Social Justice and Social Security Committee. Official Report, 23 February 2023, Col
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