



Department  
for Work &  
Pensions

The Rt Hon DAMIAN GREEN MP  
Secretary of State for Work & Pensions

20 April 2017

Pete Wishart MP  
House of Commons  
London  
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Sandra White MSP  
The Convener of the Social Security Committee  
The Scottish Parliament  
Edinburgh  
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(by email)

*Dear Pete and Sandra,*

Thank you for your letter of 10 April outlining your findings following the joint Committee session and for your suggestions for further strengthening inter-governmental relations.

Before I respond to your specific questions, I'd like to start by reiterating what I said at the Committee session; that I place great importance on the work that both organisations are doing together to deliver this important new devolution settlement and to do so safely and securely for customers. This work is fundamentally driven by a number of key objectives which I believe is at the heart of our shared work. These objectives are to:

- protect ongoing benefit payments to claimants in Scotland;
- provide clear accountabilities for Ministers, Parliaments and Departments;
- protect ongoing delivery of reserved and devolved responsibilities and the associated changes and reforms; and
- be consistent with the principles within the fiscal framework.

### Plan

You asked for a clear plan and key objectives for the successful transfer of the remaining social security powers. Since the evidence session, we have made further progress on handing over powers. The UK Government has transferred all of the new

welfare powers to the Scottish Parliament (with the exception of welfare foods which remain a Department of Health responsibility), delivering on the Smith Commission Agreement. We are awaiting details of how the Scottish Government intend to use these powers and the services the Scottish Government and their new Social Security Agency will provide to the people of Scotland. As this information becomes available our officials will work together to develop sensible plans for implementation.

### Commencement

You asked for clarification on commencement and how the split competence approach will work in practice. As you are aware, at the request of Scottish Ministers the regulations will deliver an innovative split competence approach. The legislative competence will transfer by May 2017, thereby enabling the Scottish Parliament to legislate on the matters covered by the exceptions to the Scotland Act 1998 that are contained in sections 22 and 23 of the Scotland Act 2016. This Bill cannot be brought forward and include matters covering these areas until the Scottish Parliament has legislative competence. The Scottish Government have indicated they intend to introduce their Social Security Bill into the Scottish Parliament by June 2017. As such they will be able to include in their legislation matters covered by sections 22 and 23 of the Scotland Act 2016.

The executive competence will remain with UK Ministers until the Scottish Government are ready to deliver each benefit and at the latest until 31 March 2020, at which point the Scottish Government will take on responsibility and accountability for existing devolved benefits. During the transitional period of split competence, the UK Government would retain executive competence for delivery of, and accountability for, existing benefits. Under the terms of the fiscal framework and financial legislation, funding will also remain with DWP until the point that the Scottish Government takes executive competence.

The commencement and transitional Regulations allow for the executive competence of individual benefits to transfer sooner, should the Scottish Government be in a position to deliver new benefits in Scotland prior to 2020.

### Dispute Resolution

As discussed at our session there are effective and proven arrangements already in place to oversee the transfer and implementation of the new employment and welfare responsibilities.

The arrangements sit throughout both organisations, at senior official and Ministerial level. This includes the Joint Ministerial Working Group on Welfare and the Joint Senior Officials Group, which both meet regularly. These existing arrangements are robust and are helping to drive decisions between the two Governments.

At Ministerial level, it is fair to say that there will not always be 100% agreement on the approach each Government will take however we work constructively to work through issues with the aim of finding answers. In a recent example of this mechanism in action, we have found ways forward on the newly devolved employment programmes,

as well as the split commencement approach discussed above. Both of these were the result of rich and engaged discussions, with a focus on finding practical solutions to issues. On balance we think we have robust measures in place to resolve any disputes.

We appreciate your views on the need for greater transparency around meetings of Ministers. The agenda and minutes of the Joint Ministerial Working Group on Welfare meetings are published on gov.uk and are available to both Parliaments. We agree at times these can be less timely than we would want. Going forward we will endeavor to ensure these are published as quickly as possible.

### Concordat

In addition to the Joint Senior Officials Group and the Joint Ministerial Working Group on Welfare, we also have a joint Concordat, which has been a solid basis for the DWP's working relationship with the Scottish Government for many years. It is a high level document which sets out the overarching principles for joint working in order to preserve existing good working relationships and ensure that the business of government is conducted smoothly and efficiently under devolution. The current Concordat, as you know, is under review to ensure it reflects the changed landscape, takes account of the shared social security space and meets the needs of both governments going forward.

### Estates

On a final note regarding the DWP office closures, I would like to reassure you that the DWP remains committed to communicating our plans to the Scottish Government via the joint meetings and forums in place that bring Ministers and officials together.

We are currently reviewing the responses to the public consultations, and therefore are not in a position to discuss final decisions. We plan to notify the Scottish Government of any decisions to close or move offices as soon as we are ready to confirm the final outcomes to DWP colleagues.

We expect to announce our final decisions about the offices we will occupy and to publish the public consultation reports in due course. We do not expect changes to happen before 2018.

I hope this response provides reassurance and illustrates our commitment to working with the Scottish Government to ensure effective support for jobseekers, making sure they have the support they need and that our services reflect the reality of today's welfare system.

Yours,  


**The Rt Hon Damian Green MP**

**SECRETARY OF STATE FOR WORK AND PENSIONS**