



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Social Security Committee

**Thursday 21 February 2019**

**Session 5**



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**SOCIAL SECURITY COMMITTEE**

**5<sup>th</sup> Meeting 2019, Session 5**

**CONVENER**

Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**DEPUTY CONVENER**

\*Pauline McNeill (Glasgow) (Lab)

**COMMITTEE MEMBERS**

\*Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)

\*Jeremy Balfour (Lothian) (Con)

\*Michelle Ballantyne (South Scotland) (Con)

\*Keith Brown (Clackmannanshire and Dunblane) (SNP)

\*Mark Griffin (Central Scotland) (Lab)

\*Alison Johnstone (Lothian) (Green)

\*Shona Robison (Dundee City East) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Lucy Carmichael (Scottish Government)

Jenny Gilruth (Mid Fife and Glenrothes) (SNP) (Committee Substitute)

Shirley-Anne Somerville (Cabinet Secretary for Social Security and Older People)

**CLERK TO THE COMMITTEE**

Anne Peat

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Social Security Committee

*Thursday 21 February 2019*

*[The Deputy Convener opened the meeting at 09:00]*

#### Interests

**The Deputy Convener (Pauline McNeill):** Good morning. This is the fifth meeting in 2019 of the Social Security Committee. I remind everyone to turn off mobile phones and other electronic devices.

This morning we have apologies from our convener, Bob Doris. I welcome Jenny Gilruth, who is attending as his substitute. I think that I heard you say that this is your third committee meeting this week.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Yes, it is.

**The Deputy Convener:** You are very welcome here at the Social Security Committee. Under agenda item 1, I invite you to declare any interests.

**Jenny Gilruth:** I have nothing to declare, convener.

## Subordinate Legislation

### Early Years Assistance (Best Start Grants) (Scotland) Amendment (No 1) Regulations 2019 [Draft]

### Early Years Assistance (Best Start Grants) (Scotland) Amendment (No 2) Regulations 2019 [Draft]

09:01

**The Deputy Convener:** Agenda item 2 is subordinate legislation. We are taking evidence on regulations on the best start grant.

I welcome the Cabinet Secretary for Social Security and Older People and her officials from the Scottish Government: Dorothy Ogle, who is the best start grant policy team lead, and Colin Brown, who is a solicitor. The cabinet secretary will make an opening statement.

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I am delighted to be here to assist the committee in its consideration of both sets of regulations.

The committee will be aware that we successfully introduced the best start grant pregnancy and baby payment last December. I am delighted to say that, as of 31 January, we had issued over £2.7 million in payments. In just two months, we have issued more than the Department for Work and Pensions paid out in the past year.

One expectant first-time mum who received a pregnancy and baby payment said:

“This payment is going to help a lot because having a new-born baby is not cheap. We are both working and don’t qualify for many benefits but are still on a low income.”

The substantial increase in support for expectant families and those with new babies shows what can be achieved if we take a different approach to social security. We have simplified the application process, promoted the new benefit and engaged health and childcare professionals, to help us to maximise take-up.

The two new sets of regulations will allow us to progress to the next phase of delivery of the best start grant. The first set of regulations, if approved, would make amendments to the current best start grant regulations—the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018—to clarify detail and ensure that the policy intent is delivered on. The most significant changes are to make provision for a determination without an application when an award of a qualifying benefit follows an appeal and to enable the agency to

correct an official error that is made in a determination.

The second set of regulations provides detailed eligibility rules relating to the best start grant early learning and school-age payments, and they include provision for eligibility, including residence, what assistance is available, the value of the payments and when to apply.

The early learning and school-age payments are set out in two new schedules so that the rules for each payment can be read separately, making them easier to understand. They follow the same structure for eligibility and have elements in common with the pregnancy and baby payment. The new payments are simpler in that they have a flat rate and are paid to whoever meets the criteria for being responsible for a child. The timings of the windows for application have been designed to align with the life events and other policy interventions for children in the early years.

The school-age payment will launch on 3 June 2019 to ensure that applicants can access a payment in time for children who are starting school in August. We have linked to the provision in the Education (Scotland) Act 1980 to align the timing with parents preparing for school and to allow us to promote take-up through schools.

The early learning payment is not tied to a time of year. It will also be introduced by summer 2019.

We need to introduce the best start grant in a controlled way, ensuring that any changes that are being made to the system are implemented safely and securely, and we will announce the start date as soon as we can. Applicants can apply at any time between their child reaching the age of two and their child reaching the age of three and a half.

As we did in the run-up to the launch of the pregnancy and baby payment, we will undertake a co-ordinated communications campaign to get the message out that the new payments are available and to maximise uptake.

I take this opportunity to highlight to the committee that significant progress has been made and that delivery is on track for the two new payments to be introduced by the summer.

I hope that my statement is useful to the committee in its consideration of the regulations. I am happy to take any questions.

**The Deputy Convener:** There are several questions for you, cabinet secretary, starting with one from Mark Griffin.

**Mark Griffin (Central Scotland) (Lab):** Does your department have any prediction for take-up, given the—admittedly limited—experience of the

take-up of the first round of payments for the best start grant?

**Shirley-Anne Somerville:** As you rightly point out, this is a complex area because these payments are new, and the lesson we have learned from the best start grant is that it is very difficult to forecast the pregnancy and baby payments.

We have forecasts for the expenditure for the best start grant, as we set out in the budget. The forecast for next year is, in total, £12.4 million. That is the estimate of how much we are expected to pay out. Obviously, that is demand-led expenditure, and anyone who is eligible to apply will be given that payment. That is one of the challenges we have as we begin to take on more demand-led payments within social security. We must forecast to the best of our ability but recognise that it is not an exact science, as we have seen from the pregnancy and baby payments.

**Mark Griffin:** Do you have an idea of the expected demand, given the likely bottleneck around when people will be applying for, in particular, the school-age payment, with children starting school in August and the application process opening at the start of June? What has your experience been of turnaround times for applications? Can you give people comfort that opening the process in June will give them enough time to get their application in and processed to get a payment before they need to start buying school clothes and equipment?

**Shirley-Anne Somerville:** That is a very important point, which goes back to the lessons learned from the pregnancy and baby payments. We will make it clear to people that the processing time may be longer than our steady-state processing time immediately after a benefit is launched if we see a spike in the take-up, as we did with the pregnancy and baby payments. What we demonstrated during the December-January peak, however, was that the agency had a number of contingencies in place so that, although the application processing time went up, it did not go up considerably and the processes that were in place allowed reasonably quick processing times.

I am content that what we have planned and the contingencies that are in place will enable us to get through a spike, particularly as we have learned lessons from what happened in December and January.

I recognise that there will be a spike—that is one of the reasons why we have thought very carefully about not having the early years and the school-age payments beginning on the same day, which would further exacerbate such a spike. We have looked to smooth that out and to ensure that

there are contingencies in place so that people can be reassured that the processing time will allow them to get the payment before the school year starts. That obviously depends on when they apply, but we are putting lots of effort into ensuring that the processing time will allow applications to be dealt with adequately and quickly.

**Mark Griffin:** There is a nine-month window in which to apply. What will your department advise parents and guardians that the cut-off date will be? From the application process opening up in June, what do you foresee as being the date by which you would advise parents or guardians to make an application to ensure that they get their payments in time for the start of school?

**Shirley-Anne Somerville:** The application period closes in February 2020, so people can apply after the school year begins. I do not think that we can say, at this point, the date by which someone will have to apply in order to get their payment before the start of school, because that will depend on how many applications we get. However, I reassure the committee that, in relation to what we are putting in place, including the contingencies, we will endeavour to get through the applications as quickly as possible so that people can be encouraged to apply as early as possible.

**Mark Griffin:** You mentioned advertising in schools, but I would ask for the grant to be advertised in nurseries, because not all kids will be at school at that point.

**Shirley-Anne Somerville:** We are trying to tie in the advertisement to when people go through the process of registering for school places. As we did with the pregnancy and baby payments, we will take a great deal of time to pursue every possible avenue and opportunity to engage with schools, nurseries, childminders and private providers. All of that work will be exceptionally important. Of course, if members think that we should look at particular areas, we will be happy to pick up those suggestions. We are determined to have that overall communications policy, as we demonstrated with our approach to the pregnancy and baby payments, which was very successful. We will look at whether any lessons can be learned, but we will take a different, although similar, approach to the two payments that are coming up.

**Jenny Gilruth:** In relation to people with no recourse to public funds, the Scottish Government has said that it is

“seeking to persuade the Home Office that there are strong human rights reasons for not restricting access to”

the best start grant. With that in mind, has any progress been made in allowing the best start

grant to be paid out without that affecting someone's immigration status?

**Shirley-Anne Somerville:** There has been some progress on the matter, which relates to people applying for the best start grant who are under 18 and therefore cannot apply for the grant through a qualifying benefit. The Home Office has now said that such circumstances will not be considered, so we can give out those payments to people with no recourse to public funds. We have not yet received an application from someone in those circumstances, as the issue concerns a very small, but potentially vulnerable, group of people, but it is good news that we will be able to provide the benefit to such people. We have not received written confirmation of that from the Home Office but, when we do, we will be able to take action in due course.

**Jeremy Balfour (Lothian) (Con):** I have two quick questions. The first one relates to equal claims when two individuals put in a claim. An obvious example is the mother and, perhaps, the grandparents putting in claims. How will that be dealt with? Will it be dealt with in guidance that will be issued by the Government or the new agency?

**Shirley-Anne Somerville:** If two claims come in, the claim that came in first will be processed. That will allow us to have a clear understanding and the decision to be made in a transparent way.

**Jeremy Balfour:** That is helpful.

Secondly, I want to clarify that, if a baby sadly dies in pregnancy or later on, people will not need to repay the money at any point.

**Shirley-Anne Somerville:** Absolutely not.

**Jeremy Balfour:** Is that in the legislation or in the regulations? I could not find the information last night, so I am looking for clarification.

**Shirley-Anne Somerville:** I believe that the information was in the first set of regulations. If there has been a stillbirth, there is a specific point in the application process at which a parent can apply, because they are still entitled to the payment. The process has been designed with the charities that support parents during that time, to make it as sympathetic and understanding as possible. We have looked at such cases very carefully.

**Jeremy Balfour:** I am grateful. Thank you.

09:15

**Shona Robison (Dundee City East) (SNP):** There are various application windows for payments: nine and a half months for the pregnancy and baby payment, or 12 months for that payment when kinship care or similar is involved; 18 months for the early learning

payment; and nine months for the school age payment. Was any thought given to harmonising those windows? What was the rationale behind having different windows? I guess that there might be a risk of confusion, particularly if someone were to assume that the grants that they would apply for as their child got older had the same application window.

**Shirley-Anne Somerville:** We endeavour to challenge ourselves as to whether there should be harmonisation of aspects of all payments, but it would not make sense to do that with, say, a life circumstance. For example, an application for an early learning payment would really need to begin at two, given that there are children who are entitled to a nursery place at that age, but the application window needs to be quite large to cover children who were not eligible for a nursery place at the age of two. The school age payment window is specifically designed to cover the time when the children in question are looking to begin school and their parents are registering them at a school.

We look very carefully at whether there can be harmonisation to simplify the rules that we are applying, but sometimes such an approach does not quite make sense. Indeed, we feel that making the windows too small would be detrimental and might discourage people from applying.

**The Deputy Convener:** I want to get clarification on a few things. Given that we are dealing with two statutory instruments, it is important that we get as much clarity as possible about the issue. After all, we have all dealt with the welfare and benefits system and know that it can be confusing for those who are making applications.

Cabinet secretary, you will know that I pursued with your predecessor the issue of the automation of certain benefits. I know that you are of the same view, but, before I come on to the question whether this benefit could be more automated—which I realise might be complex—I seek some clarity on another issue. In order to qualify for a best start grant payment, the applicant needs to receive certain low-income United Kingdom social security benefits such as universal credit. What does that mean in reality? Who exactly is eligible? Is it just those on universal credit, or does eligibility go beyond that?

**Shirley-Anne Somerville:** For those who are seeking to apply for the best start grant, there is a list of qualifying benefits that include income support, income-based jobseekers allowance, income-related employment support allowance, pension credit, any tax credit, housing benefit and universal credit if the award is more than zero pounds in the month before or the month in which the application is made. The universal credit

aspects are particularly important, given that one of the challenges with that benefit is that income might fluctuate up and down. That is why we have put in place that two-month period.

Moreover, on the universal credit award having to be more than zero pounds, I should stress that, if the payment is zero pounds as a result of a sanction, we will look at what the person's payment would have been before the sanction was applied. If the only reason that the person is receiving zero pounds is a sanction, they will still be able to apply for the best start grant.

**The Deputy Convener:** That is very welcome. Given the list of benefits that you have read out, do you think that there is any prospect of automating any element of the grant?

**Shirley-Anne Somerville:** I appreciate your continuing interest in the subject, and I am sympathetic to looking at what we can do in the future. However, our first task is to get the system up and running and to ensure that there is a safe and secure transition to the benefit and that it is working successfully. One provision that we are putting in place is that people who apply for a pregnancy and baby payment will, in the future, be invited to apply for the early learning and school age payments. I appreciate that that process is not automated, but that is the type of provision that we are looking to put in place in the system at the moment. Moreover, when someone applies for a pregnancy and baby payment, we can take information on other siblings to see whether the applicant should be encouraged to also apply for, say, an early learning payment.

That is what we are looking to do and what we are doing at the moment. As the service develops and matures over the years, we will continue to look at whether we can have further automation of the best start grant.

**The Deputy Convener:** Thank you.

**Alison Johnstone (Lothian) (Green):** I suppose that automation is all about making the system as simple as possible. However, given that there have been far more successful applications than you might have expected, what has been the experience of the new body dealing with the situation?

**Shirley-Anne Somerville:** I am grateful for that question because it gives me an opportunity to put on the record my thanks to the staff at the agency, who had, shall we say, a busier Christmas, new year and start to January than they might have anticipated, but who dealt with things in an extremely professional manner. They really rose to the occasion and they know that they made a difference to people by processing those payments.



There is a great deal of pride in the agency about how everyone from the client advisers all the way up dealt with the matter, and I am extremely grateful to the agency and, indeed, the wider social security directorate for their flexibility in handling the situation. The staff worked more overtime, and staff in other parts of the agency—for example, those dealing with the carers allowance supplement—were deployed to assist with the best start grant. It was a great test for the agency at a time when the staff were still quite small in number, but they proved to be exceptionally capable of dealing with the situation and they should be very proud of how they dealt with things over December and January.

Moreover, the feedback from clients suggests that they felt that they had received a professional and very good service despite the fact that it was an exceptionally busy time. There is no script in our agency—and there never will be—to rush people off the phone. As I said, clients certainly felt that the service was very good despite things being busier than we had all anticipated.

**Alison Johnstone:** Thank you.

**The Deputy Convener:** I have two final questions for the sake of completeness. The regulations are complex and it strikes me that they might have to be revisited in the light of experience. Given that, I want to ask about two outstanding issues. I am sure that the answers are in the regulations, but it would be helpful for the record to have some clarity.

First, should the requirement to make a new determination cover those who gain eligibility through being awarded a backdated qualifying benefit as a result of mandatory reconsideration? As you will know, under the Social Security (Scotland) Act 2018, there can be a redetermination of a person's entitlement with, perhaps, an appeal to follow, and the person will be waiting for that result. Secondly, what about someone who is correctly refused a best start grant payment? You might want to deal with the first question to begin with, because the issues are quite separate.

**Shirley-Anne Somerville:** I am happy to deal with the first question first. We looked at the issue in response to stakeholder feedback. You are right to point out that, with any new benefits and new types of payments, there will be lessons to learn. The Government is very open to stakeholders giving us advice and suggestions on how the regulations can be improved, even if that happens reasonably soon after the start date. We should be open to such suggestions if they will assist.

We did things in that way because an appeal with regard to a qualifying benefit can take a fair bit of time and it might well push the person over

the time limit in the regulations. The situation is not the same with a mandatory reconsideration because the timescale is much shorter, so it was felt that there was no need to mention that aspect. Indeed, the stakeholders did not raise it as an issue. The issue is the length of time that an appeal will take compared with the length of time for a mandatory reconsideration.

**The Deputy Convener:** The second question is about whether someone who is correctly refused a best start grant can make a second application for the same type of best start grant payment for the same child if their circumstances change and they start to receive a qualifying benefit while within the application window. Will they be eligible for the best start grant?

**Shirley-Anne Somerville:** Yes—they can make a second application in that case. That would be welcome, and we will ensure that that is made clear in the letters that go out to clients, for example.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I welcome what has been said about the approach that has been taken, with the state genuinely wanting to help. In the past, many people's experience of benefits has been as a series of obstacles that they have to discover for themselves. Some years ago, as a councillor, I came across a pension benefit application that was 100 questions long; I think the last question was, "Are you pregnant?" Sometimes people are quite cynical about how the state goes about this, so I think that the approach that you have described is the right one, especially with respect to communication to make people aware of the situation.

I suppose my concern is about sustainability. Given the work that you have done on this, cabinet secretary, do you feel that your approach—both the ethos of trying to help and the benefits themselves—will be sustained? Is there general cross-party support? Is the policy likely to be questioned in future? I know that those are difficult questions to answer.

**Shirley-Anne Somerville:** I very much hope that there can be a great deal of cross-party support for the policy, just as there was for the Social Security (Scotland) Act 2018. I think that our developments of social security can make an exceptional difference.

I will give an example. Last week, I visited a citizens advice bureau in Dr Allan's constituency. A lady had come in to seek support because, after her previous experience with the DWP, she was frightened and concerned about phoning up to apply for the best start grant. After a conversation with a supportive member of staff, she said that she would be happy to carry out further

conversations herself, independently. She could pick up the phone to the agency because she understood that she would be supported and that it would be a very different conversation.

That is just one example, but it is a testament to the difference that we can make, first, by taking pressure off the citizens advice bureau, which no longer has to support that lady as the service is delivering for the client directly, and secondly by helping a vulnerable client who had a great deal of anxiety about approaching a Government agency. That anxiety has now gone. Because that approach is now embedded in the agency and the client advisers take great pride in going the extra mile, I am determined that it will carry on without any problems.

**The Deputy Convener:** That concludes our questions. I invite the cabinet secretary to move motions S5M-15626 and S5M-15629.

*Motions moved,*

That the Social Security Committee recommends that the Early Years Assistance (Best Start Grants) (Scotland) Amendment (No. 1) Regulations 2019 [draft] be approved.

That the Social Security Committee recommends that the Early Years Assistance (Best Start Grants) (Scotland) Amendment (No. 2) Regulations 2019 [draft] be approved.—[*Shirley-Anne Somerville*]

*Motions agreed to.*

**The Deputy Convener:** Thank you, cabinet secretary. I also thank your officials. I will suspend the meeting briefly before we take the next item.

09:29

*Meeting suspended.*

09:31

*On resuming—*

### **Funeral Expense Assistance (Scotland) Regulations 2019 [Draft]**

**The Deputy Convener:** Agenda item 4 is also subordinate legislation. The committee will take evidence on the draft Funeral Expense Assistance (Scotland) Regulations 2019, which are subject to the affirmative procedure.

I welcome Lucy Carmichael, the funeral expense assistance and funeral poverty policy team leader, and Colin Brown, a solicitor from the Scottish Government who is with us again.

I invite the cabinet secretary to make an opening statement on this set of regulations.

**Shirley-Anne Somerville:** Arranging a funeral can be hard, and it can be an even more difficult experience if a person is also struggling to pay for it. The committee will be aware, from the evidence

session that was held on 21 June 2018 as part of the consultation for the regulations, that many factors can impact the cost of a funeral. Those factors include decisions about burial or cremation, the location of the funeral and the type of coffin, flowers and memorial service.

I welcome this opportunity to highlight to the committee the significant difference that the regulations will make for people who are on low-income benefits by helping them with a contribution towards funeral costs. We are making good progress in preparing to deliver funeral expense assistance and are on track to launch this summer. Our priority for funeral expense assistance is to ensure that people can continue to access the financial support that they need when arranging a funeral while, at the same time, improving the support that is available, based on the feedback that we have received.

If approved, the regulations will establish a benefit that is in keeping with our social security principles, investing around £2 million of additional Scottish Government funding each year on top of the resources that are transferred by the UK Government. That commitment will take annual spending to more than £6 million in the first full year of operation.

The regulations set out in detail the entitlement rules for funeral expense assistance, which include provision for eligibility, what financial support is available and when to apply. We have made key improvements such as designing the eligibility criteria to ensure that the assistance reaches as many of the groups that were identified by stakeholders as possible. In doing so, we have widened eligibility by 40 per cent, which will enable us to support people who would otherwise receive no support at all through the current DWP funeral expenses payment. That substantial widening of eligibility shows what can be achieved if we take a different approach to social security.

We are also simplifying our application process to make clear who the Scottish ministers would expect to be the nearest relative in most cases for the purposes of arranging the funeral. At the same time, the process retains flexibility in relation to the application of the concept of nearest family member, to ensure that difficult family circumstances such as estrangement can be recognised on a case-by-case basis.

Following the consultation on the draft regulations, we have made further changes to our policy, including not requiring 16 and 17-year-olds to take responsibility for a funeral when another family member or friend wishes to organise the funeral and receive a payment. We have also decided to assess universal credit eligibility over a two-month period and have ensured that people

who have a zero award due to a sanction are eligible for assistance.

It would not be affordable to make all the changes that have been suggested to us. However, we will annually increase the “other expenses” flat-rate element of the payment to take into account the impact of inflation from 2020-21 onwards—something that the UK Government has not done for 16 years.

The changes that we have made will mean that the payment process for the funeral expense assistance will be simpler and more transparent than the current funeral expenses payment. In addition, we will continue to engage with key stakeholders to promote the assistance in order to maximise take-up, and we will undertake a co-ordinated communications campaign.

The funeral expense assistance will foster dignity, fairness and respect by, where possible, minimising the intrusive questioning of clients by making the most of existing sources of information to evidence applications.

Our assistance has been built on modelling, research, collaboration with stakeholders and engagement with users to provide a sound evidence base for our decisions. I give recognition to and thank the individuals and organisations that have helped us to develop the funeral expense assistance to this point.

I welcome this opportunity to assist the committee in its consideration of the Funeral Expense Assistance (Scotland) Regulations 2019, and I am happy to take questions.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Jenny Gilruth asked about passported benefits in another context. What can the Scottish Government do about passported benefits in this situation? You have made it clear that there are strong human rights reasons for passporting with regard to the best start grant scheme. Will similar measures be taken to engage the Home Office on allowing access to this benefit for groups such as asylum seekers and others with no recourse to public funds?

**Shirley-Anne Somerville:** The Scottish Government is keen to do anything that it can to assist those with no recourse to public funds. However, there is a challenge in that, if we change the eligibility for the benefit, an individual would be in breach of the terms of their immigration status, which could lead to severe consequences. Such a change could not be undertaken lightly.

Although groups with no recourse to public funds are now eligible for best start grant payments, those payments are very different from the funeral expense assistance. We considered the matter when we looked at eligibility, but we

knew that the Home Office would not apply the same recognition, because of the great difference between the BSG and the funeral expense assistance. We have to understand that the Home Office’s recognition of those groups for the best start grant payment was exceptionally unusual and related to compelling arguments in that particular case. The arguments are not the same for the funeral expense assistance, so the Home Office would not grant the same eligibility for that benefit.

**Dr Allan:** What are you doing to engage people on the issue of take-up?

**Shirley-Anne Somerville:** It is important that, for every payment that we take on, a bespoke communications policy is developed in conjunction with stakeholders. We are beginning to get an understanding of what that will involve, because of the amount of stakeholder engagement that we have already done as the regulations have been developed. We continue to work with funeral directors and registrars who deal with the registration of a death on what we can do, through Scottish Government publications, on funeral poverty and funeral expenses. That is being looked at; it is not determined and finalised yet, but we take the matter seriously.

As I said in relation to the best start grant, if the committee has suggestions or requirements, or if a member feels that there is an issue that we should look at, there is still opportunity to input to that process.

**Jeremy Balfour:** I have three questions on different areas. The first follows on from my previous question on qualifying benefits. Quite a few people responded to the consultation to say that benefits such as council tax reduction and maternity allowance should be included to make this benefit more widely available. However, you have obviously decided not to go down that road. Why is that, and how many people will be excluded from getting the benefit because of the way in which you have drawn up the criteria?

**Shirley-Anne Somerville:** We have to make decisions about how we define low income, and that is done through the qualifying benefits.

You asked why receipt of council tax reduction is not one of the eligibility criteria. The suggestion is that that would not add many people to the number who qualify for funeral expense assistance, because most of them will be covered by the other qualifying benefits. As for maternity allowance, given that applications for that benefit are not means tested, people on higher incomes will be part of that process. We are taking a highly targeted approach—funeral expense assistance is for people on low incomes—so it was not viewed as reasonable to extend eligibility to those in receipt of maternity allowance, because that would

have included people who were not on a low income. There are reasons behind the decisions that we have taken on eligibility, and I hope that I have explained the two specific cases that Mr Balfour mentioned.

**Jeremy Balfour:** My second question concerns a wider issue. It relates to the Government's position that it will cover "reasonable" costs with regard to burial, cremation and so on. As we know, there is massive variation across the 32 local authorities regarding what is charged. Some councils have started to use burial and cremation charges as a way of generating income, whereas the charges are much lower in other areas. Will you meet each local authority's cost for a burial or cremation, or does the reference to "reasonable" mean that you will cover only the average cost across Scotland? Given the extent of the variation in charges, some people might have to pay a lot more. I hope that that question makes sense.

**Shirley-Anne Somerville:** It does. You are absolutely right to point to the fact that there are significant variations between local authorities when it comes to the cost of burial or cremation. That issue has been looked at as part of the wider work on funeral poverty, which falls within Ms Campbell's portfolio, and the guidance that was consulted on recently. I am sure that the Government will come back to that.

To respond to your specific question, it is the average burial or cremation cost in each area that will be covered, not the average cost for the whole of Scotland. I hope that that clarifies matters.

**Jeremy Balfour:** That is helpful. Thank you.

An issue that emerged during our evidence taking related to the making and processing of an application. When someone dies, the undertaker takes on that liability, and the fact that he or she is not guaranteed the money has caused issues. Have you set a timescale in which Social Security Scotland must process applications, so that undertakers and families can have the confidence of knowing whether they will get the money?

**Shirley-Anne Somerville:** The starting point is to make the eligibility criteria simpler and the application process much easier. We hope that it will be much clearer for families and funeral directors whether a person is likely to be eligible for the benefit. Previously, the fact that the process was so complex was a challenge.

People will still have to apply to get their payment, but we have said that a completed application that is accompanied by all the relevant evidence will be processed within 10 working days. We hope that that will give families and funeral directors some reassurance on the timeframe.

I also draw attention to the pre-application support that is available. It is not the case that the agency does not want to hear from someone until they are ready to fill in an application form; the agency can help if advice and assistance are required. Obviously, an in-principle decision is not being made at that point, but the client advisers can provide clarification directly to a family or to those who are assisting with the burial, which we hope will be of use.

09:45

**Alison Johnstone:** On the point about eligibility criteria, DWP figures suggest that around 32 per cent of people who apply for the UK funeral payment do not receive it. It is a very difficult time for people to get a refusal, so I appreciate the cabinet secretary's point about pre-application support. In some ways, it would be good if we moved to a situation in which eligibility was so clear that people who were likely to be refused did not apply. What is being put in place to make refusal as unlikely as possible, given the circumstances?

**Shirley-Anne Somerville:** It is important that we make the process as simple as possible. Unfortunately, we have poor data on the reasons why people are refused—that is a good example of the poor data that we have. We are working closely with stakeholders on what management information the agency should collect to assist us in learning why people are refused. For example, is it because of a misunderstanding about eligibility, or are there other factors? At present, we cannot answer that definitively because of the type of data that the DWP collects and the way in which it is collected.

We are working closely with stakeholders on what information we should gather so that we can learn and adapt if we find that there are reasons for refusals that we need to consider seriously. You are absolutely right that, if we reduce the refusal rate, we will reduce the stress and anxiety that families experience at what is already a difficult time.

**Alison Johnstone:** When we previously took evidence on funeral expense assistance, we were told that a coffin is not considered to be an essential cost under the regulations, although we were also advised that a body would not be accepted without a coffin. Why is a coffin not considered an essential cost, given that one seems to be essential?

**Shirley-Anne Somerville:** I am not aware of that particular evidence. Rather than try to read the sheet that I have just been given, I ask Lucy Carmichael to pick that question up.

**Lucy Carmichael (Scottish Government):**

Alison Johnstone is correct in saying that, at the moment, the price of a coffin is included in the £700 element of the DWP payment, and that will continue under the process that we have set out. There is quite a lot of variation in how much a coffin costs. If we included the coffin in the reasonable necessary costs but specified particular options for coffins, that could attach a stigma to the benefit, and we did not want to do that. Does that help?

**Alison Johnstone:** That is helpful. I was interested in the thinking behind that.

**Keith Brown:** The other side of the issue that Alison Johnstone has raised is a concern that people might not apply for the benefit, even though they would be accepted. I am thinking of my granny, who was born in Inverness but lived all her days in Edinburgh. Her funeral was in Inverness, and she had bought everything—she had ordered the cakes and the tea; in fact, she had specified which cakes were to be eaten.

Many older people are concerned not to put a burden on others. Going back to Alasdair Allan's point about how we get information out there, you will be aware that there is almost an avalanche of adverts on television just now encouraging older people to use their pension entitlement or the equity in their house to make provision for funeral expenses, which plays on that guilt about being a burden on others. You asked for suggestions of how to put out information on entitlement. In relation to not just funeral expense assistance but other benefits, have you thought about TV advertising to meet that challenge head on? I know that it is very expensive.

**Shirley-Anne Somerville:** We do not have TV advertising, but we look at where the relevant demographic is for every single benefit. With the pregnancy and baby payment, we decided to have out-of-door advertising close to general practitioners' surgeries and hospitals, because that is where people go to visit their midwife, for example. With each benefit, we look specifically at where the best place is to get the message out.

Keith Brown is correct in pointing out that a great deal of other information about how to save for a funeral is already out there. Our challenge—which we are absolutely ready to take on—is in getting out the information that the benefit exists. The level of awareness of it is among the lowest. As Keith Brown rightly says, if we can break that and ensure that people have a better understanding, we can take the burden off people who feel that the onus is on them to save in their later years although Government assistance is available.

**Michelle Ballantyne (South Scotland) (Con):**

As a quick supplement to that point, one way of ensuring that people know about the benefit and get help when they need it might be to ensure that undertakers themselves are well educated about it and have all the forms. When they first sit down with the family, they should be saying, "Are you aware that there is a grant that you may be eligible for? Here are the details." If the family were told at that point, at least it would allow them to go away and think about it. Have you any plans to make contact with all undertakers and give them all the necessary information?

**Shirley-Anne Somerville:** Yes, that work is well under way. They are assisting us to format and develop the information that they need as part of the process. We need to understand the conversations that happen and the best time for the information to be made available. There has already been a great deal of co-operation between the Government and stakeholders, particularly funeral directors, because they, too, want to reassure those who come to them about funeral costs. They may be the first to spot anxiety and concern about cost, so we will be working closely with them to ensure that we do all that we can in that respect. The challenge that comes before that stage, as Keith Brown rightly points out, is to provide direct reassurance to elderly people that they do not have to save for a funeral. We have to look at the issue from all angles, but I have been heartened by the close working relationships that we have developed with funeral directors.

**Michelle Ballantyne:** Are you providing training sessions, or are you just writing to them?

**Shirley-Anne Somerville:** We do not provide training, but just last month I attended a stakeholder reference group that was discussing the issue with industry bodies. We will have that wider discussion and then we will have roadshows across the country, as we did with the best start payments, to get the message out in different locales in Scotland.

We are working carefully with the stakeholder reference group to develop that work. Once it is developed, we will take it to a wider group, but we need to be careful with the timing, because we do not want to confuse people about when the benefit will start or when the DWP benefit will still be in place. We need to be mindful of that issue, but that work will be undertaken before the benefit goes live.

**The Deputy Convener:** I have two final questions. First, the 10-day application process is quite important. Does the cabinet secretary think that the redetermination processing time should be in legislation rather than in guidance? Is there a case for a belt-and-braces approach?

**Shirley-Anne Somerville:** This is an area where we have tried to be consistent with other benefits. For example, the best start grant regulations do not specify a time for processing. The challenge if you include a statutory processing time in the regulations is what would happen if that timescale was not met. It is different for a redetermination, because you move directly to an appeal. The question is what the benefit would be of having the processing time in regulations. We have clearly set out our determination to make the processing time public. Obviously, that will be reported on, and I am sure that the committee and others with an interest in the issue will keep a close watching eye on whether we are delivering on that and any reasons why we are finding it challenging.

**The Deputy Convener:** Arguably, it is more important in this case, because the family needs to start making funeral arrangements. I am sure that you are only too familiar with the average cost of a funeral these days.

The applicant applies, their application is processed and they may be eligible for the payment of a flat rate of £700, which would go directly to the applicant to contribute to the cost of the funeral. Is there an option for that payment to go directly to the funeral director? When someone in the family is deceased, you really have to start the process within days, and at that point the funeral director starts to give you the costs. It might provide a bit of reassurance if, when that process happens, that money is deducted and the applicant has to find the rest. Can that already happen?

**Shirley-Anne Somerville:** A payment can be made directly to a funeral director if that is what the applicant wants, which it is in many cases, because it is one less task for them to be involved in.

**The Deputy Convener:** As there are no further questions, I invite the cabinet secretary to move motion S5M-15627.

*Motion moved,*

That the Social Security Committee recommends that the Funeral Expense Assistance (Scotland) Regulations 2019 [draft] be approved.—[*Shirley-Anne Somerville*]

*Motion agreed to.*

**The Deputy Convener:** I thank the cabinet secretary for spending the morning with us, and I thank her officials for their contribution. I will suspend the meeting briefly to allow our guests to leave the room.

09:57

*Meeting suspended.*

09:58

*On resuming—*

## Public Petition

### Welfare Cuts (Mitigation) (PE1677)

**The Deputy Convener:** Item 6 is a public petition. I refer members to paper 3, and the petition, which is by Dr Sarah Glynn. The petition calls on the Scottish Government to make more money available to mitigate the impact of the UK Government welfare cuts by reassessing spending priorities and bringing in more progressive taxation.

At its meeting on 1 November 2018, the committee agreed to consider the petition, following the publication of the Scottish Government budget. As part of the committee's pre-budget scrutiny, the committee wrote to the Scottish Government asking for the Scottish welfare fund to be increased to address growing pressures and need. For now, the Scottish Government has committed to maintain but not increase the funding for the Scottish welfare fund.

I invite the committee to consider the petition again and decide whether it wishes to close the petition on the basis that the policy and expenditure considerations that it raises are embedded in the work of the committee and were considered during its draft budget considerations or, alternatively, to agree on the reasons for keeping the petition open.

**Mark Griffin:** Through the work that we have done, we have effectively agreed with the petitioner. We have asked the Scottish Government to make more money available to mitigate the impact of welfare cuts and we have specified that the mechanism for doing that is the welfare fund. I would be content to close the petition on the proviso that we write to the petitioner to set out what we have done and that we flag the petition to the Scottish Government and restate the committee's view that the welfare fund should be increased to address the growing need.

10:00

**Dr Allan:** Similarly, I think that the committee could close the petition on the ground that we have already commented on the welfare fund. I want to offer one comment, which maybe not all committee members will agree with. Although I think that what we are saying about the welfare fund is reasonable and that what the petitioner is saying about it is reasonable, as a more general point, I do not think that the committee would endorse the idea that all cuts that are made to the

social security system or in other reserved areas could be met by this Parliament from devolved resources.

I saw a figure recently that suggested that the amount of money that is coming out of the benefit system in Scotland in this session of Parliament is equivalent to what we spend on Police Scotland in its entirety. I understand the points that are made in the petition, and the point that has just been made about closing it and the reasons for doing so are reasonable. However, I make the observation that, as a general principle, this Parliament cannot offer to make up for everything that Westminster takes away from us.

**The Deputy Convener:** Does anyone else disagree?

**Alison Johnstone:** It is not so much disagreement—I suppose that we are closing the petition after we have been unsuccessful. The Parliament has not been able to convince the Government. However, I take on board colleagues' comments. We have urged the Scottish Government, as the petitioner has requested, to make more money available and it has said no or, certainly, not at the moment.

I agree with the petitioner that we need a more progressive system of taxation and my party has worked hard to alleviate cuts to local budgets. One concern that I have is that universal credit is still being rolled out, so this is a changing picture; it could worsen.

We should certainly write to the petitioner and to the Cabinet Secretary for Social Security and Older People, but we should ask the cabinet secretary to bear in mind that this is a changing picture and that things could get worse. We really need to keep an eye on this as a Parliament to make sure that the fund is getting close to meeting the need that is there—obviously, we want it to properly meet the need that is there.

**Keith Brown:** I did not see the petition when it came to committee, as I have only recently joined the committee, but I have a couple of thoughts. First, there is a moral hazard here. If this Parliament and this Government continue to mitigate the bulk of the cuts that come from Westminster, there will be no end to that, plus there is an incentive for Westminster to cut further benefits because it will be confident that devolved Administrations, in some cases, will pick up the slack. That is just not sustainable.

The other point is that we discussed the Scottish welfare fund when it was apparent that there was an underspend on that, so I am not sure about the benefits of putting more money into a budget that is currently underspent—unless, of course, you change the entitlement, which then pushes up the take-up of the fund.

What I am more concerned about is to do with the mitigation that is there just now—I think that it is £70 million for discretionary housing payments, which works out as more than £600 a year on average going to those who have the bedroom tax mitigated. I am much more concerned that those payments stay in place.

In addition to writing to the Scottish Government, we should ask the party leaders whether they are committed to those mitigations staying in place in the long term, because having the comfort that those mitigations will be there is a more pressing concern for people, especially in the next two or three years.

**Michelle Ballantyne:** I am comfortable to close the petition. I was on the Public Petitions Committee when the petition was brought to that committee, so I heard it then. There was fairly unanimous agreement in that committee that the petition should be passed on. It is not particularly evidence based; it is quite emotive. Although I understand the reasoning of the petitioner and where they come from, I do not think there is any mileage in the petition at present.

To pick up on Keith Brown's comments, we have got clear evidence on the current underspend in the welfare fund, so there is no reason to raise the matter at this point. However, I would be content if you want to write and say that we will keep the matter in mind.

**The Deputy Convener:** I think that we are agreed that we will close the petition.

We need to write to the petitioner. As well as sending a copy of the *Official Report*, we could reiterate the views around the table. We specifically say in our report "Social Security and In-Work Poverty" that the Scottish Government, whatever its complexion, should not mitigate every single change. We can refer the petitioner to that report.

Like Alison Johnstone, I think that it is a changing picture, so we should not close the door. I also agree with Keith Brown that it is important that the significant arrangements that have been put in place to mitigate the bedroom tax stay in place.

Shall I send round a draft letter to everyone, to confirm that all the points are covered? As Mark Griffin suggested, we can write to the Scottish Government, making the same points. Do members agree to add in Alison Johnstone's point about it being a changing picture?

**Keith Brown:** I do not mind doing that, but I would also push the point that we must have some idea about how sustainable mitigation is politically. The other parties should say whether they intend to stick to that policy and, if so, we should know

what the basis of that commitment is. I agree with all that has been said, but I would add in that bit.

**Jeremy Balfour:** Surely that is for manifestos come 2021. You are almost saying that parties have to commit to things before they have a manifesto. Every political party will produce a programme for government for 2021 and beyond. That would be the appropriate place for people to outline their policies, rather than doing so issue by issue in committee.

**The Deputy Convener:** For the time being, I want to stick to the content of the letters and what the committee wants to say to the petitioner and the Scottish Government.

**Keith Brown:** That is exactly what I am talking about. People need to know what the position is. If the committee is looking at the sustainability of the mitigation in place, having that information is vital.

I think that it is important for the committee to know what the commitments and the likely threats are to mitigation. That is why I am pushing the point that we should find out which of the other parties are committed to mitigation. If they are not, they can say so.

**The Deputy Convener:** I think that the committee is agreed that we want to stick to the mitigation that is in place. Is that correct?

**Keith Brown:** I am not sure that that is the case, given what has just been said.

**Jeremy Balfour:** I am very happy with where the situation is at the moment. However, at this stage, it would be difficult for us, or any political party, to say what we will do beyond 2021. All the parties have a position now—

**The Deputy Convener:** Let me cut to the chase. I do not think that the committee should be writing to party leaders. We are trying to agree what elements should go in the letters. Is it fair to say that the committee supports continuing the level of mitigation that is in the budget now?

**Jeremy Balfour:** Yes.

**Keith Brown:** I do not think that that answers the question. Think about the petitioners. They are concerned about the current level of mitigation. If that level does not go higher, which is what they seek, they are concerned that it does not go lower. That is an important point, and people should be able to express a view on it. Given what Jeremy Balfour has said, I am not sure that it is the case that there is a commitment to alleviate the bedroom tax going forward.

I am fairly new to the committee, so I am happy to take the committee's view on the matter. I think that it is a matter of importance to the petitioners and the committee to flush out who is committed to the

mitigation that is in place. I am happy to take other views.

**Shona Robison:** Is there a compromise to be had? A reference could be made somewhere in the letter to the fact that the sustainability of mitigation depends on the commitment made by various parties, not just the Scottish Government. I agree about not writing to party leaders. The wording could be along the lines of how the commitment to continue mitigation is dependent on the commitments of all parties to make that happen.

**Michelle Ballantyne:** And, of course, the shape of benefits. Who is to say what will happen to the benefit system in the future? Committing to mitigating something for ever and a day is not necessarily relevant if the whole thing changes anyway.

**Keith Brown:** But it is quite straightforward to say whether you will remain committed to mitigating the bedroom tax if it stays in place in Scotland. That is quite an easy thing to say. If that tax does not stay in place, obviously, you cannot be expected to—

**Michelle Ballantyne:** There is no such thing as a bedroom tax, so I would not even go down that route.

**Dr Allan:** If we cannot agree that there is a bedroom tax, we will not agree on anything.

**Keith Brown:** I go along with Shona Robison's suggestion, as a compromise.

**The Deputy Convener:** I think that everybody appreciates that, to all intents and purposes, there could be a changing picture in any direction—we just do not know what it will be.

Alison Johnstone suggested that there is a changing picture, whatever that means, and we want the Scottish Government to keep an eye out. I think that we are all agreed—because we said this in our report—that we do not think that the Scottish Government should mitigate every single benefit change, where there is a budget implication, but that we all reserve our positions on what elements might be mitigated, because we might have a slight difference of opinion on that.

We have got the draft outline of a letter, with key points. We will circulate the draft, which will stick to the consensus that I think exists. We can take that forward at another time.

The committee is content to close the petition. I thank the petitioner for raising the issue with us.

*Meeting closed at 10:10.*



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