



The Scottish Parliament
Pàrlamaid na h-Alba

Social Justice and Social Security Committee

Kaukab Stewart MSP,
Minister for Equalities,
Scottish Government

8 May 2025

Dear Minister,

Legal Briefing: Ending Destitution in Scotland – A Road Map for Policymakers

I am writing to you on behalf of the Social Justice and Social Security Committee regarding the Ending Destitution in Scotland – A Road Map for Policymakers legal briefing, by Professor Jen Ang of Lawmanity, a legal and strategic consultancy based in Scotland.

The briefing sets out actions to end destitution, and explores the ways people are systematically locked out of many forms of essential support through:

- Direct legal exclusion: Restrictions on receiving benefit because of No Recourse to Public Funds (NRPF), or other restricted eligibility (RE) status.
- Direct and indirect legal exclusion: Eligibility criteria linked to other statuses that overlap with NRPF/RE status, for example, proof of lawful residence.
- Indirect legal exclusion: Eligibility or access criteria linked to other statuses (such as receipt of Universal Credit, or access to a UK current account) that cannot be accessed by people who are NRPF/RE.
- Direct unlawful exclusion: People with NRPF/RE are eligible to receive services but are not able to do so because of misinformation, lack of training, discrimination and unlawful gatekeeping by frontline workers.

The briefing also makes several recommendations for actions that the Scottish Government and local authorities can take, including:

- Urgently reviewing eligibility criteria for key devolved public services, both national and local and, if necessary, amending to explicitly open up access to groups currently excluded.
- Specific parallel systems of financial support can (and should) be established and/or scaled up for the small group of people that cannot adequately be

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supported any other way (including destitute migrants with NRPF/RE but likely to be of benefit to other groups, too).

- Frontline workers must be enabled and equipped to offer the right help at the right time, every time. This needs a change of emphasis and practice locally – pivoting from spending time assessing eligibility and gatekeeping (complex and unclear immigration status makes that very hard) to designing pathways for those with insecure status, in the knowledge that social welfare powers and the protection of human rights is a strong legal basis to rely on, given the systemic exclusion experienced by destitute migrants with NRPF/RE.
- A clearer framework needs to be agreed between UK and Scottish Governments governing which Scottish programmes are added to the 'Public Funds' list and guidance, under what circumstances and with what rationale.

We are aware that on 26 March 2025, during the [Member's Business Debate](#) on Ending Destitution in Scotland – a Road Map for Policymakers, you indicated your intention to respond to each of the recommendations in the legal briefing by Professor Ang, and note that you said:

"I welcome the breadth of the report and many of its recommendations. It is absolutely right that we continue to challenge ourselves to ensure that we are doing everything that we can to reduce destitution in Scotland. The fair way Scotland partnership has sent me a copy of the briefing, and I will respond to it in full very shortly."

With this in mind, the Committee therefore asks:

- **that you copy the Scottish Government's response to the briefing's recommendations to the Committee**
- **for information about what discussions have taken place between the Scottish and UK Governments in relation to mitigating destitution experienced by those with No Recourse to Public Funds (NRPF), or other restricted eligibility (RE)**
- **for an update on the timescales for publishing the new, revised, Ending Destitution Together Strategy, and the steps Scottish Government is undertaking to develop this**

It would be appreciated if you could please respond by **Thursday 5 June**.

Please note this letter has also been copied to the Equalities, Human Rights and Civil Justice Committee.

Yours sincerely,



Collette Stevenson MSP
Convener
Social Justice and Social Security Committee

