



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 26 October 2023

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Thursday 26 October 2023

CONTENTS

	Col.
INTERESTS	1
SUBORDINATE LEGISLATION	2
Carer's Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023, SSI 2023/258	2
Disability Assistance, Miscellaneous Amendment (Scotland) Regulations 2023 [Draft].....	2

SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

25th Meeting 2023, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
*Katy Clark (West Scotland) (Lab)
*James Dornan (Glasgow Cathcart) (SNP)
*Roz McCall (Mid Scotland and Fife) (Con)
Marie McNair (Clydebank and Milngavie) (SNP)
*Paul O'Kane (West Scotland) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Stephanie Callaghan (Uddingston and Bellshill) (SNP) (Committee Substitute)
Madeleine Macphail (Scottish Government)
Shirley-Anne Somerville (Cabinet Secretary for Social Justice)
Oliver Wain (Scottish Government)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 26 October 2023

[The Convener opened the meeting at 09:00]

Interests

The Convener (Collette Stevenson): Good morning, and welcome to the 25th meeting in 2023 of the Social Justice and Social Security Committee. We have received apologies from Marie McNair. We welcome to the meeting Stephanie Callaghan, who is attending as her substitute. Our first item of business is to invite Stephanie to declare any relevant interests.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I have no interests to declare.

The Convener: Thank you, Stephanie. Does any other member have interests to declare?

Jeremy Balfour (Lothian) (Con): Convener, with regard to agenda items 2 and 3, I should put on the record that I am in receipt of personal independence payment.

The Convener: Thank you, Jeremy.

Subordinate Legislation

Carer's Assistance (Carer Support Payment) (Consequential and Miscellaneous Amendments and Transitional Provision) (Scotland) Regulations 2023, SSI 2023/258

09:00

The Convener: Our second item of business is consideration of Scottish statutory instrument 2023/258, which is subject to the negative procedure. Its purpose is to make consequential and miscellaneous amendments and transitional provision in connection with the introduction of carer support payment, which will replace carers allowance in Scotland.

Do members have any comments on the instrument?

As no member wishes to comment, I invite the committee to agree that it does not wish to make any further recommendations in relation to the instrument. Are members content to note the instrument?

Members indicated agreement.

The Convener: Before we move on, I will suspend proceedings until we have the cabinet secretary with us for the next agenda item.

09:02

Meeting suspended.

09:03

On resuming—

Disability Assistance, Miscellaneous Amendment (Scotland) Regulations 2023 [Draft]

The Convener: Our next agenda item is consideration of a statutory instrument that has been laid under the affirmative procedure, which means that the Parliament must approve it before it comes into force.

I welcome to the meeting Shirley-Anne Somerville, the Cabinet Secretary for Social Justice. I also welcome her officials: Oliver Wain, policy manager, disability benefits policy, directorate of social security; and Madeleine Macphail, solicitor. Both are from the Scottish Government. I thank you all for joining us.

I want to mention a few things about the format of the meeting before we get started. First, I believe that James Dornan is online. If you want to

come in, Mr Dornan, please give our broadcasting colleagues a few seconds to turn your microphone on before you start speaking. I also remind everyone to keep questions and answers as concise as possible.

Following this evidence session, the committee will be invited in upcoming agenda items to consider a motion to approve the instrument. I remind everyone that Scottish Government officials can speak under this item but not in the debate that follows.

I now invite the cabinet secretary to make a short opening statement.

The Cabinet Secretary for Social Justice (Shirley-Anne Somerville): Thank you very much, and good morning, convener.

As with all our social security benefits, dignity, fairness and respect have been embedded throughout the process of developing both child and adult disability payment. The journey between the benefits is already well established, and the regulations before the committee today will further improve the client experience of it.

We have extended the eligibility for child disability payment to age 18 to ensure continuity for young disabled people and their families. Given that, as we have been told, this can be a difficult transition period in a young person's life, we have introduced what is a key point of difference from the Department for Work and Pensions system.

The regulations also build on the existing improvements by protecting payment dates for young people moving to adult disability payment. That provides financial continuity, reduces the risk of gaps in payment or overpayments and eases the transition from one form of assistance to another. It is worth noting that no such protection of payment dates is currently available in the DWP system.

We are also making sure that, where people will get more money when they move to adult disability payment, the process is fully aligned with the policy intent while delivering consistency and fairness across different client groups. We have safely and securely transferred the disability benefit awards of well over 97,000 people living in Scotland, and we are continuing to do so in line with our case transfer principles. No one has to reapply; people continue to be paid the right amount at the right time; and, since the launch of adult disability payment, no one has been required to start a process that would subject them to a DWP-style face-to-face assessment. We will complete the transfer as soon as we can while ensuring that the process remains safe and secure, and we are communicating clearly with people throughout so that they know what is happening with their benefit and when.

We are taking this opportunity to clarify and improve some of the case transfer provisions that support the process. For example, where a person's award is transferred from the DWP, we recognise any existing appointee pending a review by Social Security Scotland. We are clarifying that a separate review does not need to take place if the person has already been appointed by Social Security Scotland for the purposes of a different Scottish benefit.

We are also clarifying that Social Security Scotland can stop the transfer process if someone moves out of Scotland to another part of the United Kingdom after their case has been selected for transfer but before the transfer completes. That means that they can stay on their existing award and they do not have to reapply to the DWP after they move.

Finally, people whose awards transferred to the child disability payment currently continue to be eligible until they are 19. That approach was meant to ensure that young people who turned 18 close to the time that the adult disability payment launched had enough time to apply. The proposed amendments limit that extension to those turning 18 before the end of the year, which is fairer and a better prioritisation of resources.

We have engaged with the Scottish Fiscal Commission, which has confirmed that it anticipates no material financial implications for Scottish Government spending as a result of the regulations. That confirmation is particularly welcome in this challenging fiscal period, given that the regulations offer further improvements for the people of Scotland at no increased cost.

I am committed to continually improving public services for the people of Scotland, and the regulations allow us to provide clarity and further improve people's experiences. Taking such opportunities is a founding principle of social security in Scotland, and the regulations that are before the committee today evidence my unending commitment to continuous improvement.

I want to extend my thanks to the Scottish Commission on Social Security for its formal scrutiny of the draft amendments earlier this year and its recommendations, which have strengthened the detail of the regulations that are before us today.

I welcome this opportunity to assist the committee in its consideration of the regulations and I am happy to provide any additional information as required.

The Convener: Thank you, cabinet secretary. We now move to questions. Our questions will be directed to you, but you are, of course, welcome to invite any official to respond should you wish to do so.

I start with a general question. Could you highlight the fundamental differences between the DWP and Social Security Scotland? I know that surveys have been carried out on the benefits that are devolved to Scotland. What have their findings been?

Shirley-Anne Somerville: At every avenue, we have endeavoured to ensure that we are working with people with lived experience to provide a benefits system that is not simply fit for purpose but provides dignity, fairness and respect at every opportunity. That is an important aspect of what we are trying to do and, again, it is about seeing social security as a human right. It is important that we look not only at how we introduce our benefits but at how they work in practice. The regulations today are an example of how we can continue to improve.

I am pleased to see that the recent evidence through, for example, the client experience surveys that Social Security Scotland publishes, has shown a high level of satisfaction with the process of application and with the level of support that people get to fill in the application, which is why we are determined to continue to improve. We should take pride in the fact that people with experiences of the DWP have helped us to shape a system that is markedly different from the experiences that they have had previously.

The Convener: Thank you very much. That is really helpful.

Katy Clark (West Scotland) (Lab): Statistics have previously shown that people in Scotland are waiting longer for their adult disability payment decision from Social Security Scotland than people in England and Wales who have applied for the personal independence payment through the DWP. The average wait time for an adult disability decision is around 19 weeks, in comparison to nine weeks for the personal independence payment decision, and the wait times have doubled over the past year. What steps is Social Security Scotland taking to reduce those waiting times?

Shirley-Anne Somerville: I urge some caution when making comparisons. I will give one example of why the situation is different. Members of the committee will be well aware that, when people apply for PIP under the DWP, the customer—as they are called down south—is obligated to find their supporting information and present it, which is one of the greatest stressors and the greatest area of concern around the system that the DWP has. In Social Security Scotland, there is no obligation for the client to do that; it is the agency that will take that obligation on board, which means that it will take time for the agency to get that supporting information from a professional—a general practitioner, a supporting nurse or

someone outwith the health sector. However, if we are comparing, it is important to recognise the amount of work that the client has to put in before applying to PIP to get that supporting information, whereas that is not the case under Social Security Scotland. That process takes time—for example, letters have to go out to a GP, and then that information comes back in.

I am well aware that people are waiting too long for child and adult disability payments, which is why a number of measures have been put in place through the client journey to see what can be done to improve that, and I am satisfied that the improvements are making a difference. That difference will have to show up in the statistics as they are published, but a great deal of work is happening and I believe that David Wallace has spoken to the committee about some of the detail of it. I could go on with more examples about how the process has changed, from what is in an application form to our work with stakeholders about how the supporting information is gathered, to the ability for our client advisers to look at that in the system and work within Social Security Scotland to try to bring things to a resolution quickly.

One of the other important aspects is that the agency has given clients many opportunities to, for example, provide us with the details of whom to get supporting information from, which gives the client many opportunities to be able to feed that into the system. That process also takes time if, for whatever reason, the client is not responding to information and requests that are coming out from the agencies.

I would urge caution about making direct comparisons, but I absolutely recognise that work needs to be done. That work is being done and it will continue to be done.

09:15

Katy Clark: I hope that the cabinet secretary will accept that the waiting times for payment decisions are unacceptably long—they are more than double the waiting time in England and Wales. That cannot be something that we should accept. Does she agree with that?

Shirley-Anne Somerville: They are not double, because you cannot compare the two figures; they are not a like-for-like comparison.

Katy Clark: You have explained that, cabinet secretary. You have made very clear the differences in the system, but—

Shirley-Anne Somerville: Exactly, so I—

Katy Clark: —for the person waiting for the money, that is not an acceptable position, is it?

Shirley-Anne Somerville: That is exactly why it is important to reassure clients that their payments will be backdated to the point of application.

I point members to the work that is being done through the client surveys, which has shown that people are satisfied that they are being supported through the application process, and that they are finding the system to be very different to that of the DWP. I hope that Ms Clark is not suggesting that we should learn from the DWP's approach in which the client has responsibility for, and therefore the stress of, providing supporting information. If that is what she wants—a like-for-like system—we can have like-for-like comparisons, but I very much did say—

Katy Clark: I am saying to the cabinet—

Shirley-Anne Somerville: —in my original remark that the waiting times are unacceptable, and that is exactly why a lot of work is going on.

Katy Clark: We also know from Social Security Scotland's figures for May 2023 that 40 per cent of all applications for the adult disability payment were rejected. Although that is slightly lower than the average 47 per cent rejection rate for applications for personal independence payment across the UK, it is also an extremely high rejection rate. Has the Government identified the factors that need to be addressed to reduce that rate? Does the cabinet secretary have an explanation as to why rejection rates are so high?

Shirley-Anne Somerville: It is very important to support people through the system—that is why we have, for example, local delivery within it—and through the application process. The application then goes through the decision-making process, in which it analysed against the eligibility criteria.

The other important aspect is to point to the number of appeals, which is very small, and the number of reconsiderations, which is also very small. That points to there being a great difference between what happens in the DWP and what happens in Social Security Scotland in relation to the latter agency getting the decision right the first time.

If anyone who has had a refusal has concerns about that and wishes to seek redetermination or to make an appeal, they are given that information directly when they get their letter. Of course, we must have a system that supports people. We must have a system that makes a strong eligibility-based decision, and then we support people to go through the appeals process if that is required. The committee can take heart from the fact that the number of redeterminations and appeals is exceptionally low compared with the figures for the DWP, which once again demonstrates that we are getting the decision right first time in many more cases than was the case with the DWP.

Of course, because it is a new system, there will inevitably be monitoring and evaluation to ensure that we have a system that is fair and that decisions are being made. I understand that the committee has had an invitation—it has been outstanding for some time—to go to Social Security Scotland's headquarters. I am sure that the agency would be delighted to take you through the monitoring and evaluation process in greater detail when the committee finds time to visit.

The Convener: We are still looking at dates for us to head up to Dundee for a visit.

Katy, do you want to come back in, or are you—

Katy Clark: Yes, just briefly. As I understand it, young people continue to get child disability payment for a short period after they turn 19 if their adult disability payment is decided within four weeks of their 19th birthday. However, the wait times are currently longer than four weeks. Can you provide reassurance about what happens to those individuals who are transferring from child disability payment to adult disability payment?

Shirley-Anne Somerville: We are confident that we have systems in place to ensure that there is no gap in payment. I will give some examples of how that can happen. Of course, an individual can apply very close to the deadline of their 18th birthday, but the agency ensures that a number of letters are sent, including the details of how that young person can be supported. That happens in order to ensure that we provide support to people way before that cut-off point. If we are getting to the stage where someone is in any danger of reaching a deadline for their support, the agency's operational systems will kick in to recognise that and ensure that decisions can be made before the deadline passes.

Therefore, it is not just that we spend a great deal of time trying to encourage and support people but that, if we feel that a hard stop is potentially coming that might impact on an individual, the systems can spot that, the client advisers can step in and work can be done to ensure that the process is sped up and treated with the urgency that it would absolutely require at that stage.

Jeremy Balfour: Good morning. I feel that there is a slight sense that you are putting your head in the sand. I appreciate that we can all cite cases, but I have a constituent who applied in June whose case was not looked at until September. At that point, they—not Social Security Scotland—were asked to get the evidence. I appreciate that Twitter is not the place for everything, but the number of comments on Twitter about people's personal experience show that the situation is not how you are recording it today.

There is a real issue with regard to the length of time that people are waiting. I appreciate that it is a different way of doing it, but for us to simply say, “We are perfect; DWP is rubbish” does a disservice to DWP, and that is also not the experience of many people who I come into contact with.

What conversations are you having with Social Security Scotland, not just to get the story that it wants to tell you but to find out about the experience of real individuals? We are all getting casework from people who say that they are having a very negative experience with Social Security Scotland. We want it to work, but it will not work if people are having that negative experience.

Shirley-Anne Somerville: I will very gently push back, Mr Balfour. In no way did I say that everything is perfect and that people should back off from scrutiny. I have recognised on a number of occasions that the waiting times are unacceptable for processing, which is why a number of pieces of work have been done. Therefore, if you will forgive me, I will push back a wee bit on that part.

I am happy to look at the individual case, should Mr Balfour wish to pass that on. We are very keen to do that, to make sure that we are learning from particular cases.

Again, I urge the committee to take up the opportunity to go to Dundee to look at the situation in great detail, because an extraordinary amount of work has been done and continues to be done to improve the systems and handling processes that are in place. That work has been on-going for months, and we are seeing the benefits of it—I am confident of that. However, that will take time to find its way through, because we still have cases that have been waiting too long for a decision.

Sometimes, it will take time for processes to change, but a number of changes have already been made, such as to application forms and the way in which cases are dealt with in the agency. We have also seen an improvement in call waiting times, which the committee was very concerned about. I will give two examples of what we are doing. Mr Balfour has known me for long enough to know that I do not take anybody’s word at face value and that I will look into things very seriously. I meet senior leaders in the agency and within the programme very regularly to go through that, but I am also conscious of ensuring that we look at the client surveys, which are statistically sound, about people’s experiences.

It is also important that we speak directly to individuals and stakeholders, such as the Glasgow Disability Alliance. I have met with individuals affected by cancer, for example, who have had a

poor experience with the agency. We are very keen to learn from that—all of us, from ministers all the way through to everyone working in Social Security Scotland, who are determined to deliver the type of service that we have spoken about wanting to provide.

I hope that I can provide the member with some reassurance that I take the matter very seriously. With the greatest respect to my officials, I do not just take their word for it. The work that we are doing with stakeholders is very important. A number of changes have already been put in place—we are seeing those changes.

I will never be complacent about the service; I know that a great deal of work still needs to be done. If the committee, after further investigation, visiting Dundee and having discussions with agency staff, feels that more could be done in this area, we will happily take further advice.

The examples that have been given today in relation to these regulations demonstrate how committed we are to looking at continuous improvement. The aspects of the regulations that we are discussing are technical, but we are also looking at continuous improvement in our systems and in the way in which we, as individuals, handle these matters both in Government and in the agency.

Jeremy Balfour: Thank you. That is helpful. I seek clarification on just one point. In the previous session of Parliament, the deputy convener and I had a very helpful visit to Victoria Quay, where we saw how the whole system was being designed before it was up and running. Both of us have also been to Dundee previously.

Have the changes in respect of application forms been made by officials in the Scottish Government or by the agency itself? Where does the responsibility lie for the changes that are being made now?

Shirley-Anne Somerville: It involves working as part of a cohesive team, as I hope the committee would expect. You are quite right that some of those responsibilities will lie with the Scottish Government and some will lie with the agencies, but we are not sitting in two different meetings having two different discussions—we are working together, in a collegiate way, looking at where things need to be done.

For example, things may need to be done in-programme, which technically sits within the Scottish Government, and will involve changes to the systems, or changes to the guidance that is used by staff may be required, which would be delivered within the agency. That is why we are all working together as one team on this, rather than it being either an agency issue or a Government issue.

Of course, within that, each action point has lead officials who are looking at it, but it will vary depending on what the action is.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Cabinet secretary, I have found these exchanges very helpful. The focus has been on what supports are available for applicants, but there are issues that have, as you said, been addressed and there have been improvements.

Quite rightly, that can be compared with what happens in the DWP and across the rest of the UK. In this committee, we should consistently draw comparisons between Scotland and the rest of the UK, because we want our system to be as modern, progressive, dignified and effective as possible. It is absolutely right that we undertake that type of scrutiny.

With that in mind, will you tell us how young people who get child disability payment are being supported with their applications for adult disability payment? In addition, can you contrast the experience of young people in Scotland, under our system, with what it would be if they lived elsewhere in the UK?

Shirley-Anne Somerville: I have perhaps mentioned some of this in previous answers, so I will try not to repeat myself for the sake of time, because I have probably talked for too long already.

One of the key differences is the ability to receive CDP up until the age of 18. That is a hugely important change, which we brought in—as I said in my opening remarks—because it was recognised as a key stressful time for individuals.

In some ways, that complicates the system, because there is not a hard cut-off point and people can make a decision to move to ADP earlier. It is important, however, that that is because it is the right decision for them rather than for the system. As I mentioned earlier, a number of pieces of correspondence will go out to an individual to let them know about the transition phase, and, importantly, to give them the details of where they can seek support.

Another key difference is the local delivery staff that we have in Social Security Scotland, who provide support in filling out application forms. That support mechanism, which is important, is not available within the DWP system.

09:30

We also have an independent advocacy service that is available to people who are in receipt of CDP and ADP, and more widely. It is important to ensure that advocacy is provided, because that is clearly very different from support with filling in

applications. We also have signposting to independent welfare rights and advice services, which reassure individuals that they are not alone in what can be a difficult time for them, when they are also transitioning into adult services in a number of different ways.

I hope that that gives examples of how the approach is different and of how we can provide support at different points in an individual's journey from CDP to ADP.

Bob Doris: That is very helpful. The support in filling out application forms is not currently available in the UK system. Is there an advocacy service or a signposting mechanism in the UK system? I ask that question in order to draw out the contrasts but also to check whether, if those things exist in the UK system, we could use them as benchmarks by which we can check whether the quality of our service is as it should be.

Shirley-Anne Somerville: I am not aware of the UK system having an independent advocacy system that clients are advised to use. If there is one, I am happy to clarify that in writing.

The way that we ensure that our mechanisms are working is, again, by asking people who are going through the system how they are experiencing it and whether it works for them. That approach was a key part of the way in which we developed the system initially, and, now that we have our own system, we will continue to ask what people think of it, whether it is working for them and whether further improvements need to be made to it.

Paul O'Kane (West Scotland) (Lab): As Bob Doris said, we have had some interesting exchanges this morning, which covered a lot of the ground that I am interested in. However, I would like some information and clarity on transitions for young people, particularly young people with a learning disability. The age of 18 is a crucial point in young people's lives in terms of their transitions more generally. What interaction has Social Security Scotland had with third sector support organisations that are helping young people at that point in their life, when they are going through all kinds of transitions, to focus specifically on their application to move to ADP?

Shirley-Anne Somerville: That is a key point. We need to ensure that we are working with stakeholders. It is great that we have a local delivery system with various aspects in place, and we are also conscious that there are trusted organisations and people that folk will be working with in their family setting who they may wish to go to for support and guidance. That is why, as with all the work that the Government and the agency undertake, a great deal of stakeholder work goes on to explain the differences that regulations will

make and the impact that they will have, and also the support that is available to people.

We are now getting to the point at which the process that takes people from CDP to ADP has been in place for a reasonable amount of time, and we are seeing a good level of feedback from the third sector about the support that is provided. However, there is no complacency in that, because the process is very difficult.

If the committee recommends that Parliament should pass the regulations, one of the key things that we will do is go back out to stakeholders to explain any changes and differences and to reassure people around some of those areas.

Paul O’Kane: Could we do more to streamline the process and make it more passported or automated? Given that we know who these people are and when their birthdays are, and that, at that stage in people’s lives, their conditions have not changed considerably, could we do more to make the process far more automatic? We know that the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill—a private member’s bill—is currently before Parliament, but how can we ensure that we do everything possible to make transitions, in a broader sense, easier?

Shirley-Anne Somerville: The point about what we can automate and what we can make easier is important, because they are not necessarily the same thing. The challenge with making the move from CDP to ADP a fully automated process is that the eligibility criteria are completely different. It is impossible to make an assumption about a CDP case and immediately transfer that to ADP, so we cannot automate that.

What, then, can we do to make the transition easier for that individual and as simple as possible? There will still need to be a transition from one benefit to the other, and the eligibility criteria will be different—that has been embedded since we agreed the regulations for CDP and ADP.

We are making it easier in a number of ways, but we are very keen to ensure that we do everything that we can, should anything come through as a result of lived experience now that the systems are in place, whether that is in the regulations or in the way that we work, to make it easier for people. We are at that stage rather than full automation.

Jeremy Balfour: In relation to the monitoring side, will Social Security Scotland monitor the number of individuals who get a different level of award on ADP than they received on CDP?

Shirley-Anne Somerville: If you will forgive me, Mr Balfour, I do not quite understand the question, because of the point that I just made to Mr O’Kane

about there being different eligibility criteria. You cannot exactly compare the two because of that. However, in saying that, I hope that I can reassure you that, even though there are differences in awards, Social Security Scotland has work in place to monitor and evaluate the individuals who move from CDP to ADP. Those individuals can be identified and tracked in the system, and any differences in awards or money can be monitored.

Although there will be differences because of eligibility, we are doing absolutely everything that we can to monitor and evaluate those individuals, and to compare the award that somebody got with CDP with the award that they get with ADP to see whether there are any fluctuations or changes, or anything of concern in that regard.

Jeremy Balfour: I totally understand that, but, as a member of this committee, I want to know whether in two years’ time it will be possible to say that X number of children got CDP and that, after they were transferred, X number of people now get ADP. I understand that there are different eligibility criteria, but will that monitoring be open to scrutiny so that we can see whether people’s awards are higher or lower? My concern is that there seems to be a lack of data collection in Social Security Scotland, so it is very difficult to monitor some of that. I appreciate that there are different criteria, but will we be able to see the numbers clearly in black and white?

Shirley-Anne Somerville: I do not think that there is an issue with data collection there, because management information is able to link people who have moved from CDP to ADP. We will be able to see, for example, differences in award levels or gaps in payments, which would mean that we have not got the system quite right.

The data collection and monitoring evaluation that is in place will be able to point to the concerns that you have raised, and will allow us to identify what needs to be done to rectify such situations. I am confident that that data collection is in place.

Jeremy Balfour: Will that monitoring be published?

Shirley-Anne Somerville: I am unsure whether that is included in the official statistics. I will get back to the committee on that, but I am sure that we will be able to provide that information.

Roz McCall (Mid Scotland and Fife) (Con): You have alluded to bits of this, but how can Social Security Scotland help young people and their families understand how other benefits and payments might change as they move from CDP to ADP?

Shirley-Anne Somerville: Again, that points to one of the challenges for people in transition. The difficulty is the complexity of any benefits

system—that is not a dig at the DWP, as any benefits system is complex—to ensure that people are at least cognisant of the fact that a change from CDP to ADP may mean changes to other benefit entitlements, such as to passported benefits and so on, which vary so much from individual to individual.

As I said, there is a role for the agency, as the letters go out, in signposting to independent services so that those services can advise individuals. For example, someone might receive a higher award on CDP than they would on ADP, but the position could be vice versa for somebody else. It has to be person centred. As I hope the committee will understand, that has to be done outwith the agency, because, once someone applies for a benefit, the process has begun—and once the agency makes a decision on somebody's application, that decision is made. That is why it is important that, before people make an application, they know what support and advice services are out there and can work with those services so that they are guided through the challenges, implications and complexities that they might not be aware of—particularly if they are going through the process of moving on to the adult benefit system for the first time.

Roz McCall: Thank you. That was alluded to. I appreciate that.

Stephanie Callaghan: This has been an informative morning.

I am interested in the transfer from disability living allowance to the personal independence payment or ADP. Some people who have had a change of circumstance during the transfer process have told the DWP about it but have not had it taken into account in their DLA or PIP award. We have heard from stakeholders that the process has not always worked as intended.

You mentioned trusted organisations. Enable Scotland, for example, said that it has a small number of cases that have passed between DWP and Social Security Scotland in which the claimant is unclear on who should be taking responsibility. I am interested in what Social Security Scotland is doing to ensure that clients and staff are clear about how changes of circumstance are reported during the transfer process.

Shirley-Anne Somerville: Information for the case transfer process, including where to report changes of circumstance, is set out clearly in the letters to clients during the process, including the initial welcome letter. It is also discussed at stakeholder events, and the information is very much on the case transfer sheets that the agency's staff use.

An important aspect of our transfer process is that, if clients who are in receipt of DLA and PIP

report a change of circumstance, they are moved on to adult disability payment, so that they do not have to go through a DWP face-to-face assessment.

I recognise that some people have had the difficulties that Ms Callaghan mentioned. Some of that issue will, I hope, be assisted through the regulations that are going through today. In addition, work is already going on in the agency and in the DWP to make sure that every staff member, in both agencies, is absolutely cognisant of what should happen during the case transfer process and about how anything should be dealt with.

More than 97,000 people have had their awards transferred, so, overall, the case transfer process is successful. However, I recognise that there are issues around the management of some cases, examples of which you have given, which demonstrate that the process is not working for everybody. That is why some of the regs are here today and why work is going on not just within the agency but within the DWP.

It is important that, regardless of where you phone, you get the same information on how your change of circumstance is dealt with. A great deal of good work goes on between the agency and the DWP to ensure that the same information is given to clients.

As I have said, I am not taking anything away from the fact that there have been individual cases where the process has not worked as it should have. Indeed, that is why there is a lot both in the regulations and in the work that is being carried out with staff to ensure that, regardless of where you phone, you get the same information.

09:45

Stephanie Callaghan: I apologise for getting the first bit of my question—about moving on to the adult disability payment—mixed up. Clearly, that is being monitored, but do you feel confident that things are improving and that we are making progress in that respect?

Shirley-Anne Somerville: Yes, I do think that we have made progress. The case transfer process was always going to be one of the most challenging aspects, but it needs to work for every single person as we go through it. That is why a great deal of work is going on not just within the agency but very closely and collegially with the DWP. It might be that the issue has not been handled correctly either within the agency or by the DWP, and they need to work together—and are working together—to ensure that such situations do not happen.

Stephanie Callaghan: Thank you. That was very helpful.

The Convener: That concludes our questions.

We move to agenda item 4, which is formal consideration of motion S6M-010409. I invite the cabinet secretary to move the motion.

Motion moved,

That the Social Justice and Social Security Committee recommends that the Disability Assistance (Miscellaneous Amendment) (Scotland) Regulations 2023 [draft] be approved.—[*Shirley-Anne Somerville*]

Motion agreed to.

The Convener: I thank the cabinet secretary and her officials.

That concludes our public business today. We now move into private session to consider the remaining items on our agenda.

09:48

Meeting continued in private until 11:09.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba