OFFICIAL REPORT
AITHISG OIFIGEIL

DRAFT

Social Justice and Social Security Committee

Thursday 15 May 2025

Session 6

The Scottish Parliament
Pàrlamaid na h-Alba

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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE
15th Meeting 2025, Session 6

CONVENER

*Collette Stevenson (East Kilbride) (SNP)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)
Mark Griffin (Central Scotland) (Lab)
*Gordon MacDonald (Edinburgh Pentlands) (SNP)
*Marie McNair (Clydebank and Milngavie) (SNP)
*Paul O’Kane (West Scotland) (Lab)
*Liz Smith (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Chris Birt (Joseph Rowntree Foundation)
Fiona Collie (Carers Scotland)
Emma Jackson (Citizens Advice Scotland)
Kirsty McKechnie (Child Poverty Action Group Scotland)
Lynne O’Brien (Aberlour)
Dr Hannah Randolph (Fraser of Allander Institute)
Dr Sally Witcher (Inclusive New Normal)
Erica Young (Citizens Advice Scotland)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 15 May 2025

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Collette Stevenson): Good morning, and welcome to the 15th meeting in 2025 of the Social Justice and Social Security Committee. We have apologies from Mark Griffin, and Paul O'Kane and Marie McNair are joining us online.

Our first item of business is a decision on whether to take item 5 in private. Do members agree to do so?

Members *indicated agreement.*

Financial Considerations When Leaving an Abusive Relationship

09:00

The Convener: Our next item of business is to continue taking oral evidence for our inquiry into financial considerations when leaving an abusive relationship. I welcome Lynne O'Brien, chief officer for children and families with Aberlour; Erica Young, senior policy officer for social justice with Citizens Advice Scotland; and Kirsty McKechnie, early warning system project manager with the Child Poverty Action Group Scotland. Thank you all for joining us. Given that time is rather tight, we will go straight to questions.

Paul O'Kane (West Scotland) (Lab): Good morning. The first area that is of interest to the committee is about issues around public debt when people are leaving an abusive relationship. We know from the written submissions that Aberlour has carried out a range of work in that area, not least a pilot in Tayside. We are particularly interested in what is good practice and how we ensure consistent good practice in the way in which economic and financial abuse is taken into account when we pursue public debt. I will start with our witness from Aberlour, to get a sense of what you are doing on that.

Lynne O'Brien (Aberlour): Good morning. I am chief officer for children and families, so I oversee all Aberlour's children's services across Scotland. I have many years of experience of working with women and children who face domestic abuse.

On public debt, we have experience of women and children who, often through no fault of their own, have accrued debt from ex-partners and are then liable for that debt. One thing that surprised me when I came to Aberlour was how we collect debt from families in Scotland. I know that the committee has heard evidence on that previously, but we have an inhumane system in Scotland for collecting public debt from families. At a time when families are really vulnerable—when they are leaving abusive relationships—our systems and processes should be wrapping around families. Instead, families face issues with council tax debt, school meal debt and rent arrears. The debt collection practices in Scotland are very aggressive and proactive and further entrench and trap families in debt.

The Tayside project, which has been operational for three years, has shown evidence of how systems and processes can take a much more compassionate approach to families. We can provide early support to families such as financial and welfare support, but there is also the systems change aspect. We do not have to collect debt in a punitive way; we can take a systems approach and wrap around families.

When I was up in Perth recently, I heard stories about a family who were facing £30,000-worth of debt, which was 100 per cent avoidable. If we had contacted that family early and provided support, rather than sending them to a debt collection agency, they would not have had deductions from their universal credit and the debt would not have spiralled out of control. We can definitely approach debt in different ways.

We have also submitted evidence on deductions that are made from the household income of low-income families in Scotland. On average, £1,000 per year is coming out of the income of those families—again, that is 100 per cent avoidable.

Paul O'Kane: The work in Tayside is definitely interesting. The challenge is that there is a patchy approach across the country, with different local authorities doing different things. From looking at the work that Aberlour is doing, I picked up that there is perhaps a need for a code of practice to codify the approach so that all public bodies are doing similar things and are looking at these issues in the same way.

Have you identified other areas of good practice through your work?

Lynne O'Brien: Yes. As I said, we have examples in Tayside, where a systemic approach is being taken to working with families that are experiencing debt. Rather than being punitive, it is about being supportive.

Some local authorities are taking a different approach to families. In a recent scenario, a woman had overcome significant substance abuse issues and she came out of a mother-and-child recovery house. She was facing rent arrears and was unable to move back to her home because she was fleeing domestic abuse; the rent arrears were preventing the family from moving into suitable accommodation. We were able to work with the local authority to get it to change its practice.

That is not happening across Scotland—the Tayside example is probably the best example of systemic change, but some local authorities are taking a very different approach. Given that we are signed up to the principles of "Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls", we want to ensure that public debt is considered as part of that strategy.

Paul O'Kane: I will broaden the question out to other witnesses, too. In your experience, do councils consider writing off council tax debt for women in particular who are leaving a financially abusive relationship, or are we not seeing enough progress on that at a council level? In addition, in your view, do we need bigger legislative change in order to make that provision?

Erica Young, do you want to comment from a Citizens Advice Scotland point of view?

Erica Young (Citizens Advice Scotland): We see inconsistent practices. Some local authorities are prepared to write off arrears in response to evidence, whereas others will pursue diligence, potentially resulting in the victim/survivor having to seek bankruptcy, which is not necessarily a good outcome for that individual.

We think that the most effective way to ensure consistent good practice is through a code of conduct, as has been mentioned. We think that some lessons can be learned from the private sector. Surviving Economic Abuse and UK Finance have worked together on a code of conduct. That code will, as it is rolled out, support victims to engage in conversations with providers; raise awareness of the impact of economic abuse; and achieve greater consistency in the support and help that financial institutions provide to victims/survivors.

Another key thing that we would like to see is an economic abuse evidence form. That would be modelled on the debt and mental health evidence form, which involves an interactive process with an authorised money adviser that provides information about a person's situation to local authorities. That would facilitate more consistent practice with regard to writing off joint and several liability specifically.

Paul O'Kane: Kirsty McKechnie, do you want to add anything?

Kirsty McKechnie (Child Poverty Action Group Scotland): No, I am quite happy to leave that with the experts.

Paul O'Kane: Of course.

That has been a really helpful start to the session, and there is plenty for the committee to consider.

The Convener: I now invite Jeremy Balfour in.

Jeremy Balfour (Lothian) (Con): Good morning, and thank you all for coming along.

I understand that, in some circumstances, victims/survivors can be exempt from sanctions. How well do those exemptions work in practice? Can they be improved?

Erica, you look as though you want to come in.

Erica Young: I can start. Yes, there is clear guidance on when a break from conditionality requirements should be implemented, for a total of 26 weeks, where children are involved. However, that can be applied only once in every 12 months, so it does not account for the risk, which we know exists, of someone returning to the abuser multiple times. It also does not account for the amount of time that it takes to get back on your feet, stabilise your life and start rebuilding, which varies widely among individuals, so there should be a lot more flexibility around that. We also find that, particularly in the early stages, quite simply, the system is not designing in the needs of victims/survivors and it is not picking up problems at an early stage.

I will talk you through an example. This is a particularly egregious example, but it is not an uncommon one. I will call the victim/survivor Adele. Adele missed an appointment while she was being relocated on an emergency basis by Women's Aid. She had evidence from Women's Aid of the situation, but, nonetheless, the Department for Work and Pensions disagreed that she had a sufficiently good reason for missing the appointment—while she was being emergency relocated. She was also refused a request to attend another appointment at a job centre in her new local authority area, which prevented her from taking the required action to end the sanction. She felt humiliated and retraumatised and, of course, she was left destitute and reliant on crisis support. It took the citizens advice bureau 42 days to resolve the matter and to get the sanction lifted. Again, that sort of timeframe is not uncommon. The DWP really needs to bed in the process of taking the accounts of victims/survivors on trust by default and to embed more trauma-informed practice with regard to how conditionality operates on the ground.

Jeremy Balfour: Do the other two witnesses want to come in on that?

Kirsty McKechnie: Yes, please. As Erica Young mentioned, there is guidance on when exemptions from sanctions or conditionality can be applied. In addition to that not being allowed more than once within a 12-month period, you must also not be living at the same address as the abuser and you must provide evidence from a person acting in an official capacity. These rules are really quite stringent. We know that work coaches have discretion and we hear anecdotally about some work coaches exercising that discretion and working with care. However, we also hear stories about where that is not the case. As Erica says, the DWP needs to move to a much more trauma-informed approach in relation to the exemptions from conditionality.

Jeremy Balfour: I will move on to split payments, which have been talked about since universal credit came into existence. I think that we are getting closer to the point where everyone will be transferred to UC. How high up your list of priorities for changes to UC are split payments? I appreciate that there is a lot about UC that you want to see changed, but do split payments make the top 10 or the top five, for example?

Kirsty McKechnie: With universal credit, the principle of individual entitlement is so important. The thing that changed with universal credit was that all the benefits were rolled into one. Whereas families might have been able to split entitlements in the past, universal credit completely removed that. The effect of that became much more apparent during Covid, when people's partners lost their jobs or were unable to work and realised that they had no access to an independent income. We agree that that is really, really important for people, particularly in cases of domestic abuse. At the moment, the system enables financial abuse. The difficulty is that, when you try to split universal credit, it is not actually as easy as it sounds in principle, so we appreciate that lots of questions need to be addressed before the payments can be split adequately.

Erica Young: I echo that. We recognise the fact that there are challenges to achieving this, but there is a precedent with Scottish choices concerning direct payments to landlords and fortnightly payments. If it is properly implemented, the policy can and will save lives. It will enable financial planning to leave a relationship in a way that simply is not possible at present. It will also enable financial independence. Although we can all appreciate that it is typical for households to pool income and resources, that ought to be done by choice for the particular household, to suit its needs. Universal credit does not allow for that sort of autonomy; it is simply a household payment and the household has no real control over how it manages that. At the moment, the system is putting women and victims/survivors in danger, so splitting payments is a high priority.

09:15

Jeremy Balfour: In the Social Security (Scotland) Act 2018, we included a statutory provision for split payments for benefits that are delivered in Scotland. As the committee has said previously, and as you just said, Kirsty, that is not as easy as it sounds. The Scottish Government is struggling to work out how to do that. Should we be concentrating on particular benefits that are delivered in Scotland that could be split? Do you know how much progress has been made on split payments?

Kirsty McKechnie: I do not know anything about progress. I am aware that, for instance, the Scottish child payment can be particularly problematic where parents have shared custody of children and it is paid to only one parent.

Erica Young: I echo that. We also see problems with delays. There is a very good process in place for managing a transfer, but there can still be delays. Sometimes, those delays come at a very early stage that is not related to Social Security Scotland; they can result from people having to try to qualify for benefits such as universal credit and child benefit. In particular, child benefit is a source of delay, so there would be a limit to what could be achieved by splitting Scottish payments specifically.

At this point, I would circle back to the fund to leave pilot, which we would like to be rolled out nationally across all 32 local authorities and delivered by an agency with the relevant expertise, such as Scottish Women's Aid, for consistency. That is where a lot of the focus could be, when it comes to what is delivered in Scotland.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): Good morning. Erica Young mentioned financial planning to leave an abusive relationship. Earlier, we heard that, in order for discretion to be used to give someone an exemption from sanctions or conditionality, the victim/survivor must not be living in the same household as their former partner. Where a work coach identifies or suspects that abuse is going on, is there any mechanism in the universal credit system to make an application in private in advance and for decisions to be made in principle, so that a victim/survivor can see what their financial situation would look like if they decided to leave?

The system does not seem fit for purpose for someone who has to leave in a chaotic situation without any planning, because they then have to deal with all the inbuilt delays that come with universal credit in the first place. Has any consideration been given to that or has the DWP done any work on it? Whether it is Social Security Scotland or the DWP, should we start to do that?

Erica Young: There are two main issues in that regard. One is that the nature of household payments means that, where a work coach is concerned that financial or other types of abuse are happening, in order to make an alternative payment arrangement to split the universal credit award, the abuser is inevitably alerted, because the money is paid via a joint account, so there is no possible way to hide what is happening.

The DWP will assure advisers that a change of circumstances advance is available so that, when a victim leaves, an advance payment will be available to her on the basis of a change of circumstances. However, in essence, that still means having to borrow money, because that is what an advance is. At the time when a victim/survivor is leaving, potentially with absolutely nothing behind them, they might not even have their own bank account and they might be managing the hangover of debts that have been taken out in the context of economic coercion. That does not make for sustainable financial planning. We have victims/survivors phoning our help to claim service just to understand how claiming universal credit would work if they left.

In the context of a household where universal credit is not in place, it is the five-week wait that is the challenge for the victim/survivor. Again, their only recourse is to an advance payment. We quite often see victims/survivors having to have recourse to the Scottish welfare fund and similar funds to get through that initial period. Their ability to build up a buffer zone before leaving is terribly limited.

Bob Doris: Other members will ask about those other aspects, so I do not want to step on their toes, but that is very helpful—thank you.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning to the witnesses. I found that discussion about split payments helpful. In reading our Scottish Parliament information centre paper, I was struck by the small number of households involved—in 2024, it was 15 in Scotland and 324 in the UK overall. That is totally understandable, now that you have talked about the complexity that is involved.

I will stay on the subject of universal credit. In last week's session, I asked the witnesses a similar question. As Erica Young just spoke about, an advance of universal credit up to 100 per cent can be given, and is obviously repayable in full. If the repayment advances remain part of the system that emerges from the UK Government review, should the case be made that, in all domestic abuse cases, advances should not be repayable? Would you be okay with that, Erica?

Erica Young: Yes, I would absolutely support that—it is essential. Evidently, our preferred option would be for the five-week wait to be eliminated. There is quite a straightforward way to achieve that, which would be to provide payments up front based on the indicative UC amount. That is quite technical, but it simply means making an advance calculation of what is likely to be payable at the first assessment period and providing that payment. If it then turns out that slightly more is paid out than what will be awarded in the first assessment period, that amount could be clawed back. It would be a much better system than an advance.

Failing that, we would absolutely look for write-offs of advance payments in the context of victims/survivors.

Marie McNair: The two-child limit is causing major financial hardship. How common is it for families who are impacted by domestic abuse to be hit by the two-child policy?

Erica Young: I do not have data on that, but we know that the number of people at the DWP level who are claiming the non-consensual conception exception is incredibly low—it is vanishingly small. That, of course, is because that particular exception is abhorrent and it really does not design in the needs of victims/survivors.

We would like to see it phased out in Scotland, and we think that that could be done by not requiring women to have applied to the DWP for that exception in order to benefit from future Scotland-specific two-child limit mitigation payments. That would gradually, over time, phase it out completely in Scotland. Although some people in Scotland would still be in receipt of payments under that exception, in future, no woman in Scotland would have to apply for it.

I appreciate that there are other exemptions, and that that approach would capture all of them. Nonetheless, we think that it would be one of the best ways of phasing out that appalling policy and protecting victims/survivors in Scotland from having to go through that process.

Marie McNair: Thank you.

Convener, in the interests of time, I will hand back to you, unless other witnesses in the room want to come in.

Kirsty McKechnie: It is important to note that, although we absolutely agree with what Erica Young says on the two-child limit and its mitigation, there will be some circumstances in which parents will get universal credit only if they have applied for an exception. It would be far better, therefore, if the two-child limit was scrapped at source by the UK Government—that would scrap it completely and avoid the need for anybody to have to record their situation.

Lynne O'Brien: I support the views of my colleagues, who are a bit more expert in that field. Nonetheless, Aberlour supports the scrapping of the two-child limit as part of ending child poverty. We know that children in poverty who are affected by domestic abuse face further inequalities, so we would support ending the two-child limit.

The Convener: I want to touch on other financial support, which was mentioned earlier. How effective and accessible are discretionary housing payments and the Scottish welfare fund in supporting people to try to establish a new home when they are leaving an abusive relationship?

Kirsty McKechnie: Discretionary housing payments are a really good and supportive scheme, but they are not set up to help people who are leaving domestic abuse. You can get a discretionary housing payment only if you are already getting the housing element of universal credit or housing benefit, so people who are leaving domestic abuse who might not be getting those benefits already cannot get help through discretionary housing payments for rent in advance or for deposits to set up a new home. There is a bit of a hole in entitlement in that regard, because the Scottish welfare fund also prohibits grants being made for deposits and rents in advance. Only somebody who is moving from a situation in which they are already getting one of those benefits could benefit from a discretionary housing payment to help them to establish themselves in a new tenancy.

In addition, people are often asked to sign up to a new tenancy really quickly, particularly for housing association tenancies, for example. If there is a delay in moving in—for example, because you are waiting for a community care grant—the housing element of universal credit will not start until you have actually moved in. If you have a delay in receiving the Scottish welfare fund—the SPICe briefing says that the average time for applications is two weeks—you could be accruing two weeks-worth of rent arrears before you have even moved in. Because you were not getting the housing element of universal credit for that period, you might not be able to get help from the discretionary housing payment to cover that either. In that case, in effect, you are starting in debt.

Although those schemes can be helpful and supportive in certain circumstances, there is a bit of a gap in entitlement where the system does not support people to leave domestic abuse. That is why we were so keen to work on the fund to leave pilot with Scottish Women's Aid and Engender.

Erica Young: I echo everything that Kirsty McKechnie said. I would add that, although there are some rent deposit guarantee schemes, the provision is patchy, because some local authorities provide them and some do not. Where they are available, they are often a good option, so it might be worth looking at whether that provision could be rolled out more consistently.

I also point out that support with housing costs for private renters, via reserved social security, has been really squeezed, due to a combination of cuts and freezes. Originally, local housing allowance rates were set at the 50th percentile of local rents; they are now set at the 30th percentile. After seven years of being frozen, that has been frozen again for the latest financial year. Admittedly, there was one year of inflationary uplift, but research by the Institute for Fiscal Studies just before that suggested that just one in 20 private lets are on the market at rental levels that would be supported fully by social security, so there is a significant shortfall. Where DHPs can meet those shortfalls, it is for short periods—usually six to eight weeks—which is not adequate time for a victim/survivor to get back on their feet and be able to pay the rent themselves.

Payments from the Scottish welfare fund are normally limited to three in any 12-month period, and a local authority does not have to consider an award if an application on the same grounds has been made in the past 28 days, which means that, if the abuser has been applying for the Scottish welfare fund while they were living with the victim/survivor, the ability of the victim/survivor to access an award can be compromised. We also see some delays, particularly with community care grants, but, overall, they are an absolute lifeline, particularly for victims/survivors who are facing homelessness.

Lynne O'Brien: What strikes me is that it is a very complicated system that women and children have to navigate. My colleagues are the technical experts, but Aberlour hears on a daily basis that women's and children's experience is that the system and the processes that they have to navigate are really complicated. As I said, at a time when they need support the most, it often just is not there or it is fragmented and complicated. The cost to our state is often higher if women and children have to go into homeless accommodation or into private rented accommodation at overinflated prices. We need to consider those issues and look at whether we can make small payments to families and get more money in their pockets when they need it most. That would offset the higher costs of placing families in homeless accommodation.

These guys on today's panel are the technical experts, but the experts in the families that we support tell us on a daily basis just how hard it is and just how difficult it is. I would call for our systems and processes to be trauma informed but to uphold children's rights at the same time.

09:30

The Convener: That is helpful.

Liz Smith (Mid Scotland and Fife) (Con): On that interesting point that you raised, what kinds of simplifications would you like to see to make things easier?

Erica Young: Do you mean with regard to the Scottish welfare fund?

Liz Smith: Lynne O'Brien argued that women and children find it difficult to navigate the system, which is obviously creating difficulties, so what simplifications would you like to see to overcome the issue?

Lynne O'Brien: As I said, my colleagues are the experts with regard to the benefit entitlement aspect, but just having funds available for women to access would be really simple. We need things such as early financial advice at the time when women and children need it and specialist advice. We have heard about women and children being given wrong advice that sets them on a different pathway. Those are simplifications that would mean that we could get money into families' pockets so that they would have more choices.

Liz Smith: Does that mean having a special fund?

Lynne O'Brien: That is one thing that would definitely help, along with some of the simplifications that we can make in the benefits system. We need advisers and assessors who are much more trauma informed. We need to look at the things that we can do right now. We need to create a pathway in Scotland that, as I said, upholds the principles of the equally safe strategy, because that is what we have signed up for and that is our strategy and yet our systems do not do that—they do not help women and children to leave domestic abuse in a safe way. Women and children who face the greatest inequalities are most affected and, therefore, less likely to be equally safe. When we are looking at legislation and changes to the benefits system, we must do human rights and children's rights impact assessments and look at what that actually means for our families in Scotland.

Kirsty McKechnie: The fund to leave pilot was intended to help people to navigate the complexities of the system. It was financial support to give them the breathing space to access the support that they need and to navigate the complexities of the system, which is why we thought that it was so important in the first place.

Liz Smith: However, that raises an interesting point about whether those who are most in need require better advice and support or whether we need to find an additional pot of money that is specific to their types of needs, because those are two different things.

Kirsty McKechnie: The additional pot of money is needed to help people to access the advice that they need. People need to be able to plan to leave but, although they could get advice, because of the way that things such as universal credit are set up, at the moment, the social security system is not responsive enough to help them to leave immediately, and someone might well be in a situation that means that they need to leave very quickly. We need something that is responsive enough to help people who are in that situation straight away, while they navigate all the places that they might need to apply for money from, such as universal credit, the Scottish welfare fund and discretionary housing payments. There are so many different sources of support that it is not possible to apply for all those things in one snap moment.

Erica Young: Our advisers help victims/survivors to navigate an incredibly fragmented and complex system every day. On what is needed, access to advice is absolutely indispensable, but a genuine immediate safety net that transcends all that complexity would signal a very deep respect for victims/survivors. It would signal that we are listening to them and that we are advocates and allies. As well as providing practical help, it would provide the deep psychological reassurance that comes from knowing that there is a cushion available to get yourself restarted in order to have a safe future-facing exit from that relationship.

Bob Doris: There is a theme coming out of all this about a victim/survivor needing certainty in advance of taking the massive decision to get out of an abusive relationship. For some, it will be a crisis moment—very specific circumstances—that will mean that they have to flee. For many, from what the committee has heard, the decision is made over time as they reach certainty and clarity. What has come up, however, is that there is a lack of support and a lack of a pathway for everyone.

I want to explore whether there is enough money in the system already. If the DWP provided certainty up front and with privacy to the victim/survivor so that they knew the amount of cash that they would get if they left and knew that that would not be an advance, and if discretionary housing payments and the Scottish welfare fund did the same, would we start to get to a quantum of cash in a system—money that the victim/survivor might eventually get anyway but in a fragmented way over time and with great uncertainty—that would mean that they could do something meaningful and in a more dignified way in order to get out of an abusive relationship?

Erica Young: We need a bit of both. We need to design victims/survivors needs into the universal credit system and, potentially, we need a bit more discretion in relation to the Scottish welfare fund and a bit of expansion of discretionary housing payments. However, you would still be looking at a number of different agencies and at complexity. The beauty of the fund to leave is that it transcends all that; it is very clear. It would also avoid a lot of downstream costs. Potentially, there would be a lot less need for recourse to the Scottish welfare fund, and discretionary housing payments in particular, if the fund to leave was there in combination with some basic design modifications to universal credit.

Bob Doris: We need both.

The Convener: We will move on to the matter of people who are subject to immigration control in the context of a domestic abuse setting. What can the Scottish Government do to maximise support for those people?

Kirsty McKechnie: First, I want to note that we are really pleased that the Scottish welfare fund guidance has been amended to make it clearer, in relation to immigration status, who can get support from the fund. That was a big step forward.

Again, we come back to the point about a permanent fund to leave. Many people who are leaving domestic abuse are unable to access benefits, which makes the decision to leave so much harder, because, without financial support, where are you going to go and what are you going to do? The fund to leave pilot was not on the list of public funds, which meant that it was available to people—it was not restricted. That helps people with the initial issue of where they are going to establish themselves and where they are going to access help, particularly when it is going to be so much harder to access help.

We would like to see specific guidance developed for local authorities on supporting people who are subject to immigration control, have no recourse to public funds and are escaping domestic abuse. The Convention of Scottish Local Authorities has developed guidance, but it does not meet the specific needs of people who are leaving domestic abuse. The guidance could incorporate looking at how we can make the most of payments through things such as section 22 of the Children (Scotland) Act 1995 and section 12 of the Social Work (Scotland) Act 1968 for people who do not have access to social security in the traditional sense but who require financial support.

The Convener: That is helpful.

Erica Young: I echo everything that Kirsty McKechnie said and I add that, in any guidance, it would be really useful if there was more awareness at local authority level of the Home Office’s migrant victims of domestic abuse concession. I speak from personal experience from my adviser days when I say that it is enormously helpful—it is life-saving. It really does help women to escape, because, even though it is for just a three-month period, it gives access to public funds for that short time for victims/survivors who do not ordinarily have recourse to public funds. I am sure that local authorities are well aware of the concession, but, potentially, there could be more clarity and joined-up use of it when a victim/survivor presents in distress at a local authority, so that people are aware that that is available.

The Convener: That is helpful.

Lynne O’Brien: We support that. We are increasingly seeing families in destitution, so, given that there are already some solutions available to us, we need to ensure that our local authority colleagues know how to take those forward.

As you know, in our submission, Aberlour shared that, since 2023, we have given £3.3 million through our urgent assistance fund to families who need financial support. One in five of those families has experienced domestic abuse, but we are seeing a rise in families who have no recourse to public funds, so we support the calls from our colleagues.

Gordon MacDonald (Edinburgh Pentlands) (SNP): Good morning. We have spoken a lot this morning about the need to get more money into families' hands. Lynne O'Brien, I think that it was you who said that. The Child Maintenance Service was created to do just that, but how effective is it in the context of domestic abuse? I will come to you, Lynne, since I used your words.

Lynne O'Brien: Again, my colleagues will be much more expert in the technicalities of child maintenance, but we have evidence through the experience of our families of child maintenance payments being stopped or used as a coercive control mechanism. We recently heard from a family where that was the case, and the woman was then forced into other sources of debt to survive. That story is not unique—there are many stories like that. We need to ensure that Scottish maintenance payments effectively uphold the rights of women and children and that women are not put at further risk during the process—we have heard from women that that is the case. I will hand over to my colleagues who know more about the technical aspects, but that is definitely an area where we want to see change.

Gordon MacDonald: Erica Young, how effective is the Child Maintenance Service?

Erica Young: Strangely enough, we advise more non-resident parents than resident parents, which is interesting. However, we see a deep reluctance on the part of victims/survivors to go anywhere near claiming child maintenance. You can understand that, of course, very often, there is no contact between the former partner and the victim/survivor. That is for very, very, very good reasons, so we see a deep reluctance to claim child maintenance, and people feel unable to pursue child maintenance through the service, or in any other way, for that matter.

When a child maintenance payment arrangement is up and running, victims/survivors face challenges, such as a long lag between income changes and reviews. Often, someone is aware that the ex-partner is now earning an awful lot of money, but the level of maintenance that is paid can take quite a long time to change, because there is a 25 per cent income change threshold for an early review to kick in.

We also see a lot of difficulty with regard to evidencing cash-in-hand earnings. Victims/survivors are aware that the ex-partner is earning a lot through cash-in-hand work, but that is not reflected in the level of maintenance that is paid. The final challenge that we see is that, in some cases, when child maintenance is received, it can tip women over an income threshold that means that they no longer qualify for a minimal asset process bankruptcy. They then have to go into a full bankruptcy process and pay a contribution, which is a particular challenge for victims/survivors who have been left with a lot of overhanging debts from the relationship.

Gordon MacDonald: Erica Young, you have made a list of things that have to change. How should the Child Maintenance Service go about making those changes? Do some of them require legislation?

Erica Young: If we are frank, a lot of it is about communication and arming victims/survivors with the tools to navigate the Child Maintenance Service system. I am part of a working group on that, which includes work on building a toolkit. The toolkit, to be fair, is for both resident and non-resident parents, but we know that, in the case of lone parents, there is disproportionately a background of economic and other forms of domestic abuse. Again, it is about having more trauma-informed awareness, particularly about the number of lone parents who are coming through the service. It is all about the level of communication and awareness of the potential background when a victim/survivor approaches the service.

09:45

Gordon MacDonald: Kirsty McKechnie, I ask you the same question about the effectiveness of the Child Maintenance Service and what needs to change.

Kirsty McKechnie: We refer the committee to the One Parent Families Scotland report, "Transforming Child Maintenance", from September 2024, which said that the CMS was ill-equipped, despite improvement, to support families who had experienced domestic abuse. In one of its reports, Gingerbread UK commented that 45 per cent of parents who had experienced domestic abuse and who were using the Child Maintenance Service found that using the service led to an increase in the abusive behaviour. That demonstrates that the service is not working in the interests of families who are experiencing domestic abuse.

We support One Parent Families Scotland and Gingerbread in their calls for a review of the Child Maintenance Service, but we put much more focus on the reduction of child poverty for lone parents and on removing the onus from parents to almost administer the process themselves, particularly in the case of domestic abuse victims/survivors and women.

Gordon MacDonald: On your point about having to manage the process yourself, the DWP has just announced a consultation. If I understand correctly, there is a proposal to take the payments in-house, so that the parent without care would pay the maintenance money directly to the CMS, which would then pay it to the other parent. How effective would that be, given the issues that you raised?

Kirsty McKechnie: That would depend on how certain issues were dealt with. For example, at the moment, the parent with care has to initiate a lot of the claim and pursue it. It would also depend on whether the DWP would guarantee the payments and how much enforcement it would be willing to carry out.

Erica Young: I absolutely agree with that. As part of the group that is working on the toolkit, we certainly support the call for a review of how the service works overall and for better support. To be fair, that applies across the board, because we need a system that potentially works better for all parties, including paying parents.

Gordon MacDonald: In the case of a disagreement between parents about the level of child support that should be paid, there is a whole process, which the CMS has highlighted and which involves mandatory reconsideration, appeals and a complaints process. What is the average timescale for the process and how satisfied are people with it, at the end of the day?

Erica Young: It is fairly typical for challenge processes to take 12 to 18 months, although that can also depend entirely on the level of co-operation from the individuals who are involved, which obviously varies a lot.

Jeremy Balfour: I do not think that we want to go back to the system that we had before this, where people went to the sheriff court to deal with the whole process. Can the issue be solved by fundamental change, or do we need to take the time to start again and look at a completely different model of delivering the service?

Erica Young: A lot of what is needed involves giving victims/survivors more control and autonomy, as opposed to a complete and radical process of removing the system. We all know that the ideal arrangement would be for parents to have amicable agreements—but the world is as it is. However, there are issues such as the fact that the charging system can be abused, so we need to look at such things in the basic operation of the system, as opposed to necessarily needing to radically overhaul it.

I go back to the point about equipping parents with the information that they need to effectively navigate the system and equipping the Child Maintenance Service with the tools that it needs to properly support victims/survivors and, potentially, to support them to resolve disputes more effectively. We know that solicitors have to handle the issue every day, and there is potentially a lot of learning out there and a lot of co-production that could be done to generally improve the operation of the service, as opposed to radically overhauling it.

Kirsty McKechnie: We would refer the committee to One Parent Families Scotland's and Gingerbread's calls for how the system should be reviewed. They have done a lot of work with parents and they have the expertise, so I would rather refer you to them.

The Convener: That concludes our questions. Thank you very much for joining us and for your excellent written submissions.

We will have a short suspension to allow for a change of witnesses.

09:50

Meeting suspended.

09:54

On resuming—

United Kingdom Government Welfare Reforms

The Convener: Our next item of business is a round-table discussion on the UK Government's welfare reforms. I welcome our witnesses to the meeting. We are joined in the room by Hannah Randolph, economist fellow at the Fraser of Allander Institute; Fiona Collie, head of public affairs and communications at Carers Scotland; Chris Birt, associate director for Scotland, Wales and Northern Ireland at the Joseph Rowntree Foundation; and Emma Jackson, head of social justice, Citizens Advice Scotland. Dr Sally Witcher, the director and founder of Inclusive New Normal, joins us online.

The meeting is in a round-table format and we hope that we can have a free-flowing conversation. The committee is very much in listening mode today.

If those of you who are online want to speak, please let me or Diane Barr, our clerk, know. We will focus on four main themes, and we have about an hour and 10 minutes for the evidence session. I encourage members and witnesses to be succinct in their questions and answers.

I invite Liz Smith to introduce the first theme.

Liz Smith: Thank you for joining us. The most important thing for the committee, as we are looking at all the welfare reforms, is to drill down into the evidence on what works and what is clearly not working so well. I thank the people sitting around the table who have done some great work through their different agencies to try to provide that evidence; it is immensely helpful to us.

Before we get going on some of the other issues, I am interested to know from you, in the context of the difficult debate about welfare reform that is taking place in Westminster and at Holyrood, what evidence is the most important in showing us the direction in which we should be going to get the best possible returns for the most vulnerable people. That is the big question that we are all facing.

Dr Randolph, you are an economist with the Fraser of Allander Institute. Would you like to start us off?

Dr Hannah Randolph (Fraser of Allander Institute): Sure. The thing that strikes me is that we know that, in the past, projected decreases in case numbers from cutting benefits have not always materialised, because people changed their behaviour.

I was thinking about this on my way here today. One of the most important things to say is that we do not know that cutting benefits will result in a fall in caseload. We have seen an increase in caseload, but it is a bit unclear whether that is because of a rise in prevalence or because of a rise in the number of people who have some sort of long-term health condition or disability claiming an entitlement that they already had. That certainly needs to be unpicked, but I am sure that others will have more to say about what they think is driving that increase.

We also know that a lot of the increase is coming from mental health claims, and there has been a fairly marked rise in the number of musculoskeletal claims since before the pandemic. Those seem to be the areas of focus.

Liz Smith: Are those particularly difficult to measure? The issue of mental health claims is obviously very sensitive and covers quite a lot of psychological illnesses, for example, as well as mental illness. Is that difficult to capture?

Another question that the committee has been wrestling with for a long time is how we can balance the need for benefits of those who are genuinely in need against the desire to get more people back into work. Governments all over the world are struggling with that, particularly post-Covid. How easy is it to measure how many people could go into the workforce if they were well supported, particularly when it comes to things such as adult disability?

Dr Randolph: It is very difficult to measure, but from speaking to people who work in employability, I would say that the focus needs to be on the right job. There has been success for people with long-term health conditions and disabilities if they are supported into work, if it is the right job for them, and if they can work with the employer to create the right conditions in the job for them. Good work is being done in Scotland by the specialist employability services that are available to try to advance that type of thing.

10:00

Fiona Collie (Carers Scotland): It is laudable to attempt to provide additional employability support for disabled people because that has been sorely lacking. However, the debate has failed to recognise the right type of employment and the role of public services within that.

Employability support is one thing, but what services are there to enable people to be in employment? I was at the carers and employment conference yesterday, at which a number of carers talked about employability and the fact that social care services and support services are simply not involved. If they are not, the support that somebody needs to be in employment cannot be provided.

Removing social security and the foundations that people have in their lives does not help in the slightest. It makes them more ill, physically and mentally.

Liz Smith: I am sure that they will also have more anxiety.

Emma Jackson (Citizens Advice Scotland): To answer your question about the evidence that we have, we must begin the conversation by looking at the disproportionate levels of harm that disabled people are already experiencing right now. Disabled people face some of the worst of poverty, both here in Scotland and across the UK.

More than two thirds of the almost 200,000 people to whom the citizens advice network provides advice annually have a disability or long-term health condition. Disabled people need advice on multiple issues, including housing, food insecurity, energy debt and social security. Our advisers are seeing at first hand the harrowing choices that ill and disabled people are being forced to make daily, including skipping meals, not being able to turn the heating on and not being able to charge essential medical devices. We know that that has a devastating impact on people’s physical and mental wellbeing.

Given where we are right now, the starting point should be the fact that many disabled people do not have sufficient income to live on, so the premise that we would consider reducing the incomes of those who already do not have enough to live on is simply unconscionable.

We know that poverty is a cause and a consequence of disability. That has been a direct reason for some of the increase in claims. We must therefore begin our conversation by looking at the experience of disabled people now and the solutions that need to be put in place before we have any type of conversation about what needs to be reduced or taken away.

Dr Sally Witcher (Inclusive New Normal): First off, I just want to say that I am attending at very short notice. I am not prepared, so I reserve my right to follow up with a written note that says something different.

My starting point is that, in order to understand what is driving the rising number of claims, you have to get to grips with it. The reason for the increase is the fact that we still have an on-going Covid pandemic.

The statistics and the trends in personal independence payment claims show that the figures were relatively stable from 2013 until about 2021, and then they shot up. If you bear with me, I will give you the statistics for the onflows—the new claims. Working-age PIP onflows increased by 98 per cent from 175,000 in 2018-19 to 348,000 in 2022-23.

We have to ask why that was. It was not that there was a sudden outbreak of idleness; it was the fact that a lot of people were getting very sick and becoming disabled. We are still dealing with that. Covid has destroyed people’s immune systems. People say that they have long Covid, but it is not being monitored, so the data is not there. It causes massive damage, leading to all kinds of health issues, including heart attacks, strokes, brain damage and reductions in IQ.

All kinds of issues are going on. The health of the working-age population has got worse, and long Covid is experienced most by people of working age, which is possibly due to a lack of workplace safety.

Then we have to think about whether employment support is the answer. I was chair of the disability employment advisory committee for the previous Labour UK Government. I have counted the number of different programmes for employment support since 1945. There have been many—there was even another pathways to work programme when I was chair of that committee. Those programmes have never really made much of a dent. They help—I am not saying that they should not be done. However, the reason why disabled people are not in work is not because they lack employment support. There are many other reasons, which I do not have time to go into now, but on which I will be pleased to follow up.

Liz Smith: Thank you for your comments, particularly about the Covid pandemic. According to material from the Organisation for Economic Co-operation and Development, Scotland seems to be struggling more than other countries to get people back into the workplace. Do you have any reflections about why we in Scotland have those specific problems, whereas other countries seem to be coping a bit better?

Dr Witcher: Again, I do not think that there is time to go into that today. There are many factors, such as the economic trends. When the economy increases, the difference in employment rates between non-disabled people and disabled people narrows a bit, but the rate changes more slowly for disabled people. When there is a recession or the employment rates go down, disabled people are the first to lose work, usually because the kind of work that they are in is precarious, part time or short term. There is a raft of issues.

We also need to look at the health service, including mental health support. Disabled people are not in work because they are sick, because they are disabled and because there is an increase in mental health issues as a result of the huge struggles of living in this era. There is huge anxiety—well-founded anxiety, not pretend, it's-all-in-your-head anxiety.

However, there is also a lack of good data. I do not think that we even know how many people in Scotland have long Covid now or how many have any of the conditions that have wiped out—no, that is an exaggeration—or have done a huge amount to damage the economy. There is a lot of international research on that, including on the economic impact.

We have to look more widely. It is about the state of services, the reality of illness and disability, and the fact that employers cannot employ people who have serious, fluctuating illnesses—those who may be able to work very well for a few weeks but then not for weeks, months or days. You have to look at it from the employer end, because a key reason why disabled people are not in work is that employers either will not or cannot employ them. By problematising disabled people—by saying that they are the deficit and that they are the ones who need support—you are missing the picture. You are missing everything about why disabled people are not in work. They cannot work; very often, employers cannot employ them; and, when they can employ them, they often do not do so, because the discrimination laws are not well enforced—and even if they were, proving anything is a hard challenge.

Basically, my message is that your starting point should be completely different. What happens in social security is an indicator of wider economic and public health failure.

I would want to give further thought to the extent to which the picture is different in Scotland—I simply have not had time to do that since I was invited yesterday afternoon to appear this morning.

Chris Birt (Joseph Rowntree Foundation): When it comes to evidence gaps around the reforms, which are important, we know a lot less in Scotland about the overlap between the health element of universal credit and adult disability payment, because those are now handled separately. It is pretty shocking that the UK Government has not done more. I know that Social Security Scotland is digging more into the number of people who have different points and so on, but the situation is a big risk.

We also do not yet know how people in Scotland will be assessed for the health element of universal credit. That is another big gap in our knowledge. However, it is important to note what we do know. Emma Jackson has set out the extent of poverty and destitution among disabled people. I will not go into detail now, but we could write a book on it—and people have done so.

We must also look at the spike in new claims. Hannah Randolph's colleagues at the University of Strathclyde saw that, and the IFS did work for the JRF down south. Claims for disability benefits are concentrated in areas of higher deprivation, as are new claims. Poverty drives demand for those benefits.

We have evidence on welfare reform—I would put "reform" in inverted commas. We have seen that the austerity changes to universal credit have not reduced poverty. They have increased employment to an extent; however, because social security was cut at the same time, people's incomes have not gone anywhere.

We also see that people are disadvantaged in the labour market. Often, disabled people, women and people from minority ethnic backgrounds do poorly and are discriminated against, so the net outcome is no change in the hardship that we have seen over the years.

Sally Witcher and Fiona Collie have set out a lot of the issues on employability. It is the same for everyone, really. We see employability as something that is very simple but, in reality, it is not. The barriers to work are complex.

It is also about a sense of scale. For example, work has been done to look at the additional employability support that the UK Government promises. It has been estimated that that could help 45,000 to 90,000 people into work—at the UK level—yet the cuts will impact on millions of people. As a comparator, the Scottish Government has a goal of halving the so-called disability employment gap in Scotland, which would mean increasing the work of 120,000 people in Scotland alone. The UK Government, through its commitment to additional employability support, is looking at increasing employment for 45,000 to 90,000 people across the UK.

There is a sense of frustration over the lack of scale or urgency when it comes to social care, transport, healthcare and, as Sally referred to, employers. There are big, structural problems in our economy, and the reforms will only make them worse; they do not touch the edges of the real issues that people face.

Fiona Collie: The role of those with caring responsibilities needs to be considered, as does caring as a social determinant of health. The reforms have the potential to double the impact for people who lose their health element and their carer support payment or anything else that is attached to that.

A third of carers in Scotland are disabled, compared with 24 per cent of non-carers, and more than a quarter of carers have said that they have bad physical or mental health. Both figures have increased since the last time we did the survey, which was a year ago. Two thirds were struggling to make ends meet. Worryingly, 14 per cent use food banks. All those things contribute to poorer health. We need to tackle many different issues; however, for carers and disabled people, those are structural issues and we need to make big progress on them.

10:15

The Convener: Thank you, Fiona. I believe that Sally Witcher wants to come in

Dr Witcher: Yes—just quickly. One thing that I missed out is that the pace at which claims are processed and the drop-out rate can also be quite a big factor. The more resources that there are, the faster claims are processed. That can also mean that the number of claims, including new claims, looks greater.

One thing that I would want to look at is whether the pace slowed during the pandemic because people were off sick, in lockdown or whatever, and at whether more resources were put into processing a backlog once the emergency was over. Something like that could make a difference when considering what the figures are telling you.

Also, it is important to understand the backdrop to the reforms. I mentioned that disabled people have already borne the brunt of austerity. The United Nations Committee on the Rights of Persons with Disabilities, having looked at the UK state's record on benefits, accused the UK Government of "grave and systematic violations" of disabled people's rights. It also described the Government's record as a "human catastrophe" in 2017. In March this year, a separate UN committee urged the UK Government to make good the devastating cuts that there have been to disabled people's benefits. That was literally a few weeks before the UK Government announced the cuts.

We need to understand that the starting point for disabled people is extreme poverty. There is simply nothing left to give. Eighty-eight per cent of people on the lower rate of PIP and ADP would lose support. That is a huge number. Let us not underestimate how devastating the cuts could be.

The Convener: We move on to theme 2, which is the impact of the UK reforms on disabled people and their carers. I invite Marie McNair to come in.

Marie McNair: It is great to have you all with us this morning. The disability charity Scope has said that the reforms could push 250,000, I think, people into poverty, including 50,000 children. Do the witnesses agree with that assessment? I will open that up to whomever wants to come in first.

Chris Birt: Yes and no. We think that some of the UK Government's communications on the reforms are—I will use parliamentary language—slightly misleading. Our analysis shows that maybe 400,000 people would be driven into poverty. Scope has not counted the previous cuts that the previous UK Government was going to make, including the changes to work capability assessment. I can provide the committee with that analysis if it would be helpful.

Sally Witcher eloquently set out the position that disabled people are already in. I have got a list of various stats that I could mention. If there is ever a vote in this Parliament as to whether to copy the changes that the current UK Government is making, I would encourage members to take a look at the scoring system for PIP or ADP and at what gets you two points. The UK Government requires a score of four points to get the standard allowance that Sally was talking about. Read the criteria for scoring two points, see whether you can add up a few of those to get to eight points and ask yourself, "Do those people not deserve support?" I think that it will chill you to read some of the criteria. I really encourage people to do that.

Emma Jackson: We point to the analysis that organisations such as JRF have done to highlight some of the impact that it is believed that the reforms could have on people. We really need to grapple with the fact that they will have a catastrophic and far-reaching impact on sick and disabled people and their families. They will undoubtedly push more people into debt and into destitution, with devastating impacts on people's physical and mental wellbeing.

None of that is hyperbole: it is the reality of what we will see, so we absolutely must grapple with that and do everything within our power to prevent those things from happening. Citizens Advice Scotland is ardently against the reforms and we have been doing everything that we can to share evidence and insight with the UK Government.

One of the things that deeply challenges us and that it is important for us to grasp as we look at the proposals is the fact that both PIP and ADP are intended to be known as "enabling" benefits or payments. They are there to cover the additional costs of having a disability or a long-term health condition. They are not means tested and are not linked to a person's ability to work. I must say that again: they are not linked to a person's ability to work.

A narrowing of the criteria means that we are going to see some pretty devastating things. Chris Birt has already highlighted the proposal to change the daily living component and I will go a step further to spell out what some of that means. It will include taking away points for things such as needing help to prepare food or manage incontinence. I do not know about you, but I think that accessing food and being able to go to the bathroom are pretty foundational in all day-to-day lives, so the idea that society might not want to value that or to enable someone to do those absolutely fundamental things is really difficult to grapple with.

If people are not able to eat properly or to use the bathroom, how on earth do we think that they will be able to maintain or hold down the jobs that they already have? Citizens Advice Scotland provides ADP advice to a significant number of people all across Scotland. More than a quarter of those who access that advice from us are in work. ADP payments are enabling people to access and hold down work and to have independent lives, so lowering the payments in this way could have the direct consequence of removing people from the workforce. That is completely nonsensical in the light of the overarching goals that the reforms are allegedly trying to move towards.

The Convener: That is really helpful. Sally Witcher wants to come in and then I will bring in Fiona Collie.

Dr Witcher: As someone has already said, the kinds of things that someone would not score more than two points for include being unable to wash or dress below the waist without assistance or needing prompting or supervision to go to the toilet. People will lose support for that, but I presume that they will be offered support to do something like preparing for a job interview or getting their CV in shape. Let us be realistic and understand that some of those costs will be displaced on to local authorities, which will not help because it will just move the money around.

If you look at the total cost, which I believe the UK chancellor compared to “pocket money”, the total potential loss for a household that includes carers would be about £14,000 per annum. I do not know about you, but that does not feel like pocket money to me and if that is the amount of pocket money that ministers are paying their kids they might want to rethink that. It is seriously huge, and even people who are on the lower rate are going to lose about £8,000, which is a massive amount when you have no money.

I am sure that Fiona Collie will have the most up-to-date figures, but the amount that unpaid carers already contribute to the economy is something like £184 billion a year. Is that not enough? Why take more money off them? That will be disastrous and it is not an isolated attack. Social care is being removed and care workers are not getting visas. It is coming at us from all sides. People cannot get healthcare because the healthcare system does not understand some of the conditions that the people I work with have and it cannot test for those conditions if it does not understand them. People have been left to rot.

I honestly do not know what will become of disabled people. Perhaps they will be offered assisted suicide or assisted dying—I am not joking. I was at a meeting yesterday and one speaker said that one of the leading causes of death for people with myalgic encephalomyelitis is suicide. It is grim. I have worked in this area for more than 30 years, and I have been scared before, but I have never been quite as alarmed at what is happening as I am now.

Marie McNair: That is absolutely brutal. I thought that the figure was 250,000, but thank you, Chris Birt, for clarifying that it is 400,000. It is not just numbers; there are real people behind that. Chris, some of your briefings have been really helpful, as are the case studies that you provided. Fiona Collie touched on similar ones.

The example that I was looking at was a single person losing PIP in the health element of universal credit. It would mean that they would get £818 less a month, which is equivalent to a reduction of £10,000 a year. Can you provide further examples of how people have been impacted and how it will affect those who are in work?

Fiona Collie: The cuts—let us call them what they are—will be devastating for disabled people and carers. We do not believe that there is sufficient understanding of the knock-on impact on carers. We can talk about things like loss of carers allowance or health elements, but what does that mean for carers’ employment? We know that about a third of carers have to give up work to care. People reduce their hours or take lower-paid jobs, simply to manage. The fact is that people will continue to care. Removing funds does not mean that people will stop caring, nor, incidentally, does it remove disability or ill health.

We think that significant work needs to be done on the cumulative effect, for example on parent carers, and on the impact on child poverty. We know from our surveys that carers who are caring for a disabled child, or who are caring for someone else and have parental responsibility for a child under 18, have a greater chance of poverty than other carers. They are far more likely to be in debt, and they are twice as likely already to be cutting back on essentials such as food and energy. That group is 10 per cent more likely to have given up work to care and a third more likely to have reduced their hours.

We need to think about the other services that are around that. About half of that group are worried about how they will afford the rent and mortgage increases. Already, 7 per cent have been forced to sell their home because of their caring role. The levels of struggle on the very basics—electricity, gas, transport, food, rent or mortgage, repairs to the home—are higher across the board for parent carers and those who have a child under 18. The levels of poor mental health are higher than for all carers. The assessment of impact does not take into account the cumulative impacts on individuals who have multiple roles. We are all people who have multiple roles. Someone might be a parent and also have a caring role. A number of carers in the survey were caring for two, three or four people. What happens if we remove the financial support from them? Caring does not stop, but their poverty will increase and they will end up in destitution.

Marie McNair: Have carers in Scotland been consulted on the proposed cuts?

Fiona Collie: We are directly consulting carers specifically on the health element, because that is part of the reserved benefits system. We are encouraging carers to make their voices heard in the consultation and to say what the cuts will mean for them. They can do that through us, through the national carer organisations, through our colleagues in Carers UK or through other carer organisations across the UK.

10:30

Emma Jackson: On the point about consultation, we have to acknowledge that not all the proposals are being consulted on. For some of the proposals that those of us from the third sector have the deepest level of concern about, no public consultation is taking place—for example, on the narrowing of the PIP criteria. The fact that we are not able to actively engage disabled people, first and foremost, and those who work alongside and with them in organisations is of deep concern.

We also feel very concerned specifically about the lack of in-depth and meaningful consultation about the interaction of these reforms with devolved social security. Our primary concern is about Scotland, but I refer to our colleagues in Northern Ireland as well.

There are real concerns about whether this is being consulted on in such a way that the right level of information can be gathered.

The Convener: If no one else wants to come in before we move on to the next theme, I will invite Jeremy Balfour to ask his questions.

Jeremy Balfour: I thank the witnesses for coming in this morning.

I want to explore two areas under this theme, the first of which Emma Jackson and Chris Birt have already picked up on. The criteria for ADP—which, I should acknowledge, I am in receipt of—and PIP are almost identical for most individuals. ADP acts as a passport to other benefits, which are reserved at present. If the PIP criteria are changed and the Scottish Government decides not to go down that road, what concerns do you have that the UK Government might then not use ADP as a passport to those benefits? What implications would that have for people in Scotland?

Chris Birt: That is a huge concern, and I think that so far the UK Government has bordered on being flippant about the extent of those issues. Consultation documents and the other documents just blithely state that we need to think about this, but hundreds of thousands of people in Scotland and Northern Ireland will be impacted.

The consideration by this committee and its predecessor of the transfer from PIP and disability living allowance to ADP provides a lesson on some of the fear that Sally Witcher has spoken about. A clear message that the committee and the Scottish Government heard was that disabled people want stability and predictability. They are saying, “Things have been really flipping hard for years. Do this carefully, please.” This is a perfect example of how not to do it.

The absolute core principle, which the UK and Scottish Governments will have to co-operate on—it is incumbent on them to do so, whether they like it or not—is that the burden must be placed on the bureaucracies, not on individuals, to make these decisions. The idea that people in Scotland would have to go through another assessment, on top of the assessment that they must have for UC and ADP, just to get the health element of UC has to be seen as completely unacceptable.

Emma Jackson has highlighted a key point, which is something that is a problem with the current proposals as they stand. The assessment for PIP or ADP is not related to a person’s ability to work; the work capability assessment, by its very name, is. Those are different calculations. We have concerns about what will happen with the people down south who currently do not get PIP but who do get the health element of UC. So, there are fundamental differences in the assessment processes already.

If the Scottish Government were not to copy what the UK Government is doing, we would still be asking the same questions. There might be a data-sharing issue, but what if the Scottish Government were to, say, significantly change eligibility for ADP and—heaven forfend—increase its adequacy?

These are difficult questions, and it is very problematic that the UK Government has not taken the time to get this right, which it needs to do. Some of these things look rushed. They have not been consulted on and have been hammered through to balance the books on the back of disabled people, which is completely unacceptable.

Emma Jackson: I agree with everything that Chris Birt has just said. I will not repeat the point, because I know that we are pressed for time, but we agree that there seems to be a huge lack of insight in the relationship between devolved and reserved payments.

Our biggest concern, which seems to be rising to the top, is the passporting element, in that ADP can enable other people to receive payments from other parts of the social security system. The direct link to carer support payment comes to mind. Nothing about that element is clear; none of it is known at the moment. Because there is no clarity, it is quite hard to make exact recommendations.

We need to think about other things that are happening in our social security system in Scotland at the moment. As committee members well know, we have been carrying out an independent review of ADP, which has brought up some really interesting things, and a series of recommendations on ADP will be coming to the Scottish Government in the very near future.

It is hard not to feel that there is a divergence in the two approaches to disability payments and health-related payments, and the most important thing is what that means for individuals. Chris Birt is absolutely right that the burden cannot be placed on individuals. We see that day and daily across the citizens advice network, with individuals in Scotland having to navigate two social security systems that are administrative and can be complex, perhaps despite the best efforts of the Governments to work together. It is quite difficult to comprehend that we would think about adding more complexity and more burdens to that system.

Social security uptake is not as high as we would like or as it needs to be. Social security is a right, and people should be able to access the payments that they need. Any level of complexity places barriers in front of people to claim the things that they are entitled to, outwith the administrative barriers that people face.

We have to acknowledge the impact on disabled people of the conversation that has been happening of late. The language and rhetoric surrounding the issue has been deeply villainising in its attempt to portray people as not needing the payments or swinging the lead—I do not want to repeat any of the other horrible language that has been used. That is having a very significant impact on people right now, even before any of the potential reforms have gone ahead.

Dr Witcher: In November 2023, I gave evidence to the committee on the complex interconnections between the two systems and the potential constraints on devolved power that they could constitute. My fear is that the cuts will—inevitably and unavoidably—significantly constrain what any Scottish Government could do to exercise devolved power.

Now, some of the following are questions, but they are questions to which I have not seen answers. I am particularly interested in how the fiscal framework would apply, as well as, potentially, article 14 of the European convention on human rights on discrimination and inequitable provision.

Basically, if PIP assessment is to be the assessment for universal credit and those kinds of additional payments, adult disability payment would, structurally speaking, fulfil the same function. However, if ADP eligibility is better in accurately reflecting and accommodating people with severe functional limitations who are currently excluded—I am working with many such people—what would happen? Would it still serve as that route?

Even if it did not do that, and it was just significantly different to PIP, we would have two different eligibility processes to grant access to the same thing. If it were decided that it would continue, regardless, to provide access to universal credit and suchlike payments, how would the fiscal framework apply? As I understand it, that says that if the Scottish Government does something that causes the UK Government to incur extra costs, the Scottish Government pays, so who would meet the UK Government's additional universal credit payment costs?

Then we have article 14 of ECHR, which is part of the Human Rights Act 1998. If eligibility criteria for reserved benefits varied without a justifiable reason and had a disproportionate and inequitable impact on the vulnerable group, that could be challenged. Even then, if the Scottish Government decided that those criteria did not serve as a passport or a route to the payments, there would need to be an additional assessment. Again, I do not know who, under the fiscal framework, would pay for that.

These are important questions. I hope that I am not just casting a shoal of red herrings at you, but it would be worth checking them out.

The Convener: Thanks, Sally—that is noted.

I believe that Fiona Collie wants to come in.

Fiona Collie: I do not have answers to any of those questions, but I do want to highlight other interactions with devolved systems, particularly around employability for young disabled people, what resources being switched to an expanded use guarantee would mean in Scotland, and how the UK Government would work with the Scottish Government to develop that. We are generally concerned about that change.

It is really difficult when young people with a disability or long-term condition and their carers transition. Services can be reduced as they move from children's to adult services, and stability at that time is really critical. The Scottish Government has invested in a reopened independent living fund transition fund for young disabled people, but it is placing additional barriers in front of them and their families by changing the support for young people, who already get less financial support from the social security system. There are some questions about that, but the specific question is about the devolved employability systems.

Jeremy Balfour: I thank everyone for their answers. It is disappointing that the Secretary of State for Scotland and the Secretary of State for Work and Pensions have not been willing to come and give evidence to the committee, because the questions, particularly those posed by Sally Witcher, are ones that the committee would want to pursue. However, we are unable to do so, due to their lack of availability.

I am conscious of time, convener, so I will move on to the million-dollar—or in fact billion-dollar—question. The Scottish Fiscal Commission has identified that, by 2029-30, the Scottish Government will need to find approximately £2 billion if we are to continue down the road that we are on. That can be found if more money comes from the UK Government—or from tax-raising powers here in Scotland, although they are limited—or it can come from cutting other services and budgets. I appreciate that this is the question that none of you wants to answer, but what would you suggest that the next Scottish Government should do to find that £2 billion?

I will start with the economist.

Dr Randolph: That is the million-pound question. One thing to consider carefully is Emma Jackson's earlier point about cuts to disability benefits, in particular, placing more pressure on other services and local authorities. This is not necessarily an area in which direct savings can be made, and that is something to be aware of.

I think that a question about fiscal sustainability was raised in the documents for this meeting. Some social security elements have been devolved, and there has been concern about higher spending in the Scottish system on certain types of benefits, particularly disability benefits, but that is why we have a devolved system. It is important to remember that the system has been devolved to allow us to make different decisions in Scotland, but we need to be aware of where the money is coming from. I have no easy answers, unfortunately, about where the money could come from, but maybe Chris Birt has some.

Jeremy Balfour: Chris, do you have the answer?

10:45

Chris Birt: Politics is all about choices. You are hearing a chorus of people tell you that the UK Government is making the wrong choices in those areas, but our social security system has been in a withered state for years now. Loads of evidence shows that that causes poverty.

The magnitude of the mitigation of changes to disability payments is significant—there is no denying that. I completely understand that politicians have to defend their spending decisions—sometimes, I have been guilty of rolling my eyes at the Scottish Government when it has said, "Oh, we just have to mitigate all this UK Government stuff"—but it is the right thing to do. It is not even getting us particularly far—it is just stopping things getting a lot worse.

Frankly, if I were forced to make a decision, I would rather stand on a doorstep and defend modest tax increases than make disabled people destitute, which is the choice that people face and the choice that politicians take on when they do their job. Perhaps it is not as easy as that, but so be it.

Dr Witcher: I go back to what is causing the rise in claimant numbers and what the trends are based on. Presumably, the projections are based on current trends, but if you go back to what is driving the trends, it is clear that they are not inevitable, so they can presumably be changed. If the rise is being driven by unmitigated airborne infections and, as a result, on-going illnesses, you could do things to change the numbers of people becoming sick and disabled, which means the claimant figures would change, too. It is about being tough on—if I can put it—sickness and disability instead of being tough on sick and disabled people.

If the Government goes ahead with the cuts, what will happen is precisely the opposite of what is intended, because more poverty will make people more sick and disabled. The cuts will make them less able to work because, as Emma Jackson said earlier, although PIP helps people into work, disabled people who are in work have extra costs to meet. Therefore, the cuts will be very counterproductive, and all that will happen is that expenditure will be displaced to local authorities and elsewhere. Ultimately, if disabled people cannot accommodate the cuts, they will go under.

You have to go back to what is at the start of all this, which is the issue of unmitigated and unaddressed sickness and disability. You might think this a very odd suggestion, but one thing that the Scottish Government could do to make a difference is to take the issue of indoor air quality seriously, because that is where the pollution is. So much of the sickness and disability is driven by the infections that are spread in indoor air. Every winter, the national health service is near to collapse because it is overwhelmed by airborne infection, yet nothing is done to prevent it when something could be done.

Emma Jackson: I am repeating what others have said, but we cannot allow the cuts to happen here in Scotland, and we cannot follow suit. The cost of mitigations is eye-wateringly staggering, but I urge the committee and, indeed, the Scottish Government, if it comes to making such decisions, to think about the cost of failing to meet the service demand that will be caused by the cuts. The impact on other services will be astronomical, and the long-term impacts will last for generations. We cannot take a short-term view on that.

I absolutely agree with Sally Witcher about some of the long-term actions that are needed. We have to look at the systemic issues that we have as a society and continue to prioritise them—perhaps the most pertinent is tackling poverty. The Scottish Government needs to continue to make that a burning platform and the number 1 issue that it is looking at.

If we do not put mitigations in place to support disabled households, I do not know how we will have any chance of meeting the legally binding child poverty targets that this Parliament has set. All those things are inextricably linked, so tackling poverty is of critical importance, as is investment in public services. We have spoken about the things that disabled people need to access so that they can attend work, live independent lives and be able to stay healthy and well. Investment in the NHS and care services is absolutely critical.

We must also continue ensuring that employers are fulfilling their responsibilities to deliver on their duties under the Equality Act 2010 to make reasonable adjustments so that disabled people can not only access but maintain good jobs. All those things must happen—and I would argue that they need to happen at the same time, so that we can deal with the short-term issue in front of us while also thinking about the long term and having some ambition for disabled people to be able to live decent and dignified lives with sufficient incomes.

Fiona Collie: I will be brief because Emma Jackson has spoken far more articulately than I can.

I absolutely urge Scotland not to follow suit on ADP and to find a solution for the health element of universal credit, but we must also look at tackling the causes of ill health and think about them holistically, rather than working in isolation. We do a lot of that. We think about reducing waiting lists, which is fantastic, but we do not necessarily think about how to provide the right social care so that we can discharge people from hospital. We think of things in boxes when we should be thinking about the whole.

The Convener: We will move to our final theme, abolishing the work capability assessment. Bob Doris has a question.

Bob Doris: I think that we have been speaking about that for the past few minutes, so I invite people to make any additional comments. We have heard about how Scotland might need an alternative system and about the relationship with the DWP if the Scottish system diverges from the UK one, so that we have an alternative assessment process. I think that we have covered all that. I can raise one or two other matters if you think that that would be helpful, convener. If the witnesses have any other comments about abolishing the work capability assessment, they should raise those, but I think that we have covered most of it.

There is a thought in my head about those who get the health element of universal credit. It is not clear who will or will not be pressurised into seeking employment once the work capability assessment is abolished and it is also not clear when conditionality will kick in. Are there additional concerns about that? It would be helpful to hear about those.

PIP is an entitlement for those with disabilities and is not related to being in work. I hate to make the matter sound worse, but do the witnesses think that there has been a deliberate blurring of that? If there is, might we be looking at a future situation where there are questions about whether people should be getting both PIP and the health element of UC? That is not something that I would ever suggest, but might that be the UK Government’s wider direction of travel? That could cause further serious damage to those living with disabilities.

I know that the question theme was supposed to be work capability assessments, but I think that we have fleshed most of that out with Jeremy Balfour’s line of questioning. Does anyone want to take up the cudgels based on my wider thoughts?

Fiona Collie: I will probably not answer the second part of the question, but we do have concerns about a new conditionality regime. There is talk about that feeling softer and more supportive, with support conversations, but what does that actually mean? The reality is that more disabled individuals and unpaid carers will fall into the regime of conditionality. We see that happen to carers when a person has lost their disability benefits and is in the process of appealing that decision. As I said, just because financial support stops does not mean that disability and caring stop. We have real concerns about that.

Chris Birt: I could give you a long rant on conditionality, if you have the time. The massive cut to the health element of universal credit is particularly worrying. It may not have been a deliberate blurring, but there has certainly been a careless blurring of the means-tested and non-means-tested elements of it. By their very nature, people who are currently in receipt of the health element of UC are poorer and at great risk of destitution. We see that showing up in food bank use and so on. The whole thing is just toxic.

Disabled people have talked for a long time about the right-to-try policy and the risk of going into work, and, if that does not work out, having to go through the process again. Even just the name—the right to try—implies that disabled people and their carers are not currently trying. Through the Parliament, we have heard about people's distrust of the DWP and the previous PIP and DLA system. The UK Government is trying to push a line of, "Don't worry; we'll help you out more," but it is doing that through a system that people do not trust and using condescending terms such as right to try. We require a complete reset.

What that talks to, and Emma and Fiona have both mentioned it, is the deeply unfair and unequal society that we have. We have extremely high levels of poverty. For 41 per cent of people in receipt of disability benefits, when you take those benefits out of their income, they are in poverty. Part of the demand is driven by the fact that we have an ageing population. We have an ageing population and an impoverished population. There is a 25-year gap in healthy life expectancy between our poorest and our richest communities. That is shocking. We will not make progress on this until we get into those structural causes and until we flip the conversation on its head. We do not talk about people being far away from the labour market. The labour market needs to get closer to them. Until we look at it through that prism, we will continue to fail.

Dr Witcher: That was an interesting suggestion about putting all the extra costs in one place and separating that from out-of-work benefit. One of the key challenges for the way in which the systems are structured is how closely they are interconnected: what one of them does rebounds on the other. If the Scottish Government could do what it can to disentangle those systems, that would massively increase scope, potentially, for devolved power to be exercised.

As for blurring what PIP is, if you look at social media—which I try not to—nobody out there understands that PIP is not an out-of-work benefit. They just do not get it, and they would not understand why people have extra costs in work that even access to work will not meet—if you can get it after waiting for however many months. It is not understood that PIP helps people get into work by providing some income security. It enables people to take up low-paid work that they might not otherwise have even been able to attempt. The right to try is a good idea, but my question is how that will work for employers, because if it does not work for them, it will not work.

Ultimately, we have to look at it through the employer's lens. I would like employers to be subjected to the kinds of sanctions and grilling that sick and disabled people could well find themselves subjected to. Employers need to be grilled about why they cannot employ disabled people and sanctioned if they could but are not. Let us turn it on its head, because we would then have a sense of whether the jobs are not there, so the employers really cannot offer them. I think that some people, if they understood reasonable adjustments and how to construct job descriptions—which they do not—could employ disabled people.

However, in many cases, people are too sick and disabled to work and employers cannot employ them. You need to get your heads around that. It does not matter how much you sanction people; they are not out of work because they lack motivation, do not know how to do a CV or need help with interview techniques. Those reasons may apply to some people, but it is a tiny number. However, I like the idea that was mentioned about needing to think more creatively and test out some other options.

11:00

Emma Jackson: There is a lot more that I could say on the work capability assessment, but we provided a written submission to the committee, which I ask members to look at. In particular, I highlight the section on something called "substantial risk", about which we have a deep concern.

More generally—to answer the last part of the question—one of the things that Sally Witcher and others have touched on is the real lack of clarity in all this. There is confusing and conflicting messaging, and we must acknowledge both the real and deep impact that that is having on disabled people, as well as the fears and worries that they have.

We also need to consider the impact that the lack of clarity is having on advice services, such as the 59 CABs across Scotland. Our advisers tell us that, already, people are coming who are absolutely terrified by what is happening, and CABs are bracing themselves for an onslaught of demand for advice. This is at a time when they have never been busier and the issues that individuals are facing have never been more complex. There will be even more demand.

I was recently speaking to Alana Forsyth, the chief executive of the Glasgow North West CAB, which is one of our busiest CABs. I want to read out something that she said to me, because I think that it is so powerful. She said:

> "We've already seen a spike in demand from people asking about what this is going to mean for them. People are so worried—I don't know how much more they can take. Or our advisers. How do we tell even more people who are cold and hungry, facing mounting debts and deteriorating health that there is nothing else that we can do for them to increase their incomes? This will be devastating for all of us. We're entering this new period ... from a position of much deeper ingrained and more widespread poverty than before ... In all honesty, all we have left to strip from people is their humanity."

The Convener: That is very powerful—thanks.

Marie McNair: I want to go back to the assessment. I understand that the existing assessment of whether someone has limited capability for work or work-related activity includes consideration of whether the claimant would be a risk to themselves or others in the workplace. I believe that that consideration will not exist after the changes. Would having no assessment of the claimant's ability in the workplace undermine the suggestion that the changes are about helping more people into work?

The Convener: Would somebody like to come in on that?

Chris Birt: I will repeat what I said earlier: the PIP or ADP assessments and the work capability assessment are fundamentally designed to do two different things. I think that that is something—I am looking at a chart from one of my colleagues—that is being consulted on, so it is definitely something that we need to consider. Emma Jackson may have a more detailed opinion on that.

The Convener: If the information is not available now, you can always send a written submission. I do not want to put anyone on the spot.

Emma Jackson: I point to our written submission—we picked that point up there.

The Convener: Paul O'Kane is online. I do not know whether he wants to come in on anything.

Paul O'Kane: No, convener; I said that I would indicate if I wanted to come in.

The Convener: My apologies.

That concludes all our themes on welfare reform. Thank you for your really powerful evidence and for the excellent written submissions that you have all provided. If there are any points that you have not had a chance to raise with us today, you are more than welcome to follow up in writing.

11:04

Meeting continued in private until 11:19.

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