



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Justice and Social Security Committee

Thursday 22 May 2025

Session 6



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SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE

16th 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:

Simon Coote (Scottish Government)
Janine Kellett (Scottish Government)
James Messis (Scottish Government)
Kaukab Stewart (Minister for Equalities)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Social Justice and Social Security Committee

Thursday 22 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 16th meeting in 2025 of the Social Justice and Social Security Committee. We have apologies from Mark Griffin, and I welcome Paul O’Kane, who joins us online.

Agenda item 1 is a decision on taking items 5 to 7 in private. Do members agree to take those items in private?

Members indicated agreement.

Financial Considerations When Leaving an Abusive Relationship

09:00

The Convener: Our next agenda item is to continue taking evidence for our inquiry into financial considerations when leaving an abusive relationship. I welcome from the Scottish Government Kaukab Stewart, the Minister for Equalities; Simon Coote, head of the cross-cutting policy unit; Janine Kellett, head of the homelessness unit; James Messis, council tax and reform policy team leader; and Eileen Flanagan, policy manager. I thank them all for joining us and invite the minister to make a brief opening statement.

The Minister for Equalities (Kaukab Stewart): I am grateful to the committee for inviting me to contribute to its consideration of the financial issues when someone leaves an abuser. Those issues are covered by many ministerial portfolios, so I will do my best to assist the committee, and I am more than happy to provide supplementary information about issues that cross into other portfolios.

I begin by stressing that the Government is resolute in its belief that coercive control, including financial abuse, has no place in Scottish society. That is why we introduced the Domestic Abuse (Scotland) Act 2018, which criminalises such behaviour.

As many respondents have noted, “Equally Safe: Scotland’s Strategy for Preventing and Eradicating Violence Against Women and Girls” explicitly addresses financial and economic abuse, in the recognition that perpetrators control finances and women’s access to employment and opportunities and to highlight the fact that women’s financial inequality with men enables such abuse. The strategy acknowledges that structures and systems exacerbate that inequality and act as barriers to women leaving abusive relationships. Under the auspices of the strategy, it is imperative that we continue to identify and address the barriers that hinder survivors from leaving abusers.

I recognise the importance of social security. Scotland has built a radically different social security system, which supports those who need it, including women and children who experience domestic abuse. Social Security Scotland staff, including a dedicated safeguarding team, are trained to identify and support those who are experiencing abuse. However, as the committee is aware, much of social security in Scotland—particularly universal credit—remains reserved to the United Kingdom Government. I note the many

comments from stakeholders regarding UK Government benefits, and I am sure that the committee will want to engage with the Department for Work and Pensions on those matters.

We remain keen to work with the DWP—for example, on splitting the universal credit payment, which stakeholders have told us is essential to removing a major enabler of domestic abuse. Although the Scottish Government has limited powers to change how universal credit is paid in Scotland, the delivery of split payments remains entirely dependent on the DWP.

Regarding council tax, we acknowledge that joint and several liability may sometimes cause harm, which is why we are committed to supporting an amendment to the Housing (Scotland) Bill that would require a review of the impact of that in cases of domestic abuse. That is a crucial step in helping councils to handle such sensitive situations with care and understanding.

Our programme for government commits us to taking forward actions that were set out in the recently published discussion paper on legal aid reform, which include bringing forward regulations to simplify the judicare system.

We are determined to support women to get the access that they need. We have provided funding for a pilot project in Edinburgh that provides an early intervention service to offer legal advice to women and children who are impacted by domestic abuse. Next week, the Minister for Victims and Community Safety is due to give evidence to the Equalities, Human Rights and Civil Justice Committee on what the Government is doing on civil legal aid.

It is important to recognise that the no recourse to public funds condition is applied to people who are subject to immigration control under law that is wholly reserved to the UK Government. Our position is that the UK Government should immediately cease to apply the no recourse to public funds condition to people who are in vulnerable circumstances, including women who are experiencing domestic abuse. Through our ending destitution together strategy, we seek to mitigate and prevent destitution for people with no recourse to public funds, and we support the fair way Scotland partnership to deliver inclusive casework and emergency cash support for people who have no recourse to public funds. We continue to press the UK Government to extend the migrant victims of domestic abuse concession to make it available to anyone who is in the UK as a dependant on someone else's visa or protection status.

The Government recognises the need to ensure that service provision is fit for purpose and

responds to the needs of those whom it is designed to benefit. We are committed to ensuring that we have a process in place to keep improving and to deliver. I look forward to engaging with the committee.

The Convener: Thank you for that helpful statement. We have heard from a wide range of witnesses and had a really informative visit to the financially included project. How will the Scottish Government help to ensure that comprehensive trauma-informed advice and support are available on the financial aspects of leaving an abusive relationship?

Kaukab Stewart: Will you repeat the question?

The Convener: Are the advice and support that go out to people trauma informed?

Kaukab Stewart: I beg your pardon—I have so much information in front of me that it is like sitting an exam.

It is, of course, essential to have a trauma-informed approach. We know that financial abuse in the context of domestic abuse can mean that abusive partners claim social security benefits, which further traps victims and survivors.

Our charter commits Social Security Scotland to adopting trauma-informed practice as standard, and the agency is actively working to embed that practice across the organisation. All Social Security Scotland's health and social care staff undergo training on trauma-informed practice, in conjunction with NHS Education for Scotland. Social Security Scotland's induction programme includes trauma awareness, and those in the workforce, including local delivery advisers, complete annual training that covers the principles of safeguarding, recognising abuse and public protection.

As part of its commitment to being a learning service, Social Security Scotland welcomes feedback from clients, which is really important in ensuring that the client experience is as good as it can be. It takes feedback from clients, colleagues and stakeholders, which helps to inform any changes that we need to make. Social Security Scotland continually revises its guidance to ensure that women are supported in the best possible way. I hope that that is helpful.

The Convener: Committee members have undertaken trauma-informed training, which has been really helpful, given the areas that we work in and the witnesses who come to speak to us, and for our own casework. What is the Scottish Government doing to improve knowledge and skills on the issue across the full range of services that people come into contact with, such as those from local authorities, the legal profession, social

security providers—you touched on them—and financial institutions?

Kaukab Stewart: I cannot add much more, because so much of that process is about the ethos of engagement. As I have said before, that involves taking a consistent approach and ensuring that training cuts across the range of people who come into contact with survivors. The approach must be consistent, because the women involved are in a traumatised state and their situations are often complex. Being able to navigate across all the systems is important. I reiterate that the Government is absolutely committed to enabling such an approach. I have outlined the various training initiatives that are available, which we are ensuring are consistent for any service that a woman might come across.

The Convener: You touched on this in your opening statement, but will you say more about progress on the commitment in the equally safe strategy to develop a national framework on training and workforce development? Will identifying and responding to economic and financial abuse be included in that training?

Kaukab Stewart: The committee will be aware that the equally safe in practice framework was published by Scottish Women's Aid during the 16 days of activism in 2024. The Scottish Government, Scottish Women's Aid and other partners continue to promote and develop that approach. Those in Scottish Women's Aid are the experts in that area. We are not doing this in isolation; we are working with the correct partners that have the relevant expertise and ensuring that all our practice is informed by them.

Gordon MacDonald (Edinburgh Pentlands) (SNP): Good morning. As part of our inquiry, we have had evidence that a high proportion of the debt that we are discussing relates to council tax arrears. Sometimes, councils' debt recovery practices are such that they make people's financial positions worse. What is the Scottish Government doing to promote good practice in how public debt recovery takes account of financial and economic abuse?

Kaukab Stewart: That is a huge concern, and we recognise that financial control and the creation of debt in abusive relationships can adversely impact victims/survivors. Of course, that can include public debt such as rent and council tax arrears. Through the current Housing (Scotland) Bill, we are taking steps to improve how social landlords respond in such circumstances, by requiring them to develop and implement domestic abuse policies and to provide specialist support before legal action is taken over arrears that are connected with such abuse. We are also committed to bringing part 2 of the Domestic Abuse (Protection) (Scotland) Act 2021 into force

in December 2025. That will enable courts to transfer secure tenancies away from perpetrators and give victims the option to remain in their home safely.

More broadly, the Scottish Government recognises the impact that public debt can have on people in vulnerable situations and we encourage all public bodies to adopt best practice in debt collection and advice. We are investing £2.2 million to expand Citizens Advice Scotland's council tax debt project, which provides tailored support to affected households and promotes best practice in debt collection across local authorities. I am fully aware that it is a complex and multifaceted area. I am quite happy to bring in James Messis, who will be able to provide the member with further information.

09:15

Gordon MacDonald: Before James Messis comes in, could you touch on the fact that the Financial Conduct Authority brought in the consumer duty, which says that banks must support customers in financial difficulty and give the option of payment holidays and reduced payments? Is that the kind of area that the Government is looking at? Should we have a code of practice on public debt?

Kaukab Stewart: James, are you happy to answer that?

James Messis (Scottish Government): Certainly. I will touch on council tax. It seems that you are talking about a broader practice that you have observed elsewhere. As the minister mentioned, Scottish ministers are working very closely with the Convention of Scottish Local Authorities, through the joint working group on council tax reform, to improve the adoption of best practice on debt collection. Best practice involves early engagement, supportive communication, referrals to the right services, discussion around payment arrangements and so on—all really useful things.

Data has a role as part of that work. Data is incredibly important, and that joint working group is trying to open the data pathways between other departments—in the UK Government and the Scottish Government—and local authorities, so that they can better identify debtors who are vulnerable and offer them support, notably through the council tax reduction scheme, which is Scotland's primary means of reducing liabilities.

Gordon MacDonald: Will that also include the ability for local authorities to write off council tax debt?

Kaukab Stewart: I will come back in on that one. Council tax is a local tax, and local authorities

already have the power to write off council tax arrears. We are fully aware that there are unique circumstances involved in the collection of council tax, such as joint and several liabilities, which can cause harm in cases of domestic abuse. That is why we are supporting an amendment to the Housing (Scotland) Bill that requires a review of how council tax arrears can affect those people who are experiencing domestic abuse. That will be a critical step to better inform policy and improve support. As James Messis has referred to, we are exploring that issue through a partnership with local government and the joint working group on council tax reform.

The council tax reduction scheme exists to ensure that nobody in Scotland should have to meet a council tax liability—clearly, if people cannot afford it and there is no way that they will be able to pay it, they should not be expected to. The scheme reduces a household's liability based on the assessment of their income, capital and other circumstances. The long and short of it is that councils already have the ability to write off council tax debt.

Gordon MacDonald: Okay, thank you for that.

Marie McNair (Clydebank and Milngavie) (SNP): Good morning. I am interested in how we assist with the cost of the school day. One of the public debts that has been highlighted is school meal debt. Recently, West Dunbartonshire Council failed to apply to the Scottish Government for funding to wipe out the school meal debt that is owed by some of the poorest families in my constituency. Indeed, the council is apparently still pursuing that debt. I am astonished by that situation.

Does the minister share my feelings, and is she aware of any barriers that would deter councils from applying for the funding?

Kaukab Stewart: That is a good question. As a teacher, I have taken an interest in the cost of the school day for a number of years. About 10 or 11 years ago, the school in which I was teaching took part in the pilot to assess the cost of the school day, and we saw that the effects that that cost can have on children and families, and on their experience in general, were quite remarkable. There were compounding factors for those with protected characteristics and those in households where they were experiencing domestic violence.

I take that issue really seriously, and I absolutely recognise the pressure that is placed on families, which is not helped by the cost of living crisis. We took action to create an emergency fund to address school meal debt, and that fund was increased from £1.5 million to £2.8 million in response to the demand from local authorities. A total of 30 local authorities applied for support

through the fund, and we have taken steps to issue payments totalling £2.8 million, as I just referred to.

The member will be aware that local authorities are responsible for the management of school meal debt, and we expect them to use their powers to support families appropriately. COSLA has published good practice guidance; our expectation is that councils will follow that guidance, and 30 out of 32 have done that. I would be very interested to see what barriers prevented the council that the member mentioned from applying to the fund. We will continue to support dialogue with all local authorities, including West Dunbartonshire Council.

Marie McNair: I am due to meet the council's chief executive—I had to rearrange the meeting, but I am meeting with him next week, so I will certainly get more information. If I require assistance, I will bring the matter by your office, minister—thank you.

Kaukab Stewart: Yes, absolutely—we are very keen to understand why. The fact that 30 out of 32 councils have applied for the fund demonstrates that there has been a massive uptake, but we can address anything that is missing.

The Convener: I invite Bob Doris to come in.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I will be brief, convener.

Good morning, minister. I was pleased to hear that you are keen to look at the cost of the school day, which was the question that Marie McNair was exploring. When women leave a household, they do not always leave with all their belongings and clothes, and they may have children.

I do not expect you to say yes to this today, but in relation to the cost of the school day, I note that school clothing grants are issued once a year. Could there be circumstances in which a bit of flexibility could be considered in relation to an additional application for a school clothing grant where a woman is fleeing domestic and economic abuse from a perpetrator? I am just asking for consideration of that suggestion, rather than saying that we should do it.

Kaukab Stewart: As I said, as a Government and through our agencies such as Social Security Scotland, I have reiterated that it is a learning situation. I am very interested in considering that suggestion. Once the committee comes up with its recommendations, I would absolutely be happy to consider what is brought forward. I thank the member for raising that point.

Jeremy Balfour (Lothian) (Con): Good morning. Before we move off the subject of council tax, I am a wee bit confused. I appreciate that a consultation is being undertaken, but what is the

Government's position with regard to someone who is leaving a domestic abuse situation? Should a local authority go after them for council tax arrears or not? I appreciate that local authority makes the decision, but what is the Scottish Government's view? Should a local authority do that?

Kaukab Stewart: I will bring James Messis in on that question.

James Messis: The point that we are trying to progress is to ensure that local authorities are furnished with all the information, so that they are aware of what is going on on the ground and, on balance, can make a determination. It is a matter for local authorities because council tax is a local tax, but let us ensure that they have all the information necessary to make that decision.

Jeremy Balfour: So, the Scottish Government does not have a view on domestic abuse and council tax.

Kaukab Stewart: I am not sure what you are trying to—

Jeremy Balfour: I am asking what the Scottish Government's view is on what a local authority should do in that situation. I appreciate that it is ultimately for local authorities to make the decision, but does the Scottish Government have a view on whether local authorities should pursue those who are fleeing from domestic abuse?

Kaukab Stewart: I apologise if I did not make it clear, but the Scottish Government's view is that local authorities should undertake their duties in assessing the situation as thoroughly and as sensitively as possible, and should make their decisions based on that.

I also mentioned that nobody should be liable to pay anything that they clearly cannot afford. Councils have the right to write off council tax debt. The Scottish Government supports the position that, if it is deemed and assessed that that debt should be written off, it should be written off.

Jeremy Balfour: Thank you—that is helpful.

A number of people raised in evidence the issue of the Scottish Government creating a permanent national fund to leave. What would that cost? Are you looking to do that, and what is the timescale?

Kaukab Stewart: You will be aware that the Scottish Government invested £0.5 million in the fund to leave over a five-month period in five local authority areas. At this moment, no decision has been made on the Scottish Government's roll-out, and as yet, we have not investigated the cost of a national or permanent scheme.

That is not a no. Let me be clear that the issue is with the appropriate ministers—not me—but no decision has been made on that. As with any pilot,

it has been undertaken in the spirit of experimentation, so that we could test the impact of the fund, particularly with a view to improving outcomes. Initial evaluation of the impact found that it helped more than 500 women experiencing domestic abuse while facing financial hardship.

We are in that evaluation phase, and like in any evaluation or pilot project, we have to stand back and reflect on what other supports are already available in other areas of investment. For instance, the Scottish Government invests quite significantly—£97 million in 2025-26—in discretionary housing payments. That enables local authorities to assist eligible households who are struggling with housing costs. There is also the £41 million in the Scottish welfare fund.

As I said, no decision has been made but an evaluation is going on.

Jeremy Balfour: I appreciate that it does not come under the minister's portfolio, but could she get the appropriate minister to write to the committee so that we can get the date of when the review is likely to be complete, and get the outcome of the review?

Kaukab Stewart: Absolutely.

Jeremy Balfour: I appreciate that.

We will come on to universal credit in a moment, but I will first ask about split payments, which you mentioned in your statement. The Social Security (Scotland) Act 2018 would enable the introduction of split payments for benefits administered by Social Security Scotland. I appreciate that it is not in your portfolio, but do you have an update on how the process for split payments, particularly for those in domestic abuse situations, is going in relation to benefits that fall under the remit of Social Security Scotland?

09:30

Kaukab Stewart: Simon, are you able to come in on that?

Simon Coote (Scottish Government): I am not well informed enough to answer that question. Split payments are mainly relevant to universal credit—I know that you will move on to ask about what we are doing in relation to universal credit.

There has been some discussion about split payments for the Scottish child payment. At the moment, the policy is for the Scottish child payment to be paid to one individual in a household. When there is a dispute about who that individual should be, Social Security Scotland would seek information from both of the disputing parties and examine the information to come to a view on who would be the most appropriate person to care for the child and to receive the

Scottish child payment. I cannot add more than that just now.

Jeremy Balfour: Under the 2018 act, there is a duty on the Scottish Government to split payments. Are you saying that that will never happen with the Scottish child payment—it will always be paid to one person?

Simon Coote: No, I am not saying that. If it would be helpful, we can write to the committee and provide further information on what is in the 2018 act and any work that is being done in relation to split payments for other benefits.

Jeremy Balfour: That would be helpful.

Moving on to universal credit, which the minister mentioned in her opening statement, what response has the Scottish Government had from the DWP to its policy design specification for universal credit split payments?

Kaukab Stewart: The Scottish Government received a letter from the DWP on 3 July last year, noting the receipt of the policy design specification and reiterating the complexity of the ask. The letter listed some of the challenges of delivering the policy, including the potential barriers, the cost of carrying out the impact assessment of the policy and the challenges in delivering it in the near future. The Scottish Government has acknowledged that letter.

The Cabinet Secretary for Social Justice met Sir Stephen Timms to discuss the review of universal credit. She highlighted the importance of the split payment policy and the need for the universal credit review to include a gendered analysis of it.

We remain committed to working with the DWP towards the delivery of split payments of universal credit.

Jeremy Balfour: I appreciate that the matter is not in the minister's portfolio, but it has been 10 months since the letter was written. The cabinet secretary has met her counterpart at Westminster. I am not expecting an answer to this today, but can we have an update on how the discussions went and the timescales that we looking at for making progress on that?

Kaukab Stewart: I am happy to pass that question to the relevant people.

Jeremy Balfour: Thank you. My final question is on the Scottish welfare fund. Does the Scottish Government have a view on whether the fund can provide help with rent in advance and on the five-week wait for universal credit for survivors of domestic abuse?

Kaukab Stewart: Support with rent in advance, including rent deposits, is provided through the discretionary housing payments. An individual may be awarded a discretionary housing payment for a

rent deposit or rent in advance, or other lump sums for housing payments such as deposits or removal costs. For a property that an individual is yet to move into, if they are already entitled to housing benefit or universal credit—including an amount for rent in their present home—some local authorities will provide such support through schemes other than discretionary housing payments; for instance, as a budget loan.

Following an extensive period of review by the multistakeholder statutory guidance review committee, the Scottish Government has provided updated statutory guidance for the Scottish welfare fund. That revised guidance was published in April and states that decision makers can prioritise applications according to need.

Staff who deliver the fund should be able to recognise and appropriately respond to people who are escaping domestic abuse, and they must have an understanding of what constitutes domestic abuse, including coercive control and financial abuse. Staff should also establish good relations with specialist domestic abuse services. As I mentioned earlier, we are also working with organisations such as Scottish Women's Aid via forums such as the Scottish welfare fund practitioners forum.

The Convener: Bob Doris has some questions.

Bob Doris: Before I move on to the next theme, I will ask a little more about Jeremy Balfour's line of questioning. Something that has come up consistently during our evidence taking is that women need a pathway to leave. Victims and survivors might leave because of a crisis, but they sometimes know for a long time that they need to leave, before they take the final step of leaving an abusive relationship.

Mr Balfour said that the five-week wait for the first universal credit payment is a major challenge. Women cannot apply for universal credit in confidence and have certainty that an award will be issued seamlessly. Community care grants and crisis grants can take domestic abuse into account, and we have heard about the fund to leave. Should consideration be given to cross-Government working, and to work between the DWP and the Scottish Government, to give financial certainty to a woman who decides that she must leave an abusive relationship? Should a package of measures be put in place before a woman, often with children, has to flee an abusive relationship? Real partnership working could mean the end of the five-week wait and could also change some of the criteria for Scottish Government grants. Could you work with Shirley-Anne Somerville to take that piece of work forward across Government and could you encourage work between the Scottish and UK Governments on that pathway to leave?

Kaukab Stewart: You raise sensible points, Mr Doris. We have an ethos of always strongly encouraging decision makers who are awarding crisis grants to be aware that any awards made must cover the period of crisis to avoid the need for repeat applications. If it is known that the next payment for an applicant who is on universal credit is more than two weeks away, the decision maker can make an award that is longer in duration. That flexibility is there, but you make a good point about the need to ensure more consistency. Is that what you are getting at?

Bob Doris: In my, as always, rather long-winded way, for which I apologise, I am asking whether you think that you could work with the Cabinet Secretary for Social Justice and with the UK Government to have in place a package of measures in advance of a woman leaving, to ensure that she has certainty and has cash in her pocket at the point at which she leaves, instead of being in crisis after she leaves?

Kaukab Stewart: I can only reiterate that we are always on standby to work with the UK Government. Although there are certain benefits that we have created, we know that some, such as universal credit, are down to the DWP. The committee's emphasis of that joint partnership is welcome, but it requires both parties to be able to do that.

Bob Doris: Thank you. I got my money's worth out of that question, minister.

There is going to be a new legal duty for social landlords to develop and implement a domestic abuse policy. The equally safe strategy commits to supporting social landlords to embed gender equality commitments. How is that going? What work is taking place in relation to that?

Kaukab Stewart: I will bring in Janine Kellett to answer the part of the question on housing.

Janine Kellett (Scottish Government): Work is already under way to prepare the social housing sector to embed gender equality. Guidance has already been produced. It was co-produced by the Association of Local Authority Chief Housing Officers, the Chartered Institute of Housing in Scotland, the Scottish Federation of Housing Associations, Shelter Scotland and Scottish Women's Aid. They have produced good-practice guidance for social landlords to support them to respond effectively to their tenants who are experiencing or are at risk of domestic abuse.

As part of the preparation for the implementation of the Housing (Scotland) Bill, we will work with all relevant stakeholders to develop the necessary guidance and training to ensure that the new policy, which requires social landlords to have a domestic abuse policy, is successful. We want the

policy to be successful and we want to ensure that the guidance and training will enable that.

Bob Doris: I find that a reassuring answer. I do not want to follow up on that. That answer was pretty strong.

The committee has heard how the high cost of refugee accommodation, the lack of suitable temporary accommodation and the high cost of housing all contribute to the difficulty of leaving an abusive relationship. In what ways is the Scottish Government taking that into account when developing its housing policy?

I get that that is a cross-portfolio issue that also goes across Governments, because some of the structural issues are Home Office matters; however, what is the Scottish Government doing to try to resolve that?

Kaukab Stewart: There are significant pressures. Given that the member represents a Glasgow constituency, he will be aware that there are particular pressures in the central belt, which we recognise.

We have targeted funding in 2024-25 to the local authorities with the most sustained temporary accommodation pressures. Eighty per cent of the £80 million in capital funding for voids and acquisitions during 2024-25 and 2025-26 has been targeted to areas with the most sustained temporary accommodation pressures, to increase the supply of social and affordable homes through acquisitions and, where appropriate, to bring long-term empty social homes back into use.

That policy is designed to reduce long periods in temporary accommodation, especially for families with children. We recognise that temporary accommodation is not a suitable place for children and families, especially those who are experiencing or fleeing from domestic violence.

Bob Doris: I am very aware—again because I represent a Glasgow constituency—that Glasgow City Council sees some of those issues at first hand, as new Scots who want to get their leave to remain status to stay in the country have very quickly become homeless and have gone into that system.

Glasgow City Council and Paul McLennan, as housing minister, made representations to the UK Home Office, which seems to be shirking its duty and responsibility to ensure that proper support is in place. They made those representations from a housing perspective, but you are the Minister for Equalities, so have you added your weight to those calls?

Kaukab Stewart: I certainly have. Yesterday, I took part in a four-nations discussion, during which I met my equivalents across the four nations. I

specifically raised the issue of the housing pressures in Glasgow.

I am aware that the Westminster Government has put out tenders for asylum accommodation. The current contract, as you will be aware, is with Mears. That expires in 2029, I believe—although I am happy to have that fact checked. The UK Government has basically given options to manage accommodation and invest in housing in different ways, through central funding from the UK Government.

09:45

I know that Glasgow City Council has put in a bid, and I pressed the UK Government as strongly as I could yesterday to be cognisant of the pressure. We are seeing trends that, once people are given leave to remain, they choose to come to the central belt. We offer that provision under our new Scots refugee strategy, ensuring that people are welcome from day 1—although people want to be with people who are like them; they want to be in communities. Although we are very proud of the offering that we provide, additional resource pressures inevitably come with it.

I can assure you that I was doing that just yesterday—that is hot off the press, Mr Doris.

The Convener: What progress has been made on the commitment in the equally safe strategy to mitigate the challenges associated with the no recourse to public funds conditions?

Kaukab Stewart: The biggest barrier is the policy of no recourse to public funds itself. As you will be aware, that condition is applied to people who are subject to immigration control under UK immigration law, and “public funds” is defined in the UK immigration rules. As the committee will be aware, those who have no recourse to public funds can experience extreme poverty. They are more prone to rough sleeping and are even more prone to domestic abuse and labour exploitation, as well as the social isolation and exclusion that can go with being part of the immigration system, such as it is. They cannot even access the basic supports that are available for those in crisis.

We know all that, and our opinion is that the UK Government should immediately remove and cease to apply the no recourse to public funds condition to people who are in vulnerable situations, particularly in the case of children and families, vulnerable adults and women experiencing domestic violence.

I reiterate Scotland’s long history of welcoming people of all nationalities, including those who are seeking refuge and fleeing war, religious persecution and all of that. We know that they want to rebuild their lives. The UK Government

should cease to apply the no recourse to public funds condition immediately.

Paul O’Kane (West Scotland) (Lab): Good morning. The committee is particularly interested in the matter of access to legal aid, and work is being done on that across the Parliament, certainly in committees such as the Equalities, Human Rights and Civil Justice Committee. It would be useful to get the minister’s view, first, on work that the Government is undertaking to reform legal aid. There is a short-term piece of work on that, but it is not as broad as people had hoped would be achieved in the Parliament. However, there is a commitment to a longer-term piece of work, which might involve legislative change. The consultation documents that the Government has produced do not seem to cover the issues that we are discussing around financial abuse and domestic abuse more widely. Does the minister see that as a priority, and how is she working to influence a wider review with her justice colleagues?

Kaukab Stewart: Absolutely. As I think I mentioned in my opening remarks, those matters lie in Ms Brown’s portfolio. I will absolutely do my best to give a good account, and I can certainly follow up on anything that I cannot explain today.

The civil legal aid system is, in general, effective in delivering help to those in need. However, we recognise that there are some challenges in relation to certain types of cases or locations. To go into the detail a little bit, the issue of solicitor availability, for instance, is being explored by the Scottish Legal Aid Board. Since 2014 or 2015, there has been a large variation in the number of grants of civil legal aid at council level. The local authorities with the largest increase include Shetland Islands Council, Perth and Kinross Council and West Lothian Council.

There is an increase in the number of applicants instructing solicitors outside their own council area. It is important to remember, however, that we cannot compel private solicitors to undertake work. Nevertheless, the Government has continued its investment in the legal aid system.

There were many elements to your question, so I am happy to be reminded of anything.

Paul O’Kane: Sure. As I said, I appreciate that responsibility for legal aid sits with the minister’s justice colleagues. Nevertheless, from an equalities point of view, this committee and the Equalities, Human Rights and Civil Justice Committee have heard evidence that women who are leaving an abusive relationship very often have to go round 10s and 10s of solicitors to access support. Very often, they miss out on support because of financial thresholds, or because their abusive partner finds a way to

intervene to prevent them from accessing that assistance.

Given your equalities brief, do you share the concerns of this committee and the Equalities, Human Rights and Civil Justice Committee? What do you view as being your role in helping to drive forward the review in order to make a change? I appreciate what you say about not being able to compel solicitors, but there is clearly a role for the Government to work with SLAB to push that forward.

Kaukab Stewart: Absolutely. On the principle of equalities, I recognise that reform to the legal aid system is needed. We want to ensure that the system is responsive and user centred, and that it works effectively towards the delivery of the outcomes that we want in a way that we would expect of our public services. That has to be done transparently, and accountability has to be embedded across the system.

We have published “The Vision for Justice in Scotland”, which is a three-year delivery plan. It contains an action to engage with key stakeholders to inform and shape future legislative proposals in relation to the reform of legal aid. I am aware that, in February this year, the Minister for Victims and Community Safety published a legal aid reform discussion paper, which sets out the areas of work that will be undertaken to improve legal aid in the short, medium and long term. In the programme for government, we reiterated the commitment to take that forward.

Paul O’Kane: I appreciate that, and I have had sight of that paper. Does the minister appreciate, however, that we are in the final furlong of the current session of Parliament and meaningful change will be difficult, and that there is frustration from both the legal profession and people seeking support about the lack of reform? Would she recognise that, in the paper that was published in February, issues in relation to people leaving an abusive relationship and requiring support are not mentioned? Would she recognise her role in ensuring that we do something on those issues as quickly as we can, given the evidence that we are hearing?

Kaukab Stewart: I absolutely take that on board, Mr O’Kane. You will be fully aware, from the evidence that I have given to the Equalities, Human Rights and Civil Justice Committee, that I am committed to supporting and challenging my colleagues and providing support for them in relation to overarching equalities themes. I believe that Ms Brown will appear before that committee next week, when she will be able to provide further detail on legal aid reform. Beyond my overarching commitment to embedding equalities, I do not believe that it would be appropriate for me to delve

any deeper into the issues, but there will be that opportunity next week with Ms Brown.

Paul O’Kane: I am conscious that my colleagues have questions, so I will stop there.

Liz Smith (Mid Scotland and Fife) (Con): Minister, in your opening remarks, you said that the Scottish Government has built a very different social security system, one that the Government cites as being much less adversarial and intrusive and much more compassionate. However, we heard from the Scottish Legal Aid Board that, when it comes to assessing people’s financial eligibility for help, particularly if it has to use discretion, it needs quite a lot more information than might otherwise be the case. That is a bit of a paradox, so can the Scottish Government comment on that?

Kaukab Stewart: Are you referring to legal aid funding?

Liz Smith: Yes. The Scottish Legal Aid Board made the point that it has powers to use discretion. In its evidence to the committee, it commented that that fact is not necessarily very well known, but it also said that, in order for it to be able to use that discretion effectively—to ensure that people are getting the help that they need—it needs to know an awful lot more information about the claimant. Therefore, some of the questioning might be a bit more intrusive, because it has to deal with sensitive issues to ensure that people get that help, but, at the same time, one of the founding principles of the Scottish Government’s social security system is to be less intrusive. Could you comment on that?

Kaukab Stewart: I can have a go. Where there is a lack of information and/or evidence explained in the financial eligibility form 2, SLAB can use its discretion to disregard income or capital where it considers it reasonable to do so in the circumstances or to provisionally assess financial eligibility based on the information that is available. Solicitors must explain those situations when making an application to ensure that SLAB is aware of why information might be missing and to avoid the application being rejected or abandoned. As a result of being in an abusive relationship, someone might have accumulated several debts. When calculating someone’s eligibility, SLAB will consider disposable income and debts such as loans, credit cards and store cards and it will make an allowance for the monthly payment towards those debts, but that is not unique to domestic abuse cases—

Liz Smith: Minister, I understand all that, and it is a very sensitive area, for obvious reasons. However, the Scottish Legal Aid Board is arguing that, in order to help somebody effectively—to ensure that it gets the right information in order to

decide whether it should use its discretion with regard to certain payments—it sometimes has to ask pretty difficult questions, but the Scottish Government has built a social security system that shies away from being too intrusive and too adversarial. Is that not a problem with regard to addressing some of the issues to help people who very genuinely need support?

Kaukab Stewart: You raise an important issue. I do not know whether any of the officials would like to comment, but I can take the issue away. I apologise that I cannot give you a fuller response with regard to social security, but that sits in the cabinet secretary's portfolio. If you would like a further response, I am more than happy to take that away.

10:00

Liz Smith: Whether we are talking about south or north of the border, to ensure that social security is effective, in the context of the whole system, we have to be compassionate and understanding about those who are genuinely in need, and that approach has been the overall intention of the Scottish Government. The problem is that, if you become more compassionate, less adversarial and less intrusive, as the Scottish Legal Aid board was arguing, you might miss out on some essential information that the individual might not give you for whatever reason. That is quite a substantial problem, because these are the most vulnerable people whom we are trying to support. If they do not provide the information because it is not being asked for, there is a difficulty.

Kaukab Stewart: Absolutely. You are right to raise that issue.

Liz Smith: We also heard from the Scottish Legal Aid Board that, in some instances, there are barriers for people who are applying for civil court orders. Does the Scottish Government have a view on supporting automatic civil legal aid for that kind of situation?

Kaukab Stewart: I will have to get back to you once I get that information.

Liz Smith: Again, it was a point that came up from the Scottish Legal Aid Board's evidence. The whole basis for that approach is to make things as easy as possible and ensure that those who are most in need get the support and benefits that they require. At the moment, there seems to be a grey area—let us call it that—as to how we go about that. That has come right through the evidence that we have taken, and it is about ensuring not just that the Scottish Government is aware of all that but that, through its various agencies, it can address some of those concerns. The big conundrum is that compassion is all very

well, but, if that approach does not drill down on the information that we need, we will not get very far.

Kaukab Stewart: There would be costs associated with free legal aid, but I will give a brief answer on that. If free legal aid was given to the person at risk, to ensure that there is equality of arms, we might also need to give free legal aid to the person who is causing the risk. An application for a civil protection order might be part of a wider family case—it could be about child contact, for instance. If there was free legal aid for the civil protection order element, that might also need to be extended to the whole case, which would further increase costs.

From my understanding—this is not my portfolio area, and you quite clearly say that it is complex—there are intersecting threads that need to be unravelled and carefully considered.

Liz Smith: To make that decision, we also need the right information.

Kaukab Stewart: Yes.

Liz Smith: The whole point is to ensure that we get the right information from the claimant. In circumstances where the abuser has been causing difficulties, we need that information as well. That is the conundrum about how the Government approaches its demands of the social security system and whether the agencies that work on that basis are asking the right questions. That is what it is all about.

Kaukab Stewart: Yes—thank you for that.

The Convener: Before I bring in Jeremy Balfour, I will touch on the protection orders aspect. We heard evidence from Sophie Berry about the fact that part 1 of the Domestic Abuse (Protection) (Scotland) Act 2021 has not been formally put in place, which is causing problems. I know that that is not your portfolio, minister, but there are several questions around the legal aid aspect that we have heard evidence on, and we will have to reach out to the Minister for Victims and Community Safety, Siobhian Brown, in that respect. It is a complex area, but part 1 of the 2021 act was about the onus being on the police, whereas, at the moment, the onus is on the victim/survivor. It is important that we get clarity on that.

Kaukab Stewart: Absolutely—you have raised a good point and you are right to reach out to the relevant minister on that.

Jeremy Balfour: Again, I appreciate that this issue does not fall directly under the minister's portfolio, but perhaps she could get one of her colleagues to write to us. One of the issues that we have not discussed, but which came up quite a lot in evidence, is child maintenance and pursuing

it in an appropriate way. Is the Scottish Government—in any way or form—looking at how child maintenance is working in practice? Obviously, particularly in domestic abuse cases, we might not want to give out postal addresses or as much information as we do in other cases. Could the minister write to the committee with an update on that?

Kaukab Stewart: Yes, I am always happy to write to the committee. As I said, I was aware of the wide scope of the evidence session today, and I was ready to do that.

The DWP's child maintenance system is, of course, reserved to the UK Government. The Scottish Government does not hold the full powers over social security, so our ability to make changes is somewhat hindered, but we welcome the UK Government's plans to carry out a complete review of universal credit. It is a common view that universal credit has been failing the people who need it the most, so we hope that the review will address the issues that the Scottish Government has raised in the past. As I said, we are always ready to work with the UK Government in order to achieve that goal.

I have mentioned that the Cabinet Secretary for Social Justice met Sir Stephen Timms, the Minister for Social Security and Disability, to discuss the UK Government's planned review, and she highlighted some of our key concerns. The cabinet secretary will be writing to Sir Stephen Timms, but it is also within the scope of the committee to write directly to the UK and Scottish Government ministers, because the issues are in that reserved and devolved space.

The Convener: Thank you for that suggestion, and we can certainly take it up. That concludes our questions—thank you for joining us.

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

10:08

Meeting suspended.

10:11

On resuming—

Subordinate Legislation

Council Tax Reduction (Miscellaneous Amendment) (Scotland) (No 2) Regulations 2025 (SSI 2025/112)

The Convener: Our next item of business is consideration of a Scottish statutory instrument. The regulations are subject to the negative procedure. As members have no comments to make on the instrument, I invite the committee to agree that it does not wish to make any recommendations in relation to the instrument.

Members indicated agreement.

The Convener: Are members content to note the instrument?

Members indicated agreement.

The Convener: That concludes our public business for today.

10:12

Meeting continued in private until 10:44.

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