



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

WELFARE REFORM COMMITTEE

Tuesday 23 October 2012

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WELFARE REFORM COMMITTEE
12th Meeting 2012, Session 4

CONVENER

*Michael McMahon (Uddingston and Bellshill) (Lab)

DEPUTY CONVENER

*Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)

COMMITTEE MEMBERS

*Annabelle Ewing (Mid Scotland and Fife) (SNP)

*Linda Fabiani (East Kilbride) (SNP)

*Iain Gray (East Lothian) (Lab)

*Alex Johnstone (North East Scotland) (Con)

*Kevin Stewart (Aberdeen Central) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Nicola Sturgeon (Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities)

CLERK TO THE COMMITTEE

Simon Watkins

LOCATION

Committee Room 5

Scottish Parliament

Welfare Reform Committee

Tuesday 23 October 2012

[The Deputy Convener *opened the meeting at 09:30*]

Interests

The Deputy Convener (Jamie Hepburn): Good morning, everyone. I welcome everyone back after the recess.

Michael McMahon is delayed, so—[*Interruption.*] I thought that that was him entering the room, but it is not. As he is delayed, I am in the chair for the beginning of the meeting. I welcome the Cabinet Secretary for Infrastructure, Investment and Cities, her officials and those in the public gallery to the 12th meeting of the Welfare Reform Committee. As is customary, I remind everyone to turn off their mobile phones and other electronic devices.

We have two short pieces of administrative business to take care of before we move on to the main items on our agenda.

Agenda item 1 is a declaration of interests. I welcome Iain Gray MSP to the committee. As it is your first time at the committee, Iain, I invite you to declare any interests that are relevant to the committee's remit.

Iain Gray (East Lothian) (Lab): I have nothing to declare, convener.

The Deputy Convener: That was brief and to the point. Thank you very much, Mr Gray.

Decision on Taking Business in Private

09:31

The Deputy Convener: Agenda item 2 is to invite the committee to agree to take items 5, 6, 7 and 8 in private later in the meeting. Under those items, we will focus on proposals for possible future external meetings and visits and commissioned research, discuss the evidence heard in today's meeting, and consider potential future witnesses. Do members agree to take those items in private?

Members indicated agreement.

Passported Benefits and Social Fund

09:31

The Deputy Convener: Item 3, on passported benefits and the social fund, is our first substantive item of business. The Cabinet Secretary for Infrastructure, Investment and Cities and her officials are in place and are very welcome to the committee. Would the cabinet secretary like to make a brief opening statement before I open up the discussion to questions?

The Deputy First Minister and Cabinet Secretary for Infrastructure, Investment and Cities (Nicola Sturgeon): Yes. Thank you very much.

I welcome the opportunity to update the committee on the emerging themes from our consultation on passported benefits, and to give an update on our plans for successor arrangements for the social fund.

We received 84 responses in the consultation from quite a wide range of respondents. That is a good level of response and is encouraging. We expect to publish the analysis of the responses in December, but very early unvalidated impressions from the responses show general support for the principles that we outlined, maintaining access and budgets for passported benefits. They also suggest a lack of support for the concept of cashing up, and there are suggestions that information on the availability of passported benefits should be improved. As soon as we have the analysis, I will ensure that the committee gets a report on it, and I would be more than happy to come back to discuss it in more detail at that time.

I would like to comment on our proposed legislative solution for income-based passported benefits. I wrote to the committee to update it on that matter on 16 October. It is a regrettable fact that there is on-going uncertainty about the information that will be available in universal credit awards notifications, which has big implications for how we set criteria for income-based passported benefits for the short term. My letter to the committee set out my thinking on that, and my officials are exploring the practicalities of implementing the workaround that was highlighted in the letter. I would certainly welcome the committee's views on that proposal, but my thinking at this stage is that the approach that we intend to take will lead to better outcomes in policy terms and will give us more confidence about achieving our goal of protecting access for current claimants of passported benefits.

The committee will be aware of the passported benefits consultation events that we are running with stakeholders, the first of which was held yesterday. I will ensure that the committee receives the write-ups from those events as soon as they are available.

I will deal briefly with the successor arrangements for the social fund. I gave the committee a commitment to update it on progress on them. I can confirm our intention to introduce a Scottish welfare fund to replace the social fund. The social fund comprises crisis grants for living expenses and community care grants to help vulnerable people to live independently, of course.

As you are aware, we have an agreed partnership approach with the Convention of Scottish Local Authorities. Following input from a design and implementation group comprising the Government, COSLA and local authority representatives and an informal consultation process over the summer, we agreed the outline of the new Scottish welfare fund earlier this month, which means that we are firmly on track to have that fund in place for next April.

The funding for the new scheme, which will be transferred to Scottish ministers from the UK Government, will come in three parts—set-up costs, on-going administrative costs and programme spend. Despite the Department for Work and Pensions previously agreeing to meet the burdens associated with the new scheme, I received a letter from Steve Webb, the Minister for Pensions, on 6 August that detailed that the proposed funding for the set-up costs would be only £240,000, which is a figure that falls far short of the bid that we submitted. We have written back to Steve Webb to express our disappointment and to challenge that figure. We will keep the committee updated on progress.

We are also disappointed with the level of funding that is to be transferred for programme spend. Notwithstanding that, we have agreed with COSLA that the programme spend will be ring fenced and passed on in full to local authorities.

I am pleased to inform the committee that, because we think that the amount that is being transferred by the UK Government is too low—it is less than what we spent on the social fund in 2005—the Scottish Government has decided to supplement that funding and provide an additional £9.2 million for local authorities to spend through the scheme. That increased funding means that the Scottish welfare fund will have the capacity to award an additional 5,500 community care grants and more than 100,000 additional crisis grants. In other words, that will almost double the number of people in Scotland who will be able to receive either the community care grant or a crisis grant next year.

That is probably all that I need to say just now by way of update. I am happy to go into any of those points in more detail with the committee.

The Convener (Michael McMahon): Thank you very much, cabinet secretary. I apologise to you and the committee for any discourtesy that you may have felt because I was not here when the meeting kicked off—a combination of fog and broken down cars on the M8 prevented me from getting here on time.

I will now open up the floor to questions from members, who will ask the cabinet secretary about the comments that she has made and about the information in the helpful briefing that she gave us prior to the meeting's commencement.

Annabelle Ewing (Mid Scotland and Fife) (SNP): I want to explore further what is happening with the DWP's timescale for producing the awards notification. The last time the cabinet secretary was here, it was the same scenario of continuing uncertainty from the UK Government via the DWP. Is there any indication of when we may get the final picture from the UK Government in order that we can make our consequential arrangements?

Nicola Sturgeon: It is fair to say that we do not yet have absolute certainty—or even any certainty—about when we will get that information. I will be as diplomatic as possible, but I have to say that that is extremely frustrating. Obviously, we are working to tight timescales to ensure that we have arrangements in place so that people who are currently entitled to passported benefits continue to be eligible.

The background is set out in my letter to the committee. We had previously understood that the award notices for universal credit would include a reference to the benefits that claimants had previously been on, which would have given us an easy way to look at and determine who previously was entitled to passported benefits. That is now not the DWP's intention—we think that it wants to include earnings thresholds on the award notices, but we have not yet seen what form that will take.

We will therefore struggle to put in place for April the substantive regulations that will detail how we intend to do that. Clearly, we do not need to do that by April; by April we need to ensure that anybody on the pathfinder scheme who is in Scotland has access to passported benefits. The workaround that we are looking at allows us to do that and it gives us a bit longer to put in place the substantive regulations in time for next October, which is when the roll-out of universal credits starts properly. Obviously, to inform how we go about ensuring continued access by next October, we need more information than we have just now not just about the form of the award notice but on

what categories of claimant will first be migrated to universal credit, because that will inform our thinking on how to proceed.

I will keep the committee fully informed and, as soon as we have more information from the DWP, I will make sure that the committee is updated. Whenever we have more information to go on that can inform our thinking, I will be happy to come back and share that so that we can hear committee members' views and take their questions.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): Clearly, it would be helpful if the award letter from the DWP listed the claimant's previous benefits. With the DWP having signalled that that was its intention, presumably a degree of planning was done on that basis. Has the DWP said why that will no longer be the case?

Nicola Sturgeon: For reasons best known to itself, the DWP has changed its mind on that. I am not aware that we know of any rationale for the change. The original proposal still seems to me to be a sensible way forward and the most efficient way of making the transition from the current scenario to universal credit so that those who are currently entitled to access passported benefits keep that entitlement. The DWP has changed its mind on that and we need to work with that. The sooner we get clarity on the form of the award letters and the order in which particular groups of claimants will be migrated on to the new system, the sooner we will be able to inform our own thinking.

Jamie Hepburn: The DWP seems to be very good at changing its mind but not so good at communication.

Nicola Sturgeon: Indeed.

Alex Johnstone (North East Scotland) (Con): That is a very appropriate place for me to ask my supplementary question, which is on channels of communication. At a much earlier stage in the process, the minister made it clear that channels of communication with London were open and were working quite well. More recently, that appears not necessarily to have been the case. Does the minister believe that the channels of communication have been weakened as a result of the Cabinet reshuffle? Is there a continuing good relationship, or does the relationship require further work in order to achieve the current objectives.

Nicola Sturgeon: I think that I said—I do not have the *Official Report* in front of me, so forgive me if I get this wrong in any way—that the problem was not the channels of communication but what was being said, or not being said, through those channels of communication. If you are talking about the Scottish Government reshuffle, that has

not had a bearing on this, because I was responsible for this before the reshuffle and I am still responsible for it now—

Alex Johnstone: I should say that I was referring to the reshuffle in the Westminster Government, where there has been a significant change of personnel within the ministry.

Nicola Sturgeon: My apologies. As far as I am concerned, the reshuffle has not had a bearing on this. The lines of communication with the people in the DWP are there and we try very hard—as, I am sure, do they—to ensure that the lines of communication are open. However, the problem is the lack of information that is coming down those channels of communication. That has been the frustration all along and it remains the frustration.

Alex Johnstone: Do you believe that the lines of communication are functional at the moment, with the qualification that you are not satisfied with the information that you are receiving?

Nicola Sturgeon: When you are dealing with a situation in which a UK Government department is implementing massive policy changes that have a massive impact on devolved responsibilities, I guess that there will always be a need to ensure that channels of communication are as good as they can be. I know that the problem is not that my officials and ministers are not trying—believe me, we are—to get the information.

It would perhaps be unfair for me to say that there is an underdevelopment within the DWP—I do not know the state of development within the DWP about these things—but there is certainly an undercommunication of some critical bits of information that we need to inform our own policy making. Given that we do not yet know what information will be on the award letters, which categories of claimants will first be migrated next October or at what level universal credit will be set, there are some pretty big gaps in the information picture. I will continue to urge the DWP to fill in those gaps as quickly as possible.

09:45

Alex Johnstone: You told Annabelle Ewing a few minutes ago that you feel that your process of development is being held back by the lack of information. Can you put a timescale on that? How much delay is already in the system?

Nicola Sturgeon: I had hoped that we would have regulations in place by 1 April next year that would give clarity about how existing claimants of passported benefits will continue to access them. I am no longer able to say that, because I do not have the kind of information that we have been talking about. We now have to have the regulations in place by October next year—we

have to do that if we are to fulfil our policy objective of maintaining access and eligibility. Presumably, the DWP has to have that detail in place by that time, too, because that is the starting point for the roll-out of universal credit.

Alex Johnstone: Just to complete the questions on timescale, given that you have to develop your regulations to conform with regulations that have developed in the south, how quickly do you need them and how far behind will you be with their development?

Nicola Sturgeon: We will lodge regulations as soon as we have the information to enable us to put them together and lodge them. We had intended to introduce regulations in February for April but now, in order to get them in place for October, we need to introduce them by June next year. That is the broad timescale that we are now working to.

Kevin Stewart (Aberdeen Central) (SNP): I want to comment on the communication side of what has been said. Obviously, while we are talking in high-falutin' terms with regard to when the regulations will come into being, those folks who are currently in receipt of passported benefits are probably quite worried about the fact that we are not able to deal with regulations and they might fear that benefits could be withdrawn. Can we have an assurance that the delays that have been caused by the DWP will not lead to anyone losing their passported benefits?

Nicola Sturgeon: I am happy to give an assurance—as I have done in the chamber and, I think, in a previous meeting of this committee—that the clear intention of the Scottish Government is to continue the eligibility of people who currently receive passported benefits, and their access to those benefits. That is our duty and obligation to those people, many of whom will be among the most vulnerable people in Scotland.

The question that I cannot answer just now, because of a lack of information, is how, administratively, we will make that happen. However, there is no dilution of the political and policy objective of the Government in that regard.

Kevin Stewart: I thank the cabinet secretary for that answer. Although it is a reiteration, I think that it is vital that we keep making that point on the record.

I think that you said that Steve Webb has allocated around £240,000 for the set-up costs of what is now the Scottish welfare fund and that there was a big difference between that and what was asked for. Do you have any idea of what we asked for and what that difference is? Are the changes that are taking place causing difficulties in other areas where we are trying to get money to set up other schemes?

Nicola Sturgeon: We told the DWP that our estimate was that the set-up costs would be in the region of £5 million. As you can see, we have been offered a fraction of that. Obviously, we have had further discussions with the department to consider how we can reduce our costs by working as efficiently and cost effectively as possible, and the DWP has agreed to reconsider the issue once we have reduced our estimate. I am hopeful, therefore, that we will get to a better position than the one that we are in just now. Where we will end up remains to be seen, but we are working hard to get to a more realistic agreement from the DWP about the amount that it will transfer for the set-up costs.

Kevin Stewart: In terms of set-up costs, it may well be that the committee should write to the minister as well to say that if we are to implement those things here, we require the funding to do so. The committee could perhaps back up the Scottish Government in that regard to see whether we can get more of the cash that is required for set up.

The Convener: We will take that on board, Kevin, and discuss what we will do.

Iain Gray: I want to ask about the guidance on the Scottish welfare fund—the successor to the social fund.

This is my first time at the committee, so I do not know whether the committee has discussed this issue with the cabinet secretary before, but, as well as guidance, there is a lot of case law relating to the social fund and there are regulations that carry the force of law. We have the draft guidance for local authorities under section 20 of the Local Government in Scotland Act 2003. I understand that, but I am not sure what the force of the guidance will be. At the moment those who apply for the social fund have some protection in law in that they have an entitlement because of the existing case law. Does the cabinet secretary envisage there being regulations that would provide not just access to the new fund but entitlements under that fund?

Nicola Sturgeon: I appreciate that Iain Gray is new to the committee. We have discussed this in the past. The scheme that we are putting in place from April next year is deliberately intended to be a transitional scheme. We decided to go down that road partly because of some of the issues that we have talked about in terms of timescales and our getting information and being able to translate that into policy.

We have agreed with local authorities that we will put in place a transitional scheme under the power of general wellbeing with clear guidance to local authorities. The scheme will be in place for two years. We will learn lessons from its operation and then we intend to put the long-term scheme in

legislation. The long-term scheme will be based on the transitional one—it may have some alterations depending on the experience of administering the transitional scheme for two years. It will become a statutory scheme in the longer term.

During that interim period, we have reached agreement with local authorities that we will provide the funding that has been transferred from the DWP, as I said earlier. That will be ring fenced—it will all go to local authorities. As I have also said, it will be topped up by the £9.2 million of additional resources. Local authorities for their part agree that they will abide by that guidance—there will be a standard application form. I readily admit that it is guidance at that stage, but we have an agreement with local authorities that they will all abide by it. In the longer term, it is our intention to put the scheme on to a statutory footing.

Iain Gray: I wonder to what degree you have been able to explore two dangers in that. One danger is that, in the transitional period, those who are seeking support from the fund have a lesser entitlement than they have at the moment. I do not think that that is the intention of the Scottish Government, but there is now a greater degree of discretion for local authorities and therefore less entitlement. The other danger relates to whatever scheme the Scottish Government might plan in the long run, because there is already case law. For example, “high priority” is defined as an item that has

“a substantial and immediate effect in resolving or improving the circumstances of the applicant.”

“Substantial” and “immediate” are terms that have been tested in social security law in the past. Is there a danger that that case law, as an unintended consequence, will be carried over into the new scheme rather than what the Government and the Parliament would like to see in the operation of the scheme?

Nicola Sturgeon: We are not operating in a perfect world.

Iain Gray: No.

Nicola Sturgeon: That is my general comment. We are being driven to a much greater extent than I would want us to be by policy decisions that are being taken elsewhere. In place of what has gone before in the Westminster scenario we are making every effort to put in place arrangements that are fit for purpose, which deliver our policy objectives and which deliver continuity for people—particularly in relation to passported benefits but also in terms of the social fund successor arrangements.

We will be working hard with local authorities in that spirit of partnership to avoid the risks and the dangers that you point out—I give you that

absolute assurance. Clearly, having the transitional scheme in place for two years gives us the ability, as we draw up the legislation that will put it on a statutory footing, to learn any lessons from that. There are advantages in having a scheme that is devolved to Scotland and administered under national guidance on a local basis. It allows local authorities, in a way that they have not been able to do before with the social fund, to merge it much more into the other forms of support that they can provide for vulnerable people so that it does not exist in isolation but is part of a package of support.

We should take the opportunity to design and implement a system that works for other arrangements. I could not sit here and say that Iain Gray's concerns have no legitimacy, because they do. However, we will work with local authorities to ensure that the scheme works as we intend and that we learn any lessons that we need to as we move to put it on to a statutory footing.

Iain Gray: One of the biggest imperfections in an imperfect world is surely that there is a demand-led need but a cash-limited fund. I appreciate that you have extended the fund and provided additional funding that has been devolved. Nonetheless, it is still a finite resource, and one of the criteria for rejecting an application is that there are no funds left. That is not new, because it is true of the social fund at the moment. However, it is also true that, at the moment, anyone whose application to the social fund is rejected can ask for a review and then, indeed, an independent review.

I appreciate that the Scottish Government is still working on that tier 2 review. However, the guidance says that an application that is rejected on the basis of lack of funds has no right to a tier 1 review. It seems to me that that is a huge shift in power to the award-making authority, which in this case is local authorities. They will be able to reject an application on the basis that no funds are available. In the guidance, there is no process of review to ensure that they have carried out that decision correctly. Why is that the case?

Nicola Sturgeon: The guidance is not finalised, so I am happy to consider the points that you make in that regard. It is a cash-limited fund. That has always been the case and it will continue to be the case. It is less cash limited than it would be if we were just taking the transferred fund. I have figures here that go back only to 2005-06, but they show that, with the additional resources that the Scottish Government is committing, the fund will be bigger than it was in any of the years since 2005-06. We recognise that, given the times we live in, demand for such a fund is likely to rise. The extra resources will allow us to double the award.

I take your point that, even if the reason for refusal is a lack of funds, there may still be a need for an administrative review of how the decision was taken. I am happy to take that point away, as we finalise the guidance, and give further consideration to it.

Linda Fabiani (East Kilbride) (SNP): Still on the Scottish welfare fund, I am aware that April 2013 is not that far away now. Given that there have been issues about getting information that is at the root of all this and that must feed through, how ready do you think local authorities are to take on the additional responsibility?

Nicola Sturgeon: We have been working very closely with local authorities. The design and implementation group to which I referred has brought together Government, COSLA and local authority representatives. We have worked on the agreement between us and COSLA on the transfer of the funding, the guidance and so on, and we will continue to do that. COSLA and the local authorities have worked with us very constructively. There is a shared desire to get the arrangements up and running and working properly. We will continue to work with the local authorities to ensure that they are ready to do that when they need to, which is by April next year.

Linda Fabiani: I am aware, too, that not all local authorities have their own money advice service. Like Iain Gray, I am fairly new to the committee, so a lot of this ground may have been covered before, but I wonder whether there is a feeling in Government that there has been good communication between local authorities and other organisations in their areas that deal with these issues, such as citizens advice bureaux.

10:00

Nicola Sturgeon: That is a good point. Communication like that needs to continue. I mentioned this briefly in response to Iain Gray's point, but one of the big advantages of having the Scottish welfare fund devolved and putting local authorities in the lead in administering the fund is the ability that it gives them to join it up with other forms of advice. For example, somebody who comes for a crisis grant is not just given the grant but offered help with budgeting, money advice or resolving some of the underlying problems that may have led them to seek a crisis grant. The welfare fund can be put into the bigger package of support that councils can offer. That will necessitate councils learning from each other and working with other organisations, particularly third sector organisations that provide advice.

Jamie Hepburn: Can you tell us a bit more about what people who took part in the

consultation said and how that will inform any arrangements that are put in place?

Nicola Sturgeon: Are you talking about the social fund consultation?

Jamie Hepburn: Yes—the one that got the 84 responses.

Nicola Sturgeon: That is the passported benefits consultation. Broadly speaking, as I said in my opening remarks, we will do a full analysis of the consultation and will pass that to the committee as soon as it is available, which we expect to be in December. What I am about to say, as I said in my opening remarks, is unvalidated, so forgive me if the final consultation analysis shows something different. However, generally speaking, we saw a lot of support for the principles that we outlined, which included maintaining access to and budgets for passported benefits. In other words, there was support for our not taking the welfare changes as an opportunity to rationalise or change dramatically the groups of people who would be entitled to passported benefits.

Some people make an argument about the concept of cashing up, whereby passported benefits are combined into a cash payment for claimants. However, there was not a lot of support for that notion, although we will be able to analyse that further as we do the full analysis. Some respondents said—I have a lot of sympathy with this—that there needs to be better quality information on the availability of passported benefits. Again, as we put in place the new arrangements, we will have an opportunity to provide that to ensure that people know what is available.

There was lack of consensus on a couple of other things, such as whether income level should be assessed at a household level or an individual level. There was also a feeling, which I share, that in the medium term there is an opportunity for the Government to move to a more coherent system of passported benefits. We have talked about that issue at previous committee meetings. I am not saying that I am for or against any particular passported benefit, but the system of passported benefits has grown up in an ad hoc way and there has not been a lot of rhyme or reason behind it. In the medium to long term we have an opportunity to look at how we make the system more coherent than it might be just now.

Those are the headline findings, but there will be more detail as we go forward. I think that I previously sent the committee the detail on the breakdown of the respondents, which was that one MSP responded—I am not sure who it was—with the other respondents being 18 local authorities, 46 third sector organisations, nine

members of the public and 10 others. That is the breakdown of the total number.

Jamie Hepburn: I presume that there will be on-going dialogue with local authorities.

Nicola Sturgeon: Absolutely.

Jamie Hepburn: I also presume that that will be the case for the third sector, too.

Nicola Sturgeon: Yes. We may come back to this, but the third sector is rightly concerned, as am I and as are all of you, about the impact of the welfare changes and how that will translate into demand for the third sector's services. We are talking to the third sector about that. I recently met Citizens Advice Scotland to look at and discuss how it will respond and how we can best support it.

Annabelle Ewing: With regard to the social fund, in the past the committee has had a conversation about access to DWP data—Kevin Stewart led on that—and I note from the bare bones of the proposals for the new scheme that local authorities are now to have the required access to that data to check applicants' information. Where are we on that? On the basis of the previous discussion, the committee was not entirely convinced that the system that will shortly be in place would be seamless with regard to DWP developments.

Nicola Sturgeon: It is fair to say that the principles of that are all in place and have been agreed. Work is still going on with regard to the mechanics of exactly how local authorities will access that data, but at this stage I am not concerned that we have a problem in that respect. If the situation changes, I will let the committee know.

The Convener: I have a point on which I would like clarification. I, like you, have been talking to third sector organisations. According to statistics that one of the organisations I was talking to this week gave me on changes in funding for community care grants and crisis loans, £38 million was available in 2010-11. The organisation said that because of changes in criteria, including, for example, a limit of three applications in a 12-month period, people can no longer get white goods such as cookers or fridges unless they have been in a disaster situation such as a fire or flood. It also said that the fund itself has been reduced to £25 million. I know that you have made additional funding available but the impression out there is that, even though you have added to the amount of money that the DWP has cut the fund back to, the total funding is still less than was available previously. Is that the reality of the situation?

Nicola Sturgeon: I have figures going back to 2005-06 that I am happy to share with the committee. In 2010-11—the year that you highlighted—total social fund expenditure was £29.5 million, £20 million of which was for community care grants and the rest for crisis loans. The committee should remember that the UK Government has made an overt attempt to manage back expenditure on this, but the amount that the DWP proposes to transfer to us is £23.7 million, to which we will add £9.2 million. That brings us up to just under £33 million, which is higher than any other expenditure on the social fund. Indeed, the previous high was in 2009-10, when expenditure was just over £30 million.

The Convener: It would be useful if you could share those figures with us. After all, if concerns exist, it would be better if we were all working from the same figures to prevent a situation in which one group might think that the figure is greater than it actually is and is advising people accordingly. Most organisations will appreciate it if we can bottom out exactly what is available and they can see what the exact changes are.

Nicola Sturgeon: I see no reason why we cannot share the figures with the committee, so I will get them off to you.

The Convener: That will be really helpful.

You will probably be aware of news from Northern Ireland of concessions—I do not know whether you would call them that or agreed arrangements—involving the DWP and the Northern Ireland Executive. Will that move have any impact here? Might the delays that appear to have been negotiated in some cases have any impact on the implementation of anything that people here are working towards?

Nicola Sturgeon: I am aware of that development. The committee should forgive me as I might not have all the fine detail but, as I understand it, the main changes that have been agreed in Northern Ireland are as follows: the housing cost element of universal credit will go directly to landlords rather than the claimant; it will be possible to split payment of universal credit between two parties in a household; and universal credit itself can be paid twice a month. I want Scotland to have the opportunity to implement such changes and we will certainly use the Northern Irish example to strengthen our hand.

Of course, Northern Ireland is at an advantage because, constitutionally, it is responsible for benefits; we, on the other hand, are not. The fact that its position on this issue is much stronger than ours is an argument for devolved Parliaments having more powers, but we will certainly be arguing our case. After all, the changes go to the heart of some of my concerns not about the

principle of the change to universal credit but about some of the impacts of its operation.

The Convener: The committee will support you in your endeavours to get parity and ensure that the amendments to the Northern Ireland situation are also implemented here. The evidence that we have taken from organisations seems to indicate that they would have looked to such solutions to address concerns about the implementation of the changes. Indeed, the fact that money will now go to landlords is itself a major concession.

Nicola Sturgeon: I am just reading the summary of what has been agreed and it appears that the Northern Irish minister has said that he will introduce universal credit from April 2014 instead of October. However, one of the key differences between him and me is that he has the ability to say whether or not something will be introduced, whereas we do not. We will nevertheless continue to exert as much influence as we can.

The Convener: As members have no other questions, I thank you for your evidence. Do you have anything else to add before we conclude this evidence session?

Nicola Sturgeon: I will ensure that we get these various bits of information to the committee. I should also say that when I first agreed to come to the committee at around this time, I had hoped to be in a more advanced position with passported benefits. When we have the additional information that we seek, I will be happy to come back and flesh out some of the things that we have not been able to talk about today.

The Convener: Thank you very much. I suspend the meeting for a few minutes for a changeover of witnesses and to give the cabinet secretary a breather.

10:11

Meeting suspended.

10:13

On resuming—

Draft Budget Scrutiny 2013-14

The Convener: I reconvene the meeting by asking the cabinet secretary to make a brief opening statement, after which I will invite committee members to ask questions.

Nicola Sturgeon: Thank you, convener. I am grateful for the opportunity to discuss the draft budget with the committee.

I think that the whole committee will agree that one of the defining measures of a civilised society is the support that it gives to its most vulnerable people. I am very clear that the welfare reforms that the UK Government is pursuing do not reflect our values—I know that they do not reflect the values of the Scottish Government, and I do not think that they reflect the values of the Scottish people. I am concerned about the repeated anxieties that I have heard from experts, professionals and worried individuals and families about the reforms' impact.

You will have heard—we have discussed this before—that the estimate of the reduction in benefit spend in Scotland will be around £2.5 billion by 2015. It is fair to say that the cuts, alongside the changes to the way in which benefits will be delivered—some of which we touched on at the end of the previous evidence session—will have significant impacts on vulnerable people in Scotland. Just last week, we saw the report from the Children's Society, Citizens Advice and Disability Rights UK that suggested that, across the UK, 450,000 disabled people could be worse off to the tune of up to £58 a week under the new system. That has massive implications.

10:15

We will continue to make the case to the UK Government that it must do more to protect the vulnerable, and we will look to influence the DWP's work to prepare people for the changes that are coming down the track, as I have heard concerns that it is not doing enough to educate and prepare people for them. Obviously, however, we must accept the reality that change is happening, and the Scottish Government needs to be prepared, as far as we can be, to do as much as we can to help to protect vulnerable people. We will do that, but I must be clear, as I have been with the committee before, that we are not in a position to mitigate every impact of the changes that the UK Government is pursuing. It is not possible to do that with a fixed budget. I dare say that people—including members of the

committee—will look to push us to do more. I understand that, but there are limits to what we can reasonably do, as there are consequences that are simply beyond our ability to mitigate with our budget. I strongly believe that what is happening with welfare reform powerfully demonstrates why the Scottish Parliament rather than the UK Government should control welfare issues.

That said, we are doing as much as we can with our limited powers and resources. I have already discussed our decision to supplement funding for the new Scottish welfare fund, so I will not go into detail again on that. We are working with COSLA and local authorities to develop the arrangements for that, and we have previously decided with our partners in local government to mitigate the 10 per cent cut in local government council tax benefit funding for 2013-14. Both investments are significant ones by the Government in areas of devolved responsibility, but the size of the UK Government cuts and the scale of the changes that it is introducing mean that many challenges remain for individuals throughout Scotland.

The committee has raised important points in response to the introduction of the universal credit and the other UK welfare changes. We need to build consensus around the areas of greatest impact, continue to challenge the DWP, and continue to work together where we can in response. We need to consider the impact of welfare reform on specific sectors in which we have devolved responsibility. The impact on local government, housing and the national health service, for example, is potentially considerable, as it is on the third sector. I am very committed to working with those delivery partners across all those areas.

We are engaged with COSLA on a number of fronts, including on pilot projects to help councils to prepare for the introduction of the universal credit. We have also worked with COSLA and other stakeholders on a housing benefit reform action plan. From that, we have seen funding to the housing option hubs to develop and share good practice, funding for training for social landlords, and funding for a dedicated housing and welfare reform staff resource in COSLA.

We are doing everything that we can and are committed to continuing to do everything that we reasonably can, but there is a limit to our powers and resources, as members will appreciate. However, I take very seriously our obligations to our poorest and most vulnerable citizens, and we will continue to help and protect them as much as possible.

The Convener: Thanks again, cabinet secretary.

I will open up the discussion by asking a very important general question. I invite you to give us specific examples so that we will have them on the record. In line with the Parliament's equality duties, we must ensure that the budget is focused on the groups that are most disproportionately disadvantaged. Can you give us specific examples of how the budget will meet those duties, possibly in relation to disabled people or single-parent families?

Nicola Sturgeon: The examples that I have spoken about this morning fall into that category. Although the £9.2 million for the social fund, which I have mentioned, does not yet appear discretely in the draft budget, it will by the time that we get to the end of the process. That will directly help the groups of people whom you are talking about—disabled people, lone parents, elderly people and people who suffer social and economic disadvantage. The funding that we have directed to local authorities for next year to mitigate the council tax benefit cut will similarly assist people in all those groups. How our housing money, which goes to local authorities for distribution to housing associations and so on, is spent through local housing strategies should focus on helping people in those groups. The money that we spend on third sector organisations should impact similarly. So, action is being taken across the whole budget as well as within the massive health budget, which I know very well from my previous responsibilities.

By definition, the health budget is helping people in disadvantaged groups, but there are specific elements of that budget—for example, the keep well funding—which are targeted specifically at people in areas of disadvantage. There are many examples of how our budget seeks to help those people and, in doing so, helps us to meet our obligations under the Equality Act 2010.

The Convener: Thanks. It was useful to get that on the record to show that we have asked questions about equalities, which is an important issue that we should all keep a focus on.

Colleagues will now ask questions on other areas.

Jamie Hepburn: It came through strongly in evidence, mainly from third sector organisations, that there is concern about the impact of welfare reform changes generally on other policy areas such as housing and health, in which there may be an increased demand. Has there been any assessment of the impact of the budget on those areas?

Nicola Sturgeon: I do not like sounding as though I am answering too many questions with, "We don't have enough information," but that is unfortunately true in this case. We are assessing and will continue to assess the impact as best we

can, but right now I cannot tell you what the level of universal credit is going to be and cannot, therefore, accurately assess what the impact will be on different groups. However, with our partners, we will continue to assess that as effectively as we can as we go through the process.

From what I know now, I think that it is inevitable that there will be impacts on the health service. Given the proportion of the £2.5 billion of cuts that I spoke about that comes from cuts to disability benefits, it is inevitable that there will be an impact on the health service. The changes in housing benefit will also result in the stories that we can all tell from our constituencies. For example, a disabled man who is living in a two-bedroom housing association house came to my surgery a couple of weeks ago. Because he will now be deemed to be underoccupying that house, he will lose 14 per cent of his housing benefit come April next year. That is £60 a month that he or the housing association will have to find or he will lose his home.

There will be impacts on all the services that I have mentioned, and the third sector will see an increased demand for its services. We must assess those impacts as we get the information that allows us to do so, and we must work as effectively as we can with all those organisations to ensure that they are as prepared for dealing with those impacts as they can be.

Jamie Hepburn: We all appreciate that it is early days and that you cannot yet quantify the impact. However, there is a commitment to quantify that on a continuing basis in future years.

Nicola Sturgeon: Yes.

Jamie Hepburn: Thank you.

Annabelle Ewing: It will come as no surprise to members that I share the view that, if we had control over all our resources, as a normal country would, we could be having a completely different discussion this morning about a normal budget rather than a devolved budget.

Picking up on Jamie Hepburn's point about on-going assessment of the potential impacts of the reforms, I wonder what focus there could be specifically on the position in rural areas. In addition to all the problems that they share with people living in urban areas, people in rural areas face the added cost of transport, which has a further negative impact on top of the known negative impact of the welfare cuts. What work could be undertaken in that respect?

Nicola Sturgeon: You make a good point. We will ensure that we try to capture the impacts on different parts of the country in the work that we do. I imagine that there will be significant

differences in impact between rural areas and urban areas. I have no hard evidence for this, but I imagine that one of the big problems in urban areas, which involves the ability of housing providers to move people from houses that they will be deemed to be underoccupying into smaller houses, will be more acute in rural areas, where housing provision choices are more limited than they are in the cities. That difference is important, and I assure you that we will try to capture such differences to as great an extent as possible.

To take the housing benefit changes as an example—because we have more clarity about some of the changes that are coming down the road in that area—perhaps 95,000 households in the social housing sector will be affected by the underoccupancy rules and will lose between £27 and £65 a month. We estimate that that will represent a one-off cost to the Scottish economy of £87 million and will remove around £55 million a year thereafter.

Those are enormous impacts on individuals and on the economy. We need to keep updating our information on that and, as you rightly say, ensure that we take account of differences in different parts of the country.

Kevin Stewart: I want to stay with the topic of housing, because folks are particularly worried about possible impacts in connection with that issue.

Having talked to a number of people and organisations, I know that the supply factor is worrying people hugely. With regard to the underoccupancy scenario, in which folks will lose money if they continue to stay in their present homes, I do not think that the Westminster Government recognises the housing supply issue. We in Scotland have had a drive in recent years to build much more family housing in the social or affordable sectors. Beyond that, we have created homes for life, so that people can stay in their property throughout their lives. Now, however, we are saying that that is all going to change and that in some cases people will have to go into a single-bedroom property.

Has any analysis been done by local authorities and shared with the cabinet secretary around the issue of one-bedroom properties? I know that experiences will be different across the country but, in my city, a lot of the one-bedroom properties are flatted accommodation, which is a problem because many of the folks who might have to move are people with disabilities, who might not be able to cope with flatted accommodation. Have local authorities done any work, through, for example, their regular housing surveys, to see exactly what the situation is?

Nicola Sturgeon: On a national level, we have given some money to the Chartered Institute of Housing to deliver awareness-raising training for social landlords that covers issues such as modelling impacts to estimate potential loss of income, identifying people who are in the greatest need, and considering ways in which they can amend their allocations processes, adapt their services and so on.

From my constituency experiences—which others will share—I know that local landlords are working hard to understand the position in their own area and think through how they can respond. However, we quickly come up against the problem that you outline with regard to the shortage of one-bedroom properties in Scotland, which is, to some extent, the result of the deliberate policy to provide family accommodation and housing for life. Housing associations are not going to find it easy to move people into accommodation that they will not then be deemed to be underoccupying.

The individual in the constituency example that I cited a few moments ago would be happy to move to a smaller house, but the housing association does not have one to offer him. If he is offered one, it is likely to be outside the area that he lives in, which will take him away from the family who help to care for him because of his disabilities and will put a burden on statutory services elsewhere.

I know that the committee discussed the issue with DWP officials. I agree with Kevin Stewart: I do not think that there is a sufficiently developed understanding of the implications of the welfare reforms, whether that is deliberate or just a failure to understand. We are frequently told that people will change their behaviour—that they will take in a lodger and so on—but such ideas do not seem to take proper account of the impact on people's budgets or lives. We are talking about people's lives here. This is one of the areas of the welfare reforms that disturbs me the most. It could mean uprooting people from their way of life and their communities, which could have quite significant physical and mental impacts on them.

10:30

Kevin Stewart: Many of us represent constituencies that have quite a large private rented sector, particularly of one-bedroomed properties. Some of the organisations in my area, such as the Aberdeen Cyrenians, are saying that the changes will inevitably mean that private landlords will stop renting to folks who are on housing benefit because they will not be paid directly and budgets will be slashed. What are the private sector landlord organisations saying?

Nicola Sturgeon: I will clarify that some of the changes that we are talking about apply only to

the social rented sector, mainly because those changes have already applied to the private rented sector—I can provide the committee with more information. Not all the changes will have the same implications for the private rented sector as they will for the social rented sector.

You are right to make that point because, even if the changes impact only on the social rented sector, they might well have a knock-on effect on demand in the private rented sector. We need to ensure that the private rented sector is part of our discussions. However, the immediate impact of the changes that will take effect from next year will be on the social rented sector.

Kevin Stewart: If the changes to the social rented sector mean that people have to downsize, for example, that will have an inevitable impact on the private rented sector.

Nicola Sturgeon: That is what I mean. The changes will have a knock-on effect, even though they do not directly affect the private rented sector in all cases.

Kevin Stewart: Are we having discussions with the private landlord associations about what is happening?

Nicola Sturgeon: I can feed back to the committee on the interaction that we have had, but I take the point that it is important that they are part of the discussions.

Kevin Stewart: I have a final question on downsizing. People rely on an additional bedroom for many reasons. Families split up and the mother or the father might have their kids for only two or three days a week and that contact may have to go if they do not have an extra bedroom. Some folk have physical disabilities and so require the extra space. You have already pointed out that folk who have mental health problems often require additional space. Are you aware of any analysis by the DWP of the possible impact of the proposed policy?

Nicola Sturgeon: I am happy to check what the DWP is doing and feed that back to the committee.

There are exemptions to the underoccupancy rule for disabled people who require to have a carer living with them. Many disabled people will not be in that position, but they will still need the extra space for some form of care.

I think that you are right about the impact on families. It could have a devastating impact on single parents who have their children for part of the week.

I have been contacted by a woman who has two daughters who are both under 16, so they are deemed to have to share a room. One of the

daughters has chronic conditions that keep her up half the night so she needs her own room, but the rule changes will be applied and the woman will lose benefit. I said earlier and I will say it again: many aspects of the welfare changes concern me. This one probably concerns me more than others because it is about not just a budgetary impact on people—important though that is—but potentially re-engineering the way that people live their lives. The impact of that is really quite distressing for very many people.

Iain Gray: In your introductory remarks, cabinet secretary, you said that the Scottish Government cannot fully mitigate all the consequences of welfare reform, which is a very fair point, but the committee is interested in what you are doing to mitigate welfare reform. You talked today about the additional £9 million for the social fund's successor arrangements as part of that mitigation. That does not appear in the draft budget but, as you said, it will at the end of the process. Another sum that I think does not appear in the draft budget is the welfare reform contingency fund that your colleague Mr Swinney said stands at £20 million.

Is the £9 million towards the Scottish welfare fund part of that £20 million? If it is, how is the remainder likely to be allocated? If it is not, how might the £20 million be allocated?

Nicola Sturgeon: As you will recall, the contingency fund was used to mitigate the 10 per cent cut to council tax benefit. The money is now with local authorities for 2013 to allow them to do that.

We will recast our budget plans in order to find the head room to provide the £9.2 million.

Iain Gray: So there is not any further contingency fund as such?

Nicola Sturgeon: It does not give me any pleasure to say this, but every pound that we have to find in our budget to mitigate the impact of policy changes that are being decided in another budget is a pound that has to come from somewhere else. There is unfortunately no discrete pot of unallocated money called "fund for the mitigation of disastrous and wrong-headed policies of the UK Government". We have to balance our budget with that and it would have to be a big, big fund to do that. We are trying to cast our budget as best we can to do that. I appreciate that you have accepted this point, but I cannot sit here and say that we can do that in every respect, because we have a fixed and declining budget.

We need to look at where we can do that and we will. We can continue to talk to the third sector about how we help it to deal with demand. I think that I said earlier that I have had discussions with Citizen's Advice Scotland about how it might

organise itself to deal with increased demand and how we might be able to help it with that. This is not a closed book; within the budgets we set for the health service, local government—although it is obviously in charge of its own budget—and other strands, we will continue to look at how we spend the budget as well as possible to mitigate the impacts. We do not have extra money to do that; it has to be taken from other parts of the budget.

Iain Gray: I did accept that.

Nicola Sturgeon: I know that you did.

Iain Gray: You cannot mitigate all the changes, but I was simply pointing out that there was in fact a fund to mitigate the effects of “wrong-headed policies” and I wondered how that had been allocated. You have answered.

Nicola Sturgeon: I hope that I have explained it.

Iain Gray: The point that you make is true: a pound that you find to mitigate the impact of wrong-headed welfare reform has to come from somewhere else.

In the budget, £70 million has been allocated to freeze the council tax and the draft budget says that that

“will provide further protection to hard-pressed households across Scotland, many of whom have been affected by the economic downturn and UK welfare reform.”

Maximum council tax benefit, which you have also protected, is a passported benefit. Those in the welfare system will not pay council tax, so that statement is not really true, is it?

Nicola Sturgeon: Yes, we have funded a council tax freeze to the tune of £70 million. I have no doubt that you will correct me if I am wrong, but I think that when you stood to be First Minister, you wanted to spend £80 million a year on freezing the council tax.

Iain Gray: Yes—for two years.

Nicola Sturgeon: Well, hey—okay.

I just do not accept that the answer to the policies of the UK Government that are about to penalise vulnerable people is to put other people's council tax up, because there are also people who are not in the welfare system who are living on extremely constrained budgets. When previous Administrations were in power, the council tax went through the roof. I do not think that it is right to raise the council tax at this time. That used to be a point of agreement between us; I know that that is no longer the case, because you have changed your mind on the issue. However, that remains our position, and we will continue to defend it.

Iain Gray: The council tax freeze was a point of agreement between us until the budget that we are discussing now. At the time that you are referring to, we suggested that the council tax freeze should be maintained and properly funded for two years, but it could not sustainably be done before. Where we differ is that I have never claimed that a council tax freeze helped those who are affected by UK welfare reform, because I know that those who are in the welfare system—because of council tax benefit—do not pay council tax. The council tax freeze may well benefit other households, but my point was that it is not part of the support for people who are affected by the UK welfare reforms, and the draft budget should not say that it is.

Nicola Sturgeon: The point is that universal credit affects people who are in work and goes quite high up the income scale. Universal credit is not just an out-of-work benefit, so the point that you make is wrong in that respect, but I am happy to defend our position.

You say that you wanted a council tax freeze for only two years. I accept that that was your position. As of May this year, your party colleagues in Glasgow promised to freeze it for another five years. Regardless of whether you think that the council tax freeze is right, my position has been pretty consistent—I think that it is right, and I will continue to defend it, as I will continue to defend the policies that we will introduce to mitigate the worst impacts of welfare reform. On the latter, if not the former, I hope that we can build a bit of consensus around this table and in the wider Parliament.

Linda Fabiani: I will move on to something that everyone admits to agreeing with. One of the things that I think that it is absolutely super that this Government has been aiming to do and doing is preventative spend. There has been a major shift in how public expenditure is looked at in this country. I tie that in with the work that is being done on the change fund, which is about trying to join up services so that people get maximum benefit from them.

All the measures that we are talking about today are reactive to things that are completely outwith the control of the Government. Are you concerned that, given that we have to ameliorate people's circumstances, there is a danger that we might undo the good work that has been started on preventative spending and might not be able to expand it in the way that we wished to?

Nicola Sturgeon: That is a very good question. I do have such a concern. What is happening with the welfare reforms makes it all the more important that we invest in preventative spend to prevent people from getting into a position in which they are reliant on the benefits that are

being reduced. At the same time, it is getting harder to do that. I have just said that we will spend £9 million to supplement a fund to help people who will be penalised by the reforms. I would rather spend that £9 million in a much more preventative way.

Incidentally, I should say that part of the social fund—the community care grant—falls into the category of preventative spend, because it is about supporting people to live independently. However, crisis grants do not do that—they are highly reactive. The fact that welfare reform is increasing pressure on some of our statutory services makes it harder for us to be as successful as we would want to be on preventative spend. That is just an example of the disjoint in policy that occurs when one Government decides some things and another Government decides others, and the two policy directions clash. I do not think that that is the right way of conducting public policy.

Jamie Hepburn: I will return to the issue of council tax benefit. Is it not incorrect to say that all people in receipt of council tax benefit do not pay council tax? Would it not be more correct to say that some of those in receipt of council tax benefit pay no council tax, while some have to pay a portion of council tax? Could you not say that those people benefit from a council tax freeze?

10:45

Nicola Sturgeon: Yes, is the succinct answer. Absolutely. I have already answered Iain Gray's points on council tax. It is wrong to say that a council tax freeze has no benefit at all for people in those categories. I have already said why I think that the council tax freeze is right and I will continue to argue that case.

Jamie Hepburn: I am sure that you will.

The Convener: Before I come to my final question, since we are on the subject, will you tell us how much Glasgow would have been penalised in the budget for the next five years had it not agreed to freeze council tax?

Nicola Sturgeon: If Glasgow did not agree to freeze the council tax, it would not be Glasgow that would be penalised but the council tax payers of Glasgow—

The Convener: But there was a financial penalty. The cabinet secretary for finance said—

Nicola Sturgeon: It is not a financial penalty. It is an agreement with councils that if they freeze the council tax, they get funded to freeze the council tax. If they do not agree to freeze the council tax, they do not get funded for freezing the council tax. Why would we fund a local authority for doing something that it has not agreed to do?

That might be the way in which the previous Administration operated but it is not the way in which this Administration operates. It is not a penalty; it is an agreement.

Incidentally, Glasgow Labour Party went into an election in May this year voluntarily agreeing to freeze the council tax for five years, in other words, beyond this session of Parliament. Maybe it was either assuming that the SNP would continue to be in government or making a conscious choice to do that. I suspect that some of those questions might be better directed to Glasgow Labour Party than to me. Thankfully, I do not speak for Glasgow Labour Party.

The Convener: People do want us to ask about the impact of welfare reform. Kevin Stewart raised the issue of the pressure that will come on the private sector. However, there is a lot of concern about a possible increase in rent arrears for social landlords. Will you point us to where in the budget there is support for social landlords in order to address that situation, should it reach the level that people fear it might?

Nicola Sturgeon: We will work with housing providers to try to avoid that situation arising. I cannot sit here and say that we can completely mitigate the situation and that we can fund housing associations to fill a gap caused by rent arrears that result from a policy instituted by the UK Government. However, I can say that we will continue to work with housing providers to minimise the risk of that happening and to deal with it to the extent that it does happen.

The Convener: Has a budget stream been identified to support organisations such as Citizens Advice Scotland and those who provide support and advocacy for people who find themselves adversely affected? I am talking about not just advice from the Government or trying to develop capacity building within the sector, but financial support.

Nicola Sturgeon: There is a miscellaneous welfare line in the budget of £3 million in the next two years, which will be used for some research supporting capacity response and mitigation work. As I said, we have had discussions with Citizens Advice Scotland about working with it to see what more we can do to support it to plan for the increased demand.

We already fund those organisations—not always directly but often through local authorities and other routes—for their work. We will be looking to see whether there are ways, within the constraints that I have spoken about, of supporting them better as they deal with increased demand.

The Convener: There are no more questions, cabinet secretary, so I thank you again for giving up your time this morning to speak to us. In the

past, you have sent us information supplementary to the discussions; you have already given a commitment this morning to do that on some specific areas. If anything else that might be beneficial to the committee occurs to you or your officials, it would be gratefully received.

Nicola Sturgeon: Of course. I give you a commitment to do that.

10:49

Meeting continued in private until 11:27.

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