

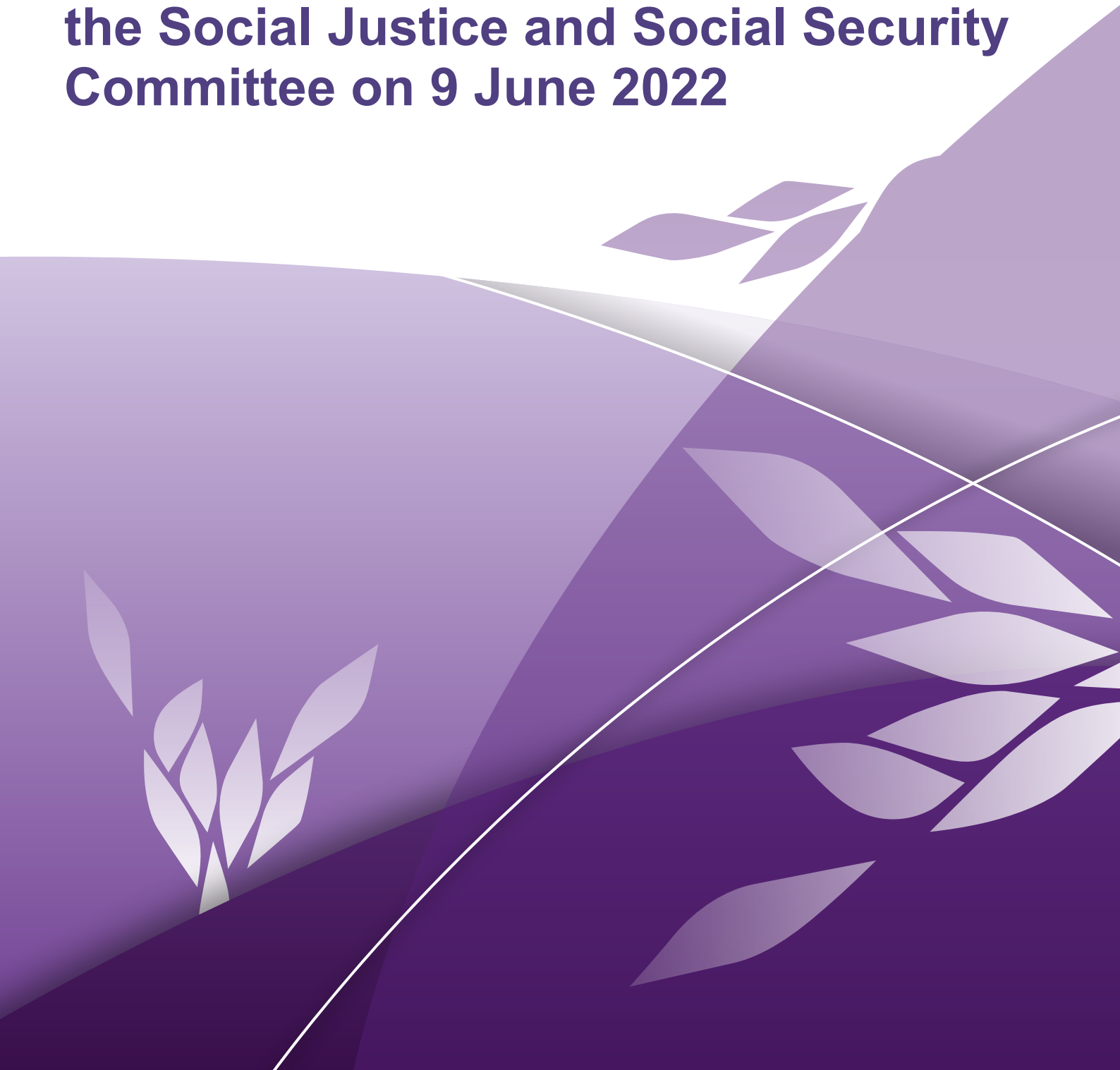


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Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 9 June 2022



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Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.



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The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022

1. This report sets out the Social Justice and Social Security Committee's consideration of the [Disability Assistance for Working Age People \(Transitional Provisions and Miscellaneous Amendment\) \(Scotland\) Regulations 2022](#) (18th meeting, 2022). The [minutes](#) of the meeting have been published on the Committee's webpages. The [Official Report](#) of the meeting will be published in due course.
2. The Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 were laid on 6 May 2022. This Scottish Statutory Instrument (SSI) was made in exercise of the powers conferred by sections 150(9) and 150A(6), and 189(1) and (4) of the Social Security Administration Act 1992 ('the 1992 Act'). This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations be approved.
3. According to the [Policy Note](#), the instrument sets out provisions for transferring specified individuals in Scotland, currently in receipt of Disability Living Allowance (DLA), to Adult Disability Payment (ADP). The specified individuals are those who were over 16 and under 65 and in receipt of Disability Living Allowance at the introduction of Personal Independence Payment on 08 April 2013.
4. The instrument also makes miscellaneous amendments to the following regulations:
 - the Personal Independence Payment (Transitional Provisions) Regulations 2013,
 - the Disability Assistance for Children and Young People (Scotland) Regulations 2021, and
 - the Disability Assistance for Working Age People (Scotland) Regulations 2022.
5. The DPLR Committee considered the instrument at its meeting on [24 May 2022](#) and drew errors identified in regulations 2, 5(1) and 19(10) of the instrument to the attention of the Parliament. The Committee noted in its [report](#) that it welcomed the Scottish Government's intention to correct the errors in regulations 2 and 19(10) by way of a correction slip while correcting the error in regulation 5(1) at the next legislative opportunity.
6. On [23 March 2022](#) the Scottish Commission on Social Security (SCoSS) reported on these regulations, making eight recommendations. All recommendations were accepted by the Scottish Government in its [response](#) (laid in the Parliament on 6 May).
7. At its meeting on [26 May 2022](#), the Social Justice and Social Security Committee

heard from SCoSS about its scrutiny of the Regulations.

8. During the evidence session with the Minister, Members asked questions about communication and support for those transferring from DLA to ADP. The Minister spoke about the Scottish Governments tailored communication and engagement plan to support people including easy to read notifications, stakeholder roadshows (beginning from June 2022) and a 'stakeholder toolkit' which will include specific fact sheets, video content and frequently asked questions. Members emphasised the importance of good clear communication and that both DWP and Scottish Government continue to work strongly together during the transfer process.
9. The Minister was asked whether advice to those thinking of transferring would be given by Social Security Scotland or whether people would be signposted to another advice service. The Minister stated that the advocacy service and local delivery services would be available but that they encourage everyone to seek independent advice before making a decision to ask to have their award transferred.
10. One Member noted their concern that it could be confusing for claimants to understand that the advice given by an independent advisor is simply advice and not a guarantee of what would happen as ultimately decisions on claims will be made by Social Security Scotland.
11. The Minister was also asked about the review process that will happen to all claimants at some point following transfer. The Minister stated that if an award was increased following review then the increase will be backdated to the transfer date. If an award was decreased the change would only take effect from the time the decision has been made.
12. The Minister spoke about the support that would be offered to those who wanted to appeal a decision and undertook to update the Committee as soon as he can on support that could be offered to those who may lose the enhanced mobility component following a review, given the impact this would have on their ability to continue to access the Accessible Vehicle and Equipment scheme.
13. The Committee look forward to receiving the updated information from the Minister as this process gets underway and will keep an eye on it as it develops.
14. Following the evidence session the Minister for Social Security and Local Government moved motion S6M-04303—That the Social Justice and Social Security Committee recommends that the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 be approved.
15. The motion was agreed to without division.

The Social Justice and Social Security Committee recommends that the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022 be approved.

