

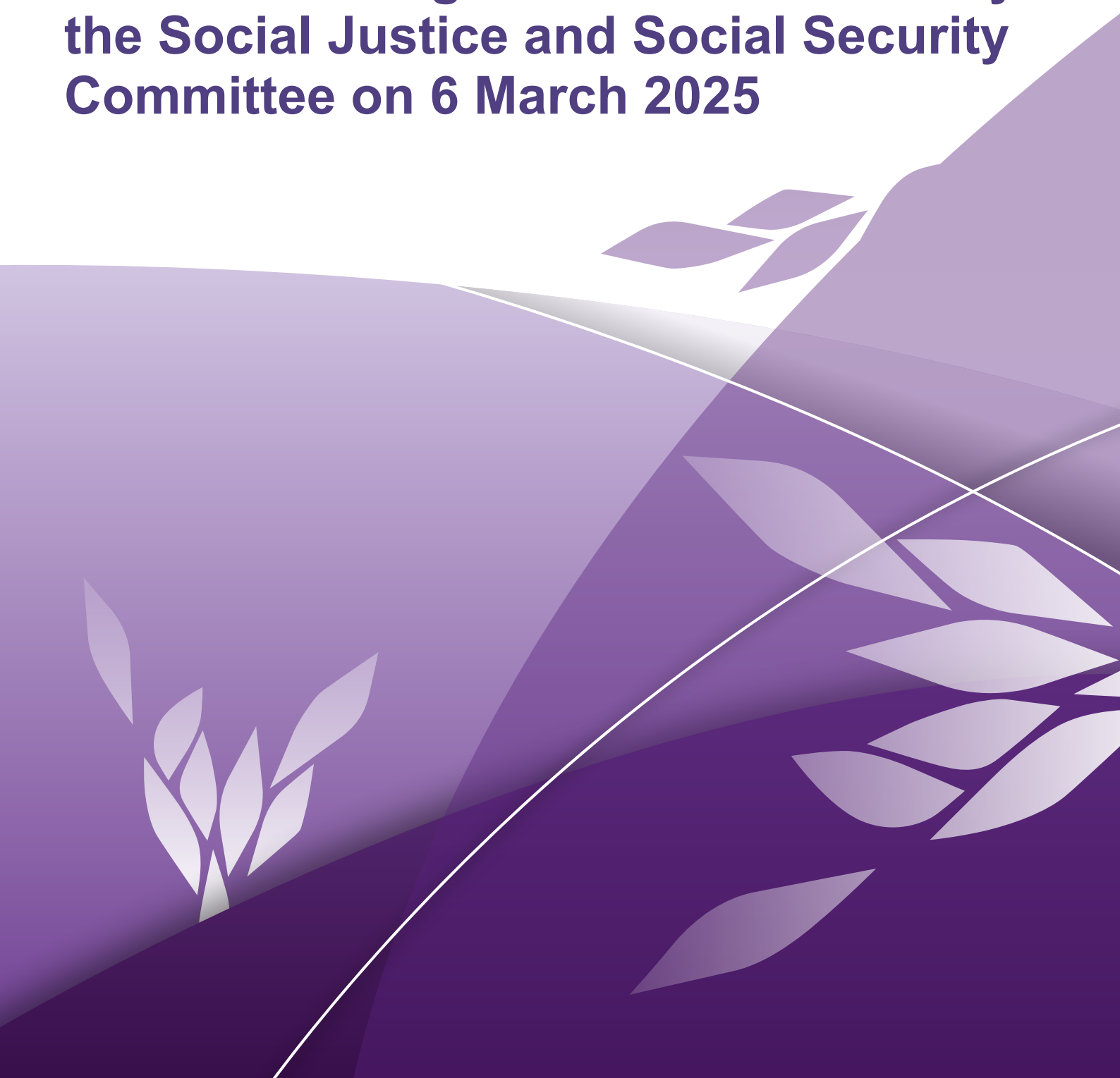


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## **Social Justice and Social Security Committee**

# **Subordinate legislation considered by the Social Justice and Social Security Committee on 6 March 2025**



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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 excluding matters relating to housing and tenants' rights.



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# Introduction

1. This report sets out the Social Justice and Social Security Committee's consideration of [the Social Security \(Up-rating\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2025](#) and [the Social Security Up-rating \(Scotland\) Order 2025](#) at its meeting on 6 March 2025.
2. The [minutes](#) of the meeting have been published on the Committee's web page. The [Official Report](#) of the meeting is available on the Scottish Parliament's website.

# The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2025

3. The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2025 were laid on 10 February 2025. This instrument is subject to the affirmative procedure, which means it is for the Committee to recommend to the Parliament whether the draft regulations should be approved.
4. According to the [Policy Note](#), the purpose of the instrument is to fulfil the duty on the Scottish Ministers under sections 86A and 86B of the Social Security (Scotland) Act 2018 to create legislation that increases the amounts of the Scottish Child Payment, Child Disability Payment, Adult Disability Payment, Funeral Support Payment, Carer Support Payment and Young Carer Grant. The increases are intended to match or exceed the adjustment for price inflation. Payments will increase by 1.7% rounded to the nearest multiple of 5 pence.
5. The Policy Note states that the regulations uprate other benefits not subject to the mandatory uprating requirements by 1.7% - Best Start Grants, Best Start Foods, Child Winter Heating Payment and Winter Heating Payment. They also increase the rates to an amount in line with inflation for Carer's Allowance and Carer Support Payment. These are not covered by the reporting or up-rating duties in sections 86A and 86B of the Social Security (Scotland) Act 2018.
6. The Policy Note details the dates the increases will come into force. They are as follows:
  - The increases to the Young Carers Grant, Scottish Child Payment, Funeral Support Payment, Best Start Grants, Best Start Foods, Child Winter Heating Payment, Winter Heating Payment and Pension Age Winter Heating Payment will come into force on 1 April 2025.
  - The increases to Pension Age Disability Payment, Scottish Adult Disability Living Allowance, Child Disability Payment and Adult Disability Payment (including the Adult Disability Payment transitional rate) come into force on 7 April 2025.
  - The increases to Carer Support Payment come into force on 6 April 2025.

# The Social Security Up-rating (Scotland) Order 2025

7. The Social Security Up-rating (Scotland) Order 2025 was laid on 24 January 2025. This instrument is also subject to the affirmative procedure.
8. According to the [Policy Note](#), the purpose of the instrument is to fulfil the duty on Scottish Ministers under sections 150 and 150A of the Social Security Administration Act 1992 to review the rates of social security benefits they are responsible for and provides for the up-rating of certain benefits.
9. The Policy Note explains that the functions of the Secretary of State for Work and Pensions related to Carer's Allowance in Scotland were transferred to the Scottish Ministers on 3 September 2018, and for all other devolved benefits from 1 April 2020.
10. The Scottish Ministers are now responsible for providing these benefits to residents of Scotland. Agency agreements with the Secretary of State for Work and Pensions allow the delivery of these benefits on behalf of the Scottish Ministers, and the Scottish Ministers are committed to up-rating these benefits at the same rate as the Department for Work and Pensions. However, Scottish Ministers must make the 2025 Order as this falls within their devolved competence.
11. As such, various weekly rates for Attendance Allowance, Carer's Allowance, Disability Living Allowance, Industrial Injuries Disablement Benefit, Industrial Death Benefit, Personal Independence Payment and Severe Disablement Allowance will all increase according to the September 2024 Consumer Price Index (CPI) of 1.7%.
12. The Policy Note states that the Order provides for an increase to the Adult Dependency Increase as an additional weekly payment for some of those who receive the Severe Disablement Allowance. There will also be an increase to other benefits associated with the Severe Disablement Allowance and Industrial Injuries Scheme benefits. The Industrial Death Benefit (IDB) is usually up-rated by the triple lock guarantee by CPI or 2.5%. The UK Government has said IDB will increase by 4.1%, which aligns with growth in Average Weekly Earnings, May to July 2023.

## Consideration by the Delegated Powers and Law Reform Committee

13. The DPLR Committee considered the Social Security Up-rating (Scotland) Order 2025 on [4 February 2025](#) and reported on it in its [10th Report, 2025](#) and raised no points in relation to the instrument.
  
14. The DPLR Committee considered the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2025 on [18 February 2025](#) and reported on it in its [11th Report, 2025](#). The Committee raised no points in relation to the instrument. However, the Committee noted that the original draft of this instrument was withdrawn on 10 February 2025, and the present version re-laid on the same day, following [a question raised by the Committee for the Scottish Government](#).

# Consideration by the Social Justice and Social Security Committee

15. At its meeting on 6 March 2025, the Social Justice and Social Security Committee heard from Shirley-Anne Somerville, Cabinet Secretary for Social Justice and supporting Scottish Government officials.
16. In her opening statement, the Cabinet Secretary told the Committee that following amendments to the Social Security (Scotland) Act 2018, all payments delivered under the Act are now increased in line with inflation every year. The Cabinet Secretary added that the Scottish Government views this as key to maintaining the value of all Social Security payments and the purchasing power of those in receipt of them.
17. During discussion, Members asked about the impact of a lower than previously forecast cost of uprating this year on the social security budget for 2025-26 and what contingencies are in place for potential increases going forward.
18. The Cabinet Secretary explained that the budget for the coming year contains the 1.7 percent inflation rate set out in the regulations and not the 3.3 percent forecast by the Scottish Fiscal Commission in 2023. A lower cost of uprating will therefore not ease pressures on the budget.
19. Looking to the 2026-27 budget, Ms Somerville told the Committee that "expenditure on social security is rising, and the Fiscal Commission continues to expect that expenditure to rise." <sup>1</sup> This is due to an increase in social security benefits at UK level as well as additional costs at Scottish Government level to deliver the Scottish Child Payment and to handle child and adult disability payments differently. She added that the Scottish Government needs to keep this under review going forward to balance the budget.
20. Members questioned whether the Cabinet Secretary is looking to get some consistency in the indices used to measure inflation as this impacts on forecasting and the level of payments.
21. The Cabinet Secretary stated that the Scottish Government continuously keeps the measurement of inflation under review and added—  

” When we were initially starting out, of course, we had to bear in mind that we used the same measure as the UK Government, because of case transfer and not having a two-tier system. Regardless of that, however, I think that it is the right method for us to use at this stage, as we move to the point at which case transfer will be reaching its conclusion. [...] There are views on other measures that are not yet classed as official statistics but that people think are a better measurement of inflation. However, if they are not official statistics, they would not be used. I mention that simply to note that we are looking not only at RPI and CPI but at a range of inflationary measures. <sup>2</sup>
22. The regulations mirror the UK Government's decision to increase the earnings threshold for the Carer's Support Payment to the level of 16 hours at national living

- wage. Members questioned whether the Scottish Government is considering a statutory duty to increase the Carer's Support Payment earnings limit now that the case transfer has come to an end and to what extent this would depend on the UK Government doing the same.
23. In response, the Cabinet Secretary explained that once the case transfer is complete, a different approach can be considered and further changes made in the short term "including introducing a new extra payment for people who have multiple caring roles, extending support for carers when a caring role ends due to a bereavement and changing the way that we pay carers allowance supplement [...] so that carers get the extra support more regularly." <sup>3</sup> Ms Somerville confirmed that looking into increasing the earnings limit would be a longer term decision.
  24. The Cabinet Secretary explained that if the UK Government was to make changes to the earning threshold, "that will clearly increase the block grant adjustments and assist the Scottish Government to determine whether we wish to use that money in the same way." <sup>4</sup> Ms Somerville added that if no changes happened at UK level, then any increases at Scottish level would have to come out of the Scottish Government budget not covered by block grant adjustments.
  25. Members mentioned the positive impact of the Scottish Child Payment on reducing child poverty and asked whether future increases in the payment will be limited to inflation.
  26. The Cabinet Secretary acknowledged the difference the payment has made and noted that when it increases to £27.15 in April, this will represent a 170 percent increase since its launch at £10 in 2021. However, Ms Somerville added that it is important to look at all the drivers of poverty and "that is why, as well as investing in the Scottish child payment, we need to invest in early learning and childcare, employability and so on. [...] The Scottish child payment is important, but it is one part of our policies to help those on low incomes, particularly those with children." <sup>5</sup>
  27. Members discussed the UK Government's upcoming spending review and media reports of potential substantial budget cuts and asked how these would impact on the Scottish social security system.
  28. The Cabinet Secretary stated that UK Government changes to certain aspects of welfare would be concerning and —
    - ” any of the changes that the Chancellor of the Exchequer makes will have implications for the Scottish Government's block grant. If changes are made in social security to those aspects that are devolved, there will clearly be an implication for our block grant in relation to the adjustments in social security. <sup>6</sup>
  29. Ms Somerville added that the Scottish Government does not have to mirror any changes the UK Government would decide to make but would have to face up to the financial implications of decisions made at speed. However, she insisted that disabled people would not be the focus of budget decisions.
  30. Following the evidence session, the Cabinet Secretary for Social Justice moved motions S6M-16232 and S6M-16233. Each motion was agreed to without division.

# Recommendation

31. The Social Justice and Social Security Committee recommends that the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2025 [draft] and the Social Security Up-rating (Scotland) Order 2025 [draft] be approved.

- 1 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 5
- 2 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 6
- 3 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 7
- 4 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 8
- 5 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 10
- 6 Social Justice and Social Security Committee, Official Report, 6 March 2025, Col 11

