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Dr Sally Witcher OBE
Scottish Commission on Social Security
c/o Secretariat, Scottish Government

By email to: info@socialsecuritycommission.scot

10 February 2022

Dear Sally,

I enclose the draft Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendments) (Scotland) Regulations 2022 (the “draft Regulations”), made under sections 31, 43(5), 52, 95 and schedule 5 of the Social Security (Scotland) Act 2018. I am pleased to provide the Scottish Commission on Social Security (the “Commission”) with a formal request for scrutiny of these draft Regulations.

These draft Regulations make provisions for transferring the awards of Scottish people currently in receipt of Disability Living Allowance, who were over 16 and under 65 and in receipt of Disability Living Allowance at the introduction of Personal Independence Payment on 8 April 2013, to Social Security Scotland and onto Adult Disability Payment. It is Scottish Ministers’ intention to safely and securely transfer awards, from the national launch of Adult Disability Payment, where the person has requested to transfer to Adult Disability Payment or in circumstances where the person would otherwise be required to claim for Personal Independence Payment under the current provisions of the Personal Independence Payment (Transitional Provisions) Regulations 2013.

This is aligned with our policy intention to help improve outcomes for disabled working age people, by providing financial assistance to help meet the additional costs associated with care and mobility needs as a result of having a disability.

These provisions have largely been made under section 95 of the Social Security (Scotland) Act 2018. As such, those parts are not subject to formal scrutiny by the Commission. However, provision to introduce a low daily living component to Adult Disability Payment to allow those in receipt of the lowest rate care component of Disability Living Allowance to transfer on an interim ‘like for like’ basis, and the provisions in regulation 18(2) to (4) to make amendments to the Disability Assistance for Working Age People (Scotland) Regulations 2022 have been made under section 31 which is subject to formal scrutiny.

I am, however, providing a full copy of the draft Regulations to allow the Commission to consider in context those parts of the draft Regulations that you are required to scrutinise. Along with the draft Regulations, I also provide a draft policy note. I am also grateful to the Commission for agreeing that you will look to consider these to a shorter than normal timescale, considering they need only be formally considered in part.

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As you know, the introduction of Adult Disability Payment and case transfer are central to building a social security system that better meets the needs of disabled people in Scotland. I recognise the Commission's vital role in scrutinising our proposals thus far and I thank you for your continued co-operation and support. Your scrutiny continues to be key in ensuring that we achieve our aim of delivering a social security system in Scotland that meets our values of treating people with dignity, fairness and respect.

A copy of this letter has been provided to the Convener of the Social Justice and Social Security Committee.

Best regards,



BEN MACPHERSON

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