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29 April 2024

Dear Judith and Mark,

Draft Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024

I enclose a copy of the draft Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024, made under sections 30(2), 41(4)(a), 43(5) and 52 of the Social Security (Scotland) Act 2018, along with an explanatory policy note. I am pleased to provide SCoSS with the formal request for scrutiny of these draft regulations. Draft impact assessments were published alongside the public consultation in October, and we intend to publish the revised versions with any further amendments following SCoSS scrutiny when laying the regulations in parliament in September.

These draft regulations set out the detail of how our new Pension Age Winter Heating Payment (PAWHP) benefit will support older households once introduced this winter.

PAWHP replaces the UK Government's Winter Fuel Payment (WFP) in Scotland and will provide those of state pension age with an annual payment of £100, £150, £200 or £300, dependent on the person's age and their household circumstances during the qualifying week. Our key aim is to mitigate some of the impact of additional domestic heating costs in winter by providing universal, reliable financial support to people of pension age who are more vulnerable to cold temperatures due to their age and therefore have a greater need for household heating.

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In line with the standing arrangements, I request your scrutiny report be provided within 12 weeks and therefore submitted by 22 July 2024. If you are able to provide a finalised report earlier that would of course be helpful as we finalise the regulations.

Outcome of the consultation on Pension Age Winter Heating Payment

I previously wrote to you to make you aware the consultation on PAWHP had been launched. The consultation ran between 23 October 2023 and 15 January 2024 and asked questions on the proposed policy: a like-for-like transfer of the WFP benefit, the eligibility criteria, and the value, form and timing of the payment.

We received 906 responses to the consultation, providing us with a range of views from both organisations and individuals. In general respondents agreed with the key policy proposal for a like-for-like transfer of WFP to PAWHP. However, there were calls for a higher payment, potentially linked to fuel prices or inflation; concern was expressed that changing the name of the payment could cause confusion; the timescales for redeterminations were questioned and there was uncertainty about the eligibility of people in residential care who receive income-related benefits.

At the same time a separate piece of research was carried out to ask members of our Social Security Experience Panels for their views on the key policy options for this new benefit. In total, 164 members chose to complete the survey exploring this topic. Of those Panel members that responded;

- 71% agreed with the plan to replace WFP with a new benefit in Scotland;
- 83% agreed that the proposed format for PAWHP would be an effective way for the Scottish Government to provide financial support to older people;
- 69% of respondents agreed with proposals for eligibility to remain linked to an individual reaching state pension age;
- 80% of respondents agreed with proposals to assess eligibility through a qualifying week in September.

Since then, my officials have instructed an independent research organisation, The Lines Between, to analyse the consultation responses and provide a report. This report will soon be published, alongside the Scottish Government's response to the consultation. The Social Security Experience Panel report has now been published: [Social Security Experience Panels: Pension Age Winter Heating Payment - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultation-papers/social-security-experience-panels-pension-age-winter-heating-payment/)

Future developments

As I laid out in the consultation, our focus is on a safe and secure transfer of Pension Age Winter Heating Payment for launch this winter (2024/2025). However, it is clear that further development work will be required as we continue to explore the potential longer-term development of Pension Age Winter Heating Payment.

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I have sent a copy of this letter and draft regulations to the Social Justice and Social Security Committee in order to notify them that our proposals have been submitted to the Commission. As ever, I am grateful for your continued work in ensuring that devolved social security delivers a system that meets the needs of the people of Scotland.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE

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