



Scottish
Commission
on Social
Security

Scottish Commission on Social Security
c/o Secretariat
Area 1C South (Mail Point 6)
Victoria Quay
Edinburgh
EH6 6QQ

info@socialsecuritycommission.scot

05 February 2025

Shirley-Anne Somerville MSP
Cabinet Secretary for Social Justice
Scottish Parliament
Edinburgh
EH99 1SP

By email only

Dear Cabinet Secretary,

I am pleased to provide a copy of the Scottish Commission on Social Security's scrutiny report on the draft Social Security (Best Start Grants, Best Start Foods, Funeral Support Payment, Scottish Child Payment, Information-sharing, Winter Heating Payment and Pension Age Winter Heating Payment) (Miscellaneous Amendment) (Scotland) Regulations 2025, which has been laid in the Scottish Parliament today under section 97(8)(a)(ii) of the Social Security (Scotland) Act 2018. The report is provided at Annexe One to this letter.

The report has been prepared after the Commission received the draft regulations from you, in accordance with the procedure outlined in section 97 of the Act.

A copy of the report has been submitted to the Convener of the Social Justice and Social Security Committee and will be published on our website.

We hope you find this report helpful and we welcome your feedback.

Yours sincerely,

Ed Pybus
Chair
Scottish Commission on Social Security

Dear Cabinet Secretary,

Thank you for your letter of 10 December 2024 referring for scrutiny the draft Social Security (Best Start Grants, Best Start Foods, Funeral Support Payment, Scottish Child Payment, Information-sharing, Winter Heating Payment and Pension Age Winter Heating Payment) (Miscellaneous Amendment) (Scotland) Regulations 2025. This letter is the Commission's report on the draft regulations.

With the move to Universal Credit, tax credits are due to be abolished from 5 April 2025 and will no longer be a route for people to qualify for Scottish social security. Consequently, these draft regulations remove tax credits from all the relevant Scottish benefit regulations. In our view, removing references in regulations to obsolete provisions is good legislative housekeeping. The law will be easier to follow as a result and information for the public based on the regulations will be clearer.

However, there are wider consequences for the Scottish system of the move to Universal Credit that relate to it becoming the main route to qualifying for Scottish Child Payment and other family payments. While we have been reassured that the number of people who get Scottish Child Payment has remained steady during the move to Universal Credit, we are concerned about the high number of people, around 20,000 in Scotland, who did not claim when it was time for them to move from tax credits. These are mostly people who were getting tax credits but not another legacy benefit. We acknowledge the steps that Social Security Scotland took to write individually to people affected by the move. Despite this, there are likely to be families in low-paid work, some of whom may be in poverty or at risk of poverty who have consequently dropped out of entitlement to Scottish Child Payment.

With this in mind, and also, with Universal Credit becoming the main route to qualifying for Scottish Child Payment and other family payments, initiatives aimed at increasing take up of family payments will need to be even more mindful of the need to reach people who are eligible for Universal Credit but have not claimed.

Active take up campaigns promoting UK benefits may not be viable for the Scottish Government itself unless undertaken in partnership with the DWP but there are other ways to help people find out what they are entitled to. There are good examples on mygov.scot of providing information on some UK benefits such as Child Benefit, Guardian's Allowance and Bereavement Support Payment.

We recommend that the Scottish Government identifies more ways to offer holistic information to people about financial support, including benefits like Universal Credit that people need to claim to access Scottish benefits.

We hope you find this letter helpful as we seek to engage in effective and proportionate scrutiny.

A copy of this letter has been submitted to the Convener of the Social Justice and Social Security Committee and will be published on our website.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ed Pybus', written in a cursive style.

Ed Pybus
Chair
Scottish Commission on Social Security