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Dear Ed

The Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations 2025

I enclose a draft copy of the Winter Heating Assistance (Pension Age) (Scotland) Amendment Regulations 2025, 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.

These regulations set out in detail how Pension Age Winter Heating Payment (PAWHP) will be expanded to a universal payment to support every pensioner household from next winter (2025/26).

As you are aware, the UK Government announced in July 2024 its decision to move away from a universal Winter Fuel Payment and to restrict entitlement to those of pension age in receipt of Pension Credit and other means-tested benefits from winter 2024. This decision was taken without consultation or discussion with the Scottish Government, and it has had devastating consequences for our planned launch of PAWHP, reducing the Block-Grant Adjustment for our devolved payment by over 80% in 2024/25.

In August 2024, following careful consideration of the options available for Scotland, the Scottish Government announced that, given the timing of the UK Government's decision, the lack of prior consultation with the Scottish Government, and the significant budgetary impact, the Scottish Government would mirror the decision to deliver WFP to those of pension age in receipt of relevant benefits. This was delivered by the Department for Work and Pensions (DWP) in winter 2024/2025 under an agency agreement with the Scottish Ministers.

The Scottish Government has consistently recognised that there will be some pensioners who will be particularly affected by the cut. For this reason, in November 2024, I announced that the

Scottish Ministers will bring forward regulations to introduce a universal PAWHP for all pensioner households in Scotland for winter 2025/26. Given the timescales for legislating and delivery, it has not been possible to consult further on these proposals. However, we know from our previous consultation on the launch of PAWHP that there was broad support for maintaining the universal approach to eligibility for all who have reached state pension age, with 80% of all respondents in favour of this approach.

From winter 2025/26, all households containing individuals of pension age who are not in receipt of relevant benefits will receive £100 of winter heating assistance, with those in receipt of a relevant low-income benefit and aged under 80 receiving £203.50 and those aged 80 or over in receipt of a relevant benefit receiving £305.10. To note, the up-rated values are subject to parliamentary approval of the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2025.

In line with the current PAWHP regulations, an individual will be eligible for a higher rate of payment if, during the qualifying week, they are of state pension age, and are receiving one of the following relevant benefits:

- Pension Credit
- Income-based Jobseeker's Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)
- Income Support
- Universal Credit

All other pensioner households not in receipt of relevant benefits will receive a payment of £100.

The introduction of universal eligibility to PAWHP will ensure that vital support is provided to all pensioner households. The higher payment value for those in receipt of relevant benefits will ensure that those pensioners most in need of support will continue to receive a higher rate of payment, protecting their incomes. A universal approach will also ensure that the many pensioners who do not take up their Pension Credit entitlement, or are just above the threshold for Pension Credit, will also receive vital support.

A universal PAWHP will provide reliable financial support to all pensioner households, by aiming to mitigate some of the impact of additional domestic heating costs in winter 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. With high energy prices continuing to be the single greatest driver of fuel poverty, this support is particularly important given the significant increase in energy prices amid the cost of living crisis.

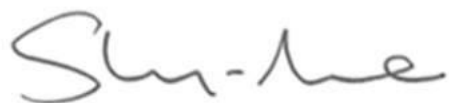
Unfortunately, due to significant time pressures to pass legislation it has not been possible to afford you with the 12-week scrutiny period usually provided in line with standing arrangements. Due to time constraints, and to ensure the passing of legislation in time to make universal payments this winter, I would request your scrutiny report be provided within a reduced scrutiny period of 4 weeks and therefore submitted by 2 April 2025.

As with all social security benefits, we will conduct an evaluation post-implementation, and consider how we can improve PAWHP moving forward.

I have sent a copy of this letter and draft regulations to the Social Justice and Social Security Committee 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,

A handwritten signature in cursive script, appearing to read "Shirley-Anne".

SHIRLEY-ANNE SOMERVILLE