



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Jim McCormick  
Chair of Disability and Carers Benefits Expert  
Advisory Group

29 August 2018

Dear Jim

Thank you for your letter of 6<sup>th</sup> July highlighting the importance of equality analysis and reporting as we take forward our new social security powers. This Government is committed to ensuring that equality is at the centre of our budget, policies and processes and consideration of equality related impacts are central to each stage of the policy and delivery process.

As you point out, the equality dimension is an integral part of the principles which are at the heart of the Social Security (Scotland) Act 2018. These principles will underpin everything we do as we implement the social security programme. The Act itself states that we have an obligation to publish “an assessment of how the Scottish social security system has affected the circumstances of persons living in households whose income is adversely affected, or whose expenditure is increased, because a member of the household has one or more protected characteristics, within the meaning of section 4 of the Equality Act 2010”. The three areas which you have identified in your letter are crucial for ensuring equality groups are considered as part of this and I will address each of them in turn.

### **Data Collection and Analysis**

Having the right datasets is paramount to making informed policy choices and this is particularly important for the decisions that affect equality groups. Our understanding of these groups and their intersectionality could be improved across all policy areas by collecting better information. I recognise the importance of setting the right mechanisms in place at the outset to ensure that we have a good understanding of the profile of Social

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

Security Scotland benefit recipients. My officials who are setting up the delivery processes are working on this.

We will be collecting equality data from benefit claimants and will be using these data to look at how social security processes work for different groups of people. We will be making changes where necessary to ensure that the new Scottish benefit system works for all people of Scotland, and that opportunities to advance equality are not being missed. The collation, use and improvement of equality data will also be covered within the Equality Strategy/Action Plan that will be taken forward by Social Security Scotland. Scoping work in respect of the development of such strategy is underway.

From the policy perspective, these data will also feed into our policy development – both at the outset when the policy is being designed and as part of monitoring and improvement as the policy is implemented. Our programme of evaluation, which will be looking more broadly at whether policy outcomes are being achieved, will consider how equality groups are affected.

Whilst we will encourage completion of equalities data I also recognise the sensitivities with data collection of this type. We would seek to keep to a minimum the volume of equality-related information that needs to be shared on a compulsory basis beyond what is required to process the application. This will generally include age, gender, and disability for disability related benefits but will vary depending on the benefit. We will encourage people to complete data on other protected characteristics in order to help us develop better services but ultimately it will be the participant's decision whether to disclose this information. I would therefore expect to encounter some challenges around collating robust publishable datasets due to levels of non-response. We have already seen this in our work with Experience Panels. At the outset of the Experience Panels project, panel members told us that they were not yet comfortable enough to share sensitive personal information with us. Now we are a year into the project, we have taken steps to fill the gaps in our data, and have undertaken a survey of panel members to update previously collected data, and add in ethnicity, religion, sexual orientation and transgender status. We are analysing the results of this survey in the coming weeks and will take steps to address under-representation across any protected characteristics.

## **Equality Impact Analysis**

The Scottish Government is committed to promoting equality of access and opportunity, and to ensuring that people with protected characteristics are considered when we design and implement our policies. To that end, the Social Security Charter will set out the specific commitments that the Scottish Government will undertake to ensure that the equality and non-discrimination principle in the Social Security (Scotland) Act 2018 is carried through to operational practice. The process for developing this charter also has equality and diversity at its heart. The work is being led by a core group of people with lived experience of the system that has been carefully balanced to include the broadest possible range of characteristics, needs and experiences.

We are also fully committed to producing robust Equality Impact Assessments (EQIAs) for all the benefits that will be devolved, and for any new benefits. For example, equalities impacts have been taken in to account from the outset in developing Best Start Grant (BSG) policy, which is the first benefit to be delivered by Social Security Scotland. Policy officials worked closely with the BSG Reference Group and individual organisations in order to ensure we

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

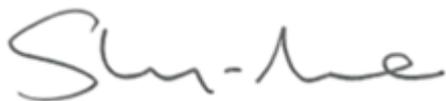
have considered the different facets of equality characteristics in relation to BSG. A full EQIA will be published when the BSG regulations are laid in accordance with Public Sector Equality Duty as set out in the Equality Act of 2010 and its secondary legislation. The social security system is being developed in collaboration with colleagues across government and we will continue to look for opportunities to align policy-making and service provision to address diversity of need. I have asked my officials to ensure that your Group is included in stakeholder discussions in these areas. Should you have any specific concerns about our developing policies at this juncture, I would be grateful if your Secretary could discuss further with officials.

### **Non-discrimination principles within a human rights approach to social security**

As set out in our principles, we are committed to principles of non-discrimination. We are currently in the process of recruiting a compliance lead and policy officer for payments to examine exactly these issues. My officials will be keen to engage with Group members on the extent to which policies and procedures for making social security payments, as well as Agency functions, are being fully appraised to ensure non-discrimination and the mitigation and elimination of existing inequalities.

I look forward to meeting you on 30<sup>th</sup> August.

Best wishes



**SHIRLEY-ANNE SOMERVILLE**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

