



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

Guy Opperman MP
Minister for Pensions and Financial Inclusion

minister.pensions@dwp.gsi.gov.uk

14 August 2017

Thank you for your letter of 16 July 2017, however, the Scottish Government remains firmly of the view that the powers available through the Scotland Act 2016 do not provide us with a workable solution to fully support the WASPI women who have been particularly affected by the changes to the State Pension Age.

There is no doubt that these women have been badly let down by the UK Government. Not only have they paid their National Insurance in the full expectation of receiving their State Pension at a certain age, but there has been a failure of communication on the UK Government's part which has resulted in WASPI women being given inadequate time to prepare for their retirement. I urge you to find a solution to rectify this situation, which has been created by the UK Government, and has significantly disadvantaged women born between April 1951 and 1953.

On the wider issue of pensions, I am disappointed in the UK Government's decision to raise the State Pension Age from 67 to 68 in 2037-39, seven years earlier than planned, yet not take into account regional variations. As you will know, people in Scotland spend less time in receipt of State Pension due to the lower average life expectancy in Scotland compared to the rest of the UK. We made these concerns clear during John Cridland's review of the State Pension Age and we are disappointed that the UK Government has accepted the recommendations without any consultation with the Scottish Government.



I am aware that Mr Cridland's review also made a number of other recommendations, such as a mid-life MOT and eldercare policies for employers on which you have not yet announced a policy position. My officials and I are more than happy to be involved in any discussions about the implications of these recommendations for Scotland to ensure they take account of the devolved landscape and Scotland's specific needs.

Kind regards

A handwritten signature in black ink, appearing to read 'Jeane Freeman', with a long horizontal flourish extending to the right.

JEANE FREEMAN

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

Richard Harrington MP
Parliamentary Under Secretary
Department for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9DA

22 June 2017



Thank you for your letter of 19 April in which you suggest ways the Scottish Parliament could use its new welfare powers as provided by the Scotland Act 2016 to support women, known as WASPI women, who have been particularly affected by the changes to the State Pension Age. I would contend that these are not, in reality, options that are available.

Discretionary payments using section 26 (exception 7)

This power is limited to providing help with 'short term needs', and those needs must require to be met to avoid a risk to a person's wellbeing. That would not readily allow assistance to the majority of the women most affected by the acceleration of the increase in their State Pension Age. Their needs and the risks to their well-being would have to be assessed individually.

Creation of a new benefit using section 28 (exception 10)

This power states that it cannot be used to provide pensions to persons who qualify by reason of old age. Given the women we are concerned with here are seeking assistance specifically due to their age and lack of state pension it is hard to see how this provision could be used to support WASPI women. I accept that "old age" is not defined in the legislation, and that most people would not regard this age group as old, but the intention of the restriction seems clear. Other types of pension are possible, such as those paid to persons who have suffered injury or bereavement, but those based on persons attaining an older age (whatever exactly that means) are not permitted.

Top up of reserved benefits using section 24 (exception 5)

You mention this 'wide ranging' power to make discretionary payments, but as you also note the person must be receiving a reserved benefit that can be topped up. The assistance has to be for one of the purposes for which the reserved benefit is being provided. As the complaint of the WASPI group is that they are not receiving a reserved benefit, state pension, this power is plainly of little use as a way to assist the WASPI group.

While I welcome the powers provided by the Scotland Act 2016, only 15% of social security spending in Scotland is being devolved. This issue shows the restrictions imposed on our ability to design a Scottish welfare system for the needs of the people of Scotland.

Kind regards

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Richard Harrington MP
Parliamentary Under Secretary
Department for Work & Pensions
Caxton House
Tothill Street
London
SW1H 9DA

6 April 2017

Dear Mr Harrington

WASPI WOMEN AND SCOTTISH GOVERNMENT POWERS TO TOP UP BENEFITS

It has been brought to my attention that a letter recently sent from your office (extract attached) contained some misleading information around the Scottish Government's powers to top up reserved benefits. Principally it suggests that the Scottish Government has powers to fill the gap in pension provision for the group known as WASPI women.

To use the top up powers you refer to, in section 24 of the Scotland Act 2016, the payment must be for one of the purposes for which the reserved benefit is being provided. The Scottish Government can't make a pension purpose payment to a person who isn't getting a state pension.

The discretionary payment power you mention within section 25 is solely for Discretionary Housing Payments. You may have intended to refer to section 26 (discretionary payments), however use of section 26 is restricted to meeting only short term needs that require to be met to avoid a risk to a person's well-being.

I would appreciate if you could ensure such suggestions are not repeated in future correspondence as they propose remedies that are not within the gift of the Scottish Government under its current powers.

Kind regards



JEANE FREEMAN