

**Disability and Carers Benefits Expert Advisory Group
Scrutiny Workstream**

**Wednesday, 18th October, 10.30 to 12.30, at Scottish Government, Victoria
Quay (Room 3D-34), Edinburgh, EH6 6QQ.**

Present:

Judith Paterson, CPAG, Chair
Frank Reilly, SRN
Layla Thiener, Disability Agenda Scotland
Heather Noller, Carers Trust
Jim McCormick, Joseph Rowntree Foundation
Jim McGoldrick, SSSC
Chris Creegan, SCLD
[REDACTED] Scottish Government, Social Security Policy
[REDACTED] Scottish Government, Social Security Policy
[REDACTED] Scottish Government, Social Security Policy
[REDACTED] Scottish Government, Social Security Policy

Apologies:

Fiona Collie, Carers Scotland
Tressa Burke, Glasgow Disability Alliance
[REDACTED] Scottish Government, Social Security Policy

Welcome and introductions

1. The chair welcomed group members to the first meeting of the Scrutiny Workstream of the Disability and Carers Benefit Expert Advisory Group. Joining Expert Advisory Group members on the workstream were representatives of the Industrial Injuries Disablement Benefit Reference Group, Best Start Grant Reference Group and Funeral Payment and Funeral Poverty Reference Group.

Task of the Scrutiny Workstream

2. At the end of August the Minister for Social Security asked the Expert Advisory Group to give advice and recommendations about scrutiny of the Scottish social security system, since the UK Government has ruled out the use of the existing two bodies, the Social Security Advisory Committee (SSAC) and the Industrial Injuries Advisory Council (IIAC) by Scottish Ministers
3. It was cited by members that in the letter from the Minister of 30 August 2017 there is a helpful unpacking of the narrow but deep role around scrutiny in secondary legislation, including the relationship with the Scottish Parliament and their role, wider advice, and oversight of standards.
4. It was noted that the workstream's deadline for advice and recommendations to the Minister is early December and initial advice by the end of October.

5. It was noted that the Social Security Committee will meet with members of the workstream on the 26th of October and all members are welcome to participate.
6. It has been asked that the group align their work with the Social Security Committee as they will be reporting on this work at stage 1 of the Bill.
7. It was noted that contact should be made with PALSC (Public Audit and Post-Legislative Scrutiny Committee) in order to explore ideas with them
8. It was suggested that another meeting be arranged with the DPLRC (Delegated Powers and Law Reform Committee) in regards to secondary legislation and their technical role. It was also cited that, in regard to the Committees, it would be important to show the working behind the group's recommendations.
9. A workshop involving wider stakeholders and the workstream is planned for 20 November. The group were content with this work plan.
10. It was clarified that the Scottish Social Security Agency will be scrutinised regarding certain aspects of performance by Audit Scotland.

ACTION 1: Arrange contact with PALSC and DPLRC

Options for Scrutiny Delivery Model

11. It was confirmed that the scrutiny bodies SSAC and IIAC will not advise Scottish Ministers. However, it is important to understand the role they currently play. It was cited they have two broad functions, mandatory scrutiny and advice and assistance.
12. An overview of SACC/IIAC membership, constitution and functions were provided. A highlighted feature of SSAC is that the Secretary of State has to respond to recommendations made by them.
13. While bringing regulations to these scrutiny bodies is a statutory requirement, there are notable exceptions, i.e. within six months of primary legislation being enacted or for reasons of 'urgency'. In the latter case, scrutiny would be undertaken after regulations had been laid.
14. It was noted that both bodies are highly respected and are reviewed publically every three years.
15. The group collectively highlighted the characteristics that they would want to see in a Scottish Scrutiny Body:
 - Appropriate expertise and experience, including in social security law and practice, and able to draw on wider experience e.g. through Experience Panels;
 - Scientific expertise for employment injuries matters;
 - Ability to recognise unintended consequences of policy across a variety of sectors, and between governments;

- Impartial;
- Not politically aligned;
- Genuinely independent;
- Transparent and open;
- Appropriately resourced.

16. The group discussed the need for scrutiny of regulations and the importance of wider advice and assistance, citing some examples of the value that has brought to the current system. With discretionary decisions playing a much larger role in social security, there is potentially a role for scrutiny of guidance. In terms of oversight of standards, there is a need to better understand the role Audit Scotland and the Scottish Public Sector Ombudsman could play in the social security system. There was also some discussion as to the role of a future body in relation to the Charter. There was general consensus on the merits of a statutory body.

17. It was noted that when IIDB is transferred to Scotland it will be as Employment Injury Assistance (EIA), and that the Scottish Government will be looking to make improvements to the benefit, however the main priority is a safe and secure transition. In the UK system, decisions on whether to add a particular industrial disease or industry to the list are made on the basis of IIAC's analysis of scientific evidence. The same evidence would be relevant for the Scottish system. In the short-term, there is a need to consider to what extent it is necessary or desirable to duplicate this analysis.

18. There was some discussion about how many layers a new body could take on. The priority will always be to scrutinise regulations and taking on many different functions could result in capacity issues causing unintended gaps in some elements of necessary scrutiny.

19. It was highlighted that the bodies in GB which previously undertook statutory oversight of decision making standards were abolished but we could look Northern Ireland where this function still applies.

20. There was some discussion about whether the body should have compliance role. It was noted that these functions don't always align well together but it could be approached from the perspective of improving outcomes.

21. In regards to IIAC it was noted there is no direct role in prevention or that influences occupational safety and prevention, and this is something the Industrial Injuries Advisory group has expressed an interest in exploring.

ACTION 2: Members discuss with the Committee how they would like to formally interact with a Scottish Scrutiny Body at the Social Security Committee on the 26th of October

22. The chair noted that at UK level, Parliament can call upon SSAC for advice; however, this must be done through a Bill or Act. It was noted that this function can be carried over to the Scottish Scrutiny Body.

ACTION 3: Further discuss role of the body with the Committee and feedback into main group.

Scope of Initial Advice for the end of October

23. It was agreed that the body's core responsibilities should include; regulations, advice and guidance, however options still need to be discussed regarding operational standards and its role in relation to the Charter.

ACTION 4: Develop initial advice by email

Scoping the Workshop for on 20th November

24. It was noted by members that the group should start to think of possible areas for discussion in the upcoming workshop:

- overview of the group's work to date inviting views/presenting options
- how a scrutiny body in Scotland can work together with SSAC/IIAC to avoid a scrutiny gap
- gap analysis
- examples of scrutiny (including standards and oversight) and what impact they've had

25. It was noted that the group should leave the options relatively open, to allow meaningful input from those attending the workshop.

26. The Group considered that a paper would be useful outlining the current scrutiny landscape covering for example, Audit Scotland, Parliamentary Committees, Public Services Ombudsman, Experience panels. The paper should detail the various function each holds in relation to scrutiny such as, holding to account, oversight of professionals standards etc. and highlighting any overlaps or gaps. It was also agreed that further information of the development of the charter would be helpful in informing the workshop.

ACTION 5: Secretariat to consider commissioning a paper with further detail of the scrutiny landscape and to seek further information on the development of charter.

AoB

27. The group had no other areas of business to discuss.

28. The chair thanked the group and looks forward to their next workshop on the 20th of November, and reminds the group to partake in further discussion via email.

ACTION	FOR
1. Arrange contact with PALSC and DPLRC.	Secretariat, Jim McCormick
2. Members discuss with the Committee how they would like to formally interact with a Scottish Scrutiny Body at the Social Security Committee on the 26 th of October.	All members attending on 26 th October
3. Further discuss role of the body with the Committee and feedback into main group.	Chair – 20 th Nov
4. Develop initial advice by email	Chair, all members
5. Secretariat to consider commissioning a paper with further detail of the scrutiny landscape and to seek further information on the development of charter.	Secretariat

[REDACTED]

From: [REDACTED]
Sent: 25 October 2017 14:01
To: Minister for Social Security
Cc: [REDACTED]

Subject: Disability and Carers Benefits Expert Advisory Group: Scrutiny briefing
Attachments: DACBEAG_Scrutiny_briefing to Committee_251017#2.doc

Hi [REDACTED]

Please find attached a briefing paper setting out the initial thinking of the scrutiny workstream of the Disability and Carers Benefits Expert Advisory Group, as requested. Although this is addressed to the Social Security Committee, ahead of their meeting with the workstream tomorrow, the content of this paper is also intended to set out the initial thoughts from the workstream for the Minister, which was requested by the beginning of November.

The Scrutiny workstream met for the first time last week, and the briefing note has been prepared collaboratively following on from that. The Group thought it was important to provide the Minister with this in advance of their visit to the Committee, the Minister's own Committee appearance, and the wider Group meeting with the Minister on Tuesday 31st.

The Bill Team is aware, and although the necessarily tight timescales for sending this up have not allowed them to provide simultaneous advice, for which I apologise, they would be happy to discuss this with the Minister, at the next available opportunity.

The final substantive advice from the workstream will be provided in December.

Best wishes

[REDACTED]

[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

[Redacted]

[Redacted]

From: [Redacted]
Sent: 25 October 2017 14:05
To: [Redacted]

Cc: [Redacted]
Subject: RE: Scrutiny Workstream - note for Committee
Attachments: DACBEAG_Scrutiny_briefing to Committee_251017#3.doc

Dear All

Please find attached the final version of the note, which has now been sent to the Committee and the Minister's office.

Thanks to all those that made comments, these were all taken into account.

Best wishes

[Redacted]

[Redacted] Secretary to the **Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [Redacted] Mob [Redacted]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [Redacted]
Sent: 24 October 2017 08:07
To: [Redacted]

Cc: [Redacted]
Subject: Scrutiny Workstream - note for Committee

Dear Scrutiny Workstream members,

With apologies if this was already sent to you yesterday afternoon. Please find attached a draft briefing note for the Social Security Committee. Again with apologies for the short notice, please could you return any comments by close today, so the final version can be sent to the Committee on Wednesday.

Best wishes

[Redacted]

[Redacted] Secretary to the **Disability and Carers Benefits Expert Advisory Group**

c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

From: [REDACTED]

Sent: 12 October 2017 12:27

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Scrutiny Workstream - first meeting and forward plan

Dear All

To inform the scrutiny meeting next week, please find attached the following:

- A paper from the SG legislation team setting out issues and options
- A published paper from [REDACTED] (University of Ulster). [REDACTED] is planning to join us for the workshop on 20 Nov.
- Re-attaching the Minister's letter requesting the work, for the benefit of colleagues being added to this distribution for the first time

For those who are not also Expert Advisory Group members, it may be worth having a quick look at the main Group's Terms of Reference particularly in relation to sharing information (section 6). Any protocols specific to this workstream can be discussed at the first meeting.

Best wishes

[REDACTED]

Secretary to the Disability and Carers Benefits Expert Advisory Group

c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

From: [REDACTED]

Sent: 10 October 2017 11:11

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Scrutiny Workstream - first meeting and forward plan

Dear All

The first meeting of the scrutiny workstream will take place next **Wednesday, 18th October, 10.30 to 12.30, in Victoria Quay (Room 3D-34), Edinburgh, EH6 6QQ.**

Papers will follow later this week.

I will be on leave next week, so please could you ask for my colleague [REDACTED] on arrival at [REDACTED] reception and please copy him into any emails re attendance etc.

Best wishes

[REDACTED]
[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 05 October 2017 09:50
To: [REDACTED]

Subject: Scrutiny Workstream - first meeting and forward plan

Dear All

Thank you for agreeing to join the Scrutiny workstream. Please could you complete [this doodle poll](#) as soon as possible to set the date for the first meeting.

Here is an update on the scope and plan for this workstream:

- [REDACTED] will be the workstream chair / lead;
- Please see attached the Ministerial letter requesting that the Group takes this work forward;
- This will be a short life working group, likely to meet approx. three times;
- The Group will provide its final advice to Ministers before the end of the calendar year; has also been requested to provide *initial* advice to the Minister before early November;
- There will be a meeting with the Social Security Committee (26th Oct, 1.00 pm, Parliament);
- There will be a meeting with the Public Audit and Post-legislative Scrutiny Committee (to be arranged);
- There will be a workshop involving a wider range of stakeholders e.g. from the reference groups (20th November, half day, time and location to be arranged)
- There will be a third, and probably final, workstream meeting in the first half of December, to complete our options appraisal and sharpen up final advice and recommendations.

Happy to discuss

Best wishes

[REDACTED]
[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Disability and Carers Benefits Expert Advisory Group: Scrutiny Workstream

25 October 2017

To: Members of the Social Security Committee, Scottish Parliament

Independent scrutiny in social security: initial briefing note

The Disability and Carers Benefits Expert Advisory Group has been asked by the Social Security Minister to develop advice and recommendations on independent scrutiny of Scotland's social security system. A short-life workstream has been established, composed of members of the expert group as well as existing stakeholder reference groups. It is chaired by Judith Paterson, a member of the Group and the Social Security Advisory Committee (SSAC).

This initial note for the Social Security Committee reflects the first meeting on 18 October, when workstream members discussed the purpose and principles of scrutiny and explored the functions that could be covered in social security. It is therefore an emerging view of the workstream, not yet a settled view. A final set of conclusions and recommendations will be prepared in mid-December, following a stakeholder event on 20 November and a concluding workstream meeting in early December.

Purpose of scrutiny

To improve outcomes for people from the social security system

Key characteristics of a scrutiny body

The proposed characteristics of any scrutiny body are:

- Appropriate expertise and experience, including in social security law and practice, and able to draw on wider experience e.g. through Experience Panels
- Scientific expertise for employment injuries matters
- Ability to recognise unintended consequences of policy across a variety of sectors, and between governments
- Impartial
- Not politically aligned
- Genuinely independent
- Transparent and open
- Appropriately resourced

Scrutiny and related functions

We identified the following broad scrutiny functions which we believe need to be addressed within the new Scottish system.

- 1. Scrutiny of social security regulations:** Given the significance of regulations to give expression to the broad principles set out in primary legislation, we believe there will be a clear need to complement the scrutiny work of Scottish Parliament committees. We believe there is a strong case for an independent body to be established for this purpose. While some regulations will be subject to affirmative procedure, aiding scrutiny by MSPs, the Scottish Parliament can only accept or reject them in their entirety. Drawing on independent expertise of regulations at the drafting stage should assist government to develop better regulations and assist MSPs in their scrutiny tasks. At this stage, we think a scrutiny body should be established on a statutory basis, with a presumption against the exemptions applying to the UK Government in relation to UK-wide scrutiny bodies. Scrutiny of regulations should be regarded as the primary role. This does not necessarily mean all roles to be performed by the body need to be placed on a statutory footing. There are pros and cons to taking a flexible approach, for example in having an administrative arrangement with the Social Security Directorate. However, a clear risk lies in non-statutory functions having a lower priority and being under-resourced. We also believe there is some urgency about this issue: given policy commitments and regulations already in development, a scrutiny body should be set up as soon as the Bill is enacted.
- 2. Scrutiny of employment injury regulations:** This is a related but distinct function. The Industrial Injuries Advisory Council (IIAC) provides technical advice to the UK Government of a scientific and medical nature. In the short-term, while employment-injury assistance in Scotland mirrors rules for Industrial Injuries Disablement Benefit (IIDB) in the rest of the UK, it may be possible to rely upon IIAC reporting for scrutiny assurance in Scotland. The risks may be mostly procedural e.g. having to wait for relevant material being published to suit a Westminster timetable might obstruct timely policy development in Scotland and lack of a direct relationship between the Scottish social security agency and the Council. Longer-term, it is not clear if a separate body in Scotland would be needed. Essentially the same scientific and medical evidence would be available as in the rest of the UK. Different policy decisions may of course flow from a common evidence base. Two questions are being considered: (1) could a single scrutiny body in Scotland cover similar functions to both SSAC and IIAC? (2) given the specialist nature of skills involved and the more episodic nature of scrutiny activity, what kind of relationship should be established between a Scottish body and IIAC?
- 3. General advisory role – provide advice in response to specific request or on own initiative:** In addition to scrutiny of regulations, existing UK bodies have a second role to provide advice to Ministers either by request or

proactively. We think this role is a good fit with the primary roles discussed above. It could be widened to enable Scottish Parliament committees to seek advice, but we think it is important to maintain a distinction between parliamentary scrutiny and the work of an independent body.

4. **Scrutiny of guidance:** The changing nature of social security legislation in the UK means far more discretionary decision making occurs via guidance rather than statutory rules. Government desire for flexibility and updating without having to return to legislation is understandable, but this does leave an important scrutiny gap which is not addressed by the SSAC model. We understand that IIAC has been able to consider guidance in response to certain prompts e.g. awareness of inconsistent application of guidance. Deciding how guidance should be scrutinised formally in Scotland would be a step forward. The Scottish Government has consulted on related guidance e.g. for the Scottish Welfare Fund and Discretionary Housing Payments. We would like to seek feedback from stakeholders on whether this is regarded as sufficient. Going further, to ensure consistently good scrutiny of social security guidance would require a scrutiny body to have enough capacity and judgements to be made around proportionality given the wide variety of guidance and frequency of revision (e.g. some kind of threshold above which formal scrutiny of guidance takes place).

5. **Oversight of standards:** There is clearly a need for oversight of the Social Security Agency's performance and standards of decision-making. But how should this be done in practice, and by whom? Audit Scotland will have a core role in assessing the effectiveness of the agency in terms of how available resources are deployed, value for money and related measures. Its remit could be widened to include impact/performance in the round. There is also a need to consider culture, and the relationship between oversight of standards and the Charter's Aims and Principles. There is a very strong case for complementing this with a role for Experience Panel members, providing user feedback on experiences. The Scottish Public Services Ombudsman (SPSO) also has a role to deal with complaints which have not been resolved by the Agency, providing redress to individuals and wider intelligence for decision-makers when things go wrong in social security. Here we observe that former GB statutory oversight bodies – the Decision Making Standards Committee and the Administrative Justice and Tribunals Council – were abolished while Northern Ireland retains a Social Security Standards Committee. The workstream will consider: (1) if a separate oversight body is needed (2) if the oversight function should be combined with the legislative scrutiny role in a single body (3) practical issues e.g. appointing the right membership to perform distinct functions, capacity and phasing (4) whether the oversight function should be set up on a statutory or administrative basis – if the latter, should oversight of decision making standards be guaranteed within the Charter?

6. **Oversight of the Charter's aims and principles:** The Charter will place responsibilities on the Scottish Government, its Agency and on individuals. It will reflect the social security *principles* contained in the Bill and translate these principles into focused *aims* (Policy Memorandum with the Bill) informing the culture of delivery. All bodies operating within the system, including scrutiny bodies, would need to ensure the principles were embedded in their work. The workstream will consider if there is a need for specific oversight of performance in relation to principles and aims in the Charter and, if so, whether this could sit alongside oversight and/or scrutiny functions. In the absence of specific Charter oversight, would there be a key scrutiny gap in Scotland? The workstream will seek further information on the Scottish Government's proposed approach to the Charter.
7. **Scrutiny of UK/Scotland systems interactions and overlap:** In evidence to the Social Security Committee (14 September 2017), Prof Grainne McKeever set out the need for this relationship to be clarified. Three options are discussed in her journal article: (1) a Memo of Understanding between a Scottish scrutiny body and SSAC/IIAC to jointly provide UK-wide advice to the Scottish Government and to DWP (2) an element of overlapping membership - ex officio membership positions being created on SSAC/IIAC and a Scottish scrutiny body (3) informal good relationships between scrutiny bodies – e.g. through information sharing, visits, presentations, good chair-to-chair relationships. The absence of system-wide scrutiny would create a scrutiny gap in Scotland and the rest of the UK. Creating links between scrutiny bodies would need inter-government agreement.
8. **Accountability of scrutiny body:** The workstream will consider if a scrutiny body should be set up as an arms-length body of the Scottish Government (Social Security Directorate) with accountability through government. There is some basis for this in precedent: e.g. as evidenced by reviews of SSAC's effectiveness and positive working relationship with DWP, while remaining a trusted independent body. Alternatively, should a scrutiny body be established by, and accountable to, the Scottish Parliament? This would enable separation from government and might enhance democratic scrutiny, but this could come at the cost of buy-in/trust from government. Finally, there may be a hybrid approach, with the scrutiny body being set up within Scot Gov to optimise effectiveness of regulation scrutiny, but with built in relationships direct to Parliament.

We would invite Committee members to consider how the points raised here might complement your scrutiny role in future, whether there are current or likely gaps in the scrutiny role played by MSPs and if we have missed any significant points at this stage.

We look forward to meeting you to discuss these issues on Thursday. If you have any questions in the meantime, please contact [REDACTED] (Secretary to the advisory group): [REDACTED]

Yours sincerely,

Judith Paterson

Chair, Scrutiny workstream

Disability and Carers Benefits Expert Advisory Group

Members of Scrutiny workstream:

Jim McCormick – Disability and Carers Benefits Expert Advisory Group

Chris Creegan - Disability and Carers Benefits Expert Advisory Group

Frank Reilly - Disability and Carers Benefits Expert Advisory Group

Jim McGoldrick - Disability and Carers Benefits Expert Advisory Group

Fiona Collie - Disability and Carers Benefits Expert Advisory Group

Lucinda Godfrey - Disability and Carers Benefits Expert Advisory Group

Tressa Burke - Disability and Carers Benefits Expert Advisory Group

Layla Theiner – Ill Health and Disability Benefits Stakeholder Reference Group

[REDACTED] – Industrial Injuries Disablement Benefit Advisory Group

Heather Noller – Carers Benefits Advisory Group

[REDACTED] – Funeral Expense Assistance and Funeral Poverty Reference Group

[REDACTED] – Best Start Grant Reference Group

[REDACTED]

From: [REDACTED]
Sent: 01 November 2017 13:58
To: [REDACTED]
Cc: [REDACTED]
Subject: Scrutiny Workshop 20th Nov

Hi All

[REDACTED] asked me for a short summary paragraph of the purpose etc of the workshop on 20th for her reference group members. This may be helpful to all of you identifying relevant stakeholders to attend from your reference groups:

The Minister for Social Security has commissioned the Disability and Carers Benefits Expert Advisory Group to give advice and recommendations about scrutiny, since the UK Government has ruled out the use of the existing two bodies, the Social Security Advisory Committee (SSAC) and the Industrial Injuries Advisory Council (IIAC) by Scottish Ministers. The Group has formed a short life workstream to do this, chaired by Group and SSAC member Judith Paterson. The workstream will define and set out advice to Ministers on the various scrutiny functions needed under the new social security landscape in Scotland, e.g. legislative, oversight of standards, system wide, including Agency performance. Who should carry these functions out; should they be statutory; what are the roles of existing bodies; does a new body need to be created; are there any gaps? The workshop on 20th November will invite a wider range of relevant stakeholders for in depth consideration of these issues. The workstream has already presented its initial thinking and met the Social Security Committee. Outcomes from the workshop will be combined with the workstream's other considerations to provide its final advice and recommendations to Ministers by early December.

We are not looking for a cast of thousands for the workshop, just a number that would be manageable as a large roundtable, so a couple of key people from each reference group would be ideal. Let me know when you've identified who will be attending.

[REDACTED] what is the max capacity of the room we have booked at the Lighthouse?

In addition to the existing workstream members, we have already invited:

[REDACTED]

Best wishes

[REDACTED]

[REDACTED]

Social Security Policy, Ill Health and Disability Benefits Policy Unit

The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: 0131 244 2355 Mob: 07966193452

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

[REDACTED]

From: [REDACTED]
Sent: 14 November 2017 13:31
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Scrutiny Workshop 20th November

Thanks [REDACTED] - I will add [REDACTED] to the list, and you are already on it anyway!
I will be sending info out to all the attendees within the next couple of days, which may contain some additional reading matter...

Best wishes

[REDACTED]

[REDACTED]

Social Security Policy, Ill Health and Disability Benefits Policy Unit
The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 14 November 2017 13:03
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Scrutiny Workshop 20th November

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards

[REDACTED]

[REDACTED] **Team Leader – Funeral Payments and Funeral Poverty** | Social Security Policy Division | Scottish Government | T [REDACTED] | Are 2-F South, Victoria Quay, Edinburgh, EH6 6QQ

Find out more about [new social security powers](#), and sign up to our [newsletter](#)

From: [REDACTED]
Sent: 06 November 2017 17:23
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Scrutiny Workshop 20th November

Hi [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards

[REDACTED]

[REDACTED] **Team Leader – Funeral Payments and Funeral Poverty** | Social Security Policy Division | Scottish Government | T [REDACTED] | Are 2-F South, Victoria Quay, Edinburgh, EH6 6QQ

Find out more about [new social security powers](#), and sign up to our [newsletter](#)

From: [REDACTED]
Sent: 27 October 2017 11:20
To: [REDACTED]

Cc: [REDACTED]
Subject: Scrutiny Workshop 20th November

Dear Scrutiny Workstream members

The workshop on Scrutiny will take place on:

Monday 20th November, 11.00 am to 2.00 pm (with working lunch), at The Lighthouse, 11 Mitchell Lane, Glasgow, G1 3NU

Further details will follow nearer the time.

Best wishes

[REDACTED]

[REDACTED] **Secretary to the Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]
[Disability and Carers Benefits Expert Advisory Group](#)
My work pattern is Monday to Thursday

[REDACTED]
From:
Sent:
To:

[REDACTED]
16 November 2017 16:30

Subject:

Attachments:

[REDACTED]
Scrutiny Workshop 20 November - agenda and papers
Scrutiny Workstream_ 20 November Workshop Agenda.doc; DACBEAG - Scrutiny Landscape - 9 November 2017.docx; Scrutiny Workstream_ options paper for workshop.doc; Social Security Oversight JSSL 2016.pdf; Scrutiny Workstream_ 20 November workshop attendance list.doc

Dear Scrutiny Workshop attendees

We look forward to seeing you at the Lighthouse at 11.00 am on Monday. Please find attached an agenda and papers. If you have a chance, please consider in advance which two table discussions you would like to participate in.

Papers attached:

- Social Security scrutiny current landscape paper from SG
- Scrutiny Workstream Options Paper
- Grainne McKeever's Social Security Oversight paper
- Link to [Position Paper on the Charter](#)
- Attendee list

Best wishes

[REDACTED]
[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**

c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

[REDACTED]

From:
Sent:
To:

[REDACTED]
17 November 2017 12:20

Cc:
Subject:
Attachments:

[REDACTED]
Scrutiny Workstream - final meeting
Scrutiny Workstream_ Meeting 1 minutes_ 18 Oct 2017.docx

Dear Scrutiny Workstream members

The final meeting of the Scrutiny Workstream will take place on **Tuesday 5th December, 2.00 pm – 4.00 pm, in Atlantic Quay, meeting room 1.4, Glasgow.**

Please find attached a note of the first meeting.

Please remember that Monday's workshop is in **The Lighthouse** (sorry, I'm just worried about causing potential confusion with this new meeting date, as more than one person has already asked if we are in Atlantic Quay on Monday!) and look forward to seeing many of you then.

Best wishes

[REDACTED]

[REDACTED] **Secretary to the Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday



Scrutiny Workstream: 20 November Workshop, attendees

	Name	Organisation / interest
1	Anne Baldock	BSG / One Parent Families Scotland
2	Shaben Begum	DACBEAG / SIAA
3	[REDACTED]	SG Legislation
4	Anne Braidwood	IIAC / IIDBAG
5	Tressa Burke	DACBEAG / GDA
6	[REDACTED]	SG / Funeral payments
7	Fiona Collie	DACBEAG / Carers Scotland
8	Simon Cox	Funeral ref group / Dignity Funeral Services
9	Chris Creegan	DACBEAG / SCLD
10	Barbara Donegan	CPAG / IIDBAG
11	Lucinda Godfrey	DACBEAG / Dundee Carers Centre
12	[REDACTED]	SG / IIDBAG
13	Jim McCormick	DACBEAG / SSAC / JRF
14	[REDACTED]	SG / IHDBSRG / IIDBAG
15	Jim McGoldrick	DACBEAG / SSSC
16	[REDACTED]	Uni of Ulster
17	Ruth Mendel	Funeral ref group / CAS
18	Dave Moxham	STUC / IIDBAG
19	Heather Noller	CBAG
20	[REDACTED]	SG / BSG
21	Judith Paterson	DACBEAG / SSAC / CPAG
22	[REDACTED]	SG / DACBEAG Sec.
23	Frank Reilly	DACBEAG / SRN
24	[REDACTED]	SG / DACBEAG Sec.
25	Layla Thiener	IHDBSRG / DAS

Disability and Carers Benefits Expert Advisory Group: Scrutiny Workstream

Independent Scrutiny of Social Security in Scotland: Workshop

Monday 20th November, 11.00 am - 2.00 pm
The Lighthouse, 11 Mitchell Lane, Glasgow, G1 3NU

Agenda

Tea and coffee available from 10.45

11.00 Introduction

11.05 Setting the scene: issues to be considered

- Scrutiny landscape in Scotland: [REDACTED]
- UK / Scotland scrutiny bodies' relationships: [REDACTED]
- Industrial Injuries: [REDACTED]
- Standards and the Charter: *Judith Paterson*

11.25 Introduction to the table discussion sessions.

11.30 Table discussion 1: choose one:

- A statutory scrutiny body for Scotland
- Industrial Injuries
- Oversight of standards
- The Charter: rights and redress
- How UK and Scotland scrutiny bodies should work together

12.15 Feedback

12.30 Working lunch

12.45 Table discussion 2: choose one from list above

1.30 Feedback

1.45 Round up

2.00 Close

Disability and Carers Benefits Expert Advisory Group: Scrutiny Workstream

Independent Scrutiny in Social Security: Options Paper: November 2017

This paper sets out the initial thinking of the Scrutiny Workstream of the Disability and Carers Benefits Expert Advisory Group.

Background to the Scrutiny Workstream

- The Disability and Carers Benefits Expert Advisory Group was asked by the Minister for Social Security to develop advice and recommendations on independent scrutiny of Scotland's social security system.
- A short-life workstream was established, from members of the expert group and stakeholder reference groups.
- The workstream first met on 18 October, and provided its initial thinking to the Social Security Committee and Minister on 25 October. A stakeholder event takes place on 20 November and a concluding workstream meeting on 5 December. Final conclusions and recommendations will be submitted by mid-December.

Purpose of scrutiny

To improve outcomes for people from the social security system.

Key characteristics of a scrutiny body

The proposed characteristics of any scrutiny body are:

- Appropriate expertise and experience, including in social security law and practice, and able to draw on wider experience e.g. through Experience Panels
- Scientific expertise for employment injuries matters
- Ability to recognise unintended consequences of policy across a variety of sectors, and between governments
- Impartial
- Not politically aligned
- Genuinely independent
- Transparent and open
- Appropriately resourced

Scrutiny and related functions

The following broad scrutiny functions need to be addressed within the new Scottish system. Bullet points highlight the initial workstream thinking around these.

1. *Scrutiny of social security regulations:*

- As detail will be in regulations, need to complement committees' scrutiny.
- Case for an independent body.
- Parliament can only accept or reject regulations in their entirety.

- Initial thinking that scrutiny body should be established on a statutory basis, at least for primary role – scrutiny of regulations.
- Other roles of body not necessarily on a statutory footing – benefit of flexibility but risk of under-resourcing and low prioritisation.
- Scrutiny body should be set up as soon as the Bill is enacted.

2. **Scrutiny of employment injury regulations:**

- Distinct function. The Industrial Injuries Advisory Council (IIAC) currently provides technical (medical / scientific) advice to the UK Government.
- IIAC reporting may be appropriate in the short term in Scotland.
- Procedural risks e.g. publication to suit Westminster timetable.
- Longer-term, not clear if a separate body in Scotland would be needed – risks around duplication.
- Questions: could a single scrutiny body in Scotland cover similar functions to both SSAC and IIAC? and what relationship should exist between a Scottish body and IIAC?

3. **General advisory role – provide advice in response to specific request or on own initiative:**

- UK bodies provide advice to Ministers by request or proactively. Good fit with primary scrutiny role.
- Important to maintain a distinction between parliamentary scrutiny and the work of an independent body.

4. **Scrutiny of guidance:**

- While decision making via guidance rather than statutory rules offers flexibility, this leaves a scrutiny gap under the SSAC model.
- IIAC can consider guidance in some circumstances.
- Should seek stakeholder feedback on whether Scottish Government consultation on proposed guidance is sufficient scrutiny.
- Need to establish threshold above which formal scrutiny of guidance, e.g. by scrutiny body, takes place.

5. **Oversight of standards:**

- Who should carry out oversight of the Social Security Agency's performance and standards of decision-making?
- Audit Scotland role in assessing Agency effectiveness around resourcing and value for money. Could this be widened to include overall performance?
- Case for Experience Panels to provide user insight on experiences, culture, the Charter's Aims and Principles etc.
- The Scottish Public Services Ombudsman (SPSO) role dealing with unresolved complaints.
- Former GB statutory oversight bodies abolished but Northern Ireland retains a Social Security Standards Committee.

- Questions: Is a separate oversight body needed? Should the oversight function be combined with the legislative scrutiny role in a single body? Should oversight be on a statutory or administrative basis? If administrative, should oversight of decision making standards be guaranteed within the Charter?

6. Oversight of the Charter's aims and principles:

- The Charter will place responsibilities on the Scottish Government, the Agency and individuals.
- It will reflect the social security principles and aims, informing the culture of delivery. All bodies would need have these principles embedded in their work.
- Is there a need for specific oversight of performance in relation to principles and aims in the Charter? Would lack of this create a scrutiny gap?
- Would Charter oversight sit alongside other oversight and/or scrutiny functions?

7. Scrutiny of UK/Scotland systems interactions and overlap:

- Prof Grainne McKeever set out three options:
 - Memo of Understanding between a Scottish scrutiny body and SSAC/IIAC to jointly provide UK-wide advice to the Scottish Government and to DWP;
 - Overlapping membership - ex officio membership positions being created in SSAC/IIAC and a Scottish scrutiny body;
 - Informal good relationships / information sharing between scrutiny bodies.
- Links between scrutiny bodies would need inter-government agreement. Risk of a scrutiny gap in the absence of any relationships.

8. Accountability of scrutiny body:

- Should a scrutiny body be an arms-length body of the Scottish Government with accountability through government?
- Consider independent body SSAC's relationship with DWP as precedent.
- Or should a scrutiny body be established by, and accountable to, the Scottish Parliament?
- Enables separation from government but possibly at cost of buy-in / trust.
- Is a hybrid approach possible, i.e. scrutiny body sits within Scottish Government for effective regulation scrutiny, but has direct relationships to Parliament?

[REDACTED]

From: [REDACTED]
Sent: 01 December 2017 07:19
To: [REDACTED]

Cc:
Subject: RE: Scrutiny Workstream - final meeting Tues 5th Dec
Attachments: DACBEAG_scrutinyworkstream_content-for-finalreport_JP.DOCX; Scrutiny Workstream_ Agenda 5 December.docx

Dear Scrutiny Workstream members

A reminder that the final meeting of the workstream takes place on Tuesday, from 2.00 to 4.00 pm in room 1.4, Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU. Agenda attached.

Please find attached a grid / matrix which [REDACTED] has drafted bringing together all the evidence and discussion from the workstream so far, and setting out the proposed content and recommendations for the final report. Note there are a couple of gaps in the evidence, as some stakeholder meetings are taking place over the next couple of days, but these will be completed before Tuesday's meeting.

As this will be the last meeting of the workstream, and there will be a very short turnaround time to convert this into final advice to Ministers, this meeting will be the last opportunity to identify any omissions or request any changes. If you are unable to attend and have any final comments please could you submit them by email to [REDACTED] copying me in, by close on Tuesday.

Please could you let me know if you are giving apologies for this meeting.

Best wishes

[REDACTED]
[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 17 November 2017 12:20
To: [REDACTED]

Cc:
Subject: Scrutiny Workstream - final meeting

Dear Scrutiny Workstream members

The final meeting of the Scrutiny Workstream will take place on Tuesday 5th December, 2.00 pm – 4.00 pm, in Atlantic Quay, meeting room 1.4, Glasgow.

Please find attached a note of the first meeting.

Please remember that Monday's workshop is in The Lighthouse (sorry, I'm just worried about causing potential confusion with this new meeting date, as more than one person has already asked if we are in Atlantic Quay on Monday!) and look forward to seeing many of you then.

Best wishes



Secretary to the Disability and Carers Benefits Expert Advisory Group

c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: Mob:

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

**Disability and Carers Benefits Expert Advisory Group
Scrutiny Workstream
Final Meeting: Tuesday 5 December 2017, 2.00 pm – 4.00 pm
Room 1.4, Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU**

Agenda

- Welcome and introductions
- Update on activity and timeline
- Draft recommendations
- Next steps
- AOB

From:
Sent:
To:

11 December 2017 09:47

Cc:
Subject:
Attachments:

Scrutiny Report draft for comment by noon tomorrow
Scrutiny Workstream_ final report TEXT FORMAT USE THIS VERSION.DOCX

Dear Scrutiny Workstream members and Expert Advisory Group members

Please find attached a near final draft of the Scrutiny report, which we are aiming to submit to the Minister and Committees by 4pm tomorrow. We are therefore seeking any final comments from you by **noon tomorrow, Tues 12th**.

Please note the following caveats:

- There is still a summary / introduction section by [redacted] to be added in
- Comments have been received from Audit Scotland which may change the wording of the section on 'oversight of standards and of aims set out in the charter'
- Aware that there are a number of formatting errors, e.g. page numbering etc, to iron out - this is in hand
- However, barring the three caveats above, and any final comments you have to make, the substantive content and recommendations are as final.

Please could you copy any comments to me, [redacted] and [redacted]

Thank you, and best wishes

[redacted]
[redacted] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [redacted] Mob: [redacted]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

[REDACTED]

From: [REDACTED]
Sent: 12 December 2017 08:23
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Scrutiny Report draft for comment by noon tomorrow

Hi [REDACTED]

All the SG people who were on the workstream were there as representatives of their reference/ advisory group, and as such their views should have been accorded a proportionate amount of weight. However, happy to split off the SG members, as I see the point about separating out people's future role in development / implementation of resulting policy.

Copying in all the SG people affected, plus [REDACTED] and [REDACTED] for info. If I don't hear from anyone differently this is how it will appear in the final report, being submitted this afternoon.

Membership of the Disability and Carers Benefits Expert Advisory Group Workstream on Scrutiny

Chair: Judith Paterson – Disability and Carers Benefits Expert Advisory Group

- Jim McCormick – Disability and Carers Benefits Expert Advisory Group
- Chris Creegan - Disability and Carers Benefits Expert Advisory Group
- Frank Reilly - Disability and Carers Benefits Expert Advisory Group
- Jim McGoldrick - Disability and Carers Benefits Expert Advisory Group
- Fiona Collie - Disability and Carers Benefits Expert Advisory Group
- Lucinda Godfrey - Disability and Carers Benefits Expert Advisory Group
- Tressa Burke - Disability and Carers Benefits Expert Advisory Group
- Heather Noller – Carers Benefits Advisory Group
- Layla Theiner – Ill Health and Disability Benefits Stakeholder Reference Group
- Michael McMahon - Ill Health and Disability Benefits Stakeholder Reference Group

Scottish Government contributors:

- [REDACTED] – Industrial Injuries Disablement Benefit Advisory Group
- [REDACTED] – Industrial Injuries Disablement Benefit Advisory Group
- [REDACTED] – Funeral Expense Assistance and Funeral Poverty Reference Group
- [REDACTED] – Best Start Grant Reference Group
- [REDACTED] – Best Start Grant Reference Group

Best wishes

[REDACTED]

[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 11 December 2017, 15:02
To: [REDACTED]
Subject: RE: Scrutiny Report draft for comment by noon tomorrow

Hi [REDACTED] - going to have a read of this. one thing I meant to pick up with you is about classification of SG staff as full members of the group. Not sure if this has come up at all? Thinking we could be split off as SG contributors or something as I don't think our views had equal weight, more advisory on implications? Just that it might get a bit awkward as the discussion develops on the response to the recommendations if we cant meeting them all. Have you heard anything about how/when we are planning to respond? D

From: [REDACTED]
Sent: 11 December 2017 09:47
To: [REDACTED]

Cc: [REDACTED]
Subject: Scrutiny Report draft for comment by noon tomorrow

Dear Scrutiny Workstream members and Expert Advisory Group members

Please find attached a near final draft of the Scrutiny report, which we are aiming to submit to the Minister and Committees by 4pm tomorrow. We are therefore seeking any final comments from you by **noon tomorrow, Tues 12th**.

Please note the following caveats:

- There is still a summary / introduction section by Jim to be added in
- Comments have been received from Audit Scotland which may change the wording of the section on 'oversight of standards and of aims set out in the charter'
- Aware that there are a number of formatting errors, e.g. page numbering etc, to iron out - this is in hand
- However, barring the three caveats above, and any final comments you have to make, the substantive content and recommendations are as final.

Please could you copy any comments to me, [REDACTED] and [REDACTED]
[REDACTED]

Thank you, and best wishes

[REDACTED]

[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 600

Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

[REDACTED]

From: [REDACTED]

Sent:

12 December 2017 16:24

To:

Minister for Social Security

Cc:

Cabinet Secretary for Communities, Social Security and Equalities; [REDACTED]

Subject:

[REDACTED]
Disability and Carers Expert Advisory Group: Scrutiny final report

Attachments:

Scrutiny Workstream_ DACBEAG final report 12 December 2017.pdf

Dear Minister

I am pleased to attach the final report with recommendations of the scrutiny workstream of the Disability and Carers Benefits Expert Advisory Group, on behalf of Judith Paterson, chair of the workstream, and Jim McCormick, chair of the Group.

This report will now also be sent to the Social Security Committee and Delegated Powers and Law Reform Committee, and also to the other stakeholders who were consulted in the course of this workstream.

Best wishes

[REDACTED]

[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**

c/o Social Security Policy, The Scottish Government, [REDACTED] Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

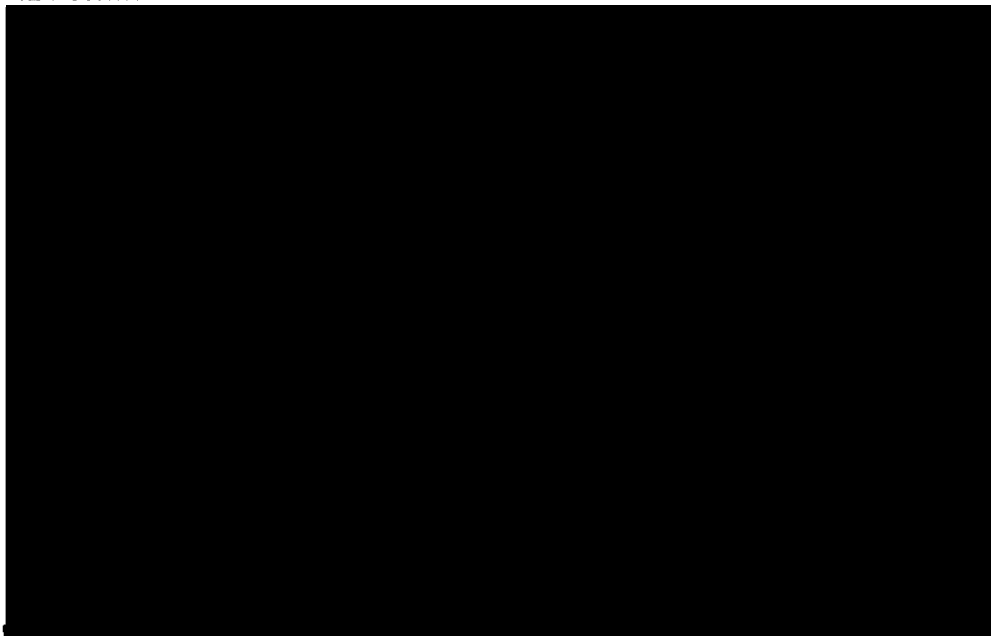
Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

[REDACTED]

From:
Sent:
To:

[REDACTED]
12 December 2017 16:25



Cc:
Subject:
Attachments:

Disability and Carers Benefits Expert Advisory Group: Scrutiny final report
Scrutiny Workstream_ DACBEAG final report 12 December 2017.pdf

Dear All

I am pleased to attach the final report with recommendations of the scrutiny workstream of the Disability and Carers Benefits Expert Advisory Group, on behalf of Judith Paterson, chair of the workstream, and Jim McCormick, chair of the Group.

Many thanks for your valuable contributions to this work, whether as a workstream member, workshop attendee, someone we met with to discuss, or member of the wider expert advisory group who commented on our drafts.

This final report has now been sent to the Minister for Social Security, the Social Security Committee and the Delegated Powers and Law Reform Committee.

Best wishes



██████████ Secretary to the Disability and Carers Benefits Expert Advisory Group

c/o Social Security Policy, The Scottish Government, Area 2F, South Victoria Quay, Edinburgh, EH6 6QQ

Tel: ██████████

Mob: ██████████

<<https://beta.gov.scot/groups/disability-carers-benefits-expert-advisory-group/>> Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday



Jim McCormick: Chair Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman, Minister for Social Security
By e-mail


15 January 2018

Dear Jeane

Advisory Group meeting on 1 February

Thank you for agreeing to join advisory group members in Dundee on Thursday 1 February. With sincere apologies, I will now be unable to attend due to an unfortunate diary clash that I hoped to resolve sooner. The meeting will be chaired by our Deputy Chair Sally Witcher.

JRF is hosting a conference in Edinburgh at the same time, *Talking about poverty: telling a new story*. This coincides with JRF increasing our Scottish capacity - with office space in Glasgow and recruitment of a new Scotland Policy Officer – and has strategic importance for how we work throughout 2018. Although I had hoped to be at both events, or delegate speaking at the conference to a colleague, neither is going to be feasible.

Advisory group members are looking forward to meeting you and Sally and I would be pleased to speak in advance.  will be in touch with your office to confirm the venue and timings.

With best wishes

Jim McCormick

Chair

[REDACTED]

From: [REDACTED]
Sent: 16 January 2018 09:36
To: Minister for Social Security
Cc: [REDACTED]
Subject: Expert Advisory Group: meeting 1st Feb
Attachments: JMcC to Minister 01 Feb meeting on 15 Jan.doc

Dear [REDACTED]

Please find attached a letter from Jim McCormick with apologies that he will not be able to chair the next Expert Advisory Group meeting on 1 February. The meeting will go ahead as scheduled from 11 am to 3 pm, with Deputy Chair Sally Witcher chairing, and the Group would still very much welcome the Minister's attendance from 2 pm to 3 pm as planned. I can confirm that the venue will be Dundee Contemporary Arts, Nethergate, Dundee.

Best wishes

[REDACTED]

[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

[REDACTED]

From: [REDACTED]
Sent: 18 January 2018 14:47
To: Minister for Social Security
Cc: [REDACTED]
Communications CSSE; SSPD Comms & Engagement Unit
Subject: Letter from chair of Expert Advisory Group
Attachments: Advice to Ministers_18 January 2018 letter to Minister advice #2.pdf

Dear Minister

I am pleased to attach a letter from Jim McCormick chair of the Disability and Carers Benefits Expert Advisory Group, covering stakeholder engagement, the Charter, and the agency.

Best wishes

[REDACTED]
[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**

c/o Social Security Policy, The Scottish Government, Area 2F South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday



Jim McCormick: Chair Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman, Minister for Social Security
By e-mail

18 January 2018

Dear Jeane,

I am writing to update you on the advisory group's most recent discussions. We summarised the three points (detailed below) when we met to brief you on 6 December, and you now have the report of our workstream on independent scrutiny which, we note, is being considered by the Social Security Committee today, Thursday 18 January.

Stakeholder engagement and equalities

Group members have an ongoing interest in the quality of stakeholder engagement, especially the participation of people with lived experience of the current social security system and also of the future system. We welcome the role of Experience Panels, while noting our concern that some key demographic information is missing – notably the ethnicity of panel members – and that recruitment is skewed towards members who can participate on-line. It is important to ensure that Experience Panel members are supported, their access needs are met, and that there is effective communication and expectation management with those who have been recruited about their role.

We are encouraged that officials are working on ways to complement Experience Panels via stakeholder networks who can support the participation of those who are less likely to have joined, and look forward to the Scottish Government communicating how this approach has worked.

An important issue on its own merit is the scope and extent of equality analysis and the application of equality impact assessment processes of each new devolved benefit. Members of the Group are keen to see the Scottish Government go further in their use of appropriate and in-depth equality impact assessment (EQIA) tools. It is imperative that the different lived realities of benefit recipients are identified and that this understanding informs and improves their experience.

Group members are keen to work with officials on these and related issues.

Social Security Charter

The Charter has strong potential to become the key document holding accessible information in one place, available to all, on the different aspects of claiming social security in Scotland including: citizen rights, agency standards, scope for user feedback and redress. The Charter can be central to driving the culture of the new agency, both emblematic of its guiding principles and providing the impetus for effective delivery and accountability. The Charter could set out the responsibilities of different bodies, how disputes can be resolved and how standards will be tracked and evaluated. The Group also sees the Charter as a key part of scrutiny considerations, since it should translate principles in the Social Security Bill into meaningful aims and set out how well these are being achieved. The process of co-producing, and improving, the Charter will be neither easy nor quick, but the Scottish Government is right to commit to it.

Group members have agreed there is merit in establishing a new workstream on the Charter, working alongside Scottish Government officials and seeking clarity on timescales. We have written to Stephen O'Neill and Trudy Nicolson to seek a follow-up meeting. Following discussions we will establish what it would be most productive for a workstream on the Charter to focus its advice on, e.g. content, process, design, scope, co-production, or potentially as a vehicle through which co-production is carried out.

Social Security Agency

The Group has welcomed the input of [REDACTED] and colleagues on recruitment for the new agency. Members are keen to see staff recruitment result in an agency workforce that reflects the diversity of Scottish society. We appreciate the Scottish Government's commitment to identify the best candidates irrespective of background and to work with external agencies – including employability networks - to raise awareness of job opportunities, create recruitment pathways and simplify the application process. The Group has welcomed a specific approach from officials to advise on the format of vacancies.

Some members felt there was a risk that the process of transferring staff within the civil service via COSOP¹ may result in a substantial 'Business as Usual' element in the operating culture and while we acknowledge there may be strengths in drawing upon accumulated expertise, we would encourage the Scottish Government to use external recruitment as soon as possible. We also felt that this risk can, to some extent, be mitigated by having the right training and workforce development

¹ Cabinet Office Statement of Practice

approaches in place, involving people with lived experience of the social security system as partners from the outset.

External recruitment was also seen by members as a means of increasing diversity, as initial internal civil service recruitment could lead to the agency reflecting the same levels of diversity, or lack thereof, as within the available internal pool of candidates. Members are willing to work with officials on these issues and have also flagged this as an area for ongoing monitoring of progress and feedback to ensure that diversity is built-in to the profile of the agency and the impact effects the new system.

In addition, we foresee a risk that demanding programme timescales begin to drive delivery towards the status quo ante, defaulting to what we are familiar with rather than what is needed and in line social security principles and values. For example, care needs to be taken in the language used and careful consideration given to the physical environment of the new agency's central locations as well as its local co-location.

Group members and other external organisations can help to build capacity and mitigate risks around equality impacts.

The Group looks forward to meeting in Dundee on 1 February. If you or officials have any questions about these points in advance, please get in touch.

With best wishes,

Jim McCormick

Chair

[REDACTED]

From:
Sent:
To:

[REDACTED]
25 January 2018 16:58

[REDACTED]

Subject:

Scrutiny Report - response from Minister

Attachments:

Letter from Jeane Freeman MSP, Minister for Social Security - Jim McCorm....pdf;
Letter from Jeane Freeman MSP, Minister for Social Security - Jim McCorm....pdf

Dear Scrutiny Workstream members

For your info, please find attached a response to our scrutiny report from Jeane Freeman Minister for Social Security.

Best wishes

[REDACTED]

[REDACTED] **Secretary to the Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 07 March 2018 13:01
To: Sterry J (Jane)
Cc: [REDACTED]
Subject: FW: Carers Supplement summary
Attachments: CASupp_JP.docx

Thanks Fiona, happy to help

I am forwarding to [REDACTED] as the CAS policy lead.

Kind regards

[REDACTED] Social Security Policy Scottish Government | 1-J
(south) Victoria Quay | Edinburgh EH6 6QQ | [REDACTED]

Find out more about social security for carers on our webpages, and sign up for our blog and Twitter feeds

-----Original Message-----

From: [REDACTED]
Sent: 06 March 2018 14:39
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Carers Supplement summary

Hi [REDACTED] and [REDACTED]

Further to earlier discussions, I have a couple more questions from one of the sub group members in advance of the expert group on Thursday and having looked at them I wondered if you might be able to provide some answers. They are a bit of a mix of delivery and detail so I thought I would copy to you both.

Much appreciated in advance.

Best wishes

[REDACTED]
[REDACTED]
Policy and Public Affairs Manager
Carers Scotland
The Cottage
21 Pearce Street
Glasgow G51 3UT

Tel: [REDACTED]
Email: [REDACTED]
Web: www.carerscotland.org

From: [REDACTED]
Sent: 06 March 2018 14:01
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Carers Supplement summary

Hi

Looks like a useful discussion was had.

I've noted down some thoughts and questions. Shall we ping them over to [REDACTED] and [REDACTED] do you think?

[REDACTED]

[REDACTED]
Welfare Rights Co-ordinator
CPAG in Scotland
Ladywell 94 Duke Street
Glasgow G4 0UW
direct line [REDACTED]
office [REDACTED]
email [REDACTED]

From: [REDACTED]
Sent: 06 March 2018 12:07
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Carers Supplement summary

Oops no I didn't attach the summary! Sorry

Best wishes

[REDACTED]

[REDACTED]
Policy and Public Affairs Manager
Carers Scotland
The Cottage
21 Pearce Street
Glasgow G51 3UT

Tel: [REDACTED]
Email: [REDACTED]
Web: www.carerscotland.org

Processes for people to challenge

Is it correct that the provisions in the Bill about redeterminations and appeals don't apply to Carer's Allowance Supplement?

If that's the case, what processes are being planned for people to make a challenge? I think in the absence of a formal legal challenge, it would make sense for people to use a complaints procedure which would end up with the SPSO. Good to work with SPSO to draw this up, and train staff in best practice in dealing with complaints that involve legal entitlements.

Qualifying

I think there are Border postcodes which can be south or north of the border. If the agency is relying on DWP to data skim, are there any people who might be missed or might be wrongly given a payment because of this?

Wrong payments

If someone is given a payment wrongly (eg because they're actually living in Northumberland) would the agency try and get the payment back? Are there legal powers to do that?

If someone has their CA removed and the removal is backdated (in other words there is an overpayment of carer's allowance), would there be recovery of the CA supplement? Eg, I get CA for caring for my son on PIP. Son's PIP is reassessed and stops. I don't tell DWP. Later it comes to light and DWP stops my CA from the point the PIP ended. Meantime I've already been paid CA supplement which I wouldn't have had if CA had ended when it should.

Comms

A source of confusion, and therefore possible extra phone traffic to the agency, is where someone is entitled to carer's allowance but it's not being paid, eg because it overlaps with state pension. People might be confused about whether they should or shouldn't get a supplement. Good to have clear guidance on this available for all.

Already discussed information for advisers on impacts on reserved benefits. Should the decision letters to carers also include info on this? It could lead to confusion because CA supplement will be ignored for reserved benefits and tax credits but CA itself taken into account. So need to take care that comms don't inadvertently lead to people thinking they don't need to report CA itself.

Could I ask if CA supplement will be taxable? Are HMRC making any required legislation changes to tax or not tax it?

Disability and Carers Benefits Expert Advisory Group

Readout / summary from Ministerial meeting 8 March 2018, Scottish Parliament

Attendees:

Jeane Freeman MSP Minister for Social Security

Group members: Jim McCormick, Shaben Begum, Judith Paterson, Tressa Burke, Sally Witcher, Chris Creegan, Etienne d'Aboville, Sarah Hammond, Angela O'Hagan, Carol Tannahill, Jim McGoldrick, Fiona Collie, Andrew Strong (for Ian Welsh), [REDACTED] (secretary).

Officials (SG): [REDACTED]

Minister's update to the Group

- The Minister apologised that she had not been able to attend the Group's meeting on 1 Feb due to unavoidable Parliamentary business.
- **Agency update**
 - Outlined the plan for the incremental takeover of benefits, starting with Carer's Allowance Supplement this year.
 - Recruitment of staff was about to begin, so new agency employees would be in place for the first wave of benefits.
 - The brand, strapline and colours of the agency had been developed through user testing and were ready to be unveiled. The agency name would be **Social Security Scotland**; this was the Minister's preferred choice, as it says what it does.
 - Work has been ongoing to set the correct culture and approach from day one, including work with Local Authorities to ensure alignment with existing diversely tailored local support, services and delivery, while still ensuring products and results that are consistent nationally.
- **The Bill**
 - The Bill had passed Stage 2, with the high number of amendments reflecting the significant interest. Stage 3 would take place after Easter recess.
 - Rights based approach is woven through.
 - Thanked the Group for their work on scrutiny, which was reflected in the Bill. Confirmed an independent Scrutiny Commission would be established.
 - Some complex issues, e.g. terminal illness. There may be a Stage 3 amendment on this.
 - Advocacy: issue around defining where people have a right to advocacy due to lack of capacity to understand and communicate with the system. Mental Health Act definition inadequate.
 - Others wishing to bring in amendments at Stage 3 should be discussing with Government. Should be aware that at Stage 3 amendments can only be voted for or against, so getting the wording absolutely right was vital.

Group's questions / comments for the Minister

• Agency recruitment

- The group had been doing work with officials on agency recruitment (as had SCLD separately). Getting the process right for people with, e.g. learning disability would make it better for everyone.
- Open, helpful conversation with officials had taken place, confirming Carer Positive recruitment processes which were a great starting point. Retention of staff was also important, and agency culture would play a role in this.
- Recruitment of disabled people to senior positions through positive action was seen as a way of improving the culture.

• Agency performance

- The Group asked about the monitoring of agency performance.
- The Minister was mindful from the outset that the agency should be set up so it was capable of growth. She said it may be useful for the Group to hear from lead officials responsible for ensuring this.
- Development of Key Performance Indicators (KPIs) for the agency was being considered. There would be annual reports.
- The Minister confirmed that Carer's Allowance Supplement would be delivered by the agency. Where DWP was also delivering, e.g. the two Universal Credit flexibilities, this was more complex. Commitment had been made to split payments.
- Comment that local delivery will be critical. The Minister confirmed that local organisational recruitment was taking place of staff responsible for making local claims journeys as smooth as possible, with these roles being mobile / based in existing premises.

• Advocacy

- Welcomed the recognition of people who might benefit from advocacy.
- Advocacy was a significant issue for people with learning disability. Review of Mental Health Act runs until next year. Cannot wait for this for definitions. The Minister agreed that a definition would have to be in place before the Mental Health Act review concluded. There was every intention to improve on the current definition at Stage 3.
- It was noted that the Bill and the Mental Health Act review running in tandem could benefit each other in framing their definitions.
- Question on whether the starting point for what was trying to be resolved was the wish to limit or widen the right to advocacy, i.e. was the intention that everyone should have a right, or only those that met specific criteria? The Minister did not find limiting or maximising a helpful way of viewing the issue. Independent advocacy was not the only way of helping people to negotiate the system. Advocacy was focussed around those people who need support to access due to impairment or incapacity. The issue was ensuring the correct wording was put into legislation to ensure their entitlement was clearly and fairly defined.
- In practice agency staff would be identifying eligible individuals, therefore some flexibility would be needed.

The Charter

SO'N gave some **background**:

- The charter is about principles, identified through extensive consultation.
- It would set out how the system will differ from the current position.
- It would be the bridge between the legislation and people's day to day experience.
- It would set out means of redress, would be both systemic and strategic, and would have a remit allowing stakeholder groups, not just individuals, to raise issues.
- It would be signed off by Parliament, meaning there would be a robust process for any future changes, and would be reviewed every five years.

CE set out the proposed **development process**:

- Development would be a user led project. Users would have ownership, and it would be accessible to people of all characteristics.
- There would be a group of users who would work across the life of the project, and wider work would take place with Experience Panels and seldom heard groups. The Ombudsman would be involved throughout, plus stakeholder groups to ensure the reaching of individuals.
- Timeframe – must be with Parliament after the summer recess.

Discussion

- Emphasise need to be realistic due to scale, timescales, aim to co-produce.
- Note precedent of Scottish Welfare Fund redress role being taken on by Ombudsman.
- Need to set out from the outset whether this will be a single document or will have many formats. Will need to be easily understandable by all but also needs to be precisely articulated.
- The charter will define the ethos and rights based principles of the system / agency. It is aimed at individuals, rather than staff / procurement. It could pave the way for other organisations, setting out the principles around dignity and respect, and, systemically, giving people a place to go.
- Note the charter's potential use in measurement and assessment. However, SO'N confirmed that although there would be read across of the charter principles in the developing KPIs, this would not sit directly in the charter.
- Query to what extent complaints process will be embedded in the charter. The Minister confirmed this would sit with the agency, with progression being to the Ombudsman.
- Discussion on the extent to which redress would be set out in the charter.
- There was a clear flow through from the legislation informing the charter, to the charter informing the operation of the agency, and this being reflected in e.g. individuals' job objectives.
- The Minister was clear that there was no option to have an interim draft charter.
- Would be interested in precedents in UK or abroad.

The Group's role

- JMcC confirmed that the group were keen to help with the process.
- The group would appreciate seeing any research or delivery plan when available.
- Group could advise on process, content, landing, working in real time. Less emphasis on the delivery aspect.
- Group members' organisations have experience of co-production and access to individuals and expertise. They emphasised the need for deliberative involvement of disabled people and carers, and the opportunity this provides for capacity building in the long term.
- Role also advisory to Minister on proposals and content.
- Role also around getting it right in the future by ensuring evaluation built in from the start.
- **The Group will canvas interest in forming a workstream** to take forward.
- They will **continue to liaise with officials** and appreciated the links they had already made.
- The **Minister was expecting the Group to write to her** setting out how they proposed to be involved.

[REDACTED]

From: [REDACTED]
Sent: 22 March 2018 12:01
To: Minister for Social Security [REDACTED]
Cc: [REDACTED]
Subject: RE: Readout from roundtable with Expert Advisory Group
Attachments: Ministerial_Readout of DACBEAG roundtable with Minister 8 March.docx

Hi [REDACTED]

Please replace the readout sent earlier with the attached, with correction to the new name of the agency. Thanks to [REDACTED] for pointing this out.

And apologies for previous blank e-mail... still getting to grips with the Scots X update.

Best wishes

[REDACTED]
[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**
c/o Social Security Policy, The Scottish Government, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]
Sent: 22 March 2018 11:44
To: Minister for Social Security <MinisterSocSec@gov.scot>
Cc: [REDACTED]

Subject: Readout from roundtable with Expert Advisory Group

Hi [REDACTED]

Please find attached a readout from the roundtable the Minister held with the Expert Advisory Group on 8 March. Group members really appreciated this opportunity to meet the Minister.

Apologies for not sending up sooner; it was intended to be included as an annex for the briefing for the Minister's meeting with Jim McCormick and Sally Witcher originally scheduled for 13 March. I am now sending it up separately, as we still need to confirm a re-arranged date for that meeting. Let me know if you are waiting for either Jim or Sally to confirm availability for that, and if so I can remind them.

Best wishes

██████████ Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: ██████████ Mob: ██████████

Disability and Carers Benefits Expert Advisory Group

My work pattern is Monday to Thursday

[REDACTED]

From: [REDACTED]
Sent: 20 April 2018 12:24
To: Minister for Social Security
Cc: [REDACTED]
Subject: Briefing for Jim McCormick phone call Tue 24 April
Attachments: Ministerial_ Briefing for Jim McCormick phone call Tue 24 April.docx

Hi [REDACTED]

Please find attached a light briefing for the Minister's phone call with Jim McCormick on Tuesday 24th.

Also just to confirm that I will drop off a hard copy of the meeting papers this afternoon as discussed.

Best wishes

[REDACTED]

[REDACTED] Secretary to the **Disability and Carers Benefits Expert Advisory Group**

c/o Social Security Policy, The Scottish Government, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ

Tel: [REDACTED] Mob: [REDACTED]

[Disability and Carers Benefits Expert Advisory Group](#)

My work pattern is Monday to Thursday

From: [REDACTED]

Sent: 30 April 2018 09:45

To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Assessments catch up

Hi [REDACTED]

Yes it has been flagged up to them that they are likely to be asked to attend this meeting. Their contact details are:

[REDACTED]
[REDACTED]

Best wishes

[REDACTED]

[REDACTED] Secretary to the Disability and Carers Benefits Expert Advisory Group
c/o Social Security Policy, The Scottish Government, Area 2C South, Victoria Quay, Edinburgh, EH6 6QQ
Tel: [REDACTED] Mob: [REDACTED]
Disability and Carers Benefits Expert Advisory Group
My work pattern is Monday to Thursday

From: [REDACTED]

Sent: 26 April 2018 13:53

To: [REDACTED]
Cc: [REDACTED]

Subject: FW: Assessments catch up

Hi [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Many thanks,

[REDACTED]