

[Redacted]

From: [Redacted]
Sent: 30 April 2018 15:12
To: [Redacted]
Cc: [Redacted]
Subject: RE: Assessments catch up

Hi [Redacted]

When Jim spoke to the Minister last week he told her that the group would provide advice on sources of evidence within the next few weeks / by summer recess, and she said she was happy with that. To complete the group's work on sources of evidence, the workstream plans to hold a workshop in late May / early June, then hold a further meeting to finalise advice in June. So the advice will land a few weeks later than mid-May – but it's on its way.

Jim also set out to the Minister the issues we have had progressing the workstream without Alan McDevitt being able to participate as much as he would like to, and was quite open with the full group last week that the assessment workstream had not been progressing as quickly as planned. We are looking at ways of addressing this.

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 14:46
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]

[Redacted]

[Redacted]

Social Security Directorate | Scottish Government | [Redacted] Edinburgh, EH6 6QQ | [Redacted]
Blackberry: [Redacted]

Keep up to date with the development of our new social security powers:
W: beta.gov.scot/policies/social-security/
T: @ScotGovSocSec

[REDACTED]

From: [REDACTED]
Sent: 01 May 2018 16:14
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Official: Sensitive, Future Working with EAG
Attachments: u417773_26-04-2018_14-24-05_18.pdf

Hi [REDACTED]

I have only made very minor amends to your drafts, as I am in agreement with the proposed approach.

I also attach for info the last letter the Minister sent to Jim / the Group following stage 3 and have considered what Jim reported back from his phone call with the Minister last week. What you have set out does not go against any of that as far as I can see.

If [REDACTED] is in agreement with the approach, I'm happy to work with you and other colleagues to revise the highlighted workplan areas, and fill you in on the current and planned activity of the Group which is working towards completing some of these actions.

Happy to discuss when we catch up tomorrow.

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 15:26
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards

[Redacted]

Scottish Government

Glasgow
G2 8LU

[Redacted]

[Redacted]

Keep up to date with the development of our new social security powers:
W: beta.gov.scot/policies/social-security/
T: @ScotGovSocSec

[REDACTED]

From: [REDACTED]
Sent: 03 May 2018 16:18
To: [REDACTED]
Subject: RE: Forthcoming Advice from the Expert Advisory Group

Definitely! Thanks, that's useful to know as I start drafting the advice.

[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: 03 May 2018 16:12
To: [REDACTED]
Subject: Fw: Forthcoming Advice from the Expert Advisory Group

I saw from another email trail that [REDACTED] is meeting with the Minister to discuss CAS delivery on the 10th of May so the EAG advice will be after that.

Sent from my BlackBerry 10 smartphone.

From: [REDACTED]
Sent: Thursday, 3 May 2018 08:46
To: [REDACTED]
Cc: [REDACTED]
Subject: Forthcoming Advice from the Expert Advisory Group

Hi [REDACTED]

[REDACTED]



Sent from my BlackBerry 10 smartphone.

1. 2011-08-08 10:00:00

2. 2011-08-08 10:00:00

3. 2011-08-08 10:00:00

4. 2011-08-08 10:00:00

5. 2011-08-08 10:00:00

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14. 2011-08-08 10:00:00

15. 2011-08-08 10:00:00

16. 2011-08-08 10:00:00

17. 2011-08-08 10:00:00

18. 2011-08-08 10:00:00

[REDACTED]

From: [REDACTED]
Sent: 08 May 2018 09:33
To: [REDACTED]
Subject: RE: Draft Sub

Hi [REDACTED]

OK, thanks.

[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: 08 May 2018 09:23
To: [REDACTED]
Subject: Draft Sub

Hi [REDACTED]

Just to let you know that further to [REDACTED] discussion with the Minister, the draft sub about the EAG won't be issued till August, as part of the briefing for the August meeting. We can discuss more tomorrow.

Kind regards

[REDACTED]
Head of Ill Health and Disability Benefits Unit
Scottish Government

[REDACTED]
150 Broomielaw
Glasgow
G2 8LU

[REDACTED]

[REDACTED]

Keep up to date with the development of our new social security powers:
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T: @ScotGovSocSec

[REDACTED]

From: [REDACTED]
Sent: 10 May 2018 12:06
To: [REDACTED]
Cc: [REDACTED]
Subject: OFFICIAL:SENSITIVE Charter: Letter to Minister on Group's role DRAFT
Attachments: Charter_ Letter to Minister on Group's role DRAFT.DOC

Dear All

The Expert Advisory Group plans to write to the Minister on their involvement in the Charter plus early thoughts. I attach a DRAFT of the letter for your information only and would ask you not to share this wider than is necessary for business purposes.

CAVEAT: this is a first draft and will almost certainly be subject to change by Group members before it issues.

The draft is currently with the deputy chair and chair of the group for consideration. However, I thought it would be useful to make you aware of this at this stage, as I am on leave after today until 21st May, in the event that the group clears and issues it while I am away and the Minister then asks officials for policy advice on it.

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

[REDACTED]

From: [REDACTED]
Sent: 16 May 2018 15:03
To: [REDACTED]
Subject: DACBEAG Attendance and Participation
Attachments: DACBEAG Attendance and Participation.docx

[REDACTED]

As discussed, please find attached a document outlining member involvement in DACBEAG.

Kind regards,

[REDACTED]

[REDACTED]

Apprentice 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]
Keep up to date with the development of our new social security powers:
W: <https://beta.gov.scot/policies/social-security/>
T: [@ScotGovSocSec](https://twitter.com/ScotGovSocSec)

[REDACTED]

From: [REDACTED]
Sent: 22 May 2018 12:36
To: [REDACTED]
Cc: [REDACTED]
Subject: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT
Attachments: Disability and Carers Benefits Expert Advisory Group - amended.docx

Dear Colleagues

Please find attached a draft piece of advice to the Minister which has been prepared by the Carer's Allowance Supplement workstream of the Disability and Carers Benefits Expert Advisory Group, led by Fiona Collie.

There are two purposes in sharing this with you now:

1. To give you advance sight of the points the workstream plan to raise with the Minister, as the Minister is likely to ask for policy advice on receipt of this.
2. To ask you, as the people closest to the implementation of this, to comment on whether the points raised reflect the current position. Although the group's purpose is to give the Minister independent advice, they of course wish that advice to be based on an accurate and current grasp of the situation, and do not wish to raise concerns where things have moved on or been resolved.

Please could I ask you not to share more widely than is necessary at this stage. If you have any comments you think should be taken on board before submission to the Minister, please could you let me know by close next **Tuesday 29th May**. This is with an aim to submit the advice towards the end of next week.

Please note this is also concurrently being circulated around the wider Expert Advisory Group for comment, so may be subject to some changes.

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: [REDACTED]
Sent: 23 May 2018 09:33
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT

Hi [REDACTED]

There are two elements to the timings.

Firstly, could you let me know the correct factual position re any mis-understandings in the note around Data Protection and the GDPR by close next Tuesday, 29th. This is so we can amend the note to reflect this before it is submitted to the Minister.

The second element is more to be on 'standby' to provide policy advice to the Minister after the note is submitted to her, as she is likely to request this.

Thanks, happy to discuss

[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: 23 May 2018 08:43
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT

Hi [REDACTED]

Grateful if you could advise [REDACTED] n timings.

[REDACTED] I would have thought you would want to include reference to this in the larger piece of advice on GDPR.

Kind regards

[REDACTED]

Sent from my BlackBerry 10 smartphone.

From: [REDACTED]

Sent: Tuesday, 22 May 2018 18:07

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT

Hi [REDACTED]

As you rightly surmise, there do seem to be mis-understandings in the note around Data Protection and the GDPR (note both together, the GDPR doesn't just stand alone). These have also come up elsewhere.

I will forward on the note to [REDACTED] to draft advice. When is advice required by and will this also be part of the advice required by the Minister post your meeting with her on Assessments?

Please note that at present, we are under-resourced on Information Governance matters.

Regards,

[REDACTED]

From: [REDACTED]

Sent: 22 May 2018 13:17

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT

Hi [REDACTED]

Please see attached draft note from the Disability and Carers Benefits Expert Advisory Group on Carers Allowance Supplement. A final note is likely to be issued to the Minister next week, and at that point we will need to provide her with briefing on the points raised.

They are raising a specific point on GDPR – could you prepare to provide the Ministerial advice on this point please? If there are any errors in the understanding that the advice is based on, the Secretary to the Group [REDACTED] can feed this back to the Group.

As this is independent draft advice, it is quite sensitive, so I'd be grateful if you would only share it more widely if absolutely necessary. Many thanks

Kind regards

[REDACTED]

Head of Ill Health and Disability Benefits Unit
Scottish Government

[REDACTED] Atlantic Quay

150 Broomielaw

Glasgow

G2 8LU

[REDACTED]

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @ScotGovSocSec

From: [REDACTED]

Sent: 22 May 2018 12:36

To: [REDACTED]

Cc: [REDACTED]

Subject: Expert Advisory Group: CAS Workstream_ Carer's Allowance Supplement advice to Minister DRAFT

Dear Colleagues

Please find attached a draft piece of advice to the Minister which has been prepared by the Carer's Allowance Supplement workstream of the Disability and Carers Benefits Expert Advisory Group, led by Fiona Collie.

There are two purposes in sharing this with you now:

1. To give you advance sight of the points the workstream plan to raise with the Minister, as the Minister is likely to ask for policy advice on receipt of this.
2. To ask you, as the people closest to the implementation of this, to comment on whether the points raised reflect the current position. Although the group's purpose is to give the Minister independent advice, they of course wish that advice to be based on an accurate and current grasp of the situation, and do not wish to raise concerns where things have moved on or been resolved.

Please could I ask you not to share more widely than is necessary at this stage. If you have any comments you think should be taken on board before submission to the Minister, please could you let me know by close next **Tuesday 29th May**. This is with an aim to submit the advice towards the end of next week.

Please note this is also concurrently being circulated around the wider Expert Advisory Group for comment, so may be subject to some changes.

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

[Redacted]

From: [Redacted]
Sent: 23 May 2018 15:19
To: [Redacted]
Cc: [Redacted]
Subject: RE: Meeting of SG advisers - recommendations - for comment by 15:00 23 May
Attachments: Note - SG Adviser-Commissioner Meeting - 6 April 2018 (2).docx

Hi [Redacted]

Thanks for sight of this. I have added comments in track changes to reflect the experience of the Disability and Carers Benefits Expert Advisory Group which has been in place for just over a year. Please note these comments are from my point of view as secretary, rather than Jim McCormick's as chair. I note that Jim was invited to your meeting of advisors / commissioners but sent apologies.

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: 21 May 2018 08:49
To: [Redacted]
Cc: [Redacted]
Subject: Meeting of SG advisers - recommendations - for comment by 15.00 23 May
Importance: High

All,

[Redacted]

[Redacted]

1. [Redacted]
2. [Redacted]

[Redacted]

<< File: Note - SG Adviser-Commissioner Meeting - 6 April 2018 (2).docx >>

[Redacted]

[Redacted] Scottish Government |
[Redacted] Glasgow, [Redacted]

Every Child, Every Chance: Tackling Child Poverty Delivery Plan 2018-22 – www.gov.scot/EveryChild

[REDACTED]

From: [REDACTED]
Sent: 24 May 2018 10:08
To: [REDACTED]

Cc: [REDACTED]
Subject: RE: Lines for Briefing required - Minister for Social Security meeting with CEO of SCVO

Hi [REDACTED]

Lines on DACBEAG

The independent Disability and Carers Benefits Expert Advisory Group was established in April 2017. It has a clear remit to provide advice to Ministers, which is set out in its Terms of Reference which are available on the Scottish Government website. The Group's advice can be as a result of a direct request from Ministers, as was the case with advice on scrutiny, can arise from dialogue with officials, or can be identified proactively by the Group itself. The Group's chair has regular dialogue with the Minister for Social Security. Following the successful passage of the Social Security (Scotland) Bill through Parliament, the focus of the Group's advice will change, and further discussion will take place with the Minister and officials to refine this. The Group has established relationships with the existing Scottish Government advisory groups.

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: 24 May 2018 09:55
To: [REDACTED]

Cc: [REDACTED]
Subject: RE: Lines for Briefing required - Minister for Social Security meeting with CEO of SCVO

Hi All

I will draft some lines now relating to DACBEAG but the e-mail refers to advisory groups in the plural so something may also be required re CBAG, IHDSRG, IIDBAG.

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: 24 May 2018 09:37

To: [REDACTED]

Cc: [REDACTED]

Subject: Lines for Briefing required - Minister for Social Security meeting with CEO of SCVO

Hi all,

I am pulling together a briefing for the Minister meeting the new CEO of the Scottish Council for Voluntary Organisations (Anna Fowle) next Thursday. I was wondering if you could provide a few lines about future plans by way of a response to the following from an email that that was sent to SVCO members in case it is raised with the Minister?

“Colleagues also felt that the Scottish Government are unsure what to do with the advisory groups they set up, a concern that seems to be held quite widely and beyond those who attend this meeting.”

Apologies for the tight deadline, as the email was only sent out yesterday, but would it be possible to provide a response by 1200 today, as the briefing pack has to be sent up by 1500?

I have attached the full email below for reference.

Regards,

[REDACTED]
Legislation and Policy Officer | Bill Team | Legislation and Operational Policy | Social Security Policy Division | Social Security Directorate | DG Organisational Development and Operations
Scottish Government | Area 2C South (Mail Point 6) | Victoria Quay | The Shore | Edinburgh | [REDACTED]

From: [REDACTED]

Sent: 23 May 2018 13:23

To: [REDACTED]

Subject: Re: (Policy Intelligence circular) Meeting: Social Security, what now?

Hi All

Thanks to everyone who came along to the recent meeting to reflect on the process of engaging with Scottish Government and civil servants as the Social Security (Scotland) Bill progressed through Parliament.

I know that there was several people who could not attend so I thought I would offer a brief summary of what was raised.

Among those who came along to the meeting there was a feeling that the Scottish Government's engagement events ahead of and alongside the Bill gave the sector some confidence that there was a willingness to engage. The experience panels were seen as a brave move and as having had the opportunity to engage on some quite high level issues. There was also agreement that a significant

amount of effort had been invested into the letters and communications for those who will receive entitlements from the agency.

The majority of colleagues who attended felt that the team responsible for the Bill was quite responsive and that there was good access to senior team members, such as [REDACTED] and the Minister. Many of the issues shared with the Bill team and government were taken forward eventually.

However, some colleagues, particularly those working on a single issue, were less successful in making inroads with the Government and there was a feeling that government was less keen to meet on issues they were not keen to support. Some organisations in this category struggled to get any meetings with Government at all. For these organisations much of the work to achieve their aims was done through Committee Stage and was eventually taken on by Government. There was a feeling that a lot of additional work could have been avoided had the government met them initially to discuss their concerns.

Colleagues who attended also shared concerns that the high turnover of civil servants and others working on the Bill made engagement a bit disjointed. Colleagues, particularly those from smaller organisations, also shared that they often felt overstretched by being invited to many events, often at short notice and receiving papers very close to the meeting date.

On the other hand, some organisations were excluded from Government events even when they expressed their interest and there was some uncertainty around how the Government decide who to invite to what. There was also a feeling that as the Bill progressed through Stages 2 and 3 some meetings were unnecessary and of poor quality, due to uncertainties around what the Bill would include.

Colleagues also felt that the Scottish Government are unsure what to do with the advisory groups they set up, a concern that seems to be held quite widely and beyond those who attend this meeting.

The group shared some top asks:

- Wider engagement around some of the entitlements. Rather than selecting certain organisations to participate Government should be more open and transparent around invitees/ guests/ what meetings are coming up.
- Respect the pressures on different organisations by giving as much notice as is reasonably possible for meetings.
- Respect the pressures on different organisations by giving as much notice as is reasonably possible for papers.
- Consider if a meeting is needed by reviewing the agenda. In some cases the updates provide could have been offered by email.
- Where Scottish Government costings for amendments are available, make the breakdown available to ensure transparency.

Going forward colleagues of the meeting shared a couple of concerns:

- The timetable for regulation is unclear.
- Public engagement at the regulation stage is unclear.
- Will consultations be formal or informal and will any engagements event be public or invite only?
- As the Scottish Government grows in confidence around this area will they continue to engage the sector to the same extent?

Very keen to hear if you share this experience or if you have a different experience. Also keen to hear about your views around the regulation stage.

Also interested in your thoughts on how SCVO can support the sector going forward.

[REDACTED]

From:

Sent:

[REDACTED]
01 June 2018 11:03

To:

Minister for Social Security

Cc:

Subject:

[REDACTED]
Advice note from the Disability and Carers Benefits Expert Advisory Group

Attachments:

CAS covering letter 1 June.pdf; Disability and Carers Benefits Expert Advisory Group
- CAS - Final Advice Note 1 June.pdf

Dear Minister,

I am pleased to attach a letter from Fiona Collie, chair of the Carer's Allowance Supplement workstream, on behalf of the Disability and Carers Benefits Expert Advisory Group.

Please also find a covering letter from the Group's chair Dr Jim McCormick.

We look forward to seeing you at the next Advisory Group meeting on Thursday 30 August.

Kind regards,

[REDACTED]



Disability and Carers Benefits Expert Advisory Group



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


01 June 2018

Dear Jeane,

Carers Allowance Supplement

The Disability and Carers Benefits Expert Advisory Group has established a workstream to advise on Carers Allowance Supplement.

I am pleased to send an advice note on this payment which has been prepared by Fiona Collie (Chair of the workstream). I would like to express my thanks, on behalf of the full Advisory Group, to Fiona for her significant contribution, supported by her colleagues Lucinda Godfrey and Judith Paterson and Group Secretary 
. We would also like to thank your officials for engaging with them in a timely and open way.

We would be pleased to discuss any of the issues raised with you - please get in touch with .

We forward to seeing you at the next Advisory Group meeting on Thursday 30 August.

With best wishes,

Jim McCormick
Chair

[REDACTED]

From: [REDACTED]
Sent: 01 June 2018 11:27
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Advice note from the Disability and Carers Benefits Expert Advisory Group
Attachments: CAS covering letter 1 June.pdf; Disability and Carers Benefits Expert Advisory Group - CAS - Final Advice Note 1 June.pdf

Hello

The Minister will be looking for our position on this advice. I'll let her know that we will provide something in the course of next week. We will need a letter to go back to the EAG too, acknowledging the advice and setting out what our position.

Can I please leave you to arrange that?

Thanks

[REDACTED]
Deputy Director, Social Security Policy Division

[REDACTED] Victoria Quay
Tel [REDACTED] Mobile [REDACTED]
Find out more on new social security powers at:
<https://beta.gov.scot/policies/social-security/>
<https://twitter.com/ScotGovSocSec>
<https://blogs.gov.scot/social-security/>

From: [REDACTED]
Sent: 01 June 2018 11:03
To: [REDACTED]
Cc: [REDACTED]

Subject: Advice note from the Disability and Carers Benefits Expert Advisory Group

Dear Minister,

I am pleased to attach a letter from Fiona Collie, chair of the Carer's Allowance Supplement workstream, on behalf of the Disability and Carers Benefits Expert Advisory Group.

Please also find a covering letter from the Group's chair Dr Jim McCormick.

We look forward to seeing you at the next Advisory Group meeting on Thursday 30 August.

Kind regards,



[REDACTED]

From: [REDACTED]
Sent: 08 June 2018 14:34
To: Minister for Social Security
Cc: [REDACTED]

Subject: Advice notes on the Charter and UC split payments from the Disability and Carers Benefits Expert Advisory Group
Attachments: Disability and Carers Benefits Expert Advisory Group - Charter - Final Advice Note 8 June.pdf; Disability and Carers Benefits Expert Advisory Group - UC Split Payments - Final Advice Note 8 June.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Minister,

I am pleased to attach a letter regarding the Charter from Sally Witcher, deputy chair of the Disability and Carers Benefits Expert Advisory Group and chair of the Charter workstream.

Please also find attached a letter regarding the Universal Credit split payment proposal from Dr Jim McCormick, Group chair.

We look forward to seeing you at the next Advisory Group meeting on Thursday 30 August.

Kind regards,

[REDACTED]

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

Tel: [REDACTED]
Keep up to date with the development of our new social security powers:

W: <https://beta.gov.scot/policies/social-security/>

T: [@ScotGovSocSec](https://twitter.com/ScotGovSocSec)

Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman, Minister for Social Security
By email

8 June 2018

Dear Jeane,

Universal Credit Split Payments

The Disability and Carers Benefits Expert Advisory Group has been asked to look at this issue which, whilst not in our remit, could have a significant impact on disabled people and carers. This is particularly relevant given the commitment to payment splitting within the final Social Security Bill.

The majority of Group members consider the split to be beneficial. The transition from Child Tax Credit to the child element within Universal Credit involves a switch in payments from women to men in many cases. We are aware of evidence from stakeholder engagement showing a significantly high percentage of women welcoming the new arrangement. They also viewed the split a necessary extension of the choices available via existing Scottish flexibilities in Universal Credit.

While we agree with the split in principle, members expressed some concerns over how this would be put into practice. Ensuring there is technical capability within Universal Credit payment systems is essential, and we recognise this involves negotiation with DWP, including over the timing. We are also keenly interested in how effective payment splitting would be in combatting financial abuse within relationships. We know that women living on low incomes are much more likely to experience abuse by a partner. This highlights the need for people in vulnerable circumstances to be sign-posted as early as possible to specialist support agencies. We considered these points with regard to disabled women in particular.

In essence though, Universal Credit does not fall within our remit. We note the advocacy work of Engender in coalition with other civil society organisations and the work of advice agencies in raising awareness about the payment splitting options. We would also encourage the Scottish Government to adopt a 'test and learn' approach to getting this right over time, for example by starting in a small number of full-service areas and ensuring a joint approach with the UK Government in making this happen and evaluating impact.

The Group looks forward to welcoming you to our next meeting on 30th August.

With best wishes,

Jim McCormick

Jim McCormick
Chair



Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman MSP Minister for Social Security

By e-mail

x May 2018

Dear Jeane

Carer's Allowance Supplement (CAS)

This is the first benefit to be delivered by Social Security Scotland; part of its delivery needs to be about building confidence and trust amongst people who use the new social security system.

A small workstream of Group members has had several meetings and telephone conversations with your officials to gain a better understanding of the process and structure of the new benefit. I set out below some issues arising from these conversations which we wish to draw to your attention.

Data Sharing

There is a need to clarify the issue of data sharing and whether individual consent is required for the DWP to share information with the Agency in the light of new data protection legislation.

Our understanding is that DWP has not made their plans clear yet on how they will make Scottish CA recipients aware of data being shared for the purposes of paying CAS and are still working through the implications of GDPR around this, including whether individual consent is required. We are concerned that people could ignore correspondence from the DWP on this, or it could be worded in such a way that people would oppose the DWP sharing their data. If individual consent is required, careful handling will be needed to ensure that nobody loses entitlement because they misunderstand what is being asked of them or fail to respond to a letter from the DWP. While it may be DWP responsibility to seek consent, it would be advisable for the Scottish Government to be fully involved in processes to devise consent letters, follow up non-returns and refusals and manage any queries generated from the process (including offering phone contact).

Communication

We understand that following the data sharing agreement and transfer of data from DWP, all communications on CAS will be issuing from the Agency, and that

plans and testing for communications with the Experience Panels are already underway. While CAS is expected to be a more straightforward benefit to implement than some others, we would urge you to remain mindful that there are complexities and potential for people to fall through the gaps, and to ensure that communication and guidance is robust enough to anticipate the less straightforward situations.

A potential source of confusion may be where someone is entitled to Carer's Allowance but it is not being paid e.g. because it overlaps with the State Pension or Employment and Support Allowance. Carers with only an underlying entitlement to Carer's Allowance will not receive the supplement. Carers may be confused about whether they should or should not get the supplement. There is a need for clear guidance on this that is available to all.

We asked officials whether decision letters to carers should include information on impacts on reserved benefits to avoid confusion. The supplement will be ignored for reserved benefits and tax credits but Carer's Allowance itself taken into account. Care needs to be taken that communications do not inadvertently lead to people thinking they do not need to report Carer's Allowance itself.

We recommend that clear guidance on the supplement, issues of overlapping benefits, tax credits, taxation etc. is available for carers and advisors.

Processes for Challenge or Complaint

A clear approach to challenge and complaint has been set out and we are pleased to have received detailed information on that from your officials. An area we would like to highlight is that people may take issue with the DWP's records as to whether or not they are in receipt of Carer's Allowance or resident in Scotland. There is nothing in the Bill to say who counts as resident in Scotland so whilst the Agency may in practice regard people as being resident in Scotland if they have a Scottish postcode in DWP records, people may take a different view. For example, a carer may have their normal home in England but also be staying in Scotland to provide care for someone. Legally it may not be clear where the carer is resident. This is simply to illustrate that carers may have challenges about legal entitlement to CAS not just about quality of service, so it would be advisable for the Agency to be prepared for this.

Recipients of this first benefit to go live must have access to a clear statement on what they can expect from the system, and how to complain or dispute an award. Ideally this would be addressed through the charter however current timelines suggest the charter will not be completed in time. In that case, we consider that an interim solution should be put in place.

I look forward to hearing your views on these points.

With best wishes,

Fiona Collie
Carer's Allowance Supplement Workstream Chair

Disability and Carers Benefits Expert Advisory Group

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

XX May 2018

Dear Jeane

Social Security Charter

I would like to thank you and your officials for the constructive discussions and input we have had so far in relation to development of the charter.

When we last met you as a group on 8th March, we agreed that we would write to you setting out our proposed involvement in the charter, once we had seen the plans for its development. Receipt of the summary charter development plan has allowed us to determine how our involvement may be most helpful.

The group's proposed involvement in charter development

Members are keen for the group to add value to the proposed process. Prior to having sight of the development plan, we anticipated that the formation of a workstream on this issue would be appropriate, operating in a similar way to the scrutiny workstream we formed towards the end of last year.

On seeing the detail of the proposals to engage people with lived experience, with the creation of a core group, and numerous workshops, interviews etc, it is the group's view that we would not want to add a further layer of complexity that a separate Expert Advisory Group workstream would bring to the planned structures.

We therefore propose an ad hoc basis of group or individual contribution to respond in a flexible manner where we can add value, particularly given the tight timeframes (see also observations below). Our input would have two main formats:

- Our established role as a source of expert advice to Ministers on aspects of the project, including, for example, timings, achievement of co-production, support of people with lived experience, and whether the resulting charter will fulfill its intended aims and purpose. In addition to providing advice directly to Ministers we are happy to be involved alongside officials to discuss these matters as they arise.

- Some individual group members are well placed to identify and facilitate access to seldom heard groups. Given the group's independent nature, we may on occasion be best placed to bring together stakeholders to assist in the development process, and are happy to work with officials to support stakeholder engagement in this way.

I am happy to be the group's lead or co-ordinating representative on all matters relating to the charter. In addition, a number of individual group members have already identified themselves as having skills, interest and access to specific groups which match actions set out in the development plan. We also intend to bring charter issues to the whole group via a regular agenda item. We will maintain close contact with officials to co-ordinate our input as appropriate.

The group's initial observations on charter plans

I would like to share with you the group's initial thoughts on the charter, arising from discussion at our last group meeting, after receipt of the summary development plan:

- The group welcome the intention to produce a robust, accessible charter that upholds Social Security principles, and that will be co-designed with people with lived experience.
- Timing is a key concern. The timetable set out is very tight with no allowance for slippage. Well conducted co-production needs time, particularly with the degree of capacity building expected to be required for this project. In the existing timetable there is a very short window for stakeholder feedback between final write up and final sign off, which may be problematic.
- There is a specific timing concern that the charter will not be ready in time for Carer's Allowance Supplement going live. We will be writing to you soon separately on CAS and will address this more fully then.
- We are aware that you have ruled out an 'interim charter'. However, group members have identified a need for, if not specifically an interim charter, an equivalent interim solution being in place to ensure claimants of the earliest benefit(s) to go live have access to a clear statement on what they can expect from the system, and robust pathways to proper redress.
- The group will have a keen interest in how people with experience will be supported, and how capacity building will be achieved. We will be happy to work with officials to help get this right.
- Due to the current lack of in depth knowledge on the protected characteristics and other key information of Experience Panel members, recruitment for the core group will also need to reach out to people / organisations working with

seldom heard groups. Group members also recommend over-recruitment to counteract the high potential for attrition.

- The charter needs to work for staff as well as clients in order to set out their rights and responsibilities around the deliverability of benefits. This raises questions about staff training, and about their own input into the charter development process.
- There needs to be a mechanism or hierarchy for decision making / reaching consensus, given the input of multiple stakeholders who may hold differing views.

I would welcome your response on these points, and look forward to working with you, officials and other stakeholders in developing a strong and useful co-designed charter.

With best wishes,

Sally Witcher

Deputy Chair and group lead on the charter



Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman, Minister for Social Security

By e-mail

8 June 2018

Dear Jeane

Social Security Charter

I would like to thank you and your officials for the constructive discussions and input we have had so far in relation to development of the charter.

When we last met you as a group on 8th March, we agreed that we would write to you setting out the proposed form of our involvement in the charter development, once we had seen the plans for this. Receipt of the summary charter development plan has allowed us to determine how our involvement may be most helpful.

The group's proposed involvement in charter development

Members are naturally keen for the group to add value to the proposed process. Prior to having sight of the development plan, we anticipated that the formation of a workstream on this issue might be appropriate, operating in a similar way to the scrutiny workstream we formed towards the end of last year.

However, on seeing the detail of the proposals to engage people with lived experience, with the creation of a core group, and numerous workshops and interviews, it is the group's view that we should not risk adding a further layer of complexity that a separate workstream could bring to the planned structures and processes.

We therefore propose an ad hoc basis of group or individual contributions, to respond in a flexible manner where we can add value, particularly given the tight timeframes (see also observations below). We propose that our input would have two main formats:

- Our established role as a source of expert advice to Ministers on aspects of the project, including, for example, timings, achievement of co-production, support of people with lived experience, and whether the resulting charter will fulfill its intended aims and purpose. In addition to providing advice directly to

Ministers, we propose to work iteratively with officials, responding to requests for input and proactively putting forward proposals, as and when helpful.

- Certain individual group members are particularly well placed to identify and facilitate access to seldom-heard groups. Given the group's independent nature, we may on occasion be well-placed to bring together stakeholders to assist in the development process. We would be happy to work with officials to support stakeholder engagement in this way.

I have agreed to act as the group's lead or coordinating representative on all matters relating to the charter. In addition, a number of individual group members have already identified themselves as having skills, interest and access to specific groups which match actions set out in the development plan. We also propose to bring charter issues to the whole group via a regular agenda item. We will maintain close contact with officials to co-ordinate our input, as appropriate.

The group's initial observations on charter plans

I would like to share with you the group's initial thoughts on the charter, arising from discussion at our last group meeting and the meeting attended by yourself, after receipt of the summary development plan:

- The group welcome the intention to produce a robust, accessible charter that delineates Social Security principles, is explicit in the proposed application and delivery of these principles, and that will be co-designed with people with lived experience.
- As you know, timing is a key concern. The timetable set out is very tight with no allowance for slippage. Well conducted co-production needs time, particularly with the degree of capacity-building that may well be required for this project. In the existing timetable there is a very small window for stakeholder feedback between final write up and final sign off. This may present significant challenges and we fear this may prove unrealistic.
- There is a specific timing concern that the charter will not be ready for Carer's Allowance Supplement going live. We will be writing to you soon separately on CAS and will address this more fully then.
- We are aware that you have ruled out an 'interim charter'. However, should unavoidable practical difficulties render the proposed timetable infeasible, group members recommend consideration be given to a contingency arrangement - if not specifically an interim charter as such, some other form of clear statement being in place to ensure claimants of the earliest benefit(s) to go live can know what to expect from the system, and have clarity about pathways to proper redress.

- The group will have a keen interest in how people with experience will be supported, and how capacity-building will be achieved. We will be happy to work with officials to help get this right.
- Due to the current lack of in-depth knowledge on the protected characteristics and other key information about the Experience Panel members, recruitment for the core group will also need to reach out to people / organisations working with seldom-heard groups to ensure they are represented there. Group members also recommend over-recruitment to counteract the high potential for attrition.
- The charter clearly needs to work for staff as well as clients in order to set out their rights and responsibilities around the deliverability of benefits. This raises questions about staff training, and about their own input into the charter development process.
- There will need to be a mechanism or some form of hierarchy for decision-making / reaching consensus, given the input of multiple stakeholders who may hold differing views.

We would welcome your thoughts on these points, and we look forward to working with you, officials and other stakeholders in developing a strong, accessible and useful co-designed charter.

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Sally Witcher

Sally Witcher

Deputy Chair and group lead on the charter



Disability and Carers Benefits Expert Advisory Group: Carers Allowance Supplement Workstream

Carer's Allowance Supplement (CAS): advice note, June 2017

This is the first benefit to be delivered by Social Security Scotland. Part of its delivery needs to be about building confidence and trust amongst people who use the new social security system.

A small workstream of Group members has had several meetings and telephone conversations with your officials to gain a better understanding of the process and structure of the new benefit. We set out below some issues arising from these conversations which we wish to draw to your attention.

Data Sharing

There is a need to clarify the issue of data sharing and whether individual consent is required for the DWP to share information with the Agency in the light of new data protection legislation.

Our understanding is that DWP has not made their plans clear yet on how they will make Scottish CA recipients aware of data being shared for the purposes of paying CAS and are still working through the implications of GDPR around this, including whether individual consent is required. We are concerned that people could ignore correspondence from the DWP on this, or it could be worded in such a way that people would oppose the DWP sharing their data. If individual consent is required, careful handling will be needed to ensure that nobody loses entitlement because they misunderstand what is being asked of them or fail to respond to a letter from the DWP. While it may be DWP's responsibility to seek consent, it would be advisable for the Scottish Government to be fully involved in processes to devise consent letters, follow up non-returns and refusals and manage any queries generated from the process (including offering phone contact).

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We understand that following the data sharing agreement and transfer of data from DWP, all communications on CAS will be issued from the Agency, and that plans and testing for communications with the Experience Panels are already underway. While CAS is expected to be a more straightforward benefit to implement than some others, we would urge you to remain mindful that there are complexities and potential for people to fall through the gaps, and to ensure that

communication and guidance is robust enough to anticipate the less straightforward situations.

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We asked officials whether decision letters to carers should include information on impacts on reserved benefits to avoid confusion. The supplement will be ignored for reserved benefits and tax credits but Carer's Allowance itself taken into account. Care needs to be taken that communications do not inadvertently lead to people thinking they do not need to report Carer's Allowance itself.

We recommend that clear guidance on the supplement, issues of overlapping benefits, tax credits, taxation etc. is available for carers and advisors.

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A clear approach to challenge and complaint has been set out and we are pleased to have received detailed information on that from your officials. An area we would like to highlight is that people may take issue with the DWP's records as to whether or not they are in receipt of Carer's Allowance or resident in Scotland. There is nothing in the Bill to say who counts as resident in Scotland so whilst the Agency may in practice regard people as being resident in Scotland if they have a Scottish postcode in DWP records, people may take a different view. For example, a carer may have their normal home in England but also be staying in Scotland to provide care for someone. Legally it may not be clear where the carer is resident. This is simply to illustrate that carers may have challenges about legal entitlement to CAS not just about quality of service, so it would be advisable for the Agency to be prepared for this.

Recipients of this first benefit to go live must have access to a clear statement on what they can expect from the system, and how to complain or dispute an award. Ideally this would be addressed through the charter however current timelines suggest the charter will not be completed in time. In that case, we consider that an interim solution should be put in place.

Fiona Collie

Carer's Allowance Supplement Workstream Chair

Membership of the Carers Allowance Supplement Workstream

Fiona Collie, Lucinda Godfrey, Judith Paterson



Disability and Carers Benefits Expert Advisory Group

To: Jeane Freeman, Minister for Social Security
By email

8 June 2018

Dear Jeane,

Universal Credit Split Payments

The Disability and Carers Benefits Expert Advisory Group has been asked to look at this issue which, whilst not in our remit, could have a significant impact on disabled people and carers. This is particularly relevant given the commitment to payment splitting within the final Social Security Bill.

The majority of Group members consider the split to be beneficial. The transition from Child Tax Credit to the child element within Universal Credit involves a switch in payments from women to men in many cases. We are aware of evidence from stakeholder engagement showing a significantly high percentage of women welcoming the new arrangement. They also viewed the split a necessary extension of the choices available via existing Scottish flexibilities in Universal Credit.

While we agree with the split in principle, members expressed some concerns over how this would be put into practice. Ensuring there is technical capability within Universal Credit payment systems is essential, and we recognise this involves negotiation with DWP, including over the timing. We are also keenly interested in how effective payment splitting would be in combatting financial abuse within relationships. We know that women living on low incomes are much more likely to experience abuse by a partner. This highlights the need for people in vulnerable circumstances to be sign-posted as early as possible to specialist support agencies. We considered these points with regard to disabled women in particular.

In essence though, Universal Credit does not fall within our remit. We note the advocacy work of Engender in coalition with other civil society organisations and the work of advice agencies in raising awareness about the payment splitting options. We would also encourage the Scottish Government to adopt a 'test and learn' approach to getting this right over time, for example by starting in a small number of full-service areas and ensuring a joint approach with the UK Government in making this happen and evaluating impact.

The Group looks forward to welcoming you to our next meeting on 30th August.

With best wishes,

Jim McCormick

Jim McCormick
Chair

~~CONFIDENTIAL~~

DACBEAG Scrutiny Workstream

Purpose of scrutiny

To improve outcomes for people from the social security system

Key characteristics of a scrutiny body

- Appropriate expertise and experience including in social security law and practice
- Able to draw on wider experience eg through Experience Panels
- Scientific expertise for industrial injuries matters
- Ability to recognise unintended consequences of policy across a variety of sectors
- Impartial
- Not politically aligned
- Genuinely independent
- Transparent and open

Role of scrutiny

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
Scrutinise social security regulations	Who should undertake scrutiny of secondary legislation in Scotland? What should be the role of a scrutiny body?	Attendees at workshop Social Security Committee DPLR Committee Reference groups	Independent, expert scrutiny of regulations is necessary. Guaranteeing independence through statute is necessary for the credibility of a scrutiny body – but not sufficient. An early task will be identifying key external stakeholders and relationship building.	- DPLR Committee Social Security (Scotland) Bill at Stage 1 report (31/10/17, SP Paper 214) -SSAC triennial review -IAC triennial review	There is a need for independent, expert scrutiny. It should be set up as an advisory NDPB. It should be set up in statute. Duties and powers to scrutinise subordinate legislation should be in statute. There should be no exceptions to regulations that are within	Value of statutory scrutiny in UK system SSAC is an advisory NDPB. SSAC's effectiveness and positive working relationship with DWP while remaining a widely trusted independent body. SSAC's role is to provide advice to the UK SOS for Work and Pensions on benefits that remain reserved to Westminster. It is not permitted to advise Scottish Ministers on devolved benefits and Scottish

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
Relationship with	How can independent, expert	Attendees at workshop	Scrutiny should be independent of both government and Parliament.	DPLR Committee Social Security (Scotland) Bill at	<p>Primary reporting is to government. Reports should be published.</p> <p>scope for scrutiny. In particular, regulations laid within 6 months of primary legislation should be within scope, and there should be no urgency mechanism to bypass proper scrutiny.</p> <p>The resource committed should be proportionate to the task, but with the caveat that membership needs to be wide enough to bring the right expertise.</p> <p>It should be set up early, in time to give advice on the first wave of regulations.</p> <p>Permanent statutory arrangements and appointments will take time. Consideration is required of how to bridge the gap – eg temporary arrangements.</p> <p>Relationship building, across Parliament and with stakeholders, will be a key early and ongoing task to ensure wide trust and effectiveness.</p>	<p>Ministers cannot refer regulations to SSAC.</p> <p>Importance in Scottish context – framework statute leaving much to regulation.</p> <p>Its primary role should be advising government on social security regulations at the drafting stage to provide assurance to government and to Parliament.</p> <p>At UK level, there are exceptions to statutory scrutiny eg, within 6 months of primary legislation or for reasons of urgency.</p> <p>On timing, anticipate higher volume of regulations for scrutiny in the early years - first sets of regulations for each form of assistance. As social security system matures, likely to be fewer – estimated 4 a year.</p>
						<p>As an advisory Non-departmental Public Body (NDPB), if set up that way, the scrutiny body would be accountable to</p>

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
Parliamentary scrutiny	scrutiny add value to scrutiny performed by Parliament?	Social Security Committee DPLR Committee	Independent scrutiny should complement and enhance parliamentary scrutiny, not duplicate or substitute. Independent scrutiny needs to add value to any enhanced parliamentary scrutiny there may be (eg, if Parliament decides to adopt a super affirmative process for subordinate legislation). It is difficult to anticipate what the most appropriate circumstances are to trigger the super affirmative process. This carries the risk of important regulations not being given enhanced scrutiny unintentionally, and underlines that it doesn't take the place of independent expert scrutiny.	Stage 1 report (31/10/17, SP Paper 214) Role of parliamentary committees	Parliamentary committees should have the option to request a more detailed discussion with the scrutiny body on the content of this public advice. Parliament will have the power to place further duties on a scrutiny body by statute in the future should the need arise. Independent expert scrutiny can sit alongside enhanced Parliamentary scrutiny through a super affirmative process. This needs to be exercised flexibly to avoid duplication, but should still be at the pre-Parliamentary scrutiny stage to provide added value.	Ministers who would in turn be accountable to Parliament for the activities of the scrutiny body. Like other NDPBs it would also produce an annual business plan, and annual report and accounts. These would be presented to parliament. Advice to Ministers would be made publicly available to assist Parliament. Considered role of DPLRC and SSC. Expert advice on social security regulations ahead of being laid before Parliament helps government produce regulations that are better drafted and better deliver intended policy. This supports DPLR and SSC in their work. In defining the role in detail, care should be taken to avoid duplication. Eg, DPLR Committee and scrutiny body both advise on drafting of regulations. Scrutiny body brings a social security expertise to this task, and considers drafting in the context of fit with the wider UK system. This informs the final framing of the regulations. DPLRC provides usual systematic consideration of drafting and powers, with enhanced assurance. A scrutiny body needs to be independent both of government and Parliament, and trusted by others to act independently.

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
Scrutiny of Industrial Injury regulations	Are there separate considerations for scrutiny of employment injury regulations?	IIAC (NB STILL TO HAVE CONVERSATION WITH ANNE BRAIDWOOD) IIDB reference group	There is a risk of duplication between UK IIAC and Scottish IIAC if one were to be set up, with both bodies drawing on the same evidence and either coming to the same or contradictory conclusions. The priority is a safe and secure transition meaning no radical system change at the	Hugh Robertson evidence to SSC, session 5/10/17 IIAC annual reports	The role of scrutiny of regulations and advice based on scientific and medical advice could be separated. Not persuaded there is a need for a separate scrutiny body for regulations. Indeed there is value in employment injury assistance regulations being scrutinised by the same body	This should be the prime consideration when deciding whether and to what extent Parliamentary Committees should have the option of requesting advice of a scrutiny body, as well as being mindful of resource and capacity. The form of a super affirmative process (if Parliament decides this is appropriate) will need to be decided in advance. It usually involves a consultation process of 40 to 60 days ahead of regulations being laid. (CHECK). Care needs to be taken that independent expert scrutiny doesn't duplicate, but adds value to this process. Scrutiny body can decide on a case by case basis how to exercise powers, and should do this flexibly to avoid lengthening the process unduly while still providing timely advice to government and informing the parliamentary process. IIAC's role is different from SSAC's. Without their advice, how could Scot gov add industrial diseases to the list? (eg, PTSD) Evidence of undesirability of two bodies assessing the same scientific evidence and arriving at different conclusions suggests it could be unwise to set up a separate body

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
			<p>outset. This suggests in the short term that we could follow IIAC recommendations.</p> <p>Setting up a separate Scottish IIAC will also cost money. This would be desirable in the medium to long term in order to ensure proper scrutiny of regulations.</p> <p>In whatever way scrutiny is configured in Scotland, it is still important to avoid unnecessary duplication with IIAC eg of research. Beyond the short term, a Scottish scrutiny body could operate with a MoU with UK IIAC</p> <p>There could be a separation of roles – scrutiny of regulations on the one hand and advice and recommendations on prescribed diseases on the other.</p> <p>No need for separate scrutiny body for regulations, all can be undertaken by one scrutiny body.</p> <p>A separate body could analyse medical/scientific findings and provide advice on industrial diseases for government. Their</p>		<p>that scrutinises all other Scottish social security regulations.</p> <p>In the short term, Scot Gov could rely on advice of IIAC in relation to industrial diseases. Should explore with IIAC how best to do this given there can be no formal advice giving to Scottish ministers.</p> <p>In the longer term, Scot Gov could give consideration to whether a standing advisory body for Scotland is required.</p> <p>ASK ANNE BRAIDWOOD/ IIAC WHETHER SHE THINKS THERE COULD BE A WORKABLE ALTERNATIVE – eg commissioning ad hoc expert advice? OR IF A STANDING BODY IS NEEDED TO SUSTAIN THE RIGHT LEVEL OF EXPERTISE</p>	<p>for Scotland while operating essentially the same system.</p> <p>Is there any risk of relying on IIAC reports in the short term? Question for IIAC members. Eg, would having to wait for published material obstruct timely policy development in Scotland.</p> <p>Constitution of committee competent to scrutinise regs depends on what the scheme will be. But likely to require similar scientific expertise to IIAC, which is distinct from expertise required for other social security provisions.</p>

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
			<p>role could be extended to include prevention and risk assessment, distinguishing it from UK IIAC.</p> <p>There could be shared membership between the scrutiny body and the separate advisory body.</p>			
<p>General advisory role – provide advice in response to specific request or on own initiative</p>	<p>Should a scrutiny body have a general advisory role in addition to its primary role of scrutinising regulations?</p>		<p>Suggestions to add to the primary statutory role of scrutiny of regulations included:</p> <ul style="list-style-type: none"> • Advice on primary legislation • Advice on guidance • Advice while policy is being formulated before regulations are drafted 		<p>Scrutiny body should also perform a general advisory role to government. This could be on its own initiative or at the request of Scottish Ministers.</p>	<p>SSAC provides advice to SoS and UK Parliament can assign duties through an Act (SSA92 s170(1)(c))</p>
<p>Scrutiny of guidance</p>	<p>Should a scrutiny body have a formal duty to consider draft guidance?</p>	<p>Workshop attendees DPLRC</p>	<p>Producing guidance often comes late in the process of developing and operationalising policy. It should be considered earlier. Including guidance in a formal scrutiny process could bring more focus on the user experience and user testing at an earlier stage. There's a lot of guidance, beyond the capacity of any</p>	<p>SSAC annual report 2016/17 (section on guidance) DPLR Committee Social Security (Scotland) Bill at Stage 1 report noted rules on DHPs entirely framed through guidance</p>	<p>Persuaded of the need for scrutiny of guidance</p> <p>Scrutiny body should have a formal duty to consider draft guidance.</p> <p>In determining which guidance should be subject to scrutiny, consideration should be given both to the capacity of the scrutiny body to undertake the task effectively, and to the</p>	<p>Not formally undertaken by SSAC</p> <p>Changing nature of social security legislation means far more discretionary decision making in guidance. Formally including this would update UK scrutiny model.</p> <p>Some rules are entirely or mostly provided for in guidance not regulations – eg DHPs, Scottish Welfare Fund, overpayment recovery. These are as important as regulations and so the same scrutiny</p>

Role	What questions we asked	Who we consulted	What people said to us	What evidence we looked at	Recommendations/ advice	Comments
Scrutiny of UK/Scotland systems interactions and overlap	Is there a need for scrutiny of interactions between the UK and Scottish social security systems? Which option best fits the need?	Workshop attendees Prof G McKeever Social Security Committee	body to scrutinise effectively. Could consider scrutiny of the process rather than content of guidance – eg was it tested appropriately, is there enough guidance in place. Could be a role for considering whether guidance once in operation is working effectively.	Prof Grainne McKeever paper on legislative scrutiny	extent to which rules are provided for in guidance rather than in regulation. For example scrutiny of DHP guidance, SW/F guidance and overpayment recovery guidance could be in scope. Consideration of effective operation of guidance could also form part of any thematic advice to government. This should complement consultation on guidance Scot Gov undertakes with individuals and stakeholders.	would support effective development – eg unintended consequences, impacts, policy delivery, etc
			There is a need. For example, eligibility for Best Start Grant and Funeral Payment in Scotland depends on universal credit entitlement. Universal credit is a UK benefit. So changes to UC entitlement (scrutinised by SSAC) affect eligibility for BSG/FP. There are currently no structures in place to scrutinise the impact on BSG/FP and the people who get them.		There is a need for independent, expert scrutiny of the interactions between Scottish and UK social security systems. The need exists now, with aspects of UC already shared between the Scottish and UK governments, and will grow as benefits begin to transfer to Scotland. To avoid delay, Scot Ministers should seek to establish	With SSAC providing scrutiny of UK benefits but not those devolved to Scotland, there is a gap in scrutiny of the way in which devolved benefits interact with social security in the rest of the UK. Co-operation between governments and Parliaments exists eg, through the Joint Ministerial Committee on Welfare, and through UK and Scottish Parliamentary Committees meeting together. There remains a need for independent, expert scrutiny of interactions between systems.

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			<p>The need for scrutiny of regulations across the UK and Scotland systems is significant in the short term as benefits transfer to Scotland.</p> <p>Longer term, as benefits diverge, there will be a continued need to ensure a good alignment of systems for individuals.</p> <p>All options had merit, and trade-offs between flexibility, clarity and influence with governments.</p> <p>Having overlapping membership between SSAC/IIAC and a Scottish scrutiny body</p> <p>Pragmatically, setting up informal good relationships may be the most effective in the short term. This could be set up more quickly than a formal relationship. It could be reviewed with the option of formalising aspects of the relationship over time.</p>	<p>NI Social Security Standards Committee reports</p>	<p>informal good working relationships between SSAC and IIAC and a Scottish scrutiny body. This should aim to optimise information sharing and co-operation with a view to supporting each scrutiny body to better advise respective governments of interactions between UK and Scottish systems.</p> <p>This should be reviewed after 3 years of operation, and options for formalising the relationship explored afresh.</p>	<p>Options set out by Prof McKeever include:</p> <ul style="list-style-type: none"> • MOU between Scottish scrutiny body and SSAC/IIAC to jointly provide UK-wide advice to Scot Gov (and to DWP) • overlapping members - ex officio membership positions being created on SSAC/IIAC and Scottish scrutiny body • informal good relationships – eg info sharing via visits, presentations, good chair to chair relationships <p>While gov ruled out from asking advice from SSAC, parliament is not.</p>
Oversight of standards	What kind of oversight of Scottish social security	Audit Scotland [Meeting 1 Dec]	There is a need for assurance of quality and consistency in decision making.		Scot Ministers should develop a strategic plan for ensuring systematic learning and improvement in the Scottish	New agency means oversight particularly critical to support new processes and continuous improvement in the social security system. Multiple social security

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	<p>performance and decision making standards should there be?</p> <p>Could the role of existing bodies be expanded to fulfil this role?</p>	<p>SPSO (meeting 1 Dec) Social Security Committee</p>	<p>People's experience of the benefits system will span both UK and Scottish benefits. SPSO role is valuable in resolving complaints but cannot at present investigate patterns of complaint. Audit Scotland role is primarily in relation to value for money. Parliament also has a role in overseeing performance standards.</p> <p>A phased approach to oversight arrangements may be best. Between now and 2020/21, an interim arrangements based on expanding the role of existing bodies could be set up. But a separate oversight body in the longer term would be desirable.</p> <p>Would like to see thematic reports (eg, on take-up, errors, appeals) to drive learning and improvement.</p> <p>There should be a way to identify and share good practice. Could explore a public sector model to drive</p>	<p>Former GB statutory oversight bodies (decision making standards committee, administrative justice and tribunals council) reports</p>	<p>social security system. The strategic plan should include how oversight of key areas is to be undertaken, the information and analysis required for effective oversight, the collaboration with individuals and agencies with experience of the system. Should also explore with other bodies how their role will adapt or expand to provide aspects of social security oversight. Eg,</p> <p>Audit Scotland's potential role in assessing social security take-up, error, fraud.</p> <p>SPSO's potential role in promoting good practice in social security delivery and decision making.</p> <p>Independent advice sector role in providing Early Warning System intelligence.</p> <p>Experience Panels role in providing insight into system improvement.</p> <p>There should be an independent review of oversight arrangements after</p>	<p>systems (UK, Scotland, local) means complexity in delivery. Oversight bodies abolished in GB but remain in NI.</p> <p>The oversight structures currently in place (Audit Scotland, SPSO) present important gaps eg</p> <ul style="list-style-type: none"> - decision making standards - thematic investigations <p>- pro-active and continual engagement to understand experience of the system from those who use it</p> <p>These gaps if not addressed will limit Scot Gov's opportunities to improve the social security system, and Parliament's ability to hold government to account.</p>

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Oversight of aims set out in Charter	What should the Charter say about oversight of the social	Workshop participants NEED TO CHECK NOTES FROM SG MEETING - JM	<p>improvement, similar to SPSO complaint handling procedures.</p> <p>Collaboration is key, ensuring feedback is sought and consistently recorded and address. Barriers to accessing the means to complain or appeal should also be understood and addressed.</p> <p>Gov should support independent advice agencies and organisations like carer's centres having a systematic way to report issues, with a formal route into oversight structures. For example, CPAG's Early Warning System.</p> <p>What role will Experience Panels have after 2021? They should continue to work on improving the system. There could be an informal link with a Scottish scrutiny body.</p>	Social Security (Scotland) Bill and accompanying documents	The Charter must state what individual redress is appropriate where someone's rights are not respected.	<p>Charter has responsibilities on government AND on individuals. Charter is to:</p> <ul style="list-style-type: none"> • 'reflect' social security principles (Bill);

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	<p>security system? Is there a need for specific oversight in relation to the focused aims in the Charter on principles?</p>		<p>There should be a mechanism to hold Scot Ministers to account if they do not uphold Charter rights/principles. An overarching Social Security Justice Committee could be tested to bring scrutiny and oversight bodies together. The principles appear to drive different ways of capturing relevant information: - dignity and respect (individual voice, experience panels) - take up (audit data, evaluation of campaigns and local initiatives) Value for money (Audit Scotland)</p>		??	<ul style="list-style-type: none"> translate principles into focused aims (Policy Memo with Bill). <p>If someone's rights are not respected, then individual redress is appropriate (eg complaints procedure, Ombudsman).</p> <p>All bodies operating within the system, including scrutiny bodies, would need to ensure the principles were embedded in their work.</p>