

Annex A

Information within the scope of your request contained within the letter dated 23 March 2020 from Cabinet Secretary Shirley-Anne Somerville to Therese Coffey, Secretary of State for Work and Pensions

“This decision will also affect the timetable for [text removed omitted that outwith the scope] ... case transfers of all benefits.

I am therefore requesting that DWP continues to deliver the Wave 2 benefits on behalf of the Scottish Government for a longer period (to be agreed), by extending the ‘Business As Usual’ agency agreements we have already put in place.”

Information within the scope of your request contained within the letter dated 30 March 2020 from Justin Tomlinson, Minister for Disabled People, Health and Work

“you are specifically seeking my views on 3 main areas, these include;

· DWP’s agreement to continue to deliver benefits under agency arrangements for a longer period of time;”

Information within the scope of your request contained within the letter dated 2 April 2020 from Cabinet Secretary Shirley-Anne Somerville to Justin Tomlinson, Minister for Disabled People, Health and Work

This will include dealing with new as well as existing claims over a longer transition period. I am grateful to you for this commitment, and will ensure that my officials work collaboratively with yours to work through the necessary logistics to achieve this.

Information within the scope of your request contained within the letter dated 17 April 2020 from Justin Tomlinson, Minister for Disabled People, Health and Work to Cabinet Secretary Shirley-Anne Somerville

DWP to continue to deliver benefits for a longer transitional period.

With the transfer of executive competence for additional-needs disability benefits and industrial injuries on 1 April 2020, my Department is now delivering PIP, DLA, Attendance Allowance, Industrial Injuries Disablement Benefit and Severe Disablement Allowance – as well as Carer’s

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Allowance – on your behalf under Agency Agreements. The re-prioritisation means that DWP will need to deliver new claims and reviews for PIP and for DLA for children for longer than originally planned. [Redacted. Exempt under S29(1)(a) FOISA]

For the reasons outlined above, I agree that DWP will continue to deliver these benefits on your behalf in Scotland on the same basis as they are delivered in England and Wales. This includes, while they last, the easement measures put in place to respond to COVID-19. The relevant Agency Agreements already provide for this. I have instructed my officials to continue working closely with yours to understand the implications of these changes, and to consider the revised timetable for delivery of the new Scottish benefits, once you have had the opportunity to undertake further planning. This will need to include how we communicate changes to stakeholders and – most importantly – to actual and potential benefit recipients.

ANNEX B REASONS FOR NOT PROVIDING INFORMATION

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An exemption under section s.29(1)(a) formulation or development of Scottish Government policy of FOISA applies to some of the information you have requested.

This exemption is subject to the ‘public interest test’. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption.

We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in high quality policy and decision-making, and in the properly considered implementation and development of policies and decisions. This means that Ministers and officials need to be able to consider all available options and to debate those rigorously, to fully understand their possible implications, including engaging in discussions and negotiations with other parties, such as other UK administrations, on which policy implementation would rely.

Their ability in doing so will be affected by their assessment of whether the discussions on the proposed devolved case transfer arrangements will be disclosed in the near future, when it may

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undermine or constrain the Government's view on that policy while it is still under discussion and development.

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