

Cabinet Secretary for Social Justice, Housing and
Local Government
Shona Robison MSP



Scottish Government
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E: scottish.ministers@gov.scot

The Rt Hon Thérèse Coffey, MP
Secretary of State for Work and Pensions
Caxton House
Tothill Street
Westminster
London
SW1H 9NA

secretaryofstate@dwp.gov.uk

June 2021

Dear Thérèse,

In my letter of 16 June I welcomed the close working of the Department for Work and Pensions and Scottish Government on the difficult decisions our respective Governments had to take on reprioritisation to respond to Covid-19. I very much hope that we can continue that close working as we move ahead together with the delivery of devolved benefits in Scotland.

As I set out in that letter, following agreement between both governments to suspend work on the devolution of certain benefits during the Covid-19 pandemic I understand that decisions were taken by DWP which mean you can no longer support the process of 'household matching' of data on reserved benefits via the Seasonal Payments System when the winter benefits are devolved. I fully appreciate that this decision may have been necessary and that at this late stage it may not be practicable to revisit it. In advance of receiving your reply as to whether that decision could be revisited, and in light of the need to provide sufficient notice if legislative change is to be progressed timeously, I have set out below a proposed approach which I trust will be mutually acceptable.

The 'household matching' process is a significant feature of how these benefits need to be administered when we assume responsibility for delivery and one which we had previously planned to build and implement in Scotland over time, following the safe and secure devolution of the winter benefits. This would allow us the flexibility to pursue different approaches to maximise the effectiveness of this payment to help those in fuel poverty, as we have done with our proposed replacement for Cold

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Weather Payment. However, it is now clear that we will need to bring forward the delivery of that new system in line with the launch of the benefit in Scotland. This was not something we had previously planned for.

I am therefore writing now to seek your agreement to extend the operation of the Social Fund in Scotland and for that extension to be up to a further 2 years. I very much hope that it will be possible to deliver the benefits earlier than that date but I recognise the vital importance of ensuring appropriate contingency arrangements are in place to safeguard payments as the development work proceeds.

My officials have explored whether there is any other feasible option to delivering these benefits which would avoid the need for the Social Fund to remain open to Scottish residents. Officials have advised me of very considerable risks were we to seek to devolve winter benefits before the closure of the Social Fund to Scottish clients in March 2022. These include risks to the safe and secure transfer of those benefits as well as to the continued joint programme of devolution.

I remain of course fully committed to the devolution of benefits as quickly as possible, as evidenced by our delivery of 3 new benefits throughout the period of the pandemic, and from July we begin the roll out of new child and adult disability benefits; a very significant achievement for our respective governments. It is only following careful consideration of the evidence presented to me that I have, reluctantly, accepted that we should seek an extension of the Social Fund.

I understand that officials have had preliminary discussions about this matter and my officials of course stand ready to provide any further information that is required to support this approach. Should you agree with this request I will ask my officials to continue to work with their DWP colleagues to ensure that the necessary legislation is prepared.

I have today written to the Convener of the Social Justice and Social Security Committee of the Scottish Parliament as a courtesy to notify the Committee of the proposed extension to the Social Fund.

Finally, I would like to propose an introductory call ahead of any forthcoming meeting of the Joint Ministerial Working Group on Welfare, which I understand is in the process of being arranged. At that meeting, I would welcome an opportunity to reflect on the successes of the last few years and look ahead to what will undoubtedly be a more challenging delivery period as we launch the disability benefits in Scotland and start transferring Scottish cases from DWP to Social Security Scotland. As part of that I am keen to discuss a strategic approach to the issue of sharing data between our governments which is mutually beneficial to our joint delivery plans.

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I am copying this letter to Justin Tomlinson MP, Minister of State for Disabled People, Work and Health and Ben Macpherson MSP, Minister for Social Security and Local Government.

Yours Sincerely,



SHONA ROBISON

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From: [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>
Sent: 16 March 2021 09:20
To: [redacted] <[redacted]@gov.scot>
Cc: [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS <[redacted]@dwp.gov.uk>; [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>; [redacted] LEGAL GROUP Caxton House <[redacted]@dwp.gov.uk>; [redacted] POLICY GROUP DEVOLUTION <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIRECTORATE <[redacted]@DWP.GOV.UK>
Subject: RE: Social Fund query

Morning [redacted]. Nice to speak on Friday.

If our Minister agreed to any proposal to delay the closure of the social fund, we would need to amend the date, currently 1 April 2022, in the commencement order see <https://www.legislation.gov.uk/ukSI/2019/1438/contents/made>

If you were to bring in one or the other of your schemes from 2022, then we would need to make a separate order to switch off the equivalent WFP/CWP from the social fund for people in Scotland. They have to be separate as they are different legislative procedures. There will probably be a need to make an amendment to disregard whatever you may bring in so it may be possible to include this switching off in the same section 104 order as the disregard.

The issue is the timing. We are governed by the timetable set by the Scotland Office and lawyers in OAG as these orders are normally made by the Secretary of State for Scotland. They expect in general 6 to 9 months from start to finish for these orders. If an affirmative order is needed then debates in Westminster and Privy Council need to be factored in. Importantly, as I mentioned, any section 104 order would need to link to the appropriate final SG regulations so that adds another complication.

[redacted]

[redacted] | Devolution External Relations and Scotland Act 2016 Team | State Pensions, Child Maintenance and Devolution | Department for Work and Pensions | 1st Floor Caxton House, Tothill Street | London SW1H 9NA | tel [redacted] (internal ext [redacted]) | iPhone [redacted]

Please note I do not work on Monday and Friday.

E_M_A_I_L_B_L_O_C_K—only print this email or its attachments if absolutely necessary

From: [redacted]@gov.scot <[redacted]@gov.scot>
Sent: 15 March 2021 11:38
To: [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>
Cc: [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS <[redacted]@dwp.gov.uk>; [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE <[redacted]@DWP.GOV.UK>
Subject: FW: Social Fund query

Hi [redacted],

Thanks again for meeting at such short notice on Friday morning. I just wanted to clarify, in terms of extending the Social Fund, you mentioned that although it would be possible to delay the closure of the Social Fund for WFP until 2023 and at the same time transfer the ability to pay CWP to SG for 2022 it would be a less straightforward process than extending for both. Just so I'm clear of the process, what would the additional steps be? You spoke the need to make a request to SO?

Happy to chat.

Regards
[redacted]

From: [redacted]@gov.scot
Sent: 11 March 2021 15:03
To: [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE
<[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS
<[redacted]@dwp.gov.uk>
Cc: [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE
<[redacted]@DWP.GOV.UK>
Subject: RE: Social Fund query

Thanks both for getting back to me so quickly - If we just get together tomorrow in the first instance sure, we could then draw others in next week if necessary.

I'll send through a meeting invite now sure.

Cheers
[redacted]

From: [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE
<[redacted]@DWP.GOV.UK>
Sent: 11 March 2021 14:58
To: [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS <[redacted]@dwp.gov.uk>;
[redacted] <[redacted]@gov.scot>
Cc: [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE
<[redacted]@DWP.GOV.UK>
Subject: RE: Social Fund query

Hi [redacted]

I could do:

tomorrow – 9.30 to 10.00 or 10.30 to 11.30.
Tuesday – 4.15 to 5.00
Weds – 9.00 to 10.30, 1.00 to 2.00, or 3.00 to 5.00

Cheers
[redacted]

[redacted] | Social Fund Policy Team Leader | Labour Market, Families and Disadvantage Directorate
| Department for Work and Pensions | Floor 1 Kings Court | 80 Hanover Way | Sheffield | S3 7UF |

[redacted] | [redacted] | www.gov.uk | Please consider the environment before printing
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✦ Together we are DWP award winner ✦

From: [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS <[redacted]@dwp.gov.uk>

Sent: 11 March 2021 14:52

To: [redacted]@gov.scot; [redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE <[redacted]@DWP.GOV.UK>

Subject: RE: Social Fund query

[redacted] – I'm around tomorrow and next week.

Would we also need someone from our devolution policy team on the call? [redacted] doesn't work Friday or Monday.

[redacted]

[redacted]

Dept for Work & Pensions | Devolution, Pensioner Benefits & Carer's Allowance Division

1st Floor Caxton House | Tothill St | London | SW1H 9NA | [redacted], ext [redacted]

[redacted]@dwp.gov.uk

E_M_A_I_L_B_L_O_C_K

From: [redacted]@gov.scot <[redacted]@gov.scot>

Sent: 11 March 2021 14:47

To: [redacted] POLICY GROUP AGEING SOCIETY & STATE PENSIONS <[redacted]@dwp.gov.uk>;

[redacted] POLICY GROUP LABOUR MARKET, FAMILIES & DISADVANTAGE

<[redacted]@DWP.GOV.UK>

Subject: Social Fund query

Importance: High

[redacted]/[redacted],

I mentioned yesterday that our programme colleagues had been doing some work to assess our ability to deliver WHA and CSHA in winter 2022 as planned. There are a couple of things I wouldn't mind running past you both specifically to do with the Social Fund and any potential invoking of the contingency to delay further the closure of the fund to Scottish residents past 2022. I know this is short notice, but would you both be available for a quick catch up on this either tomorrow or early next week?

Kind regards

[redacted]

[redacted]

Winter Heating Benefits Policy - Social Security Policy Division

T: [redacted] M: [redacted]

Scottish Government – 4 Atlantic Quay, 70 York Street, Glasgow, G2 8JX



I am working from home and can be contacted on [redacted] **or** [redacted]

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From: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>
Sent: 28 April 2021 13:57
To: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>
Cc: [redacted] <[redacted]@gov.scot>
Subject: RE: Social Fund Timelines and Dependencies

Hi all,

This is a draft high level timeline that we'll talk through on the call later this afternoon.

Thanks

[redacted]

[redacted] | Scottish Devolution Programme | Department for Work and Pensions | Blue Zone, East Wing, First Floor, Phase 2, Peel Park, Brunel Way, Blackpool FY4 5ES | Phone: [redacted] | Internal [redacted] | Mobile: [redacted] | www.dwp.gov.uk Please consider the environment before printing
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-----Original Appointment-----

From: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME
Sent: 23 April 2021 15:43
To: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME; [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME; [redacted] POLICY GROUP DEVOLUTION DIVISION; [redacted] POLICY GROUP DEVOLUTION DIVISION; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot
Cc: [redacted]@gov.scot
Subject: Social Fund Timelines and Dependencies
When: 28 April 2021 15:00-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

Hi all,

We thought it would be useful to regroup jointly with policy and delivery colleagues to discuss the timelines and any dependencies associated with any potential request from SG to extend the social fund for WFP/CWP.

I'll provide information to support the discussion ahead of the meeting.

Regards,

[redacted]

[redacted] | Scottish Devolution Programme | Department for Work and Pensions | Blue Zone, East Wing, First Floor, Phase 2, Peel Park, Brunel Way, Blackpool FY4 5ES | Phone: [redacted] | Internal [redacted] | Mobile: [redacted] | www.dwp.gov.uk Please consider the environment before printing
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Social Fund Timeline and Dependencies

Until
14/6/21

- SG request to DWP Ministers to extend the social fund.

15/6/21
to
1/10/21

- DWP Ministers consider request and if agreed:
 - Engagement with HMT to confirm funding arrangement – targeted at Autumn budget.
 - 10 week lead in time to confirm position
 - OBR analysts identify funding amounts in line with Fiscal Framework
 - Draft Regulations to extend the social fund
 - If extension is for both WFP and CWP then one regulation change to extend the closure date for the social fund.
 - If extension for one benefit but not the other – 2 regulations changes required, one to extend the social fund with a further, separate change to close social fund for either WFP or CWP in Scotland and disregard the SG replacement.
 - Annual review of service arrangements with Met Office in September.

from
1/10/21
to
1/4/22

- Funding arrangements implemented.
- SG regulations drafted for the benefit going live in 2022: [redacted] – is there a date when we expect the draft regulations to be available?
- DWP would need sight of the draft regs early 2022 before making disregard or social fund regulations. [redacted] – can we give a date e.g. end of Jan?
- Social Fund regulations laid and implemented.

from
1/4/22

- Social Fund regulation changes come into force.
- Considerations:
 - No contingency if go-live date not deliverable for any reason - DWP no longer able to administer any benefit where SF ended for people in Scotland and funding transferred.

From: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>
Sent: 14 May 2021 09:07
To: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>; [redacted] POLICY GROUP DEVOLUTION DIVISION <[redacted]@DWP.GOV.UK>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] <[redacted]@gov.scot>; [redacted] DWP FG Strategic Finance Directorate <[redacted]@DWP.GOV.UK>; [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>; [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME <[redacted]@DWP.GOV.UK>
Cc: [redacted] <[redacted]@gov.scot>
Subject: RE: Social Fund Timelines and Dependencies

Hi all,

Apologies for the delay in coming back to you on this. I've updated the timeline to reflect the discussion and also added some more detail on the funding arrangements following a separate discussion with [redacted] and [redacted].

Please can you review and let me know if there is anything else you think we need to include and also if there any activities that we can give dates or timeframes for – I've added some notes in the slide where we think dates would be useful.

We're hoping to get this finalised, so if you could let me have any comments as soon as possible it would be appreciated.

Regards,

[redacted]

[redacted] | Scottish Devolution Programme | Department for Work and Pensions | Blue Zone, East Wing, First Floor, Phase 2, Peel Park, Brunel Way, Blackpool FY4 5ES | Phone: [redacted] | Internal [redacted] | Mobile: [redacted] | www.dwp.gov.uk
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-----Original Appointment-----

From: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME
Sent: 23 April 2021 15:43
To: [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME; [redacted] DWP SCOTTISH DEVOLUTION PROGRAMME; [redacted] POLICY GROUP DEVOLUTION DIVISION; [redacted] POLICY GROUP DEVOLUTION DIVISION; [redacted]@gov.scot; [redacted]@gov.scot; [redacted]@gov.scot
Cc: [redacted]@gov.scot
Subject: Social Fund Timelines and Dependencies
When: 28 April 2021 15:00-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.
Where: Microsoft Teams Meeting

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I'll provide information to support the discussion ahead of the meeting.

Regards,

[redacted]

[redacted] | Scottish Devolution Programme | Department for Work and Pensions | Blue Zone, East Wing, First Floor, Phase 2, Peel Park, Brunel Way, Blackpool FY4 5ES | Phone: [redacted] | Internal [redacted] | Mobile: [redacted] | www.dwp.gov.uk
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From: Davidson I (Ian) (CA) <Ian.Davidson2@gov.scot>
Sent: 03 June 2021 17:35
To: Latto Andrew POLICY GROUP AGEING SOCIETY & STATE PENSIONS
<ANDREW.LATTO@DWP.GOV.UK>
Subject: Social Fund extension

Andrew

We had first proper session with Ministers on the programme today and talked them through the need to seek Social Fund extension. They recognise absolutely that this needs to happen but this was their first encounter with the overall programme and need for decisions on timetabling, so they need to take a bit of time to work through each aspect of that. Obviously there are genuine questions about Programme timetables as well as concerns around the politics and need to ensure the colleagues here are properly sighted.

We've explained that DWP had been waiting for this confirmation pending election and that you do have to have time to get decisions and legislate and that you'd given us a backstop of 14 June - though Stephen said we'd come back to you to check if that really was a drop dead date or not. If it is absolutely essential to write by then we'll really struggle to do more than write to confirm that we are now formally writing to request an extension due to COVID pressures and will write again to confirm length of extension request once they've had time to properly consider this aspect of programme post-election. It will take us another couple of weeks to work that through, so definitely taking us over the 14 June deadline. I appreciate that is not ideal either.

Can you let me know what's best from your perspective?

Ian

IAN DAVIDSON
Deputy Director, Social Security Policy
ian.davidson2@gov.scot
07800712197

Joint Strategic Design Group 21 Outcome Note – 23 June 2021

Please find below a record of attendees, key discussions and actions from the JSDG meeting which took place on Wednesday 23 June 2021.

Attendees	
DWP	SG
[redacted]	Stephen Kerr
[redacted]	Lisa Baron-Broadhurst
[redacted]	Alison Byrne
[redacted]	Leanne Carson
[redacted]	Ian Davidson
[redacted]	[redacted]
Andrew Latto	[redacted]
	David Wallace
	[redacted]
	[redacted]
	[redacted]
Secretariat	
[redacted] (PMO Secretariat)	[redacted] (PMO Secretariat)

[redacted]

Social Fund

Discussions surrounded the recent letter from SG's Cabinet Secretary concerning household matching data and the outstanding need for a request to UKG Ministers for an extension of the Social Fund to ensure provision remains in place in Scotland from 2022. AL advised that a request would be needed by early July at the latest to enable the Block Grant Transfer to be withheld and for DWP to put in place the necessary legislation, which will need to be reviewed by HMT.

AP04 – ID to expedite issue of SF extension request letter from SG Ministers to UKG Ministers.