

## Exemptions apply

An exemption under section 30(a) of FOISA (convention of collective responsibility of Scottish Ministers) applies to some of the information requested.

This exemption applies because disclosure would, or would be likely to, prejudice substantially the convention of the collective responsibility of Scottish Ministers. Government in Scotland, as in the rest of the UK, has long worked under the convention that Ministers are collectively responsible for decisions and their delivery. Collective responsibility requires collective discretion, and ensures that Ministers can express their views frankly in a private space in discussion of an issue while maintaining a united front once decisions have been reached. Disclosing such communications would prejudice substantially the maintenance of the convention.

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 maintaining collective responsibility for the Scottish Government's decision on budgetary matters, once a collective decision has been made. Disclosure of these views would be likely to have the effect of undermining the Government's position on budgetary matters and thus the effectiveness of the decision, which would not be in the public interest.

An exemption under section 30(c) (Otherwise prejudice effective conduct of public affairs) of FOISA applies to some of the information you have requested.

An exemption under section 30(c) of FOISA (prejudice to effective conduct of public affairs) applies to some of the information requested. It is essential for Ministers to be able to communicate, often in confidence, with external stakeholders on a range of issues, including on sensitive and operational matters. Disclosing the content of these communications, particularly without the consent of the stakeholder, is likely to undermine their trust in the Scottish Government and will substantially inhibit communications on this type of issue in the future. These stakeholders will be reluctant to provide their views fully and frankly if they believe that their views are likely to be made public, particularly while these discussions relate to a sensitive or controversial issue. This would significantly harm the Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence it needs to make fully informed decisions / understand concerns.

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However, there is a greater public interest in allowing Ministers and officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring issues and positions. This private space is essential to enable all options to be properly considered, so that good decisions can be taken based on fully informed advice and evidence, such as that provided by Fuel Insecurity Fund partners. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

An exemption under section 38(1)(b) (Personal data relating to third party) of FOISA applies to some of the information you have requested.

An exemption under section 38(1)(b) of FOISA (personal information) applies to a small amount of the information requested because it is personal data of a third party, ie names of individuals, and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

**Meeting between the Minister for Energy and the Environment and 2023/24  
Fuel Insecurity Fund partners**

**Wednesday 20 December 2023 (11:30 – 12:00) held via MS Teams**

**In attendance:**

Minister for Energy and the Environment, Gillian Martin MSP

[Redacted - s.38(1)(b)], Head of Fuel Bank Foundation

[Redacted - s.38(1)(b)], Chief Executive Officer, Scottish Federation of Housing Associations

[Redacted - s.38(1)(b)], Operations Director, Scottish Federation of Housing Associations

[Redacted - s.38(1)(b)], Chief Executive Officer, Advice Direct Scotland

[Redacted - s.38(1)(b)], Chief Executive Officer, the Wise Group

[Redacted - s.38(1)(b)], Strategic Development Director, the Wise Group

[Redacted - s.38(1)(b)], Chief Executive Officer, Energy Action Scotland

**Officials**

[Redacted - s.38(1)(b)], Better Homes Division

[Redacted - s.38(1)(b)] for Fuel Poverty and Housing Standards

[Redacted - s.38(1)(b)], Fuel Poverty [Redacted - s.38(1)(b)]

[Redacted - s.38(1)(b)] Minister for Energy and Environment

**Readout**

The Minister welcomed and thanked FIF partners for joining the call, scheduled on the back of the 2024/25 Scottish Budget announcement yesterday from the Deputy First Minister and Cabinet Secretary for Finance.

The Minister outlined the extremely difficult budget which was delivered, the financial situation is, amongst the most challenging since devolution. This has, of course, meant some very tough decisions having to be taken by Cabinet. Unfortunately, this has resulted in the Fuel Insecurity Fund not being continued in 2024/25. [Redacted – s.30(a)], whilst recognising that it is not permanent and had been for a single year from central funding since 2020.

The Minister duly acknowledged and recognised the acute challenge and impact this decision will firstly have for the most vulnerable households, in access to direct support from our third sector delivery partners. Secondly, and in addition, highlighting the varying level of challenge and associated risk of this budget decision, which will impact directly upon the business and running of each of FIF partner organisation.

Whilst noting the decision to remove the Fuel Insecurity Fund next year, the Minister touched upon elements of the Budget, where there will be increased or continued investment. This included reference to the £6.3 billion to be provided in social security benefits, all of which will be uprated in line with inflation. Specifically, next year with £24.4m through the Winter Heating Payment, which is targeted support for people with a young child, a disability or an older person within the household, and £8.7m through the Child Winter Heating Payment to mitigate the additional heating costs that the households of the most severely disabled children and young people face in the winter months. This will, in addition, be supplemented by the transfer of the proposed new Scottish benefit to replace the UK Government's current Winter Fuel Payment scheme in winter 2024/25. The Pension Age Winter Heating Payment will seek to safely and securely transfer responsibility for the delivery of Winter Fuel Payment to the Scottish Government, ensuring that over a million pensioners currently eligible for Winter Fuel Payment continue to receive this support. This will be an investment of around £180 million in 2024/25 to help older people with the costs of heating their homes throughout the winter.

The Minister also noted the £358 million confirmed in the Budget to continue to accelerate energy efficiency upgrades and installation of clean heating systems. This will include protected investment next year in our Warmer Homes Scotland Scheme and Area Based Schemes, which both support those most at risk of living in fuel poverty to live in warmer and easier to heat homes.

The Minister expressed her willingness to listen to partners, and opened for their views and reflections, asking for them to highlight should there be any immediate or pressing challenges they see for their organisation. In addition, noting this early discussion will be followed up in officials' 1-1s with each organisation early in the new year, [Redacted – s.30(a)], in respect of the full implications of this Budget decision.

**The following points were noted by FIF partners in discussion:**

- There was an appreciation for the Minister in her early engagement with partners, understanding the extremely tough nature of delivering such disappointing news but recognising the wider fiscal constraints.
- FIF partners expressed great concern of the implications for the people they support in the withdrawal of funds, and many expressed that for a relatively small sum the FIF had delivered innovative measures that were taking people out of crisis situations potentially permanently, in a way that one off cash payments were unable to do.
- There was a strong consensus that a tapering down and phasing of the Fund would have been the preference for all partners rather than the cliff edge approach at this point – to cease funding completely in 2024/25.
- The investment and repositioning of funding into Social Security benefits was broadly welcomed and supported – gaps with this support mechanism were

raised, specifically in terms of the universal nature and lack of targeting with the proposed new Pension Age benefit next winter. The subsequent inflationary uplifts in such benefits will not provide the mitigation measures available with the FIF, nor reach or support those most in need.

- FIF funding provided a critical mitigation measure in directly supporting low-income households, with help in reducing their energy bills, providing debt relief and alleviating destitution in some cases, through providing emergency and essential items for households, especially during the winter period. The maintained level of investment in our Energy Efficiency delivery programmes was welcomed. However, it was noted this is support over the longer-term, and too many households are still in crisis mode, and not in any position to consider such measures – with the FIF bridging the gap in the interim and often acting as an enabler towards wider sustainable actions.
- The lack of UKG current funding support was highlighted, noting the importance to continue to collectively and individually press the case to the UKG to use their fiscal and policy levers, likely post General Election, through the introduction of a social tariff and review of energy market regulations.
- Fuel Poverty is a subset of Poverty, and the cash-first approach we know does not alleviate poverty. There was a collective opportunity to adopt a long-term, sustainable and holistic approach to tackling poverty – which the Budget was predicated with a social contract between the Scottish Government and the people of Scotland. Yet, the collective opportunity and compound gains have been lost with a short-sighted focus, rather than a long-term strategy and investment, which is evidenced by the social value for money, and is required to significantly reduce poverty levels in Scotland.
- Whilst the Fuel Bank Foundation highlighted that they have a 200+ strong partner network in operation across Scotland, who they are working with to support vulnerable households. [Redacted - s.30(c)].
- [Redacted - s.30(c)].
- There was no direct feedback from ADS on this call – [Redacted – out of scope]

The Minister and officials both put on record their gratitude to FIF partners for all their work to date, positive engagement and steadfast commitment towards collectively working together to reduce fuel poverty levels in Scotland. It was noted the importance of continuing our strong relationships, which have been built up over previous years between the Fuel Poverty Policy team and FIF partners, that learnings and future opportunities are explored together – which can support progress in delivery towards our Fuel Poverty 2040 statutory targets.

The Minister emphasised the important point with the need to strongly continue the case to the UKG in their areas of fiscal and policy responsibility.

### **Next Steps**

The meeting concluded with the Minister noting her officials will be in contact this week to arrange 1-1 calls for early in the new year, allowing the opportunity to pick up in greater detail around specifics and future working relationships – [Redacted – out of scope].

### **Fuel Poverty Policy Team**

#### **December 2023**

#### **Addendum – Advice Direct Scotland call on 21 December 2023**

[Redacted - s.38(1)(b)] and [Redacted - s.38(1)(b)] held a call with [Redacted - s.38(1)(b)], Chief Executive Officer and [Redacted - s.38(1)(b)], Deputy Chief Executive Officer at the request of ADS. **This was a constructive call with the following points raised:**

- ADS noted their strong admiration for the bravery and courage shown by the Minister in her engagement to lead the call with FIF partners in delivering such difficult and disappointing news with this Budget decision.

[Redacted - s.30(c)].

- ADS noted on the back of the Minister’s recent visit to their offices – they were collating case studies to outline FIF was more than crisis support but often taking more of a holistic approach to an individual’s needs.
- Officials both put on record their thanks to ADS to date as a key partner, and extended their support towards continuing a positive working relationship going forward – managing the funding transition towards new ways of working and focused actions in progress with our fuel poverty statutory targets.