

Document 1: Copy of Email sent with background information on FFA

From: [Redact: S38(1)(b)]

Sent: 10 December 2024 15:02

To: [Redact: S38(1)(b)]; [Redact: S38(1)(b)]

Cc: [Redact: S38(1)(b)]; [Redact: S38(1)(b)]; [Redact: S38(1)(b)]; [Redact: S38(1)(b)]
[Redact: S38(1)(b)]

Subject: RE: Lines on full fiscal autonomy for SAC Call for Evidence

[Redact: S38(1)(b)]

[Redact: S38(1)(b)]

[Redacted [Section 30(b)(ii)]

[Redact: S38(1)(b)]

From: [Redact: S38(1)(b)]

Sent: 10 December 2024 09:22

To: [Redact: S38(1)(b)]; [Redact: S38(1)(b)]

Cc: [Redact: S38(1)(b)]; [Redact: S38(1)(b)]

Subject: Lines on full fiscal autonomy for SAC Call for Evidence

Hello,

[Redact: Section 29(1)(a)]

Do you have lines, or know who might, on SG's case for having full fiscal autonomy?

Thanks,

[Redact: S38(1)(b)]

Document 2: Copy of Email received with background information on FFA

From: [Redact: S38(1)(b)]>

Sent: 12 December 2024 14:57

To: [Redact: S38(1)(b)]>

Cc: Matthew Elsby <Matthew.Elsby@gov.scot>; [Redact: S38(1)(b)] [Redact: S38(1)(b)]; Alasdair Black <Alasdair.Black@gov.scot>

Subject: Full Fiscal Autonomy

[Redact: S38(1)(b)]

Anent your question about a definition of FFA, the fullest statement I recall was in [More Powers for the Scottish Parliament](#) (Oct 2014) which was the Scottish Government contribution to the Smith Commission. Pages 14 – 16 set out the SG proposals, and this (on page 15) is a summary:

Our proposal is therefore for a transition to full domestic economic and fiscal autonomy.

This would mean that all onshore and offshore taxes would be designed and set in Scotland, including tax rates, allowances, thresholds and the tax bases. An exception might be VAT – and potentially some excise duties – because EU rules require them to be largely uniform across the United Kingdom. For any reserved taxes, revenues would be assigned to the Scottish budget. At the same time, the Scottish Parliament would also take responsibility for key elements of domestic expenditure, including welfare.

From the tax revenue raised in Scotland, a direct payment would be made for the services Scotland receives from being part of the UK. These would include agreed amounts for defence, security, foreign policy and servicing of historic debt interest.

It is also essential to full fiscal responsibility that the Scottish Parliament has access to economic levers beyond the tax system, such as employment rights and aspects of migration. Overall economic performance drives the level of taxation that the Scottish Parliament will receive through its tax powers, and flexibility to encourage economic growth through these measures is necessary for the Scottish Parliament to take proper responsibility for Scotland's public finances.

Note that the paper also set out the need for a fiscal framework and retention of Barnett for any transition or arrangements short of FFA (page 16):

Any arrangement for Scotland's taxes short of full fiscal responsibility would need the Barnett formula to be retained for any block grant to Scotland, adjusted appropriately according to the actual degree of fiscal responsibility. The transition to full fiscal responsibility will take some years to complete, as implementation of the Scotland Act 2012 has demonstrated. During that transition period the Barnett formula will also need to be retained to ensure that Scotland's public finances remain predictable and sustainable as the Scottish Parliament assumes responsibility for raising a greater proportion of its own revenues, and begins to benefit from measures to improve Scotland's economic performance.

The intention was to make the case for FFA without undermining the central role of Barnett in current and most likely arrangements to emerge from Smith.

In July 2015, SG reiterated this case for FFA in [a policy document published after that year's UKGE](#) (see paras 12 – 19; the summary is in para 15), and reflecting the SNP manifesto for that election which made specific proposals for devolution of individual taxes (Employers' NICs, corporation tax, CGT; paras 42 - 52). The section on FFA was intended as a restatement of this as a policy aspiration, before the emphasis on the priorities for devolution set out later.

The 2015 paper also made the point about spending decisions (and therefore fiscal balance) compared to independence (para 16):

The major difference between full fiscal autonomy and independence is that the Scottish Government would not have overall control of public expenditure in the areas that remain reserved. For example, Scotland would be required to continue to contribute towards the cost of replacing Trident if that remained UK Government policy. With independence Scotland would also have control over VAT and other taxes currently bound by EU rules.

Redacted [Section 30(b)(ii)]

Happy to discuss.

[Redact: S38(1)(b)]

Document 3: Submission sent to Cab Sec requesting advice to issue written evidence to SAC

From: *[Redact: S38(1)(b)]*

Sent: 14 January 2025 11:05

To: Cabinet Secretary for Finance & Local Government <CabSecFLG@gov.scot>

Cc: DG Scottish Exchequer Mailbox <DGScottishExchequer@gov.scot>; Jennie Barugh <Jennie.Barugh@gov.scot>; Lucy O'carroll <Lucy.O'carroll@gov.scot>;

Alasdair Black <Alasdair.Black@gov.scot>; Matthew Elsby <Matthew.Elsby@gov.scot>;

Lorraine King <Lorraine.King@gov.scot>; Colin MacBean <Colin.MacBean@gov.scot>;

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[Redact: S38(1)(b)] [Redact: S38(1)(b)] [Redact: S38(1)(b)] [Redact: S38(1)(b)]

David Hutchison <David.Hutchison@gov.scot>

Subject: ROUTINE Submission: Clearance of SAC Call for Evidence Response

Dear Private Office,

Please find attached a submission for Cab Sec FLG requesting clearance of a response to the Scottish Affairs Committee's (SAC) call for evidence on the Financing of the Scottish Government.

The draft response was cleared by SpAds, with further changes incorporated following DGSE review.

[Redacted: out of scope]

Many thanks,

[Redact: S38(1)(b)]

[Redacted: Section 30(b)(i)]

[Redact: S38(1)(b)]

Attached document to Document 3

Fiscal Coordination
14 January 2025

[Redacted: Section 30(b)(i)]

Annex B: Response to SAC's Call for Evidence on The Financing of the Scottish Government

Dear Patricia,

1. I am pleased to have the opportunity to provide evidence to the Scottish Affairs Committee's inquiry into the Financing of the Scottish Government.
2. Scotland's funding arrangements have evolved considerably since the initial devolution of power 25 years ago. In that time Scotland's budget has increased from c. £15 billion¹ in the first year of devolution, to £63.5 billion outlined in the 2025-26 draft Scottish Budget. This growth in part reflects changes to the devolved settlement. While council tax and business rates were devolved to Scotland at the outset, subsequent Scotland Acts have enabled substantial additional fiscal devolution - with the Scottish Government now responsible for setting and administering a range of taxes and social security benefits.
3. The Scotland Act 2012 introduced the power to set a Scottish rate of income tax, and fully devolved taxes on land transactions and waste disposal to landfill, along with arrangements for the creation of new taxes in Scotland. The Scotland Act 2016 provided for further broad and rapid devolution of fiscal powers to Scotland, including rates and bands of Income Tax, Air Passenger Duty, Aggregates Levy and 11 social security benefits. The act was supported by the 2016 Scottish Fiscal Framework agreement, which introduced new borrowing and reserve powers, as well as a 'block grant adjustment' mechanism to offset the transfer of new revenues and expenditure to Scotland. The independent Scottish Fiscal Commission was also created to enable this devolution and provide independent fiscal forecasts and scrutiny of Scotland's fiscal outlook.
4. While this devolution has equipped the Scottish Government with new policy levers with which to serve Scotland, the growth in the scale and complexity of devolved funding arrangements has also exposed the Scottish Budget to greater volatility and fiscal risk, which the Scottish Government is required to manage
5. The Scottish Government believes that independence would deliver the best deal for Scotland – providing control over all public spending decisions, as well as the suite of fiscal powers necessary to unlock Scotland's full economic potential.

¹ Based on historic *Public Expenditure Statistical Analyses* publications - [\[ARCHIVED CONTENT\]](#)
[Public Expenditure Statistical Analyses - HM Treasury](#)

6. However, until such a time as the people of Scotland can choose a different constitutional arrangement, moving to full fiscal autonomy for the Scottish Government would create a fairer system that would protect public services and allow investment in our economy.
7. The Scottish Government outlined its views on full fiscal autonomy in its evidence to the 2014 Smith Commission², when Scotland's devolved fiscal arrangements were last subject to substantial review.
8. Full fiscal autonomy would mean that all onshore and offshore taxes would be designed and set in Scotland, including tax rates, allowances, thresholds and the tax bases. For any reserved taxes, revenues would be assigned to the Scottish budget. At the same time, the Scottish Parliament would also take responsibility for key elements of domestic expenditure, including currently reserved areas of welfare.
9. From the tax revenue raised in Scotland, a direct payment would be made for those responsibilities which remain reserved to the UK Government, including defence, security and foreign policy.
10. As well as a greater range of tax options, this would give the Scottish Government administrative autonomy over the tax system in Scotland. Under these circumstances the Scottish Government could ensure simplicity and transparency in tax arrangements in line with our Tax Strategy, and minimise administrative and compliance burden – for example, by creating opportunities to put in place a simplified and more efficient collection regime.
11. For full fiscal autonomy to work the Scottish Parliament would also need access to economic levers beyond the tax system, such as employment rights and aspects of migration – reflecting the role economic performance plays in driving the level of taxation that the Scottish Parliament will receive through its tax powers.
12. The Scottish Government's position reflects significant issues with current devolved fiscal arrangements, and particularly with the approach taken by the previous UK Government. Even where the new UK Government is not willing to pursue full fiscal autonomy for Scotland, it has the opportunity to agree a set of substantial improvements to devolved fiscal arrangements - including through agreement to fiscal flexibilities that are commensurate to the level of risk the Scottish Government currently manages within its responsibilities. Such powers are essential to manage and smooth the funding volatility and uncertainty which affects our current finance arrangements.
13. The remainder of this note is informed by the Scottish Government's experience managing the devolution of powers outlined above. It provides an overview of issues concerning devolved fiscal arrangements, based on lines of inquiry set out in the call for evidence, and which should be addressed as part of any consideration of how the Scottish Government is financed. I look forward to engaging with the Committee as your inquiry progresses.

The Barnett Formula

14. Within the current constitutional settlement, full fiscal autonomy would be the Scottish Government's preferred option. Where that is not available, the Scottish Government believes the Barnett Formula should remain the broad basis for calculating the block grant. This is in line with the position adopted by the cross-party Smith Commission which advised on the additional fiscal powers devolved as part of the Scotland Act 2016, and which made clear that the Barnett

² [More Powers for the Scottish Parliament - Scottish Government Proposals](#)

Formula should remain the basis for calculating the block grant that underpins the majority of the Scottish Government's funding.

15. That said, while remaining the right principle under current conditions, there are clear issues with the current operation and application of the Barnett Formula and there is considerable scope for improvement. The apparent lack of consideration of the impact of Whitehall and HM Treasury decision making on devolved finances is a real issue. Devolved Governments sit at the very tail end of UK decision-making processes – often contending with extremely late notification of substantial changes in levels of funding and of changes to UK policy that affect devolved finances, including devolved taxes.
16. This is a regular feature of managing devolved finances. In recent years the Scottish Government has experienced substantial changes to funding and tax policy at UK Autumn and Spring fiscal events – affecting the in-year funding position as well as that of the subsequent financial year. In practice, the UK Autumn fiscal event usually only occurs a handful of weeks before the draft Scottish Budget is due to be shared with the Scottish Parliament, leaving limited time for the Scottish Government to work through and accommodate changes. The issue is compounded by the lack of meaningful engagement ahead of UK fiscal events, and the fact that the Scottish Government is usually only made aware of changes to funding and tax policy on the morning of the UK's fiscal event.
17. Devolved Governments also contend with in-year changes in funding continuing throughout the fiscal year, with final funding often only confirmed a few weeks before the end of the financial year via the UK's 'supplementary estimates' process. For example, in budget year 2023-2024, the Scottish Government was notified of additional consequentials five weeks before the end of the budget year. By this time the Scottish Government had already taken difficult in-year decisions to constrain spending plans to ensure a balanced budget could be delivered. Had funding been confirmed earlier, the in-year changes could have been avoided. Instead, given the late notification, the consequentials were carried forward into the following budget year instead of utilising the funds in the year intended. Conversely, in 2022-23 there was late notification of a reduction to the funds for Scottish Government's capital DEL. Late reduction to capital funding causes difficulties for managing contracts, for contractors and for the intended recipients of the infrastructure project. Earlier communication of changes to funding would avoid unnecessary disruption to public services.
18. While the new UKG has expressed a willingness to try and address some of this uncertainty and volatility, a more fundamental and structured response is required. The proposed move to a single fiscal event each year is welcome, but more will be required to ensure timely sharing of funding information and engagement on policy decisions that affect devolved funding.
19. Additional uncertainty stems from the introduction of the powers for UK Ministers to spend in devolved areas as part of the UK Internal Market Act 2020 (IMA). These powers allow the UK Government to make spending decisions without ensuring coherence with existing Scottish Government plans in similar areas. This approach to funding expenditure also allows the UK Government to unilaterally bypass the Barnett Formula. This violates the principle that Devolved Governments should decide devolved spending, and that where it is a devolved responsibility Devolved Governments should lead. The powers under the IMA erode the devolution settlement, blur accountability, and introduce additional uncertainty to the funding process.
20. A further issue is inadequate consideration of (and compensation for) the impact of UK fiscal policy decisions that have an asymmetric budgetary impact on the Scottish Government. This includes the recent changes to Employer's National Insurance Contributions where the level of compensation for the financial impact of the decision falls far short of what is required (with the suggestion that only around £300 million in Barnett consequentials will be provided to compensate for the direct cost impact of this UK policy, despite estimates the costs for the Scottish Government could exceed £700 million). The lack of engagement with the Scottish Government in advance of a material tax policy change to evaluate the impact, and establish the

appropriate compensation, exacerbates volatility in the Scottish budget. The Scottish Budget 2025-26 has had to be set without this crucial information.

21. In summary, it is clear that devolved governments are not properly factored into Whitehall decision making as a matter of routine, which leads to considerable financial uncertainty and volatility, including late and material in-year changes to funding.

The Scottish Fiscal Framework

22. The introduction of the 2016 Scottish Fiscal Framework has reshaped the process for determining a significant share of funding for the Scottish Budget. While enabling tax and social security devolution to Scotland, the framework has also introduced additional complexity and requires the Scottish Government to manage greater fiscal risk and volatility.
23. The Scottish and UK Governments undertook a joint review of the Fiscal Framework in 2023, reflecting on a parliament's worth of experience. The Scottish Government sought a broad scope for the 2023 Fiscal Framework Review, as supported by the Scottish Finance and Constitution and Social Security committees in their joint session 5 report to inform the scope of the Fiscal Framework Review. However, the then UK Government resisted a broad-based review, and the scope for the 2023 review was therefore relatively narrow.
24. Working constructively within this constrained scope, some improvements were secured through the review. For example, the Scottish Government's preferred indexation mechanism for the Block Grant Adjustments (BGA) have been adopted on a permanent basis and borrowing and reserve limits are now indexed in line with inflation.
25. As noted in the Independent Report that accompanied the Fiscal Framework Review, the Fiscal Framework aims to balance risk, reward and fairness to taxpayers on both sides of the border, and BGAs try to achieve this. In judging the effectiveness and appropriateness of different BGA models, the allocation of risk is fundamental. A particular focus for the Scottish Government is whether the transfer of risk to the Scottish Parliament and Scottish Budget is matched by the policy and budgetary levers required to mitigate and manage such risk.
26. This was a fundamental issue for the Scottish Government within the original Fiscal Framework negotiations and informed the Scottish Government's preference for the Indexed Per Capita (IPC) BGA methodology. Adoption of this methodology was key to the Scottish Government's ability to reach agreement in 2016. In the case of population risk, the Scottish Government believes the current IPC BGA arrangements are effective in fully mitigating the impact of differential population growth, in line with the Smith Principle of 'no detriment'.
27. However, more must be done to smooth the in-year volatility facing the Scottish budget. The transfer of risk to the Scottish Parliament following fiscal devolution must be matched by the policy and budgetary levers required to mitigate and manage such risk. The Scottish Government has a significant level of demand led expenditure, which, at a UK Government level, is classified as Annually Managed Expenditure (AME). Ultimately the UK Government has many more levers with which to manage volatility in demand led expenditure, including borrowing. This is in contrast to the Scottish Government which has limited levers to manage volatility and cannot borrow for day-to-day expenditure.
28. Under current arrangements, the Scottish Government can borrow £450 million (in 2023-24 prices) for capital, less than 7% of the Scottish Capital Budget, and has no powers for resource borrowing to support any economic intervention. Instead, current resource borrowing powers are limited to offsetting forecast error, and even then are capped at £600 million (in 2023-24 prices). These resource borrowing powers may be insufficient even within that narrowly defined scope – the latest forecast for the income tax 2023-24 reconciliation is negative £701 million, significantly exceeding the Scottish Government's resource borrowing limit. Moreover, the Scottish Government is required to pay interest on borrowing to cover forecast error, penalising the Scottish Government for something entirely outside of its control.

29. While Scottish Government borrowing powers were improved as part of the Fiscal Framework Review, they remain insufficient to provide the necessary support to the Scottish Economy. With over 90% of the annual capital spending power still based on the Barnett Formula the Scottish Government's ability to fund infrastructure spending remains beholden to UK Government decisions. For this reason, it is imperative that the Scottish Government's Capital Borrowing powers are greatly enhanced, which will also ensure the Scottish Government can maintain economic stimulus even when the UK Government chooses not to do so. The Scottish Government has previously called for arrangements on capital borrowing akin to the 'prudential borrowing' regime that operates for local government across the UK. This would allow the Scottish Government to set borrowing policy based on what is affordable, rather than an arbitrary limit set by the UK Government.
30. There are further technical changes which could be made to the borrowing arrangements to cover forecast errors. There is a strong argument for this to incur no interest cost, or at the very least the tenor lengthened, to ensure that this risk mitigation facility does not become punitive to use.
31. When both Fiscal Framework and National Loans Fund restrictions are taken into account, the effective budgetary burden of resource borrowing is much higher than the interest cost alone. As an example, if the interest rate on borrowing is 4.5% the effective burden on the medium-term resource budget is a repayment rate of over 22% per annum when the profile of all repayments is factored in. It is unclear why the Scottish Budget should be penalised in this way for costs associated with covering forecast error, which is simply a facet of the operation of the Fiscal Framework, and not a result of any action by the Scottish Government.
32. Turning to tax, there is also a strong case for agreeing more permissive arrangements on creating entirely new devolved taxes in Scotland. Under current arrangements, HM Treasury has an effective veto on the creation of new taxes. Moving away from a case-by-case consideration by HM Treasury towards a broader framework setting out the circumstances and conditions within which new devolved taxes could operate would allow Devolved Governments to progress policy development and engagement with stakeholders from a more certain position.

Financial Certainty

33. The current UK timetable for fiscal events exacerbates funding volatility and uncertainty, making financial planning difficult for Devolved Governments. As noted above, in recent years we have seen substantial in-year changes to funding announced at UK Autumn Statements. Even then, final devolved funding positions are not confirmed until the end of the Supplementary Estimates process, often only weeks before the end of the financial year. The scale of late movement in expected funding can be significant.
34. Current UK processes mean that even where some indication of additional funding related to specific policy announcements can be provided, it is not possible to definitively forecast likely final position as consequential are driven by the net change in UK departmental funding, and may be affected by other factors.
35. This uncertainty has had a very real impact on delivery of services and investment in Scotland. In the past two years, based on the funding information available at the time, the Scottish Government has had to implement difficult in-year spending reductions so as to remain on track to deliver a balanced budget. However, in both instances the Scottish Government subsequently received substantial funding uplifts late in the financial year as part of the supplementary estimates process. The unnecessary disruption to public services resulting from this funding volatility is regrettable.
36. The issue is exacerbated by the cap on the Scotland Reserve (set at £700 million in 2023-24 prices). In the event that the Scottish Government were to experience an unexpected windfall and exceeded the reserve cap, it would face the prospect of surrendering funds that should be available to support key public services. The scale of the late in-year changes in funding

experienced in recent years points to this being a real risk. This in turn disincentivises the holding of a contingency.

37. More broadly, the UK Government's inability in recent years to provide multi-year funding settlements for the Scottish Government has added to uncertainty and restricted the Scottish Government's own ability to provide multi-year planning assumptions to key public services. The lack of multi-year funding certainty is a particular hinderance to delivery of public service reform and investment in infrastructure. While the new UK Government's intention to move to a regular framework of multi-year allocations sounds positive, it remains to be seen how this will work in practice and whether it will provide the stability and certainty that is required.
38. Devolved Governments should be provided with funding certainty much earlier in the financial year. Failing that, they should be equipped with the fiscal flexibility necessary to manage and smooth in-year block grant funding volatility and funding pressures when they arise.
39. In summary, while current fiscal devolution arrangements persist, the Scottish Government views that the Barnett Formula and Fiscal Framework should broadly remain the basis for determining funding for the Scottish Budget. However, even while remaining within current arrangements there is considerable scope to improve on how UK Government decision-making impacts devolved funding, and on the fiscal flexibilities available to the Scottish Government to support financial management.