

Joint Ministerial Working Group on Welfare, 12th Meeting

Scotland House, London

Monday 1 April 2019

Chair: Cabinet Secretary for Social Security and Older People

Attending: Secretary of State for Scotland
Secretary of State for Work and Pensions
Minister for Business, Fair Work and Skills
Officials from the Scottish Government, Department for Work and Pensions and the Office of the Secretary of State for Scotland

Items 1&2: Welcome and Introductions, and Minutes and Actions from the previous meeting

1. The Cabinet Secretary for Social Security and Older People (CSSSOP), Shirley-Anne Somerville MSP, welcomed all attendees passing on her thanks to Scottish Government (SG) and the Department for Work and Pensions (DWP) officials for their work to date. CSSSOP noted that this meeting was important to ensure the joint endeavour to devolve social security was a success. Secretary of State for Work and Pensions (SoS DWP), Rt Hon Amber Rudd MP, agreed, and noted that there had been much success in the transfer of powers so far, but there was more to do, to which CSSSOP agreed. Secretary of State for Scotland (SoSS), Rt Hon David Mundell MP, recognised that there was currently a challenging set of parliamentary circumstances at the moment in Westminster but that the UK Government was committed to taking the necessary Orders through the parliamentary process, recognising it was essential for the successful delivery of this joint endeavour .
2. All present noted the minutes of the previous meeting had been agreed and published, and that all actions from that meeting were either complete or included in the agenda of this meeting.

Item 3 a): Social Security: Current delivery activity

3. SoS DWP noted that SG had successfully delivered the Carer's Allowance Supplement and the first phase of Best Start Grant (BSG) with support from her Department. SG are on track to deliver the remaining 2019 timetable with Funeral Expense Assistance and the next phase of BSG, with similar support from the DWP. SG would also implement two new Scottish benefits, that did not have equivalents in England and Wales, namely a Young Carer's Grant and a Job Grant. SoS DWP noted that her Department had agreed to extend its payment and customer service systems to SG to support delivery of Scottish benefits. She confirmed that her Department would continue to support SG in this and other respects, where they can. SoS DWP further noted the importance of considering lessons learned in terms of agreed timings, policy and other assumptions and interdependencies in the delivery of devolved benefits across the two Governments.
4. CSSSOP noted the strong working relationships between officials and the achievements so far. She stated that a great deal could be gained from the lessons learned, including taking reassurance from what had worked well, but also recognising opportunities for improvements in ways of working. CSSSOP stated her particular

interest in the continuity of teams at official level in SG and DWP to enable effective joint working and to avoid information inefficiencies. Given the DWP intention to rotate the staff involved in benefit devolution, CSSSOP committed SG officials to assisting DWP staff members in upskilling on devolution awareness if required. Awareness raising sessions for DWP staff were offered if both parties felt it necessary. These sessions would cover the devolved settlement, and the SG experience of successful ways of working with DWP in support of the Scottish benefits delivered hitherto.

5. CSSSOP agreed with SoSS on the importance of meeting SG's timetable for 2019, citing the section 63 Job Grant Order as a priority. CSSSOP stated that the delay of the passage of the Order through Westminster Parliament would have operational implications for the SG's social security programme. SoSS committed to ensuring the passage of this Order was expedited, advising that he would speak to the Advocate General about the timetable.

Action Point 01: SoSS to speak to the Advocate General about the timetable for the section 63 Job Grant Order, in order that it is treated as a priority.

6. DWP and SG officials gave a presentation on the implementation of the devolution of social security over the past year, and on collaborative working between the teams. In discussion, CSSSOP noted the importance of contingency planning and that this was now well-embedded. There was also a discussion on information sharing.
7. The Job Grant Order was discussed further. CSSSOP noted that the SG was currently undertaking a public consultation (NB: this ended on 9 April) but it would not affect the fundamental policy. SoSS noted that, subject to clarification from SG, the Order was expected to be laid in September, to ensure that it comes into force in line with SG's planned introduction date.
8. SoSS raised the timetable for a further section 93: Scotland Act 1998 (Agency Arrangements) (Specification) Order covering possible future agreements. SG officials noted that an in-principle agreement had been secured to a further Order being developed and that they would confirm the timetable, content, scope and coverage in due course in conjunction with DWP and the Office of the Secretary of State for Scotland (OSSS).

Action Point 02: SG to confirm with DWP and OSSS the timetable, content, scope and coverage of an Order under section 93 of the Scotland Act 1998.

Item 3 b): Social Security: Future design, planning and legislation

9. CSSSOP referred to her statement to the Scottish Parliament on 28 February detailing the next phase of devolution of social security, she had offered a telephone discussion prior to making the statement but SoS DWP had been unable to take it up. CSSSOP explained that it was worth taking the time to get the delivery of the devolved benefits right and that the priority was a safe and secure transfer of powers. She stressed that, for the future, a joint understanding of the timescales and what the respective Governments needed to put in place to deliver the programme was key, including what a delay to the DLA to PIP migration would mean for the devolved benefits.

10. SG and DWP officials gave a presentation on the plans and timetable for the next phase of devolution of social security benefits, in particular highlighting the launch of the Scottish equivalents of Attendance Allowance in 2020; Disability Living Allowance for Children (DLA) in 2020; and Personal Independence Payments (PIP) in 2021. CSSSOP noted that the next phase would see a step change in SG delivery, and that the challenge would be to ensure that the step-up was done correctly. She noted that SG applied an Agile methodology and, as a result, work is progressing iteratively, but at pace, and without compromising safe and secure delivery. She said it was important that both Governments took account of how each other worked, and recognised that the legacy systems had been developed under a less flexible 'Waterfall' process. She noted that Universal Credit adopted an agile approach and there may be lessons, in terms of how the SG and DWP work together going forward, in how the DWP made the different process, governance and working arrangements for Universal Credit and legacy benefits operate effectively. CSSSOP asked that in the interests of joint planning DWP should provide information about what they need from the SG, why, and when.

Action Point 03: DWP officials to share with SG officials their experience and lessons learned on the interaction between Agile and more traditional methods of development used for the legacy system.

Action Point 04: To facilitate joint planning DWP to provide SG with details of any information they require, when it is needed and why it was required.

11. SoS DWP agreed that implementation was going well. CSSSOP and SoS DWP noted the importance to avoid misinterpretations and misunderstandings in the press in the future, given that this is very much a joint endeavour.
12. CSSSOP noted the importance of shared understanding and accurate information to allow officials to work collaboratively. For example, in regard to case transfers SG could learn from DWP about the complexities of this from their experiences to date.
13. SoSS asked CSSSOP about pinch points in the plan. He noted that Scottish Parliament elections were taking place in May 2021, with the UK Parliament on a different timescale. SoSS asked if this had been factored into the plans; officials concurred that they had been. CSSSOP noted that the programme was complex, with many pinch points, including those linked to electoral cycles. She noted that the programme was highly challenging and that any delays would cause effects down the line as there would be a much greater risk if the timetable was compressed. Currently there was considerable parallel working with fire breaks built in for learning between the delivery of the benefits. It was important that all parties have a shared understanding of such critical pinch points, and their impact.
14. SG officials noted that Disability Assistance for Working Age People would replace Personal Independence Payments in early 2021 for new claims and that the impact that this will have on Scottish citizens must be considered. CSSSOP encouraged officials to show at the next meeting how lessons learned around the interaction between Agile and more traditional methods of development were being taken forward. CSSSOP noted that both Governments needed to ensure an easy flow of information on both sides, and that effective processes were in place to facilitate this, ensuring that dependencies are appropriately mitigated.

Action Point 05: Officials to present at next meeting how lessons learned around the interaction between Agile and more traditional methods of development were being taken forward.

Item 4: Employment Programmes

15. The Minister for Business, Fair Work and Skills (MfBFWS), Jamie Hepburn MSP, stated that Fair Start Scotland had been launched nearly a year ago to the day, and was progressing successfully, thanking Jobcentre staff for their efforts. MfBFWS noted that referrals from Jobcentre Plus were broadly where we expected them to be at this point in time, but advised that SG wanted to use their data to understand variations in referral patterns between Jobcentres, and asked for DWP support on this. MfBFWS noted he was grateful to have engaged with Work Coaches and visited Jobcentres to support this work. SoS DWP noted that variations are a feature of this type of work: local factors often affected take up. MfBFWS noted that there had been awareness sessions for 1,500 Work Coaches and senior leaders in Jobcentre Plus involving SG, contracted providers and DWP officials in early 2018. He believed that further direct contact with Work Coaches could be useful to address some of the variation, and asked for support to deliver a further round of awareness. DWP officials welcomed contact with providers to explain and promote their services to Work Coaches. SoS DWP noted that the programme has been a success and was testament to the successful working relationship between SG and DWP.
16. The meeting discussed the planned communications campaign to celebrate the first anniversary of Fair Start Scotland, including a podcast for Jobcentre staff featuring MfBFWS. MfBFWS noted that SG was also working with the NHS and third sector organisations to reach eligible groups who do not normally come into contact with Jobcentre Plus.
17. SoS DWP asked how SG planned to evaluate Fair Start Scotland. MfBFWS noted that SG had to date published two sets of statistics, most recently in February 2019 covering the first three quarters of the year, with 7,000 people starting the programme. The next, to be published in May 2019, would cover the first full year of delivery, and would include job outcome statistics as well as referrals and starts.
18. In terms of broader employability policy activity, MfBFWS noted that in December SG had signed a joint agreement with COSLA to ensure greater alignment between employability initiatives at a local government level, and that he was keen to include Jobcentre Plus in future alignment discussions. SoS noted that the UKG and COSLA have a close relationship, and joint initiatives such as this could help to strengthen that further.
19. MfBFWS discussed Specialised Employment Support (SES), noting that contracted employment provision of this sort is devolved under the Scotland Act 2016, and reminded SoS DWP that he has pushed for clarity on the fiscal settlement at a number of previous JMWWG meetings, stressing that the situation is now urgent. DWP officials outlined the funding situation on the replacement for this programme in England and Wales, and MfBFWS reflected on the implications for SG. MfBFWS also welcomed the “Warm Handover” approach applied by Jobcentre Plus in certain intensive support

programmes, and wondered if it might be extended to Fair Start Scotland and incorporated into any successor to SES in Scotland.

Action Point 06: Scottish Government to confirm in writing to DWP Ministers that Scottish Ministers want IPES employment programme funding for the current financial year (19/20) devolved, on the understanding that funding for future years is subject to the upcoming Spending Review and funding transfers cannot be agreed until the Spending Review is concluded.

Item 6: AOB

20. CSSSOP raised the issue of split payments of Universal Credit. She thanked SoS DWP for the response from her officials to SG's options for splitting payment of Universal Credit between members of a household. SoS DWP committed to providing more detail on the delivery challenges in relation to option 2 so that CSSSOP could share it with key stakeholders who had been working with the SG to develop the proposals. It was also agreed that SG and DWP officials would work together to develop option 1 further with the aim of meeting SG policy intentions, representing good value for money and being operationally deliverable.

Action Point 07: DWP to provide more detail on the delivery challenges presented by SG option 2 on split payments of Universal Credit.

Action Point 08: DWP and SG to take forward the work on split payments of Universal Credit.

CSSSOP closed the meeting

ENDS

Action Point Summary:

Action Point 01:	SoSS to speak to the Advocate General about the timetable for the section 63 Job Grant Order, in order that it is treated as a priority.
Action Point 02:	SG to confirm with DWP and OSSS the timetable, content, scope and coverage of an Order under section 93 of the Scotland Act 1998.
Action Point 03:	DWP officials to share with SG officials their experience and lessons learned on the interaction between Agile and more traditional methods of development used for the legacy system.
Action Point 04:	To facilitate joint planning DWP to provide SG with details of any information they require, when it is needed and why it was required.
Action Point 05:	Officials to present at next meeting how lessons learned around the interaction between Agile and more traditional methods of development were being taken forward.
Action Point 06:	Scottish Government to confirm in writing to DWP Ministers that Scottish Ministers want IPES employment programme funding for the current financial year (19/20) devolved, on the understanding that funding for future years is subject to the upcoming Spending

	Review and funding transfers cannot be agreed until the Spending Review is concluded.
Action Point 07:	DWP to provide more detail on the delivery challenges presented by SG option 2 on split payments of Universal Credit.
Action Point 08:	DWP and SG to take forward the work on split payments of Universal Credit.