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Dr Sally Witcher OBE
Scottish Commission on Social Security
Area 1C South
Victoria Quay
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25 June 2021

Dear Dr Witcher

I enclose a copy of the draft Suspension of Assistance (Social Security) (Scotland) Regulations, made under sections 51 and 79 of the Social Security (Scotland) Act 2018. I am pleased to provide SCoSS with the formal request for scrutiny of these draft regulations.

As you know, the Scottish Government brought forward an amendment at Stage 2 of the passage of the Social Security Administration and Tribunal Membership (Scotland) Bill, to allow for the suspension of assistance in prescribed circumstances. Our high-level approach was informed by carefully considering the views of stakeholders, with a particular emphasis on not using suspensions punitively, as well as ensuring appropriate safeguards.

These Regulations set out in detail how we propose suspensions should operate within the Scottish social security system. As noted during the passage of the Bill, our view is that suspension for failure to provide information should be used as a last resort, where all other attempts to engage with a client have failed.

The power to suspend is also essential to help protect clients from economic or financial abuse, by allowing the individual to request the temporary suspension of payment. We also intend that Social Security Scotland will exercise the power to suspend in the small number of situations in which an appointee is no longer able, or suitable to act on behalf of an individual.

I also provide with the Regulations an explanatory note to assist SCoSS with their recommendations, a policy note and accompanying draft impact assessments. It may be helpful to note our intention to publish these regulations week commencing 21 June, and I have sent a copy to the Social Justice and Social Security Committee with the associated papers and documents.

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I would be grateful if SCoSS could provide me with its report by 2 August 2021 in order to support laying these regulations before Parliament on 13 September, so that the provisions will come into force at the same time as the national launch of Child Disability Payment. I appreciate this timetable does not provide as much time as is usual for scrutiny. My officials stand ready to discuss any interim arrangements that may be necessary should it not be possible to provide a report within that timetable.

I am grateful for the constructive way in which stakeholders have helped us to formulate our position on the suspension of assistance, ensuring that we build upon our aims of dignity, fairness and respect. I am also grateful to SCoSS for scrutinising these proposals, which will be key to ensuring that we achieve those aims for the social security system in Scotland.

Kind regards



BEN MACPHERSON

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