

T: 0300 244 4000
E: scottish.ministers@gov.scot

Neil Gray MSP
Convener
Social Justice and Social Security Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

25 June 2021

Dear Neil

I am writing to inform you that today the Scottish Government sent the draft Suspension of Assistance (Social Security) (Scotland) Regulations, made under sections 51 and 79 of the Social Security (Scotland) Act 2018, to the Scottish Commission on Social Security (SCoSS). I am pleased to provide the committee with sight of these regulations.

The Scottish Government brought forward an amendment at Stage 2 of the passage of the Social Security Administration and Tribunal Membership (Scotland) Bill in 2020, to allow for the suspension of assistance in prescribed circumstances. Our high-level approach has been informed by carefully considering the views of stakeholders, with a particular emphasis on not using suspensions punitively, as well as ensuring appropriate safeguards are in place.

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 have asked SCoSS to 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.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020



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

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



INVESTORS
IN PEOPLE

Accredited
Until 2020

