

Joint Ministerial Working Group on Welfare, 9th Meeting

Scotland House, London.

Monday 22 January 2018. 1100 – 1230

Chair: Secretary of State for Scotland, Rt Hon David Mundell MP

Attending: Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance MSP

Secretary of State for Work and Pensions, Rt Hon Esther McVey MP

Minister for Employability and Training, Jamie Hepburn MSP

Minister for Social Security, Jeane Freeman MSP

Also in attendance: Rachel Irvine (SO) Lisa Baron-Broadhurst (SG)
Ben Wilkins (SO) Mary Pattison (DWP)
Victoria Jones (SO) Andrew Latto (DWP)
Stephen Kerr (SG) Teresa McHugh (DWP)
Ann McVie (SG) Chloe Clark (DWP)
Dominic Munro (SG)

Item 1: Welcome and Introductions

1. Secretary of State for Scotland (SoSS) welcomed everyone to the meeting and made introductions, including the new Secretary of State for Work and Pensions (SoS DWP) who was attending for the first time.
2. SoSS outlined that the UK Government (UKG) approach to the meeting remains unchanged and that he values the open discussion and chance to work together on practical issues. SoS DWP was in agreement.
3. Cabinet Secretary for Communities, Social Security and Equalities (Cab Sec CSSE) welcomed the commitment from UKG Ministers and the reassurance that this would continue. She agreed that the Joint Ministerial Working Group on Welfare (JMWGW, 'the Group') was a good forum for detailed, face to face discussion and that 2018 would be an important year in the implementation of the social security and employability powers in the Scotland Act 2016.

Item 2: Minutes and actions from the previous meeting

4. SoSS noted the minutes from the previous meeting of the Group were agreed and published, stating all actions from that meeting had either been completed or were covered by the agenda for this meeting.

Item 3: Social Security Bill

5. Minister for Social Security (MfSS) provided an update on the Social Security (Scotland) Bill ('the Bill'), explaining that it would shortly begin Stage 2 which could be expected to end in mid-to-late March. Stage 3 would follow after the Easter recess. SoSS asked about royal assent, which MfSS said could be expected around May, though this was dependent on the final scheduling dates for Stage 2 & 3 of the Bill.
6. MfSS continued that a number of principles had been included in the Bill and that these would be written into a charter; giving people a clear understanding of their rights and their expectations of the Scottish Government (SG), and what they can do if these are not met. The charter will be published by the time the wave 1 benefits start to be delivered, and the findings of the social security experience panels will feed into this.
7. MfSS outlined that one amendment to the Bill is to set up a Scottish Commission on Social Security, which will be in some ways similar to the Social Security Advisory Committee (SSAC). This will be independent, with Ministers required to consult with the Commission on proposals for regulations. It will also be required to review the Scottish social security system with respect to the charter and other human rights instruments. MfSS was keen to see cross-working between the Commission and the SSAC. The Commission is not intended to be there to directly support individual redress or complaints; The Public Service Ombudsman will fulfil this role.
8. Turning away from the Bill, MfSS asked if there was any update the UKG could give on the request by the SG regarding the Job Grant. SoSS confirmed that an Order under Section 63 of the Scotland Act 1998 was under active consideration as a way forward, as had been used previously with regard to Discretionary Housing Payments. He hoped for a resolution soon.
9. Cab Sec CSSE said she appreciated the work being undertaken in relation to the request of a Section 63 Order and whilst taking a pragmatic approach, she stated that it is important progress is made on this and as quickly as possible .
10. SoS DWP explained she was minded to move forward, following internal clearance processes which SoSS outlined. SoSS and Cab Sec CSSE agreed this was symbolic of the way the Group has resolved issues and the way the Group can work to support each other.
11. Turning to housing elements of Universal Credit (UC) in Scotland, MfSS noted this was another area where the Group has worked together and found a way forward, and that officials from both Governments continue to work on this. MfSS stated that the SG's preferred implementation date was spring 2019. **Action 9.1: DWP to complete scoping and prioritisation work and liaise with SG where this relates to the housing element in UC in Scotland.**
12. MfSS also sought confirmation that the necessary DWP legislative changes are in hand around the elements of the Social Fund in Wave 1. SoS DWP confirmed

that they were and said that, for forthcoming changes, such as in the case of disability benefits, further information and detail is needed from the SG to progress any necessary legislative and operational changes, if we are to be able to try and meet their proposed timescales

13. As a general point, SoSS noted that the UK Parliament would be very busy due to the amount of legislation relating to exiting the European Union. It is necessary for the UKG to be given sight of any requests for Orders, or similar, as soon as possible. It was also noted that it was important that officials have a common expectation on timetables.
14. Concluding this section of the agenda, SoSS asked about the timetable leading to the April 2020 deadline for transfer of executive competence for benefits devolved under the Scotland Act 2016. MfSS said the SG were still working to that timetable, though with a General Election no longer due in 2020 and that was a rationale for the agreement to combine competence by that date, it would be worth officials having exploratory discussions on whether moving to a 2021 date would be more appropriate. This was now the first expected date for Parliamentary elections in either Scotland or the UK. **Action 9.2: SG and UKG officials to explore implications of different deadlines for executive competence transfer, without prejudice to current agreed date.**

Item 4: Devolved Employability Programmes

15. Minister for Employment and Training (MfET) provided an update on the SG's employability programmes. Since the last meeting, contracts have been awarded for Fair Start Scotland and figures for the interim programmes published in the autumn showed they were on target for overall referral numbers. MfET wished to place on record the considerable support from Jobcentre Plus with these programmes, and moving forward to Fair Start Scotland he hoped that this would continue, helped by the Joint Operating Framework for Employability (JOF for Employability).
16. SoSS and SoS DWP also praised the work of DWP staff in Scotland, with SoS DWP expressing a desire to ensure learning is taken from this.
17. Cab Sec CSSE supported the principle of the JOF for Employability, adding that this framework does not apply within a social security context, and making clear that there is an important distinction to be made between social security and employment support.
18. SoS DWP and MfET closed by acknowledging the differences in approach to employability programmes between the UKG and SG, and that was why it was positive to have the JOF for Employability and the officials groups within it.
19. All Ministers agreed the Terms of Reference for the JOF for Employability.

Item 5: Wave 1 update and post wave 1 future planning

20. MfSS set out that upon receiving royal assent for the Social Security (Scotland) Bill, the SG will commence the relevant sections and assume executive competence for Carer's Allowance, Best Start Grant (to replace the Sure Start Maternity Grant) and Funeral Expense Assistance (to replace Funeral Expenses Payment). The SG will also introduce a Carer's Allowance Supplement. The SG plan for the Carer's Allowance Supplement to be delivered from summer 2018, with the Best Start Grant and Funeral Expense Assistance by summer 2019.
21. MfSS continued that work on the two priority Scottish flexibilities, now referred to as the 'UC Scottish Choices', which offer people the option of twice monthly payments and direct payment of their housing cost to their landlord, was successfully introduced for new claims on 4 October 2017, and will be extended to existing claimants in full service areas from 31 January. The SG is now turning to how best to deliver split payments of the UC award between members of a household. Officials have engaged with a wide range of stakeholders, including women's groups, to seek their views, and also had initial discussions with DWP officials. Split payments was clearly more complex than the first two choices and more detailed discussions between the SG and DWP about what was technically possible, a timetable for delivery and cost would be required..
22. MfSS also noted that she was due to appear before the Work and Pensions Select Committee of the UK Parliament on 24 January 2018 to discuss UC Scottish Choices.
23. SoSS asked about future plans. Looking ahead, MfSS said that the SG would progress work on plans for the remaining benefits devolved under the Scotland Act 2016 and share these with UKG following SG ministerial agreement.
24. A minor change to a previous paper on Agency Agreements was agreed by all Ministers.

Future Joint Ministerial Working Group on Welfare Meetings

25. Cab Sec CSSE suggested that it would be sensible to have a sense check on the format and nature of the meetings of the Group. The JMWGW was a process which she values; an opportunity for face to face discussion and a safe place to work through issues. The JMWGW as a forum has worked well; in areas of agreement, good progress has been made and where there are differences the discussion has been helpful. There is no desire to change the Terms of Reference, and Cab Sec CSSE felt that aiming for four meetings a year was appropriate.
26. SoSS reflected that he had been part of the instigation of the group and had always found it very useful, both for the exchange of views and to support official contact around the meeting. SoSS praised the work of officials which helped flush out the issues for the Group to address, and also felt the Group should continue as it is.

27. SoS DWP also supported the continuation of the Group and felt that the current programme gave it an appropriate pace.

Any Other Business

28. Two items were discussed under any other business.

29. MfET outlined that support had been given in principle for the Specialist Employability Support programme to be devolved to the SG, but no final decision had been communicated for some time. MfET stated this had been discussed at a previous meeting of the Group and by Ministerial correspondence and he is seeking definite progress on this and certainly before the next meeting of the group. He explained that there were practical issues if the SG were to successfully have measures in place in time. **Action 9.3: DWP to respond to SG regarding the Specialist Employability Support as a matter of urgency.**

30. SoS DWP noted, as with MfSS appearing before the Work and Pensions Select Committee, her predecessor had been invited to appear before the Social Security Committee of the Scottish Parliament. This was an invitation she would accept, and her office were seeking to arrange a date for this.

31. Cab Sec CSSE welcomed this and also felt that this would be welcomed by both Parliaments.

32. SoSS closed by suggesting the next meeting should be between the UK and Scottish Parliament Easter and Summer recesses, in Scotland, and with Cab Sec CSSE to chair. All Ministers were in agreement. **Action 9.4: SO to liaise with SG and DWP regarding the timing and arrangements for the next meeting.**

ENDS