

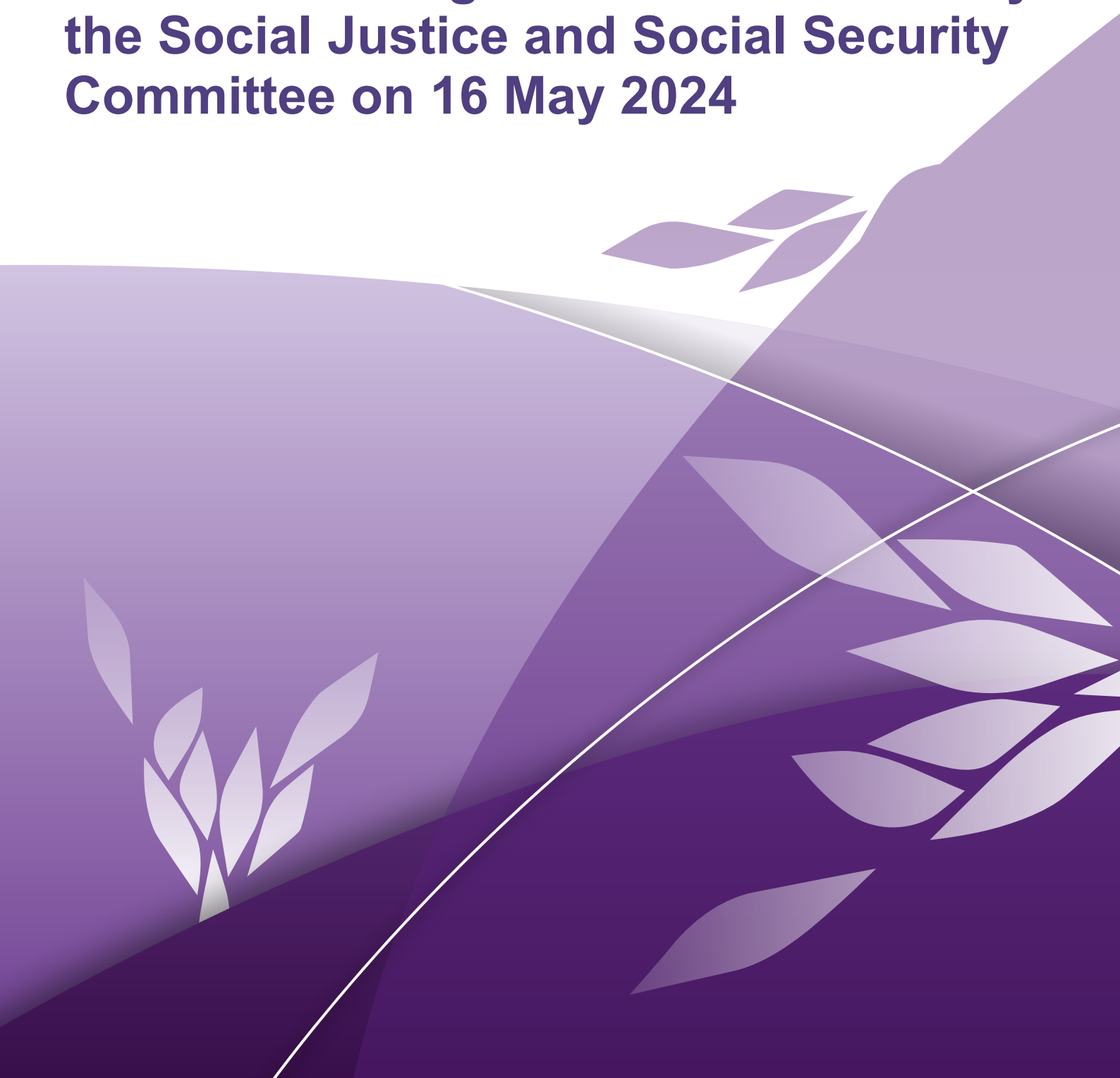


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Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 16 May 2024



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Contents

Introduction	1
About the instrument	2
Consideration by the DPLR Committee	3
Consideration by the Social Justice and Social Security Committee	4
Recommendation	6

Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights.



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Introduction

1. This report concerns [the Disability Assistance for Older People \(Scotland\) Regulations 2024](#), laid before the Parliament by the Scottish Government on 17 April 2024. The instrument, which was laid in draft, is subject to the affirmative procedure – which means it cannot be made unless it has been approved by a resolution of the Parliament.
2. It is for the Social Justice and Social Security Committee, as lead committee, to decide whether or not to recommend approval.

About the instrument

3. These draft Regulations set out the rules and eligibility criteria for the Pension Age Disability Payment (PADP) under the powers given to the Scottish Ministers at section 31 of the [Social Security \(Scotland\) Act 2018 \(the "2018 Act"\)](#).
4. According to the Scottish Government's [Policy Note](#), PADP will be the Scottish equivalent to the Department for Work and Pensions' Attendance Allowance and will be delivered by Social Security Scotland. It is a form of assistance to provide financial support to individuals "who are over State Pension age" with additional costs related to their care needs, arising from a disability or health condition(s).
5. The Scottish Government states that the policy is to keep almost all rules the same as Attendance Allowance but make improvements to administrative processes.
6. The Regulations are made up of 18 paragraphs covering a range of provisions such as:
 - transfer of awards of Attendance Allowance from the Department for Work and Pensions (DWP) to Social Security Scotland
 - the Scottish definition of terminal illness
 - provisions in relation to individuals who move from Scotland to another part of the United Kingdom, or who move to Scotland.
 - provisions around short-term assistance.

Consideration by the DPLR Committee

7. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament's standing orders.
8. The DPLR Committee considered this instrument at its meeting on [30 April 2024](#) and agreed that it did not need to be drawn to the Parliament's attention on any of the reporting grounds.¹

Consideration by the Social Justice and Social Security Committee

9. At its meeting on [9 May 2024](#), the Committee took evidence from the Scottish Commission on Social Security, Age Scotland and Independent Age on the draft regulations. ² Witnesses told the Committee they hoped the regulations would make the experience of applying for PADP better than applying for Attendance Allowance.
10. Issues discussed included:
 - the need to review PADP two years after case transfer for its alignment with the social security principles and possibilities for change
 - the potential for a mobility component to act as ‘preventative spend’
 - the importance of encouraging take-up, suggesting that working with other public agencies, such as local authorities, would help.
11. The Committee also received written evidence from [Age Scotland](#) and [Independent Age](#).
12. At its meeting on [16 May 2024](#), the Committee took evidence on the instrument from the Cabinet Secretary for Social Justice (the Cabinet Secretary) and officials.
13. The Cabinet Secretary stated that PADP was being piloted in Argyll and Bute, Highlands, the Orkney Islands, City of Aberdeen and the Shetland Islands and that the case transfer from Attendance Allowance to PADP was on track to be completed by December 2025. ³ (09.06) She added that once the transfer is complete, the Scottish Government will look at opportunities for improvement in line with the social security principles, as set out in the 2018 Act. ⁴
14. Members enquired about the possibility of adding a mobility component to PADP in the foreseeable future. The Cabinet Secretary explained that the Scottish Government has done some feasibility work on this matter and found it would be too expensive to introduce a full mobility component and therefore had no plans to do so. She added that there are other forms of additional support claimants can access such as free bus travel, including a companion bus pass, free personal care support and the Blue Badge scheme. ⁵
15. The Committee heard from stakeholders that the application process could be daunting for some people. In response to these concerns, the Cabinet Secretary said that the Scottish Government has taken a different approach from DWP and is working on an inclusive application process with local delivery teams also available to support claimants. She added that the application forms are still a work in progress and the focus is more on content than length. They are being developed in a co-design approach and contain elements such as examples and images that people have asked for. ⁶
16. Members wanted to know how eligible people will be encouraged to take up this

new benefit. The Cabinet Secretary stated that as well as a simpler and more dignified application system and support from local delivery teams in community venues and people's homes, the Scottish Government is developing an action plan to reach seldom-heard groups.⁷

17. Following the oral evidence, the Cabinet Secretary moved motion [S6M-12904](#) — that the Social Justice and Social Security Committee recommends that the Disability Assistance for Older People (Scotland) Regulations 2024 [draft] be approved.
18. The motion was agreed to.

Recommendation

19. Accordingly, the Committee recommends to the Parliament that the draft Disability Assistance for Older People (Scotland) Regulations 2024 be approved.

Social Justice and Social Security Committee

Subordinate Legislation considered by the Social Justice and Social Security Committee on 16 May 2024, 6th Report, 2024 (Session 6)

- 1 [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 30 April 2024](#)
- 2 [Social Justice and Social Security Committee, Official Report, 9 May 2024](#)
- 3 [Social Justice and Social Security Committee, Official Report, 16 May 2024, Col 2](#)
- 4 [Social Justice and Social Security Committee, Official Report, 16 May 2024, Col 4](#)
- 5 [Social Justice and Social Security Committee, Official Report, 16 May 2024, Col 8](#)
- 6 [Social Justice and Social Security Committee, Official Report, 16 May 2024, Col 12-13](#)
- 7 [Social Justice and Social Security Committee, Official Report, 16 May 2024, Col 16-17](#)

