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Social Justice and Social Security Committee

Annual Report of the Social Justice and Social Security Committee 2023 to 2024



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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.

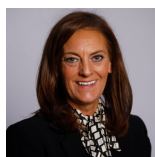


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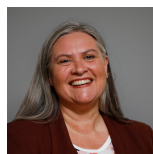
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Infographic Summary

Committee Meetings and Engagement



Evidence Sessions



Inquiries

Child poverty and parental employment

102



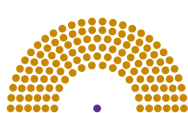
Submissions received

10



Evidence sessions

14 March 2024



Chamber debate

Legislation

3



Bills considered

12

Scottish Statutory Instruments

5

Affirmative

7

Negative

1

Legislative Consent Memorandums

Source: Scottish Parliament

Introduction

1. This report outlines the work of the Social Justice and Social Security Committee ("the Committee") during the Parliamentary year from 13 May 2023 to 12 May 2024.
2. The Committee looks at subjects such as:
 - the Scottish Government's policies on welfare, poverty and homelessness
 - the social security system in Scotland
 - homelessness
 - violence against women and girls and domestic violence
 - refugees and asylum
 - social justice (looking at ways to create a fairer Scotland)
 - third sector including social economy and the Office of the Scottish Charity Regulator (OSCR).
3. There were several changes to the Committee's membership during the Parliamentary year:
 - Gordon MacDonald (Deputy Convener) was replaced by Bob Doris on 29 June 2023. Bob Doris became Deputy Convener on 7 September 2023.
 - Miles Briggs was replaced by Roz McCall on 29 June 2023.
 - James Dornan was replaced by John Mason on 31 October 2023.

Meetings

4. The Committee held 35 meetings over this period. Two meetings were held entirely in public and two meetings were held entirely in private. There were 31 meetings where some items were taken in private. The reasons for taking business in private were to consider the Committee's work programme, draft reports or letters, or to consider the evidence heard earlier, in public, during the same committee meeting.
5. The Committee also held three joint meetings with the Health, Social Care and Sport Committee and the Criminal Justice Committee on Tuesday 26 September 2023, Thursday 2 November 2023 and Wednesday 2 May 2024. All three joint meetings were held partly in private (to review evidence heard, in public, earlier in the meeting).
6. The Committee heard from 124 witnesses. These witnesses represented 76 different organisations.

Legislation

7. The Committee has considered three Bills and 12 items of secondary legislation during this reporting year.

Bills

Charities (Regulation and Administration) (Scotland) Bill

8. The Committee completed Stage 2 of the [Charities \(Regulation and Administration\) \(Scotland\) Bill](#) on 1 June 2023.
9. Stage 3 proceedings took place on 28 June 2023 and the Bill became law on 9 August 2023.

Scottish Employment Injuries Advisory Council Bill

10. The [Scottish Employment Injuries Advisory Council Bill](#) was introduced by Mark Griffin MSP (the Member in Charge) on 8 June 2023. The Bill aimed to create an independent Scottish Employment Injuries Advisory Council (the Advisory Council) with three functions, namely to:
 1. scrutinise regulations on Employment Injury Assistance (EIA)
 2. report on any matter relevant to EIA
 3. carry out, commission or support research into any matter relevant to EIA.
11. The Bill also included provision on the membership and membership balance of the Advisory Council, including the representation of workers on the Council.
12. The Committee ran a consultation on the Bill from 3 July 2023 to 11 September 2023. The consultation received 35 written responses. Of the 35 written submissions, 26 were from organisations and nine were from individual members of the public.
13. The Committee took evidence on the Bill at Stage 1 at its meetings on 9 November, 16 November, 23 November, 30 November, and 7 December 2023.
14. The Committee's Stage 1 report, published on 11 January 2024, did not support the general principles of the Bill. The Cabinet Secretary for Social Justice responded to the Stage 1 report on 22 January 2024.
15. The Stage 1 debate took place on 18 April 2024. The Parliament voted against the Bill and it fell.

Social Security (Amendment) (Scotland) Bill

16. The [Social Security \(Amendment\) \(Scotland\) Bill](#) was introduced on 31 October 2023. The purpose of the Bill is to amend the framework legislation for Scottish social security established by the Social Security (Scotland) Act 2018. The 2018 Act sets out the over-arching principles, the types of benefits that can be created and much of the administrative detail. Of particular relevance for this Bill are the provisions on:
- creation of the framework for introducing new social security benefits for children and care experienced people and regulations to change the legislative footing of the Scottish Child Payment
 - changes to the processes for making and challenging decisions about social security assistance in Scotland
 - changes to the rules for late applications for assistance, especially when a delay relates to COVID-19
 - changes to the processes where individuals and/or their representatives must pay back assistance received in error
 - allowing information about claimants to be gathered for auditing purposes
 - creating a process for the recovery of compensation payments to be paid to the Scottish Government to cover the amount of assistance a person has received for the same accident, injury or illness
 - changing the legal form of the Scottish Commission on Social Security and giving it more duties
17. The Committee ran a consultation on the Bill from 13 November 2023 to 16 January 2024. The consultation received 27 written responses, 26 from organisations and one from an individual member of the public.
18. The Committee took evidence on the Bill at Stage 1 at its meetings on 7 March, 14 March, 21 March, 28 March and 18 April 2024.
19. The Committee published its Stage 1 report on 14 May 2024. The Committee supported the general principles of the Bill.

Housing (Scotland) Bill

20. The [Housing \(Scotland\) Bill](#) was introduced on 26 March 2024. The Bill makes changes covering protections for tenants, preventing homelessness, and other housing matters.
21. The Local Government, Housing and Planning Committee has been designated as the lead committee for Stage 1 consideration of the Bill, with the Social Justice and Social Security Committee as a secondary committee. The Committee will consider Part 5 and Part 6 of the Bill.

- Part 5 makes provision about homelessness prevention including duties of relevant bodies and assessment of housing support services and tenants affected by domestic abuse.
 - Part 6 makes provision about other housing matters including mobile homes, fuel poverty and disclosure of information to the new homes ombudsman. The Committee will scrutinise the social justice aspects of the provisions related to fuel poverty.
22. A joint consultation on the Bill ran from 19 April to 17 May 2024. The Committee intends to take evidence on the Bill in June.

Subordinate legislation

23. Consideration of draft regulations forms an important part of the Committee's work. The Committee considered 12 Scottish Statutory Instruments during this reporting year (five affirmative, seven negative).
24. Draft regulations for each new Scottish social security benefit are subject to a “super-affirmative” procedure – consideration of (and often consultation on) proposed draft regulations, enabling amendments to be made before draft regulations are laid. The Scottish Commission on Social Security (SCoSS) undertakes this pre-Parliamentary scrutiny and publishes its findings and recommendations in reports to the Scottish Government. The Scottish Government must then publish its response to the SCoSS report when laying regulations.

Legislative Consent Memorandums

25. The legislative consent memorandum (LCM) process enables the Scottish Parliament to signal whether it agrees to the UK Parliament legislating on matters devolved to the Scottish Parliament or legislating to alter the legislative competence of the Parliament or the executive powers of the Scottish Ministers.
26. The Committee considered one LCM during the reporting year on the following Bill:
- [Data Protection and Digital Information Bill](#)

Inquiries/case studies

Child poverty and parental employment

27. The Committee's work on the [inquiry](#) started in the period 13 May 2022 to 12 May 2023.
28. Following visits to Rutherglen, North Ayrshire and the Western Isles, the Committee conducted several meetings where oral evidence was taken for the inquiry. These meetings were held on 25 May, 8 June, 15 June, 22 June, 29 June , 7 September and 14 September 2023.
29. The Committee published its report titled "Addressing Child Poverty Through Parental Employment" on 23 November 2023.
30. The Scottish Government responded to the Committee's report on 22 January 2024.
31. A debate on the issue addressed in the report took place in the Chamber on 14 March 2024.

Reducing drug deaths in Scotland and tackling problem drug use

32. As part of a joined-up approach to [tackle drug harm](#), the Criminal Justice, Health, Social Care and Sport, and Social Justice and Social Security Committees have met jointly since February 2022, to consider the efforts being made to reduce drug deaths. This approach reflects the need to consider aspects of the criminal justice system, as well as health policies and wider social and economic matters such as poverty, unemployment, unstable housing, and family breakdown.
33. Alongside broader social justice aspects, the Committee is therefore specifically interested in whether policies are having their intended impact, especially in areas of higher deprivation.
34. Members of the three committees met three times during the reporting year. They met on 26 September and 2 November 2023, and on 1 May 2024.
35. An issue which the Members of the three committees considered from the outset was the proposed introduction of safer drug consumption facilities in Scotland. In particular, the proposal for a safer drug consumption facility pilot in Glasgow. On 11 September 2023, the Lord Advocate wrote to the cross-committee members, as follows—

- ” I can confirm that were a facility, of the type described in the documents which I have been provided with, to open as a pilot in Glasgow, then I would be prepared to publish a statement of prosecution policy to the effect that it would not be in the public interest to prosecute users of that facility in terms of section 5(2) of the Misuse of Drugs Act 1971 for simple possession offences committed within the confines of the facility.

Pre-budget scrutiny

36. For the Committee's [pre-budget scrutiny 2024-25](#), it decided to hear from stakeholders on various aspects of its remit, with the first panel focusing on budget priorities and the decision-making context. Subsequent panels delved into specific budget priorities within the Committee's jurisdiction and explored what a "wellbeing economy" would entail for these areas. The Committee had received a briefing from the Wellbeing Economy Alliance Scotland at its Business Planning Day in June 2023 to inform its approach to this aspect of scrutiny.
37. The Committee conducted pre-budget scrutiny sessions on 21 September 2023, 28 September 2023, and 5 October 2023. These sessions involved gathering evidence, hearing presentations, and discussing budget-related matters with relevant stakeholders.
38. After gathering evidence and conducting discussions, the Committee published its pre-budget report on 7 November 2023 outlining its findings, recommendations and observations regarding budget priorities and the concept of a wellbeing economy.
39. The Cabinet Secretary for Social Justice responded to the Committee's pre-budget report, addressing the points raised and providing feedback and additional information. The Cabinet Secretary for Social Justice provided further information on 22 February 2024.

Thematic evidence sessions

Kinship care

40. The Committee has been actively examining kinship care for the past two years, looking at the financial and other support available to kinship carers, indicating a sustained focus on this issue.
41. The Committee [wrote](#) to the Convention of Scottish Local [Authorities](#) (COSLA) to inform its scrutiny of kinship care. COSLA responded to the Committee's letter on 6 October 2023, providing insights or information relevant to the Committee's inquiry.
42. The Committee reached out to various stakeholders on 4 October 2023 to inform its scrutiny of kinship care. Responses were received from the [Child Poverty Action Group in Scotland \(CPAG\)](#); [Scottish Kinship Care Alliance](#), and [CELCIS, the Centre for Excellence for Children's Care and Protection](#). These responses provided valuable perspectives and input for the Committee's consideration.

43. On 25 October, the Committee received correspondence from the [Kinship Care Advice Service Scotland \(KCASS\)](#) regarding its scrutiny of kinship care. This additional input contributed to the Committee's understanding of the issues surrounding kinship care.
44. The Committee held a session with the Minister for Children, Young People and Keeping the Promise on [9 November 2023](#) to discuss matters related to kinship care. This session provided an opportunity for the Committee to engage directly with the Government on relevant policies and initiatives and monitor its progress in responding to the issues.

Social Security Scotland disability benefit processing times

45. Social Security Scotland launched the Child Disability Payment (CDP) across all of Scotland in November 2021 and the Adult Disability Payment (ADP) in August 2022. These payments are designed to provide financial support to individuals with disabilities.
46. Following the launch of these benefits, there has been a concerning trend of the average processing time for CDP and ADP increasing over time. This suggests potential challenges or issues within the system that are affecting the efficiency of processing applications and delivering payments to eligible individuals.
47. The Committee took note of the issues surrounding the processing time for CDP and ADP and held a one-off evidence session with Social Security Scotland to understand what the agency is doing to address the issue and the timescales for reducing processing times. This session took place at the Committee's meeting on [29 June 2023](#).

Statutory review of the Scottish Fiscal Commission

48. The Scottish Fiscal Commission is mandated to produce official and independent fiscal forecasts to inform the Scottish budget process. It does this through the twice-yearly publication of GDP, tax revenue and social security expenditure forecasts. The first external review of the Commission took place in 2019 and must now be externally reviewed every 5 years to assess risks that could impact on the good functioning of the institution in the coming years
49. The Committee considered the draft terms of reference of the statutory review of the Scottish Fiscal Commission being carried out by the Organisation for Economic Co-operation and Development (OECD).
50. The review of the Scottish Fiscal Commission is significant as it provides an opportunity to evaluate the commission's effectiveness in fulfilling its statutory duties, providing independent economic and fiscal forecasts, and ensuring transparency and accountability in fiscal matters.
51. At its meeting on [21 December 2023](#), the Committee deliberated on the draft terms of reference. Members of the Committee also participated in providing their views directly to the OECD on 15 April 2024.

Housing and homelessness

52. Having previously considered [homelessness and rough sleeping](#) the Committee held an evidence session on homelessness and temporary accommodation on [1 February 2024](#). As part of this, the Committee took evidence from The City of Edinburgh Council, the Scottish Housing Regulator, Shelter Scotland, Glasgow City Council and the Association of Local Authority Chief Housing Officers (ALACHO).
53. The Committee also held an evidence session on how issues related to housing and homelessness affect asylum seekers and refugees on [29 February 2024](#). The Committee heard from the Scottish Refugee Council and British Red Cross.

Social Security Scotland

54. Social Security Scotland plays a crucial role in administering devolved benefits in Scotland, with a mandate to uphold principles of dignity, fairness, and respect as outlined in the Social Security (Scotland) Act 2018.
55. The Committee conducted evidence sessions on Social Security Scotland's operations and performance. On [29 June 2023](#), the Committee focused on disability benefit processing times, highlighting concerns about efficiency and timeliness. Subsequently, on [1 February 2024](#), the Committee examined broader aspects of Social Security Scotland's performance and operation, covering various facets of benefit delivery and service provision.
56. In addition to evidence sessions, the Committee undertook a visit to the Social Security Scotland Headquarters in Dundee on 15 January 2024. This visit provided an opportunity for Committee members to gain first-hand insights into the organisation's structure, processes, and operational dynamics.

Client experience of Social Security Scotland's re-determination and appeals process

57. If a client is unhappy with a decision about their benefit entitlement, they can ask for a re-determination. The decision is then looked at again by Social Security Scotland. If clients are still unhappy they can then appeal to the First-tier Tribunal, and onwards up to, eventually, the Supreme Court. Most re-determinations and appeals are about Adult Disability Payment.
58. In February 2024 the Committee decided to review the client experience of Social Security Scotland's re-determination and appeals process to follow up on practical issues that had been brought to the Committee's attention. In March the Committee heard from Citizens Advice Scotland, Rights Advice Scotland, and Child Poverty Action Group Scotland. Following this session on 25 April, the Committee heard from the Scottish Courts and Tribunals Service (SCTS) and Social Security Scotland. Ahead of this session on 19 April, the SCTS [wrote to the Committee](#) stating that they would be revising the template letter that is sent to appellants.
59. These evidence sessions provided an opportunity for the Committee to pursue

changes to the re-determination and appeals process that did not require amendment of the Social Security (Scotland) Act 2018.

Poverty and Inequality Commission

Short-Term Appointments to the Poverty and Inequality Commission

60. The [Poverty and Inequality Commission](#) was established on 1 July 2019 under the Child Poverty (Scotland) Act 2017. It operates as an advisory non-departmental public body, providing independent advice and scrutiny to Scottish Ministers on poverty and inequality, with a specific focus on child poverty.
61. The Act specifies the structure of the Commission, including the appointment of a Chair and between four and eight members. Desired skills and experience for Commission members are also outlined.
62. The Scottish Government initiated a process for reappointments and new appointments to the Commission, requiring parliamentary approval.
63. During the reappointment process, the Chair and three Commissioners proposed for reappointment resigned from the Commission. The Cabinet Secretary notified the Committee on 14 September 2023 that, due to these resignations, the Commission would no longer have the required quorum by 11 November 2023 unless action was taken.
64. To ensure the Commission remained quorate until substantive appointments could be made, the Cabinet Secretary proposed short-term appointments. The Committee agreed that the proposed appointees possessed the necessary knowledge and experience for effective governance of the Commission.
65. The Committee reported on these short-term appointments on 19 October 2023. The report included links to correspondence related to the original and new appointments, resignations from the Commission, the need for short-term appointments, and other relevant documents.

Poverty and Inequality Commission: Public Appointments

66. A new appointment round began for the Chair and Members of the Commission.
67. At its meeting on 16 November 2023, the Committee reviewed and approved the Scottish Government's draft recruitment documentation for the new appointment round. The Committee agreed to hold informal and private meetings with the Scottish Government's recommended nominees as a group to gather insights for its report on the recommended appointments.
68. On 18 April 2024, the Committee convened an informal private meeting with Julie Humphreys, the Selection Panel Chair, to discuss the desired skills and attributes sought in the appointees. Subsequently, the Committee met with the nominees in private to assess their expertise. Finally, the Committee held a formal meeting in public to deliberate and express its views on the nominees.

69. During the discussions, the Committee acknowledged and appreciated the diversity of skills and experience brought by the nominees. This diversity was perceived as a strength that would enrich the work of the Commission and enhance its effectiveness in addressing poverty and inequality issues..
70. Concluding its deliberations, the Committee unanimously agreed to recommend the Scottish Government's nominated candidates for appointment to the Poverty and Inequality Commission. The Committee's report, detailing its assessment and recommendations, was published on 26 April, providing transparency and accountability in the appointment process.

Additional costs for disabled people

71. With a focus on disability benefits, the Committee expressed a keen interest in gathering Scottish-specific data on the additional costs associated with disability. Recognising the importance of this information, the Committee aimed to conduct thorough scrutiny to ensure the effectiveness and fairness of disability benefit provision.
72. On 2 March 2023, the Committee decided to commission research on the [additional costs of disability in Scotland](#). Following a call for bids, the research project was awarded to a joint bid submitted by the University of Strathclyde and the Poverty Alliance. This collaborative effort aimed to provide comprehensive insights into the financial implications of disability for individuals and households in Scotland.
73. On 21 March 2024, the Committee had the opportunity to hear from two authors of a research briefing titled "Additional costs of disability in Scotland: Understanding the available data and how this relates to personal experiences of disability." The briefing presented findings from the research project, offering insights into the nature and extent of additional costs faced by people with disabilities in Scotland. This information would be instrumental in informing the Committee's scrutiny work and shaping policy recommendations related to disability benefits.

Equal opportunities

74. The work of the Committee is rooted in equalities, through its work the Committee looks to hear from those living in less favourable social and economic circumstances than others in the same society and those that represent them.
75. In its scrutiny of the Social Security (Amendment) (Scotland) Bill the Committee heard from, for example, Citizens Advice Scotland, the Child Poverty Action Group Scotland, the Royal National Institute of Blind People, the Scottish Action for Mental Health, Health and Social Care Alliance Scotland, Carers Scotland, and Alzheimer Scotland.
76. As part of the Child poverty and parental employment inquiry the Committee sought the views of lone parents, people from an ethnic minority background families with a disabled adult or child, young mothers (under 25), parents to a child under the age of one, families with three, or more children, and organisations who provide support.
77. For its pre-budget scrutiny the Committee heard from a range of representative organisations including, Saheliya, Inclusion Scotland, the Scottish Refugee Council, and Shelter Scotland.
78. During its thematic sessions the Committee took evidence from groups, such as Scottish Kinship Care Alliance, the Centre for Excellence for Children's Care and Protection, and Kinship Care Advice Service Scotland.

Post legislative scrutiny

79. Due to the Committee's work on primary legislation, the Committee was unable to conduct post legislative scrutiny. However, the Committee has committed to scrutinising the Child Poverty (Scotland) Act 2017.

