

Scottish Affairs Committee

House of Commons London SW1A 0AA

Tel 020 7219 8204

Email scotaffcom@parliament.uk

Social Security Committee

The Scottish Parliament, Edinburgh, EH99 1SP

Tel 0131 348 5228

Email socialsecuritycommittee@parliament.scot

From the Chair, Pete Wishart MP and the Convener, Sandra White MSP

Angela Constance MSP

Cabinet Secretary for Communities, Social Security and Equalities

St Andrew's House

Regent Road

Edinburgh

EH1 3DG

10 April 2017

Dear Cabinet Secretary,

Thank you for giving evidence to our Committees on 20 March 2017. In light of the evidence we heard, both Committees agreed to write to you and the Secretary of State, Rt Hon Damian Green MP, setting out our main findings and suggestions for further strengthening inter-governmental relations and the security thereof.

We were pleased to hear about the relationship between both Governments at both political and official level. In particular we wish to commend the strong working relationships at official level and the commitment by yourself and the Secretary of State to work constructively together when there are differences in policy or approach in order to deliver an effective social security system in Scotland. We welcome your undertaking to provide the Scottish Parliament with your “important milestones” going forward on the operating programme of the new social security agency. In that vein, we recommend that both governments provide our committees with a clear plan and key objectives for the successful transfer of the remaining social security powers between the Governments. We are aware that a split competence approach is being taken to the delivery of some benefits. Please provide further detail of what that will mean in practice regarding existing and new benefits in Scotland and at UK level.

In the course of our evidence sessions, we heard evidence about both Jobcentre Plus closures and the rollout of Universal Credit. Some witnesses raised concerns about the communication between the Governments on these important issues. It is vital that both Governments work together to resolve any outstanding issues, especially given that, although Universal Credit remains reserved, some powers have been devolved and the Scottish Government will have a role in administering Universal Credit.

Given the different manifesto promises, it is evident and expected that the UK and Scottish governments have different priorities for welfare and social security policy. You will, no doubt, already have begun to consider the interaction between UK and Scottish welfare powers. Managing the intergovernmental relationship in the future—particularly after the transfer of powers is complete—will be a key test for both Governments. We were interested to hear your view that there would be times when the Governments would disagree and that there should be mechanisms in place to deal with these disagreements. We heard from other witnesses that it is unclear how disputes between both Governments (for example on the issue

of no detriment or regarding the operation and interaction of reserved and devolved welfare powers) will be resolved. We recommend that the Governments clarify the current dispute resolution procedure and give thought to how it can be strengthened.

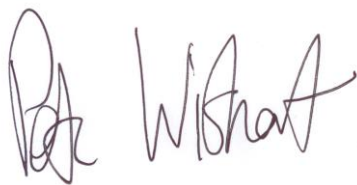
We would welcome an explanation of existing dispute resolution mechanisms and any thoughts you have on how these could be improved or added to in the future.

It is clear from our discussions with external stakeholders that there is room for greater transparency around meetings of Ministers. This is essential, not only to allow proper scrutiny, but also to increase confidence among stakeholders. Witnesses called for swifter publication of minutes of the Joint Ministerial Group on Welfare. We also heard that these minutes could be more illuminating. While we understand that at times Ministers will need to have private discussions, the perception that decisions are being made “behind closed doors” is potentially a damaging one. We would like to see a timely and fuller record of Joint Ministerial Group meetings. Not only would this increase confidence in the process but, as witnesses pointed out to us, it would allow those with first-hand experience of policy areas under discussion to contribute to the debate. Where is it not possible to make substantive minutes publically available, both Governments should ensure there is an alternative mechanism to inform both Parliaments and allow effective scrutiny to be carried out. This could take the form of a private briefing or letter to the Committees.

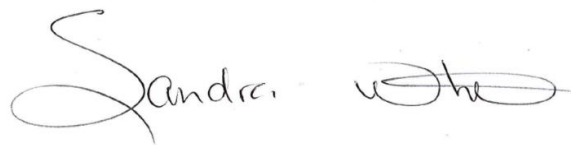
We welcome the review of the Concordat between the Scottish Government and the Department of Work and Pensions. The current Concordat was agreed in 2010 and fails to take into account further devolution of powers since this time. The review of the Concordat is an opportunity for both Governments to develop a positive focus for intergovernmental relationships in future. The Concordat should be explicit about the fundamental purpose of strong relationships between the Scottish and UK Governments—to ensure that claimants do not lose out through the transfer of welfare powers and that they benefit when new powers are exercised.

We have written the same to the Secretary of State.

Yours sincerely,



Pete Wishart MP
Chair, Scottish Affairs Committee



Sandra White MSP
Convener, Social Security Committee