



## DEBATE PACK

Number CDP-0084, 8 April 2019

# Devolution of welfare

## Summary

This House of Commons Library Debate Pack briefing has been prepared in advance of a debate on “devolution of welfare” to take place on Tuesday 9 April 2019. The subject was determined by the Backbench Business Committee following an application by John Lamont MP. The debate is expected to focus on Scotland.

The Scotland Act 2016 devolved significant new welfare powers to the Scottish Parliament including responsibility for disability and carers’ benefits; benefits for maternity, maternity, funeral and heating expenses; and powers to vary the housing cost element of Universal Credit and UC payment arrangements. The benefits to be fully devolved account for over £3 billion expenditure a year, or around 16% of the total welfare spend in Scotland.

From April 2020 Scottish Ministers will have full legal and financial responsibility for the devolved benefits. The Scottish Government had committed to delivering all the devolved benefits by the end of the current Scottish Parliament (i.e. by May 2021), but on 28 February it announced a new timetable under which the transfer of claimants from existing to devolved benefits would not be completed until 2024. Until then, the Department for Work and Pensions will continue to deliver benefits on the Scottish Government’s behalf under “agency agreements.” The Scottish Government emphasises that a “safe and secure transition” is its priority, but others have criticised the delays and its wider record on delivering devolved welfare.

This debate pack covers recent developments on devolution of welfare powers to Scotland, contains parliamentary and press material, and gives links to further information on this subject.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

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# 1. Background

The subject of the debate was proposed by John Lamont MP to the Backbench Business Committee on 12 March 2019. He said:

The Scotland Act 2016 devolved 11 DWP benefits to the Scottish Parliament. The Scottish Government currently has the power to legislate on these benefits, and on 1 April 2020 will gain executive competence for disability benefits. The benefits are significant and account for about £3 billion of benefits, or around 15% of the total expenditure on benefits in Scotland. The Department for Work and Pensions has been working with the Scottish Government on the devolution and control of the benefits, and the Scottish Government plans to replace PIP, DLA, attendance allowance and carers allowance, which the Scottish Government had originally committed to completing before the end of the current Scottish Parliament. The Scottish Government has now said that this process will not be completed until 2024. The DWP has also confirmed that it has been asked by the Scottish Government to maintain administrative control over severe disability allowance indefinitely. The DWP has also confirmed that it will continue to deliver those benefits on behalf of the Scottish Government until Social Security Scotland has the capacity to take on this role.

This raises questions about the process of devolving control over the benefits from the DWP to the Scottish Government, about the costs to the Department for Work and Pensions of continuing to administer the benefits, and about making sure that welfare recipients continue to receive payments.

As well as the delays surrounding the devolution of these powers, the Scottish Parliament has been given the power to top up benefits, award discretionary payments and create new benefits. There is currently disagreement between the Scottish and UK Governments about the effect of those powers.

A final technical point that is an issue particular to my constituency is the devolution of the cold weather payments, which has implications for my constituents, as some of them share postcodes with the north of England. A number of MPs have indicated that they would like to speak in the debate, including from my own party and from the Labour party, and I would expect more to express interest if I am successful in this application.<sup>1</sup>

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<sup>1</sup> [Backbench Business Committee Representations: Backbench Debates Tuesday 12 March 2019](#)

## 2. Devolution of welfare powers

Until recently, social security was almost entirely a reserved matter in Great Britain<sup>2</sup>, but the [Scotland Act 2016](#) devolved significant new welfare powers to the Scottish Parliament.

The Act gives the Scottish Parliament powers over benefits falling within certain categories – see the table below. The Scottish Parliament will have the power to determine the structure and value of these benefits, or replace these existing benefits with new benefits, in line with the legislative framework.

Benefit category	Current UK benefits
Disability, industrial injuries and carers' benefits	Attendance Allowance, Carer's Allowance, Disability Living Allowance, Personal Independence Payment, Industrial Injuries Benefit, Severe Disablement Allowance
Benefits for maternity, funeral and heating expenses	Cold Weather Payment, Funeral Payment, Sure Start Maternity Grant, Winter Fuel Payment
Other benefits	Discretionary Housing Payments

In addition, other powers are devolved:

- An expanded power to provide **discretionary payments and assistance** (beyond the powers under which the Scottish Welfare Fund is currently delivered)
- The power to **top-up reserved benefits**
- The power to **create other new social security benefits** (other than pensions) in areas not otherwise connected with reserved matters
- The power to legislate for **welfare foods**
- Powers to **vary the housing cost element of Universal Credit** for rented accommodation and **change payment arrangements for Universal Credit**

The Scottish Parliament also has powers over support for unemployed people through **employment programmes**.

For detailed information on the scope of the new powers see [Part 3 of the Scotland Act 2016](#) and the accompanying [Explanatory Notes](#).

The Scottish Parliament's [Social Security \(Scotland\) Act 2018](#) – which received Royal Assent on 1 June 2018 – sets out the framework of a new Scottish social security system, and the principles that will underpin

<sup>2</sup> For further information on the extent to which social security is a reserved matter in Scotland, Wales and Northern Ireland see Commons Library briefing CBP-8544, [Reserved matters in the United Kingdom](#), 5 April 2019

it. The detailed rules for the devolved benefits will be set out in regulations made under the Act.

Further information can be found in the following Scottish Parliament Information Centre (SPICe) briefings:

- SB 16-45, [New Social Security Powers](#), 31 May 2016
- SB 17-57, [Social Security \(Scotland\) Bill](#), 31 August 2017
- SB 18-25, [Social Security \(Scotland\) Bill: Consideration prior to Stage 3](#), 9 April 2018
- [Social Security \(Scotland\) Bill: summary of the proceedings and the main provisions](#), June 2018

## 2.1 Expenditure and caseloads

### Welfare expenditure

In 2017/18 around **£214 billion** was spent in Great Britain on welfare, comprising social security benefits (including the State Pension) and tax credits. Of this, **£18.5 billion** (8.6%) was spent in **Scotland**.

Of the total £18.5 billion spent in Scotland in 2017/18, **£3.0 billion** related to benefits for which responsibility has been devolved to the Scottish Government. Devolved benefits account for **16% of total welfare spend in Scotland**, with the remainder (£15.5 billion, 84%) relating to benefits and tax credits for which the UK Government has reserved responsibility.

The vast bulk of the devolved expenditure relates to disability and carers benefits. Four-fifths of the devolved expenditure (£2.4 billion) is accounted for by the main extra-cost disability benefits (Personal Independence Payment, Disability Living Allowance, Attendance Allowance).

## Welfare expenditure in Great Britain and Scotland, 2017/18

*Benefits and tax credits for which expenditure in Scotland can be identified (a)*

	Great Britain £ million	Scotland £ million	Scotland as % of total
<b>Total Expenditure on welfare</b>	<b>213,913</b>	<b>18,465</b>	<b>8.6%</b>
<i>of which:</i>			
<b>Benefits that are devolved in Scotland</b>	<b>29,735</b>	<b>3,014</b>	<b>10.1%</b>
<b>Reserved (non-devolved) expenditure</b>	<b>184,178</b>	<b>15,452</b>	<b>8.4%</b>
<b>Benefits that are devolved in Scotland</b>			
Disability Living Allowance	9,380	999	10.6%
<i>of which children</i>	1,965	157	8.0%
<i>of which working age</i>	3,572	409	11.5%
<i>of which pensioners</i>	3,843	423	11.0%
Personal Independence Payment	8,637	930	10.8%
Attendance Allowance	5,529	492	8.9%
Carer's Allowance	2,830	249	8.8%
Severe Disablement Allowance	120	12	10.1%
Industrial Injuries Disablement Benefit	816	82	10.1%
Winter Fuel Payments	2,023	176	8.7%
Cold Weather Payments	114	8	7.3%
Discretionary Housing Payments	223	59	26.5%
Funeral Expenses Payments	37	5	13.5%
Sure Start Maternity Grant	26	2	7.8%
<b>Reserved DWP benefits</b>			
Total	147,902	12,791	8.6%
<i>of which:</i>			
State Pension	93,800	7,921	8.4%
Housing Benefit	22,301	1,671	7.5%
Employment and Support Allowance	15,353	1,732	11.3%
other	16,447	1,466	8.9%
<b>Reserved non-DWP benefits</b>			
HMRC Tax Credits	24,980	1,802	7.2%
HMRC Child Benefit	11,296	859	7.6%
<b>Memo:</b>			
<i>Scottish Welfare Fund (not included above)</i>	..	33	
<i>Benefits for which expenditure in Scotland cannot be identified (not included above) (a)</i>	493	<i>not available</i>	

### Notes

(a) £493m was spent in Great Britain on DWP benefits for which expenditure in Scotland could not be identified. For reasons of consistency and comparability this expenditure is excluded from the headline GB total of £213,913m.

### Sources

[DWP Benefit Expenditure and Caseload Tables 2018](#)

[HMRC Personal tax credits: finalised award statistics - geographical statistics](#)

[Child Benefit: geographical statistics](#)

[Scottish Government Social Security for Scotland March 2019 update](#)

and HoC Library calculations

## Caseloads of devolved benefits

The table below sets out the caseloads (numbers of beneficiaries or payments made) for each of the main devolved benefits.

Of the devolved benefits, Winter Fuel Payment (WFP) is received by the largest number of people: just over 1 million in Scotland in 2017/18. As WFP is a universal benefit for people above State Pension age, Scotland's share of the total WFP recipient caseload in Great Britain (8.7%) matches Scotland's share of the 65-and-over population in Great Britain (also 8.7% as of mid-2017).

For the various disability benefits, Scotland's caseload share is higher than its share of the overall Great Britain population (8.5% in mid-2017). In the case of DLA, PIP and Industrial Injuries Disablement Benefit, Scotland accounts for more than 10% of the total caseload.

<b>Recipients of DWP benefits which are devolved in Scotland</b>				
	Date:	Great Britain total (a)	Scotland	Scotland as pct of total
<b>Disability and carers benefit claimants</b>				
Attendance Allowance	Aug 2018	1,571,950	146,201	9.3%
Disability Living Allowance	Aug 2018	1,810,115	196,967	10.9%
Personal Independence Payment	Jan 2019	2,051,497	220,057	10.7%
Carer's Allowance				
all entitled cases (incl. no payment)	Aug 2018	1,291,846	121,668	9.4%
of whom: cases in payment	Aug 2018	862,572	75,805	8.8%
Industrial Injuries Disablement Benefit	Jun 2018	238,240	25,010	10.5%
Severe Disablement Allowance	Aug 2018	20,680	2,020	9.8%
<b>Other benefits</b>				
Cold Weather Payments				
Number of recipients	3-year average to 2017/18	1,342,700	177,300	13.2%
Number of payments	5-year average to 2018/19	1,306,000	328,000	25.1%
Winter Fuel Payments				
Number of households	2017/18	8,473,160	728,830	8.6%
Number of people	2017/18	11,807,750 (b)	1,021,590	8.7%
Discretionary Housing Payments awards	2017/18	..	122,660	

### Notes

(a) Great Britain caseloads for disability benefits include a small number of claimants resident abroad.

(b) The GB Winter Fuel Payment total includes a small number of people (40,000, 0.3% of the total) living in the EEA.

### Sources

[DWP Stat-xplore; ONS Nomis](#)

[DWP Winter Fuel Payment recipient and household figures 2017/18](#)

[DWP Cold Weather Payments estimates, various editions](#)

In the case of **Cold Weather Payments**, the number of payments made (and Scotland's share of these) can vary considerably from year to year depending on weather conditions, as shown in the table below.

Milder winters mean fewer payment triggers, and those triggers that do occur tend to be concentrated in relatively sparsely populated weather station areas in Northern Scotland. For example, in 2013/14 the only trigger was recorded in Braemar.

In the case of harsher winters characterised by widespread and sustained sub-zero temperatures across Great Britain, Scotland's share of expenditure more closely reflects its share of the population of eligible recipients (as in 2017/18).

<b>Cold Weather Payment statistics, 2013/14 to 2018/19</b>						
Cold weather payment season:	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Great Britain</b>						
Number of triggers	1	40	26	13	140	43
Total eligible recipients	..	3,807,400	4,107,000	4,055,000	3,888,000	3,830,000
Number of eligible recipients receiving at least one payment	..	..	133,000	127,000	3,768,000	..
Percentage of eligible recipients receiving at least one payment	..	..	3%	3%	97%	..
Number of payments made	1,100	415,200	155,000	131,000	474,700	1,084,000
Total expenditure for season:	£0.0m	£10.4m	£3.9m	£3.3m	£118.7m	£27.1m
<b>of which:</b>						
<b>Scotland</b>						
Number of triggers	1	29	22	11	61	25
Total eligible recipients	..	380,000	415,000	409,000	393,000	385,000
Number of eligible recipients receiving at least one payment	..	..	119,000	26,000	387,000	..
Percentage of eligible recipients receiving at least one payment	..	..	29%	6%	98%	..
Number of payments made	1,100	268,000	136,000	31,000	818,000	385,000
Total expenditure for season:	£0.0m	£6.7m	£3.4m	£0.8m	£20.5m	£9.6m
<b>Scotland's share of:</b>						
Eligible recipients	..	10%	10%	10%	10%	10%
Actual recipients	..	..	89%	20%	10%	..
Payments and expenditure	100%	65%	88%	24%	17%	36%

**Notes:** Expenditure in this table relates to the CWP winter season (Nov-Mar) when the payment was triggered, not necessarily the financial year in which payment was accounted for. ".." means not available.

Cold Weather Payment expenditure broken down by Great Britain constituent country is available back to 2009/10. Scotland's share of CWP expenditure over the nine years from 2009/10 to 2017/18 was 12% (see table below).

<b>Expenditure on Cold Weather Payments</b>			
Financial year	Great Britain	of which: Scotland	Scotland as % of GB total
	£ million, cash	£ million, cash	
2009/10	298	53	18%
2010/11	435	51	12%
2011/12	129	2	2%
2012/13	142	8	6%
2013/14	8	1	10%
2014/15	11	7	66%
2015/16	4	3	89%
2016/17	3	1	23%
2017/18	114	8	7%
<b>Nine-year total</b>	<b>1,145</b>	<b>135</b>	<b>12%</b>

**Note:**

Figures here relate to the financial year in which Cold Weather Payments were accounted, which in some cases differ from the Nov-Mar Cold Weather season for which the payment was triggered. Payments triggered in the latter stages of the one CWP season may register as expenditure in the following financial year.

**Source**

[DWP Benefit Expenditure and Caseload Tables 2018](#)

The Scottish Government has also produced a briefing giving detailed information and statistics on devolved benefits – see [Social Security for Scotland](#) (updated March 2019).

## 2.2 Delivering devolved social security

The Scottish Government has stated that it intends to use the powers devolved by the Scotland Act 2016 to create a Scottish social security system based on “dignity, fairness and respect.”<sup>3</sup> Its social security policy home page lists the actions it is taking:

We are:

- designing a social security system with a strong local presence via the [Social Security Scotland agency](#)
- [engaging](#) with people with experience of receiving benefits, to build a social security system that works for them
- improving [benefits for carers](#) by increasing the Carer’s Allowance and introducing a Young Carer Grant

<sup>3</sup> See the Scottish Government’s [Charter on Scottish Social Security](#), 15 January 2019

- improving [benefits for disabled people and people with ill health](#), and confirming that no assessments will be carried out by the private sector
- campaigning to maximise [benefit take-up](#)
- delivering the [Best Start Grant](#) by summer 2019 to increase support for low-income families with young children
- delivering the [Funeral Expense Assistance](#) benefit by summer 2019 to provide critical financial support to people at a difficult time
- providing [help with heating costs](#) and extending the Winter Fuel Payment to families with severely disabled children
- supporting young people make the transition into work through the [Job Grant](#)
- allocating budget to local authorities to provide grants under the [Scottish Welfare Fund](#)
- advising on and helping to fund [support with housing costs](#)
- working to establish a guidance for [definition of terminal illness](#) for the purpose of disability assistance
- working with the Department for Work and Pensions to introduce flexibilities to the way [Universal Credit](#) is paid<sup>4</sup>

The Scottish Government's [Social Security Directorate](#) is responsible for developing policy, establishing a social security agency to deliver the devolved benefits, and working with the working with the UK Department for Work and Pensions to transfer social security powers to Scotland. A number of [stakeholder groups](#) have been set up to provide advice to Ministers on social security matters. The Scottish Government is also gathering evidence from claimants and others with "lived experience" of social security via a number of "[experience panels](#)."

Other bodies involved with the developing social security policy include:

- The [Scottish Commission on Social Security](#) – established as an independent statutory body to scrutinise regulations creating devolved benefits. It began work in February 2019 and one of its first tasks is the scrutiny of the regulations for the Young Carer Grant.<sup>5</sup>
- The [Scottish Fiscal Commission](#) – an independent statutory body charged with, among other things, forecasting devolved social security expenditure.
- The [Joint Ministerial Working Group on Welfare](#) – established in February 2015 to provide a forum for UK and Scottish Ministers to discuss social security matters, to ensure the smooth transfer of the powers, and to resolve "contentious and challenging issues."

The Scottish Government has also set up an executive agency – [Social Security Scotland](#) – to deliver the devolved benefits (other than

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<sup>4</sup> Scottish Government, [Policy: Social Security](#)

<sup>5</sup> [Letter from the Chair of the Scottish Commission on Social Security to the Convenor of the Scottish Parliament Social Security Committee](#), 8 February 2019

discretionary housing payments and the Scottish Welfare Fund, which are delivered by local authorities).

## Social Security Scotland

Social Security Scotland was established in September 2018. It is currently only responsible for the Best Start Grant Pregnancy and Baby Payment and the Carer's Allowance Supplement. At 1 February 2019 it employed 323 staff, but it is expected to employ 1,900 people across Scotland when it is delivering the full range of benefits.<sup>6</sup>

Estimates of the costs of setting up a Scottish social security agency and administering the devolved benefits were given in the [Financial Memorandum for the Social Security \(Scotland\) Bill](#) as introduced on 20 June 2017.<sup>7</sup> The Scottish Government estimated that the cost of establishing the new agency at £308 million (comprising expenditure on IT of £190 million over the four years to 2020-12, £14 million for "estates-related implementation costs", and £104 million for staff costs). This is substantially more than the £200 million one-off amount transferred to Scotland under the Fiscal Framework for implementation for all the powers newly devolved under the Scotland Act 2016.<sup>8</sup> The memorandum stated that the £308 million figure "will change materially as further decisions are taken and the programme of work to specify and procure the infrastructure required for Scotland's new social security system evolves."<sup>9</sup>

The Financial Memorandum estimated the "steady state" running costs for the agency – i.e. once it is fully up and running – at between £144 million and £156 million per annum. The cost range does not, however, include "optimism bias or contingency for expenditure on enabling systems."<sup>10</sup> This is substantially more than the baseline £66 million a year in the Fiscal Framework for administration costs associated with the newly-devolved powers.

Any shortfalls between the set-up costs and steady state running costs for Social Security Scotland and the amounts transferred under the Fiscal Framework will have to be met from the Scottish Government's budget.<sup>11</sup>

Further commentary on the Scottish Government's progress up to March 2018 in establishing Social Security Scotland can be found in an Audit Scotland report [Managing the implementation of the Scotland Acts](#), and accompanying [press release](#).

Audit Scotland is currently undertaking a further audit looking at how effectively the Scottish Government is managing the delivery of the

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<sup>6</sup> Scottish Government press release, [New Social Security jobs to deliver face to face benefits service across the country](#), 13 February 2019

<sup>7</sup> [SP Bill 18-FM](#), 21 June 2017 – see para 48 onward

<sup>8</sup> Ibid. para 51

<sup>9</sup> Ibid. para 57

<sup>10</sup> Ibid. para 61

<sup>11</sup> See the response from James Wallace of the Social Security Directorate to questions from Adam Tomkins MSP in an [evidence session held by the Scottish Parliament's Finance and Constitution Committee on 13 September 2017](#)

social security powers being devolved under the Scotland Act 2016. The audit is assessing the implementation in four main areas:

- financial management: including the effectiveness of budget setting and monitoring, and the adequacy of arrangements to prevent fraud and error
- financial sustainability: including the effective management of costs, longer-term financial planning, and the use of business cases to inform investment decisions
- governance and transparency: including the effectiveness of leadership, transparency of decision-making, and clear reporting of financial and programme information
- value for money: it is too early to make an overarching judgement on the value for money of the new arrangements. We will, however, assess current progress on areas core to this audit dimension. This includes the adequacy of programme planning, the effectiveness of the digital infrastructure, and the overall capacity and capability of the team to successfully implement and deliver the powers.<sup>12</sup>

Audit Scotland is due to report in Spring 2019.

## 2.3 Latest delivery timetable

In a [statement to the Scottish Parliament on 28 February 2019](#), the Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville, set out the Scottish Government’s proposed timetable for the “safe and secure” introduction of the devolved benefits.<sup>13</sup> As announced previously, from April 2020 Scottish Ministers will have full legal and financial responsibility for all devolved benefits. However, the transfer of all existing DWP benefit claimants to devolved benefits is not expected to be completed until 2024. Previously, the expectation was that the Scottish Government would be delivering all the devolved benefits by the end of the current Scottish Parliament (i.e. by May 2021).<sup>14</sup>

Under the latest timetable, existing claimants will begin to transfer from DWP to the devolved benefits in 2020. The expectation is that the majority of cases will have transferred by 2023, with transfer being completed by 2024. As the Department for Work and Pensions will continue to pay benefits which are being devolved to claimants in Scotland until the transfer is complete, the Scottish Government will need to work with DWP to develop “agency agreements” to partially administer the devolving benefits until Social Security Scotland is delivering them in full.

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<sup>12</sup> Audit Scotland, [Project scope: Managing the implementation of devolved social security powers](#), October 2018

<sup>13</sup> See also the Scottish Government’s website, [Devolution of benefits: Ministerial statement](#), 28 February 2019

<sup>14</sup> See for example the [statement to the Scottish Parliament](#) by the then Minister for Social Security, Jeane Freeman, on 17 April 2017

The table below shows which devolved benefits are already in payment, and the timetable for introducing the remaining benefits and transferring existing claimants, following the February announcement.

### Timetable for delivering devolved social security

2017 April: [Discretionary Housing Payments](#) devolved.

October: [Universal Credit Scottish Choices](#) (payment flexibilities) introduced.

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2018 September: [Social Security Scotland](#) established.

September: [Carer's Allowance Supplement](#) introduced.

December: [Best Start Grant Pregnancy and Baby Payment](#) replaced the UK Government's Sure Start Maternity Grant. Provides eligible low income families with £600 on the birth of their first child and £300 on the birth of any subsequent children.

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2019 June: [Best Start Grant school age payment](#) – a £250 payment to be made to low income families around the time a child starts school.

Summer: [Best Start Grant early learning payment](#) – a £250 payment to be made to low income families around the time a child can start nursery.

Summer: [Funeral Expense assistance](#) – replacing the UK Funeral Expenses Payment and providing eligible low income families with a contribution towards the cost of a funeral.

Autumn: [Young Carer Grant](#) – for young carers aged 16 to 18 who do at least 16 hours of caring a week, but do not qualify for Carer's Allowance.

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2020 April: Scottish Ministers due to assume full responsibility (i.e. both legislative and executive competence) for the remaining devolved benefits, although initially Scottish benefits replacing UK benefits will take new claims only (existing claimants to transfer to Scottish benefits on a phased basis).

Summer: [Disability Assistance for Children and Young People](#) (to replace Disability Living Allowance for children).

Winter: [Disability Assistance for Older People](#) (to replace Attendance Allowance).

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By end of the year: [Winter Heating Assistance](#) (Winter Fuel Payments) for families of children who receive the highest care component of Disability Assistance.

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2021 Early in the year: [Disability Assistance for Working Age People](#) (to replace PIP).

Early in the year: additional [Carer's Allowance Supplement for carers looking after more than one disabled child](#).

By end of the year: new claims for [Carer's Assistance](#) (replacing Carer's Allowance).

By end of the year: [Winter Heating Assistance](#) (based on the Winter Fuel Payments) – initially for those receiving another Scottish benefit – and [Cold Spell Heating Assistance](#) (based on Cold Weather Payments).

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2022 Spring 2022: [transfer of existing Carer's Allowance claims to Carer's Assistance](#) begins.

Autumn 2022: new claims for [Employment Injury Assistance](#) (the Scottish form of Industrial Injuries Disablement Benefit). Commitment to "[work towards the introduction](#)" of an [Income Supplement](#) for low income families within the lifetime of Tackling Child Poverty Delivery plan – which runs until 2022.

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2023 Expectation that "the majority" of existing benefit claims (totalling more than half a million) will have transferred to Social Security Scotland by 2023.

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2024 Expectation that transfer complete by 2024 (although the [Scottish Government](#) says that it "will not do so if this creates unacceptable risks for clients").

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Alongside the February announcement, the Scottish Government also published [eleven policy position papers](#), of which three covered its plans for "Disability Assistance" (to replace PIP and the other extra-costs disability benefits):

- Disability and carer benefit delivery: policy position paper
- Industrial injuries disabled benefit: policy position paper
- Severe disablement allowance: policy position paper
- Short term assistance (STA): policy position paper
- Social security case transfer: policy position paper
- Carer support: policy position paper
- Terminal illness and disability assistance: policy position paper

Cold spell and winter heating assistance: policy position paper

**Disability Assistance policy position papers:**

Assessments

Award duration and entitlement

Qualifying periods

It also published a series of [Questions and Answers on delivery of devolved benefits](#).

The [Questions and Answers on the delivery timetable](#) states:

**Q: What will you do about transferring cases from the UK Government?**

On 28 February we set out our plans for the safe and secure transfer of the devolved benefits caseload – transferring people’s existing benefit claims from the DWP to Social Security Scotland. This involves moving over half a million cases from DWP to Social Security Scotland. This equates to approximately 10% of the population of Scotland which is why it must be handled carefully to ensure people continue to get the right payment in the right amount.

Such transfers have in the past proved problematic when DWP has migrated people within its own benefits systems. What hasn’t been done before is transferring people from the agency of one government to the agency of another government. So it is vital that we do this safely and protect people and payments.

We will do this in a way which causes minimal stress, and keep people updated through the transfer. We have also said that at the point of transfer we will not require anyone to make a new claim; payments will be protected; and we’ll keep people informed before and during the transfer process so they know what will happen and when. Also from early 2021, when we launch our PIP replacement benefit, we will ensure that no one in Scotland will undergo a DWP face-to-face reassessment for disability benefits. Before someone reaches the end of their DWP award period, we will take over their case so this cannot happen.

We will start this transfer next year in 2020. According to current plans, and assuming that DWP is able to match our pace, the majority of cases will be transferred by 2023. We expect to complete our work of transfer by 2024 – though will not do so if this creates unacceptable risks for clients. Equally, if we find we can safely transfer cases more quickly, then we will.

More detailed information on the “people centred transfer principles” can be found in the [Social security case transfer policy position paper](#). This explains that, in order to minimise “case transfer risk”, the Scottish Government proposes to “keep the components and financial values of the transferring benefits largely unchanged at the point of transfer.”

[Questions and Answers on the delivery timetable](#) emphasises the need to work closely and seamlessly with the DWP:

Delivering the devolved benefits is very much a joint enterprise with the UK Government’s Department for Work and Pensions (DWP), and we rely on them to match our ambition in order to meet the timescales we have set out for delivering the devolved benefits. For the first time, people will get payments from both governments, and those payments will affect one another. The

complicated nature and interdependencies of both social security, and of devolution, means this is a complex process we must get right. We effectively need to untie one set of benefits from the current DWP system, build our own system to allow for the transfer, and then make sure the systems work together seamlessly. It is imperative we get this right so people not only get the right money at the right time but are also still eligible for other assistance they can be passported to.

We will depend on DWP to do their bit to make sure that happens.

The Scottish Government does not propose to make any changes to Severe Disablement Allowance (SDA), which DWP will continue to administer on its behalf. The [Questions and Answers](#) state:

This is a “closed” benefit: no new claims have been possible since 2001. Transferring individuals to Social Security Scotland could potentially cause confusion or stress to individuals. There is no reason to cause unwarranted disruption or stress for them when we are not proposing to make any changes to this benefit. We will therefore enter into an agency agreement with DWP to administer on our behalf. We will fund it from April 2020.

Further information can be found in the [Severe Disablement Allowance policy position paper](#).

## Responses

[Responding to the Ministerial announcement on 28 February](#), Michelle Ballantyne MSP (Conservative) said that while she absolutely agreed that the transition must be handled properly and that priority should be given to making sure people get the support they need, the Cabinet Secretary’s statement exposed “hypocrisy”:

For two years, you have slammed the DWP, used highly charged language about the UK Government’s administration of benefits and raised the expectations of some of Scotland’s most vulnerable people and promised them the earth. After repeated promises that the new system would be up and running by the end of this parliamentary session, we now learn that it will be 2024 before the successor to PIP is in place. That is from the party that said that it could set up an independent country in 18 months. It will have taken nine years to introduce the devolution of 11 social security benefits. Can the cabinet secretary not see that that is deeply embarrassing?

Ms Ballantyne called on the Cabinet Secretary to “apologise to the hard-working Scottish DWP staff whom you have repeatedly denigrated and whom you are now asking to keep running benefits on your behalf for another five years?”.

Mark Griffin MSP (Labour) said that he was “disappointed in—disgusted at, even” some of the details that have been brought to the chamber, adding:

Labour has long called for details of the timeline for delivery of a social security system that is built on dignity and respect, and now we know why we have been told so little. Yet again, the sick, disabled people, older people and carers will have to wait to see a fairer social security system.

Mr Griffin added:

When vulnerable people will have been waiting a decade for the full devolution of social security powers, it makes a mockery of Scottish National Party promises in 2014 that a separate Scottish state could be set up within 18 months.

I am not asking the cabinet secretary to apologise to DWP staff. I want the cabinet secretary to apologise today to every single disabled person she is leaving in the hands of the Tories for another five years.

### 3. News articles

[Experts denied material to advise Holyrood on welfare](#), Times, 03 April 2019

[Nicola Sturgeon urged to speed up new benefit as child poverty rises](#), Herald, 28 March 2019

[Scottish government set to miss its child poverty targets – report](#), Guardian, 22 March 2019

- Commentators argue that Westminster austerity measures are increasing child poverty but the Scottish government is not using its powers effectively to mitigate the effect.

[Devolved benefits delays will impact disabled Scots](#), Third Force News, 15 March 2019

[Disability and SNP campaigner turns on Scottish Government over benefit devolution delays](#), Third Force News, 08 March 2019

[Amber Rudd slams Scottish Government decision to delay devolving benefits](#), Press and Journal, 06 March 2019

[Secrecy row as SNP quietly drop devolved benefit](#), Herald, 06 March 2019

[Minister unable to give cost of devolved benefit delays](#), Herald, 06 March 2019

[Rudd blames the SNP for benefit delay](#), Times, 06 March 2019

[SNP minister abandons entire devolved benefit to the DWP](#), Scotsman, 06 March 2019

[Amber Rudd: 'Slow' SNP underestimated problems in creating new Scottish social security system](#), Telegraph, 05 March 2019

[Full devolution of welfare payments to Scotland delayed until 2024](#), I News, 28 February 2019

[Ministers delay full control of welfare powers until 2024](#), STV News, 28 February 2019

[SNP accused of betrayal over new delay to devolution of welfare benefits](#), Scotsman, 28 February 2019

[Shirley-Anne Somerville: Best Start Grant is your benefit – make sure you claim it](#), Herald, 24 February 2019

[Final Scotland Act powers formally handed to Holyrood](#), ITV, 08 February 2019

[Scotland pays Whitehall £23m to run part of benefits system](#), Times, 31 December 2018

[SNP Government 'need help from UK officials on new welfare powers'](#), Scotsman, 4 December 2018

[SNP needs Whitehall's help with key benefit](#), Times, 4 December 2018

[Scottish ministers urged to scrap Westminster's two child cap and rape clause](#), ITV News, 23 November 2018

[Private firms axed from new Scottish welfare tests for benefit claimants](#), Scotsman, 27 September 2018

['A sea change': Campaigners welcome news that @ScotGov won't use private sector in disability benefits assessments](#), Commonsense, 27 September 2018

[Plans for new Scottish disability support assessments set out](#), BBC News, 26 September 2018

[Ministers hail 'historic moment' as Scottish welfare agency makes first payments](#), I news, 11 September 2018

[New Scots benefits agency has presence in just two councils](#), Herald, 10 September 2018

## 4. Further Reading

### Commons Library publications

[Scotland Bill 2015-16: Committee stage report](#), Commons Library briefing paper, 4 November 2015

[Scotland Bill: Welfare & Employment Support \(Bill 3 of 2015-16\)](#), Commons Library briefing paper, 4 June 2015

[Further devolution of powers to Scotland: devolved benefits and additional discretionary payments](#), Commons Library briefing paper, 18 February 2015

[Further devolution of powers to Scotland: Universal Credit housing element and payment arrangements](#), Commons Library briefing paper, 6 February 2015

### Scottish Parliament Information Centre (SPICe)

Recent publications include:

- [Housing and Social Security](#), 28 February 2019
- [Social Security \(Scotland\) Bill: Consideration Prior to Stage 3](#), 9 April 2018
- [Social Security \(Scotland\) Bill](#), 31 August 2017
- [Scotland Act 2016: Industrial Injuries Benefits And Severe Disablement Allowance](#), 18 August 2017
- [Housing Element of Universal Credit For 18-21 Year Olds](#), 16 May 2017

Older briefings (pre-April 2017) from SPICe can be found on their [older website on Social Security](#).

### SNP publications

[When will the Scottish Government begin delivering benefits being devolved in the Scotland Act 2016?](#) SNP website, accessed 5 April 2019

[Here's how we're bringing a culture of fairness, dignity, and respect to Scottish social security](#), SNP website, 27 February 2019

Ian Blackford MP, [It's time to build a welfare system of dignity and fairness](#), SNP website, 26 November 2018

[History made as new social security system begins work in Scotland](#), SNP website, 14 September 2018

## Scottish Government publications

The [Scottish Government website](#) outlines its benefits policies. The older website also has a [repository of publications](#) related to the Scottish welfare system.

[Social security for Scotland](#), Scottish Government, updated March 2019

- A publication that “summarises the current social security system in Scotland and how this will change as benefits are devolved to Scotland under the Scotland Act 2016.”

[Treating everyone with dignity and respect](#), Scottish Government, 11 January 2019

- The announcement of the publication of ‘Our Charter’ setting out the Scottish Government’s vision for Social Security Scotland

## Scottish parliament publications

The Scottish parliament website has a Further Devolution hub, which contains a section on [social welfare](#). This pulls together many publications deemed relevant to this debate.

[Letter from Dr Sally Witcher OBE, Chair of the Scottish Commission on Social Security](#), 8 February 2019

- A letter from the Scottish Commission on Social Security outlining the next steps in the set-up of the organisation.

Social Security Committee, [Social Security and In-Work Poverty](#), SP Paper 466 2nd Report, 2019 (Session 5), 6 February 2019

- The Committee’s conclusions were critical of Universal Credit and the benefit freeze, and called upon the Scottish Government to:
  - top-up or mitigate UK Government welfare policy;
  - set out how it will support income maximisation and take-up of entitlements; and
  - explain how a newly announced income supplement would work.

In May 2018, the Social Security Committee also carried out an inquiry into the [Scottish Welfare Fund](#). Oral and written evidence can be found on the [Scottish Welfare Fund inquiry](#) website.

## Think tank/academic publications

Audit Scotland has a [timeline of devolution](#) on its website. This includes a schedule of future welfare devolution.

The [Scottish Campaign on Welfare Reform](#) has published its briefings on its website, hosted by Child Poverty Action group.

[Wrong direction: can Scotland hit its child poverty targets?](#), Resolution Foundation, 22 March 2019

- Discussed in the press release, [Child poverty across Scotland on course to reach a 20-year high](#)

Colm O’Cinneide, [The Social Security \(Scotland\) Act 2018 – A Rights-Based Approach to Social Security?](#) *Edinburgh Law Review*, 01/2019, Volume 23, Issue 1

[Scotland’s new powers: Tax and welfare](#), Reform Scotland, 2016

[One department: Doing it differently](#), Reform Scotland, 2016

- Reform Scotland calling for one Scottish department responsible for both the new tax and welfare powers due to be devolved to Scotland.

[Who will be affected by Scotland’s new welfare powers?](#) Centre on Constitutional Change, April 2016

[The Devolution of Housing Benefit and Social Security: Rebalancing Housing Subsidies in Scotland](#), Shelter Scotland, 2015

Kirstein Rummery and Craig McAngus, [The Future of Social Policy in Scotland: Will Further Devolved Powers Lead to Better Social Policies for Disabled People?](#) *The Political Quarterly*, Vol. 86, No. 2, April–June 2015

Paul Spicker, [The devolution of social security benefits in Scotland: the Smith Commission](#), *Journal of Poverty and Social Justice*, vol 23, no 1, 17–28, 2015

[Devo More and Welfare: Devolving Benefits and Policy for a Stronger Union](#), IPPR, March 2014

Derek Birrell & Ann Marie Gray, [Welfare reform and devolution: issues of parity, discretion and divergence for the UK government and the devolved administrations](#), *Public Money & Management*, 34:3, 205-212, 2014



## 5. Scottish parliamentary material

### Statements

[Devolved Benefits Delivery](#), Scottish Parliament, 28 February 2019

### Debates

[Social Security Devolved Powers](#), Scottish Parliament debate, 26 September 2018

### Written parliamentary questions (PQs)

[Question S5W-22082: Mark Griffin, Central Scotland, Scottish Labour, Date Lodged: 12/03/2019](#)

To ask the Scottish Government, in light of the statement in its *Social security case transfer: policy position paper*, that "We expect to complete the case transfer by 2024... This will be subject to DWP agreeing to match our pace", whether the expected 2024 completion date is liable to delay if the DWP does not agree to its case transfer proposal; when it first sought the DWP's agreement to the 2024 completion date, and when it expects to reach agreement with the DWP.

#### **Answered by Shirley-Anne Somerville (26/03/2019):**

The Scottish Government has been discussing the arrangements for safe and secure case transfer with DWP since June 2018. We are committed to working with existing benefit recipients and stakeholder organisations to ensure that we do not repeat the mistakes of previous benefit transfers. We will conduct further research with those with lived experience of the benefits system and with stakeholders and will use this to inform joint work between both governments on our overall approach to case transfer. The delivery of devolved social security is a joint project between Scottish Government and UK Government. It is critical that DWP is able to match our pace of delivery in order to achieve the delivery dates announced in our recent Wave 2 statement, including case transfer.

[Question S5W-22080: Mark Griffin, Central Scotland, Scottish Labour, Date Lodged: 12/03/2019](#)

To ask the Scottish Government, in light of the statements in its position paper on devolved social security transfer that "no-one will be subject to a face to face re-assessment by DWP when new claims for PIP/Disability Assistance for Working Age People are open", whether anyone will be subject to a face to face re-assessment by Social Security Scotland when new claims for this assessment are open.

#### **Answered by Shirley-Anne Somerville (26/03/2019):**

We remain committed to significantly reducing the number of assessments and reassessments carried out for individuals making a new application for Disability Assistance for Working Age People (DAWAP). The detailed design of DAWAP is ongoing and will aim to ensure that individuals will only be required to attend a face to face assessment or reassessment when there is no other practicable way to obtain the information required to make a decision.

[Question S5W-22111: Michelle Ballantyne, South Scotland, Scottish Conservative and Unionist Party, Date Lodged: 13/03/2019](#)

To ask the Scottish Government what the cost will be to it of the DWP continuing to administer wave 2 benefits until it assumes full responsibility for devolved welfare.

**Answered by Shirley-Anne Somerville (21/03/2019):**

I refer the member to the answer to question S5W-21923 on 13 March 2019. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.parliament.scot/parliamentarybusiness/28877.aspx>.

[Question S5W-22052: Alasdair Allan, Na h-Eileanan an Iar, Scottish National Party, Date Lodged: 12/03/2019](#)

To ask the Scottish Government which scheduled meetings of the Joint Ministerial Working Group on Welfare since June 2016 have been (a) re-arranged and (b) postponed following a request by (i) it and (ii) the DWP.

**Answered by Shirley-Anne Somerville (20/03/2019):**

Since June 2016 there have been 7 meetings of the Joint Ministerial Working Group on Welfare (JMWGW). The dates, and minutes, of these can be found at <https://www.gov.scot/groups/joint-ministerial-group-welfare/>.

The intention was that the JMWGW would meet quarterly but that did not always happen. In June 2018, following a request from Scottish Ministers, dates for the next four meetings were set with the aim of ensuring that the Department for Work and Pensions (DWP) prioritised, and matched, the Scottish Government's pace for delivering the devolved welfare powers to Scotland.

Dates of 10 September 2018, 13 December 2018 and 18 March 2019 were subsequently agreed. UK Ministers requested that the 13 December meeting be rescheduled, but a mutually suitable alternative date could not be found, and it was subsequently cancelled.

The next meeting was originally planned for the 18 March 2019; this has been rearranged at DWP's request on a number of occasions, and the meeting is now expected to take place on 1 April 2019.

[Question S5W-21665: Michelle Ballantyne, South Scotland, Scottish Conservative and Unionist Party, Date Lodged: 13/02/2019](#)

To ask the Scottish Government what plans it has to allow Citizens Advice Scotland (CAS) to support the work of Social Security Scotland, and whether it will provide CAS with funding to allow it to offer assistance with (a) the roll-out of devolved benefits, (b) helping people make a claim and (c) helping claimants with personal budgeting support.

**Answered by Shirley-Anne Somerville (08/03/2019):**

Citizens Advice Scotland (CAS) is playing an active and valuable role in supporting the work of Social Security Scotland. This includes feeding into our various stakeholder groups and helping in the development of services and training for staff. We are also working with CAS to raise awareness of Social Security Scotland's benefits to increase uptake. We plan for this partnership working to continue as Social Security Scotland progresses in the development and delivery of its services.

In 2018-19 the Scottish Government is providing £1.46 million of funding for Welfare Mitigation to CAS and the Citizens Advice Bureaux network to enable it to provide independent advice to the people of Scotland on reserved and devolved benefit matters. In addition, CAS is also receiving funding of £3.3 million for two years from 2018 to 2020 to deliver the Financial Health Check Service. Financial Health Checks provide personalised advice to people on money matters from reducing household energy costs to claiming Social Security Scotland benefits such as the Best Start Grant.

[Question S5W-21376: Michelle Ballantyne, South Scotland, Scottish Conservative and Unionist Party, Date Lodged: 01/02/2019](#)

To ask the Scottish Government whether it will provide details of the training that will be given to Social Security Scotland staff carrying out work capability assessments, or the Scottish equivalent, and how much it will cost to provide this training.

**Answered by Shirley-Anne Somerville (01/03/2019):**

Social Security Scotland will take responsibility for eleven devolved benefits under the Scotland Act 2016. The delivery of these benefits will not require work capability assessments. As such, there is no training requirement for assessors to undertake these types of assessments.

[Question S5W-21375: Michelle Ballantyne, South Scotland, Scottish Conservative and Unionist Party, Date Lodged: 01/02/2019](#)

To ask the Scottish Government what its recruitment strategy is for attracting assessors for work capability assessments, or the Scottish equivalent.

**Answered by Shirley-Anne Somerville (01/03/2019):**

Social Security Scotland will take responsibility for eleven devolved benefits under the Scotland Act 2016. The delivery of these benefits will not require work capability assessments. As such, there is no recruitment strategy for attracting assessors to undertake these types of assessments.

[Question S5W-19370: Michelle Ballantyne, South Scotland, Scottish Conservative and Unionist Party, Date Lodged: 11/10/2018](#)

To ask the Scottish Government how much it expects to spend in each of the financial years 2018-19 to 2023-24 on (a) carer's allowance, (b) carer's allowance supplement, (c) discretionary housing payments, (d) the Scottish Welfare Fund, (e) employability services, (f) Fair Start Scotland, (g) Work Able Scotland, (h) Work First Scotland, (i) funeral expense assistance, (j) healthy start vouchers and (k) the Sure Start maternity grant.

**Answered by Shirley-Anne Somerville (05/11/2018):**

As set out in the Scottish Fiscal Commission Act 2016, the Scottish Fiscal Commission's independent forecasts of devolved social security expenditure are used to inform the Scottish Government's budget.

The Scottish Fiscal Commission publish Scotland's Economic and Fiscal Forecasts on 31 May 2018. The spend for each year 16-17 to 23-24 for each of the services is contained in a table on page 152 of that report.

<http://www.fiscalcommission.scot/media/1314/scotlands-economic-and-fiscal-forecasts-may-2018-full-report.pdf>

The forecast expenditure for Funeral Expenses Payment, Healthy Start Vouchers and Sure Start Maternity Grant is based on current UK Government policy. Therefore this figure is not reflective of the Scottish Government's proposed policy changes.

## 6. UK Parliamentary material

### Debates

There was a Westminster Hall debate on [Scottish Welfare Powers](#) (HC deb 20 March 2018, cc107-126WH).

During the debate on [Disability support](#) (HC deb 19 December 2018 cc907-947) on Luke Graham MP said the following (cc926-7):

[...] I wish to make one or two final points before summarising. We have talked a lot about statistics. One concern I have—this is often not appreciated in this House—is that the devolution of certain levels of statistics around the country means we often have different levels of government in the UK producing different statistics, which makes like-for-like comparisons quite difficult. When preparing for this debate and for the mental health debate that was pulled, I struggled to get figures from the Library, because in Scotland we are now not going along with certain NHS quality-for-delivery frameworks. Even if different parts of the United Kingdom and different levels of government use different methods, we have to find a statistical method to find a uniform measure so that we can have meaningful debate in this place. Otherwise, we are not comparing apples with apples and we cannot get a real view of how services are being delivered for our constituents.

In that same vein, the devolution of welfare powers has been debated in the past, and I am sure that the debate will be ongoing in this place in the coming years. I have a real concern about the devolution of welfare powers—not because I think that all powers should remain here and I want to sit on the green-Bench throne, but because when we speak to the most vulnerable people in our constituencies, as I know every Member does, we find out that adding another agency or two into the equation would make it even more difficult for them to get the help that they need.

I support this issue, because we should have an objective assessment of what these changes are doing for our constituents and for the most vulnerable people. We are spending the money, but we have to make sure that it goes to the right place. For too long, benefits have been a party political issue. When it comes to disability and helping the most vulnerable people in society, we can look past our party affiliation and deliver for our constituents.

### Parliamentary questions

[Devolution: Northern Ireland and Scotland](#) (PQ 176403) 16 Oct 2018

**Asked by:** Brown, Alan

To ask the Secretary of State for Scotland, pursuant to the answer of 14 September 2018 to Question 169528, on Devolution: Northern Ireland and Scotland, what discussions he has had with the Secretary of State for Northern Ireland on (a) the benefits of the devolution of all social security to the Northern Ireland Assembly and (b) the potential benefits to Scotland of similar such devolved powers.

**Answering member:** David Mundell | **Department:** Scotland Office

The devolution settlements for Scotland, Northern Ireland and Wales are each unique and areas that are devolved in one part of the UK may not be devolved in another. This reflects the history and development of the different devolution settlements across the UK. The Secretaries of State for Northern Ireland and Wales and I work closely together to ensure that these settlements work for the people of the various parts of the UK.

In 2014, the Smith Commission considered in great depth what new powers should be devolved to the Scottish Parliament, and the report was agreed by all five of Scotland's main political parties. The Scotland Act 2016 delivers on the Smith Commission Agreement in full, and we are committed to implementing the Act. The Scottish devolution settlement strikes the right balance for Scotland and now is not the time to reopen this issue.

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