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17 March 2022

Dear Sally,

### **The Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022**

I am writing to inform the Commission of an urgent need to implement new, expedited arrangements in relation to the above draft regulations and associated uprating of social security benefit payments.

In response to the growing cost of living pressures, which have risen significantly recently due to the war in Ukraine, Ministers are seeking to urgently provide additional support to people by further increasing Best Start Grant, Child Winter Heating Assistance, Funeral Support Payment and Young Carers Grant from 3.1% in the current draft, up to 6%.

To this end, it will be necessary to withdraw the Social Security (Up-rating) (Miscellaneous Amendment) (Scotland) Regulations 2022 and re-lay a revised draft which provides the additional increase. In order to achieve these changes by 01 April I am seeking to re-lay these revised regulations today, Thursday 17 March 2022, and rely on an expedited parliamentary process.

The revised regulations will be almost identical to the draft that SCoSS has already scrutinised save for the figures for awards increased in line with a 6% uprate. The only other change to the new regulations is to now also uprate the Best Start Grant payments which were not previously included for uprating in the previous draft. Scottish Child Payment will maintain the same uprate of 100% from £10 to £20 a week per child.

Adult Disability Payment and Child Disability Payment must increase by 3.1% in line with benefits still administered by DWP under agency agreement to avoid creating a two-tier system where individuals paid by Social Security Scotland are paid more than clients whose cases have not yet transferred to the Scottish system.

I would therefore like to submit draft regulations under section 97(2) of the Social Security (Scotland) Act 2018 ('The Act') which I intend to lay before Parliament today, Thursday 17 March. Please find draft regulations attached.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

I understand that submitting the regulations to you for scrutiny today to lay before Parliament on the same day does not provide the Commission with the time you require to undertake your duties to scrutinise and report on the draft regulations before they are laid. As SCoSS has already provided a scrutiny report on the previous version of the regulations, it is not necessary to complete a new scrutiny report. I would of course welcome a revised version of the report with changes if SCoSS wishes to do so. I will respond to your report when it is published, including bringing forward further provision where that is necessary to implement recommendations that we accept and to explain why we will not do so where we do not agree with recommendations.

In laying the regulations and in line with the requirements of the 2018 Act I will set out why I have done so before you have had a chance to scrutinise the new version of the regulations.

I would like to apologise for any inconvenience to SCoSS because of the need to implement these urgent measures. However, I trust you will be supportive of the need to act urgently to support low income households who are disproportionately affected by rising costs.

Thank you for your continued co-operation and support.

Best regards,



**BEN MACPHERSON**