

JOINT MINISTERIAL WORKING GROUP ON WELFARE
Dover House, London, Tuesday 11 October 2016, 11:30-13:30
6th Meeting – Meeting Minutes

Present

Angela Constance MSP, Cabinet Secretary for Communities, Social Security and Equalities (Co-chair)
David Mundell MP, Secretary of State for Scotland (Co-chair)
Damian Green, Secretary of State for Work and Pensions
Jamie Hepburn, Minister for Employability and Training

In attendance

Stephen Kerr, Scottish Government
Michael McElhinney, Scottish Government
Ann McVie, Scottish Government
Steven Turnbull, Scottish Government
Neil Couling, DWP
Richard Cornish, DWP
Ian Clark, DWP
Victoria Hogan, DWP
James Dowler, Scotland Office
Jessica Niven, Scotland Office
Julie Humphreys, Scotland Office
Mary Macleod, Scotland Office
Jill Walker, Scotland Office

Note of last meeting and review of actions

1. The note of the last meeting of 16 June 2016 was agreed. There were no outstanding actions. The Cabinet Secretary for Communities, Social Security and Equalities (Cab Sec CSSE) welcomed members.
2. Cab Sec CSSE also said that she looks forward to working with the new Secretary of State for Work and Pensions (SoS DWP) and acknowledged SoS DWP's acceptance of the invitation to appear before the Scottish Parliament Social Security Committee in November.

Universal Credit

3. SoS DWP set out the approach for Universal Credit full service rollout and Scottish flexibilities. He explained that DWP and SG Ministers would be receiving formal advice on delivery of the Scottish Government flexibilities which will form the basis of future discussions.

4. Neil Couling (NC) said that the full service rollout was live in Musselburgh and Inverness Jobcentre Plus and it was agreed that an invitation would be extended to Ministers and officials to visit.

Action: DWP

5. It was agreed that the future Scottish rollout schedule would take into account local issues where possible and that officials will continue to work together to progress this.

Employability Plans

6. The Minister for Employability and Training (MfET) spoke about the recent Scottish Parliament debate on employability and referenced the good joint working that had taken place to assist delivery of transitional employment programmes. MfES also said he welcomed the offer of SoS DWP for officials to continue working closely to clarify the interaction between the reserved social security system and devolved voluntary employment programmes for the long-term unemployed.

7. It was agreed that DWP and SG officials would continue to work together to progress the issue and that an update would be provided after proposals were received.

Action: DWP/SG

8. MfET noted that the final finance arrangements for employment programmes had not yet been confirmed. It was acknowledged that this was an issue for the Joint Exchequer Committee to consider, and that SoSS would seek an update from the Chief Secretary to the Treasury.

Action: SO

9. SoSS commented that it would be positive to bring together the two governments as well as local government and revisit an approach to the Scottish Employability Forum (SEF). Cab Sec CSSE agreed that this was important. It was agreed that there would be a joint update on proposals for this at the next meeting.

Action: SO/SG/DWP

Joint Communications

10. Cab Sec CSSE highlighted progress made to date on joint communications and noted the importance of this work. It was particularly important for both governments to have a shared view of milestones to communicate.

11. SoS DWP emphasised the number of audiences who are impacted by changes to welfare delivery including claimants, front line staff and the public.

12. It was agreed that an update on communications activity will be shared at the next meeting.

Action: DWP/SG

Carers Allowance

13. Cab Sec CSSE stated that delivering enhanced payments of Carer's Allowance was a priority for Scottish Government. Cab Sec CSSE has requested for DWP to conduct a feasibility study to see if DWP can deliver an increased Carer's payment on behalf of Scottish Government, until Scottish Government are able to deliver the payment themselves. Cab Sec CSSE recognised that this study was proceeding and that this would be a useful exercise in terms of how departments work together in the future.
14. SoS DWP confirmed that feasibility work had begun at the end of September and that it was anticipated that this could be completed in 3 months. It was agreed that officials would continue to work together on this.

Scotland Act 2016 Commencement – Tranche 2

15. Cab Sec CSSE noted that good progress had been made on Tranche 1 to commence these powers and that Tranche 2 was more complex. Cab Sec CSSE explained that Scottish Government is keen to minimise the use of agency agreements, and recognised that the proposed approach of splitting legislative and executive competency was new terrain for both governments.
16. SoS DWP referred to the need for both governments to adhere to guiding principles of: protecting continuing benefit claimants; clear accountability; and that the arrangement was in line with the Fiscal Framework.
17. SoS DWP agreed that UK Government was willing to commit to try the untested method of splitting competence, using best endeavours to work with Scottish Government to transfer legislative competence by June 2017, in time to introduce the Scottish Government Social Security Bill. To minimise risk and complexity executive competence would need to follow by an agreed date. .
18. SoSS noted that splitting competence was a pragmatic and novel approach. The group agreed that that recipients of benefits are core to considerations, and also that there was a significant and untested legal process to split competence, and that any challenges would be reported back to this group.
19. The group discussed that a suitable time period might be two or three years. It was subsequently agreed that a fixed date was preferable, and that officials should work to commence sections 22 and 23 of the Scotland Act with an approach of splitting legislative and executive competence, with the intention of legislative competence passing by June 2017 and executive competence passing by April 2020. Thereafter, agency agreements would be put in place as necessary.
20. SoS DWP stated that whilst DWP are working to deliver all that Scottish Government are asking for, if Scottish Government have particular priorities they wish to achieve it would be helpful to understand these so that officials can prioritise work on the most important areas first.

Action: SO/SG/DWP

21. It was agreed that this meeting will receive regular updates on this approach to commencement.

Action: SO/SG/DWP

Any Other Business

22. Ministers noted that an official level Memorandum of Understanding on joint working arrangements covering the implementation of devolved welfare powers, had been agreed between DWP and the Scottish Government.

23. The joint working underway between DWP and Scottish Government was noted. MfET welcomed that this included both Governments progressing paragraph 58 of the Smith Agreement, concerning the governance of the Jobcentre Plus network in Scotland. A progress update would be provided at a future meeting.

Action: DWP/SG