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Jeane Clare

In advance of the Social Security Committee's next Stage 2 scrutiny session on the Social Security (Scotland) Bill on 1 March 2018, I thought I should write to you and your members in relation to the final set of amendments I have lodged on inalienability of assistance and information sharing.

Amendments 198 and 199 set out a statutory basis for the inalienability of devolved social security benefits. The effect of these amendments would be that an individual's right to social security assistance could not be assigned or transferred to a third party in order to pay off debts and that it would not pass directly into a sequestrated estate in the event of insolvency. In line with current Westminster legislation, this includes the specific (and possibly rare) circumstances where a judicial factor has been appointed to the estate of an insolvent solicitor. The general rule on inalienability does not preclude assistance being paid directly to a third party, so long as this has been agreed by the individual (an example being housing assistance paid directly to a landlord). This is in line with the principles already well-established within Scottish bankruptcy policy and legislation that an individual should continue to receive the social security assistance to which they are entitled in the insolvency process. These amendments will ensure that assistance provided from the Scottish system meets the needs for which it was intended.

Amendments 200 and 201 are technical adjustments to the Bill that make provision for data sharing between Scottish Ministers and Scottish public authorities. The Scotland Act 2016 contains provision for data sharing between Scottish Ministers and the Secretary of State for the purposes of social security. Additional gateways for data sharing need to be created so that Ministers and Scottish public authorities can share information with one another, and these amendments set a starting point for that provision.

The Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

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Further data sharing gateways will be required with UK bodies (HM Revenue and Customs, for example). These are currently being discussed with the UK Government, but will be set up outwith the Social Security Bill. We also continue to work with the Scottish Public Services Ombudsman in advance of Stage 3 to understand what she may require to deliver effective redress in relation to the social security charter, and to identify what (if any) legislative provisions may be necessary to give effect to these requirements.

I trust that this information is of interest to the Committee, and I look forward to the next Stage 2 session on Thursday.

Kind regards



JEANE FREEMAN

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