

Scottish Affairs Committee

Oral evidence: [My Scottish Affairs 2020, HC 613](#)

Wednesday 4 November 2020

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Members present: Pete Wishart (Chair); Mhairi Black; Deidre Brock; Wendy Chamberlain; Jon Cruddas; Sally-Ann Hart; John Lamont; Douglas Ross.

Questions 1 - 53

Witnesses

I: Janis McDonald, Chief Officer, deafscotland; Clare Slipper, Political Affairs Manager, NFU Scotland; Rosemary Dickson; Michael Clancy, Director of Law Reform, The Law Society of Scotland; Benjamin Gill; Mhoraig Green, Strategic Lead - Social Justice, Citizens Advice Scotland; and Moira Crawford.

Examination of Witnesses

Witnesses: Janis McDonald, Clare Slipper, Rosemary Dickson, Michael Clancy, Benjamin Gill, Mhoraig Green and Moira Crawford.

Q1 Chair: Welcome to the Scottish Affairs Committee and My Scottish Affairs, the session we have designed to allow members of the public and organisations in Scotland to pitch to the Scottish Affairs Committee for us to consider if we should be taking up their interests or issue. Today we have seven contributors who will give us a five-minute pitch. There will then be questions from the Committee for up to 10 minutes before we move on to the next contributor.

I am very grateful to everybody who has come along today to help out. My Scottish Affairs has always been a big thing for the Scottish Affairs Committee. In previous sessions of Parliament it has helped to inform inquiries and reports that we have pursued, and it has helped us to design our work programme. We are grateful to everybody who has come forward this time around. We had 80 submissions to this exercise from different individuals and organisations, so we are grateful to everybody who has contributed. Hopefully, we will get something very tangible, substantial and significant out of all this. Thank you for all your evidence and presentations. We are looking forward to hearing you today.

Let's get started. Our first witness today is Janis McDonald, who is the chief officer of deafscotland. Janis, it is a real pleasure to have you in front of the Committee for the first time. It is now over to you. You have five minutes to make your presentation, and then there will be a couple of questions from the Committee.

Janis McDonald: Thank you for the opportunity to present today. We are very grateful. I am going to keep my presentation quite short because we gave quite a lengthy submission on our case. I am talking about inclusive communication today, which is our attempt to turn the exceptional into the ordinary to address communication poverty. There are 1 million people directly affected by deafness in Scotland. Hearing loss is common in Scotland, but also across the UK.

The focus today is to propose a solution to mainstream inclusive communication and to urge the Committee to hold an inquiry for the purpose of drilling down into where to act and recommending workable solutions to support and protect individuals and families in Scotland. I want to give a couple of everyday examples of how communication poverty affects people. I am hard of hearing. I believe people have kitchen goods that beep and tell them when their cycles have finished and things. I have to pay more for my goods to get lights that flash. In fact, I often end up being anxious and hovering over them to see when the cycle is finished. That might not sound very much but, on a day-to-day basis, it can eat away at your confidence, and anxiety levels are a norm.



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The other everyday problem that people will experience is door entry systems. Increasingly, buzzer entry systems are a problem. We do not know when the buzzers are being released unless there is a flashing light or a video camera where people can let you in. Again, it does not sound much but two or three times a day and that can be a problem. In fact, in my own experience, sometimes I cannot even get out of the carpark because it is an exit system by buzzer, never mind getting into the building. Lots of services are accessible by telephone only. Again, that is a problem, but even many services where you can order goods online, if you want to change the delivery dates and things, you have to telephone.

I believe we share the same ambition, which is to enable everyone to achieve their social and economic potential. To do that, we have to acknowledge the extent of communication poverty and the reason that it exists. Currently people affected by deafness and others with communication barriers are overlooked. They cannot hear or communicate well, they cannot engage with each other, they cannot engage with the state, with employers, education and training or community activities to the same extent as mainstream communicators. Communication includes, but it is not restricted to, either spoken or visual language. There are many ways to communicate and it is important as we go forward into the future that we appreciate and understand that better and differently.

I think we need to change society, culture and practice to make the solutions routine and commonplace so that people with communication barriers do not have to navigate problems daily. We have a lot of evidence to prove the problem. In an ageing population, the scale will increase because of age-related hearing loss, but what I want to focus on today is what you can do, given the range of Westminster's reserved powers. I have five areas to look at.

The first is work to activate Access to Work benefits, with the consequence of a whole organisation benefit. This benefit exists to address unmet needs, but I would ask the Committee to examine why the take-up is so poor and why it will not cover things like access to volunteering, especially during the Covid response, for example, when many people would have given more time but are not able to carry out things because their communication barriers need resource. To be able to boost the take-up and identify how benefits could be more flexible would be very helpful for people to stay in or gain entry to work and also to develop within the workplace, because that is a huge barrier at the moment.

For business, companies large and small could explain how they have used technology very inclusively during Covid-19, and that really opens up the jobs market for those with hearing loss and others.

Learning and building on digital literacy, as well as connectivity, could offer a roadmap to include those with hearing loss and others in a new



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and vibrant economy. We would like to see some investment in projects. We think enterprise could flourish around the infrastructure and tools that we need for rooms, buildings and public spaces to reduce noise and amplify sound. The industry is a bit like the green energy industry, and we think it makes sense. It innovates, deals with real need and can employ people. It can make money and it could make us an inclusive communication nation. It would create and maybe build new innovative equipment that could be exported.

Chair: If you can just wind up and maybe give us the rest of your list, Janis.

Janis McDonald: Scotland in the UK is using the model of the Gaelic Language Act to provide a framework that promotes inclusive communication as well as addressing confusion with accessible information. We would ask to establish a board of inclusive communication.

Finally, while deafness can be from birth or acquired, I want to highlight a growing source of hearing loss in younger people, which is the use of modern technology, listening to music and leisure activities through earphones with noise and vibration. It may be something that we need to look at in addition to prevention and changing the economy. Thank you for allowing me to make this presentation, and I look forward to your questions.

Q2 **Chair:** Thank you ever so much. That was a fantastic presentation. In five minutes you managed to cram an awful lot in there. What I saw from that particularly helpful and useful contribution is that it seems to be about making sure we can overcome some of the communication barriers. The five points you highlighted seem to be the terrain that would be covered to try to make progress in addressing some of these communication barriers.

You mentioned that you are aware of some of the reserved issues around all this, and you touched on issues to do with work and benefits, which I think you identified is within our scope, as Members of Parliament, and the responsibilities of the UK Parliament. Is there anything specifically, given that we are Members of Parliament with reserved responsibilities, that you think should be the focus of any such inquiry if we were to look at this and do some work on it?

Janis McDonald: As I mentioned earlier, uptake of Access to Work has the potential to make a difference. We know that a lot of people leave the workplace, or they downgrade their positions within the workplace, because communication is a problem and they feel they are not keeping up to speed with their colleagues. We think there is quite a lot of crossover between the digital technology strategy and the ability to change how workplaces deal with barriers. We would like to see Access to Work reviewed.

Q3 **Chair:** Is there anything specific to Scotland within the range of reserved



powers? Is there anything that maybe sets Scotland apart, or is there something we do differently that maybe we need to look at as Scottish MPs?

Janis McDonald: It is quite a tough question, but I think we are looking at communication differently in Scotland. We were involved with the British Sign Language Act, for example, and I know there is work down south around a similar approach. In my mind, it is quite important to understand that the state has duties to communicate with all its residents and citizens, and therefore understanding in a communication strategy would be quite important.

There is the whole link between the centre and the regions. In Scotland, for example, having a central plan and working with local authorities would be quite important; it is just as important between the UK Government and Scotland. I feel it is much more about a plan, a strategy and actions. All the players need to take part. I think MPs could show clear leadership and be very clear on what the reserved and devolved powers could do together to make a huge difference in Scotland.

Q4 Mhairi Black: Hi Janis. That was very interesting. You spoke a little about the day-to-day examples of how life can be more difficult than for other people. Has the current pandemic exacerbated those problems? If so, could you describe how that is the case?

Janis McDonald: I would suggest yes. We are looking at the harder evidence, but there has always been an increased level of mental ill health, for example, among people affected by deafness. It is quite an isolating condition. People self-isolate quite a lot because they cannot manage communication in the mainstream. What we see with the Covid pandemic is the increased use of masks, screens and social distancing causing quite distressing circumstances. Hearing aids are designed to work at a metre, so the 2-metre distance is a huge problem. Being able to lip read and understand what people are saying is not just about transparencies in the mask. If the mask is not removed, the sound is muffled, which makes it quite difficult.

We feel that, between the layers of barriers, there is potentially sometimes an overreaction. Don't get me wrong, we understand just how deadly Covid can be, but it is important to understand the impact, where our older adults are fearful. People are coming into their homes in masks and gowns, and the ability to communicate and reassure is very much inhibited. There is a whole range of areas where I think we will see increasing levels of distress as the isolation continues.

Q5 Mhairi Black: Are there any obvious solutions that could solve these problems that we are not taking now?

Janis McDonald: I think there are things that can be done with the digital strategy. Being able to link in through iPads, laptops or virtual assistants can be quite a good way to link in with your older relatives in care or in homecare, where they might have been shielding in the past.



There are a whole number of solutions out there, but people don't generally know about them. There is an additional cost to all these things. For example, I see houses in the future where the video-links would be built in and the technology would be able to do that. If you think about it, sensory deprivation is a form of torture and a lot of the mitigation for Covid is creating that environment for people. There are definitely a number of ways in which we need to consider how people can communicate better and differently going forward. It has really been the response to Covid that has made us more active.

Q6 Mhairi Black: Is it fair to say that of course there are many very real challenges, such as you have laid out, but there is also a real opportunity to change how we function in general in society? Is that a fair thing to say?

Janis McDonald: That is very much where we are coming from, Mhairi, to be honest with you. It is the idea that mainstream communication has got a bit bogged down in writing and reading, and that is not the best way or the preferred way for lots of people to communicate. We now get much more from the telly and visual things. It is maybe a step to recalibrate and think through some of those things because of their impact on the social and economic infrastructure, in a sense.

Q7 Douglas Ross: Thank you, Janis, for an excellent presentation. The fact we have so many questions is because you have really engaged the Committee on this subject. In your written evidence you said, "Communication accessibility does not carry the same weighting as mobility." Could you expand that further?

Janis McDonald: When you look at the benefits system and things, points win prizes. We think communication accessibility is effectively a bigger issue. If people have mobility issues, there are a whole lot of things about how far they can walk and what sort of weight that brings to the mobility element of their benefit. There is not a similar weighting, or it is not as significant. Again, I go back to the idea of wellbeing. If people are not able to communicate well, their wellbeing is impacted quite significantly.

Being mobile is good, but being mobile and being able to communicate is much better. Often when the communication is lacking is where people deteriorate. It is always a balance of levers, but we feel there is not enough weighting for communication to be able to provide the additional resources that people need to do volunteering and to be active citizens. They are often confined to their homes because of that rather than their mobility. Does that make sense?

Douglas Ross: Very much so. Thank you very much.

Q8 Chair: Thank you, Janis. That was a fantastic presentation. Douglas is absolutely right, there are so many questions and those were such concise and clear answers. We are very grateful for that.



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One other thing to add is that a lot of the issues you presented to us in your written evidence were around benefits and social security. This Committee is doing an inquiry on social security in Scotland. If you have not already given written evidence on this, could I strongly encourage that you do so that we can pick that up? Thank you ever so much. That was excellent. We all enjoyed it, and we will definitely be keeping in touch with you.

Next we have Clare Slipper from NFU Scotland, and she is no stranger to this Committee. Clare has given evidence on a number of occasions, but she wants to make a pitch for us to look at the UK internal market post-Brexit. Over to you, Clare, five minutes.

Clare Slipper: Thank you for having me at the Committee today. It is good to be back. My name is Clare Slipper. I am the political affairs manager for the National Farmers Union of Scotland, where we represent over 8,500 farmers, crofters and growers across the country.

Where we are starting at with this pitch is that, in the previous Parliament, the Scottish Affairs Committee examined the issue of intra-UK governmental relations. What it found at the time was that political relations between the Governments is vital to support both the devolved settlement and the continued operation of the UK internal market outside the EU. The Committee recommended at the time that adequate functioning of the Joint Ministerial Committee, as well as general trust and participation in the common frameworks arrangements, would be key to maintaining political relations.

NFU Scotland entirely agrees with these findings, as we did at the time. We believe that maintaining the integrity and competitiveness of the UK internal market is extremely important for Scottish agriculture and the wider food and drink sector. It is by far the biggest market, and we understand that some 60% of Scottish produce goes no further than the rest of the UK. In order to maintain the UK internal market, we need to ensure there is a UK-wide regulatory framework so as to ensure a level playing field that would operate in a manner similar to how the EU regulatory framework has operated over the last 40-odd years.

However, at the same time, we strongly believe that future agricultural support systems must diverge across the UK so that we can better support and enhance the productivity of very different agricultural systems across the UK. How we define this is a very fine balance of divergence in application but convergence in regulation. We believe this should be managed by commonly agreed frameworks.

The previous Committee in the last session also held a wide-ranging inquiry into the future of agriculture in Scotland, which found that common agricultural frameworks should be agreed by consensus between the Administrations and that frameworks should ensure the Scottish Government have at least the same flexibility over agricultural policy as they do currently under the common agricultural policy.



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Since the Committee's previous examinations on intergovernmental relations and the future of agriculture in Scotland, we have obviously entered the transition period out of the EU. We understand that some meaningful progress has also been made on some of the common frameworks that were under discussion.

We have also in recent weeks seen the publication of the UK Internal Market Bill, which has sparked some disagreement between the Administrations of the UK. As I have set out, NFUS believes that measures to ensure the maintenance of the UK internal market are vital for where there are not yet common frameworks in place. However, we have some concerns about the approach in the Bill, which we have set out throughout this process, but there is not enough weight being put behind the importance of common frameworks as being the most appropriate decision-making vehicle. Similarly, we would also like to see the Bill address the issues of intergovernmental relations that the Committee has previously identified by inserting some form of dispute resolution mechanism into the legislation.

There is a huge amount of political heat around this, which we recognise, so we believe the Committee should undertake an inquiry to establish some facts around the issues here, in the hope that we might be able to find some agreement on the areas of tension when it comes to what I described earlier as the fine balance between convergence in regulation but divergence in application.

I understand that the Committee will be hearing later from the Law Society of Scotland, which has proposed a similar investigation on how our Governments work together to create regulations and to avoid disputes. There is clearly more detail in our written submission, but we would like to see an inquiry examine, first, the areas of agreement and disagreement between the UK and devolved Administrations on how to maintain the UK internal market, in an attempt to try to find consensus on how to avoid and/or resolve disputes when they come up.

Secondly, we would like to see an examination into the potential capacity for regulatory divergence between the UK and devolved Administrations further to the common framework negotiations and the UK Internal Market Bill. Finally, we would like an inquiry to examine the potential capacity for regulatory divergence as a result of the Scottish Government's Continuity Bill, which proposes to ensure Scotland keeps pace with the EU following the end of transition.

That is a quick canter through our submission. I look forward to hearing questions. Thanks again for having me here today.

Q9 John Lamont: Thank you, Clare. That was expertly delivered, as ever. Nice to see you again. I have a couple of questions. First, can you set out in more detail what the risks would be to Scottish farmers and food producers if there were bias within the UK that might interfere with the UK internal market?



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Clare Slipper: As I set out in my remarks, around 60% of Scottish agricultural produce goes no further than the rest of the UK, so we need to ensure there is still an ability for us to sell produce into markets within the UK. To do that, we want to operate on a level playing field with the standards to which we produce. Similarly, a large number of inputs that are essential to agriculture production come from elsewhere in the UK. Again, that is why the regulatory framework is so important.

I think the risks are quite clear. If we do not have a level playing field in that respect, we could end up with significant competitive distortion, which might create some issues between farmers in one part of the UK and farmers in another. If we do not have agreement on some of these principles, it might mean that producers in one part of the country are able to produce agricultural products to an alternative standard to what is required elsewhere in the UK. Again, that could create issues in competition and access to markets. That is a situation we want to avoid.

Q10 **John Lamont:** Basically, it would potentially do harm to Scottish farmers' ability to trade with the rest of the UK. It would put them at a competitive disadvantage, I think that was the phrase you used.

Clare Slipper: Yes.

Q11 **John Lamont:** I think we all recognise that agricultural policy is devolved to the Scottish Government and the Scottish Parliament, as it is today and as it was when we were full members of the European Union. As we are talking about the UK internal market now, the EU had its internal market and had rules that protected its operation. Did you have similar concerns about the EU internal market rules ensuring that the market operated across the EU consistently? Something similar is being proposed here, in so far as ensuring that the internal market within the UK also operates efficiently.

Clare Slipper: Clearly, as we leave the EU, we are all starting from the same place on the regulatory standing point. Our concern is the ability for different settlements to diverge across the UK and that being kept unchecked. We believe strongly that the common frameworks process is the best way to find agreement on the UK internal market. On how things were negotiated as members of the EU, we felt there was a good process there to ensure that all views were accounted for.

We have supported the common frameworks process since its inception over three years ago, and we understand there are various frameworks that will be ratified shortly. That is how we want to make these decisions moving forward. As I have outlined, we have concerns that, because we are starting from a place where everything is the same, we are on the same playing field. If we do not have measures in place to ensure we can find agreement as we move forward and seek to do things better for UK agriculture, we could end up in a situation where we have uncompetitive divergence.



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- Q12 **John Lamont:** Clearly, we might find ourselves in a situation where different parts of the UK cannot reach agreement around common frameworks. Do you accept that the UK internal market is of such importance to Scottish farmers and to every other bit of the Scottish economy that it is appropriate for the UK Government to do what they are doing, which is bring forward this UK Internal Market Bill to protect the UK internal market in the same way that the EU protects its market?

Clare Slipper: We feel that the measures in the Bill are important to have some form of insurance policy for where we do not have common frameworks in place, or where they are yet to be negotiated. As I have said, we would like to have protections and safeguards within that legislation to ensure that consensus is at the forefront and that there is better consultation between the devolved Administrations and the UK Government. We would also like to have a dispute resolution mechanism in place because, as we have seen, this debate has become quite politicised, and industry often feels it can be slightly caught in the crossfire of the disagreement there. We would like to see a dispute resolution mechanism at its core so that we can try to find better consensus and agreement.

- Q13 **John Lamont:** Are you proposing a federal structure for the UK?

Clare Slipper: I am not at liberty to answer a question in that much depth, but we think there should be something within the Bill that would allow better consensus to be found. I cannot say whether or not you could call that a federal structure, but at the moment we feel there is an accountability gap that we would like to see filled.

- Q14 **Deidre Brock:** Hi Clare, nice to see you again. I think I heard it from all the NFUs I saw in front of the Agriculture Bill Committee on which I sat that, for example, consent is required rather than simple consultation, which is the impression you get sometimes from the UK Government in these areas.

I want to ask a couple of specific questions. One of the powers that the UK Government have chosen to retain entirely is state aid. As you and I know, the Scottish and UK Governments will be taking quite different approaches in the future to support farmers and crofters. The UK Government are removing the direct payment scheme for English farmers over seven years—I think from 2024—and replacing it with public money for public good and environmental land management schemes. The Scottish Government have indicated that they intend to maintain a form of direct payment. They have suggested there will be a review, but they have indicated that they want to maintain direct payments to farmers.

What concerns are there on the back of this Bill that the UK Government might look, in the future, at the Scottish Government's proposals around support for farmers and crofters and decide that that doesn't represent a level playing field and take some form of action against it? Is that a concern you hear among your members? It is certainly a concern I have.



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Clare Slipper: On the financial assistance powers and state aid within the Bill, we think it is very important that there is still capacity for Governments to support sectors such as agriculture. This is going to be very important as we seek to devise a new agriculture policy for Scotland moving forward. What we have put forward in the context of the UK Internal Market Bill and the UK Agriculture Bill is that we would like to see better consensus and agreement mechanisms between the Governments to agree levels of future agricultural support. We have been given some reassurances around that, particularly through the passage of the UK Agriculture Bill.

On disputes, it comes back to this issue about dispute resolution mechanisms and intergovernmental working. We would like to be better reassured that there is a process for issues to be worked through as and when they come up. However, when it comes to the financing of future agricultural policy, we take some reassurance that we have been given a commitment by this Government that future agricultural policy will be financed up to the end of the next Parliament. We obviously would like to pin down a longer-term commitment on spending beyond that, and that is something we have argued for strongly, not least in the comprehensive spending review, and will continue to fight for.

We have a good, strong case to put forward for Treasury support to maintain an agricultural sector in Scotland and all the benefits it delivers for the environment, climate and food production.

Q15 **Deidre Brock:** Absolutely. Can I ask about the concerns that you and many other organisations have about the mutual recognition principle? Could you bullet point your main concerns about that for your farmers, crofters and growers?

Clare Slipper: Mutual recognition reverts back to my previous comments. This measure, when used alongside the non-discrimination principle, is an attempt to ensure an insurance policy that we cannot effectively rule out certain produce in one part of the country from being sold if it is being produced elsewhere. Primarily, this concern came up through the very large debate we had around the UK Agriculture and Trade Bills and what kind of produce we may or may not be able to import into the country post-Brexit if it has been produced to an equivalent standard. This is a very current topic, because the Agriculture Bill will be debated this afternoon, but I hope we are now reaching a point where a sensible compromise has been found to give assurances on that point.

However, we would have been concerned, in the event that we had inequivalent produce circulating in the market, about mutual recognition, if one part of the country had said they could not produce to those standards and produce was circulating elsewhere.

This is where we need to have further clarity on some of the common frameworks negotiations around things like regulation of pesticides.



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Should we not have a common framework in place, theoretically, for regulation of pesticides, we may well end up in a situation where a pesticide is outlawed in one part of the country but not elsewhere. We would end up with competition issues if farmers were able to sell produce treated with that pesticide into a part of the country where the pesticide is outlawed. That is just one of many examples that you could use, but we hope these are the kinds of issues that would be resolved by the common frameworks negotiations that are under way.

- Q16 **Deidre Brock:** Obviously, all the different parts of the UK traded with each other before we entered the EU. Are there lessons to be learned from that time that we can carry forward? There was a certain amount of upset caused by the suddenness with which the internal market proposals appeared, and I think everyone is still scrambling to catch up and make sure they fully understand all the implications of the Bill. Can you think of anything we could learn from the past that we could carry forward and use now?

Clare Slipper: As I said in response to John's earlier question, we are clearly not going to be replicating the decision-making frameworks we had under the EU and we will be operating under a very different structure, but at least we felt at that point that there was an opportunity for all member states to have a say and there was a qualified-majority voting system in place.

On the lessons learned from the UK Internal Market Bill consultation that came out in the summer, certainly as an industry we felt slightly blindsided by that being published. Having worked through it, we understand the reasons and the need to have some of these measures in place, but we feel, as always, that consultation with industry is hugely important, not least so that we can be prepared and engage our members on what is being proposed. That is not to take away from the urgency with which this needs to go through Parliament. We accept that, but it comes under this heading of better consultation with devolved Administrations and other stakeholders.

- Q17 **Chair:** If we were to decide to undertake an inquiry on this basis—and I know we have Michael Clancy coming from the Law Society of Scotland—would it fit into a general look at intergovernmental relations and constitutional affairs, maybe with a bit of emphasis on where we are on leaving the EU and the opportunity to look at internal markets?

We are going to have a session on the Internal Market Bill in the next couple of weeks, where we are asking the UK Government and Scottish Government to come to this Committee to give their views about where we are with this and to answer a few detailed questions about concerns that members of this Committee might have. We are dealing with that. I am wondering, to try to make the NFUS happy, whether it could be linked and accommodated with a bigger, wider inquiry into some of the constitutional arrangements and relationships across the UK now.



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Clare Slipper: That would be really useful. Having seen the Law Society of Scotland's submission, I think what it proposes would be very useful and would tie in completely to what we have suggested here. Obviously, intergovernmental relations are important for our agricultural interests because they concern the UK internal market, which is of key importance to us, but naturally there are many other sectors and industries that would have something to say about intergovernmental relations and how they are working. I am also aware that there is a huge body of constitutional academic expertise on this, and I think it would be very useful to hear from some of those experts as well as other industry bodies—not just NFUS—who might have an interest, who are perhaps more focused on business interests.

Chair: Thanks once again, Clare. It is nice to see you, as always, on this Committee. We will keep you informed about what we intend to do in the course of our work in the next couple of years. Thank you for that.

Clare Slipper: Thank you.

Q18 **Chair:** We are now moving on to Rosemary Dickson. Rosemary, welcome to the Scottish Affairs Committee. You are the first member of the public to come and make a pitch as to why we should be looking at your particular interest, which I believe is pensions. I am going to leave you to explain to us your specific interest and what you feel that we, as the Scottish Affairs Committee, could do to examine this properly for you. Welcome to this Committee, Rosemary. You have five minutes, then we may ask you some questions. Over to you.

Rosemary Dickson: Thank you so much for the opportunity to come here today. As a member of the public, I drew the short straw. I am the local co-ordinator for the Glasgow WASPI group, Women Against State Pension Injustice, and we put forward a submission because of what our members have been asking me to bring forward. All of you MPs are very aware and familiar with our group. We started up five years ago and we are affiliated to the UK-wide group. We have had many public meetings in a lot of the constituencies across Scotland, where we have been absolutely packed out.

The WASPI campaign was set up to campaign for the 1950s women who got caught up in the changes due to the 1995 and 2011 Pensions Acts, where the state pension age was raised for women from 60 to 66 in many cases with little or no notice. This has had a huge knock-on effect. The pandemic has thrown into sharp relief many of the lived life experiences of these women. They had no chance to prepare for their retirement. Many of them started working at 15 years of age and, now that they are finally reaching state pension age at 66, they have contributed for 51 years. They see their state pension as a universal basic income in old age, and it has just been tinkered about at the edges.

A lot of these women, who are still having to work on, are now facing the added dangers of Covid-19. They are predominantly in frontline roles.



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They were told this week by the UK Government that anybody over 60 should work from home, where possible, and avoid contact with others, which is utterly impossible for them. That was hastily changed on the Government's webpage and Facebook page the following day to say over 70. Along with other Scottish co-ordinators, we have been getting evidence of the lived life experiences of these women.

The current benefits system, which the Government tells us that we are all able to access, is totally inadequate. We are getting daily reports of people who are unable to access any Government support by virtue of being self-employed or on zero-hours contracts, as many of these women are, or their household income lifting them out of any benefits. If they have taken a small occupational pension they may have had, that also excludes them from benefits. The overwhelming message I am getting from these women is, "We paid into our state pension for all these years and it is a contributory benefit. Why aren't the Government looking into us having access to our state pensions?"

The common-sense aspect of it is that we want to give up our jobs. The younger generation are now facing unemployment, like we faced way back in the 1960s and 1970s, so that would obviously have the knock-on effect of releasing jobs. There would be savings for employers of a lot of the public sector workers who may be dying to leave. They are at the top of their incremental scales, and it would introduce opportunities for the newly qualified, with a knock-on effect in the scales. Why don't they look at that?

Essentially, that is our pitch. It is the fact that we have been campaigning on this for five years, as you all know, and we have been getting nowhere. We have faced two general elections. Also the day we had our first big, major demonstration outside Parliament was the day that the Brexit vote came in. Every time we feel we are getting somewhere, we get knocked back. We are looking to you on the Scottish Affairs Committee to represent the women in Scotland. In my constituency in Glasgow, we have a healthy life expectancy of 58.2 years and a life expectancy of 68 years. My members have been paying in, as I said, for 51 years in many cases.

I have only five minutes, but in this week alone I have had one woman get in touch with me who was widowed just prior to her state pension. She has been on to the DWP, and she had to investigate whether she could get something from her husband's contributions because of the change between the old state pension and the new state pension. That was as clear as mud. I have also had a woman working in frontline care who has had her contract changed. She is only a couple of years away from her state pension age, and her employers could not tell her what her state pension age was. The list of lived life experience goes on and on.



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What we are asking for is whether you can get state pensions looked at and reviewed, taking into account the fact that we are not all living longer. There are numerous reports of National Records of Scotland saying that life expectancy has either stalled or reversed. There was a really good paper in the *BMJ* recently calling for a review of that as well. The premise that they have put up our state pension age and the mantra that the Minister for Pensions is always saying, that we are all living longer, is flawed. Essentially, that is it. What can you do through the Scottish Affairs Committee to represent these women in Scotland, 350,000 women who have been cast adrift, and help us to gain access to our state pensions?

Q19 Chair: Thank you ever so much, Rosemary. You are the first member of the public who has given us a presentation, and it was an excellent one, too. Thank you for putting that so clearly to this Committee. You are right, those of us who have been around long enough are pretty familiar with some of the history, debate and issues surrounding all of this. There have been several attempts in Parliament to have this addressed and looked at. Obviously, we are where we are and there still is no resolution or solution, and it does not look like there is going to be one forthcoming.

You have keenly followed this, Rosemary, in the course of the past few years. What have you made of some of the responses that you have heard from the UK Government when this has been put to them, what they have said in response to a number of Members of Parliament from across parties asking them to have this looked at and addressed? What do you make of that?

Rosemary Dickson: I am very fond of saying this, but this is the truth. We follow these debates very closely. The women up here do not watch *Coronation Street* now; they tune in to the UK Parliament to watch these debates. One of the things that really hits us up here is when the Minister for Pensions states that there are powers via the Scottish Government to reinstate our pensions, because we know that state pensions are devolved to Westminster. Any powers that are there via the Scottish Government do not address the delay of the state pensions for these women, because a lot of the time we do not qualify under any mitigations that the Scottish Government could put in place. That is one.

Q20 Wendy Chamberlain: Thank you very much, Rosemary. I know there were a number of submissions on this topic, so congratulations to all the co-ordinators across Scotland for mobilising everybody in that regard. Very well done.

Even in my short time in Parliament, I engaged with the WASPI women before lockdown. There does not seem to be movement on this particular ask. Is there anything else that the UK Government could potentially look at that would help support the women in the situations you have described here today?

Rosemary Dickson: As we said, the state pension is a contributory benefit. Rishi Sunak has said he is looking for any ideas to help get the



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economy moving. Early access to the state pension, or reinstating access prior to 66, would certainly be one way. That is our ask. Our ask is to investigate earlier access to the state pension and to pension credits for those who are caught up, if there was a reduced pension or whatever. That is what we are asking for, again via a review of state pensions. A lot of these women are now losing their dignity and will not even claim for any sort of work-related benefits that are due, and it is really unfair. They have worked all their lives, so they should be able to get that.

It is not only that, it is the practical aspect. What I get from our women a lot of the time is, "Why don't they apply common sense? It costs a fortune to pay me a working-age benefit when all they had to do is just release my pension a couple of years early." It is to investigate that. We found the costings that were recently put in front of the WASPI women from Parliament about reinstituting state pensions to be extremely flawed as well, because they did forecasts up to 2025 and 2026 that were not for our particular cohort. I think in the original paper that was done—and Mhairi will back me up on that—the cost was £77 billion, which then was immediately inflated to £252 billion or something. When you look at that, it is a bit suspect as well.

The other thing that really gets our goat is the fact that the media portray us as grasping women from the *Terry and June* school who will be spending all our money on going out and having holidays and things. Yes, the ones who are there will be helping the economy. That is another thing that has not been taken into account, the fact that early access to the state pension will release funds directly into local economies and local communities. A lot of these women are in the sandwich generation. They are in frontline caring roles, so they are caring not only for grandchildren but for elderly relatives, thus freeing up social care and allowing workers of younger generations access to work, which they might not have been able to do before.

There are the socioeconomic things, too. It is the health aspect of it, because all you are doing is storing up problems for the future. Even pre-Covid, if you looked at the morbidities of these women who are working these extra six years, the bulk of them are working in onerous frontline roles and their health has been affected. That is only going to be exacerbated by Covid-19. Our webpages have been full of people saying they are terrified to go to work under Covid-19. The goalposts not only changed for them with their pensions, but the goalposts are changing with regulations daily. They just can't keep up with it.

For the Government to turn around and say they should have read the *Glasgow Herald* in 1994 and then they would have known there would be a change to their state pension age is insulting to citizens of this country who have worked from the age of 15. That is when these women could leave school, 15 years of age. That is when their working lives started, not at 20 years, as the Government have said in all their workings.



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It is time we had a review and that these women are allowed to express their common-sense views and get them across to people in power in their ivory towers, as they say. Again, they are losing all confidence.

Wendy Chamberlain: Thanks so much for that, Rosemary. We know that a high number of people who are entitled to pension credits are unable to claim or, indeed, may feel a sense of shame around it. I absolutely identify with and recognise that. Certainly when we look at the huge sums of money that are being spent by the Government in relation to Covid, it suggests there is an opportunity to take a more holistic approach and capture a number of the topics you have raised, so thank you very much.

Q21 **Chair:** Thank you, Rosemary. I do not think this Committee has done an inquiry on pensions, certainly not in the six years I have chaired it and when I was an ordinary member, so this is an attractive proposition for us.

You mentioned a couple of things that struck me, because there are things that we have looked at as a Committee when you talk about life expectancy in particular parts of Scotland. I think you made reference to inner-city Glasgow, where we are very much aware of the low life expectancy. There were other things that we touched on, I think with Wendy's questioning about pension credit. Would you see a role, if we were to look at this, to look beyond the injustice for women born in the 1950s and broaden that out to other areas? Is there any particular interest that you have around some of that, beyond the particular issue for women born in the 1950s?

Rosemary Dickson: Obviously we are talking about a holistic approach. This is what we are saying. Although our cohort have been affected by this, it is something that future generations are going to be affected by as well, on the faulty premise that they have raised our state pension age, too. We are looking at people who are going to hit a cliff edge in their 60s and 70s with a state pension age of 68 and onwards. Also do not forget that a lot of men who are now going to lose their jobs and be made redundant due to Covid are in their 60s, and their state pension age has been delayed as well. That is something we have to look at. There was a precedent for this back in the Thatcher years, when they started the job training scheme and men were entitled to access their pension credits from age 60, so they could have their national insurance paid from age 60 back then.

Chair: Rosemary, thank you for a really effective and to-the-point contribution. I think you can tell by the questions that this is something that interests the Committee. Wendy is absolutely right that, when we asked members of the Scottish public to give us ideas to look at, WASPI was pretty high among the number of contributions we got back. Thank you for putting that case so clearly to the Committee today. We will let you go. Thank you for that.

Rosemary Dickson: Thank you.



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Q22 **Chair:** Next we have Michael Clancy from the Law Society of Scotland. Michael is no stranger to this Committee. He has given evidence to us on most of our inquiries, whether verbal or written. I am interested to hear the pitch from the Law Society on constitutional affairs.

Michael Clancy: Thank you very much indeed, Chairman. Thank you to the Committee for agreeing to invite me here today. I hope I will not spoil your afternoon. This is going to be an extremely important constitutional year ahead. If I take it starting today, there are 57 days left until the end of the implementation or transition period. In that period, there has to be implementation of the withdrawal agreement, a conclusion of the negotiations between the UK and the EU, and either the implementation of an agreement Bill or, alternatively, setting up for WTO rules to apply. There also has to be the making of all the practical changes that have to take place to make sure that on 31 December, going into 1 January, people are able and capable of operating the system.

Next year will begin with the end of the transition period and the commencement of whatever lies thereafter. We still have to wait for the final news on the UK-EU agreement, and that happens on 31 December at 11.30 pm. Then during the course of next year there may be trade agreements with the various parties who are negotiating at the moment—the United States, Australia and New Zealand—and of course issues like the implementation of the UK Internal Market Bill will follow, on the assumption that Parliament passes it into law. Then during the course of next year, we will see elections in Scotland and Wales and also around England in various local authorities guises, the London Assembly, et cetera.

In the context of the Scottish election, the Scottish Government have laid out in their programme for Government their plans for a draft Scottish independence referendum Bill, which will no doubt attract the attention of many on the Committee and people like the Law Society of Scotland and my colleagues there, who will examine that Bill closely.

We set out a number of issues that the Committee might want to look at. I will read this, "How can devolved legislatures influence trade agreements? How are the UK and Scottish policy voices heard in Brussels? The operation of the Sewel convention; intergovernmental dispute resolution between UK and Scotland; measures to strengthen the consideration of disputes about devolved consent at Westminster; to investigate the extent to which the legal systems of the devolved jurisdictions are adequately consulted and represented in matters relevant to international organisations and international instruments."

We chose as a priority a combination of (c) and (d), that is the Sewel convention and measures to strengthen the consideration of disputes about devolved consent in the UK context. I will take the liberty of saying a bit about the Sewel convention. It is also known as the legislative consent convention. It is declared in the Scotland Act 1998 in section



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28(8) as being that the United Kingdom Parliament will not normally legislate with regard to a matter that falls within the devolved legislative competence of the Scottish Parliament without the consent of that Parliament.

That statement in law is the declaration of a convention and, as we know from the Miller judgment, it is not a matter of judicial interference. The courts will not make an order in respect of a convention. Instead, it is strictly a matter of political consequence if that convention is breached, but it is explained further in devolution guidance note 10, which accompanies the memorandum of understanding between the United Kingdom Government and the devolved Administrations, as involving not only legislation in the Scottish Parliament but also issues of legislative competence of the Scottish Parliament and of Scottish Ministers. Hence it crops up, for example, in those provisions that we have heard some chat about this afternoon in the UK Internal Market Bill relating to state aid.

The MOU gives us the other leg of the combined approach that we were talking about there. That deals with the issue of dealing with disputes between the UK Government and the devolved Administrations. In that context there is a sort of three-stage mechanism for dealing with disputes, resolving the differences between the Administrations on the basis of an informal discussion, then accelerating it to a reference to the Joint Ministerial Committee and then finally, if the Joint Ministerial Committee is seized of the dispute, the secretariat schedule a meeting for that and the JMC procedure applies where a UK Minister—not one of the territorial Ministers or a Minister involved in the dispute—chairs a meeting and tries to smooth the issue, such that people can resume normal work on it.

The view of our committee is that the JMC procedure needs to be strengthened, perhaps by establishing an independent authority to which disputes could be referred. We are not alone in looking at issues around the Sewel convention. The Institute for Government recently published a paper on it. Taking a few recommendations from that paper, “The UK and devolved Governments should reach agreement on the limited circumstances in which consent need not be sought for legislation in devolved areas” and “an agreed minimum period for Whitehall Departments to share draft legislation with their devolved counterparts before introduction into the UK Parliament”.

The upshot is that the UK created devolution and the legal processes that go about that. The Scotland Act and its successors from 1998 through to 2012 and then 2016 have provided a framework that has been pretty robust over the coming up on 22 years in which it has been in place as a legislative structure. Therefore, the discussion I hope we will have is about the working of that structure and how it works effectively. As I say, the Internal Market Bill is an example where the approach to Brexit appears to suggest that any legislation relating to Brexit is not normal and, therefore, the Sewel convention flies off.



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Having been in the Opposition adviser's box in the House of Lords when Lord Sewel announced the convention in July 1998 in response to an amendment by Lord Mackay of Drumadoon, I think we have moved quite a way since that kind of rarefied exchange. Now we are talking about real matters that are of significance.

I hope I have not overstayed my welcome. My buzzer has not gone off yet.

- Q23 Chair:** Thank you very much, Michael. That was fantastic, as always, and you are always a welcome guest at the Scottish Affairs Committee. I know that Wendy Chamberlain and Douglas Ross have questions for you, but have we not done all this before? Nearly everything you mentioned there, other than obviously the new development, the Internal Market Bill, we looked at pretty comprehensively in the last intergovernmental relations inquiry, which was produced about 14 months ago. Would we not just be rehashing old ground? What would we find different this time in thinking about a Government response to what we would be likely to conclude and recommend?

Michael Clancy: That is a good question. Fourteen months is a long time in the life that we have all lived since then. Not only has the UK left the European Union, but two pieces of legislation relating to that particular concept have passed through Parliament without the consent of either the Scottish Parliament or the Welsh Assembly, as it then was. I think there is a qualitative change there. We have also had the Miller judgment and the Miller-Cherry judgment, which examine the relationship even more, and the Legal Continuity Bill in Scotland, which went to the Supreme Court. I would suggest that the relationship between the Administrations in the UK is not static. We are waiting for the Cabinet Office to release its paper on intergovernmental relations.

Therefore Convener, or Chairman rather—I was appearing before a Scottish Parliament Committee yesterday and old habits die hard—you are right to say it has been looked at before, but things have happened since then and will happen in the near future, I hope, which will make such an investigation worthwhile, if only for the purpose of emphasis that the Scottish Affairs Committee is interested in these kinds of constitutional developments and wants to keep these matters in the public arena and the public eye.

- Q24 Wendy Chamberlain:** Thank you very much, Michael, for your time today. You are clearly an old friend of the Committee. I am just sorry we have not had the opportunity to meet before now.

Interestingly, one of the first questions I had from the written submission was about your priorities, and you touched on them. Given the last question to Clare Slipper about the Internal Market Bill, can you see a way that an inquiry looking at constitutional affairs could use that? In my own submission on the Internal Market Bill debate we focused on dispute resolution, so it sounds like there is a potential opportunity for that to



work together.

Michael Clancy: It is a great pleasure to meet you virtually across the wire. I hope at some point in the not-too-distant future we will get to meet personally. Yes, there is clearly much in the Internal Market Bill that triggers some of the issues we were talking about earlier in the Committee and also in the context of the short discourse I just made. When the White Paper was introduced, Mr Sharma, at an event, promised that he would read every submission made to BEIS. I am sure he did but, like the Law Society of Scotland, other participants in that consultation raised a lot of questions with the Department about the operation of the proposals in the White Paper.

I am sorry to say the Bill was introduced before there was any sense that there would be any response to those questions. I still hope that at some point there will be a response, but who knows? As we go through the process, which is in Committee in the House of Lords, more questions are being thrown up and, of course, that is before the House of Lords gets to the most controversial aspects relating to the Northern Ireland protocol in part 5 next Monday.

Yes, there is an issue about how consultations are operated, the exposure of draft legislation. It has been a consistent theme that the Law Society has suggested there should be more exposure of draft legislation and, of course, that there should be active dialogue between the UK Government and the devolved legislatures and Administrations to make sure that, when we get to the point where law is made in these areas, it is the best law that it can be and that it commands the greatest consensus that it can command.

Q25 **Wendy Chamberlain:** On that topic—and I know Douglas Ross is coming in as well—I am not the first person to have said the word “federal”. Is this where we are starting to go, in a more federal direction, in order to manage dispute resolution? I would be interested in your thoughts. Given that our most recent inquiry into Covid found that the JMC was not being utilised, how does that reflect on the previous Parliament’s inquiry, where the JMC was detailed to be at the heart of intergovernmental decision-making?

Michael Clancy: You raise an interesting point about the JMC and the coronavirus crisis. It may be the case that the JMC was not utilised, but of course we had the group of four and the plan for action. That preceded the legislation, the Coronavirus Act, which was introduced into the UK Parliament. Although the JMC was not being used on that occasion, I believe that Cobra was being used and that there were mechanisms for exchange between the Administrations about the direction of travel they were taking.

Of course at that time, under the plan for action, there was consensus about the actual approaches that would be made, but the nature of devolution is that one would expect diversity of views to emerge and that



what is suitable in one part of the country may not be considered to be suitable in another. It may not suit the policy objectives informed by science and other factors, which might relate to local conditions. I do not need to explain to you, the Committee, terribly much the variety of views that might be held in Scotland, and we can consider that that would be replicated across the country.

Q26 Douglas Ross: Thank you, Michael. A very detailed submission, as always, right down to the detail of remembering where you were in the summer of 1998. I will age you slightly and say I was still at school following the main Scottish football team the last time they qualified for a major tournament, so a lot has changed and nothing has changed, it seems, in that time.

I want to pick up on your point about how you were addressing a Scottish Parliament Committee yesterday. In what you have submitted to us and in your dealings with Holyrood Committees, do you think there is merit in the Scottish Affairs Committee trying to work more closely with Holyrood Committees, either looking at the exact same issues and seeing if we come up with different answers or looking at issues that affect both Parliaments but in different ways?

Michael Clancy: I remember July 1998 because it was so memorable, as I am sure you remember the victories or defeats that you followed when you were out and about that year. It is quite clear that if you stand in one place long enough you see an awful lot, and that applies to you as well as to me.

On joint working, of course we have to respect the fact that the UK Parliament, the Scottish Parliament, the Senedd in Wales and the Northern Ireland Assembly all have their separate natures and separate functions, but when we made submissions in connection with the withdrawal from the European Union, we were at pains to stress that that process should be a whole of governance approach. It should not be exclusively in the purview of one legislature or one Administration, but that all the Administrations and legislatures had a role to play in dealing with the enormous legislative and policy challenges that emerged from the withdrawal from the European Union.

I was really interested in the development that took place during that period of Lord McFall's inter-parliamentary group, which had Members of the House of Lords meeting with Conveners of the relevant Committees in the Scottish Parliament. There were meetings between Lord McFall, Bruce Crawford and Adam Tomkins and others. In that particular example of joint working and joint information sharing, there was quite a noticeable breadth of consensus building and co-operation during that period. Yes, there are models to be used. We have seen how UK Ministers have appeared before Scottish Parliaments. I am not sure if a Scottish Minister has appeared before a UK Parliament Committee. Have they? Yes, I am getting nods. Yes, sorry, missed that one.



Chair: At this Committee.

Michael Clancy: At this Committee, right. Then we have also seen instances where there has been joint working in dealing with one subject, such as the Social Security Committee in the Scottish Parliament and the equivalent Committee in the United Kingdom Parliament. It is possible. It is one of the things that one would urge. Should it be the case that there are divisions in political opinion, that is the nature of being in politics. That is why people get elected, to express different points of view in the political context. I suspect that is where there might be a little bit of shyness about taking this on as a universal policy, but with a new Speaker in the UK Parliament and, after May, a new Presiding Officer, who knows what progress may be made in discussions that could lead to something that calls on, pools and draws on all the talents that the elected group can bring to the table?

Q27 **Douglas Ross:** People can connect very easily to a lot of the submissions we have had, whether it is what Janis was saying or what Rosemary was saying. Sorry I missed her physical presentation, but I read the paper she submitted. Yours is very technical, Michael. How do we balance, as a Committee, the issues the public can really get their teeth into and issues that are very technical, which are more difficult to follow and get engaged with for the public we are representing down here?

Michael Clancy: It is very kind of you to describe them as technical rather than boring, but they are necessary. We operate within a country that ascribes to the rule of law, and the law is something that affects everyone. What is incumbent upon all of us, those of you who are elected and those of us who are not, is to make sure that these matters are communicated to the public at large in an easy and accessible way. The law is not something that is to be just the preserve of lawyers or politicians; it is for everyone. No one is above the law, and you cannot escape liability because you are ignorant of it, so it is about communication. That is another theme we have been trying to develop over the years.

Q28 **Chair:** Thank you ever so much, Michael. Who could ever call Scottish law boring? Heaven forbid.

Michael Clancy: Not me.

Chair: I would not even think about doing that. Thanks once again, and obviously we will be in touch. Again, I am sure you will be contributing to our ongoing inquiries, so we look forward to further submissions from the Law Society of Scotland.

Michael Clancy: Thank you, Mr Wishart.

Q29 **Chair:** Next we have Benjamin Gill. You are our second member of the public to make a contribution today. We are very much looking forward to what you have to say to the Committee. I know you have a particular interest in the spouse visa system, so I will leave it to you to explain to



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the Committee what your interests are and why you think we should be looking at this as a distinct and particular issue.

Benjamin Gill: Thank you, Chair. Good afternoon and thank you to everyone for inviting me to set out my submission. I am Scottish and my fiancée is Filipina. We got engaged on Valentine's Day and, surprise, surprise, we are not allowed to get married in the country of my birth. We can, but we have to spend many thousands of pounds on visa applications, health surcharges and all the stress that goes with it. In the age of equality, this seems quite unfair.

Why should my fiancée and I be persecuted because we fell in love and happened not to come from the same country? It is heart-breaking, unfair and puzzling, if not mind-blowing, to pretty much everyone we have spoken to that I am not allowed to get married as I please. I am sure there are many other people in the same situation and, at the end of the day, our futures will be decided by the click of a mouse or an algorithm, not how much we love each other. This is so wrong. The system needs to be fixed, especially in a global world. Scotland should have its own immigration system that would enable us to set the rules fairly. Thank you.

Chair: Thank you, Benjamin. That was a very concise and to-the-point presentation, which we are always grateful for in the Scottish Affairs Committee. I think I speak for all my colleagues when I say that a lot of our constituency work is around such issues. You would not believe the number of enquiries for assistance or help that we get when it comes to issues such as the one you have just described to us.

Q30 **Sally-Ann Hart:** Thank you, Benjamin—or should I call you Mr Gill?—for your very concise presentation. Congratulations on your engagement. It is very exciting.

Benjamin Gill: Thank you. Ben is fine.

Sally-Ann Hart: Ben, thank you. First, how would you amend the immigration rules for Scotland? You have obviously thought about it, so how do you think you would do it?

Benjamin Gill: On a simple level, I would allow people who want to get married to be able to get married. It is absolutely bizarre that we are not allowed to get married. We should just be able to go to the registry office, register, set up our wedding and go and get married and that would be the end of it, but the system seems to say no.

Q31 **Sally-Ann Hart:** Do you think there should be some safeguarding in the visa system? We know that everywhere we go—obviously not in your case with your fiancée—there is some abuse of the visa system, and that has been seen across the UK. Do you think there should be some safeguarding built into that?



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Benjamin Gill: Not overly. I mean, there is abuse of every system we can think of. At the end of the day, it is me and her who are taking the risk. I do not see it being a risk for the country.

Q32 **Sally-Ann Hart:** I want to ask you a bit about the process, because you have obviously been through quite a detailed process. The visa application process is normally said to take about two to 12 weeks. How long has the process taken for you? You got engaged in February.

Benjamin Gill: We got engaged in February. The final submission was put in just at the beginning of lockdown and, because of lockdown, obviously things are going on longer. I must put my hands up that I did not correctly dot all the i's and cross all the t's, so things were sent back for me to amend. If I had got an immigration lawyer at vast cost, things may have been sped up but, at the end of the day, I should not need an immigration lawyer to marry my fiancée.

Q33 **Sally-Ann Hart:** Did you know the visa had a time limit?

Benjamin Gill: No.

Q34 **Sally-Ann Hart:** You can renew it but it does have a time limit, I believe.

Benjamin Gill: Yes, once we get it, we then have six months to get married. Then we have to apply for another £1,300 visa before—

Q35 **Sally-Ann Hart:** Is it the cost that you are quibbling about?

Benjamin Gill: Yes, more than anything it is the cost, the process and the uncertainty we are left in over whether we can do something, whether we can both get married.

Q36 **Sally-Ann Hart:** Would you say that the two main changes you want to make to the visa system are cost and process? What else?

Benjamin Gill: That is it. The application itself is slightly confusing, but I managed to get my way through it okay. The people on the phone lines are always really helpful and are great that way. It is just the fact that I could marry my neighbour tomorrow—that is not a problem—but, because somebody is from another country, I cannot go and marry them. That is just wrong.

Q37 **Sally-Ann Hart:** I understand that. You say that Scotland should have its own immigration rules. If it did, how do you think that would impact on the rest of the UK?

Benjamin Gill: I would like to see Scotland as an independent country outside the UK and to set our own immigration rules that way. I do not believe the—

Q38 **Sally-Ann Hart:** It would still have an impact on the rest of the UK, though. Even if Scotland was an independent country, there would be an impact on the rest of the UK.

Benjamin Gill: How would there be an impact?



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Sally-Ann Hart: We have a border between Scotland and England. We would have to have a border.

Benjamin Gill: Not necessarily. There is a border there now, but there is—

Q39 **Sally-Ann Hart:** There isn't a border really, is there?

Benjamin Gill: There is. One is called Scotland and one is called England, and there is one side called Wales.

Sally-Ann Hart: I used to have photos taken there every time I took friends across the border, yes. Thank you, Ben.

Q40 **Deidre Brock:** Hi, Benjamin. Thanks very much for coming in today. You talked about the cost and the difficulty of the process, but is one of the stresses for you and for many other people—I know from looking at people's faces in the virtual room that other people are clearly also experiencing this with a lot of their constituents—that the uncertainty and the stress of that uncertainty is a big problem as well? I am really pleased that you had good responses from the officials you have been dealing with, but that is not necessarily always the case and people go for long months without knowing what is going on, particularly at the moment, of course, with everything being so difficult with the pandemic. Is that another contributing factor to your difficulty with the whole process?

Benjamin Gill: Definitely. My local MP, Neil Gray, put me on to some parts of the website where I could look for more information and things as we were trying to sort out our visitor visa during lockdown and, when it was extended, to find out what was happening with everything. You say there are a lot of other people in the same kind of boat. It is so not right, and it is so unfair.

Q41 **Deidre Brock:** Yes. The costs have gone up fairly significantly quite recently as well.

Benjamin Gill: The costs do not correspond. It is not a value-for-money process; it is a money-making exercise. The health surcharge has rocketed up. If you do not use it, do you get your money back? I have always wondered. We have fortunately not had to use it yet, but it is just people pulling numbers out of the air and putting, "Right, this is £1,500, this is £1,300." It does not correspond to somebody having to tick a form on a computer and it goes yes or no.

Deidre Brock: Yes, thanks very much.

Q42 **Chair:** Thank you, Ben. I was going to ask if you had spoken to your Member of Parliament, and it seems to be very clear that you have. You have an excellent Member of Parliament with Mr Gray as your local representative.

You can tell this is an issue that is very close to us as Members of Parliament. It is something we deal with on a day-to-day basis. I do not



know if you are familiar with any of the former work of this Committee, but immigration is something we constantly come back to and it has proven to be an issue that has interested this Committee throughout the years. We have done a couple of quite substantial inquiries and reports on this. Could you have a look at those for us, see what you think about the work we have done and get back to me as Chair and maybe suggest things that we can do?

We have not touched on spousal visas, and I do not know if colleagues on other Select Committees have. I will have a look out for that, but see what you think of the work we have done previously. Thank you. You delivered that like a seasoned professional. We are very grateful for your time today. Take it easy, and thanks for your contribution.

Benjamin Gill: Thank you very much.

Q43 **Chair:** We now come to Mhoraig Green, who is the strategic lead on social justice for Citizens Advice Scotland. I don't know if we have had her in front of this Committee before, but we have certainly had Citizens Advice Scotland. Mhoraig, we are looking forward to your presentation.

Mhoraig Green: Thank you. This is my first time. It is great to be here. Thank you very much for inviting me along.

We proposed that the Committee look again at welfare or social security in Scotland, which could build upon the 2019 inquiry that was interrupted by the December general election. Obviously, the context has changed dramatically since then as a result of the Covid-19 pandemic and the impact of that health crisis on people's livelihoods. Again, this has highlighted the importance of the social security system as a safety net protecting people from poverty and hardship.

The pandemic has resulted in a surge in universal credit claims, and the DWP has responded to that. It has made some changes to universal credit, including the £20 uplift, which we would like to see retained beyond the end of the current financial year. Since March, citizens advice bureaux in Scotland have given out 85,000 pieces of advice on universal credit. We have continued to see many people with issues with universal credit that are often exacerbated by the current situation, such as the financial hardship experienced during the five-week wait for the first payment and issues with accessibility due to the digital-by-default design of universal credit. That is ordinarily challenging for those in remote areas of Scotland and is even more challenging in the context we are in. Many public internet access sites have shut down because of social distancing.

We are also seeing a changing demographic in who is accessing support on universal credit during the pandemic. Almost a quarter of the clients seeking universal credit advice for the first time live in the most affluent areas of Scotland, so they reside in quintiles 4 and 5. Over one in four of new CAB clients seeking advice on universal credit are homeowners who will receive no housing support on universal credit for 39 weeks. One



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third of CAB clients seeking advice on universal credit are in part-time or full-time employment.

The polling we have undertaken during the pandemic also tells us that one in three people in Scotland is concerned about their future income, and one in three in work or on furlough is worried about their job security over the coming year. With levels of job insecurity growing, and many workers facing reduced hours and reduced wage packets, we are also increasingly concerned about the way in which universal credit works as an in-work benefit to supplement low pay. This may particularly be an issue for Scotland where sectors that have been particularly hard hit by social distancing, such as hospitality and tourism, are big employers. We believe the reintroduction of a work allowance for all universal credit claimants would work alongside the other job support measures that have been put in place to boost income for low-paid people at this particularly challenging time.

We think this could be further supplemented by a review of the taper rate, and we would appreciate the Committee's attention on these issues for people in low-paid, low-hours and precarious work, which we expect will become even more prevalent in the months to come.

We would also welcome the Committee's attention on the issue of co-operation between the UK and Scottish Governments to deliver Scotland's devolved social security programmes. Since the passage of the Scotland Act 2016, social security powers have occupied a shared space with some aspects being devolved and some remaining reserved. This requires co-operation between the UK and Scottish Governments so that the Scottish Government develop and commence delivery of social security payments. For instance, the forthcoming Scottish child payment is dependent upon data being shared between Governments. Our understanding is that the delay between the payment being made to children under six in February and the target date for making payments to older children is a result of the availability of data and the time that will take to be produced by DWP.

We are also aware that two of the four Scottish choices have yet to be implemented due to delays in working out the details of how those would work between the two systems. Therefore, it may be worth the Committee considering whether both agencies are adequately resourced to support the necessary joint working at a time when the demands on their time will be manifold.

Q44 Chair: Thank you very much, Mhoraig. No doubt you are aware that we have started the new inquiry into social security, with a particular emphasis on how universal credit is working across Scotland and the arrangements that have been put in place for the Scottish Parliament to assume a number of responsibilities, and how that is linked up to the UK Government. Quite a lot of that is going to be done.

I don't know whether you have had an opportunity to have a look at the



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terms of reference. I am pretty certain Citizens Advice Scotland will be in a position to give us a written submission, and we will probably be asking you to give us further oral evidence. Have you looked at that? Do you feel there is anything we might have missed in our terms of reference and anything that should have a little bit of emphasis in what we should be looking at?

Mhoraig Green: Yes. We have looked at it, and we absolutely welcome it. What I was trying to do in my opening remarks was to set out some of the areas where we think there is a need for particular attention. As I said, how universal credit has responded to Covid is one area of interest but also how it will continue to respond. As the pandemic continues and the economy hopefully recovers, how will it work or not work for people who are in low-paid work?

One of our particular concerns is that, when universal credit was designed, there was a work allowance for all universal credit claimants. That is the amount of money a person is allowed to keep before the taper rate is applied and they start to lose some of their universal credit payment. Without that work allowance, the level of universal credit can be incredibly low for people and can even potentially become a disincentive to get back into work.

We know from what we are seeing in the economy and the jobs market in Scotland that there is going to be more low-paid, low-hours, precarious work. Hospitality and tourism have been particularly hard hit by social distancing, so we think universal credit will play an important role in supporting people through that situation. We would really appreciate the Committee's attention on that aspect of the benefit.

Chair: That is really helpful. Thank you for that. We are looking forward to the written submission.

Q45 **Sally-Ann Hart:** Hello, Mhoraig. I want to ask about universal credit because I know that across England there have been a lot of reports about the success of universal credit during coronavirus and how it has responded to the demand. Has that been the same in Scotland? I think you touched on it, but I wanted to clarify that.

Mhoraig Green: Yes. The demand for universal credit has been absolutely unprecedented, and the DWP has done an admirable job of moving resources to respond to that increased demand and make sure that people go on to the benefit and get their first payment.

DWP has made a number of changes that have made that whole process easier. For example, it has made changes to the verification of identity as part of the process of getting on to benefits. It quickly stopped the requirement for people to have to come into the jobcentre and do a face-to-face interview, and the establishment of claimant commitments for new universal credit claimants has speeded up the process of getting people on to the benefit. There was also a relaxation in sanctions during the pandemic but also ongoing. Those are all things that we have



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welcomed, and we have seen the positive impact on people getting on to universal credit.

There have still been tricky points where demand on the phone line has been such that it has been difficult for people to get through, and we still have ongoing concerns about the ability of people with limited internet access, whether that is through lack of digital skills or actual physical access to the internet because they rely on a public internet site or they have a poor-quality mobile phone signal where they live or for whatever reason. We still have concerns about their ability to get on to universal credit, although DWP has made some steps during the pandemic to allow more phone claims and more use of phone maintenance of claims as well.

Q46 Sally-Ann Hart: During the pandemic universal credit has stepped up to the plate, it has performed well. We have learned a lot about the way it works. I know that in our local citizens advice bureau the majority of advice that constituents are asking for is to do with benefits and debt issues. Do you think we have a lot to learn from the past few months, about universal credit and how it has worked during the pandemic, that we could use going forward? It has obviously been made simpler to use. Is that right?

Mhonaig Green: Yes. I think there is a lot to learn, and some of the measures I have described have had a positive impact. There are short-term measures for the duration of the lockdown or for the pandemic, more to the end of the financial year, so we would like to see an extension of a lot of them. For example, the approach to sanctions, the greater use of phone applications and phone maintenance but also, crucially, the £20 uplift in the level of universal credit has made a big difference to the ability of people to balance their budgets and meet their essential costs. The other kinds of changes that we would like to see maintained are around the minimum income floor.

Yes, there is lots to explore and lots to learn from what has happened during the pandemic for the future operation of the system.

Q47 Sally-Ann Hart: Is there anything else we need to think about? If we were doing an inquiry, what else would we need to think about on that with Citizens Advice, with welfare and policy and that sort of thing?

Mhonaig Green: There are outstanding issues with the system that we continue to be concerned about. One of those is the five-week wait for the initial payment. That has been problematic during the pandemic. We have seen that in our evidence from the bureaux. It is locked in for people to take on the debt involved in the advance payment, which reduces future payments. Also, we have seen increased demand on food banks and other charitable support from people going through that kind of time.



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There are also outstanding issues from prior to the pandemic that we can't ignore and that have not been addressed as part of the emergency measures.

Q48 Wendy Chamberlain: Thank you for your time today, Mhoraig. It is interesting. We had our coronavirus inquiry earlier this year but welfare wasn't something that we looked at in detail, so I think this inquiry would give us the opportunity to do so.

I have a couple of comments about my own experiences with constituents in relation to Covid and the assessment period. I think that links into your in-work aspect. I have constituents who, having received two wages within an assessment period, have been incidentally penalised. The other bit from me on digital by default is that, for many people, digital is on their phone. Some of the workings, for example the journal, are not set up in a way that is easily accessible there.

What has been your assessment of the mental health impact of Covid and, dare I say it, the wider welfare benefit system? We are increasingly seeing people with mental health challenges in the system, and that is becoming increasingly difficult to deal with.

Mhoraig Green: We are hearing from CAB advisers that, in the cases they are dealing with now, most of the advice they are giving out is done by phone rather than face to face because people are working from home. Those advice interactions are taking longer because people are distressed. They are quite often attempting to access benefits for the first time.

I spoke about the change in demographics we are seeing. For example, the support for mortgage payments on universal credit takes quite a long time to kick in. People are being hit by the reality of what social security actually pays and the real challenge they are going to have in making that amount of money stretch to cover their essential living costs. There is potentially a significant mental health impact from that. CAB advisers are telling us that the calls they are taking are longer because people's issues are more complex. They have to spend more time giving them advice and, yes, quite often people are distressed.

Wendy Chamberlain: It certainly sounds like something we should factor into our inquiry. Thank you very much.

Chair: Mhoraig, thank you ever so much. We look forward to hearing from Citizens Advice Scotland in the course of our forthcoming inquiry. Anything you observe in the course of that, please get in touch with us and we will make sure it is addressed. Thank you for your contribution today.

Mhoraig Green: Thank you very much.

Q49 Chair: That brings us to our last participant. Thank you very much, Moira, for sitting patiently until the very end. Another member of the public. Immigration featured quite highly among contributions from



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members of the public when we asked for submissions. I will let you tell the Committee about your particular interest.

Moirá Crawford: Good afternoon, everyone. I live in Glasgow. As you will know, a private company, Mears, has been awarded a 10-year contract to provide accommodation and support for asylum seekers in Glasgow. That is both accommodation and support.

Glasgow City Council agreed to have asylum seekers in Glasgow. Effectively, you might say, it invited them to Glasgow. I would say that the council has a duty to house them and support them, and it is well placed to do so. It still has a housing organisation, even though it is outsourced to the Glasgow Housing Association, the GHA. It has the local knowledge and the structure to help asylum seekers lead a life here while their claims are being assessed.

A private company, of course, needs to make a profit. I think there is a place for that, but I do not think that place is here. Public authorities and arm's length bodies do not need to make a profit, so the money saved could be used to provide better support and better accommodation. Surely we should do the best we can do. I really don't think we have been. There has been a litany of complaints.

You will be aware that the previous company that held the contract was in court over the lock change issue, which was widely publicised. The Home Office, during the ensuing court case, successfully argued that the company, Serco, was not subject to the Human Rights Act because it is a private company. They won the day in court, so Serco is not subject to the Human Rights Act. It is ironic, is it not, that some asylum seekers come here fleeing oppression, seeking human rights, and we have contracted out their shelter and support outwith the Human Rights Act.

I know housing in itself is a big issue and there are competing priorities. I know a lot of folk in this country struggle to find somewhere decent to live for an amount of money they can afford. You will have competing priorities for your investigations too, so why asylum seekers? Well, they cannot vote and they cannot work. They rely on charity, Government, me and you. Therefore, I am appealing to you to make them a priority, to investigate these contracts, change them and put it under the aegis of the local authority to house and support them. That is all I have to say. Thank you very much for your courteous attention.

Q50 Chair: Thank you ever so much for putting a very passionate case on behalf of asylum seekers and refugees who live in our communities in Scotland. It is a very sensitive issue that needs a lot of care and attention.

You highlight a couple of things that you think the UK Government could do, and you referenced the Home Office and the suite of powers and responsibilities it has. Is there anything in your work and how you observe this that you feel the UK Government can do to try to make the



lives and the plight of refugees in Scotland that little bit more palatable and better?

Moira Crawford: Very simply, I think they could not issue these contracts to private companies. They could not put people outwith the aegis of the Human Rights Act. Surely that is a very simple thing they can do. There must be break clauses in some of these contracts, I would have thought. I hope they don't issue the contracts without saying, "We want to scrutinise and see." I hope they don't just issue set standards and say, "Well, obviously you will meet them." I hope there is some kind of system in place to look at whether or not they are meeting them.

I have nothing against these companies and, as I said, there is a place to make a profit. I would say this isn't the place, and surely it would be a better use of public money to give people a better standard of accommodation. I do not purport to speak on behalf of asylum seekers. I do not have that right, but there are various bodies that have experience of dealing with problems arising out of accommodation and lack of support or in how the support is given: Govan Law Centre and Positive Action in Housing. You will be aware of all the organisations. I think they would be able to give you a more expert insight into this than I can. I simply think this is wrong.

Q51 **Chair:** This is an issue that a number of our colleagues, particularly Glasgow-based Members of Parliament, have looked at and taken up. If you have observed what they have done, do you think they are on the right lines in how they have approached this? Is there anything in particular they may be able to take up, rather than this Committee, to look at these contracts a bit more?

Moira Crawford: They are certainly more on the spot, so maybe they can investigate. They can obviously investigate complaints, I hope. I would have thought that this Committee in some way—unless you are just saying the Home Office does what it does and that is it. This is the Scottish Affairs Committee, and the treatment of asylum seekers in Scotland is a Scottish affair. Surely you should have some sort of influence on the Home Office in putting in what you think should happen in Scotland.

Chair: Yes, absolutely.

Q52 **Wendy Chamberlain:** Moira, as a member of the public, that was an excellent presentation. I agree with the Chair about the passion but also the clarity. What is your understanding of the impact on asylum seekers of no recourse to public funds, which I believe is one of the other factors that really impacts on their wellbeing?

Moira Crawford: Well, that is destitution, isn't it? One of the other charities I give to is Positive Action in Housing, which gives out money and clothes, otherwise people are sleeping on the streets, and it gives out hygiene packs to people who are sleeping on the streets. The end result of not having any money is destitution for any of us, isn't it, especially if



you don't have any family support in the country. You may not speak the language, or you may speak it very imperfectly. They have all sorts of barriers. I understand their claims must be adjudicated and not all claims will be accepted. However, they should be accorded human rights. They should be accorded human dignity, and I do not think that is fully the case just now.

Q53 Wendy Chamberlain: What are your thoughts on their right to work? Do you believe that asylum seekers should have the right to work? I suppose that is one way they could make a contribution.

Moirra Crawford: It happens in other countries. I think they have the right to work in Sweden. I am not quite sure about Germany. I noticed because I thought, "Goodness, I had better look up a wee bit more of this" and I see in Sweden they have the right to work.

I understand the sensitivity of that. There are a lot of folk looking for jobs, and you can alienate people by saying, "Well, they are getting jobs. Why am I not? Are they being paid less wages? Are they undercutting wages?" I see it is a sensitive issue, but we should permit people to work. There are probably some people with skills that we need, which may be in short supply here. I think they should, although it has to be handled with a great deal of sensitivity and understanding that a lot of folk need work.

Wendy Chamberlain: Thank you for the research you have done in advance. That is excellent.

Chair: Thank you. Just to reassure you, Moirra, immigration is an issue that we have looked at regularly in this Committee. What you have suggested to us is a practical way to look at this again. We can maybe incorporate that into any future inquiry we have, based on what you have told us about all of this. I do not think we have ever had a specific focus on refugees and asylum seekers, and maybe that is long overdue. I am looking around at my colleagues and seeing some shaking heads. Maybe that is something we could incorporate into a future look at immigration. I want to thank you for that.

We are coming to the end of the session, and members will have to leave because I believe there is an imminent vote in the Chamber. When you hear all the bells going, that means Members of Parliament have to disappear to go down and exercise their democratic function.

I can see that the three members of the public who gave their presentations are still with us. Thank you all for coming along. I know these experiences can be quite daunting when you are sitting next to professionals who do this on behalf of large organisations, but you came along and presented your cases really well. Not only that, but we all found it very fascinating and interesting so I want to thank the three members of the public who are still here.

Hopefully, as we go forward, you will see that some of the work we undertake incorporates and includes some of the suggestions you have



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made to us. I hope you retain an interest in the work of this Committee on that basis. If you feel there is anything we missed out or we could do again, please get in touch.

I know everybody else is still here. I want to thank all of you who gave us these contributions. It is fantastic. We have not been able to do our usual My Scottish Affairs by going out and engaging personally with members of the Scottish public and civic society in the way we traditionally do, but I feel this has been a really helpful session where we have learned an awful lot. All of us on this Committee want to be totally engaged with the Scottish public, and we want to be your Committee by taking up the issues that you want us to look at. As we go forward, I am pretty certain we will be able to include the suggestions you made to us, so thank you for that and thank you for your contributions.