



Department
for Work &
Pensions

Pete Wishart MP
Scottish Affairs Committee
Committee Office
House of Commons
London
SW1A 0AA

Chloe Smith MP
Minister for Disabled People,
Health, and Work
Caxton House
Tothill Street
London
SW1H 9AJ

27 January 2021

Dear Mr Wishart,

DATA-SHARING BETWEEN DWP AND THE SCOTTISH GOVERNMENT

Thank you for your letter of 22 November. I am responding as the DWP Minister responsible for devolution issues.

You ask both about the Scottish Child Payment and the broader context on the way in which DWP considers requests for data from the Scottish Government.

With respect to the Scottish Child Payment, we have been working closely with the Scottish Government on the provision of data to support their delivery. The Scottish Government's current design for payment to 6 to 16 year olds builds in key data information dependencies with DWP which were not agreed/confirmed before the policy was announced. DWP has been clear from the outset that providing this information was complex and required a different approach to the information already provided for children aged 0-5yrs.

I recently met with Mr Macpherson, the Scottish Government Minister for Social Security and Local Government, to discuss this matter and we commissioned further joint work from our officials on the outstanding issues. I can confirm that through successful joint working the data set that Scottish Government needs has been agreed. Development of the technical solution is underway. The delivery plan is being jointly monitored by officials from both organisations and is currently on track to meet the Scottish Government's delivery timetable. With respect to the broader issue, data sharing is discussed frequently by officials in the Scottish Government and DWP and also at Ministerial level both through the Joint Ministerial Working Group on Welfare and bilaterally. In addition, we have established a bespoke data

share board and processes to consider both the legal, including GDPR requirements and proportionality, and the operational feasibility aspects of any request.

The Department needs sufficient time to consider the legal and operational dimensions of all data-sharing requests, whatever their source, and to determine their wider impact on the Department's ability to deliver services throughout Great Britain. Both my predecessor and I have made it clear to our Scottish Government counterparts that public announcements and commitments should not be made before there is clarity on what support DWP can provide. It does not serve the people of Scotland well for one Government to commit to doing something which is dependent on the other without having first reached agreement on whether that dependency can be met. Failure to do so increases the risk to timely and successful delivery.

That said, the UK Government will of course continue to support and work with the Scottish Government to support them in implementing the Social Security changes introduced by the Scotland Act 2016. The close contact between the two governments over the past years highlights the importance the UK Government places on the effective functioning of devolution and the strength of the Union.

The Committee's recommendation that Social Security Scotland consider all mechanisms for acquiring its own data where possible is particularly welcome, since avoidable interdependencies – on data, but in other areas such as IT infrastructure as well – increase risk for both Governments and for the citizens to whom they provide services.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chloe Smith', with a horizontal line underneath.

Chloe Smith MP
Minister for Disabled People, Health & Work

Scottish Affairs Committee

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From the Chair, Pete Wishart MP

Minister Chloe Smith MP
Minister David Rutley MP
Department for Work & Pensions

22 November 2021

Dear Ms Smith and Mr Rutley,

Thank you for providing us with the UK Government's response to the Welfare report. We have published the response, alongside the Scottish Government's response on our website. There was one matter that we wanted to follow-up with, in light of the Department's response: the issue of data sharing and six-16 year old data requirements.

We noted that within the response, it reiterated the evidence that your predecessor Departmental Ministers, Justin Tomlinson and Will Quince, gave in person, relating to legal constraints, as well as highlighting that there is a Scottish Devolution Data Sharing Board to "consider requests", and pointing to the role of Chief Data Officers and Sharing Policies. Whilst these mechanisms partially address recommendations in paragraphs 54 and 55:

We recommend that the DWP should prioritise delivering the six to 16-year-old data required by the Scottish Government, or work with the Scottish Government to find an alternative type of data, so that the Scottish Government are able to roll out the Scottish Child Payment for this age group (Page 25, Paragraph 54).

We recommend that Social Security Scotland consider all mechanisms for acquiring their own data where possible if they are requesting data which DWP does not hold. DWP and Social Security Scotland should develop a shared protocol and agreement about data sharing to ensure swifter data sharing on a benefit-by-benefit basis. This protocol should be agreed as soon as possible. This could include a shared DWP-Social Security Scotland data team to examine data and produce information reports (Page 25, Paragraph 55).

the response does not appear to alter the way that the Department for Work & Pensions (DWP) more broadly approaches data-sharing with the Scottish Government. For example, the Scottish Government's response to our recommendations states it is still awaiting a solution to the six-16 data issue and there appear to be limits as to whether these existing mechanisms solve the on-going data sharing difficulties and thus meet the purpose of our recommendation. The Scottish Government's response suggests that a

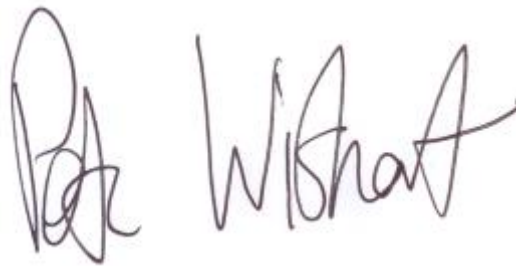
joint strategy exercise relating to data sharing including a shared protocol will soon take place, but requires DWP agreement.

We advise that the UK Government prioritise plans for further strategic and operational joint working to address existing, and limit future data-sharing barriers. In particular, further joint working could be achieved at the Ministerial level, for example at the Joint Ministerial Working Group, and at the officials' level, via the Joint Operational Reference Group.

We also understand that some barriers around data-sharing have arisen due to GDPR requirements. It seems clear to us that joint working would offer an opportunity for Ministers and officials to come together to discuss the reasons for such barriers, analyse the finer details, and find resolutions for this important issue.

We look forward to your response on the matters raised in this correspondence, and hope that they provide a clear way forward,

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Pete Wishart'. The signature is fluid and cursive, with the first part being more stylized and the second part being more legible.

Pete Wishart MP
Chair, Scottish Affairs Committee