BRIEFING

OCTOBER 2024

The Balance of Power: The Minimum Income Guarantee and the devolution settlement ____



A roadmap to the Minimum Income Guarantee

- Within the current devolution settlement, the Scottish Government can, and must, make a substantial contribution to the delivery of a MIG in Scotland. Civil society demonstrated consensus for the Scottish Government utilising all of the powers at their disposal across fair work, public services, taxation, and social security to progress the policy.
- However, if we want to progress the MIG, and progress at pace, there is a need to move beyond an insular focus on the Scottish Parliament alone. Civil society and the Scottish Government must consider the actions needed at UK-level, particularly in the realm of social security, and what can be achieved via collaborative approaches. Civil society must broaden the focus of our advocacy to cement the critical role of the UK Government in realising the potential of a 'full' MIG.
- Developing a roadmap to the MIG is an important means of gaining civil society buy-in for the policy. This involves viewing MIG as a destination and recognising that a number of interim steps exist on the road to delivery. The Expert Group should consider developing a roadmap to accompany the publication of their final report, and civil society should utilise this approach in our advocacy on the policy.

- A new UK Government brings with it the opportunity for the resetting of intergovernmental relations with the Scottish Government and for changes in UK Government policy across the three spheres of the MIG. Rather than thinking about the MIG as something we want to do in Scotland, it should be framed as policy innovation. The MIG could be a laboratory of policy in the manner that devolution was intended to be, providing opportunities for innovation, evaluation and scaling-up.
- Limiting the identified interim steps to the mitigation of UK Government action by the Scottish Government would create a gap between the rhetoric of the MIG as a transformational policy, and the reality of implementation. This should be a consideration for civil society campaigning and the Expert Group's final report.
- Priorities for further devolution included the devolution of energy policy to enable the development of a social tariff, and employment law. Within the sphere of employment, attendees felt that, at the very least, the devolution of the administration of the Jobcentre Plus network and the budget and delivery of Access to Work would be useful for the delivery of the MIG.





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Introduction



ithin questions of the deliverability of the Minimum Income Guarantee (MIG). a key consideration is whether the Scottish Parliament have the necessary powers to implement the policy. The balance of power within the devolution settlement has been a pivotal area of discussion in the engagement with our members. The lack of clarity as to legislative competency is a barrier to buy-in and support. Indeed, it is the early view of the Expert Group, as stipulated in the interim report, that even a pilot or initial roll-out of the MIG will require legislation.¹ This gives rise to questions around what can be achieved within current powers; what requires further devolution; and the opportunities around enhanced collaboration through renewed intergovernmental relations.

The MIG undoubtedly interacts with policy areas which are reserved to Westminster, notably Employment Law and reserved social security, including Universal Credit. This means that more powers would need to be devolved to the Scottish Parliament, or changes made to policy and service design at the UKlevel, if we are to realise the 'full' MIG. However, within the Expert Group's interim report they concluded that: *"We do not need full powers or further powers to make progress, even if further powers around social security, work, tax, borrowing* and equalities, may well be necessary in the future to realise the full potential of a Minimum Income Guarantee". Indeed, while there are limits as to what change is possible at the Scottish level, there remain numerous options to progress the policy within current powers. As a result, we agree with the Expert Group that "progress towards a Minimum Income Guarantee doesn't need to wait".

This seminar included remarks from Professor Nicola McEwen who provided challenge as to the benefits of focusing campaigning and policy advocacy solely on the Scottish Government. An overarching conclusion of the seminar was a desire to 'focus on Scotland, but not just the Scottish Government' in the development and implementation of the MIG. If we want to progress this policy, and progress at pace, there is a need to move beyond an insular focus on the Scottish Government alone. We must consider the actions needed at UK level and what can be achieved via collaborative approaches. These discussions informed the inclusion of the MIG as an overarching recommendation in the Poverty Alliance 2024 General Election Manifesto.² The election of a new UK Government perhaps brings prospects for renewed intergovernmental relations and creates opportunities to push for a system of social security based on decency and adequacy.

¹ Scottish Government (2023) *Minimum Income Guarantee Expert Group: Interim Report* available at https://www.gov.scot/ publications/minimum-income-guarantee-expert-group-interim-report/

² The Poverty Alliance (2024) Securing our Future: The Poverty Alliance Manifesto available at https://www.povertyalliance.org/ wp-content/uploads/2024/06/TPA_Election_Manifesto_2024_proof_02.pdf



Balance of power: the current picture and future opportunities

n her remarks, Professor Nicola McEwen outlined three critical questions for understanding the current balance of power around the MIG:

- What can we draw on within the existing framework?
- What would the implications be of doing it in the existing framework?
- What additional powers might help?

The Scotland Act 1998 specifies the areas that are beyond the law-making competence of the Scottish Parliament. This legislation was amended in 2012 and 2016 to provide additional powers over social security, and the setting of Income Tax rates and band thresholds (excluding personal allowances) that apply to all non-savings and non-dividend income tax paid by Scottish taxpayers. However, despite these changes, a number of resereved powers remain relevant to the delivery of the MIG, such as:

- Social security (except devolved benefits)
- Fiscal (except devolved taxes)
- Economic and monetary policy
- Currency
- Financial services
- Employment
- Energy regulation

The Scottish Parliament have devolved responsibility for certain categories of benefits including disability, industrial injuries and carers benefits, benefits for maternity, funeral and heating expenses, and 'other benefits' (e.g. discretionary housing payments). The Scottish Parliament also has the power to topup UK benefits, and to create new benefits in areas not otherwise connected to, or covered by, reserved matters such as the Scottish Child Payment.

The Scottish Government, through Social Security Scotland, now delivers 14 benefits including seven which are unique to Scotland. However, substantial social security powers still sit with the UK Government, including Universal Credit and pensions, and devolved social security continues to interact very closely with reserved benefits. In addition, if the UK Government makes a change to benefits where there is reserved competence, this has implications for the Scottish Government's budget.

The system is complicated, characterised by "jagged edges", and requiring co-operation between the Scottish and UK Governments. If the Scottish Government changes a benefit or introduces a cash payment that effects the income of people living in Scotland, unless it does this with the consent of the UK Government, it will impact entitlement to reserved benefits. This raises questions for the envisaged MIG cash payment.



What if we had additional powers?

If any additional devolved powers were limited to social security alone, this would have implications for the proportion of Scottish Government funding allocated to social security. As a result, as highlighted by Emma Congreve in our 'Funding the Fight' session (see briefing 2 in this series), this would widen the gap between the resources provided by the UK Government for social security and actual spend in this portfolio. This would have the impact of increasing spending pressure on those other areas of government policy which contribute to MIG, such as public services.

Additional powers in revenue raising would be beneficial. However, Income Tax is unlikely to be the most effective lever, due to the small number of Higher or Top Rate taxpayers in Scotland. The devolution of Employment Law would provide opportunities to create a more generous minimum wage and better working conditions to address precarity. However, the creation of a higher minimum wage floor would also bring additional costs for the Government, due to the high proportion of workers in the public sector who would receive it.

Professor McEwen's closing question asked why we were solely focused on Scottish Government in our efforts on the MIG. We do not want the final Expert Group report to be another good piece of research which is not progressed. A new UK Government brings with it the opportunity for the resetting of intergovernmental relations and for changes in UK Government policy across the three spheres of the MIG. Rather than thinking about the MIG as something we want to do in Scotland, it should be framed as policy innovation. The MIG could be a laboratory of policy in the manner that devolution was intended to be, providing opportunities for innovation, evaluation and scaling-up. Framing in this way, and aiming for collaboration, provides the greatest opportunity for implementation.



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Table discussions



Attendees had the opportunity to discuss in groups the priorities for action across current powers, and further devolution.

→ Priorities for action under current powers

Progress the long-awaited reform of Council Tax as part of a broader focus on taxing wealth

There are increasing discussions around whether we have reached the limit on changes to Income Tax at the Scottish level. However, attendees were in agreement that this points to the need for wider taxation reform, with the stated ambition of better taxing wealth. Property is the most valuable type of wealth held by households in Scotland, making property taxation a natural starting point for improving wealth taxation.³ Attendees expressed support for the substantive reform of Council Tax, but noted that the Scottish Government must at least implement a property revaluation.

This echoes taxation proposals put forward by IPPR Scotland and Oxfam Scotland in 2023, which were endorsed by over 50 organisations.⁴ These proposals recommended a cross-party process to replace the current Council Tax before the next Scottish Parliament elections in 2026, ending the long and damaging impasse on reform. Similarly, The Poverty and Inequality Commission have concluded that the squeeze on public finance is "extreme" and while welcoming Scottish Government action to make tweaks to the existing system, they point to this as "an inadequate response to the scale of the challenges facing public finances".⁵ The Commission thus recommended the revaluation of properties subject to the current Council Tax and urged the Scottish Government to immediately start work to design its replacement.

Attendees expressed disappointment around the Scottish Government's recent decision to freeze Council Tax. This political choice cost the Scottish Government over £140 million and did nothing to progress the national priority of tackling child poverty. Freezing Council Tax will inevitably mean less money for the public services that many people living on low incomes rely on and which underpin one of the critical spheres of the MIG.

³ Wealth in Scotland 2006-2020, Types of Wealth (18 Feb 20200): https://data.gov.scot/wealth/#Types_of_wealth

⁴ Oxfam Scotland, IPPR Scotland, Poverty Alliance et al (2023) The Case for Fair Tax Reform in Scotland available at https:// oxfamapps.org/scotland/wp-content/uploads/2023/09/The-case-for-fair-tax-reform-in-Scotland-Joint-briefing-FINAL_ September-2023-1-2.pdf

⁵ Poverty and Inequality Commission (2023) How better tax policy can reduce poverty and inequality: Recommendations for an effective and accountable Scotland available at https://povertyinequality.scot/wp-content/uploads/2023/10/How_better_ tax_policy_can_reduce_poverty_and_inequality_October2023.pdf



Maximise the potential of the Social Security Amendments (Scotland) Bill

This Bill, which is currently making its way through the Scottish Parliament, proposes a change to the legislative basis of the Scottish Child Payment to make this a standalone benefit. This would mean that eligibility for the Scottish Child Payment would no longer be tied to Universal Credit as a qualifying benefit. This aligns with the Expert Group's interim report which recommended amending the legislative basis of the Scottish Child Payment to provide more flexibility. This Bill thus operates as a critical interim step on the route map to the MIG.

Attendees felt we should maximise the potential of the Bill by making changes to the Scottish Child Payment eligibility criteria and introducing a taper to avoid cliff edges which prevent people progressing in paid work due to lost earnings. This additional flexibility in design and delivery has the potential to bolster an already positive impact. Research by the Poverty and Inequality Commission with people who were in receipt of the Scottish Child Payment found that the lack of tapering and the subsequent large cliff edge was making it difficult for parents to take advantage of employment and progression opportunities.

Priorities for expanded eligibility raised within this session included women who are in receipt of Maternity Allowance; those with No Recourse to Public Funds; and increasing age thresholds from 16 to 18. This agerelated change was seen to better reflect the reality of the transition to adulthood, as well as having broader benefits for other policy priorities such as the poverty-related educational attainment gap. This point was visible in submissions to the Social Justice and Social Security Committee's recent inquiry into the Scottish Child Payment, including in responses from Citizens Advice Scotland⁶ and the Joesph Rowntree Foundation.⁷ One parent told the Joseph Rowntree Foundation: "When I qualified to apply for it The Scottish Child Payment], my eldest had just turned 16 the month before, so I didn't qualify for him, he was still at school, so I still had uniforms, lunch money, you know things like that to buy for him and stuff and I wasn't getting that extra payment for him."

Finally, in addition to legislative standing, the majority of attendees felt that the Scottish Government must take action to further increase the value of the Scottish Child Payment to at least £40. This would align with modelling of what is required to meet Scotland's interim child poverty targets, undertaken by Save the Children and IPPR Scotland.⁸ Further increases in value are particularly important in the context of the ongoing cost of living crisis, with parents who engaged in research by Save the Children

⁶ Citizens Advice Scotland (2024) *Our Vision for the Scottish Child Payment* available at https://www.cas.org.uk/system/files/ publications/scp_sjss_committee_enquiry.pdf

⁷ Joesph Rowntree Foundation (2024) The Impact of the Scottish Child Payment available at https://www.parliament.scot/-/ media/files/committees/social-justice-and-social-security-committee/scottish-child-payment/scottish-child-paymentjoseph-rowntree-foundation-submission.pdf

⁸ Institute for Public Policy Research (2023) Poverty doesn't have to be inevitable – it needs political will and investment to eradicate. Available at: https://www.ippr.org/blog/poverty-doesn-t-have-to-be-inevitable-it-needs-political-will-andinvestment-to-eradicate



highlighting that the payment does not go far enough. One parent stated, *"you can use it [the SCP] towards taking the kids out for the day [but] you are not getting its intended use because you are cutting back on so many things"*.⁹ It should be noted, however, that organisations who focus on other population groups did caution against interim steps being limited to child poverty alone.

The MIG requires us to move beyond short-termism in policy design and delivery

Attendees were in agreement that shorttermism is not working to address the longterm, structural problems facing the country. Despite the existence of tools and policies such as Scotland's National Performance Framework, our governments remain focused on short-term action which aligns with electoral cycles. The existence of shorttermism renders it critical that we build robust cross-party support for MIG, so that the principle of setting a solid income floor can be cemented as a long-term parliamentary objective.

It is time for a renewed approach to intergovernmental relations

Intergovernmental relations across the UK Government, Scottish Government and local government are critical to successful implementation of the MIG. This will necessitate greater clarity on the devolution settlement in some areas. It was disappointing that as of April 2024, attendees struggled to point to substantive examples of constructive relations between the Scottish and UK Government.

The Verity House Agreement, outlining the Scottish Government's relationship with local government, has been a good start. However, there is a need to go further here to ensure genuine collaboration on the policies which form interim steps towards the MIG. This requires local authorities being provided with adequate resources as a pre-requisite for implementation.

Attendees felt that pathfinder approaches which rely on collaboration provide a useful model. The Dundee Child Poverty Pathfinder¹⁰ is a collaborative initiative between Dundee City Council, the Department for Work and Pensions (DWP), the Scottish Government, Social Security Scotland and other partners. Similarly, the Glasgow Child Poverty Pathfinder¹¹ is a joint endeavour from Glasgow City Council, the Scottish Government, Convention of Scottish Local Authorities (COSLA) and the Improvement Service using a 'no wrong door' approach. Attendees welcomed these approaches but noted the need for these models to be scaled-up at pace in order to meet the challenges at hand. Collaboration and strong intergovernmental relations must be the thread running through policy-making and service design, rather than the exception.

⁹ Save the Children (2023) Scottish Government Budget Briefing available at https://www.savethechildren.org.uk/content/dam/ gb/reports/scotland/save_the_children_budget_briefing_dec_2023.pdf

¹⁰ See more on the Dundee Child Poverty Pathfinder here: https://www.gov.scot/publications/child-poverty-pathfinders-earlyimplementation-process-evaluation/

¹¹ See more on the Glasgow Child Poverty Pathfinder here: https://www.gov.scot/publications/child-poverty-pathfinders-earlyimplementation-process-evaluation/



The MIG has been pitched as a policy with transformational potential, providing the ability to draw a line under poverty in Scotland. The pathway to implementation, therefore, cannot be limited to Scottish Government mitigation of UK Government policies such as the twochild limit. If our interim steps are limited to the mitigation of UK Government action alone, this will create a gap between the rhetoric of the MIG as having transformational potential and the reality of our outlined actions. While current mitigations are very welcome, our ambition for the MIG is much broader than this, necessitating input and changes by the UK Government.

Greater data sharing and utilisation is a key area where a renewed approach to intergovernmental relations is required

The gathering and utilisation of data was a key priority for attendees. At present, data sharing is continually raised as a barrier to action, including in relation to policies relating to the uptake of Pension Credit, passporting of social security entitlements and the identification of 'Scottish' taxpayers.

Within social security policy specifically, the sharing of data and information is critical to maximising incomes and benefit uptake. At present, attendees felt that data sharing was a key barrier in effective relations between the Department for Work and Pensions and Social Security Scotland. The lack of data also prevents effective targeting of interventions and results in an incomplete picture of what is working to tackle poverty. In 2020, a report by the Social Security Committee in the Scottish Parliament¹² recommended joint working between the UK and Scottish Governments to consider how best to encourage take-up of all benefits and raised concerns about the lack of benefit take-up strategy for reserved entitlements at the UK level. The Committee also noted that GDPR cannot be used as an excuse to prevent data sharing, a point that was echoed by attendees at this seminar.

Attendees also reiterated communications from the Scottish Government relating to the financial consequences to Scottish Government budgets when efforts to promote reserved entitlements in Scotland resulted in increased uptake. However, attendees expressed a need for greater clarity as to the basis of this issue and whether there were examples of increased uptake leading to financial pressure in practice.

The cost of poverty necessitates stronger intragovernmental work too

Tackling poverty should be a priority for all of our public services and government departments, but policy-making is not yet joined-up either between our various levels of government, or across different government departments. Attendees noted that local authorities, Scottish Government and UK Governments are all working to allocate funding, design policies and services intended to tackle poverty but there is often duplication of processes which mean the money reaching the problem itself is minimised. There are efficiency savings to be made by working across government departments to join-up our work and reduce administration fees.

¹² Social Justice Committee (2020) Benefit Take-up available at https://bprcdn.parliament.scot/published/SSC/2020/3/11/ Benefit-Take-up/SSCS52020R02.pdf



The conducting of a robust cost and benefit analysis could drive financial savings and also provide a key motivation for closer intergovernmental relations. Attendees working in data analysis within local government noted multiple reporting mechanisms, data gathering systems, and funding streams which minimised effectiveness of action. Given the current financial context, financial savings were seen as key leverage to convince UK Government and Scottish Government to take action in this area.

Implement a robust pilot of the MIG

As discussed in earlier sessions, a robust pilot of the MIG was again identified as a critical development. The development of this pilot must build on feasibility studies relating to the piloting of a Universal Basic Income (UBI) in Scotland and should also be rooted in intergovernmental collaboration to enable this pilot and to maximise the range of interventions that can be piloted under this banner. Attendees noted potential pilots across unpaid carers, rural areas, and families with babies. As highlighted in our first session, there is also a need to be clear about the parameters of a pilot, given current legal restrictions.

Maximise our existing levers to progress the MIG

As highlighted above, the Expert Group have been clear that progress on a MIG does not need to wait, and this position was shared by attendees. Attendees called for the effective utilisation of Scottish Government levers across social security, fair work and public services. Early priorities for attendees included changes to the Scottish Child Payment to expand eligibility and to increase the value of the payment to £40; delivery of existing commitments on affordable housing; increased investment in, and prioritisation of, parental employability commitments within Best Start, Bright Futures; and the expansion of affordable, flexible childcare, working towards 50 hours a week of funded childcare for low-income households. Measures which will have a tangible impact on the ability of households to stay afloat during the cost of living crisis were also prioritised here, including the implementation of Universal Free School Meals as an immediate action and the introduction of rent freezes and caps as outlined in the Housing Bill. Resourcing these commitments will require examination of the taxation asks mentioned earlier in this briefing.

→ Priorities for further devolution

Employment Law continues to hold many opportunities for the MIG and our efforts to tackle poverty more broadly

Participants noted opportunities stemming from the Labour Government's prospective New Deal for Working People¹³ which could have positive benefits for the MIG, in affording people greater opportunity to access the fair wages and security necessary to reach the income floor through paid work. Attendees also highlighted opportunities of further increases in the National Living Wage in providing people greater access to an adequate income. However, some attendees did echo points from Professor Nicola

¹³ See https://labour.org.uk/updates/stories/a-new-deal-for-working-people/



McEwen relating to the additional costs this would bring to the Scottish Government for public sector workers. However, despite the prospective positive changes at the UK-level outlined above, attendees maintained an interest in the devolution of further powers on employment to the Scottish Parliament. Priorities in this space related to abolishing anti-trade union laws and zero-hour contracts. The priorities identified in this space are therefore in alignment with the agenda of the new UK Government.

Earlier sessions also highlighted wider areas of policy-making where there was support for further devolution including: the administration of the Jobcentre Plus network to streamline the delivery of employability support and to ensure this aligns with the principles of Social Security Scotland; and devolution of the delivery of Access to Work.

The devolution of powers over energy policy would enable greater action to protect low-income households

Another area where the devolution of further powers to the Scottish Parliament was viewed as critical was energy policy. The latest Fuel Poverty Monitor from Energy Action Scotland and National Energy Action shows that 6.5 million UK households were in fuel poverty last winter.¹⁴ Energy policy is therefore a critical aspect of action to tackle poverty. Priority areas for change identified were: the abolishing of standing charges and the introduction of a Social Tariff for lowincome households and those with higher energy usage including disabled people. The removal of the standing charges have been recommended by the Trade Unions Congress¹⁵, branding the charge 'regressive', and by Fuel Poverty Action.¹⁶ Similarly, the Social Tarriff, a targeted discount energy tariff for qualifying low-income consumers, has been a key ask from organisations such as Fair by Design, Citizens Advice, Scope and Energy Action Scotland.¹⁷

¹⁴ National Energy Action (2024) Energy Crisis: Two Years In available at https://www.nea.org.uk/wp-content/uploads/2024/01/ NEA-Fuel-Poverty-Monitor-FULL-REPORT-FINAL.pdf

¹⁵ TUC (2022) A Fairer Energy System for Families and the Climate available at https://www.tuc.org.uk/research-analysis/ reports/fairer-energy-system-families-and-climate

¹⁶ See https://www.fuelpovertyaction.org.uk/standing-charges/

¹⁷ The Poverty Alliance (2024) Securing our Future: The Poverty Alliance Manifesto available at https://www.povertyalliance.org/ wp-content/uploads/2024/06/TPA_Election_Manifesto_2024_proof_02.pdf



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Our collective priorities for action



The Scottish Government must take immediate action utilising current powers, including:

- Utilise existing powers to address the cost of living, including action on rent freezes and the delivery of universal free school meals.
- Reform our system of Council Tax, as part of a wider focus on taxing wealth. At the very least, implement revaluation of properties covered by the current system.
- Develop, implement and evaluate a robust pilot of the MIG.
- Maximise existing levers, including action across the Scottish Child Payment, housing, employability and childcare.
- Adapt the legislative basis of the Scottish Child Payment so that it is not tied to Universal Credit and make changes to the taper rates and eligibility criteria.

Priorities for further devolution of powers to the Scottish Government included:

- Devolve greater powers over employment, including the ability to make changes to Trade Union laws, and zero-hours contracts.
- Devolution of energy to enable changes such as the abolishing of standing charges and the introduction of a Social Tariff.

Civil society must consider our campaign approaches, including:

- Utilise arguments of the social contract, human rights and our collective wellbeing to encourage use of all levers to address poverty, and work towards greater accountability.
- Make changes to our communications narrative and campaign focus around the MIG, making it clear we are focused on Scotland but not just the Scottish Government.
- Prioritise greater evaluation and monitoring of policy impact including the creation of new, or renewal of existing, forums for intergovernmental collaboration.



The Poverty Alliance is Scotland's anti-poverty network. Together with our members, we influence policy and practice, support communities to challenge poverty, provide evidence through research and build public support for the solutions to tackle poverty. Our members include grassroots community groups, academics, large national NGOs, voluntary organisations, statutory organisations, trade unions, and faith groups



abrdn Financial Fairness Trust has supported this project as part of its mission to contribute towards strategic change which improves financial well-being in the UK. The Trust funds research, policy work and campaigning activities to tackle financial problems and improve living standards for people on low-to-middle incomes in the UK. It is an independent charitable foundation registered in Scotland (SC040877).