

Document 1: Search Template

FOI/EIR REQUEST – SEARCHES CARRIED OUT

FOI case reference number: 202300379478

Please complete the table below where applicable and add any other relevant information regarding searches or other work carried out to locate information within the scope of the request.

Save a copy of this in the request's casefile.

eRDM searches (including searches carried out for you by other teams)

Keywords searched (individual keywords or combinations)	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope
Section 24 [filtered date to 2023]	Information found not in scope – mainly in relation to Scottish Child Payment, various other 'Sections' including Section 10 in relation to mental health
Section 24 two child [filtered date to 2023]	Information found not in scope – this mainly returned documents including briefings from the Tackling Child Poverty Policy Unit. The documents do not refer to 'Section 24' but only the 'limited powers' the SG has to reverse the cap.
Section 24 two child cap [filtered date to 2023]	Several working drafts of the Best Start, Bright Futures report found which would be in scope of this request – the following is noted: "...We will also work with local authorities to mitigate the Benefit Cap as fully as we can within the scope of devolved powers..." – though this has now been published and is available publicly so will include as part of our response: Best Start, Bright Futures Tackling Child Poverty Delivery Plan 2022-2026
Gov.scot trawl also found various pre-published documents, including:	Helping families with their living costs - gov.scot (www.gov.scot)
eRDM files searched*	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope
As above	As above

* - if individual files were reviewed in full as well as or instead of keyword searches

Inbox searches

Names of staff/teams asked to carry out searches	Date you asked them to search	Comments on feedback from them (e.g. nothing found, no response, provided docs x and y)
The Five Family Payments, Funeral Support and Challenge Rights Unit within the Social Security Policy	05/10/23	[redacted] provided documents 1-6 which were a combination of emails and discussions between officials in relation to the briefing request on the two-child limit. There were also a couple of supplementary

Division were contacted as part of this response as they were directly responsible for the briefing pack the requesters' question refers to		briefings sent as attachments (documents x and y)
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Details of keywords used in your own/your team's inbox searches

Keywords searched (individual keywords or combinations)	Comments on findings – e.g. number of documents found, if reading through showed none/some of these documents were in scope

Details of any other searches carried out (including by other teams)

Statement of Compliance – Initial Request

Document 2 – Email chain discussing this FOI request and requesting sign off/feedback

From: [redacted] <[redacted]@gov.scot >
Sent: Wednesday, October 18, 2023 3:43 PM
To: [redacted] <[redacted]@gov.scot >
Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > Social Security BMU <SSDBMU@gov.scot>
Subject: RE: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478 - COP Mon 16/10

Hi [redacted],

Thanks for this.

Mostly fine in my view. [Redacted under s.30(b)(i) – Free and frank provision of advice]. There is also a further section I would suggest is redacted.

I've made comments to that effect in the attached. If you agree, I think that would mean possibly Doc 5 and Doc 7 may be completely out of scope, but you will want to check that.

Happy to discuss of course,

[redacted]

From: [redacted] <[redacted]@gov.scot >
Sent: Tuesday, October 17, 2023 4:14 PM
To: [redacted] <[redacted]@gov.scot >
Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > Social Security BMU <SSDBMU@gov.scot>
Subject: RE: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478 - COP Mon 16/10
Importance: High

Hi [redacted],

Hope you're well – the BMU have helpfully let me know that you have kindly offered to sign off on this FOI in Ian's absence, but please just let me know if any issues.

We have received FOI 202300379478 in relation to the UC two-child limit, which asks:

“On the 4th of October Emma Roddick told the Scottish Parliament that the Scottish Government does not have the powers to scrap the child cap through a Section 24 increase to universal credit or child tax credits.

This is reported below:

https://x.com/agc_reports/status/1709598630070378846?s=46&t=-IQPqgSWPWqje1ZS8nTB2Q

This flies in the face of previous FOIs I have received on this topic therefore I would appreciate any discussion or analysis conducted by the Scottish government on their ability to effect targeted Section 24 increased to universal credit and child tax credit to children effected by the child cap.”

With thanks to policy colleagues copied, please find attached the proposed documents for release, marked with proposed redactions. Content found to not be in scope within these documents can be found within the tracked changes of the attached version. There are comments throughout advising of proposed redactions, but have also now colour-coded these for clarity:

- Section 25(1) - Information otherwise accessible – yellow
- Section 29(1)(a) - Formulation of Scottish Government policy – green
- Section 30(b)(i) - Free and frank provision of advice – blue
- Section 30 (b)(ii) - Free and frank exchange of views – pink
- Section 38(1)(b) - Personal data relating to a third party – applied throughout to details of officials below SCS level, i.e. [redacted]@gov.scot.

I've also attached the draft response letter, which sets out why these redactions have been made and also provides an answer to the question – that the Scottish Government does not have the powers to change the two-child limit policy **at source** while Universal Credit and Child Tax Credits remain reserved to Westminster.

Hope this is all okay but do just let me know if you need any additional information or clarity at any point. I've been asked to have our response with Stephen by **COP tomorrow**, so grateful for your views before then.

Kind regards,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ
I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

From: [redacted] <[redacted]@gov.scot >

Sent: Monday, October 16, 2023 4:48 PM

To: [redacted] <[redacted]@gov.scot >

Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot >

Subject: RE: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478 - COP Mon 16/10

[redacted],

Thanks for all your work pulling the FOI information together

I've made additional comments:

- Page 7-10 SCP and Young Parent Penalty (YPP) mitigation estimates suggest redacting through s.30(b)(i) Free and frank provision of advice
- Page 41 Mitigation breakdown details included in PQ S6W – 19900
- Page 52 YPP mitigation through SCP estimate suggest redacting through s.30(b)(i) Free and frank provision of advice

Scotland Act 2016, Section 24 relates to discretionary powers to top-up reserved benefits.

What Ms Roddick said in her closing speech was;

- “Thank you presiding officer, let me be very clear from the outset, the Scottish Government does not have the powers to scrap the two-child cap”
- “What members calling for mitigation are actually calling for is not for us to scrap the cap, it is to allow people to go through that awful process, to go through the rape clause and then come to us asking for the money the UKG

should have given them in the first place. It is not a scrap and we do not have those powers.”

- “The powers to change this sit with the UK Government.”

[redacted] (he/him)
Reserved Benefits Team Leader
Social Security Futures
Social Security Directorate

Phone: [redacted]
Email: [redacted]@gov.scot

The Scottish Government



From: [redacted] <[redacted]@gov.scot >
Sent: 12 October 2023 12:47
To: [redacted] <[redacted]@gov.scot >
Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot >
Subject: RE: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478 - COP Mon 16/10

Hi [redacted],

Thanks again to yourself and [redacted] for sending on the documents relating to this request. With apologies for the delay in sending across as I was out of office yesterday, I've now put these together into one document and left comments with proposed redactions where necessary. I've also left comments where I think the information is 'out of scope' to this request – I've been quite strict with this and have left in information only where references to the two-child limit are mentioned specifically (rather than mitigation through SCP or other issues within UC), but just let me know if you think otherwise at any point, or if there are any particular sensitivities from your perspective in any of the information proposed for release.

Documents in scope with proposed redactions:
<https://erdm.scotland.gov.uk:8443/documents/A45499205/details>

It might also be beneficial to briefly set out more information on Section 24 in our response, even if a couple of lines, so if you were able to provide this too that would be great and I can put the draft response letter together.

If you were able to let me know of any additional redactions or comments by **COP on Monday** that would be great and I can send on to Ian and then Stephen for their clearance.

Kind regards,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ

I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

From: [redacted] <[redacted]@gov.scot >

Sent: Monday, October 9, 2023 3:25 PM

To: [redacted] <[redacted]@gov.scot >

Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >; [redacted] <[redacted]@gov.scot >

Subject: RE: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478

[redacted],

Further to our conversation

See attached:

- Ms Somerville, Cabinet Secretary for Social Justice opening speech
- Ms Roddick, Minister for Equalities, Migration and Refugees closing speech
- Reversal of the Two Child Benefit Cap Briefing Pack
- Advice sought from SGLD on Scottish Government powers to remove the two-child limit at source
- Advice to Cab Sec Mitigation of the two-child limit. *[Redacted under s.30(b)(i) – Free and frank provision of advice]*

Our policy advice on removing the Two-child limit is consistent throughout - The Scottish Government does not have the powers to change the two-child limit policy at source while Universal Credit and Child Tax Credits remain reserved to Westminster.

These are the comments Ms Roddick made during the closing speech that relate to the scrapping of the two-child cap:

- “Thank you presiding officer, let me be very clear from the outset, the Scottish Government does not have the powers to scrap the two-child cap”
- “What members calling for mitigation are actually calling for is not for us to scrap the cap, it is to allow people to go through that awful process, to go through the rape clause and then come to us asking for the money the UKG should have given them in the first place. It is not a scrap and we do not have those powers.”
- “The powers to change this sit with the UK Government.”
- Ms Roddick did not mention Section 24 during the debate: [Meeting of the Parliament: 04/10/2023 | Scottish Parliament Website](#) - transcript

Let me know if you need any policy advice on explaining Section 24 mitigation for two-child limit

[redacted] (he/him)
Reserved Benefits Team Leader
Social Security Futures
Social Security Directorate

Phone: [redacted]
Email: [redacted]@gov.scot

The Scottish Government



From: [redacted] <[redacted]@gov.scot >
Sent: 05 October 2023 16:35
To: [redacted] <[redacted]@gov.scot >
Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot >
Subject: FW: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478
Importance: High

Hi all,

Hope you're all well. As flagged with [redacted] earlier, we have received *[Redacted under s.30(b)(i) – Free and frank provision of advice]* FOI on the UC two child limit. The request asks:

“On the 4th of October Emma Roddick told the Scottish Parliament that the

Scottish Government does not have the powers to scrap the child cap through a Section 24 increase to universal credit or child tax credits.

This is reported below:

https://x.com/agc_reports/status/1709598630070378846?s=46&t=-IQPqgSWPWqje1ZS8nTB2Q

This flies in the face of previous FOIs I have received on this topic therefore I would appreciate **any discussion or analysis conducted by the Scottish government on their ability to effect targeted Section 24 increased to universal credit and child tax credit to children effected by the child cap.**”

[Redacted under s.30(b)(i) – Free and frank provision of advice]

Grateful for any steer on any documents which may also now be in scope of this request, or if there is anything additional specific to utilising “targeted Section 24” that would fall in scope that we could also potentially release.

Please let me know if you need any further information in the meantime. The request has to be with Stephen for clearance by 18 Oct, so grateful any documents or folders that would fall in scope of this request by **13 October** if possible – thank you.

Best wishes,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ
I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

From: [redacted] <[redacted]@gov.scot > > **On Behalf Of** Social Security BMU

Sent: Thursday, October 5, 2023 12:11 PM

To: [redacted] <[redacted]@gov.scot >

Cc: Social Security BMU <SSDBMU@gov.scot>; Communications Social Justice <CommunicationsSocialJustice@gov.scot>

Subject: Urgent - FOI TRIAGE - Scrapping of the two child cap - MiCase 202300379478

Importance: High

[Redacted as not in Scope]

Document 3 – Email requesting clearance of FOI request

From: [redacted] <[redacted]@gov.scot >
Sent: 18 October 2023 17:15
To: Stephen Kerr <Stephen.Kerr@gov.scot>
Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > Social Security BMU SSDBMU@gov.scot

Subject: For final review and sign off - FOI 202300379478

To note the requestor is an individual, [redacted] via [whatdotheyknow.com](https://www.whatdotheyknow.com) - N

Hi Stephen,

Hope you're well. We have received FOI 202300379478 in relation to the UC two-child limit that I'd be grateful for your clearance on, which asks:

"On the 4th of October Emma Roddick told the Scottish Parliament that the Scottish Government does not have the powers to scrap the child cap through a Section 24 increase to universal credit or child tax credits.

This is reported below:

https://x.com/agc_reports/status/1709598630070378846?s=46&t=-IQPqgSWPWqje1ZS8nTB2Q

This flies in the face of previous FOIs I have received on this topic therefore I would appreciate any discussion or analysis conducted by the Scottish government on their ability to effect targeted Section 24 increased to universal credit and child tax credit to children effected by the child cap." – [redacted]

With thanks to the colleagues copied and to [redacted] for reviewing in Ian's absence, please find attached the proposed documents for release, with exempt information removed (if helpful to see a previous version to see precisely what information has been redacted, please just let me know).

I've also attached the updated draft response letter, which sets out why these redactions have been made and also provides an answer to the question – that the Scottish Government does not have the powers to change the two-child limit policy **at source** while Universal Credit and Child Tax Credits remain reserved to Westminster.

Hope this is all okay but do just let me know if you need any additional information. The final deadline for our response is by **01 November**.

Kind regards,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ
I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

Document 4 – Reply to above email

From: Stephen Kerr <Stephen.Kerr@gov.scot>

Sent: Thursday, October 19, 2023 12:43 PM

To: [redacted]@gov.scot

Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > Social Security BMU SSDBMU@gov.scot

Subject: RE: For final review and sign off - FOI 202300379478

Hi [redacted],


[Redacted under s.30(b)(i) – Free and frank provision of advice]

Many thanks,

Stephen

Stephen Kerr

Social Security Director | T: [redacted] | E: stephen.kerr@gov.scot

 Please save paper – do you need to print this e-mail?

Document 5 – Emails with FOI Unit

From: [redacted] <[redacted]@gov.scot > **On Behalf Of** Freedom of Information

Sent: Thursday, October 19, 2023 2:54 PM

To: [redacted] <[redacted]@gov.scot >

Subject: RE: For final review and sign off - FOI 202300379478

Hi [redacted],

Apologies I am not clear on what you mean? Can you clarify a bit further,

Happy to discuss on teams if that is easier

[redacted]

[redacted] | FOI Adviser | FOI Unit | Scottish Government | I am currently working from home

Freedom of Information Unit

Join the FOI Yammer community: [@FOI – Community](#)

FOI Guidance can be found here: [Explore | SG Thrive \(learn.link\)](#)

From: [redacted] <[redacted]@gov.scot >

Sent: 19 October 2023 13:20

To: Freedom of Information <foi@gov.scot>
Subject: FW: For final review and sign off - FOI 202300379478

FOI Unit,

[Redacted under s.30(b)(i) – Free and frank provision of advice]

In case useful to see, the response I'm currently working on is: FOI 202300379478 - Documents in scope with proposed redactions - version 3 with official level comments details - Objective ECM (scotland.gov.uk)

Kind regards,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ
I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

Document 6 – Clearance Email

From: Stephen Kerr <Stephen.Kerr@gov.scot>

Sent: Thursday, October 19, 2023 3:57 PM

To: [redacted] <[redacted]@gov.scot >


Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > Social Security BMU SSDBMU@gov.scot

Subject: RE: For final review and sign off - FOI 202300379478

Thanks [redacted]. Happy this goes now, thanks – S.

Stephen Kerr

Social Security Director | T: [redacted] | E: stephen.kerr@gov.scot

 Please save paper – do you need to print this e-mail?

From: [redacted] <[redacted]@gov.scot >

Sent: 19 October 2023 15:27

To: Stephen Kerr <Stephen.Kerr@gov.scot>

Cc: [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > [redacted] <[redacted]@gov.scot > Social Security BMU SSDBMU@gov.scot

Subject: RE: For final review and sign off - FOI 202300379478

Hi [redacted],

Thanks for this and apologies for not responding sooner, I just wanted to double check this point with the FOI Unit.

[Redacted under s.30(b)(i) – Free and frank provision of advice]

I've updated as per their advice, so have attached an updated version of our proposed response, and the draft response letter. Please do just let me know if you think there is anything additional in the attached that you think shouldn't be included.

Kind regards,

[redacted] (she/her) | Carer Support Payment Policy Officer | Carer Benefits Policy | Social Security Policy Division

Scottish Government | Victoria Quay | Edinburgh | EH6 6QQ
I work Tuesday-Friday and alternate Mondays

Keep up to date with the development of our new social security powers:

W: beta.gov.scot/policies/social-security/

T: @SocSecScot

Document 7 – Submission and Decision Template

FOI SUBMISSION TEMPLATE

FOI REQUEST: SUBMISSION FOR OFFICIAL DECISION

To: [redacted], Head of Cross-cutting Policy, Social Security Policy division

Purpose

1. You are invited to agree that the attached draft response to an information request made under the Freedom of Information (Scotland) Act 2002 (FOISA) should be issued.

Priority

2. Routine. The 20th day for a response is 01 November 2023. However, you will be aware of the Scottish Ministers' (the public authority under FOISA) statutory obligation to comply promptly, in terms of Section.10(1) of FOISA.

Background

3. Original FOI request:

“On the 4th of October Emma Roddick told the Scottish Parliament that the Scottish Government does not have the powers to scrap the child cap through a Section 24 increase to universal credit or child tax credits.

This is reported below:

https://x.com/agc_reports/status/1709598630070378846?s=46&t=-IQPqgSWPWqje1ZS8nTB2Q.

This flies in the face of previous FOIs I have received on this topic therefore I would appreciate any discussion or analysis conducted by the Scottish government on their ability to effect targeted Section 24 increased to universal credit and child tax credit to children effected by the child cap.”

4. FOI 202300379478 request was received on 04 October 2023.
5. A total of 11 documents were found to be in scope to this request, including a combination of email exchanges between officials and Ministers, speaking notes for parliamentary debates and briefings. There were no additional documents found to be in scope from additional eRDM searches undertaken by the case handler.
6. Searches for documents in scope to the above request have been completed by the case handler and the ‘Subject Matter Experts’ – in this case, policy leads within the Reserved Benefits team. Documents found to be in scope were then compiled into one document and sent with proposed redactions to the Reserved Benefits Team Leader and have since been cleared at this level.

Reason for seeking decision at Official Level

7. A decision at official level is considered appropriate in this case because it does not raise:
 - significant public interest considerations; or
 - complex or novel points which have not previously been considered by the Scottish Information Commissioner.

Advice from FOI Unit

8. Advice has not been sought from the FOI Unit confirming the technical competence of the recommended options related to disclosure.

Discussion

9. As the case handler, I undertook various eRDM searches, details of which can be found in the searches template and an overview of decisions made can be found below. Specific details on the exemptions applied can be found in the statement of compliance.
10. **Documents 1-4, 7 and 10** are email exchanges between officials and two attachments from these (which included documents 5 and 6). These were identified to be in scope as they relate to the ‘discussion’ and ‘analysis’ specifics of the requesters question in relation to mitigating the two-child limit. Document 1 sets out advice from legal colleagues on mitigating the two-child limit and frames the basis of our response.
11. As above, **documents 5 and 6** were attachments sent by officials as part of email exchanges which were also found to be in scope to this request. This includes previous supplementary briefing on opposition amends, and supplementary briefing provided for a previous Ministerial Statement on Child Poverty from June 2023. From these, a line to take on UK Government welfare reforms has been included.
12. **Document 8** relates to Ms Roddick’s Closing Statement for the Two-Child Limit debate within the Scottish Parliament. This includes more information on the speech, the issue at hand, key policy points and analysis undertaken.

13. **Document 9** is a briefing pack used within the same debate on the Reversal of the Two-Child Benefit Cap. Some of this information is already publicly available on the Scottish Parliament website (detailed costings and analysis already published on the Scottish Parliament website) and a link to this has been included as part of our response.
14. **Document 11** relates to a final version of the Cabinet Secretary for Social Justice's opening speech for the Reversal of the Two-Child Benefit Cap debate. The transcript in full is now publicly available on the Scottish Parliament website and a link to this has been included as part of our response.

Recommendation

15. You are invited to agree that the attached draft response be issued.

[redacted]

Policy Officer within the Carer Benefits Policy unit

FOI DECISION TEMPLATE

Auditing, Compliance and Quality

[Redacted as out of Scope]

I am satisfied that the response meets all auditing, compliance and quality criteria:

1. I *agree* that the searches template and Statement of Compliance have been saved to the casefile.
2. I *agree* that the searches listed in the searches template are proportionate, reasonable, robust, comprehensive and appropriate to the scope of the request.
3. I *agree* that, to the best of my knowledge, the schedule of documents is accurate, complete and captures all information within the scope of the request.
4. I *agree* that exemptions have not been applied in a restrictive way; have been applied with a presumption in favour of disclosure; and, where appropriate, with due consideration of the public interest.

[Redacted as out of Scope]

Document 8 – Statement of Compliance for 202300379478

Statement of Compliance – Initial Request

FOI reference number: 202300379478

FOI Unit Triage: Assessed as Routine

Searches:

I have completed a robust search to identify all of the information held which would fall within the scope of the request, including those held electronically, in hard copy and in personal devices or accounts. I have completed the searches template and saved a copy to the FOI casefile.

Schedule of Documents Exemptions/Exceptions applied and public interest considerations:

Doc. No.	Description of information	Decision (Release, partial release, withhold)	Information withheld.	Exemption(s) /Exception(s) applied	Why exemption/ exception applies	Public Interest test appropriate? Yes/No	P.I. test arguments for and against disclosure	Outcome of P.I. test.
1	Email chains between officials and SGLD – Two-Child limit powers	Partial release	Names/details of officials bands A-C	Section 38(1)(b)	Names and details of officials bands A-C redacted	N/A	N/A	N/A
2	Email chain between officials - Debate on 2 child limit contribution and Q&A	Partial release	Names/details of officials bands A-C	Section 38(1)(b)	Names and details of officials bands A-C redacted	N/A	N/A	N/A
3	Email chains between officials – <i>[Redacted under s.30(b)(i) – Free and frank provision of advice]</i>	Partial release	Names/details of officials bands A-C <i>[Redacted under s.30(b)(i) – Free and frank provision of advice]</i>	Section 38(1)(b) Section 30(b)(i)	Names and details of officials bands A-C redacted Free & frank provision of advice	N/A Yes	N/A <i>[Redacted under s.30(b)(i) – Free and frank provision of advice]</i>	N/A Against

4	Email chain between officials (including Documents 5 & 6 as attachments)	Partial release	Names/details of officials bands A-C Background information on Scottish Welfare Fund	Section 38(1)(b) Section 30(b)(i)	Names and details of officials bands A-C redacted Free & frank provision of advice	N/A Yes	N/A [Redacted under s.30(b)(i) – Free and frank provision of advice]	N/A Against
5	Ms Roddick – Closing Statement – Reversal of the Two-Child limit debate	Partial release	[Redacted under s.30(b)(i) – Free and frank provision of advice]	Section 30(b)(i) free and frank provision of advice	[Redacted under s.30(b)(i) – Free and frank provision of advice]	Yes	[Redacted under s.30(b)(i) – Free and frank provision of advice]	Against
6	Reversal of the Two-Child Benefit Cap – Briefing pack	Partial release	[Redacted under s.30(b)(i) – Free and frank provision of advice] [Redacted under s.30(b)(i) – Free and frank provision of advice]	s.25(1) Information otherwise accessible s.30(b)(i) Free and frank provision of advice	Information already publicly available – Written question and answer: S6W-19900 Scottish Parliament Website Lines to take	Yes	[Redacted under s.30(b)(i) – Free and frank provision of advice]	Against
7	Email chains between officials – Mitigation of the two-child limit	Partial release	Names/details of officials bands A-C [Redacted under s.30(b)(i) – Free and frank provision of advice]	Section 38(1)(b) Section 30(b)(i) Free and frank provision of advice	Names and details of officials bands A-C redacted [Redacted under s.30(b)(i) – Free and frank provision of advice]	N/A Yes	N/A [Redacted under s.30(b)(i) – Free and frank provision of advice]	N/A Against
8	Cabinet Secretary for Social Justice – Reversal of the Two-Child Benefit Cap debate – Opening Speech final – ELP version	Withhold	Final version of the Cabinet Secretary for Social Justice speech	s.25(1) Information otherwise accessible	Information already publicly available – transcript can be found in full: Meeting of the Parliament: 04/10/2023 Scottish Parliament Website	N/A	N/A	N/A

Case-handler record of Decisions

In preparing our response to [redacted]'s request, it was considered and agreed that documents 5, 6 and 7 were not in scope and this has been updated from previous versions of the proposed text for response in the eRDM casefile (originally 11 documents for release, now 8). I can confirm that, as detailed above, when considering the information held, exemptions have not been applied in a restrictive way and I have applied a presumption in favour of disclosure. Documents in scope and redactions have been signed off by SME's in that particular policy area, as well as at official level by the Unit Head for Cross-cutting Policy in the absence of the Deputy Director for Social Security Policy, and finally by the Director of Social Security.

3rd Party Consultation

Not required.

Decision Level:

I have determined that it is appropriate to seek comments or advice in relation to my response from SME's (or policy leads) within the area, prior to clearing this at official level with the Cross-cutting Unit Head in the wider division (in the absence of the Deputy Director), before seeking final sign off from the Director for Social Security. As this case was marked as routine, clearance was not sought from the FOI Unit in this instance, though as per comment below under FOI Unit advice, I did seek their views via MS Teams call to check whether further lines should be redacted from this response.

I can confirm that I have saved a copy of any comments/advice received to the casefile.

Notes on case handling/summary of case:

N/A

FOI Unit advice:

[Redacted under s.30(b)(i) – Free and frank provision of advice]