

POLICY NOTE

THE EARLY YEARS ASSISTANCE (BEST START GRANTS) (SCOTLAND) AMENDMENT (No. 2) REGULATIONS 2019

SSI 2019/XXX

The above instrument will, if approved, be made in exercise of the powers conferred by section 32(2) of the Social Security (Scotland) Act 2018. The instrument is subject to affirmative procedure. Section 98 of that Act disapplies any requirement to consult with the Scottish Commission on Social Security before laying the draft instrument.

These regulations provide detailed eligibility rules relating to the best start early learning grants, payable in respect of children aged between 2 and 3½ and best start school-age grants payable when a child reaches primary school age.

POLICY OBJECTIVES

Section 32 and schedule 6 of the Social Security (Scotland) Act 2018 make provision for Early Years Assistance and require that Scottish Ministers in making regulations must: -

- base entitlement on one or more of four primary eligibility criteria (see paragraph 1(2) of the schedule);
- define the meaning of responsibility for a child for the purposes of determining entitlement;
- set out the value of payments and any other assistance.

The Best Start Grants (BSG) are a form of early years assistance, intended to support lower income families with children by offering financial support at key transition points in the early years, intended to improve children's wellbeing and life chances.

When fully implemented, it is proposed that there will be 3 available grants:

- **Pregnancy and Baby Grant** - £600 for a first child and £300 for any subsequent child – this will help with expenses in pregnancy or of having a new child, for example a pram or additional heating. This lessens the financial burden on lower income families when they are expecting or have a new child. The payment also provides support for people who have had a still birth.
- **Early Learning Grant** - £250 – this will help with costs with early learning at around the time a child may take up a nursery place, to support child development, for example travel costs, changes of clothes for messy play, trips out and toys for home learning.
- **School Age Grant** - £250 – this will help with the costs of preparing for primary school, for example educational toys and after school activities, for example swimming or football.

These regulations provide detailed rules relating to the Early Learning Grant and School Age Grant. They include provision for eligibility, including residence, what assistance is available, the value of the payments and when to apply. They amend S.S.I 2018/370, which makes provision for processing of applications and calculation of relevant dates, and includes provision for interpretation of the material contained in these draft regulations.

The Early Learning and School Age Grants follow the same structure for eligibility and have common elements with the Pregnancy and Baby Grants. The payments are simpler in that they have a flat rate and are paid to whoever meets the criteria for being responsible for the child. The timing of the “windows” for application have been designed to align with the life events and other policy interventions for children in early years.

CONSULTATION

Early Years Assistance - Consultation on Best Start Grant Regulations

Between 23 March and 15 June the Scottish Government undertook a consultation on draft BSG regulations¹, which included details of all three proposed types of assistance. There were 51 responses and the independent consultation report² is available on the Scottish Government website. A detailed response to the consultation report by the Scottish Government was published alongside the draft regulations³.

The Social Security Committee

The Committee took evidence on the BSG regulations on 10 May 2018, during the BSG consultation period. The Committee drew the attention of the then Minister for Social Security to the points made by stakeholders and the Minister responded to the Committee⁴.

BSG Illustrative Regulations

Illustrative regulations for BSG were issued to the Social Security Committee and the Delegated Powers and Law Reform Committee of the Scottish Parliament on 28th September 2017, during the passage of the Social Security (Scotland) Bill and were subsequently published on the Scottish Parliament’s website. They were also shared, with a request for feedback, with the BSG Reference Group, the Disability and Carers Benefit Expert Advisory Group (DACBEAG) and its Scrutiny Sub Group, the Scottish Parliament Social Security Expert Panel members and other stakeholders.

The BSG Reference Group

The BSG Reference Group was established in October 2016 to help gather evidence, bring a variety of informed perspectives and provide feedback on proposals. Membership and minutes of the meetings are available on the Scottish Government website⁵.

¹ Early Years Assistance, Consultation on BSG Regulations <https://www.gov.scot/Publications/2018/03/2016>

² Early Years Assistance: Analysis of Consultation Responses on BSG <https://www.gov.scot/isbn/9781787811942>

³ Scottish Government Response to the Consultation on Best Start Grant Regulations <https://www.gov.scot/isbn/9781787812024>

⁴ Minister for Social Security Response to Committee http://www.parliament.scot/S5_Social_Security/General%20Documents/20180529_MinisterSSecuritytoConvener_BSG_response.pdf

⁵ Best Start Grant Reference Group <https://beta.gov.scot/groups/best-start-grant-reference-group/>

Parents and Experience Panel

We have received, and are continuing to take, views from Experience Panel members and other parents, for example groups of bereaved parents, kinship carers and lone parents, on the design of the form and service to deliver BSG. A summary of research findings⁶ was published in August 2018.

The Children's Parliament

The Children's Parliament was commissioned to work with children to seek their views during the consultation on the Best Start Grant Regulations⁷.

Other stakeholders

The BSG has been developed with detailed consultation and engagement with other stakeholders.

A New Future for Social Security Consultation ran during summer 2016 (the report on BSG can be found on page 199 of the Consultation Report⁸). The BSG section sought views on key aspects of the assistance and received over 100 responses from both individuals and organisations. The views expressed helped shape the initial proposals for BSG discussed with the BSG Reference Group.

IMPACT ASSESSMENTS

Impact assessments for the BSG are for all 3 proposed payments. The following impact assessments have been completed and are attached:

- A Child Rights and Wellbeing Impact Assessment⁹
- An Equalities Impact Assessment¹⁰
- A Business Regulatory Impact Assessment¹¹
- An Islands Screening Assessment¹²
- Fairer Scotland Impact Assessment¹³

A Data Protection Impact Assessment is being updated for the Social Security Programme to implement BSG and will be published in due course.

⁶ Best Start Grant – Visual Summary of Research Findings <https://www.gov.scot/Publications/2018/08/1898>

⁷ Children's Parliament 'A better start in life' Report <https://www.childrensparliament.org.uk/our-work/past-work/best-start-grant/>

⁸ Analysis of Written Responses to the Consultation on Social Security in Scotland <https://www.gov.scot/Resource/0051/00514351.pdf>

⁹ Children's Rights and Wellbeing Impact Assessment <https://www.gov.scot/isbn/9781787811997>

¹⁰ Equality Impact Assessment <https://www.gov.scot/isbn/9781787811980>

¹¹ A Business and Regulatory Impact Assessment <https://www.gov.scot/isbn/9781787812000>

¹² Islands Screening Assessment <https://www.gov.scot/isbn/9781787812017>

¹³ Fairer Scotland Duty <http://www.gov.scot/ISBN/9781787815117>

FINANCIAL EFFECTS

A partial Business and Regulatory Impact Assessment (BRIA) has been completed. The impact of this policy on business is limited and no quantifiable financial effects have been identified.

Scottish Government
Social Security Directorate
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