

<b>CRWIA title: The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020</b> <b>Date of publication: 26/06/2020</b>	
<b>Executive summary</b>	<p>The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 introduce a new form of devolved social security assistance called Child Winter Heating Assistance.</p> <p>The first of these to be delivered, Child Winter Heating Assistance (CWhA) will consist of a £200 payment, which will be paid annually each Winter, to children and young people under 18 years of age who are in receipt of the high rate care component of either Disability Living Allowance (Child) (or the Child Disability Payment, once this is launched in Scotland as the replacement for DLA (Child)), for at least one day of the third week of September.</p> <p>The purpose of the CWhA is to recognise that children and young people in receipt of the highest rate care component will require significant levels of support from parents / carers both through the day and through the night. The payment aims to mitigate some of the increased fuel costs these individuals and their families experience as a result of both requiring to heat their homes through the night and reflecting that for many families, they will be present in their homes more often through the day.</p> <p>CWhA will be paid on a 'per individual' rather than a 'per household' basis. This is intended to provide additional mitigating costs for families with more than one disabled child or young person where it is more likely that a family would require to heat their home for extended periods of the day and the night. In these households, it is also more likely that more than one room would be required to be kept at an increased temperature, further increasing the winter fuel costs for the household.</p> <p>As part of these regulations the Scottish Government has conducted a range of impact assessments (EQIA, BRIA, Islands) including a CRWIA.</p>
<b>Background</b>	<p>The Scotland Act (2016) devolved new social security powers to Scotland, including responsibility for some benefits for disabled people.</p> <p>The first of these to be delivered, Child Winter Heating Assistance (CWhA) will consist of a £200 payment, which will be paid annually each Winter, to children and young people under 18 years of age who are in receipt of the high rate care component of either Disability Living Allowance (Child) (or the Child Disability Payment, once this is launched in Scotland as the replacement for DLA (Child)), for at least one day of the third week of September.</p> <p>To qualify for the high rate care component of DLA (Child), a child or young person must be so severely disabled that they require care or supervision with their bodily functions from another person during both the day and night. The child or young person should be ordinarily resident in Scotland or habitually resident in a country listed in the schedule<sup>1</sup> and must be able to show a genuine and sufficient link to Scotland.</p>

<sup>1</sup> See The Winter Heating Assistance (Scotland) Regulations 2020 for the schedule or appendix A in this document

	<p>We forecast that around 16,000 children and young people will benefit from the introduction of CWA in 2020-2021. The cost of introducing this benefit is £3.5 million (excluding operational costs) and will be fully funded by the Scottish Government.</p> <p>The policy contributes to the following <b>National Outcomes</b>:</p> <ul style="list-style-type: none"> <li>• We respect, protect and fulfil human rights and live free from discrimination;</li> <li>• We tackle poverty by sharing opportunities, wealth, and power more equally;</li> <li>• We live in communities that are inclusive, empowered, resilient and safe;</li> <li>• We grow up loved, safe and respected so that we realise our full potential.</li> </ul>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>Severely disabled children, who are determined to have high levels of care requirements and represent approximately 16000 cases in Scotland are the target for this policy. It is the aim of this policy to give special protection to these children in particular due to their need for adequately heated homes.</p> <p>Households with a disabled family member are disproportionately over-represented within fuel poverty statistics, with approximately 34% of fuel poor households containing someone with a disability<sup>2</sup>. Fuel poverty, as defined in the Scottish Fuel Poverty Statement, is when a household has to spend more than 10% of their income on fuel costs, in order to maintain a satisfactory heating regime. The World Health Organisation (WHO) have defined this as 21°C in the living room and 18°C in other rooms, for 16 hours in every 24, unless the household is classified as “vulnerable”, such as when at least one resident has a long term sickness or disability. In these instances, the heating regime required is 23°C in the living room and 18°C in other rooms, for 16 hours per day.</p> <p>The benefit will be paid per child in receipt of the highest rate care component of DLA (Child) in a household and not per household. Families with more than one severely disabled child or young person are more likely to spend more time at home and will have additional energy requirements due to their childrens’ needs and will have to heat each room in the house optimally, according to those specific needs. There may also be additional heating requirements due to physical inactivity and longer periods spent at home, additional laundry costs because of incontinence, necessitating bed linen and clothing being frequently washed; extra costs of cooking because of dietary requirements or nutritional needs; having to use electrical equipment; dishwashers needed to sterilise crockery and use of tumble dryers. Carers themselves may be on a reduced income or have had to give up work to care for a child.</p> <p>CWA applies to any young person under 18 who meets the eligibility</p>

<sup>2</sup> <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

	<p>criteria, which means that young people who choose to move out of their home to live independently will also benefit from this assistance. We do not see a negative impact on them as a result.</p>
<p><b>Children and young people's views and experiences</b></p>	<p>Direct consultation has not been possible due to time constraints and rapid re-planning as a result of the Covid-19 crisis. We have however incorporated research carried out with children and young people in the evidence we provided to support the policy development. Additionally, we have consulted widely with stakeholders who represent and engage with disabled children and we have engaged with families of disabled children.</p>
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>In 2015/16 absolute poverty<sup>3</sup> after housing costs (AHC) increased to 24% (230,000) in Scotland, with 12% of children living in households characterised by combined low income and material deprivation<sup>4</sup>. From 2015-2018, 26% of children in Scotland were recorded as living in relative poverty<sup>5</sup> (AHC).</p> <p>The overall poverty rate continues to rise<sup>6</sup> which is of particular concern as the longer that children experience poverty, the greater the damage to their health, wellbeing and life chances. From birth, without support, children living in poverty are twice as likely to fall behind their peers in all aspects of their development.</p> <p><b>The link between poverty and disability</b></p> <p>Research has shown that poverty disproportionately affects those living with a disability, with disabled people experiencing higher poverty rates than the rest of the population<sup>7</sup>. UK-wide, disabled people make up 28% of people in poverty and a further 20% of people in poverty live in a household with a disabled person. This statistic is largely replicated in Scotland where around 410,000 households in poverty (42% of all households in poverty) include a disabled person or are disabled themselves.<sup>8</sup></p> <p>Disability and unemployment / under-employment are strongly correlated. 14% of 'workless families' (defined as families where parents are predominately out of work or have little connection to the labour market; who live in social rented accommodation and are reliant on benefits for their income) have one or more children with a disability or long-term illness. A further 17% of 'struggling to get by' families (unemployed or working part-time, half of which are single-parent families) have one or more children with a disability or long-term illness<sup>9</sup>. Child material deprivation in households containing a disabled person reaches 20% compared to 8% of households without a disabled person.</p> <p>Even where one or more parent in the household is in employment,</p>

<sup>3</sup> Absolute poverty is defined as severe deprivation of basic human needs including food, housing, education etc.

<sup>4</sup> <https://www.gov.scot/publications/poverty-income-inequality-scotland-2015-16/>

<sup>5</sup> Relative poverty is a measure of whether the income of the poorest households are keeping pace with the middle income households.

<sup>6</sup> Scottish Government (2019) [Poverty and income inequality in Scotland: 2015-2018](#)

<sup>7</sup> <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

<sup>8</sup> [https://www.npi.org.uk/files/3414/7087/2429/Disability\\_and\\_poverty\\_MAIN\\_REPORT\\_FINAL.pdf](https://www.npi.org.uk/files/3414/7087/2429/Disability_and_poverty_MAIN_REPORT_FINAL.pdf)

<sup>9</sup> <https://www.gov.scot/publications/poverty-perspective-typology-poverty-scotland/pages/5/>

within families with a disabled child, the same level of income secures a lower standard of living than it would for a disabled person. Research conducted by the Papworth Trust<sup>10</sup> showed that the annual cost of bringing up a disabled child is three times greater than for a non-disabled child. Disabled people face higher costs than non-disabled people, such as the cost of specialist equipment, therapies and home adaptations to manage a condition<sup>11</sup>. Travel costs too, may be higher as families have to afford the cost of taxis to and from hospital where it is not possible to use public transport (and/or public transport may not be available).

### **Fuel poverty**

Households with a disabled family member are disproportionately over-represented within fuel poverty statistics, with approximately 34% of fuel poor households containing someone with a disability<sup>12</sup>. Fuel poverty, as defined in the Scottish Fuel Poverty Statement, is when a household has to spend more than 10% of their income on fuel costs, in order to maintain a satisfactory heating regime. The World Health Organisation (WHO) have defined this as 21°C in the living room and 18°C in other rooms, for 16 hours in every 24, unless the household is classified as “vulnerable”, such as when at least one resident has a long term sickness or disability. In these instances, the heating regime required is 23°C in the living room and 18°C in other rooms, for 16 hours per day. In light of this guidance, the Scottish Fuel Poverty Definition Review Panel recommended in 2017 that for ‘vulnerable households’, including those of disabled people, the living room temperature recommendation should be 23°C and other rooms 20°C<sup>13</sup>.

Unfortunately in spite of the WHO recommendations, research shows that vulnerable households often struggle to afford adequate energy consumption to meet their needs, resulting in having to choose between ‘heating or eating’.

The Scottish House Condition Survey data (December 2017)<sup>14</sup> indicates that around 613,000 households (24.9%) in Scotland live in fuel poverty, with 174,000 (7%) living in extreme fuel poverty. 17% of households in fuel poverty are families<sup>15</sup> and research shows it is probable that many of these include disabled children.

A report by the Children’s Commission on Poverty in 2013 surveyed around 200 children between the ages of 10 and 17. Children were asked about the level of warmth in their homes during the winter. Over half of children who said that their family is ‘not well off at all’ (54%) also

<sup>10</sup> Papworth Trust, Disability in the United Kingdom 2010, in <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

<sup>11</sup> <https://www.jrf.org.uk/income-and-benefits/>

<sup>12</sup> <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

<sup>13</sup> <file:///C:/Users/u205807/Downloads/00527017.pdf>

<sup>14</sup> [www.gov.scot/publications/scottish-house-condition-survey-2017-key-findings/](http://www.gov.scot/publications/scottish-house-condition-survey-2017-key-findings/)

<sup>15</sup> <https://www.gov.scot/publications/latest-estimates-fuel-poverty-extreme-fuel-poverty-under-proposed-new-definition-following-stage-2-fuel-poverty-targets-definition-strategy-scotland-bill/>

said that their homes were much or a bit colder than they would have liked<sup>16</sup>.

In a 2015 study commissioned by Affordable Warmth Solutions (AWS) and undertaken by The Children's Society (TCS) and National Energy Action (NEA) which included 20 households, with a total of 20 adult participants and 35 children and young people, the following conclusions were reached. The effects of fuel poverty are far-reaching, spanning different areas of life (personal, social, economic) and penetrating deep into the rhythms and patterns of daily living. Attempts to cope with any given aspect of fuel poverty often result in aggravating other aspects of the problem, and people thereby unwittingly undermine their own efforts to manage. The financial and emotional resources required to cope with the effects of fuel poverty leave inadequate room for pursuing dreams or for coping with life's other hardships. The effects of intervening to alleviate fuel poverty are far-reaching, with the potential to break cycles of negative consequence and foster positive outcomes in emotional and social, as well as economic, terms. The report makes a variety of policy recommendations including the provision of energy bill support and income support, in particular to the most vulnerable families with dependent children<sup>17</sup>.

In an attempt to tackle fuel poverty amongst older people, the Department for Work and Pensions (DWP) makes an annual tax-free Winter Fuel Payment to pensioners, to help towards their winter heating costs. This payment is made automatically, without application, universally to those above pension age. In the period 2018-2019, just under one million (999,360) people in Scotland received Winter Fuel Payments from DWP worth approximately £173 million. This will be devolved to Scotland in the coming years, with payments being made directly by Social Security Scotland.

This analysis of the research has identified that overall, CWAHA has the potential to have positive impacts for severely disabled children. Approximately 16,000 children are expected to be awarded the high rate care component of DLA (Child) in 2020-21 and will therefore receive CWAHA. Terminally ill children will receive an automatic payment of the CWAHA annually as a result of this policy. The annual payment should help to reduce the negative impacts of fuel poverty and improve the chances for these children to thrive and develop.

### **Impact**

The Children and Young People (Scotland) Act 2014 introduced a range of indicators used to measure children and young peoples' wellbeing. Our assessment of CWAHA against this framework is:

**Safe:** CWAHA should allow parents and carers to ensure an adequate level of heating at home ensuring that their child lives in a safe environment.

<sup>16</sup>[https://www.childrenssociety.org.uk/sites/default/files/through\\_young\\_eyes\\_poverty\\_commission\\_report\\_final.pdf](https://www.childrenssociety.org.uk/sites/default/files/through_young_eyes_poverty_commission_report_final.pdf)

<sup>17</sup> <https://www.childrenssociety.org.uk/sites/default/files/fuel-poverty-report-final-with-forward-no-crops-sm.pdf>

**Healthy:** CWAHA will improve the health of severely disabled children by ensuring that increased financial support is provided to their families to contribute towards the anticipated additional heating costs needed to ensure health and wellbeing.

**Achieving:** The provision of CWAHA contributes to enabling severely disabled children and young people to engage in activities of their choosing in their homes comfortably.

**Nurtured:** The provision of CWAHA provides money to parents and carers, or the individual young person to ensure that they live in a nurturing environment in which they can thrive.

**Active:** As outlined above, the provision of CWAHA will provide funds for parents and carers to keep their homes adequately heated so that their children can engage in play and activities in their homes.

**Respected:** The principle of respect for the dignity of individuals is at the heart of the new Scottish social security system and specified in the Social Security (Scotland) Act 2018. CWAHA will further embed these principles, recognising that severely disabled children and young people have the same rights to have their needs met and live in housing that is adequately heated. For children under 16 their parents or carers will have the freedom to use the extra payment in the most suitable way for the child. For those young people who are 16-18 they have the right to use the payment as they wish.

**Responsible:** Social Security Scotland will pay CWAHA to people over 16 and, with support from their parents or carers where appropriate, young people will decide on how this money should be used. Where there is a requirement for appointeeship, or a young person is subject to a guardianship order, Social Security Scotland will pay the benefit to the relevant person acting on the young person's behalf.

**Included:** Provision of CWAHA helps ensure that families and carers can overcome economic inequalities in order to fund the support needed for severely disabled children to live at home in environments that support their wellbeing and health, and maintain their inclusion in home activities.

CWAHA will further implement the following **Sustainable Development Goals**<sup>18</sup> recommendations:

**Reduce Poverty**

**Target 1.2: By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions** – One dimension of poverty is fuel poverty and this policy is a special protection for severely disabled children who are at a higher risk of this type of poverty, due to the need for full time carers, their potentially lower household incomes and the need to stay in the home for longer periods.

<sup>18</sup> <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

	<p><b>Reduced Inequalities</b></p> <p><b>Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard</b> – This policy promotes equal opportunities for severely disabled children by reducing the inequalities that they face; specifically, the need for additional heating as a result of disability.</p> <p><b>Target 10.4 Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality</b> – As above, this social protection policy counteracts the inequalities that disabled children face in terms of financial hardship due to higher care needs and demands on their families and carers.</p> <p>CWHA also contributes to meeting the targets in the <b>Tackling Child Poverty Delivery Plan 2018-2022:</b></p> <p>The Scotland Act 2016 devolved new social security powers to Scottish Ministers enabling the Scottish Government to develop some types of social security assistance that will help tackle inequality and poverty in Scotland. One of the commitments that resulted from this was providing <a href="#">help with heating costs</a> and extending the Winter Fuel Payment to families with severely disabled children, which resulted in the CWHA.</p>			
<p><b>Monitoring and review</b></p>	<p>No specific potential negative impacts have been identified.</p> <p>On-going stakeholder engagement with key organisations – such as the Child Poverty Action Group, Rights Advice Scotland, Young Scot, DACBEAG, and our Ill Health and Disability Benefit Stakeholder Reference Group – will provide the Scottish Government with an opportunity to monitor the impact of the changes made by these regulations.</p> <p>The Communities Analysis Division within the Scottish Government will also run a comprehensive evaluation programme to consider the impact of the changes made by these regulations, with a full suite of equalities data for new applicants.</p> <p>The Scottish Ministers have also committed to engaging with, and reporting regular progress to, the Islands Strategic Group to ensure that those representing the interests of island communities and others with experience of the current system, are fairly represented in the development and delivery of the Scottish social security system.</p>			
<p><b>Bill - Clause</b></p>	<p><b>Aims of measure</b></p>	<p><b>Likely to impact on .</b></p>	<p><b>Compliance with UNCRC requirements</b></p>	<p><b>Contribution to local duties to safeguard, support and promote child wellbeing</b></p>
<p>The Winter Heating Assistance for Children and Young People (Scotland)</p>	<p>Designed to provide financial assistance by way of a £200 payment to the families of disabled children</p>	<p>All children and young people under the age of 18 who are severely</p>	<p>The regulations do not infringe upon any UNCRC Article. Scottish Government</p>	<p>The regulations do not infringe upon any of the indicators. They are likely to have a positive impact on</p>

Regulations 2020	and young people with the costs of heating a home during the day and the night in the winter months.	disabled and meet the eligibility requirements for DLA (Child) at the highest level of care component will be awarded CWA. We intend that children entitled to the high level of care component for Child Disability Payment (CDP) in Scotland will also benefit from this payment, once this benefit is launched.	considers that it gives further effect to: Article 2 (non-discrimination) Article 3 (best interests of the child) Article 6 (life, survival and development) Article 12 (respect for the views of the child) Article 23 (children with a disability) Article 26 (social security) Article 27 (adequate standard of living)	the following indicators: Healthy Respected Responsible Included Safe Nurtured
<b>CRWIA Declaration</b>				
<b>Authorisation</b>				
<b>Policy lead</b> James Wilson, Social Security Policy Division			<b>Date</b> 26/08/2020	
<b>Deputy Director or equivalent</b> Ann McVie, Deputy Director, Social Security Policy Division			<b>Date</b> 26/08/2020	