

EQUALITY IMPACT ASSESSMENT – RESULTS

Title of Policy	The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022
Summary of aims and desired outcomes of Policy	<p>Scottish Child Payment, Best Start Foods and the 3 Best Start Grant payments – Pregnancy and Baby Payment, Early Learning Payment and School Age Payment - are known collectively as the Five Family Payments. They are five different payments which aim to provide support to low income families with the costs of raising a child. All five payments intend to tackle inequality, improve outcomes and make a positive impact on all of the priority groups identified in the Tackling Child Poverty Delivery Plan.¹</p> <p>These regulations will introduce a number of changes which are intended to:</p> <ul style="list-style-type: none"> • provide support to more children in poverty • provide greater support to low income families with a new child who are likely to be starting from scratch • provide a more compassionate and dignified system in the event of the death of a child • make it easier for families to access the support they are entitled to
Directorate: Division: team	Social Security Directorate Social Security Policy Division Five Family Payments, Funeral Support and Challenge Rights Unit

EXECUTIVE SUMMARY

¹ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

The Scottish Child Payment (SCP), Best Start Foods (BSF) and the 3 Best Start Grant (BSG) payments (Pregnancy and Baby Payment, Early Learning Payment and School Age Payment) are known collectively as the Five Family Payments (FFP). Delivered by Social Security Scotland, they are five different payments which all aim to provide support to low income families with young children.

This Equalities Impact Assessment (EqIA) has been developed to accompany the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. As such, the focus of this EqIA is the changes that these amendment regulations will make to SCP, BSG and BSF. This impact assessment builds on the suite of EqIAs that were produced prior to the launch of these benefits.²³⁴

A corresponding Business and Regulatory Impact Assessment, an Islands Communities Impact Screening, a Fairer Scotland Duty Assessment, a Data Protection Impact Assessment and a Child Rights and Wellbeing Impact Assessment have also been produced.

These amendment regulations will increase the value of SCP and allow it to be rolled out to children aged between 6 and 15. In the unfortunate situation where a child to whom a claim relates dies, these amendments will also provide for a payment, equivalent to the value of Scottish Child Payments made in the 12 weeks prior to the child's death, to be made. This will bring the payment closer in line with the reserved benefits which act as qualifying benefits for SCP. These qualifying benefits allow a run on of up to 12 weeks payment in the same circumstances. Changes will also allow reinstatement of SCP within 12 weeks of the effective change, rather than within 12 weeks of the original determination.

The amendments will also make changes to BSG in order to:

- introduce auto-award for the Early Learning Payment (ELP) and School Age Payment (SAP) for eligible applicants in receipt of SCP
- provide new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child. This will provide greater support for families in the following situations, who are more likely to be starting from scratch without the items that the Pregnancy and Baby payment is intended to provide:
 - Individuals granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they arrived in the UK
 - Individuals who took on responsibility for a child/children who was not their own when that child/children was more than 12 months old
 - Individuals who have been forced to leave their home with a child/children due to domestic abuse

² Scottish Government (2019) [Best Start Foods: Equality Impact Assessment](#)

³ Scottish Government (2018) [Best Start Grant: Equality Impact Assessment](#)

⁴ Scottish Government (2020) [Scottish Child Payment: Equality Impact Assessment](#)

- remove the condition that the child is not looked after by the local authority in residential care

The amendments will also make changes to both BSG and BSF to update the meaning of surrogacy to mirror changes to the Human Fertilisation and Embryology Act 2008.

We are also widening the definition of kinship care across BSG, BSF and SCP to ensure that, as we roll out Scottish Child Payment to children aged between 6 and 15, eligible kinship carers who are not related to the child but are known to them and have a pre-existing relationship with the child are included.

In developing the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022, the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic⁵ and those who do not, and foster good relations between people who share a protected characteristic and those who do not. Where any negative impacts have been identified, we have sought to mitigate/eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We are considering how best to work with under-represented groups and are tailoring our communications and engagement strategy to raise awareness and take-up of the payment in these groups. More broadly, fostering good relations is reflected in the guiding principles of dignity, fairness and respect and the vision for Social Security Scotland, as set out in Our Charter,⁶ with removing the stigma around applying for benefits central to this approach.

This EqIA assesses any impacts of applying a proposed new or revised policy or practice against the needs relevant to a public authority's duty to meet the public sector equality duty.

Summary of findings for the protected characteristics

This EqIA has considered the potential effects of the amendment regulations and how they will impact on people with one or more protected characteristic.

The changes are designed to have a positive effect on children and families, particularly those who are vulnerable or disadvantaged. We found that the changes have the potential to impact positively on those who share the following protected characteristics:

⁵ age, disability, gender reassignment, pregnancy or maternity, race, marriage or civil partnership, sex, sexual orientation and religion and belief

⁶ Social Security Scotland (2019) [Our Charter](#)

Age

- The extension to the eligibility criteria for SCP will provide additional financial support for parents/carers of children aged 6 to 15 years old in low income families and the increase in value of the SCP will provide greater financial support to parents/carers of eligible children.
- In the unfortunate situation where a child to whom a claim relates dies, these amendments will also provide for a payment, equivalent to the value of Scottish Child Payments made in the 12 weeks prior to the child's death, to be made.
- Introducing auto-award for the BSG Early Learning Payment and School Age Payment for eligible applicants in receipt of SCP will make it easier to access the support available for nursery and school age children.
- By providing new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child, we will provide greater support for babies whose families are more likely to be starting from scratch without the items that the Pregnancy and Baby Payment is intended to provide.
- Widening the meaning of surrogacy, for both BSG and BSF, and removing the condition for BSG that the child is not looked after by the local authority in residential care, will allow more children in low income families to benefit from this support.
- There will be an expected positive impact on children in kinship care, as it will be ensured that eligible kinship carers who are not related to the child but are known to them and have a pre-existing relationship with the child are included.

Disability

- Disabled children are more likely to experience poverty⁷ and as Scottish Child Payment specifically benefits low income families, the increase in value of SCP and the extension to the eligibility criteria for SCP will provide additional financial support for parents/carers of disabled children who are under 16. It is also expected that introducing auto-award for elements of BSG will make it easier for disabled people to access their entitlement.

Sex

- Women are more likely to be victims of domestic abuse.⁸ Providing a new exception to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child to individuals who have been forced to leave the home due to domestic abuse, is therefore more likely to have a positive impact for women.

⁷ Iriss (2019) [Disability, Poverty and Transitional Support](#)

⁸ Scottish Government (2021) [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21](#)

- Women are more likely to be in poverty, more likely to receive benefits and more likely to be lone parents.⁹ Relative poverty rates are highest for single women with children.¹⁰

Pregnancy and Maternity

- Some pregnant persons and mothers with young children will also benefit from the introduction of new exceptions to the general rule, that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child.
- Similarly, some mothers with young children will also benefit from the widening of the meaning of surrogacy, for both BSG and BSF, and the removal of the condition for BSG that the child is not looked after by the local authority in residential care.

Race

- It is expected that minority ethnic families, who are more likely to be living in poverty,¹¹ will benefit from the increase in value of SCP and the extension to include children aged 6 to 15 years old.
- It is anticipated that introducing auto-award for elements of BSG will remove barriers for claimants, including those with English as a second language, making it easier to access their entitlement.
- Providing an exception to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child for individuals granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they came to the UK, will provide greater support for families who are more likely to be starting from scratch.

Religion and Belief

- It is anticipated that some religious groups, who are more likely to be living in poverty,¹² will benefit from the increase in value of SCP and the extension to eligibility to include children aged 6 to 15 years old.
- Stakeholders have told us that stigma around applying for benefits may be an issue within some religious communities. The automation of ELP and SAP awards was seen by stakeholders as a way in which stigma could be addressed.

Groups who share protected characteristics may face difficulties in accessing or understanding their entitlements due to language or other communication barriers. Applications for FFP are taken over the phone, online or on a paper form which improves access. We ensure information and advice on the payments is as

⁹ Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

¹⁰ Scottish Government (2021) Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#) - Figure 20

¹¹ Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#) - Figure 23

¹² Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#) – Figure 24

accessible as possible and reaches the full range of people who could benefit from this support in a range of formats.

Applicants for whom English is not a first language can request a paper form, or apply over the phone in any of over 100 languages. Languages that can be requested include Urdu, Polish, Scottish Gaelic and many of the other languages used in Scotland. You cannot apply online in any language other than English.

Applicants who are disabled may face additional hurdles or stress when applying. In order to enable these applicants and reduce the hurdles they may face, large print paper applications can be requested and British Sign Language (BSL) users can use the Contact Scotland BSL app to contact Social Security Scotland by video relay.

The Scottish Government's commitment to co-design the new social security system with experts and people with personal experience of the current system ensures that those with protected characteristics have a direct impact on shaping the service.

Where possible, and in line with our equality duties, we have sought to foster equality of opportunity to benefit through measures such as inclusive communications and an accessible application process. The policies also intend to foster good community relations amongst those with protected characteristics and the wider community, with the needs of different groups considered throughout design and development. More broadly, fostering good relations is reflected in the guiding principles of dignity, fairness and respect and the vision for Social Security Scotland, as set out in Our Charter,¹³ with removing the stigma around applying for benefits central to this approach.

BACKGROUND

The Five Family Payments

SCP launched on 15 February 2021 and was introduced by the Scottish Government to tackle child poverty for low income families in receipt of certain reserved benefits. As of 1 April 2022, it pays the equivalent of £20 a week per child every four weeks in arrears to families with no cap on the number of eligible children a family can claim for. SCP is currently paid to families with children under the age of 6. While it has always been our intention that SCP should be paid to children under 16, we were able to introduce the Scottish Child Payment early for all eligible children under six. By now rolling out SCP to children aged between 6 and 15, we are expanding this intervention to tackle child poverty which is unparalleled across the UK.

The Scottish Government has replaced the Sure Start Maternity Grant in Scotland with the Best Start Grant (BSG) payments. The BSG is intended to support eligible families with the additional costs associated with having a child in their early years. It aims to help alleviate material deprivation, tackle inequality, and contribute to closing

¹³ Social Security Scotland (2019) [Our Charter](#)

the educational attainment gap. The grant provides support to low income families at three key transition points in a child's early years.

The BSG consists of 3 payments: Pregnancy and Baby; Early Learning; and School Age. As of 1 April 2022, the Pregnancy and Baby Payment provides £642.35 for a first child and £321.20 for second and subsequent children. An additional payment of £321.20 is payable in the case of a multiple birth. The payment also provides support for people who have had a stillbirth. Both the Early Learning Payment and the School Age Payment provide £267.65 per child.

The Scottish Government replaced the UK Healthy Start Voucher scheme in Scotland with Best Start Foods (BSF) on 12 August 2019. BSF supports low income families with a pregnant woman and/or a child or children under the age of 3. The payments are delivered via a pre-paid card.

BSF currently provides £18 every four weeks throughout pregnancy, £36 every four weeks from birth until a child turns one to support breastfeeding mothers or help with the costs of providing first infant formula milk, then £18 every four weeks from one until a child turns three.

The FFP all target support to low income families. For most eligible individuals, qualifying benefits are used as a proxy for means testing. For BSF, there are income thresholds which apply to some of the benefits. Under 18s are automatically entitled to BSG without the need for a qualifying benefit. This is also true for 18 and 19 year olds who are still dependent on someone who is either receiving benefits for them or is a kinship carer for them. Pregnant women who are under 18 and their partners are automatically entitled to BSF, without the need for a qualifying benefit. This is also true for parents who are under 18 and have a child who is under 1. Where a pregnant woman is under 18 and her or her partner are in receipt of BSF they continue to be eligible for BSF without the need for a qualifying benefit once the pregnant woman turns 18 up until their child turns one.

Policy Aims

The aims of the policy changes we are introducing are:

- To increase the value of SCP to £25 a week so that parents/carers of eligible children receive greater financial support;
- To expand eligibility for SCP to low income families with a child aged between 6 and 15 so that more parents/carers of children in poverty receive support;
- In the unfortunate situation where a child to whom a claim relates dies, these amendments will also provide for a payment, equivalent to the value of Scottish Child Payments made in the 12 weeks prior to the child's death, to be made.
- This will bring the payment closer in line with the reserved benefits which act as qualifying benefits for Scottish Child Payment and provide a more compassionate and dignified system of support;
- To allow reinstatement of SCP within 12 weeks of the effective change rather than within 12 weeks of the original determination to ensure proper checks

are carried out when a person becomes eligible for SCP after a long period of ineligibility;

- To introduce auto-award for elements of BSG to reduce the need for applications and increase uptake;
- To update the meaning of surrogacy for BSG and BSF to mirror changes to the Human Fertilisation and Embryology Act 2008 and ensure that all individuals who are responsible for a child through formal surrogacy arrangements can be classed as having responsibility for the child;
- To remove the condition that the child is not looked after by the local authority in residential care for BSG to align more closely with SCP and BSF;
- To provide new exceptions to the general rule, that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child. This will provide greater support for families in the following situations, who are more likely to be starting from scratch without the items that the Pregnancy and Baby payment is intended to provide:
 - individuals granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they arrived in the UK;
 - individuals who took on responsibility for a child/children who was not their own when that child/children was more than 12 months old; and individuals who have been forced to leave their home with a child/children due to domestic abuse
- To amend the kinship care definition for SCP, BSG and BSF to ensure that, as we roll out Scottish Child Payment to children aged between 6 and 15, eligible kinship carers who are not related to the child but are known to them and have a pre-existing relationship with the child are included.

THE SCOPE OF THE EqIA

This EqIA considers the impact of the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 on people with one or more protected characteristic.

Who was involved in this EqIA

There has been policy engagement with stakeholders throughout the development of the FFP and since launch. This has included workshops with anti-poverty organisations, think tanks, local authorities and academia to develop the policy and delivery model for the FFP. We have held one to one meetings and attended a number of member events organised by the Scottish Campaign for Welfare Reform, the Social Security Consortium in Scotland and the Poverty Alliance, amongst others. These events have been designed to seek views on the policy for the FFP, identify any barriers towards claiming and consider how we can best maximise uptake of the benefit.

We also hosted a series of events and meetings to consider the impact of the FFP on those with protected characteristics, including on young people. We engaged with Fife Gingerbread; Young Scot; Inclusion Scotland; CEMVO Scotland; Engender; Scottish Women's Aid; Families Outside; Shakti; and religious groups.

The Cabinet Secretary for Social Security and Older People hosted a stakeholder roundtable in January 2020 in relation to SCP, which was an open discussion with key stakeholders allowing them to ask questions about the policy and delivery of the benefit. The Cabinet Secretary for Social Justice, Housing and Local Government held an additional roundtable with stakeholders in August 2021.

We have also held a number of meetings with our FFP Reference Group, which is made up of a number of key stakeholders with an interest in the policy area, including Child Poverty Action Group, Citizens Advice Scotland, Engender and a number of other groups.

At our meeting in January 2022, we provided the FFP Reference Group with an overview of our proposed changes. The overall feedback we received was positive. It was felt that introducing auto-award for elements of BSG would make it easier for people to get what they are entitled to. There was a suggestion that BSG would need to be auto-awarded to the person who would normally have applied for it and that this might not be the person receiving SCP for the child. However, we are only able to auto-award payments on the basis of an individual receiving SCP, which in the case of SCP is the main carer of the child. Where someone contacts the agency to ask not to be auto-awarded Early Learning or School Age Payment they can be removed from the process, allowing another eligible person to apply within the application window.

In relation to providing new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child, it was highlighted that it will be important to work with relevant third sector organisations to raise awareness among refugees who may be eligible. We intend to work with a range of stakeholders to promote awareness of all of the changes we are making. It was also suggested that those who have been forced to leave their home due to domestic abuse should be included and we have now expanded on our original proposals to include this group.

In relation to SCP, the proposed improvements to the regulations were viewed overwhelmingly positively and thought to better match policy intent as part of the extension to children aged between 6 and 15. Generally, stakeholders were positive about efforts to drive take-up of SCP. It was suggested that a significant effort must be taken to ensure take-up amongst those families who had received SCP for a child who ages out before the extension of the payment to older children. This will be addressed through a comprehensive communications and engagement plan featuring targeted communications and local delivery.

We consulted with island stakeholders as part of the Islands Community Impact Assessment process and some of the feedback raised by islands stakeholders was relevant to this impact assessment. One stakeholder told us that removal of the

condition that the child is not looked after by the local authority in residential care will support families dealing with children in care situations, which can often be fluid depending on the circumstances of the case. It was felt that this change could be seen to be in line with the objectives of The Promise¹⁴ and supportive of children both in care and returning home.

The proposal to provide new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child for certain groups who are more likely to be starting from scratch without the items that the Pregnancy and Baby payment is intended to provide, was also welcomed. The exception being made for parents or carers of a child who came into their care after 12 months old was seen as important to support and encourage kinship care arrangements and help to keep more children within their extended family. Finally, it was highlighted that for auto-award it would be important to ensure that where families are in crisis or transition (through domestic violence, children coming into care or moving in and out of kinship care etc.) that the benefits are paid to the appropriate people.

We also engaged with Women's Aid and SafeLives to discuss providing an exception to the general rule, that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child for domestic abuse survivors who have been forced to leave the home with a child or children. It was highlighted that pregnancy and the first year of a child's life are a high risk time when domestic abuse can intensify. Women, whose earnings are often limited when pregnant or looking after a young child, often have no financial means to leave home when they are experiencing abuse.

We have carried out an interim evaluation of SCP and BSG and an evaluation of BSF, with an external contractor carrying out interviews with a number of clients and gatekeeper organisations on their experiences of the payment to date.

Qualitative data from the commissioned research¹⁵ suggested that BSG is likely to generate positive feelings and behaviours among children and their families, while reducing negative ones, which could potentially translate into improved health and well-being for both children and their families. For children, their parents and carers reported positive feelings such as sense of excitement in the children as they were able to pick items for school. They also reported better bonding between themselves and their children as well as among siblings in families with more than one child, thanks to purchases of items or services that enabled such bonding.

Although BSG is fully rolled-out, its impacts can only be fully assessed after at least 5 years from the roll-out by which time eligible families will have had a chance to receive multiple payments for the same child. We therefore intend to commission a further evaluation to report in 2025 on these families' experiences.

¹⁴ Independent Care Review (2020) [The Promise](#)

¹⁵ Scottish Government (2020) [Best Start Grant: interim evaluation](#)

The evaluation of BSF¹⁶ describes a number of positive findings. They show the benefit helps people buy a greater quantity (and quality) of healthy foods than they could without the benefit. Payments also support healthier shopping habits and meal planning. For example, recipients report purchasing healthier snacks for their children, and some experiment with new healthy recipes, without worrying about wasting money or food.

BSFs may be contributing to better health and wellbeing for children. Recipients report observing their children eating more and a greater variety of fruits and vegetables and feeling positive that they can provide their children with more nutritious foods.

Recipients also experienced reduced levels of stress and anxiety in relation to finances as a result of receiving BSF. It had given participants a sense of relief knowing they could use it to buy healthy foods for their families. For some recipients, it guarantees they can afford essential foods even when their finances are difficult. For others the payments have freed up money for costs such as household bills. They also expressed relief as BSF enabled recipients to be financially independent, whereas they previously had to ask for support from other family members. This was reiterated by healthcare professionals who observed that their recipients were less burdened by financial worries. Healthcare professionals were pleased to see the positive impact Best Start Foods was having on the health and wellbeing of families as a preoccupation with finances could impact the relationship they had with their children.

On 29 July 2022 we published the interim evaluation of SCP.¹⁷ This provides evidence on the lived experience of the people receiving the benefit from across the key priority groups outlined in the first tackling child poverty delivery plan, including, those with a disabled child, families from minority ethnic backgrounds and younger parents (under 25). This evaluation focused on qualitative data gathering. A further evaluation of SCP will be undertaken after the policy has been fully rolled out to children under 16 and allowing for enough time to make a full assessment.

The interim evaluation of SCP describes a number of positive findings. In the broad, SCP has made a positive difference to children and families. SCP has led to more money being spent on children, including for essentials like food, family day trips, and medical items for families with disabled children. SCP has reduced the financial pressure on households. SCP has helped recipients avoid debt, and some feel they would be forced to use food banks without the benefit. The application forms were straightforward. Some SCP recipients reported that this gives them a sense they are entitled to the payment, as opposed to feeling they have to prove themselves for it.

Some SCP recipients still struggled financially when payments were at the £10 weekly rate and felt rises in the cost of living limited its impact. The weekly rate of SCP has since increased to £20 in April 2022 and will increase again to £25 as part

¹⁶ Scottish Government (2022) [Best Start Foods: evaluation](#)

¹⁷ Scottish Government (2022) [Scottish Child Payment: interim evaluation](#)

of these regulations. Recipients' perceptions of impact will continue to be monitored, and the rate of payments kept under review.

There have been increases in application processing times across both SCP and BSF. Some recipients also report issues - e.g. a lack of communication on the progress of claims, or long helpline waiting times. Steps could therefore be taken to review processing times and to keep applicants better informed about their claims.

KEY FINDINGS

The increase in the value of SCP will provide greater financial support to parents of eligible children and the extension to the eligibility criteria for SCP will provide additional financial support to parents of children aged 6-15. This support is specifically targeted at low income families. Scotland is the only part of the UK to offer this type of support.

The changes being introduced will also ensure that a payment of SCP is able to be paid in the unfortunate situation where a child to whom a claim relates dies. These amendments will provide for a payment, equivalent to the value of Scottish Child Payments made in the 12 weeks prior to the child's death, to be made. This will bring the payment closer in line with the reserved benefits which act as qualifying benefits for SCP.

Widening the meaning of kinship care for BSG, BSF, and SCP will ensure that, as we roll out Scottish Child Payment to children aged between 6 and 15, eligible kinship carers who are not related to the child but are known to them and have a pre-existing relationship with the child are included.

Introducing auto-award for elements of Best Start Grant aims to improve take up of Early Learning and School Age Payments will make it easier for eligible families to receive their entitlement.

Providing new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child, will provide greater support for families who are more likely to be starting from scratch without the items that the Pregnancy and Baby Payment is intended to provide.

Widening the meaning of surrogacy for BSG and BSF will ensure that all individuals who are responsible for a child through formal surrogacy arrangements can be classed as having responsibility for the child.

Removing the condition for BSG that the child is not looked after by the local authority in residential care allows more low income families to benefit from this support. This aligns BSG with both BSF and SCP, which do not have this condition.

As well as these overarching benefits, there is also evidence that the changes will have particular impact for the following groups.

Age

The changes that we are making will positively affect both young parents and children and may help to advance equality of opportunity by providing them with greater financial support, providing financial support to more parents/carers of children, and making it easier for them to receive the support that they are entitled to.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may have the opportunity to understand more about the difficulties faced by young people who may rely on benefits and the children who are supported by them.

Young parents

The latest analysis of client diversity and equalities data¹⁸ shows that for approved SCP applications between December 2020 and May 2021, 15% (4,595) were from people aged 16-24. This analysis also shows that for approved BSF and BSG applications in the same period, 21% (3,005) were from people aged 16-24.

Parental age has a significant impact on child poverty rates: 55% of children whose mother is aged under 25 are in relative poverty, compared with 23% of children whose mother is 25 or over.¹⁹ Naomi Eisenstadt, the First Minister's Independent Poverty and Inequality Advisor, produced a 2017 report²⁰ highlighting some of the reasons young people might experience poverty including: an increasing proportion are living in the private rented sector; they are more likely to be in low quality employment; and more likely to experience difficulties accessing the labour market. She recognised that the use of Scotland's social security powers could be useful to support young people.

The Scottish Government's Pregnancy and Parenthood in Young People Strategy²¹ highlights that young mothers are considerably more reliant on state benefits and tax credits than older mothers – a position that remains the case as the child ages, meaning that they are more likely to be eligible for the FFP. These young parents will now receive greater support, as the value of SCP is increased and SCP is expanded to children aged between 6 and 15 years of age.

It is clear from our user testing that many young parents find accessing the welfare and income to which they are entitled confusing and difficult. Introducing auto-award for elements of Best Start Grant aims to improve take up of Early Learning and

¹⁸ Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

¹⁹ Scottish Government (2021) [Additional child poverty analysis 2021](#) - Table 4 (child poverty priority groups and targets - further analysis)

²⁰ Scottish Government (2017) [Shifting the curve: progress report](#)

²¹ Scottish Government (2016) [Pregnancy and Parenthood in Young People Strategy](#)

School Age Payments, and will make it easier for these young parents to receive their entitlement.

Children

We introduced the SCP early for eligible families with children under 6. This decision to pay under 6s early was made as it was expected to have a positive impact on tackling child poverty and targeted action at those families that needed it most. The early years are key to improving long term outcomes with socioeconomic differences having implications in later decades.²²

The extension to the eligibility criteria for SCP will provide additional financial support to parents of children aged 6-15 and the increase in the value of SCP will provide greater financial support to all parents of eligible children. This is specifically targeted at low income families. Scotland is the only part of the UK to offer this type of support.

The changes being introduced also ensure that SCP is able to be paid for an additional period in the unfortunate situation where a child to whom a claim relates dies. This will bring the payment closer in line with the reserved benefits which act as qualifying benefits for SCP and provide a more compassionate and dignified system of support.

Introducing auto-award for the Early Learning Payment and School Age Payment for eligible applicants in receipt of SCP will make it easier for parents and carers of nursery and school age children to access their entitlement.

By providing new exceptions to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child, we will provide greater support for a small group of vulnerable children whose families who are more likely to be starting from scratch without the items that the Pregnancy and Baby Payment is intended to provide.

We recognise that children can be cared for in a range of different environments including through kinship care. In 2021, 4,399 children were placed formally with kinship carers.²³ Widening the meaning of kinship care for the FFP will ensure that, as we roll out Scottish Child Payment to children aged between 6 and 15, eligible kinship carers who are not related to the child but are known to them and have a pre-existing relationship with the child are included. Other carers may still be able to qualify providing they can meet the eligibility criteria, including child responsibility.

The BSG and BSF regulations currently set out that being responsible for a child includes where a child is treated in law as the child of an individual by virtue of an order under section 54 of the Human Fertilisation and Embryology Act 2008. These provisions have been expanded to include reference to an order under section 54A

²² Scottish Government (2010) [Growing up in Scotland: health inequalities in the early years](#)

²³ Scottish Government (2022) [Children's Social Work Statistics, Scotland 2020-21](#)

of that Act which provides that one person may apply for a parental order (surrogacy). By expanding the meaning for BSG and BSF to also include reference to section 54A, we are ensuring that all children in formal surrogacy arrangements can be supported by these benefits.

Removing the BSG condition that the child is not looked after by the local authority in residential care aligns with the approach taken for SCP and BSF. This will mean a child who is in residential care will still be able to receive the support provided by BSG as long as their parent/carer is still responsible for the child and meets the other eligibility conditions.

Disability

The changes that we are making will positively affect disabled people and may help to advance equality of opportunity by providing greater financial support to carers of an eligible disabled child. It will also make it easier for both disabled people and carers of a disabled child to receive their entitlement. Carers of a child with a life limiting condition will also benefit from changes to SCP which will result in the payment continuing for an additional period after the child dies.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland have implemented a range of measures to support the diverse range of needs of disabled people. Social Security Scotland staff may also have the opportunity to understand more about the difficulties faced by disabled people who may rely on these benefits and disabled children who are supported by them.

The latest analysis of client diversity and equalities data²⁴ shows that for approved SCP applications between December 2020 and May 2021, 15% (4,755) were from those that identified themselves as having a physical or mental condition or illness lasting or expected to last 12 months or more. This analysis also shows that for approved BSF and Best Start Grant applications in the same period, 17% (2,415) were from those that identified themselves as having a physical or mental condition or illness lasting or expected to last 12 months or more.

Poverty rates are higher for households when a family member is disabled, 29% of children living with a disabled person are in relative poverty compared to 24% of all children.²⁵ This is often linked with the additional costs of having a disability and the fact disabled people are less likely to be in employment. Disabled children are also more likely to experience poverty which may be a result of the higher costs of living with a disability, reduced opportunities for adults in the household to undertake paid work and barriers to benefit take-up. However, despite being well-reported, the

²⁴ Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

²⁵ Scottish Government (2022) [Additional child poverty analysis 2022](#) - Table 1 (target measures by priority group)

reasons for the association between poverty and childhood disability are not yet fully understood.²⁶

FFP eligibility criteria reaches families on lower incomes so we expect the payments to have a positive impact on these families. It is also expected that introducing auto-award for elements of Best Start Grant will make it easier for those who may find applying for benefits more difficult. Changes to SCP may provide support to families where children and parents have life limiting conditions. SCP will be paid for an additional period in the unfortunate situation where a child to whom a claim relates dies.

Our most recent Benefit Take-up Strategy,²⁷ published in October 2021, highlights our commitment to inclusive communication. Social Security Scotland are working closely with stakeholders to embed inclusive communication principles across everything that they do. The current service includes:

- promotional benefit information proactively produced in Easy Read, and Social Security Scotland work with stakeholders to get this content into the hands of those who need it;
- British Sign Language (BSL) video relay service, available through Contact Scotland;
- deafblind interpreters, Text Relay and electronic note taker services;
- all letters, information and guidance are available in Braille, Large Print, Easy Read and various Audio formats; and
- online content compatible with screen reader software on Jaws, Voiceover and Non Visual Desktop Access (NVDA) platforms.

Social Security Scotland has also developed an e-learning module to ensure staff understand what inclusive communication is and how to apply the principles in their individual work.

The implementation of measures to support this diverse range of needs is essential both for allowing disabled people to have equal access to their entitlement and foster a positive relationship between this community and Social Security Scotland.

Sex

The changes that we are making will positively affect women as we know that the majority of people who claim the FFP are women. They may also help to advance equality of opportunity by providing greater financial support to eligible parents and carers of children and making it easier to receive the support that they are entitled to. We will also be providing greater support to pregnant persons and parents/carers of a baby who are forced to leave the home due to domestic abuse with a

²⁶ Iriss (2019) [Disability, Poverty and Transitional Support](#)

²⁷ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

child/children. Again, we know that the majority of people who are victims of domestic abuse are women.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may also have the opportunity to understand more about the difficulties faced by those who may rely on these benefits.

The latest analysis of client diversity and equalities data²⁸ shows that for approved SCP applications between December 2020 and May 2021, 89% (26,940) of were from those that identified as women, 9% (2,300) as men and less than 1% (15) in another way. This analysis also shows that for approved BSF and BSG applications in the same period, 92% (13,235) were from those that identified as women, 6% (915) as men and less than 1% (5) in another way.

As the first Tackling Child Poverty Delivery Plan²⁹ sets out, we have conclusive evidence that poverty and gender are inextricably linked and that women are more likely to access the social security system.

Women are less likely to be economically active, making up almost 60% of unpaid carers³⁰ resulting in a range of barriers to paid employment and progression. Typically, when they are in paid employment, they earn less per hour on average than men. Provisional results from 2021 put the mean gender pay gap at 10.1% when comparing men's and women's overall average hourly earnings.³¹

Particular groups of women are at greater risk of poverty, including single parents. The poverty rates are highest for female single parents (38%), whilst the poverty rate for single women without children was 27%. For single men without children the poverty rate was 34%. Estimates for single fathers are not available due to small sample sizes.³² We know that mothers make up the majority of lone parents in Scotland, with the Labour Force survey suggesting it is around 88%.³³ In December 2021, single adult families with children accounted for just over half (53%) of all families with children claiming Tax Credits across the United Kingdom.³⁴ Meanwhile, single adult families with children accounted for a larger proportion, 72%, of all families with children claiming Universal Credit across Great Britain.³⁵

Secondary analysis of published Best Start Foods statistics up to 28 February 2022³⁶ provides a further insight into the reach of the benefit. For example:

²⁸ Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

²⁹ Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

³⁰ Engender (2016) [Securing Women's Futures: Using Scotland's new social security powers to close the gender equality gap](#)

³¹ Close the Gap (2022) [Gender Pay Gap Statistics](#)

³² Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#)- Figure 20

³³ ONS (2022) [Families by family type, regions of England and UK constituent countries](#) – Table 12

³⁴ HMRC (2022) Personal tax credits provisional statistics for December 2021 - Table 2.1

³⁵ DWP (2022) [Stat-Xplore: Universal Credit, Households on Universal Credit, Family Type](#)

³⁶ Scottish Government (2022) [Best Start Grant and Best Start Foods: high level statistics to 28 February 2022](#)

- 63% (69,710) of those who had their applications approved for Best Start Foods were assumed to be lone parents. However, since it is possible for applicants to not fill in information about their partners, overestimation of lone parents can occur and thus caution is needed when interpreting this figure.

Given that Universal Credit and tax credits are part of the eligibility criteria for the FFP, it is expected that lone parents will benefit disproportionately from this policy, that includes the increased value of SCP and the increased support provided by extending SCP to include children aged between 6 and 15 years old, and that it is a positive measure to help tackle discrimination.

Parents and carers of a child or children who have been forced to leave the home due to domestic abuse are also more likely to be women. In 80% of all incidents of domestic abuse recorded by the police in 2019-20, the victim was a woman and the accused was a man (where gender information was recorded).³⁷ Stakeholders highlighted that pregnancy and the first year of a child's life are a high risk time when domestic abuse can intensify. These women, whose earnings are often limited when pregnant or looking after a young child, often have no financial means to leave home. Providing an exception to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child to applicants in this situation intends to provide greater support, recognising that they are more likely to be starting from scratch without the items that the Pregnancy and Baby Payment is intended to provide.

We are also doing as much as possible to ensure the payment goes to the main carer in instances where there is a competing claim. We use a hierarchy to ensure the SCP is paid to the person who meets a more robust test of child responsibility. In December 2021, we introduced amendment regulations which give Social Security Scotland additional powers when considering competing claims for SCP and BSG. These additional powers will help ensure that the individual who is actually looking after the child receives SCP and/or BSG in the event of a competing claim.

Gender reassignment

The latest analysis of client diversity and equalities data³⁸ shows that for approved SCP applications between December 2020 and May 2021, less than 1% (105) were from those that identified themselves as transgender and 4% (1,025) preferred not say. This analysis also shows that for approved BSF and Best Start Grant applications in the same period, less than 1% (35) were from those that identified themselves as transgender and 3% (410) preferred not say.

³⁷ Scottish Government (2021) [Domestic abuse: statistics recorded by the Police in Scotland - 2020/21](#)

³⁸ Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

Gender reassignment is a protected characteristic, as defined in the Equality Act 2010. The protected characteristics of sex and gender reassignment apply as much to men and those who identify as male as they do to women and those who identify as female. The Scottish Government does not have sufficiently robust evidence to draw conclusions on gender reassignment in relation to income and poverty. Research indicates that transgender people are subject to higher levels of prejudice than other protected characteristic groups but that higher levels of public acceptance suggests they may now feel more confident expressing their identity.³⁹

The FFP are payable to someone regardless of gender reassignment. No issues have been raised by stakeholders in relation to the changes we are making to the FFP.

Sexual orientation

The latest analysis of client diversity and equalities data⁴⁰ shows that for approved SCP applications between December 2020 and May 2021, 90% (27,010) were from those that identified as heterosexual, 2% (595) as bisexual, less than 1% (105) as gay and lesbian, less than 1% (115) in another way, and 7% (2,130) preferred not to say. This analysis also shows that for approved BSF and BSG applications in the same period, 92% (13,260) of approved applications were from those that identified as heterosexual, 2% (285) as bisexual, less than 1% (45) as gay and lesbian, less than 1% (50) in another way, and 6% (820) preferred not to say.

It is acknowledged that the Scottish Government does not currently have sufficient data on the experiences of those accessing the benefit system dependent on sexual orientation. However, we are committed to continuing to review this issue as part of our ongoing fulfilment of the equality duty.

The Scottish Government is committed to engaging with this group to build a service that meets their needs with 9% of Experience Panel members identifying as lesbian, gay or bisexual who have been actively involved in the design of Social Security Scotland's service.⁴¹

The FFP are payable to someone regardless of their sexual orientation. No issues have been raised by stakeholders in relation to the changes we are making.

Race

The changes that we are making will positively affect people belonging to ethnic minorities and may help to advance equality of opportunity by providing greater

³⁹ Scottish Government (2016) [Scottish Social Attitudes 2015: attitudes to discrimination and positive action](#)

⁴⁰ Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

⁴¹ Scottish Government (2020) [Social Security Experience Panels: Who is in the Panels? - 2020 Update - Full report](#)

financial support to eligible parents and carers of children and making it easier to receive the support that they are entitled to without the need to apply. We will also be providing greater support to pregnant persons and parents/carers of a baby who have been granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they arrived in the UK.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland have a commitment to accessible communication to support those whose first language is not English. Social Security Scotland staff may also have the opportunity to understand more about the difficulties faced by people who belong to minority ethnic groups who may rely on these benefits.

The latest analysis of client diversity and equalities data⁴² shows that for approved SCP applications between December 2020 and May 2021, 89% (26,725) were from people who identified as white, 4% (1,185) as Asian, 2% (525) as African, 1% (215) as Mixed or multiple ethnic groups, less than 1% (30) as Caribbean or Black, and 1% (255) as other ethnic group. This analysis also shows that for approved BSF and Best Start Grant applications in the same period, 90% (13,060) were from people who identified as white, 4% (520) as Asian, 2% (225) as African, 1% (100) as Mixed or multiple ethnic groups, less than 1% (15) as Caribbean or Black, and 1% (130) as other ethnic group.

In Scotland, 5% of the adult population belong to minority ethnic groups.⁴³ Within the population of children registered for Early Learning & Childcare in Scotland, 8.9% have a home language other than English.⁴⁴

The Scottish Government's Race Equality Framework⁴⁵ states that tackling poverty is a priority for the Scottish Government across all communities, and that the clear link between race and poverty must be tackled. In 2015-20 people from non-white minority ethnic groups were more likely to be in relative poverty, with poverty rates at 41% for 'Asian or Asian British' ethnic groups, and 43% for Mixed, Black or Black British and Other' ethnic groups. This compares to 18% amongst the 'White British group'.⁴⁶ One report from Close the Gap⁴⁷ highlights the intersectionality between race and gender and concludes that 'BME women continue to face high levels of racism, racial prejudice, discrimination and bias in the labour market which ultimately impacts their ability to secure, retain and progress within sustainable, good employment'. There are also a far higher proportion of children from a minority ethnic group in relative poverty, at 38% compared to 24% of all children.⁴⁸ As a result,

⁴² Social Security Scotland (2021) [Social Security Scotland client diversity and equalities analysis to May 2021](#)

⁴³ Scottish Government (2019) [Scottish Surveys Core Questions 2019](#)

⁴⁴ Scottish Government (2021) [Summary Statistics For Schools In Scotland 2021 - Additional early learning and childcare tables](#) – Table 5

⁴⁵ Scottish Government (2016) [Race equality framework for Scotland 2016 to 2030](#)

⁴⁶ Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#)- Figure 23

⁴⁷ Close The Gap (2016) [Still not visible](#)

⁴⁸ Scottish Government (2022) [Additional child poverty analysis 2022](#)– Table 1 (target measures by priority group)

certain minority ethnic groups are more likely to be eligible for a qualifying benefit and thus benefit from the FFP. They are also more likely to disproportionately benefit from the increase in the value of SCP and the extension to the eligibility criteria for SCP to include children aged 6 to 15 years old.

Ethnicity correlates with family size. At the UK level, 51% of Black African, 65% of Pakistani and 64% of Bangladeshi children live in large families (three or more children), compared to 30% of those in White British families.⁴⁹ Larger families are more likely to experience poverty and are identified as one of the priority groups in the Tackling Child Poverty Delivery Plan.⁵⁰ As a result, they are more likely to qualify for FFP and there are no limits on the number of children they can claim for, increasing the likelihood that they will be able to claim a higher amount of support.

We are aware that there are particular barriers faced by ethnic minorities in claiming benefits, especially those with English as a second language. To address this, work has been undertaken with ethnic minorities alongside the main Experience Panels. This work has given us a depth of information about the barriers faced by this group, and ideas for how Social Security Scotland can address these barriers as set out in our Benefit Take-up Strategy.⁵¹ Our commitment to accessible communication includes making sure that we do not create barriers for people who communicate in languages other than English by offering the application form in other languages. As well as English, Social Security Scotland automatically creates all its promotional materials in seven languages – Farsi, Polish, Mandarin, Cantonese, Arabic, Gaelic and Urdu. The materials will also be translated into any other language upon request. There are also interpretation, and translation services available in over 100 languages. These steps are to ensure that all ethnic groups have a positive experience applying for the FFP, promoting good relations, and have equal opportunities to access their entitlements.

It is anticipated that introducing auto-award for elements of Best Start Grant will remove barriers for claimants, including those with English as a second language, making it easier to access their entitlement. Additionally, auto-award has the potential to help people who are not aware of their entitlement.

SCP was introduced through secondary legislation, using the powers to top up a reserved benefit contained in Section 79 of the Social Security (Scotland) Act 2018. This decision was taken as it was the quickest and simplest route to introduce the payment and therefore help tackle child poverty. Primary legislation would have delayed introduction of the payment, potentially by two or three years. The decision to proceed using the Section 79 power means that eligibility for SCP is based upon receipt of a qualifying reserved benefit.⁵² While the ability to deliver the payment quickly was viewed to be critical, given the urgency of tackling child poverty, this has

⁴⁹ Women's Budget Group and Runnymede Trust (2017) [Intersecting inequalities: the impact of austerity on black and minority ethnic women in the UK](#)

⁵⁰ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

⁵¹ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

⁵² For a full list of qualifying benefits see - [Scottish Child Payment - Who should apply](#)

placed some restrictions on eligibility, including for those with no recourse to public funds.

Those with no recourse to public funds cannot receive a qualifying, reserved benefit and are therefore not eligible for SCP. This is a reserved benefits matter and, therefore, not within the Scottish Government's powers to address.

However, as those aged under 18 do not require a qualifying, reserved benefit to be eligible for BSG, we have sought and received agreement from the UK Government that for BSG Pregnancy and Baby Payment, individuals who are under 18 and have no recourse to public funds are able to receive support. Furthermore, we have plans to extend BSF eligibility to children aged under three, with British citizenship, and whose parent or guardian meets the financial eligibility criteria but do not have a qualifying benefit due to having no recourse to public funds. In the meantime, equivalent payments are being made. The financial eligibility criteria is a family income of £660 or less per month after tax. The Home Office has confirmed that they have no plans to add BSF to their list of public funds and payments to parents or guardians of children with British citizenship will not breach their 'no access to public funds' condition.

Providing an exception to the general rule that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child for individuals granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they arrived in the UK, will provide greater support for families who are more likely to be starting from scratch. Stakeholder feedback indicates that women who arrive in Scotland, who are placed with little access to anything, will benefit.

Gypsy/Traveller

Within the broader classification of ethnic minority, just over 4,000 people in Scotland (0.1% of the population) identified their ethnic group as 'White: Gypsy/Traveller'. Generally, Gypsy/Traveller households were more likely to contain dependent children (36% compared to 26% of the population as a whole) and they were three times more likely to contain 'three or more' dependent children.⁵³

We have conducted user research with members of the Gypsy/Traveller community to understand more about the barriers towards claiming the FFP and how they might be overcome. They made us aware of the potential barriers relating to digital access and the importance of trusted relationships, including a preference towards their own translation service. In addition, they highlighted the importance of trusted welfare rights organisations and local services to the community, they also expressed a preference towards letters, as this allows them to keep a record of correspondence and share with the relevant advice organisations if required.

⁵³ Scottish Government (2015) [Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census](#)

We are working to engage with this community further, to explore ways that we can maximise take-up. This includes work that Social Security Scotland are taking forward with experts who have experience of benefit take-up in specific communities, with a view to targeted take-up activities and produce take up resources, as well as supporting stakeholders and frontline staff with take-up activities. It is anticipated that introducing auto-award for elements of Best Start Grant will making it easier for the Gypsy/Traveller community to access their entitlement.

Religion or belief

The changes that we are making will positively affect people belonging to religious groups and may help to advance equality of opportunity by providing greater financial support to eligible parents and carers of children and making it easier to receive the support that they are entitled to without the need to apply.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may also have the opportunity to understand more about the difficulties faced by people who belong to certain religious groups who may rely on these benefits.

Statistics show that some religious groups are more likely to be in relative poverty than others - 52% of Muslims, 19% of Roman Catholics, 19% of other Christian groups, 15% of Church of Scotland - compared to 18% of all adults.⁵⁴ As a result, certain groups are more likely to be in receipt of a qualifying benefit, making them eligible to receive the FFP.

It is anticipated that some religious groups, who are more likely to be living in poverty, will benefit from the increase in value of SCP and the extension to SCP to include children aged 6 to 15 years old.

Stakeholders have told us that stigma around applying for benefits may be an issue within some religious communities and so flexibility around how people apply is fundamental. Religious groups often receive information about services and support via their religious community and we will work with these groups to ensure information is made available.

The automation of ELP and SAP awards was also seen by stakeholders as a way in which this stigma could be addressed.

Pregnancy and maternity

The changes that we are making will positively affect people who are or have recently been pregnant and may help to advance equality of opportunity by providing greater financial support to eligible persons in this situation. We will also be providing greater support to certain pregnant persons and parents/carers of a baby who

⁵⁴ Scottish Government (2021) [Poverty and Income Inequality in Scotland 2017-20](#) – Figure 24

already have a child who are more likely to be starting from scratch, without the items that the BSG Pregnancy and Baby Payment is intended to provide. The changes we are making to BSG and BSF will also provide support to more individuals who are responsible for a child through formal surrogacy arrangements.

They may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may also have the opportunity to understand more about the difficulties faced by people who are or have been pregnant who may rely on these benefits.

Households with children aged 0-4 are at high risk of poverty, but the risk is much higher when the youngest child is aged less than one year old. Families with a new child are more likely to enter poverty, even when controlling for other factors.

Research from 2015 found a quarter of 'new families' are in poverty in the year after having their first child.⁵⁵ This could be due to the increased costs of a new child and the need to take time off work to care for them. For new lone parents (most often women), this figure was much higher. For these reasons, households with a young child are a priority group in the Tackling Child Poverty Delivery Plan.⁵⁶

Stakeholders highlighted that pregnancy and the first year of a child's life are a high risk time when domestic abuse can intensify. Women, whose earnings are often limited when pregnant, often have no financial means to leave home when they are experiencing abuse.

Providing new exceptions to the general rule, that an individual is only entitled to the higher Pregnancy and Baby Payment when they are applying in respect of their first child, will provide greater support for pregnant persons and parents/carers of a new child in the following situations, who are more likely to be starting from scratch without the items that the Pregnancy and Baby payment is intended to provide:

- individuals granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes who have a child/children from before they arrived in the UK;
- individuals who took on responsibility for a child/children who was not their own when that child/children was more than 12 months old; and
- individuals who have been forced to leave their home with a child/children due to domestic abuse.

Widening the meaning of surrogacy for BSG and BSF will ensure that all individuals who are responsible for a child through formal surrogacy arrangements can be classed as having responsibility for the child.

⁵⁵ Department for Work and Pensions (2015) [Child poverty transitions: exploring the routes into and out of poverty 2009 to 2012](#)

⁵⁶ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

Marriage and civil partnerships

The Scottish Government does not require assessment against this protected characteristic unless the policy or practice relates to work, for example HR policies and practices – which this policy does not.

RECOMMENDATIONS AND CONCLUSION

The EqIA process has identified that the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 have potential to have positive impacts for those who share protected characteristics.

We understand groups who share protected characteristics may face difficulties in accessing or understanding their entitlements due to language or other communication barriers. We will ensure information and advice on the changes is as accessible as possible and reaches the full range of people who could benefit from this support, through services used by parents and carers, and in a range of formats.

We will ensure there is clear guidance for both decision makers and applications, and for effective promotion to maximise uptake. Awareness raising of the changes will also be required among partner agencies and advice and advocacy services to ensure that appropriate signposting is provided, and that applicants can access the necessary information and be suitably supported throughout the process.

Monitoring and Review

The Scottish Commission on Social Security (SCoSS) is an advisory non-departmental public body set up to provide independent scrutiny of the Scottish social security system (including benefit regulations) and hold Scottish Ministers to account. They have provided independent scrutiny of these regulations.⁵⁷ In their report SCoSS highlighted that the regulations would need to clearly provide Social Security Scotland with the discretion to defer or waive making an auto award of BSG Early Learning Payment or School Age Payment to ensure that the payment is made to the right person when families are in crisis or transition, for example, through domestic abuse or moving in and out of kinship care.

We have ensured that our regulations make clear that where an individual has indicated they do not want to receive payment via an auto award, an auto award will not be made. Furthermore, where an individual is no longer actually responsible for the child but continues to be in receipt of Scottish Child Payment due to receiving a reserved, qualifying benefit and they then receive an auto-award of Best Start Grant Early Learning Payment or School Age Payment, the person who is actually responsible for the child will still be able to apply and receive Best Start Grant due to

⁵⁷ Scottish Commission on Social Security (2022) [Best Start Foods, Best Start Grants and Scottish Child Payment \(Miscellaneous Amendments\) Regulations 2022: scrutiny report](#)

the ability for a second payment to be made in certain circumstances where responsibility for the child has changed.

SCoSS also raised a concern that the rule to allow a higher Pregnancy and Baby Payment to be awarded where someone arrives in the UK with a child having been granted refugee status, humanitarian protection, or leave under the Afghanistan resettlement schemes or the Ukraine resettlement schemes would not only apply when an older child was born outside the UK or came to the UK with the refugee claimant, it would also apply when an older child was born in the UK e.g. to a new partner.

SCoSS are correct that this rule could apply to a child who was born in the UK, provided that the child was born in the UK to an individual who was living in the UK, who then later left the UK and returned to the UK seeking refugee status. This is because the child was born before the individual arrived in the UK as a refugee, i.e., before the individual claims BSG in respect of another child. This is within the policy intent as regardless of where the older child was born, the individual has arrived in the UK as a refugee and is therefore not likely to have retained the items that the BSG Pregnancy and Baby Payment is intended to provide.

A refugee will not normally be entitled to be given the higher payment on multiple occasions. To be eligible for the higher payment, all individuals under 16 who are not the child the application relates to must be able to be disregarded because they fall within one of the categories specified in our regulations. An older sibling who was born in the UK after the refugee came to this country in most circumstances would not be disregarded under this rule.

SCoSS also highlighted that the definition of domestic abuse within our regulations needed to be widened to include abuse by an individual's ex-partner, in line with the definition used within the Domestic Abuse (Protection) (Scotland) Act 2021. We have consulted further with stakeholders regarding this matter and have widened our definition to include abuse by the ex-partner.

SCoSS also recommended that the Scottish Government's review of Scottish Child Payment must take into account the lived experience of people, and any disproportionate impact there may be on particular groups such as lone parents or disabled people, in relation to how they understand and manage the loss of income from Scottish Child Payment when entitlement ends as they move into work or increase hours or earnings and thus lose entitlement to Universal Credit. The Scottish Government is currently undertaking a formal public consultation on proposed changes to the Scottish social security system and, amongst other topics, seeks views on the advantages and disadvantages around making changes to the legislative basis for Scottish Child Payment. That consultation is open to everyone. Alternative formats, events and surveys are being developed to facilitate participation from the widest possible range of people, including from people with lived experience of the social security system.

SCoSS also asked that in its review of Scottish Child Payment, the Scottish Government should look for ways to make eligibility rules fairer by offering the same

amount of support to all families whose child dies. In the sad event that a child to whom a claim of Scottish Child Payment relates dies we are providing payment equivalent to the value of payments made in the 12 weeks prior to the child's death. This approach was considered the fairest way we can support families in this situation through SCP using the powers available to us.

SCP is paid as a top-up of reserved benefits using the powers available to us under section 79(1) of the Social Security (Scotland) Act 2018 which means we are only able to make a payment for a period where there is a qualifying benefit in payment. We will consider this again at any review of the Scottish Child Payment legislative footing.

We intend to commission a further evaluation report on BSG to report in 2025 as, although BSG is fully rolled-out, its impacts can only be fully assessed after at least 5 years from the roll-out by which time eligible families will have had a chance to receive multiple payments for the same child. We will also conduct a full evaluation of Scottish Child Payment after the rollout of the payment for children aged under 16.

We will continue to engage with members of the Five Family Payments Reference Group to monitor their impact. Social Security Scotland also carry out regular surveys to understand the experience of clients who have applied for the FFP.

The Social Security (Scotland) Act 2018⁵⁸ places a duty on the Scottish Ministers to report annually to the Scottish Parliament on the performance of the Scottish Social Security System during the previous financial year, including in relation to protected characteristics. The report is to describe what the Scottish Ministers have done in that year to meet the expectations on them set out in the Charter.

We have established a stakeholder take-up reference group. This group is a partnership of Scottish Government officials and organisations representing third-sector and local authority interests who have knowledge of issues surrounding benefit take-up. It is designed so that members will bring their experience, expertise, and extensive networks to bear, ensuring that our approach draws on the experience of, and best supports, third sector and local authority partners.

Since the publication of the first Benefit Take Up Strategy, the Group has met twelve times and collaborated on a number of key activities with the goal of increasing take-up of Scottish Benefits. In late 2019 and early 2020 the Group played a central role in shaping the Benefit Take-up and Income Maximisation Funds to ensure that this funding was targeted to enable the maximum benefit to individuals and highest quality in learning.

We have also committed to reviewing the FFP during the course of the current Tackling Child Poverty Delivery Plan (2022-2026)⁵⁹ and continue to work closely with stakeholders to ensure that support is targeted on those families that need it most.

⁵⁸ [The Social Security \(Scotland\) Act 2018](#)

⁵⁹ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

Authorisation

I confirm that the impact of the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 has been sufficiently assessed against the needs of the equality duty:

Ian Davidson, Deputy Director, Social Security Policy Division	Date this version was authorised: 31/08/2022
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