

# Carer Support Payment: Child Rights and Wellbeing Impact Assessment

## Title of policy

The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

## Introduction

Carer Support Payment (formerly known as Scottish Carer's Assistance)<sup>1</sup> will replace Carer's Allowance in Scotland from the end of 2023, with a phased national roll out from spring 2024. It will provide some replacement income for unpaid carers in Scotland who are less able to take on paid work, and provide recognition of their important caring role.

We have developed policy<sup>2</sup> that makes changes now, and that allows for changes in future, that aim to:

- recognise the impact of caring on carers' lives, providing support in a way that takes into account that different carers have different needs, and that different caring situations have different impacts
- provide stability, and support carers to access opportunities outside of caring, where possible, and if they wish to do so
- ensure carers have a positive experience of the social security system and maximise carers' take-up of all support available to them.

The Social Security (Scotland) Act 2018 ('the 2018 Act') sets out the broad framework for the delivery of devolved social security in Scotland. In April 2018 Scottish Ministers took executive and legal competence for Carer's Allowance.

Since 2018, Carer's Allowance has continued to be delivered during a transition period by Department for Work and Pensions (DWP) under the terms of an Agency Agreement with the Scottish Government. Carer Support Payment will be delivered by Social Security Scotland on behalf of Scottish Ministers under the 2018 Act. It is planned that the new benefit will launch on a pilot basis by the end of 2023, with a phased national roll out from spring 2024. Scottish Government officials are continuing to engage with the DWP to agree a timetable for the transfer of awards to Social Security Scotland. We intend to complete case transfer as soon as possible, while ensuring the process is safe and secure, so that we can deliver improvements to Carer Support Payment. The Carer's Allowance Agency Agreement has been extended to March 2025, and we remain on track to complete case transfer by the end of 2025. The Carer's Assistance (Carer Support Payment) (Scotland)

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<sup>1</sup> When the consultation launched, our working title for the new benefit was 'Scottish Carer's Assistance'. Since then, we have worked with carers, carer organisations and our Experience Panel members to choose and test a preferred name for the new benefit. We can confirm that the chosen name for the benefit replacing Carer's Allowance in Scotland will be 'Carer Support Payment'.

<sup>2</sup> The aims for Carer Support Payment were developed on the basis of carer and stakeholder feedback, and published as a [Scottish Carer's Assistance discussion paper](#) in March 2021. Further to feedback on these, final aims were set out in the formal consultation on the benefit which ran from February to May 2022.

Regulations 2023 set out the detailed rules surrounding entitlement to Carer Support Payment from launch and provide for the transfer of awards for carers already receiving Carer's Allowance in Scotland.

In our consultation on the benefit, we set out plans for how the benefit would work from launch and potential priority changes to make as soon as reasonably practical once 'case transfer' from Carer's Allowance is complete, as well as plans to improve join up across services for carers. This impact assessment covers all of these, and the transfer of awards for existing Carer's Allowance clients from DWP to Social Security Scotland. While this goes further than our obligation to impact assess the new legislation, we have chosen this approach because it allows initial plans to be seen in context, and also because it allows for feedback to further inform ongoing detailed policy development.

This policy is closely aligned with the Healthier, Wealthier and Fairer Strategic Objectives, and contributes to the following National Outcomes:

- We respect, protect and fulfil human rights and live free from discrimination
- We tackle poverty by sharing opportunities, wealth, and power more equally
- We live in communities that are inclusive, empowered, resilient and safe
- We grow up loved, safe and respected so that we realise our full potential.

## **Executive Summary**

1. The Social Security (Scotland) Act 2018 ('the 2018 Act') sets out the broad framework for the delivery of devolved social security in Scotland. On 1 April 2018, Scottish Ministers took executive and legal competence for Carer's Allowance.
2. Since 2018, Carer's Allowance has continued to be delivered during a transition period by DWP under the terms of an Agency Agreement with the Scottish Government. This is a key component of ensuring the safe and secure devolution of Carer's Allowance.
3. The Carer's Assistance (Carer Support Payment) (Scotland) Regulations set out how the Scottish Government will deliver our replacement for Carer's Allowance, Carer Support Payment. This was formerly known as Scottish Carer's Assistance which was the working title for the benefit. The aim of Carer Support Payment is to provide some replacement income for unpaid carers in Scotland who are less able to take on paid work.
4. In addition to allowing for new applications, the regulations make provision for the transfer of responsibility for delivering carer benefits for individuals who are currently in receipt of Carer's Allowance in Scotland from DWP on behalf of Scottish Ministers to Social Security Scotland. They also make provision to transfer the awards of these individuals from Carer's Allowance to Carer Support Payment, a process known as 'case transfer'.
5. The awards for these clients will transfer to Social Security Scotland once new applications for Carer Support Payment are available. Based on data provided

by the DWP, there are around 120,000 individuals whose awards will transfer from Carer's Allowance to Carer Support Payment.

6. Part 1 of the Children and Young People (Scotland) Act 2014<sup>3</sup> places a duty on Scottish Ministers to consider the requirements of the UN Convention on the Rights of the Child (UNCRC), take account of the relevant views of children of which they are aware and promote public awareness and understanding of the rights of children.
7. This Children's Rights Impact Assessment (CRWIA) has considered the potential effects of Carer Support Payment and how it impacts on children under the age of 16 and who may be part of a caring household and children aged 16-18 who may wish to access financial support through Carer Support Payment as carers themselves, taking into consideration the interactions with Carer Support Payment and Young Carer Grant<sup>4</sup>.
8. The findings here are based on stakeholder engagement and feedback (including engagement with young carers themselves), desk-based research and analysis of the response to the Scottish Government's consultation on the new benefit.
9. The CRWIA has identified some aspects of Carer Support Payment which could negatively impact on children, and these are outlined in the Key Findings section, however there is a requirement to balance this with not incentivising young carers to engage in substantive caring roles which could negatively impact their education. There is also a further consideration of the gap in entitlement between Carer Support Payment and Young Carer Grant for 19-year-olds studying non-advanced education, and for whom they will not have entitlement to either benefit and this is being further considered in line with changes to the education restriction.
10. It is not considered that any changes to Carer Support Payment policy should be made as a result of this assessment, as the evidence and data gathered indicate that overall, the policy will have a positive impact for children and young carers. It therefore builds on the framework of the 2018 Act of a new system that is underpinned by dignity, respect and a human rights-based approach.
11. However, the CRWIA has identified opportunities to monitor how well Carer Support Payment works in practice for children and young people and in particular young carers aged 16-19 studying non-advanced education, and for whom, eligibility has not been extended. We will undertake further focused engagement with stakeholders to monitor and evaluate Carer Support Payment and its impacts on children and young people.

Our public consultation, which ran from February to May 2022, proposed changes to eligibility criteria which could be made in future to improve this benefit<sup>5</sup>. Prior to this a Multicriteria Analysis process<sup>6</sup> was carried out when

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<sup>3</sup> [Children and Young People \(Scotland\) Act 2014](#)

<sup>4</sup> [Young Carer Grant](#)

<sup>5</sup> [Scottish Carer's Assistance: consultation - gov.scot \(www.gov.scot\)](#)

<sup>6</sup> [Multi Criteria Analysis \(www.gov.scot\)](#)

prioritising these changes. Any changes need to avoid creating a ‘two tier system’ which could disadvantage some carers. To avoid this, we do not plan to make eligibility changes until case transfer is complete.

## **Background, Policy Aims and Proposed Rules**

Carer Support Payment will replace Carer’s Allowance in Scotland. Carer’s Allowance is a benefit for unpaid carers in recognition of the caring role and its impact on their ability to earn income from paid work.

Scottish Government estimates suggest that unpaid care is currently saving Scotland £13.1 billion per year in health and social care costs (£12.8 billion per year in social care costs, plus £320 million in health care costs).<sup>7</sup> Following the impacts of the coronavirus pandemic, where more people undertook caring roles than ever before due to face-to-face respite services reducing, the overall level and value of unpaid care being provided in the UK is likely to have increased. As the average age of the population continues to rise, the numbers of unpaid carers in the UK are also anticipated to increase.

## **Origin of the benefit**

Carer’s Allowance developed in the UK from the introduction of the ‘Invalid Care Allowance’ (ICA) in 1975. The scheme followed the 1974 White Paper ‘Social Security Provision for Chronically Sick and Disabled People’ which stated that there was ‘a strong case for the provision of a non-contributory benefit of right’ to be payable to carers of sick and disabled people.

Married women were, initially, not eligible for ICA. This reflected wider societal expectations at the time, that married women would provide care for family members. In 1986, this policy was held to be unlawful by the European Court<sup>8</sup> and the benefit was widened out to all carers regardless of their marital status. Further changes to the benefit were made in 2002, including the abolition of an upper age limit of 65 for applications. The benefit was also renamed Carer’s Allowance.

The key criteria for Carer’s Allowance now are that it provides support to unpaid or informal carers who provide 35 hours or more of care a week for people receiving certain disability benefits, and earning below a certain amount. In 2023-24 it will provide £76.75 a week and the earnings threshold will be £139 per week.

## **Devolution**

The Scotland Act 2016 gave the Scottish Government legislative competence over eleven benefits, including Carer’s Allowance. The 2018 Act sets out the legislative framework for the administration of social security in Scotland and makes provision for operational functions such as managing overpayments, fraud, error and appeals. Since September 2018, Carer’s Allowance in Scotland has been administered by the

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<sup>7</sup> National Care Service (Scotland) Bill (2022) [Financial Memorandum \(paragraph 72\)](#)

<sup>8</sup> Jackie Drake successfully argued that the exclusion of married women from Carer’s Allowance, where married men residing with their wives were not excluded, constituted a clear example of direct discrimination on the grounds of sex.

Department for Work and Pensions under an agency agreement in advance of the replacement benefit being introduced.

## **Carer's Allowance in the context of reserved benefits**

Carer's Allowance is arguably the most complex of the benefits being devolved to Scotland, due to its linkages with other benefits. As an 'income-replacement' benefit, it has a high number of interactions with low-income benefits delivered by DWP, upon which tens of thousands of Scotland's carers rely for help with housing and other basic needs. Carer's Allowance eligibility passports carers on low incomes to additional carer specific payments. It also entitles carers to class 1 National Insurance contributions, which can help to, for example, build up their State Pension. These interactions mean that the principle of safe and secure transition of DWP benefits to Social Security Scotland through the devolution process is particularly important, as any increase in complexity during the case transfer process would increase the risk to the ongoing payment of these benefits to carers in Scotland.

## **Extra payments for carers in Scotland**

We prioritised support for carers in our new social security system. Our first change when the 2018 Act was passed was to introduce Carer's Allowance Supplement (CAS). This increased the existing Carer's Allowance which was the lowest working age benefit, to being in line with and now exceeding Jobseeker's Allowance through two additional payments a year. Carers who receive both Carer's Allowance Supplement payments in 2023-24 receive the equivalent of £87.15 weekly, rather than the £76.75 they would receive without the uplift.

Double payments of Carer's Allowance Supplement were made in June 2020 and December 2021 in light of the additional pressures faced by carers as a result of the coronavirus pandemic.

Since the launch of Carer's Allowance Supplement, 920,970 Carer's Allowance Supplement payments totalling £255.4 million have been made to 148,515 carers.<sup>9</sup> By the end of 2023, carers in Scotland continuously in receipt of Carer's Allowance will have received an extra £3,300 through the Supplement.

In October 2019, we opened applications for Young Carer Grant, the first support of its kind in the UK, providing annual grants of £359.65 (2023-24 rate) to Scotland's young carers in recognition of their caring role. The payment helps them access opportunities which are the norm for other young people. Over 8,500 payments Young Carer Grant payments have been made since its introduction, with a total value around £2.7 million.<sup>10</sup>

Timing for the introduction of a new payment for carers of more than one person was affected by the impact of the coronavirus pandemic. This support, which expands on an earlier commitment to a Carer's Additional Child Payment is known as Carer's Additional Person Payment for now and would be equivalent to £10 per week for each additional person being cared for who is in receipt of a disability benefit. We

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<sup>9</sup> [Summary official statistics for Carer's Allowance Supplement to April eligibility date in 2023](#), published in August 2023

<sup>10</sup> [Young Carer Grant: high level statistics to 30 April 2023](#), published in August 2023

now intend to implement this commitment as part of work on Carer Support Payment, once the benefits of existing Carer's Allowance clients have been safely transferred from DWP.

## **Carer Support Payment policy aims**

When we consulted in 2016 about Scottish benefits, most people who responded agreed that the new benefit should have a similar role to Carer's Allowance<sup>11</sup> – that is, it should be a benefit to provide some replacement income for unpaid carers who have caring roles which mean they are less able to take on paid work. Most people agreed it should not be a payment for the care provided, but should provide some recognition for the caring role – by providing support with no requirement to look for work.

Carer Support Payment will be 'non-means tested' in the same way as Carer's Allowance. This means that a carer's income, other than from paid work<sup>12</sup>, and their household's income won't affect whether they can get the benefit, or how much they will get. Because it will be paid to people caring for at least 35 hours a week and with limited earnings, it is focused on unpaid carers who have some of the most intensive caring roles, and who are more likely to be on lower incomes.

In March 2020, we published a discussion paper on the new benefit<sup>13</sup>, setting out draft aims for what the new support should do. The aims sit within the broader framework of the National Carers Strategy<sup>14</sup>. They also need to be seen in the context of wider social security provision available to carers from DWP. It is vital that DWP continue to recognise Carer Support Payment recipients as carers for the purposes of paying Universal Credit and other benefits.

The aims are:

**Aim 1.** Carer Support Payment provides income for unpaid carers in recognition of their vital role and its impact on their lives. It is delivered in a way that takes into account that different carers have different needs, and that different caring situations have different impacts.

**Aim 2.** Carer Support Payment provides stability and supports carers to access opportunities outside of caring, where possible, and they wish to do so.

**Aim 3.** Carer Support Payment is designed to ensure carers have a positive experience of the social security system, and to maximise carers' take-up of all support available to them.

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<sup>11</sup> Most respondents to our 2016 consultation on social security, supported the goal we set for Scottish Carer's Assistance, that it would be 'not a payment for care [but] provide some financial support and recognition for those who choose to, or who have had to give up or limit their employment or study because of caring responsibilities'. <https://www.gov.scot/publications/analysis-written-responses-consultation-social-security-scotland/>

<sup>12</sup> Carer's Allowance is an 'income-replacement' benefit so carers may not be earning more than £132 per week (2022/23 rate) from employment, after tax, National Insurance and some expenses. More information on is available at: <https://www.gov.uk/carers-allowance/eligibility>

<sup>13</sup> [Scottish Carer's Assistance discussion paper](#)

<sup>14</sup> [National Carers Strategy](#)

In addition to setting out the broad framework for the delivery of devolved social security in Scotland, the 2018 Act also allows Scottish Ministers to create a new social security system using a distinct 'Scottish approach', which has our values of dignity, fairness and respect at its core. Carer Support Payment will contribute to this. It will also help to deliver our overall vision for unpaid carers in Scotland, that unpaid carers can provide the best possible care, supported by a system that recognises and values their contribution, allowing them to lead a full life in addition to their caring role.

The policy contributes to the following National Outcomes:

- We are healthy and active
- We tackle poverty by sharing opportunities, wealth and power more equally
- We are well educated, skilled and able to contribute to society
- We respect, protect and fulfil human rights and live free from discrimination.

## **Case transfer**

The first priority of Carer Support Payment is the safe and secure transfer of Carer's Allowance awards in Scotland currently managed by DWP to Social Security Scotland. Scottish Government officials are engaging with DWP to agree a timetable for the transfer of awards to Social Security Scotland. We intend to complete case transfer as soon as possible, while ensuring the process is safe and secure, so that we can deliver improvements to Carer Support Payment. The Carer's Allowance Agency Agreement runs until March 2025, and we remain on track to complete case transfer for all disability and carer benefits by the end of 2025. Scottish Ministers have developed a safe and secure transfer process, which will require no action on behalf of the individual wherever possible, and has been designed in line with the following case transfer principles:

- no individual will be required to re-apply for their benefit
- individuals will continue to receive the right payment, at the right time
- we will complete the case transfer process as soon as possible while ensuring it is safe and secure
- we will maintain clear communications with clients during the transfer process.

## **Carer Support Payment rules**

It is planned that Carer Support Payment will develop over time, in line with the agreed benefit aims.

### **Policy on launch**

On introduction, Carer Support Payment will provide an improved, more accessible service to carers, joining up with wider services to help carers access information on the wide range of support available to them.

Eligibility for the new benefit will broadly mirror Carer's Allowance to enable the safe and secure transfer of awards from DWP to Social Security Scotland. However,

there will be some changes, to reflect existing differences in wider Scottish social security policy and principles. As set out in the regulations which this impact assessment accompanies:

1. Core eligibility will mirror Carer's Allowance in that carers will need to be aged 16 or over, providing 35 hours of care or more a week to someone getting certain disability benefits, and not earning more than £139 per week from paid work.<sup>15</sup>
2. Payment amounts will be in line with Carer's Allowance, though carers will continue to receive additional support through Carer's Allowance Supplement.<sup>16</sup>
3. Residence requirements for receipt of the benefit will mirror those for devolved disability benefits, including the 'past presence test' which will require presence in the Common Travel Area for 26 of the past 52 weeks. The test will also be dis-applied in some circumstances, including where a person is receiving support under the Special Rules for Terminal Illness, has a refugee or humanitarian protection status, or is caring for someone who meets these criteria.
4. Carer Support Payment may be temporarily stopped in a number of situations where Carer's Allowance would be suspended or ended, reducing the need to make new applications. Carer Support Payment will continue to be paid in some situations where a qualifying disability benefit is suspended, to improve the stability of support for carers.
5. Re-determination and appeal processes and timescales will mirror the disability benefits, providing more time for carers to request a re-determination compared with the low-income benefits and clarity on timings for re-determination decisions.
6. Eligibility will be expanded to include more carers in full-time education. In particular, the benefit will be available for the first time to people aged 20 and over in full time education at any level, and people aged 16 to 19 in full-time advanced education. As part of the national roll-out, this will also be extended to include some carers aged 16 to 19 in full-time non-advanced education in exceptional circumstances.

#### **Other differences from Carer's Allowance from launch will be:**

7. Applications for Carer Support Payment will not be accepted in advance, while Carer's Allowance applications may be accepted up to three months before a carer expects to become entitled to support. Our understanding is that this provision is not currently well used. Our intention is that Carer Support Payment applications will be handled more quickly. Providing an advance application option is likely to add more complexity and confusion to the application system. Backdating provisions in place for Carer Support Payment will prevent carers from losing out on support they are entitled to where they are not able to apply

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<sup>15</sup> After deductions

<sup>16</sup> Carer's Allowance Supplement will continue to be paid in the same way as now until we safely and securely transfer the awards of carers in Scotland receiving Carer's Allowance from the Department for Work and Pensions (DWP) to Social Security Scotland. Consequential amendments will provide necessary provisions for CAS to be paid to those getting CSP as well as CA until case transfer is complete



from the first day of their entitlement. Nevertheless, the potential for advance applications will be kept under review as part of continuous improvement.

8. Carer Support Payment will be paid four weekly in arrears as standard, while Carer's Allowance offers a choice of weekly in advance payments. Carers whose benefits are transferring from Carer's Allowance will continue to receive weekly in advance payments and weekly in advance payments will be available to carers who are terminally ill, or caring for someone who is terminally ill. However, the overall approach is intended to reduce the potential for overpayments.

During the case transfer period and beyond, further improvements to link carers to wider support available to them will be made.

### **Further improvements to eligibility after completion of case transfer**

We plan to bring forward further regulations to provide for changes we are committed to making to Carer Support Payment in future which are planned for as soon as practicable after case transfer completes. These are set out below.

9. We are committed to introducing a new Carer's Additional Person Payment. Detailed policy is under consideration taking into account the feedback from the consultation. This payment is intended to provide an extra £10 per week for carers receiving Carer Support Payment who have a significant caring role for more than one person in receipt of disability benefits.
10. We plan to provide short-term assistance in some situations where a Carer Support Payment decision is being challenged, and provide support to carers when the person they care for is challenging a decision and receiving short-term assistance. Because of the complex links the existing Carer's Allowance benefit has with support which remains reserved, we need to continue to work with the Department for Work and Pensions to consider the impacts on other benefits before finalising our plans. We plan to deliver short-term assistance and related support for Carer Support Payment after case transfer is complete, rather than when the benefit first launches.
11. We plan to increase the period that Carer Support Payment is paid after the loss of a person being cared for from eight to twelve weeks.
12. We plan to pay Carer's Allowance Supplement alongside Carer Support Payment in future, so that carers receive a higher regular income.

### **Potential changes under consideration for the future**

Further potential changes which could be made in future to Carer Support Payment eligibility and rules were set out in the public consultation. We are using the consultation responses to inform our on-going consideration of these potential changes. These are set out below.

13. To increase the period of time that Carer Support Payment is paid when a person being cared for goes into hospital or residential accommodation.
14. To extend eligibility so that Carer Support Payment could be available to people who are caring for two different people for a total of 35 hours.

15. To increases to the earnings threshold and consider whether a 'run on' of support could be introduced to where a carer has earnings over the threshold.

## Scope of the CRWIA

This impact assessment covers the changes to be made through regulation at launch, case transfer from Carer's Allowance to Carer Support Payment, and also looks at impacts on child rights and wellbeing as a result of our wider Carer Support Payment policy. We will continue to consider and monitor impacts through ongoing policy development and evaluation and publish further impact assessment documents with future regulations.

## Wider context

This CRWIA should be read in conjunction with the other impact assessments:

- Equality Impact Assessment (EQIA)
- the Business and Regulatory Impact Assessment (BRIA)
- Data Protection Impact Assessment (DPIA)
- Fairer Scotland Duty Assessment (FSDA)
- Islands Communities Impact Assessment (ICIA).

## United Nations Convention on the Rights of the Child (UNCRC)

The policy intent has been assessed against the relevant UNCRC articles:

- **Article 3 (best interests of the child):** The best interests of the child must be a top priority in all decisions made by administrative authorities or legislative bodies. Social Security Scotland has been developed around the principles of dignity, fairness and respect, transparent decision making, a person-centred approach and rooted in the belief that social security is a human right. Carer Support Payment is available to carers from age 16. It aims to widen eligibility and promote benefit take-up to tackle poverty as well as improve how support is provided to carers and make links to wider services. Carer Support Payment will also be paid to people providing unpaid care for people who are 18 and under and the design of the benefit takes into account the rights and interests of the person being cared for.
- **Article 4 (social, economic and cultural rights):** Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights. Carer Support Payment officials are engaging with a variety of stakeholders throughout the development of the benefit to ensure it is accessible to all in Scotland, regardless of social, economic and cultural backgrounds.
- **Article 6 (right to life):** Parties shall ensure to the maximum extent possible the survival and development of the child. Governments must make sure that children survive and develop in the best possible way. Carer Support Payment will improve how support is provided to carers and design systems

that work for them, including processes that treat people fairly, with dignity and respect, and making links from Social Security Scotland to wider carer support.

- **Article 12 (respect for the views of the child):** Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Policy officials have worked alongside Experience Panels and user researchers, who have engaged with young carers and those with experience of the current benefit system to better understand their views and experiences and how Carer Support Payment can work better for them.
- **Article 13 (freedom of expression):** Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law. Information on Carer Support Payment will be made available and promoted to children and young people through regular social media channels, Social Security Scotland Local Delivery services and advice services.
- **Article 17 (access to information):** Ensure that children have access to information and material from a diversity of sources, especially those aimed at the promotion of his or her social, spiritual wellbeing, physical and mental health. It is intended that information and access to Carer Support Payment will be available in a variety of formats, including but not limited to, leaflets, information included within decision notifications, telephone and online. All published documentation will be available in easy read summaries. Policy officials will also continue to engage at the Young Carer Festival and look for any new ways to ensure children and young people have access to information on Carer Support Payment.
- **Article 18 (parental responsibilities and state assistance):** Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children. This is also relevant to support services for children where parents may require help in raising a child. Carer Support Payment will provide financial support to carer households from which children and young people will directly or indirectly benefit. Additional financial support will be provided through passporting to Carer's Allowance Supplement. Work is also underway to provide information and signposting to wider carer support.
- **Article 23 (children with a disability):** A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families. Carer Support Payment is being designed with the people who will use it, so it works for them, and to work consistently with the devolved disability benefits. Work will be ongoing to ensure continuous improvement of the new benefit and to address any unintended consequences should these be identified.
- **Article 26 (Social Security):** Every child has the right to benefit from Social Security. Governments must provide social security, including financial

support and other benefits, to families in need of assistance. Carer Support Payment aims to provide income for unpaid carers in recognition of their vital role and its impact on their lives. The Scottish Government will provide stability and support through signposting and service join up to ensure carers have a positive experience of the social security system, and to maximise carers' take-up of all support available to them.

- **Article 28 (right to education):** Every child has the right to an education. It is intended that by reducing the current Carer's Allowance education restrictions, more carers can remain in education and access financial support through entitlement to Carer Support Payment allowing them the right to education, while safeguarding against incentives to leave education to provide care.
- **Article 31 (leisure, play and culture):** Every child has the right to relax, play and take part in a wide range of cultural and artistic activities. Carer Support Payment aims to provide more financial stability for caring households through increased eligibility and by the future change proposals which include increasing the earnings threshold to allow carers to work, earn more and still retain entitlement. This should increase household incomes and help support access to leisure and cultural activities.
- **Article 42 (knowledge of rights):** Governments must actively work to make sure children and adults know about the Convention. Scottish Government have established a working group to assist in developing guidance and support materials for public authorities and those undertaking functions of a public nature to implement and embed Children's Rights in all Public Services.

We consider that of the eight wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included) set out in the Children and Young People (Scotland) Act 2014, this policy relates to:

- **Healthy:** Having the highest attainable standards of physical and mental health, access to suitable healthcare and support in learning to make healthy, safe choices.
- **Achieving:** Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.
- **Active:** Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.
- **Respected:** Having the opportunity, along with carers, to be heard and involved in decisions that affect them.
- **Responsible:** Having opportunities and encouragement to play active and responsible roles at home, in school and in the community, and where necessary, having appropriate guidance and supervision, and being involved in decisions that affect them.
- **Included:** Having help to overcome social, educational, physical and economic inequalities, and being accepted as part of the community in which they live and learn.

## Data and consultation

Evidence from the National carers strategy shows that young carers, in particular, have poorer overall physical and mental wellbeing than their non-caring peers, and are disproportionately more likely to live in the most deprived areas<sup>17</sup>. Young carers also report more experiences of social isolation. One in three young carers said that their caring role makes them feel stressed<sup>18</sup> which can affect their health, wellbeing and education.

There is therefore a requirement to conduct an impact assessment to take into consideration the effects of Carer Support Payment policy on children. Carer Support Payment will be available to anyone from the age of 16, meaning young people aged 16 to 18 may be able to receive the benefit. Young people aged under 18 may be cared for by someone who could receive Carer Support Payment. There are an estimated 31,000 young carers in Scotland according to the Carers Strategic Policy Statement and according to data available on Carer's Allowance<sup>19</sup>, 3,000 carers under the age of 18 are currently in receipt of the benefit in the United Kingdom.

The Scottish Carer Census of 2018/19<sup>20</sup> notes that there are 17,180 people who are being cared for by unpaid carers in Scotland, of which 17% (2,920) are those under the age of 18. Public Health Scotland published its most recent statistical report for 2020 – 2021 Insights in Social Care – Statistics for Scotland<sup>21</sup> which details that there are 3,005 social care clients aged 0 to 17 (2,055 were male and 950 female).

**Table 1** Proportion of Scottish households with children with or without carer element of UC

Family Type (August 2022) <sup>22, 23</sup>	Receives Carer Element: No	Receives Carer Element: Yes	Proportion Yes
Households with children, of which:	130,131	22,001	14%
Disabled child element	3,873	12,463	76%
3 or more children	22,712	6,399	22%
Limited capability for work/related activity	18,499	3,793	17%
Single parent	102,493	12,884	11%

<sup>17</sup> [Scottish Government \(2022\) National carers strategy - gov.scot](https://www.gov.scot/publications/national-carers-strategy/pages/7/) (https://www.gov.scot/publications/national-carers-strategy/pages/7/)

<sup>18</sup> [Young carers: who are they and why do they need support? | Action For Children](#)

<sup>19</sup> [Stat-xplore.dwp.gov.uk](https://stat-xplore.dwp.gov.uk)

<sup>20</sup> [Carers Census: results 2018 to 2019 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/carers-census-2018-2019/pages/1/)

<sup>21</sup> [Public Health Scotland: Insights in Social Care - Statistics for Scotland](#)

<sup>22</sup> Families receiving a positive payment of Universal Credit in Scotland in August 2022.

<sup>23</sup> Number of households claiming Universal Credit

<b>Family Type (August 2022)<sup>22, 23</sup></b>	<b>Receives Carer Element: No</b>	<b>Receives Carer Element: Yes</b>	<b>Proportion Yes</b>
At least one child aged 0	11,547	1,124	9%

Table 1 above shows households in receipt of Universal Credit in Scotland with children, split by whether a Carer Element is included in the household's Universal Credit award<sup>24</sup>. This shows that in August 2022, just over 22,000 households in Scotland with children received the Carer Element in their Universal Credit award. This is 14% of all Universal Credit households in Scotland with children. The proportion is much higher for households receiving the disabled child element in their award (76%).

This suggests that income from Carer Support Payment could be particularly important for families with a disabled adult or child. Over 2017 to 2020, 29% of children living in families with a disabled adult or child in Scotland were in relative poverty. This is higher than the poverty rate for all children, at 24%.

In general, young carers are less likely to be in receipt of the current Carer's Allowance benefit than adults of working age and above. This is because the minimum age for the benefit is 16, and it is an income replacement benefit, seeking to provide some income where the ability to work is constrained by the caring role. However, this may also be because of the education restrictions which currently apply in Carer's Allowance.

The Scottish Government has introduced Young Carer Grant to recognise the role of caring amongst young adult carers and provide support. This support is available to carers aged 16 to 18 providing informal care of 16 hours or more a week to someone in receipt of certain disability benefits. It is paid regardless of earnings, income or education, and can be paid in respect of care provided to a disabled person who is also cared for by someone receiving Carer's Allowance. It aims to help young carers improve their own quality of life by enabling them to access opportunities which are the norm for their non-caring peers.

We know that families with at least one disabled member are disproportionately more likely than families without a disabled member to live in relative poverty after housing costs<sup>25</sup>. Children can therefore be negatively impacted by being a carer or being part of a household where someone requires care. However, it is worth noting that Carer Support Payment eligibility is aimed at those with the most intensive caring roles (and who are more likely to be on lower incomes) and is intended to provide more financial stability for carers as well as signposting to wider support.

The public consultation on the Scottish replacement for Carer's Allowance (known at the time as 'Scottish Carer's Assistance'), opened on 28 February 2022 and closed on 23 May 2022. During this time nine stakeholder events were held. These were not specifically targeted at children and young people. However, as part of the

<sup>24</sup> [Stat-Xplore - Home \(dwp.gov.uk\)](https://www.dwp.gov.uk/stat-xplore) DWP Universal Credit data, accessed on StatXplore

<sup>25</sup> [12. Poverty - Scotland's Wellbeing: national outcomes for disabled people - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/12-poverty-scotland-wellbeing-national-outcomes-for-disabled-people-2022/pages/12-poverty-scotland-wellbeing-national-outcomes-for-disabled-people-2022.aspx)

consultation process there was extensive consultation on the policy proposals with the Carer Benefits Advisory Group which includes representatives from Child Poverty Action Group, One Parent Families, and Carers Trust Scotland.

Carer Support Payment policy and design builds on the learning of Young Carer Grant and the work of the Experience Panels<sup>26</sup> who consulted with 62 young carers during development. Half (51 per cent) of respondents were aged 12-15 years old. A third (33 per cent) were aged 16 or 17. This provides valuable information from young carers on their understanding of Social Security, application processes, preferred methods of communications and the impacts (on their lives) of benefit payments. The Young Carer Grant has undergone a recent interim evaluation. The evaluation contained three strands: analysis of management data, an overview of Social Security Scotland Client Survey findings and commissioned qualitative research with young carers, and stakeholders that work with them. The aims of Young Carer Grant are comparable to that of Carer Support Payment which are to:

- help young carers improve their own quality of life by taking part in opportunities which are the norm for their non-caring peers and provide some recognition of their unpaid caring role.

The lessons learned from this report are being taken into account in development of Carer Support Payment. That is:

- carers feel the application process is clear and easy
- payments are administered well
- payments are made to as many eligible carers as possible
- carers feel they have been treated with fairness, dignity and respect
- carers have a positive experience of Social Security Scotland.

The Scottish Government has also consulted with stakeholders through our independent Disability and Carer Benefits Expert Advisory Group (DACBEAG). The Disability and Carer Benefits Expert Advisory Group was chaired by Dr Jim McCormick and comprised individuals with significant practical experience of the United Kingdom social security system, from a range of professional backgrounds. It was independent of the Scottish Government. The Group's role was to advise Scottish Ministers on specific policy options for disability assistance and carer benefits due to be delivered in Scotland.

Two surveys regarding the case transfer process were sent out to Experience Panel members in January and February 2019. 404 and 559 responses were received respectively. A series of individual and group interviews were also conducted. Results from both surveys and the interviews were published in 2019<sup>27</sup>, and these results have guided the development of case transfer policy.

Data from the Department of Work and Pensions is limited. We know that 353 young carers are currently in receipt of Carer's Allowance in Scotland. However, this is the

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<sup>26</sup> [Social Security Experience Panels: Young Carer Grant Research \(www.gov.scot\)](http://www.gov.scot)

<sup>27</sup> See [findings from DWP case transfer survey](#) and [Social Security Experience Panels – designing the benefits transfer process report](#)

full extent of information which we are able to obtain. Carer Support Payment will aim to collect more equalities data at the point of application, which will be used for different monitoring and evaluation needs on the effectiveness and impact of Social Security Scotland benefits. Characteristics covered by the Equality Monitoring and Feedback form include: Sex/Gender; Disability; Sexual orientation; transgender status; Race/Ethnicity and Religion. Age is covered by date of birth collected through the application form.

In developing policy and this impact assessment, Scottish Government Carer Benefits Policy Team officials and Social Security Analysis, Forecasting and Evaluation (SSAFE) colleagues also examined evidence from a range of studies, reports and surveys to support the views and experiences gathered of children and young people. These include:

- Carers Strategic Policy Consultation <sup>28</sup>
- GIRFEC Strategic Policy Statement <sup>29</sup>
- Experience Panel Young Carer Grant research report <sup>30</sup>
- Carers Trust Scotland <sup>31</sup>
- Experience Panel case transfer survey report <sup>32</sup>

## Key findings

The introduction of Carer Support Payment will affect children and young people aged 16 to 18 who live in Scotland and are receiving Carer's Allowance or providing unpaid care for a disabled person. It may also affect children and young people under 18 who are cared for by someone who is receiving Carer's Allowance or may be eligible for Carer Support Payment.

On launch the eligibility criteria and rules for the benefit will largely mirror the existing Carer's Allowance benefit to protect the safe and secure transfer of benefits for carers already receiving support and to ensure carers are treated fairly, however, we have considered below the impact on children and young people of the changes being made through Carer Support Payment.

## Delivery and join-up

When Carer Support Payment launches, we will deliver a service which has been designed to work for the carers and others who will use it, having carried out user research and testing in a number of areas. In line with other benefits, we will provide a range of methods of engaging with Social Security Scotland and applying for support so young carers can choose the channel which will work best for them.

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<sup>28</sup> [Carers Strategic Policy Statement: Draft for consultation \(www.gov.scot\)](http://www.gov.scot)

<sup>29</sup> [Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](http://www.gov.scot)

<sup>30</sup> [Social Security Experience Panels: Initial findings on the development of the Young Carer Grant \(www.gov.scot\)](http://www.gov.scot)

<sup>31</sup> [Time to be Heard: A Call for Support for Young Adult Carers - Resources - Carers Trust](http://www.carers-trust.org.uk)

<sup>32</sup> [Equality, Poverty and Social Security: Research Findings No.35/2019: Social Security Experience Panels: Case Transfer Survey and Interview Findings](http://www.gov.scot)



Applications will be available online, by phone, using paper forms, and with support from Social Security Scotland's Local Delivery Teams. Online applications will also use the same systems as our disability benefits, allowing busy carers to save and return to applications. Carers will also be able to opt-in to receive updates on their application via text message. The application process will be trust-based, in line with our principles of dignity, fairness and respect, so carers will be able to self-report that they meet the caring hours requirements. Award decisions will be automated where the outcome is favourable to the carer overall, meaning applications should be processed faster to ensure carers can receive the support they are entitled to sooner. Online information, application forms, and notifications have been tested with those who will use them to ensure they are clear and as simple as possible to use, to remove barriers to accessing support.

From launch, online information, application materials and notifications will signpost carers to wider support that they may be entitled to. For young carers this will include highlighting their right to a Young Carer Statement from their local authority to assess their needs as a carer. Where carers are not entitled to Carer Support Payment because of their age – where they are too young to be eligible – the 'soft stop' pages on the online application will include information on alternative support they may be entitled to, including carer support services. Young carers will also be signposted to Young Carer Grant where they don't meet the eligibility criteria for Carer Support Payment for other reasons but may benefit from this support.

As part of the Carer Support Payment Communications Strategy, targeted social media content will be used to promote Carer Support Payment to young carers, such as social media posts for platforms such as Tiktok as well as young carer specific flyers and posters.

## **Where the person being cared for is a child or young person**

Carer Support Payment will be paid to people who are caring for someone in receipt of specified disability benefits. This may be a child or young person. Information on the benefits of the person being cared for will be accessed in order to award Carer Support Payment and where the cared for person is receiving additional amounts in their means-tested benefits, these can be affected by a carer's receipt of Carer Support Payment.

The application process for Carer Support Payment will make clear to carers the importance of discussing their application with the person they care for, where possible, and the potential impacts of Carer Support Payment award on the benefits of the person they care for. When an application is received, a notification will be sent to the person they care for to inform them that their data has been accessed for the application, and about the potential impacts of a Carer Support Payment award on their benefits, and their right to contact Social Security Scotland if they disagree with the application or that the applicant is providing care for them. A Carer Support Payment application may be denied, or an ongoing award stopped where a person named on the application disputes that care is being provided. Regulations and processes for 'rival carer' situations, where more than one person has applied for Carer Support Payment in respect of care provided to the same person will also require that the best interests of the cared for person are taken into account in

decisions on who should be awarded support, where there is no agreement between the carers.

Whilst children may not be able to advocate for themselves in such situations, Social Security Scotland has a duty, insofar as practicable, to have regard to certain people's views in deciding on persons to act on behalf of a child, for example as an appointee. These people are the child's parents, any legal guardians for the child who are not the child's parents, the child and anyone else with an interest in the welfare or financial affairs of the child. Social Security Scotland has prepared guidelines on how it must meet this duty. However just because they can make an appointment, does not mean they always will. For example, a person with parental rights and responsibilities for a child might not live with the child but could still be the best person to manage the child's entitlement to Social Security Scotland benefits. The child's best interests will always be taken into consideration when making a decision on persons to act on behalf of a child.

## **Communications and take-up**

We know that young people's take-up of carer benefits may be affected by concerns about social services, not recognising their caring role, or that their communication preferences may be different from other age groups. Learning from work on Young Carer Grant, and evidence from user research is being used to design and deliver communications which take into account these issues, and this will include promoting the multiple channels available for application.

There may also be communities where carers are less likely to identify as carers. This may be particular to young carers who may not realise their home life is different to that of their peers until they access secondary school. It can also relate to Gypsy Traveller or Southeast Asian communities who may see caring as a normal expectation due to familial beliefs. It has been identified that carers in these communities continue to experience significantly lower levels of awareness of, and subsequent access to, carer support services. This was also highlighted in the Young Carer Grant interim evaluation<sup>33</sup>.

A communications strategy will be undertaken to promote the new carer benefit to increase awareness amongst different groups of carers and in particular where eligibility is being widened such as changes to the rules on full-time education which will bring into entitlement a new cohort of carers. This will be carried out across a full range of media channels, including social media platforms to ensure it is accessible to a wide range of carers. Advice on the new benefit and help in the application process for those who need it will also be available through local government, carer centres and advice services. Social Security Scotland Local Delivery teams will also communicate and assist carers with benefit.

Communications and engagement plans for the launch of the benefit will be designed to ensure that all cohorts of carers (including young people) have access to information on the new benefit. This may include schools or local resource centres where children and young people's activity groups are attended. We will also consider how we can promote Carer Support Payment through events such as the Young Carer Festival and the Carers Parliament which could provide an opportunity

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<sup>33</sup> [Young Carer Grant Interim Evaluation](#) August 2021

to speak directly with young carers, raise awareness of the benefit, encourage benefit take-up and monitor the success or any arising issues for children.

From launch, Carer Support Payment will provide an improved service to carers, joining up with wider services to help carers access information on the wide range of support available to them, including other social security benefits they may be entitled to. As part of the Carer Support Payment Communications Strategy targeted social media content will be used to promote Carer Support Payment to young carers, such as social media posts for platforms such as Tiktok as well as young carer specific flyers and posters.

During the consultation process, a few Experience Panel interview participants noted that the proposals and plans around the new carer benefit will improve children's rights and wellbeing for young carers and also for carers who have children, however they mentioned that young carers may need further wellbeing support due to the impacts of caring.

During scrutiny of the draft Carer Support Payment Regulations,<sup>34</sup> the Scottish Commission on Social Security (SCoSS)<sup>35</sup> highlighted the gap in entitlement for 19-year-olds studying non-advanced education who will not have access to Carer Support Payment or Young Carer Grant and recommended that Young Carer Grant is extended to 19 year olds. SCoSS also emphasised the need for clear communications on eligibility interactions between the two benefits i.e. a carer cannot receive support through Young Carer Grant if they are already receiving Carer Support Payment, however they can apply for and receive Carer Support Payment in a year in which they have received Young Carer Grant. Advice is provided on the Young Carer Grant<sup>36</sup> webpage and we will ensure that clear information on the two benefits is also provided through Carer Support Payment content to ensure clear, consistent advice and for income maximisation.

## **Residence and presence conditions**

We considered the residence and presence conditions which should apply to Carer Support Payment and have decided that these should mirror the devolved disability benefits, and not Carer's Allowance, from launch. This is to support consistency with our disability benefits, particularly taking into account that carers receiving Carer Support Payment will increasingly be caring for people receiving these benefits.

The divergence from Carer's Allowance, which includes a reduced 'past-presence test' was considered by and agreed with the Department for Work and Pensions in recognition of the importance of ensuring that carers can continue to receive support which is the responsibility of the UK Government but linked to Carer's Allowance (and in future Carer Support Payment). Respondents to the consultation were in favour of the residence requirements aligning with devolved disability benefits. The regulations also dis-apply the past presence test in line with the disability benefits, so that carers are not required to meet the test where they are terminally ill or have refugee status. In addition to this the past presence test will be dis-applied for carers

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<sup>34</sup> [The Carer's Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023: Draft Regulations \(www.gov.scot\)](#)

<sup>35</sup> [Scottish Commission on Social Security](#)

<sup>36</sup> [Young Carer Grant my.gov.scot](#)

where it has been disapplied for the person they are caring for, to ensure carers are supported to provide care on the same timescales.

This will assist particularly vulnerable young carers who may be accessing carer benefits for the first time and if they are caring for a terminally ill person. Aligning the residence requirements will also help people coming to Scotland to care for family members to receive support sooner.

The past presence test will impact UK nationals returning to Scotland, and third country nationals whose immigration status allows them access to public funds. There are significant challenges in relation to the data available on these groups and interactions with social security benefits. The change is expected to particularly benefit women as the majority of unpaid carers and recipients of the existing benefits though limited additional information is available. Reducing the past presence test may also assist refugees, people coming from Ukraine as a result of the 2022 Russian invasion, and people who have left Sudan as a result of violence, who may be carers for disabled children and subsequently be able to receive support quicker. As set out in the consultation analysis, this would also help to widen access to Carer Support Payment and ensure equality of support for carers.

We recognise there were some calls for the past presence test to be removed altogether, to allow more people to receive support sooner. However, it is considered that this would need to be considered across all devolved benefits and taking into account the potential impacts for safe and secure transfer, and implications for wider support.

## **Improving access to higher education**

Young carers are expected to benefit in particular from the change to enable carers in full-time higher education to access Carer Support Payment, when they would currently be unable to receive Carer's Allowance. This will enable more younger carers with intensive caring roles to continue their studies.

Changing the education rules will allow many carers to access or remain in education and receive financial support through Carer Support Payment. This proposal in particular, is expected to have a positive impact on those aged 16 to 18 by bringing into entitlement a new group of carers who have been unable to access this support previously.

This group of young carers may be beginning a very difficult transition into young adult life, which can be made more challenging with the added pressures of caring. This policy has the potential to allow for better support and stability in the short-term whilst providing better career and financial prospects in the longer-term through access to education.

Children who make up part of a household where someone is in receipt of Carer Support Payment and wishes to enter into education, may also be positively impacted, for the same reasons, in terms of providing more financial stability, reducing stress and improving educational and employment prospects. We know

that the majority of carers are women<sup>37</sup> so the change is expected to support women in particular.

We are working closely with the Student Awards Agency Scotland and the Scottish Funding Council to ensure that the extension of entitlement to Carer Support Payment is fully reflected within relevant guidance and that overall levels of support for full-time student carers across social security and further and higher education are maintained to avoid any unintended consequences of extending eligibility for support.

### **Carers aged 16 to 19 in non-advanced education**

The different approach to rules on full-time education which will be taken for Carer Support Payment compared with the current Carer's Allowance benefits will affect different groups of young people differently. The policy is intended to support people in full-time education by providing access to Carer Support Payment.

However, in line with the approach taken in introducing Young Carer Grant, it is considered to be important to get the balance right between providing support but not incentivising or normalising young people taking on a substantive caring role alongside full-time non-advanced education, including school education. For this reason, eligibility from initial launch has been extended to people aged 20 and over in full-time education at all levels but people aged 16-19 only where they are in full-time advanced education.

Recent feedback from National Carer Organisations and SCoSS highlighted concerns regarding the exclusion of 16-19 year olds studying non-advanced education from Carer Support Payment, and the fact that carers in this situation who are aged 19 cannot access either Carer Support Payment or Young Carer Grant. We want to ensure support is targeted at those who need it most and, in line with our policy on Young Carer Grant, and not incentivise young people to undertake a substantive caring role at a critical time in their education.

It is also considered that young carers aged 16 to 19 in non-advanced education will be able to receive support through Education Maintenance Allowance, and that their parents or guardians should also continue to have access to support through reserved benefits such as Child Benefit, Universal Credit and Child Tax Credit where they are on low incomes. These young carers are therefore considered less likely to require an 'income replacement' benefit such as Carer Support Payment.

As part of the national roll out of the benefit, we will expand eligibility to some carers aged 16-19 in non-advanced education. This will allow carers who would have entitlement to social security benefits in their own right, such as those without parental support or have childcare responsibilities, limited capability for work or couples where one or both are student, to access the benefit. This is in recognition of the fact that these carers are unlikely to have any other form of parental or financial support.

If no changes were made to the eligibility criteria for Carer Support Payment and the benefit was like-for-like with Carer's Allowance in terms of the education rules, this

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<sup>37</sup> [5. Sex - National Care Service - adult social care: equality evidence review - gov.scot](http://www.gov.scot)  
([www.gov.scot](http://www.gov.scot))

would continue to restrict eligibility for carers, particularly those aged 16 to 18 and who are most likely to be in education.

We are continuing to review the position of students aged 16-19 in non-advanced education, including gaps in entitlement for Young Carer Grant and Carer Support Payment for 19-year-olds as part of our monitoring and evaluation strategy.

### **Carers below minimum school leaving age**

As part of their formal scrutiny of the draft Carer Support Payment regulations, SCoSS recommended that it was made clearer whether the intention was for the minimum age for receiving Carer Support Payment to be 16, or to be minimum school leaving age. This was as a result of a recent decision which found that the relevant regulations for Carer's Allowance should be read to mean that it should not be available to anyone below minimum school leaving age, even if they were 16.

It is considered that the current Carer Support Payment regulations – which provide that carers must be 16 or over and not in full-time non-advance education – will also mean that carers who are legally required to be in school would not be eligible. This is in line with the policy rationale of Carer Support Payment being an income replacement benefit and not incentivising young carers to take on substantive caring roles or leave school to take up a substantive caring role. We do, however, recognise that there may be the potential for confusion where carers who are aged 16 but in less formal schooling (for example home-schooling) may consider themselves not to be in full-time education and therefore eligible, and we are working to make clearer in materials to support application that these carers would be considered to be in full-time education.

It is also considered that changing Carer Support Payment regulations to include specific references to minimum school leaving age would conflict with the future expansion of eligibility for the benefit to include some carers aged 16 to 19 in full-time non-advanced education in exceptional circumstances as set out above.

### **Suspensions and temporary stops in entitlement**

The approach to suspensions and temporary stops for Carer Support Payment is based on feedback that DWP suspension powers are too broad, may be used punitively, and can cause hardship. Having to manage for a period without benefit payments would be a particular issue for those on lower incomes. Our proposed policy to suspend payments less frequently, and to consider whether it will lead to hardship for a client before implementing a suspension should therefore be particularly beneficial to those on lower incomes.

Proposals to 'temporarily stop' Carer Support Payment in some situations rather than suspending or ending awards are intended to reduce overpayments and avoid the need for re-applications where a carer is ineligible for support only temporarily. Carer Support Payment can also continue to be paid in some circumstances where the cared for person's qualifying benefit is suspended which should provide greater stability in support for carers. It is anticipated these changes will benefit carers in work in particular, who are more likely to be younger, and those caring for people whose benefits may be more likely to change, who are also more likely to be

younger carers. Older carers are more likely to be caring for older people whose benefits are more stable.

## **Case transfer**

The case transfer process will affect children and young people aged 16 to 18 and already in receipt of Carer's Allowance. Statistics show that young carers already face significantly more pressures than that of their non-caring peers, which can cause detrimental effects to health and wellbeing.

Case transfer will be an automatic procedure where clients do not need to re-apply which should have a positive impact by removing any administrative burden for young people, who may find the benefit process already complex and may additionally be dealing with an intensive caring role. The process will also ensure that there are no gaps in payments, which is particularly important for young carers who, if caring for a parent and therefore part of a caring household, are likely to be in the bottom half of income deciles. Additionally, case transfer will ensure their right to social security is protected.

There is a need to ensure all processes and communications are clear and in a variety of formats to protect young carers, who may already be vulnerable to enable them to be kept informed of the transfer process and have access to information and support throughout. Careful consideration will be given to how information will be communicated to this cohort. The Experience Panels, Young Carer Grant Survey<sup>38</sup>, which was published February 2019 provides relevant insights from young carers on their preferred methods of communication and which will be taken into account for the purposes of communications around Carer Support Payment.

The case transfer process has been designed to remove administrative burdens on carers by not requiring clients to re-apply for their benefit and to provide continuity of payment as part of case transfer. However for carers who are already receiving Carer's Allowance and wish to go into education in Scotland, they will need to end their Carer's Allowance award (as the education restriction in Carer's Allowance will still apply) and make a new application for Carer Support Payment. It has not been possible to put in place systems to allow for carers' benefits to be automatically transferred following a decision to enter full-time education. However, Carer Support Payment should be awarded from the benefit week following the last date of entitlement for Carer's Allowance so that there is no gap in payments or entitlement.

Whilst this will add complexity for some carers, it is considered that the benefits of widening eligibility to students in Scotland, and allowing carers to access Carer Support Payment, removing this as a barrier to study, are greater than the issues caused, particularly given these will exist only in the short-term until case transfer from Carer's Allowance to Carer Support Payment is complete.

We will develop an overarching communications and engagement plan for case transfer that includes clear information and messaging specifically targeted towards individuals who are currently receiving Carer's Allowance, including wider messaging about the case transfer journey. This will include particular information for those

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<sup>38</sup> [Social Security Experience Panels Young Carer Grant Survey](#)

receiving Carer's Allowance and wishing to enter full-time education. Social Security Scotland also have processes in place to signpost people affected by the case transfer process to independent support organisations in the third sector as well as referral to the advocacy service where this is deemed appropriate. Local Delivery services will also have individual support advisors located nationally to support individuals face to face where this is their preference. Notifications issued to clients about case transfer are created by content designers in line with accessibility standards, and tested with users, to ensure these are easy to understand for clients.

Lastly, Carer Support Payment officials have engaged with stakeholders throughout the development and consultation process to try to mitigate any unintended consequences. Postlaunch a monitoring and continuous improvement strategy will commence and continuous engagement with stakeholders, to determine how well the new benefit is working and address any unintended consequences for anyone accessing Carer Support Payment.

The application process will collate equalities data which will assist in informing Scottish Ministers in reporting to Parliament. This policy will also contribute to achieving the children and young people outcomes of the national framework objectives that children and young people grow up feeling loved, safe and respected.

As part of the ongoing work of the Children and Young People's Mental Health and Wellbeing Joint Delivery Board<sup>39</sup>, the Scottish Government and COSLA are working together to improve mental health and wellbeing support for children and young people across Scotland. The voices and experiences of children, young people and their families/carers are a key part of our work to improve access to mental health support. This includes decision making, service design, delivery and evaluation. Carer Benefit policy officials work alongside the wider carer policy team who are close to this work, with regular meetings and updates on the wider carer policy landscape, which includes children and young carers.

## **Monitoring and review**

Following launch of Carer Support Payment an annual client evaluation is planned to monitor how the new benefit is working in practice, to identify any unintended consequences at an early stage, and to gauge any requirement for continuous improvement. The Scottish Government will also continue to ensure that carer voices and experiences are reflected in policy development by continuing to work alongside both the Experience Panels members and the Carer Benefits Advisory Group to monitor any arising issues raised by either group or in any Ministerial correspondence. This will be a continuous improvement process and where any unintended consequences are identified, steps will be taken to rectify them as early as possible.

The Scottish Government will also put in place a monitoring and evaluation plan for Carer Support Payment prior to implementation and will engage with stakeholder organisations in developing this plan.

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<sup>39</sup> [Children and Young People's Mental Health and Wellbeing Joint Delivery Board](#)



Everyone who applies for a Social Security Scotland benefit is asked to fill in an equalities and client diversity monitoring form that cover the protected characteristics so we can see which groups are applying for Carer Support Payment and this will include children over the age of 16 who meet the eligibility criteria.

The Social Security (Scotland) Act 2018 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. The report is to describe what the Scottish Ministers have done in that year to meet the expectations on them set out in the Social Security Charter.

The Scottish Government has established the independent Scottish Commission on Social Security (SCoSS), 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.