

Child Rights and Wellbeing Assessment: the Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (Miscellaneous Amendments) Regulations 2022

Executive summary

The draft regulations make miscellaneous amendments to the Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021 in order to:

- confirm the date when the period for Ministers carrying out a re-determination of entitlement begins where the First-tier Tribunal set aside a decision by the Scottish Ministers not to accept a request for a re-determination of entitlement to Scottish Child Payment;
- make it clear that individuals with refugee status are exempt from one of the residence conditions (the habitual residence test);
- clarify that the costs of any qualifying services can be met wholly or in part by a local authority, when determining if the individual is being looked after by a local authority and is in a care home, or alternative accommodation outside the United Kingdom;
- remove the ability for clients who are currently in receipt of Disability Living Allowance, Personal Independence Payment or Armed Forces Independence Payment to make a pre-emptive application for Child Disability Payment;
- require Ministers to determine whether an individual is entitled to short-term assistance in circumstances where the First-tier Tribunal for Scotland set aside a decision by the Scottish Ministers not to accept a request for a re-determination of entitlement to Child Disability Payment.

The draft regulations also provide a framework for how Scottish Ministers will exercise the power to suspend awards of ongoing assistance under the Social Security (Scotland) Act 2018 in order to:

- safeguard an individual's entitlement to assistance where Ministers have arranged for a person to receive assistance on behalf of that individual and this arrangement is placing the individual at risk of financial abuse;
- safeguard the individual's entitlement to assistance in circumstances where Ministers have arranged for a person to receive assistance on behalf of that individual and the person whom Ministers have made arrangements with can no longer continue in that role;
- manage the situation where an individual who is entitled to Child Disability Payment has reached the

	<p>age of 16 years and there is not yet an appropriate arrangement in place for paying assistance to, or for benefit of, that individual (since they are now an adult);</p> <ul style="list-style-type: none"> • provide individuals with a better opportunity to provide information, which Ministers require in order to review entitlement to either Child Disability Payment or Scottish Child Payment, before Ministers will decide to end entitlement on account of the information not being provided. <p>The draft Regulations provide safeguards in relation to the operation of suspension of assistance, including:</p> <ul style="list-style-type: none"> • provision that assistance may only be suspended in precise circumstances; • provision on when Ministers must end a suspension; • the right of the individual to require Ministers to review a decision to suspend; • requirement on Ministers have regard to an individual's financial circumstances before deciding to suspend; • the right of the individual to notify the individual about the decision to suspend, the reasons for it, the right to request a review and any steps the individual can take in for the suspension to be ended. <p>We consider that out of the eight wellbeing indicators (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible, Included) set out in the Children and Young People (Scotland) Act 2014¹, the policy in respect of suspension relates to:</p> <ul style="list-style-type: none"> • Safe: protected from abuse, neglect or harm; • Respected: having the opportunity to be heard and involved in decisions; <p>Of the UNCRC considerations, the policy relates to:</p> <ul style="list-style-type: none"> • Article 3 (best interests of the child): The best interests of the child must be a top priority in all decisions and actions that affect children. • 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. • Article 26 (Social Security): Every child has the right to benefit from Social Security. Governments must
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¹ <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

	<p>provide Social Security, including financial support and other benefits, to families in need of assistance.</p> <ul style="list-style-type: none"> • Article 27 (adequate standard of living): Every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
Background	<ol style="list-style-type: none"> 1. The Social Security (Scotland) Act 2018² received Royal Assent on 01 June 2018. The Equality Impact Assessment for the Social Security (Scotland) Bill was published on 20 June 2017 and is available here. 2. The 2018 Act transposed eleven existing benefits onto a Scottish legislative platform, allowing the Scottish Ministers to shape a new and distinctly Scottish benefits system, with dignity and respect being core to its approach. The Act sets out an overarching legislative framework for the administration of these forms of social security assistance in Scotland, in addition to making provision for operational functions such as managing overpayments, fraud, error and appeals. <p>Redeterminations</p> <ol style="list-style-type: none"> 3. The regulations make two similar and technical miscellaneous amendments to the Disability Assistance for Children and Young People (Scotland) Regulations 2021 and the Scottish Child Payment Regulations 2020. These amendments relate to the situation where the First-Tier Tribunal has found that Ministers were wrong to refuse an individual's request for a re-determination of entitlement to Child Disability Payment or Scottish Child Payment (as the case may be). These amendments also address comments made by SCoSS. <p>Disapplication of the Habitual Residence Test for Refugees</p> <ol style="list-style-type: none"> 4. The regulations seek to disapply the Habitual Residence Test, usually requiring 1-3 months residence to establish eligibility, for individuals who have been awarded UK refugee status. This has the effect of ensuring that individuals with refugee status can establish eligibility for Child Disability Payment straight away, without having to have lived in the Common Travel Area for 1-3 months. <p>Effect of time spent in care homes and legal detention</p> <ol style="list-style-type: none"> 5. The regulations amend the Disability Assistance for Children and Young People (Scotland) Regulations 2021

² <https://www.legislation.gov.uk/asp/2018/9/contents/enacted>

to clarify that the costs of any qualifying services can be met wholly or in part by a local authority, when determining if the individual is being looked after by a local authority and is in a care home, or alternative accommodation outside the United Kingdom. The Scottish Government considers that this change removes any ambiguity about when a child or young person is considered to be resident in alternative accommodation or is being looked after by a local authority.

Pre-emptive Applications

6. The regulations amend the Disability Assistance for Children and Young People (Scotland) Regulations 2021 to remove the ability for individuals entitled to Personal Independence Payment, Disability Living Allowance or Armed Forces Independence Payment to make a pre-emptive application for Child Disability Payment. The ability to do this undermines the carefully planned and negotiated process for transferring these individuals from receiving a UK Government administered disability benefit to a Scottish Government administered one.

Suspension of ongoing payments

7. Under the 2018 Act (as originally enacted), there was no mechanism to allow for the temporary holding-back of payments of on-going assistance as an individual was simply entitled to assistance, or they were not. The Scottish Government consulted on this lack of mechanism as a result of comments made by the Scottish Commission on Social Security when SCoSS. The comments were made when reviewing the policy position that individuals who reside in care homes, and other types of accommodation in which the individual's care needs are met at public expense, should not be entitled to the care component of Disability Assistance. As respects this position, SCoSS recommended that:

“the Scottish Government should ensure that the simple processes, passported exemptions and entitlements, and certainty of award currently available to people entering or leaving a care home are not lost to those getting CDP. One route to achieving this is to consider amending the Act to enable entitlement to remain while payment is suspended .”

8. The Scottish Government consulted stakeholders on this recommendation. The consultation revealed that SCoSS'

use of the term 'suspended' in this context was different to how the DWP refer to this term. SCoSS were using the term to refer to the act of permanently stopping an individual's payments for a temporary period and then recommencing payments without awarding a back-dated amount of assistance in respect of the period of the suspension. The Scottish Government do not call this suspension but refer to it as making a nil-award or reducing the value of the award, or a component of it, to £0. The DWP refer to a suspension as when an individual's payments are temporarily held-back, but, as soon as the suspension ends, an individual immediately becomes entitled to back-dated payment in respect of the period of suspension. The consultation revealed that there was a policy need to both have powers to make a nil award and to suspend assistance in the DWP sense of the term. These regulations provide for the suspension of payments in the DWP sense of the term.

9. During the passage of the Social Security Administration and Tribunal Membership (Scotland) Bill, the Scottish Ministers brought forward an amendment at Stage 2 that introduced a power to suspend payment of forms of assistance payable under the 2018 Act in prescribed circumstances in accordance with regulations.

10. The Scottish Government has been clear that the use of the power to suspend should not be punitive – it should be used to protect clients entitlement to assistance, and to give clients the opportunity to re-engage with Social Security Scotland if they fail to provide information where requested. It should be acknowledged that the ability to suspend assistance interferes in an individuals' right to that assistance. Being able to suspend in broad circumstances would not be showing due regard to the needs mentioned in the public sector equality duty. However, we believe that utilising suspensions in the manner expressed in the regulations provides for use in limited circumstances and contains adequate safeguards which will allow suspensions to be used in such a way as to be beneficial to clients.

11. The provisions in the Regulations contribute to the following National Outcomes:

- We respect, protect and fulfil human rights and live free from discrimination; and
- We tackle poverty by sharing opportunities, wealth and power more equally.

<p>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>This impact assessment has been informed by extensive engagement with a range of external stakeholders as well as the wider public on a range of matters in relation to social security over a significant period of time.</p> <p>In July 2016 the Scottish Government launched a public consultation to support the development of a framework that would become the Social Security (Scotland) Bill. 521 formal written responses were submitted, of which 241 were from organisations and 280 from individual respondents³.</p> <p>In 2017 the Scottish Government set up Social Security Experience Panels, with over 2,400 people with lived experience across Scotland registering as panel members⁴.</p> <p>The ‘Disability Assistance in Scotland’ Consultation launched in March 2019. This sought the views of the people of Scotland on the three proposed disability assistance benefits. The consultation received 263 replies, of which 74 were from stakeholder organisations and 189 were from individuals⁵.</p> <p>The Scottish Government has also undertaken ongoing consultation with stakeholders through the Ill Health and Disability Benefits Stakeholder Reference Group, with input from Child Poverty Action Group in Scotland, Citizens Advice Scotland, Inclusion Scotland, Support in Mind Scotland and SAMH informing the high-level policy principles for suspensions.</p> <p>Further information on consultation specifically with regards to suspensions is detailed in the Policy Note to these Regulations, including the range of key stakeholders who helpfully set out their views on the use of suspensions in June 2020, helping to further refine our policy approach to both the application of suspensions and the safeguards associated with them.</p> <p>The Scottish Health Survey 2018 provides an accurate estimate of the number of disabled children and young people in Scotland. Within the 0-15 age group, 18% of children have a limiting longstanding illness⁶. For young people aged 16-24, 24% of young people have a limiting longstanding illness.</p>
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³ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

⁴ Scottish Government (2017) [Social Security Experience Panels - About Your Benefits and You: quantitative research findings](#)

⁵ Scottish Government (2019) [Disability assistance in Scotland: analysis of consultation responses](#)

⁶ Scottish Health Survey (2018) <https://www.gov.scot/publications/scottish-health-survey-2018-supplementary-tables/>

In 2019, there were 867,345 children aged 15 and below in Scotland⁷. As of August, 2020,⁸ there were 41,833 children entitled to Disability Living Allowance in Scotland. This accounts for around 4.2% of all children in Scotland.

The largest proportion of individuals entitled to DLA for children were between the ages of 11-15 (19,278). This was followed by individuals aged between 5-10 (18,596) and then 0-5 (3,960).⁹

A recent report published by the Scottish Government¹⁰ found that the youngest adults had the highest poverty rates. Between 2017-20, 28% of young adults aged 16-24 were in relative poverty (140,000 adults each year), compared to 15% of adults aged 65 and older (150,000 adults). The age groups in between all had similar poverty rates between 17% and 19%.

In 2017-20, 28% of children aged four and under were in relative poverty (80,000 children each year). This compares to 22% (100,000 children) of the five to twelve year-olds, and 25% (60,000) of teenagers.

After housing costs, the poverty rate was 29% (640,000 people each year) for people living with a disabled household member, and 16% (500,000 people) for those without when disability benefits such as DLA, AA or PIP were excluded.

There is also a positive correlation between disability and unemployment. Recent statistics have found that, compared to non-disabled people in the UK (81.7%), disabled people had a significantly lower rate of employment (53.6%).¹¹ In Scotland, 45.6% of disabled people were employed compared to 81.1% of non-disabled individuals.¹²

14% of 'workless families' (defined as families where parents are predominately out of work or have little connection to the labour market; who live in social rented accommodation and are reliant on benefits for their income) have one or more children with a disability or long-term illness. A further 17% of 'struggling to get by' families (unemployed or working part-time, half of which are single-parent families) have one or

⁷ NRS Scotland Mid-Year Population Estimates (2019) <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2019>

⁸ DWP Stat Xplore

⁹ DWP Stat Xplore

¹⁰ [Poverty and Income Inequality in Scotland 2017-20 \(data.gov.scot\)](https://data.gov.scot/Poverty-and-Income-Inequality-in-Scotland-2017-20)

¹¹ <https://commonslibrary.parliament.uk/research-briefings/cbp-7540/>

¹² <https://www.gov.scot/news/disabled-people-and-the-labour-market-in-scotland/>

	<p>more children with a disability or long-term illness¹³. Child material deprivation in households containing a disabled person reaches 20% compared to 8% of households without a disabled person.</p> <p>Even where one or more parent in the household is in employment, within families with a disabled child, the same level of income secures a lower standard of living than it would for a disabled person. Research conducted by the Papworth Trust¹⁴ showed that the annual cost of bringing up a disabled child is three times greater than for a non-disabled child. Disabled people face higher costs than non-disabled people, such as the cost of specialist equipment, therapies and home adaptations to manage a condition¹⁵. Travel costs too, may be higher as families have to afford the cost of taxis to and from hospital where it is not possible to use public transport (and/or public transport may not be available).</p> <p><u>Wider context</u></p> <p>The CRWIA should be read in conjunction with the other impact assessments conducted for the policy (namely, the Business and Regulatory Impact Assessment, the Island Communities Impact Assessment, the Equality Impact Assessment, and the Fairer Scotland Duty Assessment).</p> <p>The Equality Impact Assessment (EQIA) for these regulations considers the potential impact of the policy on each of the protected characteristics which are also applicable to children and young people (for example race, religion or beliefs). A Business and Regulatory Impact Assessment (BRIA) considers the cost and benefits of the policy to businesses and the third sector. An Island Community Impact Assessment considers the potential impacts of the policy on people living in island and remote communities and any further barriers that they may face.</p>
<p>Children and young people’s views and experiences</p>	<p>Specific questions about key principles of social security in Scotland were asked as part of the Scottish Government’s Consultation on Social Security (2016), and further detailed questions about disability benefits for children and young people were asked in the Scottish Government’s Consultation on Disability Assistance in Scotland (2019). Scottish Government officials also gathered evidence from a range of</p>

¹³ <https://www.gov.scot/publications/poverty-perspective-typology-poverty-scotland/pages/5/>

¹⁴ Papworth Trust, Disability in the United Kingdom 2010, in <https://www2.le.ac.uk/departments/law/research/cces/documents/the-energy-penalty-disability-and-fuel-poverty-pdf>

¹⁵ <https://www.jrf.org.uk/income-and-benefits/>

	<p>sources to identify options to support children and young people through the disability benefits system.</p> <p>Scottish Government Disability Benefits Policy Team officials and Community Analytical Division colleagues also examined evidence from a range of studies, reports and surveys as well as gathering the views and experiences of parents of children and young people.</p> <p>Data and views were sourced from:</p> <ul style="list-style-type: none"> • Scottish Health Survey 2018; • Census 2011; • DWP Stat Xplore; • National Records of Scotland Population Statistics; • Consultation on social security in Scotland 2016 and • Consultation on Disability Assistance in Scotland 2019
<p>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</p>	<p><u>Redeterminations</u></p> <p>The regulations make two similar and technical miscellaneous amendments to the Disability Assistance for Children and Young People (Scotland) Regulations 2021 and the Scottish Child Payment Regulations 2020. These amendments relate to the situation where the First-Tier Tribunal has found that Ministers were wrong to refuse an individual’s request for a re-determination of entitlement to Child Disability Payment or Scottish Child Payment (as the case may be). These amendments also address comments made by SCoSS.</p> <p>These provisions are expected to have a positive impact by ensuring individuals are aware of relevant timescales and short-term assistance arrangements pertinent to their application.</p> <p><u>Pre-emptive applications for Child Disability Payment</u></p> <p>The regulations amend the Disability Assistance for Children and Young People (Scotland) Regulations 2021 to remove the ability for individuals entitled to Personal Independence Payment, Disability Living Allowance or Armed Forces Independence Payment to make a pre-emptive application for Child Disability Payment. The ability to do this undermines the carefully planned and negotiated process for transferring these individuals from receiving a UK Government administered disability benefit to a Scottish Government administered one.</p>

In the consultation on Disability Assistance in 2019, individuals told us that they worried about gaps or delays in their benefits, or that their payments would stop. Removing this option reduces the risk of this happening. If a client were to choose not to wait for their award to transfer automatically, there is no guarantee that they would be awarded Child Disability Payment, or that they would receive the same amount of benefit as they are currently receiving. Some households with disabled children in receipt of Disability Living Allowance may regret losing the ability to fast-track onto entitlement to Child Disability Payment by relinquishing entitlement to Disability Living Allowance. However there are strong operational and policy reasons for removing this.

This provision is considered to have a neutral impact on the realisation of children's rights under UNCRC.

Disapplication of the Habitual Residence Test for Refugees

This provision is expected to have a positive impact on the individuals affected, by ensuring crucial support for disabled young people can be put in place as soon as possible.

Effect of time spent in care homes and legal detention

This provision will reduce the risk of any ambiguity in deciding entitlement to CDP when a person is in alternative accommodation or being looked after by a local authority. These changes better reflect the policy intention, and brings more transparency to the rules of entitlement of CDP, which in turn will help ensure people have a better understanding of the process.

We do not consider that this change will have any impact on children's rights, or children's wellbeing.

The Regulations provide that Scottish Ministers may suspend assistance in the following circumstances:

- the Scottish Ministers have made arrangements for a person to receive the assistance on the individual's behalf, and the Scottish Ministers consider that it is necessary to suspend the assistance-
 - because the person with whom the Scottish Ministers have made arrangements is unable to continue to receive the assistance,
 - in order to protect the individual from the risk of financial abuse,

- the individual is entitled to Child Disability Payment and has reached the age of 16 years and there not yet an appropriate arrangement in place for paying assistance to, or for benefit of, that individual (on account of the individual now being an adult),
- under section 54(1A) of the 2018 Act, the Scottish Ministers have issued a decision to suspend assistance to the individual due to a failure to provide information which the individual is yet to provide.

The regulation making power which Ministers are relying on allows Ministers to suspend assistance if an individual has requested it and is yet to request that they resume doing so. Ministers legislated to provide for suspension under this circumstance on the understanding that this could support individuals to keep their assistance out of reach of other persons who may have access to the bank account in which assistance is paid. It was thought that this provision could benefit victims of domestic abuse. After further consultation with stakeholders, Ministers have decided not to provide for suspension under this circumstance at this time. Stakeholders are not convinced that this provision would benefit women, and, on the contrary, have concerns that a third party could fraudulently take on the identity of the entitled individual and arrange for assistance to be suspended for the purpose maliciously depriving the individual of the assistance that they are entitled to. Stakeholders instead cite the ability to be able to transfer payments of Child Disability Payment or Scottish Child Payment from one person to another, where the person receiving payments is not using them for the benefit of the child, as an area of social security law which has more potential to make a positive difference to victims of domestic abuse.

Suspension Ground 1 - an individual receiving assistance on a client's behalf is unable to do so anymore or there is the possibility of financial abuse or the child has turned 16 without an appropriate arrangement in place.

The regulations will allow for suspension where the Scottish Ministers have made arrangements for a person to receive assistance on a client's behalf and suspension is considered necessary because either the person with whom the Scottish Ministers have made arrangements is unable to continue to receive assistance, or in order to protect the client from financial abuse. In circumstances where the individual is a child or young person entitled to Child Disability Payment, the ability to suspend assistance in this circumstances will have a positive impact on the realisation of the following rights:

- Article 3 (best interests of the child): The best interests of the child must be a top priority in all decisions and actions that affect children.
- 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.
- 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.

This is because the purpose of suspension is to protect the individual's access to entitlement. Although suspending assistance has the potential to undermine the realisation of these rights (if assistance is suspended in situations where it is not needed) the provision contain a number of robust safeguards to prevent this negative impact.

A specific reason why it would no longer be appropriate to pay assistance to a person on behalf of an individual entitled to Child Disability Payment is if the individual has recently turned 16 and there is no arrangement in place for paying assistance to, or for benefit of, that individual (on account of the individual now being an adult). For example, the legal basis for paying assistance, which a child is entitled to, to a parent is because the parent has parental rights for the child. Parental rights only apply until the child turns 16 years old. Suspension of assistance in this circumstance until an appropriate arrangement is made upholds the individual's independence, dignity, independence and human right to exercise their own legal capacity on equal terms to individuals who do not have a disability. It could also prevent young adults from receiving financial abuse. This is why the provision is considered to also have a positive impact on the realisation of these rights.

One of the most important safeguards against the risk of suspension having a negative impact on the realisation of children's rights is the requirement for suspension to be considered necessary. Moreover, Ministers must not suspend assistance without having regard to an individual's financial circumstances. When developing decision making guidance on exercising this power in accordance with safeguards, Ministers will take account of the child's rights under Article 12 in particular (the right to be heard in all matters affecting the child).

Suspension ground 2 - Individual not providing information which is required to review entitlement to assistance

The Scottish Ministers can request information if it is needed to determine entitlement or when considering whether a determination without application is necessary. A client's award may be suspended if they do not provide the information within a specified period. The Scottish Ministers will be required to have regard to the client's financial circumstances before deciding to suspend assistance. At the point when the Scottish Ministers request information from the client, the client will be asked to tell Social Security Scotland if the suspension would cause hardship.

If assistance is suspended and the client provides the requested information, the Scottish Ministers will be required under the regulations to immediately consider if they are under a duty to make a determination without application. Such a duty would exist if, for example, the requested information confirms that there has been a change of circumstances that would possibly result in an alteration to the clients level of award. Ministers will only suspend payments if the reason Ministers are reviewing entitlement relates to the possibility that the individual has been overpaid rather than underpaid. This will encourage clients to provide the information which in turn allows Ministers to complete the review without undue delay. This in protects the individuals from accruing further overpayments. Stakeholders have welcomed this provision for this reason and because it gives the individual or the individual's client representative a better opportunity to provide the information before entitlement is ended (on account of the individual not providing the information). Stakeholders have advised that for the most vulnerable and difficult to engage clients, it will take the stopping of payments for them to engage with Ministers for the purpose of providing information which Ministers require to review entitlement.

When determining whether assistance should be suspended, Ministers will take into account the client's financial circumstances and whether suspending assistance will cause hardship. For children and young people, this will involve looking at the financial circumstances of their parent or guardian to whom the assistance is paid on their behalf. The Scottish Ministers will trust what clients tell them about their circumstances and will not suspend assistance if it will cause financial hardship. If the Scottish Ministers decide not to suspend assistance, they will clearly communicate to the client the risk of continuing to receive assistance which they may become liable to repay at a later date. Clients will be told that, in the event that they are later found liable to repay

	<p>assistance, Ministers may ask to see evidence of their financial circumstances when considering whether to recover that overpaid assistance.</p> <p>This provision is considered to at least have a neutral impact on the realisation of children’s rights under the UNCRC, insofar as the rights are engaged, and could be said to have a positive impact on the realisation of the rights that are engaged.</p> <p>This policy supports the following wellbeing indicators:</p> <p>Safe: one of the intentions of this policy is to protect clients, including children and young people, from financial abuse.</p> <p>Respected: Ministers will not allow an arrangement for a person to receive assistance on behalf of a child to continue after the child has reached 16 without to exercise their legal capacity to their fullest ability as an adult.</p>
<p>Monitoring and review</p>	<p>On-going stakeholder engagement with key organisations – such as the Child Poverty Action Group, Rights Advice Scotland, Young Scot, DACBEAG, and our Ill Health and Disability Benefit Stakeholder Reference Group – will provide the Scottish Government with an opportunity to monitor the impact of the changes made by these regulations.</p> <p>The Communities Analysis Division within the Scottish Government will also run a comprehensive evaluation programme to consider the impact of the changes made by these regulations, with a full suite of equalities data for new applicants.</p> <p>The Scottish Ministers have also committed to engaging with, and reporting regular progress to, the Islands Strategic Group to ensure that those representing the interests of island communities and others with experience of the current system, are fairly represented in the development and delivery of the Scottish social security system.</p> <p>The 2018 Act places a duty on the Scottish Ministers to publish an annual report on the performance of the Scottish social security system. On-going engagement with key stakeholders will also provide the Scottish Government with an opportunity to monitor the impact of the policy.</p> <p>Audit Scotland will monitor and report on the delivery of the social security system, including Social Security Scotland.</p>

Regulation - Clause	Aims of measure	Likely to impact on . . .	Compliance with UNCRC requirements	Contribution to local duties to safeguard, support and promote child wellbeing
<p>The Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (Miscellaneous Amendments) Regulations 2022</p>	<p>The policy aims of the Regulations are to:</p> <ul style="list-style-type: none"> confirm the date when the period for Ministers carrying out a re-determination of entitlement begins where the First-tier Tribunal set aside a decision by the Scottish Ministers not to accept a request for a re-determination of entitlement to Scottish Child Payment; make it clear that individuals with refugee status are exempt from one of the residence conditions (the habitual residence test); remove the ability for clients who are currently in receipt of Disability Living 	<p>Children, young people, and their families in Scotland who are entitled to assistance provided under the Social Security (Scotland) Act 2018</p>	<p>The regulations do not infringe upon any UNCRC Article. The Scottish Government considers that it gives further effect to:</p> <p>Article 3 (best interests of the child)</p> <p>Article 23 (children with disabilities)</p> <p>Article 26 (social security)</p> <p>Article 27 (adequate standard of living)</p>	<p>The regulations do not infringe upon any of the indicators. They are likely to have a positive impact on the indicator of Safe and Respected.</p>

	<p>Allowance, Personal Independence Payment or armed forces independence payment to make a pre-emptive application for Child Disability Payment;</p> <ul style="list-style-type: none"> • clarify that the costs of any qualifying services can be met wholly or in part by a local authority, when determining if the individual is being looked after by a local authority and is in alternative accommodation outside the United Kingdom; • require Ministers to determine whether an individual is entitled to short-term assistance in circumstances where the First-tier Tribunal for Scotland set aside a decision by the Scottish Ministers not to accept a request for a re- 			
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	<p>determination of entitlement to Child Disability Payment;</p> <ul style="list-style-type: none"> • safeguard an individual's entitlement to assistance where Ministers have arranged for a person to receive assistance on behalf of that individual and this arrangement is placing the individual at risk of financial abuse; • safeguard the individual's entitlement to assistance in circumstances where Ministers have arranged for a person to receive assistance on behalf of that individual and the person whom Ministers have made arrangements with can no longer continue in that role; • manage the situation where an individual who is entitled to Child Disability 			
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	<p>Payment has reached the age of 16 years and there is not yet an appropriate arrangement in place for paying assistance to, or for benefit of, that individual (since the is now an adult);</p> <ul style="list-style-type: none"> • provide individuals with a better opportunity to provide information, which Ministers require in order to review entitlement to either Child Disability Payment or Scottish Child Payment, before Ministers will decide to end entitlement on account of the information not being provided. 			
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CRWIA Declaration	
Authorisation	
Policy lead Niall Wilson Policy Manager Social Security Policy Division	
Deputy Director or equivalent Ian Davidson Deputy Director Social Security Policy Division	