

Equality Impact Assessment – Results: The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023

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Summary of Aims and Desired Outcomes of Policy

Best Start Foods supports low income families with a pregnant person and/or a child or children under the age of three. The payments are delivered via a pre-paid card.

These regulations will introduce a number of changes which are intended to:

- Support more low income families to access healthy food and milk;
- Further align eligibility and procedural rules for Best Start Foods with Best Start Grant and Scottish Child Payment; and
- make other technical changes to how we make payments.

Social Security Directorate
Social Security Policy Division
Five Family Payments, Funeral Support and Challenge Rights Unit

Executive Summary

Best Start Foods (BSF) is a social security payment delivered by Social Security Scotland. BSF aims to tackle the impacts of child poverty by improving access to healthy foods and milk for eligible families on a low income. BSF provides eligible pregnant persons and families with children under the age of three with a minimum of £4.95 a week via a payment card to purchase healthy foods and milk.

This Equalities Impact Assessment (EqIA) has been developed to accompany the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023. As such, the focus of this EqIA is the changes that these regulations will make to BSF. This impact assessment builds on the EqIA that was produced prior to launch of BSF¹ and prior to the introduction of the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022² which made subsequent changes to BSF.

The primary purpose of these regulations is to meet the Ministerial commitment to remove income thresholds for all qualifying benefits for BSF in 2023-24. They will also align eligibility criteria and processes more closely with Best Start Grant (BSG) and Scottish Child Payment (SCP), and make some changes to the rules around payments.

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

These amendment regulations will make the following changes to BSF:

- Ensuring entitlement to BSF continues for a period of eight weeks when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends.
- Making 18 and 19 year old dependants who are pregnant eligible without the need for a qualifying benefit, as long as they meet the relevant residency conditions. If the pregnant person stops being a dependant before the end of the pregnancy, eligibility will continue until the end of that pregnancy.
- Aligning the eligibility criteria for partners of pregnant persons with that of pregnant persons.
- Making the individual who an eligible pregnant person is dependent on and the partner of that individual, entitled to receive BSF. If the pregnant person stops being a dependant before the pregnancy has ended, the individual will remain eligible until the end of the pregnancy.
- Amending the eligibility rules for children so that children under three are eligible if the individual responsible for them or the partner of that individual:
 - is under 18,
 - is a dependant aged 18 or 19 years old, or

¹ Scottish Government (2019) [Best Start Foods: Equality Impact Assessment](#)

² Scottish Government (2022) [The Social Security \(Miscellaneous Amendment and Transitional Provision\) \(Scotland\) Regulations 2022: Equality Impact Assessment](#)

- was eligible to receive BSF during pregnancy due to being under 18 or a dependant aged 18 or 19 years old.

If the individual responsible for the child turns 18 or ceases to be a dependant aged 18 or 19 years old before the child turns one, the child will continue to be eligible up until the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later.

- Amending the residency requirements so that the individual responsible for a child under three or the partner of that individual must meet the residency conditions set out in regulation 9 in order for the child to be eligible for BSF.
- Amending the residency requirements so that whomever is acting on behalf of an entitled child who is under three must meet the residency conditions set out in regulation 9.
- Amending the residency requirements so that individuals who are 18 or 19 and a dependant must meet the further residency conditions set out in regulation 9(2).
- Removing the income thresholds which apply to certain qualifying benefits.
- Making Working Tax Credit a qualifying benefit in its own right.
- For BSF applicants who are in receipt of any qualifying benefit, ensuring that any deductions made from their qualifying benefit award due to sanctions or to pay any liability are disregarded. This will ensure that if an individual has a nil award because of these deductions, they will still be treated as being in receipt of the qualifying benefit and they will, therefore, be eligible for BSF. In all other circumstances, where the individual has a nil award or where the individual has received a qualifying benefit in error, the individual is not entitled to BSF.
- Ensuring that where BSF is being paid to the individual the pregnant person is dependent on or the partner of that individual and an application is received from the pregnant person and they are eligible, the pregnant person's claim will be approved and the claim from the individual the pregnant person is dependent on or the partner of that individual will be ended.
- Where applications are received from two eligible individuals and neither is the pregnant person, allowing Scottish Ministers to decide who should be entitled to BSF, having regard to the circumstances of the pregnant person.
- Making clear that where they have legal capacity to be paid, entitled young persons can be paid in their own right and young parents of an entitled child who is under three can be paid on behalf of the child.
- Allowing payment on behalf of an entitled child who is under three to be made to the partner of the person who is responsible for the child.
- Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person.
- Amending the duty to report a change of circumstances so the duty is on the individual who is being paid BSF on behalf of the entitled person, or the entitled person if they are being paid in their own right.
- Allowing Scottish Ministers to make an appointee for an individual who is under 16 and is an entitled pregnant person, partner of a pregnant person or person responsible for a child under three. Such an appointee can only be made where there is no person who has authority to act on behalf of the individual, resides with the individual and is willing and practicably able to act on the individual's behalf.

- Specifying that the higher payment of BSF paid from the date the child is born until the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later, is double the lower payment.
- Allowing payments to be made in a way other than the prepaid card, where appropriate.
- Giving the Scottish Ministers a discretion to treat an application as having been made at a later date where Social Security Scotland can see that the individual who applied will become eligible within 10 days of their application date.
- Allowing a new decision to be made without having to receive a new application or review request where an individual has previously been determined as ineligible due to the lack of a qualifying benefit or child responsibility benefit and they have subsequently received a backdated award of their qualifying benefit or child responsibility benefit which covers the date of their original application.

In developing the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023, the Scottish Government is mindful of the three needs of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010 - eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic³ and those who do not and foster good relations between people who share a protected characteristic and those who do not. Where any negative impacts have been identified, we have sought to mitigate or eliminate these. We are also mindful that the equality duty is not just about negating or mitigating negative impacts, as we also have a positive duty to promote equality. We are considering how best to work with under-represented groups and are tailoring our communications and engagement strategy to raise awareness and take-up of the payment in these groups. More broadly, fostering good relations is reflected in the guiding principles of dignity, fairness and respect and the vision for Social Security Scotland, as set out in Our Charter,⁴ with removing the stigma around applying for benefits central to this approach.

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

Background

Best Start Foods

The Scottish Government replaced the UK Healthy Start Voucher scheme in Scotland with BSF on 12 August 2019. BSF supports low income families with a

³ age, disability, gender reassignment, pregnancy or maternity, race, marriage or civil partnership, sex, sexual orientation and religion and belief

⁴ Social Security Scotland (2019) [Our Charter](#)

pregnant person and/or a child or children under the age of three. The payments are delivered via a pre-paid card.

Initial policy development of BSF was informed by a 2016 report by Nourish Scotland entitled *Living is More Important than Just Surviving - Listening to what children think about food insecurity*.⁵ It was also informed by the report produced by the Children's Parliament in 2017 entitled *What Kind of Scotland?*⁶ which identified poverty as the most important barrier to a good life. It affects children day to day, in terms of practical things like having enough food to eat and a house that is warm, but also because children may notice the stress money concerns cause the adults at home

BSF is a weekly payment which amounts to £19.80 every four weeks throughout pregnancy, £39.60 every four weeks from birth until a child turns one to support breastfeeding mothers or help the child's parent or carer with the costs of providing first infant formula milk, then £19.80 every four weeks from one until a child turns three.

BSF targets support to low income families. Under the current regulations for most eligible individuals, qualifying benefits are used as a proxy for means testing and there are income thresholds which apply to some of these benefits. Pregnant persons who are under 18 and their partners are automatically entitled to BSF, without the need for a qualifying benefit, as long as they meet the residency conditions. This is also true for children who are under one and whose parent or carer is under 18, provided the residency requirement is met.

For a child to be eligible for BSF, an individual looking after the child must also be able to evidence child responsibility. For most individuals, the evidence will be receipt of a child responsibility benefit for the child but other forms of evidence can also be accepted, e.g. proof of a kinship care relationship.

Between launching on 12 August 2019 and 30 June 2023, more than 156,000 applications had been authorised for BSF.⁷ In total, over £44 million has been provided to those families who need it most. In the 2022-23 financial year around 46,425 people were paid BSF.

Five family payments

BSF is part of a wider group of social security benefits that are intended to support low income families with the costs of raising a child. SCP and the three BSG payments – Pregnancy and Baby Payment, Early Learning Payment and School Age Payment – together with BSF are known collectively as the five family payments (FFP). All five payments are aimed at tackling inequality, improving outcomes and making a positive impact on all of the priority family types identified in Best Start, Bright Futures⁸ – the latest Tackling Child Poverty Delivery Plan. To some extent, all

⁵ Nourish Scotland (2016) [Living more important than surviving](#)

⁶ Children's Parliament (2017) [What Kind of Scotland?](#)

⁷ Social Security Scotland (2023): [Social Security Scotland - Best Start Grant and Best Start Foods: high level statistics to 30 June 2023](#)

⁸ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

of the payments use qualifying benefits and child responsibility benefits to target eligibility.

BSG replaced the Sure Start Maternity Grant in Scotland. It aims to help alleviate material deprivation, tackle inequality and contribute to closing the educational attainment gap. The grants provide support to low income families at three key transition points in a child's early years. BSG Pregnancy and Baby Payment opened for applications on 10 December 2018 and currently provides £707.25 for a first child and £353.65 for second and subsequent children. An additional payment of £353.65 is payable in the case of a multiple birth. The payment also provides support for people who have had a stillbirth. BSG Early Learning Payment opened for applications on 29 April 2019 and the BSG School Age Payment opened for applications on 3 June 2019, both currently provide £294.70 per child.

SCP launched on 15 February 2021 and was introduced by the Scottish Government to tackle child poverty for low income families in receipt of certain reserved benefits. It currently pays £25 a week per child every four weeks in arrears to families with no cap on the number of eligible children a family can claim for. SCP is paid to families with children under the age of 16.

The FFP could be worth around £10,000 by the time an eligible child turns six years old, and over £20,000 by the time an eligible child is 16 years old. This is a significant investment in tackling child poverty and we want all low income families to take up their eligibility. We know from work undertaken to develop the second Benefit Take-up Strategy, published in October 2021, that the complexity of accessing entitlements is a key barrier to take-up.⁹ That is why we are keen to make sure accessing the benefits is simple and straight forward. To make it easy to apply for the FFP, there is already a single form to apply for them all. We also promote the benefits as part of a joint FFP campaign which focuses on the full package of support available to low income families. It includes television, radio and digital advertising.

While many people will be able to get all five payments as their child ages, there are some differences about who can receive them. This means that some families will not be able to get all of the payments. There are also some differences in the rules for processing applications for the different benefits.

We know that greater alignment of Scottish benefits could make it easier for people to understand what they are eligible for and simpler for Social Security Scotland to communicate. This in turn could result in higher take-up of the FFP and make it simpler to potentially automate payments in the future.

Policy Aims – Summary

The aims of the policy changes being introduced are to:

- Support more low income families to access healthy food and milk;
- Further align eligibility and procedures for BSF with BSG and SCP. This will:

⁹ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

- make it easier for clients to understand the eligibility criteria;
- reduce the need for re-applications and review requests;
- make it easier to potentially automate payments in the future;
- improve access to BSF for young parents;
- make it easier to administer and promote the benefits; and
- address stakeholder concerns regarding the need for better alignment across the FFP
- Make other technical changes to how we make payments. These will:
 - simplify the uprating process; and
 - make clear that we can pay BSF to individuals in another way where it is not appropriate to provide a prepaid card.

The Scope of the EqIA

This EqIA considers the impact of the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 on people with one or more protected characteristic.

Who was involved in this EqIA

There has been policy engagement with stakeholders throughout the development of BSF and since launch. We have also held a number of meetings with our Five Family Payments Reference Group which is made up of a number of key stakeholders with an interest in the policy area, including Child Poverty Action Group, Citizens Advice Scotland, Engender and a number of other groups. At our meeting in March 2023, we provided the Five Family Payments Reference Group with an overview of our proposed changes and following this we met separately with some of the individual members.

The overall feedback we received was positive. Removal of the income thresholds was welcomed by stakeholders and considered to be particularly helpful for people who do seasonal work, have variable incomes or are on flexible contracts. It was noted that the existing threshold for UC can prevent parents accepting work that is paid at the real Living Wage. A risk was also highlighted that people who currently lose entitlement due to breaching the income thresholds might not reclaim when their income reduces again, resulting in individuals not receiving the support they are entitled to. Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends was also viewed positively and considered to be especially helpful when issues arise with qualifying benefits which can take some time to resolve. Changes to improve access to BSF for young parents were also welcomed and it was anticipated that they would help improve uptake. Making Working Tax Credit (WTC) a qualifying benefit in its own right was viewed as particularly positive for some pregnant persons and also for some carers who are not responsible for the child for Child Tax Credit (CTC) purposes, e.g. some kinship carers. In general, further aligning eligibility for BSF with BSG and SCP was also received positively as

it was acknowledged that the differences in eligibility can be confusing for some parents.

We consulted with island stakeholders as part of the Islands Community Impact Assessment process and some of the feedback raised by islands stakeholders was relevant to this impact assessment. They noted that BSF helps to address stigma and improve the health and wellbeing of pregnant persons and children. They also felt that BSF could contribute to better educational outcomes. They welcomed the policy changes which will result in BSF being more accessible for low income families. However, they also cautioned that by allowing the individual who a pregnant person is dependent upon to be eligible to receive BSF, the independence of the young person could be adversely affected and it could make them vulnerable to abuse from coercive grandparents. This change will align with the approach already taken for BSG Pregnancy and Baby Payment, where if the individual who is or was pregnant is a dependant, they can choose to apply themselves, or have the individual that they are dependent upon or the partner of that individual apply. We took this approach in response to discussions during the original consultation on BSG¹⁰ which highlighted both the need to empower young parents and the importance of young pregnant persons and parents having the support of an adult in accessing the payment. To mitigate against the risk described above, the regulations ensure that an application from the pregnant person will always take precedence over applications from other entitled individuals. Where anyone other than the pregnant person is receiving BSF and an application from the pregnant person is received, Social Security Scotland will end the existing claim and pay the pregnant person instead. One stakeholder highlighted that for pregnant persons in domestic abuse situations ensuring that an application from the pregnant person is prioritised over one from any other entitled person will help mitigate situations of financial control.

We have also engaged with the Scottish Women's Convention, Scottish Women's Aid, Inclusion Scotland, First Steps Nutrition Trust and Nourish Scotland. Overall, the feedback received was that the changes being made are very positive and progressive. Widening eligibility by removing the income thresholds was particularly welcomed. Changes which will make it easier for eligible families to access BSF were welcomed. Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends was specifically highlighted as a good example of how to treat individuals well. Putting it beyond doubt that people who might otherwise have difficulty accessing their entitlement can be paid in a way other than the prepaid card was seen to be very helpful.

We have carried out an evaluation of BSF¹¹ which has included externally commissioned qualitative research involving interviews with a number of clients and healthcare professionals on their experiences of the payment to date. This evaluation suggested a number of positive findings. They show the benefit helps people buy a greater quantity (and quality) of healthy foods than they could without

¹⁰ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

¹¹ Scottish Government (2022) [Best Start Foods: evaluation](#)

the benefit. Payments also support healthier shopping habits and meal planning. For example, recipients report purchasing healthier snacks for their children and some experiment with new healthy recipes, without worrying about wasting money or food. BSF may be contributing to better health and wellbeing for children. Recipients report observing their children eating more and a greater variety of fruits and vegetables and feeling positive that they can provide their children with more nutritious foods. Recipients also experienced reduced levels of stress and anxiety in relation to finances as a result of receiving BSF. It had given participants a sense of relief knowing they could use it to buy healthy foods for their families. For some recipients, it guarantees they can afford essential foods even when their finances are difficult. For others the payments have freed up money for costs such as household bills. They also expressed relief as BSF enabled recipients to be financially independent, whereas they previously had to ask for support from other family members. This was reiterated by healthcare professionals who observed that their recipients were less burdened by financial worries. Healthcare professionals were pleased to see the positive impact BSF was having on the health and wellbeing of families as a preoccupation with finances could impact the relationship they had with their children.

Key Findings

It is expected that removing the income thresholds will result in an additional 20,000 individuals being eligible for BSF.¹² This will mean more low income families can benefit from the support provided by BSF and more individuals will be eligible for the full suite of FFP. Furthermore, individuals who have fluctuating incomes will be less likely to move in and out of BSF eligibility – as long as they continue to receive a qualifying benefit, they will remain eligible for BSF. This will provide greater certainty to low income families and help to minimise the need for reapplications.

Removing the income thresholds will align BSF more closely with BSG and SCP which do not have income thresholds, making eligibility for the FFP easier to understand and simpler to communicate to clients. Furthermore, increasing alignment of the FFP will help to support potential future automation of these benefits.

Further aligning the eligibility rules for BSF more closely with BSG and SCP will make it easier for clients to understand the eligibility criteria for the FFP and for Social Security Scotland to promote the benefits. By further aligning the procedural rules for how eligibility is determined for BSF with BSG and SCP, we will reduce the need for clients to reapply or submit review requests for BSF. This could help maximise take-up and enable more clients to receive their full entitlement. Furthermore, it will make it easier for Social Security Scotland to administer the benefits. In general, all of these changes will help address stakeholder concerns regarding the need for better alignment across the FFP and make it easier to potentially automate payments in the future. As well as these overarching benefits, there is also evidence that the changes will have particular impact for the following groups.

¹² Internal Scottish Government Analysis (2023) [More help for more families](#)

Age – summary of findings

The changes we are making will make clear that young pregnant persons who are entitled to benefit are entitled to be paid in their own right.

The changes that we are making will positively affect both young parents and children. They may help to advance equality of opportunity by providing financial support to more pregnant persons and children, improving access for young parents and their children and making it easier for them to receive the support that they are entitled to. It will also enable some individuals to receive support for longer.

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

Young parents

The latest analysis of client diversity and equalities data¹³ shows that for approved BSF and BSG applications to March 2023, 15% (6,735) were from people aged 16-24.

Parental age has a significant impact on child poverty rates: 55% of children with a mother aged 25 or under are in relative poverty compared with 23% of children whose mother is 25 or over.¹⁴ Young mothers are therefore a priority family type for Best Start, Bright Futures.¹⁵

Some of the reasons young people might experience poverty include: an increasing proportion are living in the private rented sector; they are more likely to be in low quality employment; and more likely to experience difficulties accessing the labour market.¹⁶

The Scottish Government's Pregnancy and Parenthood in Young People Strategy¹⁷ highlights that young mothers are more reliant on social security payments and tax credits than older mothers – a position that remains the case as the child ages, meaning that they are more likely to be eligible for BSF and to benefit from the changes we are making.

It is clear from our user testing that many young parents find accessing the income to which they are entitled confusing and difficult. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing social

¹³ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

¹⁴ Scottish Government (2021) [Additional child poverty analysis 2021](#) - Table 4 (child poverty priority groups and targets - further analysis)

¹⁵ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

¹⁶ Scottish Government (2017) [Shifting the curve: progress report](#)

¹⁷ Scottish Government (2016) [Pregnancy and Parenthood in Young People Strategy](#)

security payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help with uptake. Social Security Scotland is conducting user research to understand the experiences of 16-24 year olds. Insights from this research will inform how we communicate with these young people.

At present, pregnant persons who are under 18 and who meet the residency conditions are automatically eligible for BSF without the need to receive a qualifying benefit, as long as they meet the residency conditions. This eligibility continues up until the end of the pregnancy, even if the pregnant person turns 18 before the end of the pregnancy. Pregnant persons who are 18 or 19 and a dependant are only eligible for BSF if the individual that they are dependent upon receives a qualifying benefit and – where an income threshold applies – their income is below the applicable threshold. Eligibility ends if they stop being a dependant, if the individual they are dependent upon stops receiving their qualifying benefit or if the individual they are dependent upon breaches the applicable income threshold. Pregnant persons who are 18 or 19 and still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer.

We will therefore make pregnant persons who are 18 or 19 and a dependant automatically eligible for BSF, provided they meet the residency conditions. Furthermore, we will extend their ongoing entitlement so that where the pregnant person stops being a dependant during pregnancy they will remain eligible until they reach the end of their pregnancy. This will ensure that young pregnant persons have access to some financial support during their pregnancy and it will help them to achieve a diet that contains adequate nutrients and energy to allow proper foetal growth and development as well as providing the nutrients needed for maintaining their own health.

This change will also align with BSG where if the pregnant person is under 18 or an 18 or 19 year old dependant, they are automatically eligible as long as they meet the relevant residency conditions.

At present, children under one or whose first anniversary of their estimated delivery date has not yet passed are automatically eligible for BSF as long as the individual responsible for the child is under 18 and meets the relevant residency conditions. Eligibility continues up until the child turns one even if the individual responsible for them turns 18 before their first birthday. The child can then only continue to be eligible if the individual responsible for them is in receipt of a qualifying benefit. Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer be eligible.

It could also be the case that a young parent who is under 18 does not meet the definition of being responsible for the child if they are not a dependant or if they do not receive a child responsibility benefit because their partner receives it. Under the

current rules, that could mean that even though one of the parents of the child is under 18, the child would not be automatically eligible.

We will therefore extend automatic eligibility so that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during pregnancy, their child will continue to be entitled up until:

- their parent/carer turns 18, or
- their parent/carer stops being a dependant, or
- the child turns one , or
- the child reaches the first anniversary of its estimated delivery date, whichever is later (but no later than the child's third birthday).

By expanding automatic eligibility to children whose parents are 18 or 19 year old dependants, young parents will be able to more easily access BSF, a need which was highlighted by the original consultation on Social Security Scotland, A New Future for Social Security.¹⁸ Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that it is likely there are not more than 800 dependants aged 18 or 19 years old giving birth each year.

Ensuring that at a minimum support continues until the child turns one or reaches the first anniversary of its estimated delivery date will ensure that young parents continue to receive support to breastfeed or purchase first infant formula for their baby, whichever is their choice.

Allowing eligibility to continue beyond the child's first birthday where the individual responsible for them or their partner is under 18 or an 18 or 19 dependant will ensure that young parents are supported to buy healthy and nutritious food for their children, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions. Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that there are around 100 under 18 parents responsible for a child who is aged one or two and up to 700 parents who are 18 or 19 year old dependants and responsible for a child who is aged one or two. The changes we are making will ensure that these young parents are not disadvantaged because they are unable to access a qualifying benefit due to their age. This is particularly important given the strong relationship between parental age and child poverty rates.

Making this change will also further align eligibility for BSF with BSG, as for BSG if an individual is under 18 or an 18 or 19 year old dependant and either they or their partner are responsible for a child who is the relevant age, they are automatically eligible for all three BSG payments. The divergence in the eligibility criteria between BSF and BSG is likely to be a confusing journey for young parents. As part of our stakeholder engagement, we heard that differences between the payments can make it difficult for parents to understand what they are entitled to. Further aligning eligibility rules and processes for BSF with BSG will make it easier for young parents

¹⁸ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

to understand and access social security payments. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help increase take-up among young parents.

Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA suggests that there are not more than 1,000 pregnant mothers who are dependants each year and that there are around 100 children born to mothers aged 16 or younger. Internal unpublished analysis by Social Security Scotland's Insights and Analysis Team indicates that around 10-20 applications are received every year from under 16 year old parents for BSF.

Making explicit that where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who is under three can be paid BSF in their own right will help to empower young parents and also mitigate the risk of financial coercion or abuse. Furthermore, this change will make clear that pregnant persons, partners of pregnant persons and parents to an entitled child who are under 16 and who are not dependent upon anyone, are able to access a payment. Where an application is made by the pregnant person, partner of the pregnant person or parent to an entitled child and they are under 16 and lack legal capacity to be paid BSF in their own right, we will seek to make payment to the person with Parental Rights and Responsibilities for them. Where it would not be appropriate to pay the individual with Parental Rights and Responsibilities, we will appoint the person who is responsible for them or another appropriate person.

Furthermore, we will make the individual who a pregnant person is dependent on and the partner of that individual, entitled to receive BSF in their own right so that young pregnant persons can have choice in how they access the benefit. This change will align with the approach already taken for BSG Pregnancy and Baby Payment, where if the individual who is or was pregnant is a dependant, they can choose to apply themselves, or have the individual that they are dependent upon or the partner of that individual apply. We took this approach in response to discussions during the original consultation on BSG¹⁹ which highlighted both the need to empower young parents and the importance of young pregnant persons and parents having the support of an adult in accessing the payment.

As part of this change, we will expand the current rule which ensures an application from a pregnant person always takes precedence over an application from their partner so that applications from the pregnant person will also take precedence over an application from any other entitled person. This ensures that the pregnant person will always be able to access BSF payments in their own right as it is paid to support their nutrition. One stakeholder highlighted that for pregnant persons in domestic abuse situations ensuring that an application from the pregnant person is prioritised over one from any other entitled person will help mitigate situations of financial control. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations

¹⁹ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only entitled if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that once the child is born, young parents who are dependants will still be able to have the individual that they are dependent upon or the partner of that individual receive BSF on behalf of their child. To mitigate risks of financial abuse and ensure that the child benefits from the BSF being paid on their behalf, Scottish Ministers will also have the ability to cease making payments to this individual if it is no longer considered appropriate to do so.

Making explicit that payment can be made in another form will put beyond doubt that very young pregnant persons and parents can access BSF in their own right, as there is a lower age threshold which is applied to the prepaid card.

One stakeholder highlighted that once a young person stops being a dependant or turns 18 their entitlement to BSF could end abruptly whereas those who lose entitlement due to losing their qualifying benefit would be entitled to a further eight weeks of BSF. However, the ending of entitlement to a qualifying benefit is often an unforeseen circumstance unlike turning 18 or leaving full-time education. Furthermore, if the young parent has a child who is not yet one or who has not yet reached the first anniversary of its estimated delivery date, the changes we are making will mean payments will continue for the child to ensure there is support for breastfeeding or first infant formula.

FFP advertising states that you may be eligible if you receive certain benefits or tax credits. This is not true for young parents or carers who are eligible or whose children are eligible if they are under 18, without the need to receive a qualifying benefit, provided the residency conditions are met. Following changes, dependants aged 18 or 19 years old and their children will also be eligible without the need to receive a qualifying benefit, provided the parent or carer meets the residency conditions. Without targeted messaging this group may not have the same level of awareness of their entitlement. To ensure that awareness is raised, a comprehensive communications and engagement strategy is being developed alongside the regulations which includes bespoke messaging and activities to ensure awareness is raised among this group.

Children

Children up to the age of three can be eligible to receive BSF recognising that the early years are key to improving long term outcomes with socioeconomic differences having implications in later decades.²⁰ Children aged three to four can benefit from the universal Early Learning and Childcare provision for children which includes a

²⁰ Scottish Government (2010) [Growing up in Scotland: health inequalities in the early years](#)

free meal. In addition to this, through the Scottish Milk and Healthy Snack Scheme all preschool children attending a registered setting, for two hours or more per day, can also benefit from a portion of milk, or non-dairy alternative and a healthy snack.

Eligibility for BSF is targeted at low income families. Children in low income households tend to experience a range of disadvantages which can accumulate throughout their lives. For example, poverty negatively affects children's health, social, emotional and cognitive development, and also their behavioural and educational outcomes.²¹ The growing evidence in developed economies suggests that gaining additional income has positive causal effects on health, behavioural development and educational attainment for children in households at the lower end of income distribution.²²

In 2019-22, it is estimated that 24% of children (250,000 children each year) were living in relative poverty after housing costs in 2019-22. Before housing costs, it is estimated that 22% of children (230,000 children each year) were in relative poverty.²³ In the same period, 86% of children lived in households with high food security. This means that 14% of children lived in households with marginal, low or very low food security.²⁴ Children in poverty were less likely to have high food security: just 65% of those in relative poverty and 65% of those in severe poverty lived in high food security households.²⁵ By providing eligible families with a child under three support to purchase healthy foods and milk, BSF contributes to the Scottish Government's efforts to tackle food insecurity.

The majority of young people, who responded to a Scottish Youth Parliament survey to find out about young people's experience in accessing food, agreed or strongly agreed that they and their family can afford food without having to sacrifice other basic needs such as heating or housing. However, between 7-9% disagreed or strongly disagreed with these statements.²⁶

Research by The Food Foundation²⁷ has shown that children's earliest experiences of food can shape lifelong habits and establish their long-term relationship with food. It highlights that young children who experience food insecurity are at increased risk of obesity; and furthermore, that a lack of sufficient nutrition during critical periods in early life may cause irreversible changes to development and therefore increase risk of chronic disease in later life..

Research into the intergenerational transmission of poverty has shown that unhealthy dietary patterns have been linked with poorer mental health in children and adolescents. Poor in utero nutrition also leads to low birthweight babies with higher risk of the children being stunted and experiencing a permanent limit to their

²¹ NHS Health Scotland (2018) [Child Poverty in Scotland: health impact and health inequalities](#)

²² Cooper & Stewart, Centre for Analysis of Social Exclusion (2017) [Does money affect children's outcomes? an update](#)

²³ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 4

²⁴ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 8

²⁵ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 8

²⁶ Scottish Youth Parliament (2023) [Young People's Right to Food](#)

²⁷ The Food Foundation (2023) [Healthy Start needs urgent improvement to tackle food insecurity in the early years](#)

physical and cognitive development affecting schooling performance and completion. Additionally, a review of international literature shows that child and maternal nutrition are crucial determinants of intergenerational poverty.²⁸

Recipients report observing their children eating more and a greater variety of fruits and vegetables and feeling positive that they can provide their children with more nutritious foods.²⁹

It is expected that removing the income thresholds could result in an additional 20,000 individuals being eligible for BSF.³⁰ This will mean more children in low income families can benefit from the support provided by BSF. Furthermore, children whose parents or carers have fluctuating incomes from work - such as those who do seasonal work, have variable incomes or flexible contracts - will be less likely to move in and out of BSF eligibility as long as they receive a qualifying benefit. It is estimated that in 2019-22, 69% of children in relative poverty after housing costs were living in working households (170,000 children each year).³¹ As part of our stakeholder engagement, we heard that individuals who lose entitlement due to breaching the income threshold (and who do not fall below the threshold within 12 weeks of losing their entitlement) do not always reclaim when their income drops back below the threshold, resulting in the child not receiving the support that they are entitled to. Once the income thresholds are removed, children will remain eligible for BSF as long as their parent or carer continues to receive a qualifying benefit. This will provide greater certainty to children in low income families and help to minimise the need for reapplications.

At present, children under one or whose first anniversary of their estimated delivery date has not yet passed are automatically eligible for BSF as long as the individual responsible for the child is under 18 and meets the relevant residency conditions. Eligibility continues up until the child turns one even if the individual responsible for them turns 18 before their first birthday. The child can then only continue to be eligible if the individual responsible for them is in receipt of a qualifying benefit. Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer be eligible.

It could also be the case that a young parent who is under 18 does not meet the current definition of being responsible for the child if they are not a dependant or if they do not receive a child responsibility benefit because their partner receives it. Under the current rules, that could mean that even though one of the parents of the child is under 18, the child would not be automatically eligible.

²⁸ Chronic Poverty Research Centre (2007) [The Intergenerational Transmission of Poverty](#)

²⁹ Scottish Government (2022) [Best Start Foods: evaluation](#)

³⁰ Internal Scottish Government Analysis [More help for more families](#)

³¹ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 5b

We will therefore extend automatic eligibility so that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during pregnancy, their child will continue to be entitled up until:

- their parent/carer turns 18, or
- their parent/carer stops being a dependant, or
- the child turns one, or
- the child reaches the first anniversary of its estimated delivery date, whichever is later (but no later than the child's third birthday)

Expanding automatic eligibility to children whose parents are 18 or 19 year old dependants or who were under 18 or an 18 or 19 year old dependant during the pregnancy will mean more children will be eligible for BSF. Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that it is likely there are not more than 800 dependants aged 18 or 19 years old giving birth each year.

Ensuring that at a minimum support continues until the child turns one or reaches the first anniversary of its estimated delivery date will ensure that children of young parents continue to receive support at this key developmental stage when they require either breastmilk or first infant formula, whichever is their parents' choice.

Allowing eligibility to continue beyond the child's first birthday where the individual responsible for them or their partner is under 18 or an 18 or 19 dependant will ensure that children of young parents can access healthy food and milk, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions. It will also ensure that children of young parents are not disadvantaged because their parents are unable to access a qualifying benefit due to their age. This is particularly important as parental age has a significant impact on child poverty rates with over half (55%) of children in households with a mother aged under 25 in relative poverty in 2015-18, compared to 24% of children overall.³² Young mothers are therefore a priority family type for Best Start, Bright Futures.³³ Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that there are around 100 under 18 parents responsible for a child who is aged one or two and up to 700 parents who are 18 or 19 year old dependants and responsible for a child who is aged one or two. The changes we are making will ensure that these young parents are not disadvantaged because they are unable to access a qualifying benefit due to their age. This is particularly important given the strong relationship between parental age and child poverty rates.

Making this change will also further align eligibility for BSF with BSG, as for BSG if an individual is under 18 or an 18 or 19 year old dependant and either they or their partner are responsible for a child who is the relevant age, they are automatically eligible for all three BSG payments. The divergence in the eligibility criteria between BSF and BSG is likely to be a confusing journey for young parents. As part of our stakeholder engagement, we heard that differences between the payments can

³² Scottish Government (2022) [Additional child poverty analysis 2022](#) – Table 1 (target measures by priority group)

³³ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

make it difficult for parents to understand what they are entitled to. Further aligning eligibility rules and processes for BSF with BSG will make it easier for young parents to understand and access social security payments, ensuring their child receives the support it is entitled to. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help ensure more children benefit.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that where it is established that the individual who is receiving BSF on behalf of an entitled child is not using BSF for the benefit of the child, payments can be made to another appropriate person instead so that the entitled child continues to benefit from BSF.

Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends

will mean all children will continue to benefit from the support that BSF provides when their family's income is in transition.

Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. So a further eight weeks entitlement to BSF when any legacy benefit ends would be helpful. Families in housing which cannot be supported by Universal Credit (UC) – temporary accommodation, supported or sheltered housing – continue to receive Housing Benefit, a legacy benefit. They are therefore more likely to benefit from this change. On average, households with children tend to spend longer in temporary accommodation and therefore this change may be particularly relevant to children.³⁴

One stakeholder highlighted that more children may also become eligible for BSF as a result of making WTC a qualifying benefit in its own right. This is because in some cases, while the individual responsible for a child may receive WTC they are not responsible for the child for CTC purposes – this could include some kinship carers.

Disability – summary of findings

Putting it beyond doubt that payments can be made in a way other than the prepaid card could have a positive impact on some individuals with a disability or long term health condition who find that due to their needs, the card is not accessible.

The changes that we are making will positively affect disabled people as they will ensure that the eligibility and procedural rules for BSF are simpler to understand and reduce the need for reapplications. This will have a positive impact for individuals who find the application process to be more challenging as a result of their disability and help ensure they receive their full entitlement. Further aligning eligibility for BSF with BSG and SCP will also help support future automation of our benefits which could also help to address these barriers.

³⁴ Scottish Government (2022) [Homelessness in Scotland: 2021/22](#)

The changes will also mean that pregnant persons, partners of pregnant persons and children whose parents receive legacy benefits, such as income related Employment and Support Allowance which is paid to those with a health condition or disability, will continue to be entitled to BSF for eight weeks when entitlement to a legacy benefit ends.

The changes may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may have the opportunity to understand more about the difficulties faced by some disabled people in relation to using a prepaid card.

Disabled People

The latest analysis of client diversity and equalities data³⁵ shows that for approved BSF and BSG applications to March 2023, 16% (6,970) were from those that identified themselves as having a physical or mental condition or illness lasting or expected to last 12 months or more.

Poverty rates are higher for households when a family member is disabled, 28% of children living with a disabled person are in relative poverty compared to 24% of all children.³⁶ Disabled children are also more likely to experience poverty.³⁷ Since families with a disabled household member are more likely to be in poverty and as the eligibility criteria for BSF target those on lower incomes, we expect the payments to have a positive impact on these families.

Providing a further eight weeks entitlement to BSF when entitlement to a legacy benefit ends will mean eligible individuals who receive income related Employment Support Allowance (irESA) due to a health condition or disability will receive support for longer if their entitlement to irESA ends. This will mean that they continue to benefit from the support that BSF provides when their family's income is in transition. Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. So a further eight weeks entitlement to BSF when any legacy benefit ends would be helpful.

Putting it beyond doubt that payments can be made in a way other than the prepaid card could have a positive impact on some individuals with a disability or long term health condition who find that due to their needs, the card is not accessible. User research carried out by Social Security Scotland has highlighted that this can be the case for individuals whose disability or long term health condition resulted in issues with recall or anxiety. These individuals reported that the process of trying to learn how to use the card and remember the PIN number caused distress. In some instances, this resulted in them becoming overwhelmed with the process and ultimately they stopped using their card.

³⁵ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

³⁶ Scottish Government (2023) [Additional child poverty analysis 2023](#) - Table 1 (target measures by priority group)

³⁷ Iriss (2019) [Disability, Poverty and Transitional Support](#)

The changes we are making to further align eligibility and procedural rules for BSF with BSG and SCP will make eligibility easier to understand, minimise the need for individuals to reapply and should support further automation of the payments in the future. These changes are likely to help improve access and could have a positive impact for individuals who find the application process to be more challenging as a result of their disability.

Our second Benefit Take-up Strategy³⁸ highlights our commitment to inclusive communication. Social Security Scotland are working closely with stakeholders to embed inclusive communication principles across everything that they do. The current service includes:

- promotional benefit information proactively produced in Easy Read and Social Security Scotland work with stakeholders to get this content into the hands of those who need it;
- access to independent advocacy support for disabled people applying for Social Security Scotland assistance, ensuring their voice is heard throughout their journey;
- British Sign Language video relay service, available through Contact Scotland;
- deafblind interpreters, Text Relay and electronic note taker services;
- all letters, information and guidance are available in Braille, Large Print, Easy Read and various Audio formats; and
- online content compatible with screen reader software on Jaws, Voiceover and Non Visual Desktop Access platforms.

A recent accessibility audit has highlighted that not all sections of the online information or application forms are accessible to those with a disability. Without improvements to accessibility, those with a disability may not be aware of their entitlement or able to apply in a way that suits their needs. We have begun implementing the improvements identified and will continue to deploy these to ensure that our online systems are fully accessible.

Sex – summary of findings

BSF is paid for the benefit of pregnant persons and women are also significantly more likely to receive BSF when it is paid on behalf of a child.³⁹ As set out in the section below on lone parents, lone parents also appear to be more likely to be eligible for BSF. We also know that women make up the majority of lone parents in Scotland, with the Labour Force survey suggesting it is around 88%.⁴⁰

As such, women are more likely to directly benefit from the expansion of BSF eligibility and the changes we are making to simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents.

³⁸ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

³⁹ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

⁴⁰ ONS (2022) [Families by family type, regions of England and UK constituent countries](#) – Table 12

Making WTC a qualifying benefit in its own right is likely to have a particularly positive impact for persons who are pregnant with their first child and may also improve access for kinship carers, who are more likely to be women.

The changes we are making may also have a positive effect in fostering good relations between people, as Social Security Scotland staff may have the opportunity to understand more about the difficulties faced by young pregnant persons and lone parents.

Women

The latest analysis of client diversity and equalities data⁴¹ shows that for approved BSF and BSG applications to March 2023:

- 86% (35,845) were from those that identified as women,
- 8% (2,740) as men, and
- less than 1% (20) in another way.

As indicated by the high prevalence of women claiming BSF, poverty and gender are inextricably linked. Women are more likely than men to be in poverty, more likely to access the social security system and more likely to be lone parents.⁴² Women are also less likely to be economically active, making up almost 60% of unpaid carers⁴³ resulting in a range of barriers to paid employment and career progression. Typically, when they are in paid employment, women earn less per hour on average than men. In Scotland, the gender pay gap is 12.0%, based on median gross hourly earnings for all employees.⁴⁴ Parenthood is the main contributor to the gender pay gap.⁴⁵ In the UK it has been found that mothers earn 56% as much as fathers on average.⁴⁶ A key reason that parenthood contributes to the overall gender pay gap is that mothers are more likely than fathers to make adjustments to their employment to undertake childcare.⁴⁷ For example, in the UK from April to June 2021:

- 75.6% of mothers compared to 92.1% of fathers were in employment
- 46.7% of mothers compared to 5.6% of fathers (in couple families) were in part-time employment⁴⁸

As women are more likely to be in receipt of social security payments, they are more likely to be eligible for BSF.

⁴¹ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

⁴² Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

⁴³ Engender (2016) [Securing Women's Futures: Using Scotland's new social security powers to close the gender equality gap](#)

⁴⁴ Office for National Statistics (2022) [Dataset: Gender pay gap](#)

⁴⁵ Oxford Review of Economic Policy (2020) [The gender pay gap in the UK: children and experience in work](#)

⁴⁶ Polachek (2020) [Equal pay legislation and the gender wage gap](#)

⁴⁷ Andrew et al (2021) [The careers and time use of mothers and fathers](#)

⁴⁸ ONS (2021) [Families and the labour market, UK](#)

A study of countries across Europe, including the UK, found that lone mothers are more at risk of poverty and social exclusion than lone fathers.⁴⁹ Indeed, the most recent UK data shows that lone mothers are less likely to be in employment than lone fathers (67.1% compared to 80.1%) and the employment rate for lone mothers was lowest when the dependent child was aged zero to two years.⁵⁰

Making WTC a qualifying benefit in its own right will have a positive impact for some women who are pregnant with their first child. At present only those who receive both WTC and CTC are eligible for BSF. As an individual can only receive CTC once they are responsible for a child, individuals who are pregnant and who only receive WTC cannot access BSF to help with the cost of healthy food during their pregnancy. Instead, they will only become eligible for BSF once their child is born. However, if the same individual received UC, they would be eligible even though they would not receive UC Child Element. As part of our stakeholder engagement, we heard that women who are pregnant with their first child are one of the groups who know least about how the social security system works.

Making WTC a qualifying benefit in its own right will mean more low income pregnant persons can benefit from the support provided by BSF. Our Maternal and Infant Nutrition Framework⁵¹ sets out the crucial role of nutrition during pregnancy and in the early months and years of a child's life and how important it is in achieving optimal health.

One stakeholder highlighted that making WTC a qualifying benefit in its own right may also help individuals who are receiving WTC but who aren't responsible for the child for CTC purposes – this could include some kinship carers, who are more likely to be women.⁵²

More women are likely to be eligible for BSF as a result of the removal of the income thresholds as these apply when BSF is paid in relation to a pregnancy. Women are also more likely to be paid BSF on behalf of an eligible child and therefore more women may receive the support that BSF provides as a result of this change. Women are also more likely to benefit from the changes we are making to improve access for young pregnant persons and young parents.

As women are more likely to be eligible for or receive BSF, they are also more likely to benefit from the changes we are making to simplify the eligibility and procedural rules by further aligning them with BSG and SCP.

Lone Parents

Secondary analysis of published BSF statistics up to 28 February 2022 was completed for the Best Start Food evaluation.⁵³ This showed that 63% (69,710) of those who had their applications approved for BSF were assumed to be lone

49 European Institute for Gender Equality (2016) [Poverty, gender and lone parents in the EU](#)

50 ONS (2021) [Families and the labour market, UK](#)

51 Scottish Government (2011) [Improving maternal and infant nutrition: a framework for action](#)

52 Kinship (2021) [Kinship care: State of the Nation Survey 2021](#)

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

parents. However, since it is possible for applicants to not fill in information about their partners, overestimation of lone parents can occur and thus caution is needed when interpreting this figure.

Households where only one adult works are at a higher risk of poverty: the poverty rates are highest for single women with children (36%).⁵⁴ Children in single parent households are also more likely to be living in relative poverty: 38% compared to 24% of children overall.⁵⁵

In December 2022, single adult families with children accounted for just over half (52%) of all families with children claiming Tax Credits across the United Kingdom.⁵⁶ For UC, single adult families with children accounted for a larger proportion of all families with children, at 76% of all families with children claiming UC in Scotland in February 2023.⁵⁷ As lone parents are more likely to receive a qualifying benefit than other parents, they are more likely to be eligible for BSF.

As lone parents appear more likely to receive BSF, they are more likely to directly benefit from the changes we are making to expand eligibility and simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents. Stakeholders also told us that for single parents who are pregnant it can be a frightening time as they are alone and may be facing a range of other issues such as housing and domestic abuse so aligning eligibility and processes for BSF is likely to be particularly helpful for this group.

Gender Reassignment

None of the changes we are proposing have been identified as having any particular impact on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex.

The latest analysis of client diversity and equalities data⁵⁸ shows that for approved BSF and BSG applications to March 2023: less than 1% (350) were from those that identified themselves as transgender and 7% (2,955) preferred not say.

The Scottish Government does not have sufficiently robust evidence to draw conclusions on gender reassignment in relation to income and poverty. While there is a lack of data on take-up of social security benefits amongst transgender people in Scotland (or further afield), a recent US study showed that in some cases transgender people avoid seeking state support due to experiences of prejudice and stigma. Specifically, 1 in 20 transgender women said they avoided social welfare

⁵⁴ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 23

⁵⁵ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 9

⁵⁶ HMRC (2023) [Personal tax credits provisional statistics for December 2022](#) - Table 2.1

⁵⁷ DWP (2023) [Stat-Xplore: Universal Credit, Households on Universal Credit, Family Type](#)

⁵⁸ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

offices, rising to 1 in 12 transgender women of colour.⁵⁹ A survey of attitudes towards transgender people in the UK found that people generally view transphobia as wrong and are more likely to hold positive than negative feelings on transgender people. However, a substantial minority (i.e. one in six) reported being prejudiced against transgender people.⁶⁰

BSF is payable to someone regardless of gender reassignment. The application form does not require information on the gender of the applicant and uses inclusive forms of address. An Equality monitoring form is part of the application form though applicants can choose not to answer any of the questions.

Sexual Orientation

None of the changes we are proposing have been identified as having any particular impact on people because of their sexual orientation.

The latest analysis of client diversity and equalities data⁶¹ shows that for approved BSF and BSG applications to March 2023:

- 87% (35,690) of approved applications were from those that identified as heterosexual;
- 2% (925) were from those that identified as bisexual;
- less than 1% (175) were from those that identified as gay and lesbian;
- less than 1% (270) in another way; and
- 10% (4,200) preferred not to say.

It is acknowledged that the Scottish Government does not currently have sufficient data on the experiences of those accessing the social security system dependent on sexual orientation. However, we are committed to continuing to review this issue as part of our ongoing fulfilment of the equality duty. As findings become available, we can draw on research that will explore the experiences of LGBTQ+ people accessing welfare benefits and engaging with the welfare state in Great Britain, to support and improve our understanding.⁶²

As part of our stakeholder engagement, we heard that some homosexual women can face difficulties with social security benefits as when they claim for a partner they can be required to provide more evidence of the relationship than those in a heterosexual relationship. However, partners of pregnant persons who claim BSF are entitled, regardless of their sexual orientation. When applying for BSF the application form only seeks confirmation that the individual is the partner of the pregnant person and it makes clear that “someone is your partner if you’re living with them and both of you are a couple, married or civil partners” and the applicant is not asked to indicate their partners’ sex or gender. An equality monitoring form is part of

⁵⁹ Butz, A.M. and Gaynor, T.S. (2022) [Intersectionality and Social Welfare: Avoidance and Unequal Treatment among Transgender Women of Color - Butz - 2022 - Public Administration Review - Wiley Online Library](#), pp. 1-13

⁶⁰ Equality and Human Rights Commission (2020) [Attitudes to transgender people](#)

⁶¹ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

⁶² University of Stirling (2023) [Welfare Access, Assets And Debts Of LGBT+ People In Great Britain](#)

the online application form though clients can choose 'prefer not to say' for any of the questions.

The Scottish Government is committed to engaging with this group to build a service that meets their needs with 9% of Experience Panel members identifying as lesbian, gay or bisexual who have been actively involved in the design of Social Security Scotland's service.⁶³

Race – summary of findings

Individuals whose first language is not English face particular barriers to claiming social security payments. As such, those from ethnic minorities are more likely to directly benefit from the changes we are making to simplify the eligibility and procedural rules. Further aligning eligibility for BSF, with BSG and SCP will help to support future automation of the benefits which would also help to address these barriers.

Those from ethnic minorities are also more likely to be in poverty and therefore be in receipt of income-related reserved benefits. As such, those from ethnic minorities are more likely to directly benefit from the changes we are making to expand eligibility and simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents.

The changes will also mean that pregnant persons and children whose parents receive legacy benefits will continue to be entitled to BSF for eight weeks when entitlement to a legacy benefit ends. One such benefit is housing benefit which is paid to cover housing costs when an individual is in temporary, supported or sheltered housing. Non-white applicants are most likely to have at least one temporary accommodation placement and are more likely to be in temporary accommodation for longer.

There can be particularly long delays for foreign nationals to have Child Benefit awarded and this can result in them being unable to evidence child responsibility for BSF. Allowing children of individuals who were initially determined as ineligible for BSF due to the lack of a child responsibility benefit to receive BSF from the date of their original application if they subsequently receive a backdated award of their child responsibility benefit may, therefore, have a particularly positive impact for foreign nationals who claim BSF.

The changes we are making may also have a positive effect in fostering good relations between people. As those from ethnic minorities are more likely to be in poverty, it is anticipated that they are more likely to be impacted by the expansion of eligibility as a result of removing the income thresholds. This could increase the contact that Social Security Scotland have with those from ethnic minorities which may increase awareness of the issues that these groups face.

⁶³ Scottish Government (2020) [Social Security Experience Panels: Who is in the Panels? - 2020 Update - Full Report](#)

Ethnic Minorities

The latest analysis of client diversity and equalities data⁶⁴ shows that for approved BSF and BSG applications to March 2023:

- 85% (35,230) were from people who identified as white;
- 4% (1,440) were from people who identified as Asian;
- 2% (695) were from people who identified as African;
- 1% (340) were from people who identified as Mixed or multiple ethnic groups;
- less than 1% (60) were from people who identified as Caribbean or Black; and
- 1% (485) were from people who identified as other ethnic group.

In Scotland, 5% of the adult population belong to minority ethnic groups.⁶⁵ A report from Close the Gap⁶⁶ highlights the intersectionality between race and gender and concludes that 'BME women continue to face high levels of racism, racial prejudice, discrimination and bias in the labour market which ultimately impacts their ability to secure, retain and progress within sustainable, good employment'.

In 2019-22 people from non-white minority ethnic groups were more likely to be in relative poverty, with poverty rates at 49% for 'Asian or Asian British' ethnic groups and 43% for Mixed, Black or Black British and Other' ethnic groups. This compares to 18% amongst the 'White British group'.⁶⁷ There are also far higher proportion of children from a minority ethnic group in relative poverty, at 39% compared to 24% of all children.⁶⁸

Family sizes are often larger among minority ethnic groups. At the UK level, 51% of Black African, 65% of Pakistani and 64% of Bangladeshi children live in large families (three or more children), compared to 30% of those in White British families.⁶⁹ Larger families are more likely to experience poverty and are identified as one of the priority family types in the Tackling Child Poverty Delivery Plan.⁷⁰ 34% of children in large families are living in relative poverty, compared to 24% for all children.⁷¹

Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. So a further eight weeks entitlement to BSF for those who receive legacy benefits would be helpful. Families in housing which cannot be supported by UC – temporary accommodation, supported or sheltered housing – continue to receive Housing Benefit, a legacy benefit. They are therefore more likely to benefit from this change. Applicants with 'other' ethnicity are most

⁶⁴ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

⁶⁵ Scottish Government (2019) [Scottish Surveys Core Questions 2019](#)

⁶⁶ Close The Gap (2016) [Still not visible](#)

⁶⁷ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) – Figure 27

⁶⁸ Scottish Government (2023) [Additional child poverty analysis 2022](#)- Table 1

⁶⁹ Women's Budget Group and Runnymede Trust (2017) [Intersecting inequalities: the impact of austerity on black and minority ethnic women in the UK](#)

⁷⁰ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

⁷¹ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 9

likely to have at least one temporary accommodation placement (81%).⁷² White other British and White Scottish also spend less time in temporary accommodation on average than other ethnic groups.⁷³

Allowing individuals who were initially determined as ineligible for BSF due to the lack of a qualifying benefit or child responsibility benefit to receive BSF from the date of their original application if they subsequently receive a backdated award of their qualifying or child responsibility benefit will help people who face processing delays for reserved benefits as well as those who receive an incorrect decision. One stakeholder highlighted that there can be particularly long delays for foreign nationals to have Child Benefit awarded. While they should be able to claim UC and have UC Child Element included without Child Benefit being in place, often this does not happen and therefore they cannot prove child responsibility until Child Benefit has been awarded. This change may, therefore, have a particularly positive impact for foreign nationals who claim BSF.

We are aware that there are particular barriers faced by ethnic minorities in claiming social security payments, especially those with English as a second language. Aligning the eligibility and procedural rules for BSF with BSG and SCP will reduce the need for individuals to have to reapply and should support further automation of the payments in the future, helping to address these barriers.

Those from ethnic minorities are also more likely to be in poverty and therefore be in receipt of income-related reserved benefits. As such, those from ethnic minorities are more likely to directly benefit from the changes we are making to expand eligibility and simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents.

The evidence suggests that ethnic minority families are more likely to be in child poverty and while we cannot yet estimate take-up by ethnicity, the diversity and equalities data around applications does not suggest particularly high take-up of BSF among these families. Without a targeted approach to communications and engagement with these groups they may have less awareness of their entitlement and potentially have lower take-up.

Work has already been undertaken with ethnic minorities alongside the main Experience Panels to understand the experiences of those whose first language is not English. This work has given us a depth of information about the barriers faced by this group and ideas for how Social Security Scotland can address these barriers as set out in our second Benefit Take-up Strategy.⁷⁴ Furthermore, the communications and engagement strategy for these policy changes includes working with relevant stakeholders and ensuring we promote BSF in locations that are particularly relevant to those from ethnic minorities.

⁷² Scottish Government (2020) [Homelessness in Scotland: Equalities Breakdown 2019 to 2020](#)

⁷³ Scottish Government (2022) [Homelessness in Scotland: 2021/22](#)

⁷⁴ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

The BSF evaluation⁷⁵ highlighted that some recipients who do not speak English at all or who have English as a second language, experience issues with the application process for BSF. Some stated that they would like the option of choosing to receive communication (e.g. application form, decision letter, guidance) in other languages, or access to a translator.

Social Security Scotland already proactively translate the FFP factsheet into 13 languages, including British Sign Language. Furthermore, their leaflets and posters display the Happy to Translate logo, to tell speakers of other languages at-a-glance that they can get these materials in other languages on request. Guidance and letters can be provided in over 100 different languages and interpretation services are also available. However, if awareness of this is not raised then individuals may continue to face barriers in applying for BSF. To address this our communications and engagement strategy includes working with relevant stakeholders and ensuring we promote the availability of translation and interpretation services.

Individuals who have no recourse to public funds (NRPF) due to their immigration status are not excluded from applying for BSF. However, in most cases, entitlement to BSF requires receipt of a qualifying low income benefit and child responsibility benefit. Because their immigration status prevents them accessing public funds, individuals with NRPF are unable to receive these benefits and would therefore not normally be able to access BSF.

Currently, individuals who are under 18 and individuals who are both over 18 and the partner of someone who receives a qualifying benefit do not require to receive any benefits themselves to be eligible or for their child to be eligible for BSF. By expanding automatic eligibility to pregnant persons and partners of pregnant persons who are 18 or 19 and a dependant and to children whose parents are 18 or 19 year old dependants or who were under 18 or an 18 or 19 year old dependant during the pregnancy, some additional young people with NRPF may be able to access BSF. Home Office confirmation has been received to state that these individuals with no recourse to public funds can apply for BSF without it affecting their immigration status.

Gypsy/Travellers

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

Social Security Scotland currently have Local Delivery staff who work closely with the Gypsy Traveller Community in Fife and Edinburgh. In Fife, staff deliver a drop-in

⁷⁵ Scottish Government (2022) [Best Start Foods: evaluation](#)

service on site and arrange appointments to provide further support. In Edinburgh we offer appointments at the North Cairntow site to residents and wider members of the Gypsy Traveller community. For both sites, male and female advisers are available to provide support. For those in the traveller community that are based elsewhere, arrangements are in place with referral partners who support the community so that these clients will be seen by one of the dedicated advisers at a place they are comfortable with.

Religion or belief – summary of findings

As some religious groups are more likely to be living in poverty, it is anticipated that they will benefit from the changes we are making to widen eligibility, allow certain individuals to receive BSF for longer and make access to BSF simpler for young parents.

Stakeholders have also told us that stigma around applying for social security payments may be an issue within some religious communities. Aligning the procedural rules for BSF with BSG and SCP will reduce the need for individuals to have to reapply and should support further automation of the payments in the future, helping to address these barriers.

The changes we are making may also have a positive effect in fostering good relations between people. As those from certain religious groups are more likely to be in poverty, it is anticipated that they are more likely to be impacted by the expansion of eligibility as a result of removing the income thresholds. This could increase the contact that Social Security Scotland have with those from certain religious groups which may increase awareness of the issues that these groups face.

Religion or Belief

The latest analysis of client diversity and equalities data⁷⁶ shows that for approved BSF and BSG applications to March 2023:

- 63% (26,860) were from those that identified as having no religion;
- 11% (4,340) were from those that identified as Roman Catholic;
- 5% (2,085) were from those that identified as Church of Scotland;
- 5% (1,780) were from those that identified as Other Christian;
- 5% (2,070) were from those that identified as Muslim;
- less than 1% (45) were from those that identified as Buddhist;
- less than 1% (65) were from those that identified as Sikh;
- less than 1% (10) were from those that identified as Jewish;
- less than 1% (70) were from those that identified as Hindu;
- less than 1% (160) were from those that identified as Pagan;
- less than 1% (190) were from those that identified in another way; and
- 8% (3,585) preferred not to say.

It is anticipated that as some religious groups are more likely to be living in poverty, they will benefit from the changes we are making to widen eligibility and allow certain

⁷⁶ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

individuals to receive BSF for longer. These changes include the removal of the income thresholds which currently apply to qualifying benefits, making WTC a qualifying benefit in its own right and providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends.

Stakeholders have told us that stigma around applying for social security payments may be an issue within some religious communities and so flexibility around how people apply is fundamental. They have also told us that for some religious communities, it is important that information is available in other languages. Social Security Scotland take a multi-channel approach and therefore applications can be made online, in writing, by telephone or in person. Social Security Scotland also proactively translate the FFP factsheet into 13 languages. Furthermore, their leaflets and posters display the Happy to Translate logo, to tell speakers of other languages at-a-glance that they can get these materials in other languages on request. Guidance and letters can be provided in over 100 different languages and interpretation services are also available.

Religious groups often receive information about services and support via their religious community and we continue to work with these groups to ensure information is made available. Some of the procedural rule changes we are making for BSF will reduce the need for re-applications, as will the removal of the income thresholds which apply to some qualifying benefits. Reducing the need for clients to reapply for the payment may help tackle stigma. Furthermore, these changes, along with changes to further align the eligibility and procedural rules for BSF with BSG and SCP, should support further automation of the payments in the future, which would mean more individuals could potentially access BSF without needing to apply.

Pregnancy and maternity

The regulation changes will make clear that young pregnant persons and partners of pregnant persons who are under 16 or under 20 and a dependant can be paid in their own right.

BSF is paid to pregnant persons and women are also significantly more likely to receive BSF when it is paid on behalf of a child. As such, pregnant persons and women who are new parents are more likely to directly benefit from the expansion of BSF eligibility and the changes we are making to expand eligibility and simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents.

Making WTC a qualifying benefit in its own right is likely to have a particularly positive impact for persons who are pregnant with their first child.

The changes will also mean that pregnant persons and new mothers who receive legacy benefits will continue to be entitled to BSF for eight weeks when entitlement to a legacy benefit ends.

As a result of the changes we are making, more pregnant persons and new parents will be able to receive BSF. This will increase the contact that Social Security Scotland have with pregnant persons and new parents which may increase awareness of the issues that these groups face.

Pregnant persons

In a recent survey by Maternity Action, nearly two-thirds of respondents (64%) said that they worried a lot about money while they were pregnant or on maternity leave and a further third said that they sometimes worried.⁷⁷

Research by The Food Foundation notes that during pregnancy financial pressures can be heightened and that the affordability of food is a key factor in determining whether individuals are able to access a healthy diet, before and during pregnancy. This is particularly the case if the person is on a low income.⁷⁸ Maternal obesity is associated with the development of gestational diabetes. This can put the mother at greater risk of developing type 2 diabetes later in life.⁷⁹

A person's weight and nutritional status at the start of, and during, pregnancy can also impact their child's health both in childhood and later life. Obesity, undernutrition and malnutrition during pregnancy are associated with risks of obesity and diabetes for the child in later life.^{80, 81} Furthermore, a mother's diet during pregnancy may impact the child's food preferences, which can have long-term consequences for the child's diet in later life.⁸²

Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that it is likely there are not more than 800 dependants aged 18 or 19 years old giving birth each year. This analysis also found that around 100 children born to mothers aged 16 or younger. Internal unpublished analysis by Social Security Scotland's Insights and Analysis Team indicates that around 10-20 applications are received every year from under 16 year old parents for BSF.

It is expected that removing the income thresholds will result in an additional 20,000 individuals being eligible for BSF.⁸³ This will mean more pregnant persons on low incomes can benefit from the support provided by BSF. Furthermore, pregnant persons who have fluctuating household incomes will be less likely to move in and out of BSF eligibility. As part of our stakeholder engagement, we heard that individuals who lose entitlement due to breaching an income threshold do not always reclaim when their income drops back below the threshold, resulting in the pregnant person not receiving the support that they are entitled to. Once the income

⁷⁷ Maternity Action (2022) [Cost of living on maternity leave survey](#)

⁷⁸ The Food Foundation (2023) [Preconception, Pregnancy and Healthy Weight in Childhood](#)

⁷⁹ Dabelea, D., et al., (2000) [Intrauterine Exposure To Diabetes Conveys Risks For Type 2 Diabetes And Obesity: A Study Of Discordant Sibships](#) Diabetes 49(12), 2208–2211

⁸⁰ Godfrey, K.M. et al., (2017) [Influence of maternal obesity on the long-term health of offspring](#) The Lancet Diabetes & Endocrinology 5 1: 53–64

⁸¹ Thompson, J.M., et al., (2010) [Maternal Dietary Patterns in Pregnancy and the Association with Small-for-gestational-age Infants](#) Br J Nutr 103: 1665–73

⁸² Mennella, J. A., et al., (2001) [Prenatal and postnatal flavor learning by human infants](#) Pediatrics 107(6), E88

⁸³ Internal Scottish Government Analysis [More help for more families - gov.scot \(www.gov.scot\)](#)

thresholds are removed, pregnant persons will remain eligible for BSF as long as they continue to receive a qualifying benefit. This will provide greater certainty to pregnant persons on low incomes and help to minimise the need for reapplications.

Making WTC a qualifying benefit in its own right will have a positive impact for some individuals who are pregnant with their first child. At present only those who receive both WTC and CTC are eligible for BSF. As an individual can only receive CTC once they are responsible for a child, individuals who are pregnant and who only receive WTC cannot access BSF to help with the cost of healthy food during their pregnancy. Instead, they will only become eligible for BSF once their child is born. However, if the same individual received UC, they would be eligible even though they would not receive UC Child Element until the child is born. As part of our stakeholder engagement, we heard that individuals who are pregnant with their first child are one of the groups who know least about how the social security system works.

Making WTC a qualifying benefit in its own right will mean more low income pregnant persons can benefit from the support provided by BSF. Our Maternal and Infant Nutrition Framework⁸⁴ sets out the crucial role of nutrition during pregnancy and in the early months and years of a child's life and how important it is in achieving optimal health.

Expanding automatic eligibility to 18 or 19 year old dependants who are pregnant or the partner of a pregnant person will have a positive impact on young pregnant persons as it will make it easier for them to access BSF, a need which was highlighted by the original consultation on Social Security Scotland, A New Future for Social Security.⁸⁵

It will also further align the eligibility for BSF with BSG Pregnancy and Baby Payment, simplifying the rules and making it easier for young pregnant persons to understand what they are entitled to. Aligning in this way will make it easier to communicate the eligibility criteria to young parents. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing social security payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help with uptake.

Pregnant persons or partners of pregnant persons who are still dependent on their parent or carer might not be able to access a qualifying benefit in their own right but they also might not receive financial support from their parents or carers. Making them automatically eligible for BSF will ensure that they have access to some financial support during their pregnancy. This will help pregnant persons achieve a diet that contains adequate nutrients and energy to allow proper foetal growth and development as well as providing the nutrients they need for maintaining their own health.

Making explicit that where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who

⁸⁴ Scottish Government (2011) [Improving maternal and infant nutrition: a framework for action](#)

⁸⁵ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

is under three can be paid BSF in their own right will help to empower young parents and also mitigate the risk of financial coercion or abuse. Furthermore, this change will make clear that pregnant persons, partners of pregnant persons and parents to an entitled child who are under 16 and who are not dependent upon anyone, are able to access a payment. Where an application is made by the pregnant person, partner of the pregnant person or parent to an entitled child and they are under 16 and lack legal capacity to be paid BSF in their own right, we will seek to make payment to the person with Parental Rights and Responsibilities for them. Where it would not be appropriate to pay the individual with Parental Rights and Responsibilities, we will appoint the person who is responsible for them or another appropriate person.

Furthermore, we will make the individual who a pregnant person is dependent on and the partner of that individual, eligible to receive BSF so that young pregnant persons can have choice in how they access the payment.

This change will align with the approach already taken for BSG Pregnancy and Baby Payment, where if the individual who is or was pregnant is a dependant, they can choose to apply themselves, or have the individual that they are dependent upon or the partner of that individual apply. We took this approach in response to discussions during the original consultation on BSG⁸⁶ which highlighted both the need to empower young parents and the importance of young pregnant persons and parents having the support of an adult in accessing the payment.

Aligning BSF with BSG Pregnancy and Baby Payment in this way will also simplify the rules around who can be eligible for the payments, making it easier to understand who should apply and to access them.

As part of this change, we will expand the current rule which ensures an application from a pregnant person always takes precedence over an application from their partner so that applications from the pregnant person will also take precedence over an application from any other entitled person. This ensures that the pregnant person will always be able to access BSF payments in their own right as it is paid to support their nutrition. One stakeholder highlighted that for pregnant persons in domestic abuse situations ensuring that an application from the pregnant person is prioritised over one from any other entitled person will help mitigate situations of financial control. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only eligible if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

⁸⁶ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

Making explicit that payment can be made in another form will put beyond doubt that very young pregnant persons and parents can access BSF in their own right, as there is a lower age threshold which is applied to the prepaid card.

Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. Those in receipt of legacy benefits are more likely to be pregnant and not have any young children as the birth of a new child can trigger the transition to UC. Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends would likely be particularly helpful for pregnant persons. Furthermore, stakeholders told us that they continue to work with a considerable number of clients who have not yet transitioned to UC and the further eight weeks of entitlement to BSF when legacy benefits end would also help smooth the transition when this happens. As the birth of a new child can trigger this transition, this is likely to be particularly relevant to pregnant persons.

Aligning the eligibility criteria for partners of pregnant persons with pregnant persons, will align with the approach taken for BSG Pregnancy and Baby Payment. By changing the rules for BSF to align with BSG we will simplify the rules around who can be eligible for the payments, making it easier to understand who should apply and to access them.

Other changes we are making to further align eligibility and procedures for BSF with BSG and SCP are expected to make entitlement simpler to understand and therefore make it easier to access BSF, supporting increased take-up. As pregnant persons benefit directly from the support BSF provides, they are more likely to benefit from these changes. Stakeholders also told us that for single parents who are pregnant it can be a frightening time as they are alone and may be facing a range of other issues such as housing and domestic abuse so aligning eligibility and processes for BSF is likely to be particularly helpful for this group.

Parents of a child under one

Research from 2015 found a quarter of ‘new families’ are in poverty in the year after having their first child. This could be due to the increased costs of a new child and the need to take time off work to care for them.⁸⁷ 34% of families where the youngest child is under a year old lived in relative poverty in 2017-20.⁸⁸

Furthermore, research by The Food Foundation⁸⁹ has shown that families with younger children are at particularly high risk of food insecurity. 27.3% of households with a child under the age of 4 experienced food insecurity in January 2023. This compares to 15.4% for households without children and 23% for households with only school-aged children.

⁸⁷ Department for Work and Pensions (2015) [Child poverty transitions: exploring the routes into and out of poverty 2009 to 2012](#)

⁸⁸ Scottish Government (2022) [Additional child poverty analysis 2022](#) - Table 1 (target measures by priority group)

⁸⁹ The Food Foundation (2023) [Healthy Start needs urgent improvement to tackle food insecurity in the early years](#)

The UK Government's All-Party Parliamentary Group on Infant Feeding and Inequalities found that the cost of infant formula can significantly impact on some family budgets with both parents and health care professionals reporting that they or families they know often go without essential items in order to be able to afford infant formula. In some cases, parents reported going without food for themselves and not being able to spend money on household cleaning items and feminine hygiene items. This was also reported to add to stress and anxiety among families in difficulty.⁹⁰ An inquiry carried out by FEED, found that where families face difficulties accessing infant formula it can lead to unsafe feeding practices including: under-feeding, watering down formula, using an inappropriate formula type or breastfeeding when it is contra-indicated.⁹¹

We will extend automatic eligibility so that where the pregnant person or their partner turns 18 or stops being a dependant during pregnancy they will remain eligible until they reach the end of their pregnancy and their child will be eligible until the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later. We will also ensure that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant, the child will be eligible up until the child turns one, at a minimum. This will mean young parents of a child under one continue to receive support to breastfeed or purchase first infant formula for their baby, whichever is their choice.

We will also specify in our regulations that the higher payment made when an eligible child is under one should be double the basic payment (paid during pregnancy and when the child is aged between one and three). One stakeholder noted that by specifying this in regulations, parents of a new child will be provided with certainty about the level of payment they will receive.

Marriage and civil partnerships

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

Recommendations and Conclusions

The EqIA process has identified that the Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 have potential to have positive impacts for those who share protected characteristics.

The main risk to the desired outcomes being achieved is if eligible individuals are not aware of their entitlement or the relevant procedural rules which can help to maximise their entitlement. To ensure that awareness is raised, a comprehensive communications and engagement strategy is being developed alongside the

⁹⁰ The All-Party Parliamentary Group on Infant Feeding and Inequalities (2018) [Inquiry into the cost of infant formula in the United Kingdom](#)

⁹¹ Feed (2022) [Access to infant formula for babies living in food poverty in the UK](#)

regulations which will include working with partner agencies to ensure that appropriate signposting is provided and that applicants can access the necessary information and be suitably supported throughout the process. We will also ensure that there is clear guidance for both decision makers and applications.

Barriers have been identified for specific groups as part of this Equality Impact Assessment. These are as follows:

Young parents

The current advertising and promotional materials for the FFP state that you may be eligible if you receive certain benefits or tax credits. However, this is not true for young parents or carers who are eligible or whose children are eligible if they are under 18, without the need to receive a qualifying benefit, provided the residency conditions are met. Following changes, dependants aged 18 or 19 years old and their children will also be eligible without the need to receive a qualifying benefit, provided the parent or carer meets the residency conditions. Without targeted messaging this group may not realise they are entitled to BSF resulting in lower awareness and take-up. To address this our communications and engagement strategy includes bespoke messaging and activities to ensure awareness is raised among this group. Social Security Scotland is conducting user research to understand the experiences of 16-24 year olds. Insights from this research will inform how we communicate with these young people.

Disabled people

A recent accessibility audit has highlighted that not all sections of the online information or application form are accessible to those with a disability. Without improvements to accessibility, those with a disability may not be aware of their entitlement or able to apply in a way that suits their needs. We have begun implementing the improvements identified and will continue to deploy these to ensure that our online systems are fully accessible.

Ethnic minorities

While the evidence suggests those from ethnic minorities are more likely to be eligible for BSF, the diversity and equalities data around applications does not suggest particularly high representation of these groups. Without a targeted approach to comms and engagement with these groups they may have less awareness of their entitlement and potentially have lower take-up than other groups. To address this our communications and engagement strategy includes working with relevant stakeholders and ensuring we promote BSF in locations that are particularly relevant to those from ethnic minorities.

Individuals for whom English is not their first language

The BSF evaluation highlighted that some recipients who do not speak English at all or who have English as a second language, experience issues with the application process for BSF. Some stated that they would like the option of choosing to receive

communication (e.g. application form, decision letter, guidance) in other languages, or access to a translator. Social Security Scotland already provide the option to have guidance and letters in over 100 different languages and can provide access to translation services. However, if awareness of this is not raised then individuals may continue to face barriers in applying for BSF. To address this our communications and engagement strategy includes working with relevant stakeholders and ensuring we promote the availability of translation and interpretation services.

Monitoring and Review

The Scottish Commission on Social Security (SCoSS) is an advisory non-departmental public body set up to provide independent scrutiny of the Scottish social security system (including benefit regulations) and hold Scottish Ministers to account. They have provided independent scrutiny of these regulations.⁹²

In their report, SCoSS welcomed the removal of the income thresholds which apply to some qualifying benefits, noting that as well as increasing eligibility this change has the potential to improve take-up and efficiency. They also welcomed the introduction of the ability to treat an application as made at a later date, the ability to make a new decision where an individual was previously denied BSF due to the lack of a qualifying or child responsibility benefit and the introduction of a further eight weeks entitlement to BSF payments when any qualifying benefit ends.

The prioritisation of BSF applications from the pregnant person over any other application in relation to their pregnancy and the ability to consider the circumstances of the pregnant person when making a decision on who to award if multiple claims are received but there is not one from the pregnant person themselves were received positively by SCoSS. However, they highlighted that it was important for the Scottish Government to work with stakeholders, including those engaged in supporting individuals experiencing domestic or financial abuse, to develop an understanding of the potential for abuse by a partner and what additional mitigations may need to be put in place. As highlighted above, we have consulted with Engender, Scottish Women's Aid and Scottish Women's Convention to understand the potential impact of the mitigations we are putting in place to address risks of financial abuse and coercive control. These organisations have broadly welcomed the approach that we are taking.

SCoSS also highlighted the need for clear, accessible guidance on who is likely to be able to receive an alternative form of payment, the process for requesting one and how to challenge decisions. They also suggested that BSF recipients should receive guidance on the type of retailers who can accept the card and how to request the addition of their local retailer to the list of approved retailers. Social Security Scotland will give consideration to the external content required in relation to when an exception can be made to the prepaid card. Social Security Scotland will also review the literature provided to BSF clients and identify how this information could be strengthened.

⁹² [Scottish Commission on Social Security](#)

Finally, SCoSS noted that further alignment of language and processes for BSF with the wider Scottish social security system would be helpful in the future. They also noted that there may be challenges communicating the changes being made and therefore stressed the importance of clear and unambiguous guidance for everyone involved – including applicants and administrators. As part of the communications and engagement strategy for the regulations, Social Security Scotland will create and share resources to support eligible people and stakeholders supporting eligible people, to understand the changes and how and when to apply. Information will also be shared with relevant stakeholders via a series of events to ensure they have all the information and guidance that they need to support eligible people to apply.

We intend to commission a further evaluation on BSF as part of a wider evaluation of the FFP to report in 2025. We will also continue to engage with members of the FFP Reference Group to monitor their impact.

Social Security Scotland carry out regular surveys to understand the experience of clients who have applied for the FFP. The Social Security (Scotland) Act 2018⁹³ places a duty on the Scottish Ministers to report annually to the Scottish Parliament on the performance of the Scottish Social Security System during the previous financial year, including in relation to protected characteristics. The report is to describe what the Scottish Ministers have done in that year to meet the expectations on them set out in the Charter.⁹⁴

We have established a Benefit Take-up Stakeholder Reference Group. This group is a partnership of Scottish Government officials and organisations representing third-sector and local authority interests who have knowledge of issues surrounding benefit take-up. It is designed so that members can provide a valuable source of experience and expertise, acting as a sounding board for policy work going forward. Since the publication of the second Benefit Take-up Strategy in October 2021,⁹⁵ the group has expanded to include organisations representing seldom heard groups of the population, as identified in the strategy, as well as stakeholders representing the protected characteristic groups.

⁹³ [Social Security \(Scotland\) Act 2018](#)

⁹⁴ Scottish Government (2019) [Social Security Scotland: Our Charter](#)

⁹⁵ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)