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20 September 2022

Dear Chair,

Thank you for your scrutiny report of 22 June on The Best Start Foods, Best Start Grants and Scottish Child Payment (Miscellaneous Amendments) Regulations 2022. I want to extend my sincere thanks to the Commission for looking at the Amendment Regulations and working collaboratively with policy and programme teams as questions arose throughout the process.

Scottish Child Payment, Best Start Foods and the 3 Best Start Grant payments – Pregnancy and Baby Payment, Early Learning Payment and School Age Payment - are known collectively as the Five Family Payments. Delivered by Social Security Scotland, they are five different payments which aim to provide support to low income families with the costs of raising a child. All five payments intend to tackle inequality, improve outcomes and make a positive impact on all of the priority groups identified in the Tackling Child Poverty Delivery Plan.

The Scottish Government recognises the profound positive impact that these family payments can have. Once our regulations are in force, these Five Family Payments will deliver financial support worth £10,000 by the time an eligible family's first child turns six, and £9,700 for subsequent children.

The Commission's comments on the Amendments Regulations are very helpful, and I am confident that the introduction of these regulations will improve the client journey and significantly increase the number of children that will benefit from the Five Family Payments.

Please note that with the addition of the amendments additional to the Social Security (Residence Requirements) (Ukraine) (Scotland) Regulations 2022, these regulations are now titled The Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022.

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These amendments were referred to you separately in my letter of 6 September and, although the Ukraine amendments are included in this instrument, I understand you have worked with officials and shall be including your report on this amendment separately, in your forthcoming report into the Ukraine Regulations. Can I again thank the Commission for your understanding and collaborative approach with officials in addressing this matter expediently.

I am attaching a copy of the Scottish Government's response to the SCoSS recommendations. I have also copied this letter to the Conveners of the Social Justice and Social Security Committee and the Delegated Powers and Law Reform Committee.

Thank you again for your continued support.

Yours sincerely,



**BEN MACPHERSON**

## SOCIAL SECURITY (MISCELLANEOUS AMENDMENT) (SCOTLAND) REGULATIONS 2022 - RESPONSE TO SCOSS

Scottish Commission on Social Security recommendations	Accept/ Partially accept/ Decline	Scottish Government Response
<p><b>Recommendation 1:</b> To promote take up of Scottish Child Payment as it rolls out to under 16s, Social Security Scotland should continue to be proactive in writing directly to families on Universal Credit and Tax Credits inviting them to apply.</p>	<p>Partially Accept</p>	<p>Social Security Scotland are developing signposting and referral arrangements with a range of organisations to make it as easy as possible for clients to access our service. We will also working to ensure that we are able to refer our clients to partner organisations.</p> <p>As part of wider proactive communication and engagement activities, we will ensure that eligibility criteria, including Universal Credit and Tax Credits, is highlighted in messaging across promotional material to increase awareness of qualifying benefits and encourage eligible to apply. This material will include, for example, stakeholder factsheets, flyers and posters as well as social media messaging and advertising.</p> <p>We are continuing to explore what is possible to promote Scottish Child Payment with Department for Work and Pensions and HMRC.</p>
<p><b>Recommendation 2:</b> The Scottish Government is invited to explain how it will make sure that the processes and staffing levels will be in place when Scottish Child Payment opens to children under 16 to manage the anticipated spike in claims in a way that puts the needs of people first – such as clear communications, simple application process and enough staff to process manual payments accurately and on time.</p>	<p>Accept</p>	<p>Staffing for Scottish Child Payment is already factored into the Agency’s workforce plans for 2022/23. The surge of expected staff required to accommodate administration of the benefit and the spike in volumes, is being delivered in part through our successful volume recruitment initiative. This will be delivered with a mix of temporary and permanent staff commencing for period August 2022 to March 2023.</p>

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Scottish Commission on Social Security recommendations	Accept/ Partially accept/ Decline	Scottish Government Response
<p><b>Recommendation 3:</b> Guided by Our Charter expectations on improving take up and making processes simple, the Scottish Government should develop a simple, effective way to re-start Scottish Child Payment so that families with a short gap in entitlement between their child turning 6 and the roll out for under 16s do not miss out on entitlement.</p>	Partially accept	<p>In order to maximise take up for this group, clients who have children who turn 6 (“age out”) within 12 weeks of the launch whose details are still on our system will receive targeted notifications informing them that they can now reapply for their aged-out child. Although it would be technically possible to re-start Scottish Child Payment, user research determined that it would be confusing for the majority of clients and could result in clients not applying when they do need to and other clients applying when they do not need to.</p>
<p><b>Recommendation 4:</b> The Scottish Government’s review of Scottish Child Payment must take into account the lived experience of people, and any disproportionate impact there may be on particular groups such as lone parents or disabled people, in relation to how they understand and manage the loss of income from Scottish Child Payment when entitlement ends as they move into work or increase hours or earnings and thus lose entitlement to Universal Credit.</p>	Accept	<p>The Scottish Government is currently undertaking a formal public consultation on proposed changes to the Scottish social security system. The consultation runs to 27 October and, amongst other topics, seeks views on the advantages and disadvantages around making changes to the legislative basis for Scottish Child Payment. That consultation is open to everyone. Alternative formats, events and surveys are being developed to facilitate participation from the widest possible range of people, including from people with lived experience of the social security system.</p>
<p><b>Recommendation 5:</b> Following the promise in Our Charter to help improve people’s wellbeing and financial circumstances, Social Security Scotland should proactively refer people to money, debt and welfare rights advice when Scottish Child Payment stops due to changes in household income.</p>	Accept	<p>Social Security Scotland will seek to develop signposting and referral arrangements with a range of organisations to support both new and existing clients on their journey to getting help, moving clients through the network of support organisations and advice providers.</p> <p>We will also seek to ensure that we are able to refer our clients to partner organisations that deliver other sources of financial or emotional support. We will make that referral process is as simple as possible so our clients do not have to repeatedly give the same information to different people in other organisations.</p> <p>Currently, our Client Advisor and Local Delivery teams signpost clients to local services for further support.</p>

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<p><b>Recommendation 6:</b> The Scottish Government should consider what else it can do to actively help families transition from Scottish Child Payment to an Education Maintenance Allowance at age 16</p>	<p>Accept</p>	<p>Whilst we cannot guarantee that all 16 year olds who age out of Scottish Child Payment will be eligible for Education Maintenance Allowance (EMA) we have considered the likelihood that those turning 16 may transition onto EMA and are working to ensure relevant signposting is in place.</p> <p>We are also developing an insight driven communication and engagement plan, which will be a live document continuously reviewed and updated, ahead of the roll out.</p> <p>We have included an objective in our communication strategy to raise awareness of EMA as a form of support for those ageing out of Scottish Child Payment at age 16. We are currently working on the best approach to achieve this objective.</p> <p>EMA is currently promoted in schools as well as online and via local authority websites. We are working to ensure that any promotion of Scottish Child Payment in schools is conscious of the links to EMA and complements any existing engagement already carried out.</p>
<p><b>Recommendation 7:</b> In line with the Social Security Charter expectation that assistance will be paid ‘on time in the right amount’, once Social Security Scotland is able to assess the time reasonably needed to make quality decisions, it should communicate this to people who are making Scottish Child Payment claims and, in individual cases where exceeded, explain the reasons why</p>	<p>Accept</p>	<p>The value of Scottish Child Payment will increase to £25 per week, per eligible child from the end of 2022. Clients applying online that indicate on their application that they would like to be contacted by text/SMS, will be contacted to confirm that their application has been received. All online applicants will be told that Social Security Scotland will write to them within 30 days to let them know if their application has been accepted.</p> <p>Clients applying using paper application forms that indicate on their application that they would like to be contacted by text/SMS, will be contacted to confirm that their application has been received. Paper application forms will advise clients that Social Security Scotland will write to them within 30 days to let them know if their application has been accepted.</p> <p>Clients applying by phone will be told that their application will be reviewed and that Social Security Scotland will write to them within 30 days to let them know if their application has been accepted.</p>

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<p><b>Recommendation 8:</b> The Scottish Government reconsiders the proposal to restrict the 12 week re-start period and instead finds an alternative way to make any necessary checks to fill gaps in up-to date information while undertaking a determination without application, so that families who might struggle with the application process do not miss out on entitlement</p>	Decline	<p>Where an individual has a change in circumstances resulting in them dropping off the qualifying benefit Social Security Scotland continue to have access to the data relating to that individual's eligibility for a period of 12 weeks. This allows a determination without application to be made using accurate up to data on the individuals' circumstances.</p> <p>Where there is a longer delay between a change of circumstances taking effect and being notified to Social Security Scotland, these amendments mean that an individual will need to reapply for Scottish Child Payment if they become eligible again after 12 weeks of the change of circumstances. An example of how this can happen in practice would be a client reporting that a child left their household one year ago to go and live in another household, but they are now back living with them as of today. In those circumstances, it would be appropriate to end the claim with an effective date of one year ago and for the client to apply for Scottish Child Payment again for the child at today's date.</p> <p>This is consistent with the original policy intent and ensures that individuals are not automatically awarded Scottish Child Payment after long periods of ineligibility. This will allow for proper checks to be carried out to ensure eligibility and check for any other changes of circumstances.</p> <p>This change will have no effect on the majority of cases where this happens in practice – those individuals who receive Universal Credit where, due to fluctuating incomes, their UC award can drop off for an assessment period – allowing them to be automatically re-enrolled if their UC award restarts within a 12-week period.</p>
<p><b>Recommendation 9:</b> In its review of Scottish Child Payment, the Scottish Government should look for ways to make eligibility rules fairer by offering the same amount of support to all families whose child dies.</p>	Accept	<p>In the sad event that a child to whom a claim of Scottish Child Payment relates dies we are providing payment equivalent to the value of payments made in the 12 weeks prior to the child's death. This approach was considered the fairest way we can support families in this situation through Scottish Child Payment using the powers available to us.</p>

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<p><b>Recommendation 10:</b> The Scottish Government should maintain an urgent focus on take up of Scottish Child Payment to ensure that families also get the early learning and school age payments they are entitled to, realising the potential of auto-awards to increase take up</p>	<p>Accept</p>	<p>We invest in proactively promoting benefits through the work of Social Security Scotland by marketing our benefits to make sure potential clients, eligible populations and key stakeholders have the right information, at the right time and in the right format. We tailor our communication and marketing to the target audience for each of our individual benefits.</p> <p>To support the rollout of Scottish Child Payment to those responsible for children under 16 we will work with partners who already interact with our target audience and engage with established communities through local delivery service, and Social Security Scotland's national stakeholder team, to get information to those who need it.</p> <p>We will also design and deliver a campaign to raise awareness and encourage eligible families to apply. This communication and marketing activity will be evidence based and is being developed by drawing on insight gathered through user research with prospective eligible client, stakeholder engagement as well as evaluation of ongoing campaigns.</p> <p>We are working closely with COSLA, local authorities and with social security programme colleagues in order to explore options to support the smooth transition of eligible children from Bridging Payments to Scottish Child Payment, once the benefit is expanded to those responsible for children under the age of 16 at the end of 2022.</p> <p>Scottish Ministers will use opportunities during Ministerial engagements to urge families not to wait until we make these changes but to find out if they are already eligible for Scottish Child Payment so that they will then benefit from the automatic award of Best Start Grant Early Learning Payment and School Age Payment when their child is old enough.</p> <p>The Scottish Government will publish the latest estimates of take-up rates of Scottish benefits, including Scottish Child Payment in Autumn.</p>

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<p><b>Recommendation 11:</b> The Scottish Government should explain how the Regulations give Social Security Scotland the discretion to defer or waive making an auto award of Best Start Grant where the claimant requests this or where circumstances suggest that another person may be eligible to apply during the application window</p>	Accept	<p>We have now ensured that our regulations make clear that where an individual has indicated they do not want to receive payment of Best Start Grant Early Learning Payment or School Age Payment via an auto award, an auto award will not be made. This does not prevent an individual from choosing to apply for Best Start Grant Early Learning Payment or School Age Payment themselves. Furthermore, existing provisions for Best Start Grant mean that where an individual is no longer actually responsible for the child but continues to be in receipt of Scottish Child Payment due to receiving a reserved, qualifying benefit and they then receive an auto-award of Best Start Grant Early Learning Payment or School Age Payment, the person who is actually responsible for the child will still be able to apply and receive Best Start Grant due to the ability for a second payment to be made in certain circumstances where responsibility for the child has changed.</p>
<p><b>Recommendation 12:</b> The Scottish Government should ensure that the regulation to pay the higher level of pregnancy and baby payment matches the policy intention with regard to refugees.</p>	Accept	<p>We have accepted this recommendation and revised the drafting of the regulations to ensure the policy intent is met.</p>
<p><b>Recommendation 13:</b> The Scottish Government should widen the definition of 'domestic abuse' to include abusive behaviour by the individual's ex-partner</p>	Accept	<p>We have consulted further with stakeholders regarding this matter and have widened our definition to include abuse by the ex-partner.</p>
<p><b>Observation 1:</b> SCoSS and stakeholders warmly welcome the support for children and families through Scottish Child Payment, making good on Our Charter's promise to deliver a better future by using social security powers to contribute to tackling poverty</p>		<p>Scottish Child Payment as part of the Five Family Payments (FFP) are intended to tackle inequality, improve outcomes and make a positive impact on all of the priority groups identified in the Tackling Child Poverty Delivery Plan.</p> <p>The Scottish Government recognises the profound positive impact that these family payments can have. Combined these Five Family Payments deliver financial support worth £10,000 by the time an eligible family's first child turns six, and £9,700 for subsequent children.</p>

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<p><b>Observation 2:</b> There may be cross-border agreements such as special guardianship arrangements, which could apply to a child who moves from England to live with a kinship carer in Scotland. The Scottish Government could explore whether these should be added to the definition of 'kinship care' to ensure no kinship carer misses out on entitlement to the five Scottish family payments</p>		<p>We are extending the definition of kinship care to make it more inclusive and ensure the definition of kinship care is the same across all Five Family Payments. The expanded definition now includes an individual who has moved from England or Wales who holds a Special Guardianship Order in respect of a child in certain circumstances. We recognise that kinship care can be a complex area and in line with our commitment to continuously improve how the Five Family Payments operate, we will continue to explore this area with input from our stakeholders and those with lived experience.</p>

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