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Dear Judith and Mark,

The Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024

I am pleased to provide you with the draft Carer's Assistance (Carer Support Payment) (Scotland) Amendment Regulations 2024, made under section 28(2) and 95 of the Social Security (Scotland) Act 2018, for scrutiny. The provisions for the phased national roll out are brought forward under section 95 of the Social Security (Scotland) Act 2018 and therefore do not require formal scrutiny by the Commission. However, the remaining provisions are brought forward under section 28(2) and we would welcome the views of the Commission on the regulations as a whole.

I last wrote to you on 20 November 2023, regarding the pilot launch of Carer Support Payment in Dundee City, Perth and Kinross and Na h'Eileanan Siar (Western Isles). The pilot launch has been successful, with the first Official Statistics published on 13 February 2024 showing that we received 205 applications by 31 December 2023. Of these applications, 90 were processed within this timeframe, with 72% being approved and a total of £13,986 being issued to clients. These statistics also show the median processing time for applications to 31 December 2023 was 4 days.

As set out in my earlier letter, amendment regulations are required to provide for the national roll out of Carer Support Payment. The draft regulations shared today would open up the benefit for new applications in further local authority areas, taking a phased approach, from June 2024, with the benefit becoming available nationally by October 2024. This will be in addition to the safe and secure transfer of the benefits of clients already in receipt of Carer's Allowance to Carer Support Payment which begins later this month across Scotland. The benefit would be opened for new applications to further areas as follows:

- from 24 June to Angus, North Lanarkshire, and South Lanarkshire

- from 19 August to Aberdeen City, Aberdeenshire, East Ayrshire, Fife, Moray, North Ayrshire, South Ayrshire
- from 21 October, across all of Scotland.

As you are aware, Carer's Allowance is the most complex benefit we have replaced in terms of the links that it has with wider support and benefits. Our phased rollout approach has been developed, working closely with the Department for Work and Pensions, to ensure a safe and secure delivery that maintains these links with wider benefits and services so that carers can continue to get all of the support they are entitled to.

To support the national roll out of the benefit, the amendment regulations would also provide for updates to 'backdating' provisions. These will help to ensure carers are not disadvantaged by living in a local authority in which Carer Support Payment is available later. This is because Carer Support Payment eligibility criteria are different in some key areas from Carer's Allowance. The provisions mean that these carers – in particular carers who will benefit from more generous rules around full-time education and 'past presence' – will be able to backdate their applications to the first point at which they would have become eligible for Carer Support Payment had they lived in the initial pilot areas, so they don't miss out on support.

Carer Support Payment will already be available to many full-time students who would be unable to access Carer's Allowance, and the amendment regulations will bring forward commencement of the extension of eligibility currently within the regulations to a further group of students aged 16 to 19 with certain exceptional circumstances. This to support young carers who do not have access to support from parents or guardians in the same way as other carers aged 16 to 19 in full-time non-advanced education. The regulations would bring this important change forward to 24 June 2024, from 01 October 2024, so that carers can benefit from this sooner. They would also put in place specific backdating provisions for this group of students to ensure that no one is disadvantaged due to living in a local authority area in which the benefit is released later.

The regulations also make a number of further small amendments to the principal Carer Support Regulations, for clarity and to provide greater consistency with Carer's Allowance and the devolved disability benefits. This includes updates around the impact of legal detention on payments of Carer Support Payment and minor drafting changes to the earnings schedule.

Alongside our work to deliver Carer Support Payment nationally, expanding availability of the benefit and delivering continuous improvements, we are also continuing to work on further priority changes to Carer Support Payment for the future, which can be delivered once the benefit is available nationally and case transfer is complete.

I would be grateful if the Commission could provide their scrutiny report on these regulations by 18 March 2024. I recognise that this would be an expedited scrutiny period, reflecting the size of the regulation and the timetable required to allow the national roll out to proceed as planned.

I have sent a copy of this letter and draft Regulations to the Social Justice and Social Security Committee, in order to notify them that our proposals have been submitted to the Commission.

I want to extend my thanks to the Commission for considering these regulations. I recognise the Commission's vital role in scrutinising our proposals thus far and I thank you for your continued co-operation and support.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Sille'.

SHIRLEY-ANNE SOMERVILLE