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29 April 2024

Dear Mark and Judith,

Thank you for your scrutiny report of 22 March 2024 on the Carer's Assistance (Carer Support Payment) (Amendment) (Scotland) Regulations 2024. Please find attached a copy of the Scottish Government's response to your report on the draft regulations and recommendations set out in the annex below. I have accepted all of the recommendations you have made and have noted your observations. I am also attaching the finalised draft regulations which I am delighted to confirm have today been laid in the Scottish Parliament.

I welcome the Commission's positive feedback on the draft regulations, and recognition of the significant stakeholder engagement that has informed, and continues to inform, our development of Carer Support Payment. I am pleased that we will be able to extend support to more carers in full-time education sooner through bringing forward commencement dates in the principal regulations and to help ensure, through our backdating rules, that carers can access all of the support they are entitled to, where they live in an area where the benefit is rolled out later.

It will be vital that we ensure all carers understand the support they are entitled to under the new rules and are able to access this. As part of the further roll out of Carer Support Payment, we will be continuing to engage with a range of stakeholders, through ongoing roadshows and work with the Carer Benefits Advisory Group, including providing targeted information and communications to support understanding of the education and backdating rules in particulars. Officials also continue to engage regularly with the Department for Work and Pensions (DWP) given the importance of ensuring the interactions with reserved benefits are well understood and functioning effectively.

I am pleased that, subject to parliamentary approval of the regulations, Carer Support Payment will be available in more areas of Scotland from June 2024, and

nationally from November 2024. As set out in my earlier correspondence, this phased roll out has been designed to ensure we can deliver Carer Support Payment in a way which will protect the support that carers rely on across the devolved and reserved benefits systems, given the complex links with other support and our reliance on joint work and integrations with the DWP.

The process of case transfer from Carer's Allowance to Carer Support Payment is also now underway. Once this is complete, we will begin to deliver further planned priority improvements, including new extra support for those caring for more than one person, and extended support for carers after the loss of the person for whom they care.

Thank you again for your continued advice and support. I am grateful to SCoSS members for the positive way in which they have engaged with officials. I would like to thank members for thorough and effective scrutiny of the amendment regulations, and particularly your willingness to expedite your review.

I have copied this letter to the Social Justice and Social Security Committee and the Delegated Powers and Law Reform Committee.

Yours sincerely,

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

SHIRELY-ANNE SOMERVILLE

DRAFT CARER SUPPORT PAYMENT AMENDMENT REGULATIONS 2024: SCOTTISH COMMISSION ON SOCIAL SECURITY RECOMMENDATIONS AND OBSERVATIONS

Recommendation	Accept/ Partially accept /Decline	Response
<p>1: The Scottish Government should communicate its approach to phased roll out of Carer Support Payment and engage with a wide group of carers and carer organisations with a view to having an early alert to any issues which could arise with roll out.</p>	<p>Accept</p>	<p>We are continuing to engage with a range of stakeholders, carers, and Social Security Scotland staff and to take feedback on how the benefit is working in practice throughout the roll out to see where improvements can be made.</p> <p>Following successful stakeholder engagement events for Carer Support Payment pilot and case transfer we will deliver similar events to explain the policy and the national roll out approach to a wide range of carers and support organisations. In addition, we will host bespoke events alongside the phase roll out of the benefit to raise awareness of new backdating and education rules and other complex areas such as earnings.</p> <p>Question and answer sessions at previous events, followed up by written FAQ documents, have supported the development of materials for these future events and for planned social media and press content around the roll out. We have engaged with the Coalition of Carers and the Carer Benefits Advisory Group to seek feedback on our communications for pilot and case transfer and enhance these to support the further roll out of the benefit.</p> <p>Our feedback mechanisms with Social Security Scotland, alongside both instant feedback clients can give on MyGov pages and extensive User Research with carers and carer support organisations, allow us to identify “pain points” and areas of complexity for carers which we can mitigate through targeted communications.</p> <p>User Research has recently focussed on accessibility needs and the needs of people who speak English as a second language. This has included one to one research sessions with carers who use screen readers and partnership working with third sector organisations such as Minority Ethnic Carers of People Project</p>

		to ensure our communications meet their needs and they are empowered to maximise their income through social security support.
<p>2: The Scottish Government should produce a detailed communications plan outlining the impact of a claim for other benefits and the rules on backdating. This plan should aim to reach carers in education, people who may become entitled to Carer Support Payment in the future and existing Carer's Allowance recipients who may be considering their future education options.</p>	<p>Accept</p>	<p>We welcome the Commission's recommendation and have a comprehensive communications strategy, which colleagues across government and external stakeholders have fed into, in place to support the roll out of Carer Support Payment. This strategy has taken into account the complexities of the benefit and the changes in policy between the pilot and national phases of roll out as well as feedback from the pilot communications work.</p> <p>In addition to the planned stakeholder engagement events and social media campaigns to support these, the communications strategy includes sharing resources directly with education institutions who have shared these with their carer support networks. While the bespoke engagement events on complex areas such as education and backdating will allow carers and those who support them to learn about the policy and ask questions, we are investigating other ways of communicating the new education rules to carers including possible media stories or fact sheets. We are also continuing to test our content with carers to ensure it is giving them all the information they need in as simple and accessible a way as possible. This includes a focus on our signposting to additional support.</p> <p>User research has been carried out to look at the communication preferences of carers and in particular young carers' communication preferences around the rules on full-time education. Research findings have emphasised the vital role of support organisations in helping young carers to understand and apply for support they may be eligible for. It has also helped us to gather insight into the channels likely to be most effective in engaging with young carers (e.g. digital and social media rather than traditional broadcast or print media). This research is informing our work with Social Security Scotland to develop communications and engagement plans for the further roll out of Carer Support Payment, including the updated rules around education. We are also working on updates to pre-application information including content on MyGov around the education rules, support for young carers, and on the interactions between Carer Support Payment and Young Carer Grant, to help carers understand which benefit they</p>

		<p>should apply for.</p> <p>We know from our research that when it comes to delivering our service, young carers are likely not to want to answer the phone to Social Security Scotland and we have worked to deliver as much of the application journey online as possible, including the new questions to identify carers with exceptional circumstances who will be able to access support from June. If Social Security Scotland does have to phone a client, then they will aim to give the client a text message warning beforehand.</p> <p>We also know from research that third sector organisations and carers alike can find it confusing to understand the difference between advanced and non-advanced education, which is relevant for Carer Support Payment eligibility. This has helped us to refine the MyGov content that we use to explain this. We no longer use the term ‘non-advanced’ and instead provide a comprehensive list of all courses that fall in and out of that category. This content has been through user research to ensure it is as well understood as possible. In addition, research has indicated that when we ask young carers to provide supporting information to prove they are in a part-time course, they need support to understand what will be acceptable. In response, we have clarified the notification content and are considering future improvements which would provide more support for this process – such as a supporting information template.</p>
<p>3: The Scottish Government should address a minor drafting error in Part 1A, of Schedule 1, paragraph 2A, Table 1 to clarify that the relevant dates that refers to 20 January 2024 for the purpose of backdating should refer to 20 January 2025.</p>	<p>Accept</p>	<p>We have updated the relevant date in Part 1A of Schedule 1 to correct this. As noted in referring the draft regulations to SCoSS, the final dates for the roll out were to be confirmed based on operational considerations. Given this, dates have been updated so that the relevant dates now reflect a final national roll out date of 04 November 2024. As a result, the relevant date in Part 1A, Schedule 1 for clients living in areas in the final phase of the roll out of Carer Support Payment is now 02 February 2025.</p>

Observations		
<p>1: A significant number of full-time student carers are expected to become eligible for Carer Support Payment in the final phase of the roll out. This will likely require Social Security Scotland to ensure resources are available to deal with a significant volume of backdating applications at this point in the process.</p>	<p>Noted</p>	<p>Resource will be allocated within Social Security Scotland in line with anticipated volumes for each new phase of the national roll out of Carer Support Payment. In addition, Carer Support Payment policy officials are working closely with colleagues in Social Security Scotland and the wider Social Security Programme to update operational and decision-making guidance and develop training materials, in response to feedback from live operations, and ahead of the changes to the education and backdating rules which will come into force from June.</p> <p>While staff will require training on new backdating provisions, the technical systems that support these are already in place as backdating provisions have been in place since the pilot launch of the benefit. Improvements identified during the initial pilot which we will implement during the roll out are also intended to increase the volume of cases which can be processed 'straight-through', which would allow for greater focus on these more complex cases.</p> <p>We are aware that together, the technical systems and staff resource must support the final phase of roll out and that training must have been carried out in advance to ensure staff are well equipped to deal with the additional volumes of applications. In addition to training, Social Security Scotland will also be supported by policy, programme and legal colleagues within Scottish Government to ensure any complex cases are addressed as quickly as possible, errors are minimised and guidance and systems are continually improved to provide the most efficient client journeys. While the application journey will be slightly more complex for these clients this is to ensure that they receive all the support they are entitled to and that reserved benefits are protected while expanding eligibility to more young people in education.</p>
<p>2: The new backdating provisions will add complexity during the transitional period, particularly for carers</p>	<p>Noted</p>	<p>The new backdating provisions are intended to ensure that carers are able to access all of the support they are entitled to where they are resident in an area of Scotland to which Carer Support Payment is rolled out later. They apply to carers who would be eligible for Carer Support Payment but not Carer's Allowance, including carers in full-time education in particular. The regulations also include</p>

<p>aged 16 to 19. The Scottish Government and Social Security Scotland will need to work closely with the Department for Work and Pensions to consider how they can proactively monitor and solve any resulting issues caused by backdating during the transition period, with particular attention paid to exceptions in the 16-19 year old age category.</p>	<p>special backdating rules for the specific group of carers aged 16 to 19 in non-advanced education who will become eligible from June 2024.</p> <p>Unlike many full-time students who will be eligible for Carer Support Payment, the exceptional circumstances for these young carers mean they may be entitled to receive benefits in their own right in the existing benefits system, rather than supported as part of their parents or guardians household through Child Benefit or child elements of other benefits. This means these carers with exceptional circumstances may also be entitled to Universal Credit where other full-time students getting Carer Support Payment may not.</p> <p>Backdated Carer Support Payment awards would affect any Universal Credit a carer receives in the same way as an ongoing award, in that the Carer Support Payment would be taken into account as income in Universal Credit and reduce the standard amount a carer would be entitled to. At the same time, the carer will become eligible for the Carer Element of Universal Credit in recognition of their caring role, and this Carer Element can be backdated in line with the backdated Carer Support Payment award. This is also the case where Carer's Allowance is backdated.</p> <p>While carers will be better off by being awarded Carer Support Payment because of the Carer Element and the Carer Support Payment itself, the overall amount of Universal Credit the carer receives will be reduced, so a backdated Carer Support Payment award will lead to an overpayment of Universal Credit. Carers are advised through pre-application MyGov content and on their award notification that they should inform DWP of their Carer Support Payment award where they receive Universal Credit, but this information is also provided to DWP by Social Security Scotland. Our information and guidance on Carer Support Payment also highlights that backdated payments of Carer Support Payment can lead to Universal Credit overpayments.</p> <p>We have an abatement process in place for the 'legacy' income-related benefits administered by the DWP, which offsets overpayments of these benefits by reducing an initial payment of Carer Support Payment, but, in line with Carer's Allowance policies and processes, this does not apply to Universal Credit. We</p>
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		<p>recognise that this can result in complexities for carers in receipt of Universal Credit when they receive backdated awards of Carer's Allowance or Carer Support Payment, particularly when this is significantly backdated, and we are working with the DWP ahead of the changes being introduced for June to consider whether updates to information, communications and guidance across both organisations could help carers to navigate this better and ensure they get all of the support they are entitled to. Officials are working closely with counterparts in the DWP, including through regular meetings and shared risks and issues logs, to ensure these areas are monitored and any issues are identified and mitigated early.</p> <p>We have also worked closely with the Student Awards Agency Scotland and the Scottish Funding Council to ensure extending eligibility for Carer Support Payment won't have unintended impacts on carers' wider student support.</p> <p>We will continue with user research and wider stakeholder engagement with carers and education institutions to ensure our communications and processes are making the backdating rules as accessible as possible for carers to benefit from and that they are aware of impacts on any reserved benefits. Additionally, we will continue to engage with support and welfare rights organisations, including through our Carer Benefits Advisory Group to proactively monitor issues and test solutions.</p>
<p>3: SCoSS supports the proposed approach to treat situations where a carer is in legal detention as a temporary break in care where this meets the criteria.</p>	<p>Noted</p>	<p>We welcome SCoSS's observation on this point.</p>