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28 November 2024

Dear Ed,

**The Carer's Assistance (Young Carer Grant and Carer Support Payment)  
(Miscellaneous Amendment and Saving Provision) (Scotland) Regulations  
2025**

I enclose the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 ('the draft amendment regulations'), which make provision for a range of improvements to carer benefits in Scotland under sections 28(2), 41(4)(a), 43(5), 51(1), 52, 82 and 95 of the Social Security (Scotland) Act 2018. I am pleased to provide the Scottish Commission on Social Security (SCoSS) with the formal request for scrutiny of these draft regulations. I would ask that SCoSS provide their scrutiny report on these regulations by 28 February 2025, allowing the normal 12-week scrutiny timeframe.

The principal regulations for Carer Support Payment, setting out eligibility and rules for the benefit which is replacing Carer's Allowance in Scotland, came into force on 19 November 2023. Carer Support Payment has been available for new applications across the whole of Scotland since 4 November 2024. The principal regulations also provided for a 'case transfer' process which provides for the transfer of Carer's Allowance awards for carers in Scotland from the Department for Work and Pensions (DWP) and onto Carer Support Payment administered by Social Security Scotland. This process began in February 2024 and is due to complete in Spring 2025.

These draft amendment regulations make provision to deliver a series of priority improvements that the Scottish Government committed to bring forward once Carer Support Payment was available nationally and case transfer from Carer's Allowance was complete, including new extra support for those receiving the benefit and caring for more than one person ('the Carer Additional Person Payment'), and extended

support for carers after the loss of the person they care for. It also makes provision for the Scottish Carer Supplement which will replace, for most carers, the Carer's Allowance Supplement currently paid under section 81 of the Social Security (Scotland) Act 2018. In to deliver a single application route for all 3 payments, the draft amendment regulations make provision for a the Carer Additional Person Payment and Scottish Carer Supplement to be paid alongside Carer Support Payment as part of an overall award of Carer Support.

The draft amendment regulations also:

- amend provision in the principal regulations to remove the requirement for carers to have cared for a certain period before they can continue to get support when they have a temporary break from caring
- amend the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 to extend eligibility to Young Carer Grant to 19-year olds
- amend section 81 of the Social Security Scotland Act 2018 to remove entitlement to Carer's Allowance Supplement for carers in receipt of Carer Support Payment, given the introduction of the Scottish Carer Supplement
- make other minor amendments to the principal regulations, to clarify certain effective date and backdating rules in light of feedback received during the pilot period, and
- make amendments consequential to this instrument.

The delivery and timetable for these improvements is dependent on reaching agreement with the UK Government on any consequential amendments that need to be made to reserved legislation.

Along with the draft regulations, to assist SCoSS with their scrutiny, I am also providing a draft policy note, a document summarising the impact assessment of the proposed improvements (following review of the existing impact assessments for Carer Support Payment and the Young Carer Grant), as well as a document summarising the Child Rights and Wellbeing impact assessment. An update to the Data Protection Impact Assessment was not undertaken because the impacts of this legislation on the use of personal data are covered by considerations in the previously published assessment.

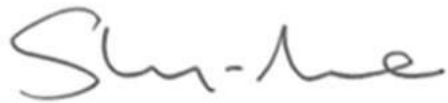
SCoSS will be aware that Scottish Ministers are currently working with the UK Government to agree future processes to support people who move to Scotland from the rest of the UK, while in receipt of an equivalent disability or carer benefit. Draft regulations to make provision for updated cross-border processes are being prepared for your consideration. We are currently considering whether such provisions for carer benefits should be included in the carer benefit amendment regulations or in the cross-border regulations. We will provide clarification of the intended approach and draft provisions for your scrutiny in due course.

I want to extend my thanks to the Commission for considering these regulations. SCoSS' role in scrutinising these proposals will be key in ensuring that we achieve our aim of delivering a social security system in Scotland that meets our values of treating people with dignity, fairness and respect.

I have also sent a copy of these regulations to the Social Justice and Social Security Committee with the associated papers.

I am proud to mark another major milestone in the process of delivering devolved social security and in building a system that better meets the needs of carers and disabled people in Scotland.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Shirley-Anne". The signature is written in a cursive, flowing style.

SHIRLEY-ANNE SOMERVILLE