

POLICY NOTE

THE SOCIAL SECURITY (UP-RATING) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2025

SSI 2025/XXX

The above instrument will be made in exercise of the powers conferred by section 28(2), 30(2), 31(2), 32(2), 34(2), 79(1) and 95 of the Social Security (Scotland) Act 2018 ('the 2018 Act'), section 70(8) of the Social Security Contributions and Benefits Act 1992 and section 13 of the Social Security Benefits Act 1988. Some of the amendments made by this instrument can be made under the negative procedure and others require to be made under the affirmative procedure, so the instrument is subject to the affirmative procedure. For the purposes of this note, the instrument will be referred to as the '2025 Regulations'.

Summary Box

Purpose of the instrument

The 2025 Regulations fulfil the duty on the Scottish Ministers under section 86B of the 2018 Act to bring forward legislation to increase the amount of Scottish Child Payment, Child Disability Payment, Adult Disability Payment, Pension Age Disability Payment, Scottish Adult Disability Living Allowance, Funeral Support Payment, Carer Support Payment, Young Carer Grant, Best Start Grants, Best Start Foods, Child Winter Heating Payment, Winter Heating Payment and Pension Age Winter Heating Payment to an amount which is at least as high as if the existing amount was adjusted in line with price inflation.

After meeting their duties under section 86A of the 2018 Act to consider the effects of inflation, the Scottish Ministers have decided to increase all payments delivered under the 2018 Act by 1.7%, which is the annual rate of Consumer Prices Index for September 2024.

The 2025 Regulations increase the amount of;

- Scottish Child Payment payable under the Scottish Child Payment Regulations 2020,
- Child Disability Payment payable under the Disability Assistance for Children and Young People (Scotland) Regulations 2020; namely 1) the mobility component and 2) the care component;
- Adult Disability Payment payable under the Disability Assistance for Working Age People (Scotland) Regulations 2021; namely 1) the daily living component, and 2) the mobility component,
- The transitional rate of Adult Disability Payment payable under the Disability Assistance for Working Age People (Transitional Provisions and Miscellaneous Amendment) (Scotland) Regulations 2022,
- Pension Age Disability Payment payable under the Disability Assistance for Older People (Scotland) Regulations 2024,
- Scottish Adult Disability Living Allowance payable under the Disability Assistance

(Scottish Adult Disability Living Allowance) Regulations 2025

- Funeral Support Payment payable under the Funeral Expense Assistance (Scotland) Regulations 2019; namely, 1) the standard amount of assistance that is available towards other funeral costs, 2) the amount which is payable towards other funeral costs if the deceased has a pre-paid funeral plan and 3) the amount which is payable towards a fee for removing an active implantable medical device from the deceased,
- Carer Support Payment payable under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023,
- the Young Carer Grant payable under the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019,
- The amount of Best Start Grant 1) Pregnancy and Baby Payment (1st Child Payment), 2) Pregnancy and Baby Payment (Subsequent Child Payment & Extra Payment for multiple pregnancy supplement), 3) Early Learning Payment and 4) School Age Payment payable under the Early Years Assistance (Best Start Grants) (Scotland) Regulations 2018,
- The amount of Best Start Foods payable under the Welfare Foods (Best Start Foods) (Scotland) Regulations 2019,
- The Child Winter Heating Payment payable under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020, and
- The Winter Heating Payment payable under the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023.
- The Pension Age Winter Heating Payment under the Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024

The increases to Young Carers Grant, Scottish Child Payment, Funeral Support Payment, Best Start Grants, Best Start Foods, Child Winter Heating Payment, Winter Heating Payment and Pension Age Winter Heating Payment come into force on 1 April 2025. The increases to Pension Age Disability Payment, Scottish Adult Disability Living Allowance, Child Disability Payment and Adult Disability Payment (including the Adult Disability Payment transitional rate) come into force on 7 April 2025. The increases to Carer Support Payment come into force on 6 April 2024.

Lastly, the opportunity has also been taken through these regulations to make amendments to the Social Security (Invalid Care Allowance) Regulations 1976 and the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. These amendments increase the earnings limits for Carer's Allowance and Carer Support Payment which are not subject to the reporting or up-rating duties in sections 86A and 86B of the 2018 Act. The Regulations also include an amendment to the Carer Support Payment regulations to reflect a new UK entitlement being introduced from April 2025 – Neonatal Care Leave and Pay. This will allow neonatal care pay to be treated as earnings for the purposes of entitlement to Carer Support Payment, in the same way as maternity, paternity or adoption pay.

Policy Objectives

Section 86A of the 2018 Act requires Scottish Ministers to calculate the inflation-adjusted level of each amount of assistance prescribed in regulations under any section in Chapter 2 of Part 2 of that Act or sections 79 and 93 and report to the Scottish Parliament, before the end of each financial year, on what they have done or intend to do as a result of the changes to prices. This year, Best Start Foods and Job Start Payment are also included for completeness in the report.

Section 86B of the 2018 Act requires Scottish Ministers to bring forward legislation before the end of each financial year to replace the amounts of all benefits delivered under the 2018 Act with amounts which are at least as high as the inflation-adjusted level of each amount.

It has been determined that there has been an increase in the general level of prices in the past financial year. Accordingly, the 2025 Regulations are brought forward in reliance on section 31 of the 2018 Act to increase the relevant sums for Adult Disability Payment (including the Adult Disability Payment transitional rate), Pension Age Disability Payment, Scottish Adult Disability Living Allowance and Child Disability Payment by 1.7% with the payment rounded to the nearest multiple of 5 pence.

Carer Support Payment, Young Carers Grant, Funeral Support Payment, Best Start Grant, Child Winter Heating Payment, Winter Heating Payment and Pension Age Winter Heating Payment are also increased by 1.7%, through the Regulations brought forward in reliance on section 28, 30, 32 and 34 of the 2018 Act. Best Start Foods rates are also increased by 1.7% brought forward in reliance on section 13 of the Social Security Act 1988. Job Start Payment is a benefit provided pursuant to a non-statutory scheme and is accordingly not up-rated through the 2025 Regulations.

The 2025 Regulations provide for a 1.7% increase to the Carer Support Payment (from £81.90 to **£83.30**); a 1.7% increase to Scottish Child Payment (from £26.70 to **£27.15**); Young Carer Grant Payment (from £383.75 to **£390.25**); a 1.7% increase to the Funeral Support Payment of the standard amount that is available towards other funeral costs (from £1,257.75 to **£1,279.15**); a 1.7% increase to the Funeral Support Payment that is available towards funeral costs where the deceased has left in place a pre-paid funeral plan (from £153.50 to **£156.10**) and a 1.7% increase to the Funeral Support Payment of the fee for removing an active implantable medical device from the deceased (from £25.35 to **£25.80**); a 1.7% increase to Child Winter Heating Payment (from £251.50 to **£255.80**); a 1.7% increase to Winter Heating Payment (from £58.75 to **£59.75**); a 1.7% increase to Pension Age Winter Heating Payment (higher rate from £300.00 to **£305.10** and the lower rate from £200.00 to **£203.40**) a 1.7% increase to Best Start Grant Pregnancy and Baby Payment (1st Child Payment) (from £754.65 to **£767.50**), Best Start Grant Pregnancy and Baby Payment (Subsequent Child Payment & Extra Payment for Twins/Triplets) (from £377.35 to **£383.75**), Best Start Grant Early Learning Payment (from £314.45 to **£319.80**) and Best Start Grant School Age Payment (from £314.45 to **£319.80**); a 1.7% increase to Best Start Foods (basic rate from £5.30 to **£5.40** and the higher rate is then defined as double the basic rate from

£10.60 to **£10.80**); a 1.7% increase to Child Disability Payment mobility component (higher rate from £75.75 to **£77.05** and lower rate from £28.70 to **£29.20**) and care components (highest rate from £108.55 to **£110.40**, middle rate from £72.65 to **£73.90** and lowest rate from £28.70 to **£29.20**); a 1.7% increase to Adult Disability Payment Daily Living Component (standard rate from £72.65 to **£73.90**, enhanced rate from £108.55 to **£110.40**) and Mobility Component (standard rate from £28.70 to **£29.20** and enhanced rate from £75.75 to **£77.05**); a 1.7% increase to the transitional rate of Adult Disability Payment (from £28.70 to **£29.20**); a 1.7% increase to Pension Age Disability Payment (higher rate from £108.55 to **£110.40** and lower rate from £72.65 to **£73.90**) and a 1.7% increase to Scottish Adult Disability Living Allowance mobility component (higher rate from £75.75 to **£77.05** and lower rate from £28.70 to **£29.20**) and care components (highest rate from £108.55 to **£110.40**, middle rate from £72.65 to **£73.90** and lowest rate from £28.70 to **£29.20**)

These regulations will also make amendments to the Social Security (Invalid Care Allowance) Regulations 1976 and the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. These amendments increase the earnings limits used to determine entitlement to Carer's Allowance and Carer Support Payment respectively from £151 to **£196**. The Regulations also include an amendment to reflect a new UK entitlement being introduced from April 2025 – Neonatal Care Leave and Pay. This will allow neonatal care pay to be treated as earnings for the purposes of entitlement to Carer Support Payment, in the same way as maternity, paternity or adoption pay.

In accordance with the Social Security (Scotland) 2018 Act, a draft of these Regulations is laid before the Scottish Parliament for approval by resolution.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, the Social Security (Up-rating) (Miscellaneous Amendments) (Scotland) Regulations 2025 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

Section 97(2) of the Social Security (Scotland) Act 2018 requires Scottish Ministers to inform the Scottish Commission on Social Security of proposals in the form of draft regulations to meet the scrutiny and consultation process. That section also requires that the Scottish Ministers notify the Scottish Parliament that they have done so. Section 97(9) requires Scottish Ministers to lay a response to the Commission's report on the proposals for the Regulations before the Scottish Parliament. Scottish Ministers can here confirm that a

response from the Commission has been received and that these requirements have been carried out. The response from Scottish Ministers to the Commission's report will be laid in the Scottish Parliament along with this policy note.

Impact Assessments

The full range of impact assessments were considered and completed where necessary for the Social Security (Scotland) Act 2018 and have been published for Funeral Expense Assistance¹, Young Carer Grant², Carer Support Payment³, Child Disability Payment⁴, Adult Disability Payment⁵, Pension Age Disability Payment⁶, Scottish Adult Disability Living Allowance⁷, Scottish Child Payment⁸, Best Start Grant⁹, Best Start Foods¹⁰, Child Winter Heating Payment¹¹, Winter Heating Payment¹² and Pension Age Winter Heating Payment¹³. Impact assessments for any new Scottish assistance will be undertaken at the point where policy is being developed and regulations are being drafted.

As the increase to all social security payments delivered under the 2018 Act ensures that the assistance people are eligible for in 2025-26 at least keeps pace with inflation, then it is considered that there is no significant impact on the private, voluntary or public sector.

It is not considered necessary to carry out additional impact assessments as these Regulations do not seek to substantively change the policy intent of each set of specific benefit regulations.

Financial Effects

A Financial Memorandum¹⁴ was completed prior to introduction of the Social Security (Scotland) Bill.

The Financial Memorandum states that funding for existing benefits will be transferred from the UK Government under the terms of the Fiscal Framework agreement. The Financial Memorandum also considers the costs of up-rating and recognises that the methodology of up-rating of benefits for inflation is a source of financial risk. This is because any future policy differentials between Scotland and the UK for the method of up-rating could result in additional pressures on the Scottish Budget.

¹ [The Funeral Expense Assistance \(Scotland\) Regulations 2019](#)

² [The Carer's Assistance \(Young Carer Grants\) \(Scotland\) Regulations 2019](#)

³ [The Carer's Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023](#)

⁴ [The Disability Assistance for Children and Young People \(Scotland\) Regulations 2021](#)

⁵ [The Disability Assistance for Working Age People \(Scotland\) Regulations 2022](#)

⁶ [The Disability Assistance for Older People \(Scotland\) Regulations 2024](#)

⁷ [The Disability Assistance \(Scottish Adult Disability Living Allowance\) Regulations 2025](#)

⁸ [The Scottish Child Payment Regulations 2020](#)

⁹ [The Early Years Assistance \(Best Start Grants\) \(Scotland\) Regulations 2018](#)

¹⁰ [The Welfare Foods \(Best Start Foods\) \(Scotland\) Regulations 2019](#)

¹¹ [The Winter Heating Assistance for Children and Young People \(Scotland\) Regulations 2020](#)

¹² [The Winter Heating Assistance \(Low Income\) \(Scotland\) Regulations 2023](#)

¹³ [The Winter Heating Assistance \(Pension Age\) \(Scotland\) Regulations 2024](#)

¹⁴ [Financial Memorandum Social Security \(Scotland\) Bill](#)

The Scottish Fiscal Commission used the September CPI rate of 1.7% when producing their forecasts of benefits expenditure which are set out in their Economic and Fiscal Forecasts December 2024¹⁵.

The Cabinet Secretary for Social Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Social Security Directorate

¹⁵ [Scottish Fiscal Commission - Scotland's Economic and Fiscal Forecasts - December 2024](#)