



Scottish
Commission
on Social
Security

Scottish Commission on Social Security

Scrutiny report on draft Regulations:

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

**Submitted to the Scottish Government and the Scottish
Parliament's Social Security Committee on 28 February 2025.**

SCoSS/2025/03

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Summary of recommendations and observations

Recommendation 1: To avoid doubt about the policy intention, the regulations should be drafted to make it explicit that the 20 hours of care required for Carer Additional Person Payment and the 35 hours of care required for Carer Support Payment can run concurrently.

Recommendation 2: The Scottish Government should redraft regulation 12 to ensure it does not inadvertently preclude any individual who is receiving the Universal Credit carer element for another cared for person from receiving Carer Additional Person Payment.

Recommendation 3: To improve the experience of older carers, the Scottish Government should continue implementing measures at pace and to closely monitor and evaluate progress.

Recommendation 4: With new social security support for carers creating a more complex landscape, the Scottish Government should develop a tailored and sustained communications and take-up plan to ensure all carers, particularly those with multiple caring roles, are aware of the support they are entitled to.

Recommendation 5: The Scottish Government should test with carers the alternative umbrella terms, 'Carer Support' and 'Carer Payments', to ensure the term chosen is not a barrier to take up.

Recommendation 6: The Scottish Government should provide more information on social security entitlements for carers in accessible formats and multiple languages to ensure carers with communication needs or limited English do not miss out.

Recommendation 7: To avoid creating unintended barriers to take up, rather than relying on the standard change of circumstances process the Scottish Government should design with carers a specific way for them to request that Carer Additional Person Payment is added to their award.

Recommendation 8: To give carers more choice about the support they receive, the Scottish Government should ensure regulations and processes allow carers applying for Carer Support to choose not to claim Carer Additional Person Payment. Carers should also be able to withdraw Carer Additional Person Payment from an application or end entitlement to this component without ending the whole award.

Recommendation 9: The Scottish Government should go further to address the lack of evidence on the effect that access to benefit for young carers may have on their caring and education choices and outcomes by supplementing its evaluation of currently available support with research on likely outcomes if more support were to be available.

Recommendation 10: We encourage the Scottish Government to work with the UK Government to make sure that the extended bereavement run-on benefits carers on Universal Credit.

Recommendation 11: The Scottish Government should make sure that processes proactively guide people through the system when they continue to have caring responsibilities for another person when Carer Support Payment entitlement ends for example, if the cared for person moves into care or they die.

Recommendation 12: To ensure that carers can effectively navigate the process, Social Security Scotland should make it simple for them to request backdating of their award. This should include giving clear guidance and being proactive in prompting about the importance of giving a reason when the request is late.

Recommendation 13: To ensure clear and accurate information is given to carers affected by various backdating rules, Social Security Scotland should provide more training and guidance for staff on provisions that are less commonly encountered.

Recommendation 14: Draft regulation 3(15)(c) amends 'paragraph (1)(b)(i)' but it should amend paragraph (1)(a)(i) of regulation 28.

Recommendation 15: Draft regulation 3(9) amending regulation 16(4A) should be amended to remove reference to meeting qualifying conditions relating to caring for the person who has died.

Summary

This report is on the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025.

The draft regulations introduce a new Carer Additional Person Payment and replace the lump sum Carer's Allowance Supplement with a weekly Scottish Carer Supplement. The structure chosen to deliver the new payments is through creating a single benefit called 'Carer Support' with three components – Carer Support Payment, Scottish Carer Supplement and Carer Additional Person Payment.

The draft regulations also extend Young Carer Grant to 19-year-olds, extend the length of time that benefit carries on after the death of a cared for person from eight to twelve weeks, and allow carers to have a break from caring sooner without losing benefit.

The Scottish Government has identified these as the priority changes to make to carer support.

The changes come with a new set of terms adding to the already complex landscape of carers' benefits. There should be more testing with carers about whether 'Carer Support' is the best umbrella term for the three components. There should be a tailored and sustained communications and take-up plan to ensure all carers, particularly those with multiple caring roles, are aware of the support they are entitled to. There should also be more information on social security entitlements for carers in accessible formats and multiple languages.

To avoid doubt about the policy intention and any unintended consequence of such a misunderstanding, we have recommended that the regulations make it explicit that the 20 hours of care required for Carer Additional Person Payment and the 35 hours of care required for Carer Support Payment can run concurrently.

With Carer Additional Person Payment not being a standalone benefit but being one of three components of an award, regulations and processes should make sure that carers have the choice not to claim it, for example, because the household will be better off if another family member claims.

The Scottish Government previously decided not to extend Carer Support Payment to all 16 to 19-year-olds in non-advanced education to avoid incentivising young carers to take on significant caring responsibilities. At that point we noted that there was a lack of evidence about the impact of social security on young carers. The Scottish Government is planning an evaluation but we think they need to go further to gain the insights needed.

There are complicated interactions with Universal Credit. To make sure the extended bereavement run-on does leave carers better off, we encourage further work between the Scottish and UK Governments.

The introduction of Carer Additional Person Payment brings new consequences for a carer when the person they care for moves into a care home or dies. Processes should proactively guide people through the system.

We are grateful to officials for their detailed and prompt responses to our questions which helped us better understand the policy behind the draft regulations.

1. Introduction

1.1 Overview

The Scottish Commission on Social Security (SCoSS) provides independent scrutiny of proposed social security regulations which are referred to us by Ministers. This report is on the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025. In this report, we refer to these as the 'draft regulations'.

The main changes in the draft regulations are:

- Introducing a new Carer Additional Person Payment for people who get Carer Support Payment and care for more than one person;
- Replacing Carer's Allowance Supplement which is paid twice a year, with Scottish Carer Supplement paid alongside Carer Support Payment;
- Extending the Young Carer Grant to include 19-year-old carers;
- Extending how long carers continue to be paid after the death of the person they care for;
- Removing 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.

These changes are being made after most carers in Scotland have transferred from Carer's Allowance paid by the Department for Work and Pensions (DWP) to Carer Support Payment paid by Social Security Scotland. These changes mean that carers in Scotland can get additional entitlements, compared to an equivalent carer living elsewhere in the UK. The Scottish Government has identified these as the priority changes to make to carer support.

1.2 Human rights and principles

The Scottish social security principles are listed in Annexe C. Our Charter, which sets out what people can expect from the social security system,¹ is based on these principles. The principles and Charter underpin the Scottish Government's policy development, regulations and delivery of Carer Support Payment, and we consider them in our scrutiny.

Social security for unpaid carers contributes towards meeting their human right to an adequate standard of living but they are still more at risk of poverty than other people.² Caring for more hours or for more than one person makes the risk of poverty higher still.³ Introducing Carer Additional Person Payment, worth an extra £10 a week for each additional cared for person, is another step towards addressing poverty for these carers and an additional investment overall of £7 million in 2025/26 (principles (a) and (e)).⁴ However, it has also introduced more complexity so will take greater effort to ensure eligible carers take up their entitlement.

From its launch in November 2023, Carer Support Payment, which replaces Carer's Allowance in Scotland, largely mirrored the Carer's Allowance rules with the notable

¹ [Social Security Scotland - Our Charter](#)

² The right to an adequate standard of living is protected by Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)

³ [Carers UK - Poverty and financial hardship of unpaid carers in the UK](#)

⁴ [Scottish Fiscal Commission - Supplementary Costing – Carer Support Payment: September 2023](#)

exception of wider access in Scotland for carers in education. However, Carer's Allowance is an out-of-date benefit, and improvements are needed to bring it more in line with the needs of carers today. We welcome that the Scottish Government consulted at an early stage with carers and stakeholders on which changes were most pressing. Involving people with lived experience in this way is a promise in the Charter and designing policy with the people of Scotland on the basis of evidence is a fundamental principle (principle (f)).

Making entitlement to Carer Additional Person Payment dependent on being paid Carer Support Payment continues to exclude people receiving benefits which overlap with Carer Support Payment, like the state pension. This potentially goes against principle (g) putting the needs of those requiring assistance first and advancing equality. As this predominantly affects older carers, this may require more consideration of how to meet the needs of older carers and better recognise their caring role.

2. Carer Additional Person Payment

These regulations introduce Carer Additional Person Payment. This is a new payment for carers who care for more than one disabled person. It is an extra £10 a week on top of Carer Support Payment for each additional person cared for.

We welcome this new payment which addresses a long-standing concern that social security for carers lacks the flexibility to recognise different caring roles. Evidence suggests that over a quarter of carers provide care for more than one person. Around 17,000 carers in Scotland may be eligible for Carer Additional Person Payment. The Scottish Government sees it as a recognition payment to acknowledge that these carers face greater impacts on their health, wellbeing and ability to work and access other opportunities.

2.1 Hours of care

To qualify for Carer Additional Person Payment, a carer must provide at least 20 hours of care a week for the additional cared for person. A carer must also receive Carer Support Payment. They cannot get Carer Additional Person Payment on its own. While for many carers who care for more than person, more of their time will be taken up with caring, to get Carer Additional Person Payment, the 20 hours of care need not be on top of the 35 hours a week required to qualify for Carer Support Payment.

Example of hours of care

Aysha's dad has Alzheimer's disease and her mum has Parkinson's. They both get Pension Age Disability Payment. Aysha spends 40 hours a week at her parent's house. She looks after both her parents at the same time. Her dad needs almost constant supervision. Aysha helps her mum with personal care while also watching out for her dad. She can get Carer Support Payment for her dad and Carer Additional Person Payment for her mum.

This is very likely to be a source of confusion for carers and those who support them. We heard from stakeholders that they assumed that the 20 hours were on top of the existing 35 hours requirement. The draft regulations do not make it clear that the hours of caring can run concurrently. An unintended consequence of such a misunderstanding could be wrong advice and people being put off applying.

Recommendation 1: To avoid doubt about the policy intention, the regulations should be drafted to make it explicit that the 20 hours of care required for Carer Additional Person Payment and the 35 hours of care required for Carer Support Payment can run concurrently.

2.2 Universal Credit carer element

Entitlement to Carer Support Payment is a passport to entitlement to the carer element in Universal Credit.

Currently, a carer cannot get benefit for more than one cared for person. To prevent this, the rules provide that if a carer already gets a carer element in Universal Credit for one person, they cannot claim Carer Support Payment for caring for someone else. This rule is in regulation 12(1) of The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. With the introduction of Carer Additional Person Payment, it will become possible to get benefit for more than one cared for person. Therefore, one carer should be able to get Carer Support Payment and Universal Credit carer element as they can under the current rules, and also be able to get Carer Additional Person Payment for a different care for person.

Example

Annie gets Carer Support Payment for caring for her son. She also cares for her mum and gets Carer Additional Person Payment. She claims Universal Credit which includes one carer element in respect of her son.

The draft regulations amend regulation 12(1) to apply to 'Carer Support' (i.e. all three payments). However, as drafted, the rule seems to inadvertently prevent a carer getting Carer Additional Person Payment when they already get a carer element for a different cared for person.

Recommendation 2: The Scottish Government should redraft regulation 12 to ensure it does not inadvertently preclude any individual who is receiving the Universal Credit carer element for another cared for person from receiving Carer Additional Person Payment.

2.3 Older carers

Carer Support Payment has an 'overlapping benefit' rule that prevents people receiving it at the same time as a state pension or another 'earnings-replacement' benefit. This has had the effect of some carers feeling penalised by having benefit taken away at pension age and feeling that the care they provide is no longer valued.

Carer Additional Person Payment is not directly overlapped but does depend on Carer Support Payment being 'payable' so both will end when a carer begins to get their state pension. The Scottish Government is anticipating that this extra loss could intensify the lack of recognition felt by older carers and is continuing to develop policy on a long-term carer recognition payment.

When Carer Support Payment was introduced in 2023, we recommended that steps should be taken to significantly improve older carers' experience of the system. The Scottish Government has told us about steps they have taken including that award letters to people with underlying entitlement are clear, recognise them as carers and give further information on the impact that underlying entitlement has on Pension Credit and other benefits. As well as this, signposting information has been included

in 'mygov' content and in annual letters to carers; and there has been targeted messaging for older carers in the launch of Carer Support Payment.

We are pleased to note that further improvements are planned including a new user-tested notification in advance of carers reaching state pension age to better prepare them for payments stopping. In the longer-term, the Scottish Government is considering how applications for underlying entitlement can be streamlined. This active improvement demonstrates a learning system as Our Charter says that people are entitled to expect

Although it is still early to assess the impact of the measures implemented so far on the experience of older carers, stakeholders have expressed uncertainty about whether any improvements have been observed. We urge the Scottish Government to continue implementing measures at pace and to closely monitor progress.

Recommendation 3: To improve the experience of older carers, the Scottish Government should continue implementing measures at pace and to closely monitor and evaluate progress.

3. Scottish Carer Supplement

Carer's Allowance Supplement was introduced under the Social Security (Scotland) Act 2018 as a temporary provision to make a payment twice a year to carers in Scotland getting Carer's Allowance or Carer Support Payment on a set qualifying date. In 2024/25, it is £288.60, rising to £293.50 in 2025/26.

The draft regulations replace Carer's Allowance Supplement with Scottish Carer Supplement, bringing it under the same framework as other carer's assistance. This means carers will receive the supplement for every week they qualify for Carer Support Payment, rather than the current lump sum where eligibility is established on a qualifying date twice a year. Aligning entitlement and payments with Carer Support Payment is intended to ensure carers receive money regularly and do not miss out on six months' money if they were not eligible on the qualifying date. For some carers, the switch to a four-weekly payment could require adjustments to household budgeting for those used to getting a lump sum.

We understand the need for a change in name, given that it is no longer a supplement to Carer's Allowance but is aligned solely to Carer Support Payment. This was also reflected in feedback we received from stakeholders. Stakeholders did, however, tell us they felt there was a potential for confusion arising from the change in name and highlighted the importance of communication of the change in name and change in how it will be paid.

4. Single benefit with three components

Carer Additional Person Payment and Scottish Carer Supplement are not standalone benefits. They are dependent on the carer getting Carer Support Payment. The structure chosen to deliver them is through creating a single benefit which is made up of three components: Carer Support Payment, Scottish Carer Supplement and Carer Additional Person Payment. The single benefit is called 'Carer Support'.

The Scottish Government chose this three-in-one structure rather than separate benefits as the only deliverable option to allow for the various income disregards and passports to additional elements in Universal Credit and Pension Credit and other interactions with benefits reserved to the UK Parliament. They also consider that this

structure allows the application process to be as simple as possible and for a single redetermination and appeals process to be straightforward.⁵

With multiple and complex interactions with UK and other Scottish benefits and systems it is crucial to prioritise getting this right. Carers rely on these systems working well. When they go wrong, carers miss out on entitlements or find themselves repaying overpaid benefit.

However, this approach presents challenges that make it difficult to meet some charter expectations. Below, we comment on issues related to take-up, applications and providing choices to carers when only a single award is available.

4.1 Take-up and communication

It is not known at present how many carers may be missing out on benefit entitlement. The Scottish Government's take-up strategy describes the fundamental challenge of identifying carers who may not have self-identified as such.⁶ They are considering the best way to estimate take-up rates for Carer Support Payment following the completion of case transfer from Carer's Allowance. However, it is possible that many carers are missing out. For Carer's Allowance, a DWP study in 2010 estimated take-up to be only around 65 per cent.⁷

Benefit take-up is influenced by factors such as whether people have heard of a benefit, whether they think they are eligible, how complex it is to apply and whether the amount of benefit is worth the stress and effort of applying for it.⁸

The changes to payments for carers come with a set of new terms, adding to the already complex landscape. There is Carer Support, the umbrella term for Carer Support Payment, Scottish Carer Supplement and Carer Additional Person Payment, there is Young Carer Grant and there is also in the reserved system, Universal Credit carer element and Pension Credit carer addition and, for some, Carer's Allowance. With so many similarly named benefits, making sure that carers are all made aware of what is available to them, and crucially, in a way that they understand whether they are eligible, is likely to require a new and sustained response from the Scottish Government. An additional challenge is reaching those caring for more than one person. Having multiple caring roles can be extremely demanding in effort and time, especially if the people being cared for have very different needs.⁹

Recommendation 4: With new social security support for carers creating a more complex landscape, the Scottish Government should develop a tailored and sustained communications and take-up plan to ensure all carers, particularly those with multiple caring roles, are aware of the support they are entitled to.

We heard from stakeholders that the umbrella term, 'Carer Support', chosen to represent the three payments could be confusing for carers who may assume it is practical support rather than financial. The Scottish Government has said that, after testing the approach with user research participants, they intend in practice to set out the three components separately when communicating with people and do not intend

⁵ Scottish Government response to SCoSS written question, 18 February 2025

⁶ Scottish Government 2021 take up strategy

⁷ [Department for Work and Pensions - The take-up of Carer's Allowance: A feasibility study](#)

⁸ For example, [Social Security Committee - Benefit Take Up Report, March 2020](#)

⁹ [Carers UK - Poverty and financial hardship of unpaid carers in the UK](#)

to use the umbrella term unless it is necessary to aid understanding of entitlement, redetermination and appeals.

Given that the umbrella term will be used in some situations, it would be wise to test the term 'Carer Support' alongside the alternative, 'Carer Payments', which the Scottish Government told us that they consider an equally valid option.¹⁰

Recommendation 5: The Scottish Government should test with carers the alternative umbrella terms, 'Carer Support' and 'Carer Payments', to ensure the term chosen is not a barrier to take up.

We heard from stakeholders that some groups may be more likely to miss out, such as carers who have communication needs or do not speak English as their first language. The Scottish Government report, Research into seldom-heard groups within the Scottish social security system,¹¹ noted that, alongside the groups identified in the Scottish Government 2019 Seldom Heard Voices research programme, additional groups may have low rates of benefit take-up. These include:

- People from established minority ethnic communities who are at risk of marginalisation due to prejudice, language barriers and cultural differences.
- People with long-term physical and mental health impairments or conditions, including fluctuating and/or less visible conditions.
- People with learning disabilities and learning difficulties.
- Socially isolated older adults.

The report suggests that a strategy to overcome barriers could include 'targeted and culturally responsive awareness raising, and the provision of accessible, accurate and timely information'.

Social Security Scotland offers factsheets in 12 community languages and encourages their use in community settings such as GP surgeries and libraries. We encourage the Scottish Government as they consider findings from the seldom-heard groups research to look at providing more information directly to carers in accessible formats and multiple languages.

Recommendation 6: The Scottish Government should provide more information on social security entitlements for carers in accessible formats and multiple languages to ensure carers with communication needs or limited English do not miss out.

4.2 Applying for Carer Additional Person Payment

The way to apply for Carer Additional Person Payment will depend on whether a carer wishes to add it to an existing award of Carer Support Payment or is making a completely new application for Carer Support.

For new claimants, the online application process will include an eligibility checker and will outline the three components available through 'Carer Support'. This is intended to "support carers in understanding the purpose of each component".¹²

Carers already getting Carer Support Payment will apply for Carer Additional Person Payment by informing Social Security Scotland about the additional people they care

¹⁰ Scottish Government response to SCoSS written question, 18 February 2025

¹¹ [Scottish Government - Scottish social security system - seldom-heard groups: research](#)

¹² Scottish Government response to SCoSS written question, 29 January 2025

for. This will be done by reporting a change in circumstances even if they have been caring for the additional person for some time.

Designing this part of the client journey will require some care to make sure that names of forms, for example, do not inadvertently present a barrier to carers understanding that they are eligible and, therefore, potentially reducing take up. A standard 'change of circumstances' form may not be appropriate. A tailored form could be used while still routing the request through the legal route of determination without application.

Recommendation 7: To avoid creating unintended barriers to take up, rather than relying on the standard change of circumstances process the Scottish Government should design with carers a specific way for them to request that Carer Additional Person Payment is added to their award.

4.3 Choice of components

For a new application for Carer Support, the 2018 Act and regulations require Social Security Scotland to determine entitlement to all three components. However, a carer may be eligible for Carer Additional Person Payment but not wish to claim it, for example, because the household will be better off if another family member applies instead. In this case, there seems to be no clear legal route for Social Security Scotland not to award Carer Additional Person Payment if they know the applicant is eligible.

In practice, the application form may give a carer the option of not asking for Carer Additional Person Payment. This would allow Social Security Scotland to determine the award without Carer Additional Person Payment based on the available evidence. However, if a carer inadvertently gave information about additional care or later changed their mind, there would appear to be no provision in the 2018 Act for them to withdraw Carer Additional Person Payment component from their application or, once an award has been made, to end only this component.¹³

The same question of choice could arise on redetermination and appeal. We understand that when a redetermination or appeal is requested for a particular component, all three components will be considered.

Recommendation 8: To give carers more choice about the support they receive, the Scottish Government should ensure regulations and processes allow carers applying for Carer Support to choose not to claim Carer Additional Person Payment. Carers should also be able to withdraw Carer Additional Person Payment from an application or end entitlement to this component without ending the whole award.

5. Extension of Young Carer Grant to 19-year-olds

The draft regulations provide for the extension of eligibility for Young Carer Grant to 19-year-olds.

When Carer Support Payment was introduced in 2023 with widened access for students but not for most 16 to 19-year-olds in full-time, non-advanced education, we noted a gap in provision for young carers aged 19, with many having no access to

¹³ Sections 26 and 39 of the Social Security (Scotland) Act 2018 do not allow for partial withdrawal of applications or awards.

either Young Carer Grant or Carer Support Payment. We recommended that this could be addressed by extending Young Carer Grant to 19-year-olds.¹⁴ We are pleased that this change will now fill that gap.

This change means that young carers will be eligible for four payments of the grant in total, between the ages of 16 and 19, providing them with one additional payment. The Scottish Government anticipates that this will extend financial support to up to 1,000 young carers, based on the most recent Young Carer Grant statistics.

However, we are aware that an alternative policy choice would be to give full access to Carer Support Payment for young carers from age 16, a choice favoured by the stakeholders we spoke to. We noted in 2023 that there was a lack of evidence about the impact of the availability of social security for young carers on their caring and educational choices and outcomes. We recommended that the Scottish Government should undertake this research. In response the Scottish Government noted that it would “consider how best to evaluate the impact of the changes in the education rules, on those who are eligible and those who are not, including any impact on their education and wellbeing.”

The Scottish Government has told us recently that they are due “to explore the immediate (process) and short-term impacts of Carer Support Payment in early 2025, including the accessibility of the benefit... This survey will also form the initial element of fieldwork for the follow-up evaluation of Young Carer Grant... Together, these two strands of evaluation will allow us to consider the impact that Young Carer Grant and Carer Support Payment have on young carers, and the extent to which the benefits have encouraged young carers to seek out new opportunities... A final report detailing the findings of the carer’s benefits evaluation is scheduled for early 2026.”¹⁵

However, we think the Scottish Government needs to go further to address the lack of evidence informing its policy choices. Given this group of young carers does not have access to Carer Support Payment, the planned evaluation may not give the insights needed. It should be supplemented by research on likely outcomes if this support were to be available.

Recommendation 9: The Scottish Government should go further to address the lack of evidence on the effect that access to benefit for young carers may have on their caring and education choices and outcomes by supplementing its evaluation of currently available support with research on likely outcomes if more support were to be available.

¹⁴ [Scottish Commission on Social Security - Scrutiny report on draft regulations - Carer’s Assistance \(Carer Support Payment\) \(Scotland\) Regulations 2023](#)

¹⁵ Scottish Government response to SCoSS written question, 17 January 2025

6. Extending the bereavement run-on

Regulation 3(9) replaces the existing 8-week period that Carer Support Payment continues to be paid after the death of a cared for person, with a longer 12-week period. It also extends the run-on to cover all three payments. This is intended to allow the carer more time to adjust following the loss of the cared for person as they consider next steps such as moving into paid work or education, or rebuilding support networks.

Stakeholders support the extension of the run-on, noting that it “will provide additional time to access advice and support” to address the “varying transition needs of carers following a bereavement.”¹⁶ Although some felt that 26 weeks would be more appropriate.

However, some carers will not get the full benefit of the extended run-on unless a misalignment with Universal Credit is addressed. Carer Support Payment is deducted pound for pound from Universal Credit because it is regarded as income, but carers get additional Universal Credit in the form of a carer element. At present, the run on of the carer element after a death is more or less aligned with the 8-week run-on of Carer Support Payment. However, extending the Carer Support Payment run-on by four weeks, means that the carer element may end before the Carer Support Payment award ends. Essentially this means that the remaining award of Carer Support Payment would be offset by Universal Credit without any additional carer element. Were this to happen, it would be contrary to the Fiscal Framework, which sets the rules for how Scotland’s social security powers are managed, and says that new benefits introduced by the Scottish Government ‘must provide additional income for a recipient and not result in an automatic offsetting reduction by the UK government in their entitlement elsewhere the UK benefits system.’¹⁷

We understand that the Scottish Government is continuing to discuss this issue with the DWP. It is clearly a complicated interaction and complete alignment may be hard to achieve. Any solution should not put an additional burden on bereaved carers.

Recommendation 10: We encourage the Scottish Government to work with the UK Government to make sure that the extended bereavement run-on benefits carers on Universal Credit.

6.1 Bereavement run-on and Carer Additional Person Payment

A carer getting Carer Additional Person Payment for looking after two or more people still has caring responsibilities when the cared for person dies. Yet, when Carer Support Payment comes to an end after 12 weeks, the consequence is that Carer Additional Person Payment ends too. This will need to be clearly communicated to carers. There is also an opportunity to help those whose ‘additional’ caring role would also qualify them for Carer Support Payment. This will not be appropriate in all situations, however, processes could be designed so that if it is the right option for the carer, there is a smooth transition to switch their Carer Additional Person Payment entitlement to Carer Support Payment so benefit can continue at the end of the 12-week run on without a gap.

¹⁶ Submission to SCoSS by Citizens Advice Scotland, January 2025

¹⁷ [Scottish Government - Fiscal framework: agreement between the Scottish and UK Governments](#)

A similar situation could arise when there is a break in care.

7. Breaks in care

Currently, a carer can continue to be paid Carer Support Payment during a temporary break in care of up to four weeks in any 26-week period. New carers need to build up an initial period of 22 weeks care before they can be paid during a break. The break can be up to 12 weeks if a hospital stay is involved.

The draft regulations remove the requirement for a carer to build up a period of care before they can continue to get support during a break. The same provision will apply to Carer Additional Person Payment.

This provision provides more stable support to carers through short breaks. If there is a longer break in caring, entitlement ends.¹⁸ The introduction of Carer Additional Person Payment brings new consequences in this situation for a carer who cares for more than one person. If entitlement to Carer Support Payment ends because of a longer break in caring for the cared for person, then so does entitlement to Carer Additional Person Payment even if there is no break in care for the additional cared for person.

Example

Beata gets Carer Support Payment for caring for her dad. She also cares for her mum and gets Carer Additional Person Payment. Her dad moves into a care home and Carer Support Payment stops. Beata is still caring for her mum as normal but her Carer Additional Person Payment also stops.

The level of care provided to the additional cared for person may be enough to qualify for Carer Support Payment. If so, a switch from Carer Additional Person Payment may be the best option. However, this is complex and a challenge for the Scottish Government to design processes that work smoothly and are proactive in guiding people through the system. It is also a challenge for Social Security Scotland to make sure that call handlers are equipped to give accurate information.

Recommendation 11: The Scottish Government should make sure that processes proactively guide people through the system when they continue to have caring responsibilities for another person when Carer Support Payment entitlement ends for example, if the cared for person moves into care or they die.

8. Other amendments

8.1 Determination without application to award backdated support

When a carer first applies for Carer Support, they can ask for their entitlement to be backdated for up to 13 weeks. If they do not ask on the application form, they can ask Social Security Scotland later once an award is in place. Currently there is no time limit to request the 13-week backdating. These draft regulations introduce a time limit of 13 weeks from the date of the award. Asking later than that is still

¹⁸ Entitlement ends by a determination under regulation 36(a) of The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

allowed but depends on the carer satisfying Social Security Scotland that they have good reason for not asking sooner.

Such tests are difficult for people to navigate. Moreover, carers are time poor so almost by default have a good reason for not acting quickly to sort out a benefit issue. In practice, there may not be many carers affected, but to avoid people missing out on entitlement, the process should be made as straightforward as possible and the bar for accepting a carer has good reason should be low.

Recommendation 12: To ensure that carers can effectively navigate the process, Social Security Scotland should make it simple for them to request backdating of their award. This should include giving clear guidance and being proactive in prompting about the importance of giving a reason when the request is late.

8.2 Revocation of provisions for the initial period of application

Draft regulation 6(3) revokes previous provisions setting out the dates on which Carer Support Payment became available for applications in different local authorities in Scotland as part of the phased roll out. This provision is no longer required now the benefit is available across Scotland. Removing provisions that are no longer needed is good legislative housekeeping and we welcome this approach.

By a savings provision, a special backdating rule continues to apply for student carers and others who were not eligible for Carer's Allowance and had to wait until Carer Support Payment with its more generous provisions was rolled out in their area. We have been made aware by stakeholders that due to the complexities of this scenario student carers backdating under this special rule were at risk of receiving conflicting and incorrect information from Social Security Scotland. Ideally, rules would be simple, but in practice some complexity cannot be avoided. This does present challenges for Social Security Scotland to make sure staff are well equipped to give information on situations they encounter less often such as the less common backdating rules.

Recommendation 13: To ensure clear and accurate information is given to carers affected by various backdating rules, Social Security Scotland should provide more training and guidance for staff on provisions that are less commonly encountered.

9. Areas for clarification

9.1 When an increase in entitlement starts

There appears to be an error in paragraph numbering in draft regulation 3(15)(c) which amends regulation 28 (when an increase in amount of entitlement takes effect).

Recommendation 14: Draft regulation 3(15)(c) amends 'paragraph (1)(b)(i)' but it should amend paragraph (1)(a)(i) of regulation 28.

9.2 Bereavement run-on of Carer Additional Person Payment

Regulation 16(4A) (amended by draft regulation 3(9)) provides for a bereavement run-on of Carer Additional Person Payment. It provides for the run-on to last for 12 weeks or to end sooner if the carer no longer satisfies certain qualifying conditions.

The drafting of this provision should not include continuing to meet the condition in regulation 14B(1)(b) to be providing care.

Recommendation 15: Draft regulation 3(9) amending regulation 16(4A) should be amended to remove reference to meeting qualifying conditions relating to caring for the person who has died.

10. Approach to scrutiny

This report has been completed in accordance with the Commission's pre-legislative scrutiny function, set out in sections 22 and 97 of the Social Security (Scotland) Act 2018.¹⁹ Section 97 states that the Commission must report on draft Regulations proposed to be made under any section in Chapter 2 of Part 2 or Section 79 of the Act.²⁰ The draft Regulations are made under powers conferred by sections within this part and chapter.

This report provides commentary in connection with human rights and the social security principles set out in Section 1 of the Social Security (Scotland) Act 2018,²¹ as operationalised via Our Charter.²²

The Cabinet Secretary for Social Justice referred the draft regulations to us,²³ along with the Policy Note,²⁴ on 28 November 2025. We were given a deadline for reporting of 28 February 2025.

To understand the views of stakeholders in relation to the draft regulations, we hosted a stakeholder event on 20 January with input from carers organisations. Their feedback is represented throughout our response and we would like to publicly recognise the stakeholders' contributions as invaluable to informing our position on the draft regulations. We are grateful for the efforts made by officials to keep us apprised of developments.

¹⁹ [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

²⁰ Other than in relation to regulations made only for the purpose of the consolidation of earlier regulations (section 97(11)).

²¹ [Social Security \(Scotland\) Act 2018 \(www.legislation.gov.uk\)](https://www.legislation.gov.uk)

²² [Social Security Scotland - Our Charter](#)

²³ [Draft The Carer's Assistance \(Young Carer Grant and Carer Support Payment\) \(Miscellaneous Amendment and Saving Provision\) \(Scotland\) Regulation 2025](#)

²⁴ [Draft Policy Note - The Carer's Assistance \(Young Carer Grant and Carer Support Payment\) \(Miscellaneous Amendment and Saving Provision\) \(Scotland\) Regulation 2025](#)

Annex A: About the Scottish Commission on Social Security

The Scottish Commission on Social Security (SCoSS) plays an essential role in the development and delivery of a Scottish Social Security system based on fairness, dignity and respect.

We provide independent scrutiny of the Scottish social security system and our full functions are set out in section 22 of the Social Security (Scotland) Act 2018.²⁵

We provide detailed analysis of proposed social security regulations which are referred to us by Ministers, making recommendations for improvement where necessary.

Our role is also to scrutinise the Scottish Government's delivery of the commitments set out in the Social Security Charter.²⁶

We are separate from the Scottish Government, and we carry out our work independently of both Scottish Ministers and the Scottish Parliament.

The Scottish social security principles

SCoSS takes the Scottish social security principles, as laid out in the Social Security (Scotland) Act 2018, into consideration when scrutinising proposed social security legislation and regulations. The Scottish social security principles are:

- (a) social security is an investment in the people of Scotland,
- (b) social security is itself a human right and essential to the realisation of other human rights,
- (c) the delivery of social security is a public service,
- (d) respect for the dignity of individuals is to be at the heart of the Scottish social security system,
- (e) the Scottish social security system is to contribute to reducing poverty in Scotland,
- (f) the Scottish social security system is to be designed with the people of Scotland on the basis of evidence,
- (g) opportunities are to be sought to continuously improve the Scottish social security system in ways which—
 - (i) put the needs of those who require assistance first, and
 - (ii) advance equality and non-discrimination,
- (h) the Scottish social security system is to be efficient and deliver value for money.

²⁵ [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukdsi/2018/01/01/5150131000000001/eng/full/text.html)

²⁶ [Social Security Scotland - Our Charter](#)

Annex B: Scrutiny timeline

28 November 2024	Draft Regulations and Section 86A formally referred to SCoSS by the Cabinet Secretary for Social Justice.
14 January 2025	SCoSS Board ad hoc meeting discussion on the draft regulations.
20 January 2025	SCoSS roundtable event with carer organisations.
30 January 2025	SCoSS Board meeting discussion on the draft regulations and draft report.
18 February 2025	SCoSS Board ad hoc meeting discussion on the draft regulations and draft report.
27 February 2025	SCoSS Board meeting discussion on the draft regulations and draft report.
28 February 2025	SCoSS report signed off and laid.