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Shirley-Anne Somerville MSP  
Cabinet Secretary for Social Justice  
Scottish Parliament  
Edinburgh  
EH99 1SP

**By email only**

Dear Cabinet Secretary

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

I am writing in response to the further draft of the Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 referred to the Commission on 23 July.

We note that this draft has taken account of our recommendations in the scrutiny reports of 28 February and 28 March. We have therefore focused our further scrutiny on the changes since then.

These are complex regulations and there are some technical areas which we think could benefit from further clarification, detailed in the Annex below.

There are two other issues that we want to highlight where we think there are opportunities for Social Security Scotland to help carers get everything they could be entitled to, bearing in mind its Charter duty with regard to staff being knowledgeable and providing answers about social security.

We know that the Scottish Government is improving notification letters to older carers and others with underlying entitlement that are clear, recognise them as carers and give further information on the impact that underlying entitlement has on Pension Credit and other benefits. We think that particular care should be taken with how they are formally notified of the change of their entitlement to Carer Support. Many will recently have been transferred from Carer's Allowance to Carer Support Payment, and shortly will be transferred again to Carer Support. Carers who have no

benefit in payment, confused about the transfer, may contact Social Security Scotland for more explanation. There is an opportunity to equip staff to answer questions from carers and explain the value of underlying entitlement to accessing higher amounts of Pension Credit. This is in line with the principle of continuous improvement (principle (g)).

There is also an opportunity for Social Security Scotland to support people making competing claims by explaining how they might adjust their claim to get everything they could be entitled to. For example, separated parents who share care for two disabled children and make competing claims would be better off where each child has one parent claiming Carer Support Payment and one claiming Carer Additional Person Payment for them. This is not likely to be well understood by carers or their advisers. Social security is a human right (principle (b)) and clarity about maximising entitlement in competing claims would support individuals to achieve their right to social security and an adequate standard of living. Our Charter states that as a “people’s service”, Social Security Scotland is “here to help you get everything you’re entitled to”.<sup>1</sup> This situation could be explained in guidance, most helpfully in a published Decision Making Guide alongside explanations of other complex areas such as earnings rules and breaks in care.

We hope these observations are helpful. A copy of this letter has been submitted to the Convener of the Social Justice and Social Security Committee and will be published on our website.

Yours sincerely,



Ed Pybus  
Chair  
Scottish Commission on Social Security

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<sup>1</sup> [Social Security Scotland - Our Charter](#)

**Technical areas for clarification**

- The new paragraph (fa) to regulation 36 of the principal Carer Support regulations (inserted by draft regulation 3(21) uses the term 'decision'. This term does not clearly apply to Carer Support Payment awards which are altered by 'determinations'.
- The heading to Schedule 1A is 'Determination without application to Carer Support' whereas regulation 34A which introduces the schedule is headed 'Transfer from Carer Support Payment to Carer Support'. The heading in regulation 34A seems more appropriate for Schedule 1A because the schedule only applies to transfers rather than to determinations without application more generally.
- Draft Regulation 3(15) amends regulation 24(9)(1) to omit the word 'Payment'. However, this should apply to paragraph 1 of regulation 24 rather than to paragraph 1 of regulation 24(9).
- Regulation 40(6) applies the temporary stops in care rules to Carer Additional Person Payment. Paragraph (6)(a) requires references to Carer Support Payment in paragraphs (1) to (5) to be read as Carer Additional Person Payment. However, paragraphs (1) to (5) do not refer directly to Carer Support Payment by name.
- Part 6 of the draft regulations refers to various regulations and Parts without specifying that these are references to the principal Carer Support regulations. Given that the text in Part 6 will not form part of the principal regulations, the references need to be more specific.