

**The Draft Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 - Scottish Government response to SCoSS scrutiny**

Recommendation	Accept/partially accept/ Decline	Response
<p><b>Recommendation 1:</b> 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.</p>	<p><b>Accept</b></p>	<p>We recognise the need to make it clear to carers that caring hours for the Carer Support Payment and the Carer Additional Person Payment components can be undertaken simultaneously. While this does not need to be explicitly set out in the regulations in order for the regulations to have this effect, we have accepted the recommendation and have added provision in a new paragraph 8 in the intended regulation 14B for the avoidance of doubt.</p> <p>In the main, carers and the organisations that support them will engage with rules for the new benefit in the communications targeted directly at them, and we will prioritise ensuring that the caring hours rules are clear. These communications include:</p> <ul style="list-style-type: none"> <li>• the communications and engagement strategy to promote the introduction of the new payment</li> <li>• all application platforms</li> <li>• in our online content at my.gov, and</li> <li>• within training and guidance for client advisors at Social Security Scotland.</li> </ul>
<p><b>Recommendation 2:</b> 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</p>	<p><b>Accept</b></p>	<p>We have considered the Board's feedback in the scrutiny report to ensure that the provision refers specifically to the Carer Support Payment component and does not preclude any individual, who is receiving the Universal Credit Carer Element for another cared for person from receiving Carer Additional Person Payment as this is not the policy intent for CAPP.</p>

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from receiving Carer Additional Person Payment.		
<b>Recommendation 3:</b> To improve the experience of older carers, the Scottish Government should continue implementing measures at pace and to closely monitor and evaluate progress.	<b>Accept</b>	<p>We continue to consider the experiences and needs of older carers, and in particular those with underlying entitlement due to their receipt of the state pension.</p> <p><u>Improvements already in place</u></p> <ul style="list-style-type: none"> <li>• <b>Award letters:</b> provided to carers with underlying entitlement are clear that they are recognised as carers and provide further information on the impact that underlying entitlement to Carer Support Payment can have on other benefits, including Pension Credit. They also provide information and links to wider carer support such as access to carer support plans, carers centres and advice on financial and wellbeing support.</li> <li>• <b>Signposting information:</b> is also included in my.gov content and the text of annual uprating letters, providing an opportunity to keep in touch with carers with underlying entitlement and to signpost to wider support services.</li> <li>• <b>Communications and engagement strategy:</b> to support launch and the enhanced roll out also included targeted messaging for older carers, particularly those with underlying entitlement.</li> </ul> <p><u>Planned improvements</u></p> <p>We know from user research and other stakeholder input, that many older carers are not aware that their Carer Support Payment/Carer's Allowance award will be affected by State Pension, or that payments</p>

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		<p>may stop when they begin to receive their State Pension. Therefore, we are currently working to deliver the following:</p> <ul style="list-style-type: none"> <li>• <b>Improvements to the online application:</b> to provide clients with further information at the start of the application process to ensure they are aware of the impacts Carer Support Payment can have on their other benefits and vice-versa.</li> <li>• <b>Introduce a new notification ahead of reaching state pension age:</b> designed with and user-tested by clients with underlying entitlement to inform them about how getting state pension can affect their Carer Support Payment. The notification will include information on the benefits of having underlying entitlement, including additional amounts carers may be entitled to in other benefits, such as Pension Credit.</li> </ul> <p><u>Consideration of longer term improvements</u></p> <p>We are continuing to work on the policy options identified through our extensive engagement with carers prior to introducing Carer Support Payment and continuing to take feedback from clients and stakeholders in order to further consider:</p> <ul style="list-style-type: none"> <li>• <b>Streamlining applications for underlying entitlement:</b> on-going work to consider how the overall application journey could be streamlined for carers with only underlying entitlement.</li> <li>• <b>Long-term carer recognition payment:</b> we intend to develop the long-term carer recognition payment policy further, taking into account the responses to our 2022 public consultation, once we have completed case transfer and delivered these priority improvements.</li> </ul>
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		<p><u>Evaluation</u></p> <p>We are undertaking an evaluation of carer benefits to examine the implementation and impact of benefits or policy changes, seeking to evidence these against anticipated process, short-, medium-, and long-term outcomes. Evaluation is only possible once a benefit or policy change has been introduced, and sufficient time has passed for impacts to be measurable. For Carer Support Payment the evaluation process commenced in summer 2025 with qualitative research looking at process and short-term outcomes, and a report to be published winter 2025. This will be complemented by additional survey work examining medium- and long-term outcomes in the late summer and early autumn of 2025, with a report scheduled for Spring 2026.</p>
<p><b>Recommendation 4:</b> 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.</p>	<p><b>Accept</b></p>	<p><u>Communications Strategy</u></p> <p>We have recently delivered a communications campaign to help carers identify as carers and encourage them to seek support from Scottish Government, including social security benefits and Social Security Scotland actively promoted carer benefits during carers week in June this year. We tested the materials in user research to help ensure that carers would respond well to the campaign, recognise their caring role and go on to find out more information from mygov.</p> <p>As with previous Scottish Social Security benefit launches, we intend to design a communications and engagement strategy to promote the introduction of these priority. Preparations for the strategy commenced in January 2025, with external comms beginning September 2025, once the amending regulations are laid. This will take into account the needs of both carers themselves and the organisations that support</p>

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		<p>them, and will include information events, provision of marketing resources, social/digital media and press releases.</p> <p><u>Scottish Carer Supplement</u></p> <p>We recognise the need to inform carers of the introduction of Scottish Carer Supplement, especially carers who have previously received Carer's Allowance Supplement, and what this change will mean for them. We are currently developing notifications to ensure that carers are notified in December 2025 when the last bi-annual Carer's Allowance Supplement payment is made and ahead of the introduction of Scottish Carer Supplement. A new determination notice will also be issued to all carers receiving Carer Support Payment at the coming into force date of Carer Support. Communications on the planned introduction of Scottish Carer Supplement will also be made via social/digital media and press releases both when the regulations are making their way through parliament and ahead of its launch.</p> <p><u>Carer Additional Person Payment</u></p> <p>In addition to communications through social/digital media and press releases, we will provide direct information to carers already receiving Carer Support Payment of the new support available and how they can access it, based on input from carers through user research. This will consist of an information mailshot to be inserted into a new determination notice which existing clients will receive on the introduction of Carer Support.</p> <p><u>Next steps</u></p> <p>Last year, the Scottish Government published commissioned research into the impacts of stigma on take-up, and an evidence review of</p>
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		<p>barriers to take-up experienced by seldom-heard groups across the social security system, including carers. This evidence review found that barriers to take-up are similar across most seldom-heard groups. It therefore suggests that an approach which tackles those barriers, rather than targets individual groups, may be more impactful in driving benefit take-up whilst simultaneously giving consideration to intersectionality across groups.</p> <p>The Scottish Government, together with Social Security Scotland, is currently developing a seldom-heard group action plan in response to this research, due to be published later this year. We expect these activities to improve take-up among carers where those carers are members of seldom heard or intersectional groups.</p> <p>The next iteration of the Benefit Take-up Strategy is then due to be published in October 2026. We are early in the development phase of the strategy which will incorporate lessons learned from the implementation of the seldom-heard group action plan, as well as activity which has taken place under the current benefit take-up strategy. We are also currently assessing the potential to estimate take-up rates for Carer Support Payment, following the completion of case transfer from Carer's Allowance.</p>
<p><b>Recommendation 5:</b> 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.</p>	<p><b>Partially accept</b></p>	<p>Over the last 18 months we have considered a range of different options to deliver Scottish Carer Supplement and Carer Additional Person Payment, including the components approach and making them separate benefits with Carer Support Payment as the qualifying benefit. Our aims were to:</p> <ul style="list-style-type: none"> <li>• keep the application process as simple as possible</li> </ul>

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		<ul style="list-style-type: none"> <li>• facilitate and protect the different disregards, passporting and premia for each payment in the reserved benefits system, and</li> <li>• provide an effective and straightforward re-determinations and appeal process in line with the requirements of the 2018 Act.</li> </ul> <p>Our impacting work, including with the DWP and HMRC, identified the components approach as the only deliverable option and the one which provided for the simplest and best client journey. The components approach means that:</p> <ul style="list-style-type: none"> <li>• the client will only be required to make one application for all three components</li> <li>• the differing disregards in the reserved system can be protected, and</li> <li>• there will only be one redetermination and appeal process across the three components.</li> </ul> <p>The drafting in the regulations required to support this approach means there needs to be an 'umbrella term' to encapsulate the components. In considering this recommendation, we have:</p> <ul style="list-style-type: none"> <li>• reconsidered user research already undertaken</li> <li>• taken into account that carers will generally engage with our targeted communications for carers and the application process, rather than regulations, and</li> <li>• considered the implications of the word payment next to the word 'carer', as opposed to next to the words 'carer support'.</li> </ul> <p>'Carer Assistance' was already discounted as it is a term used in the 2018 Act and has a specific, broader meaning. User research showed that the names carers prefer can vary significantly. Overall, terms such</p>
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		<p>as 'assistance', 'payment' and 'support' were seen as positive/neutral. This is because they were felt to be inclusive, empowering, and highlight that people are entitled to assistance. In contrast, terms that are considered to label and segregate such as 'benefit' and 'allowance' were described as stigmatising and discriminatory</p> <p>Furthermore, the term 'payment' when read or heard next to the term 'carer' could imply a direct payment for care, which is not an accurate reflection of the support provided by Social Security Scotland. Social security payments for carers are made in recognition of the care provided by unpaid carers, but they are not a direct payment or 'wage' for caring.</p> <p>We have, therefore, decided to proceed with 'Carer Support' and we will ensure that applications, notifications and other content will outline the three component payments separately to provide clarity. This was also the preferred approach among User Research participants who advised that they want to see what they had been awarded separately.</p> <p>For example:</p> <p><i>You're entitled to Carer Support Payment from (date)</i></p> <p><i>You're entitled to Scottish Carer Supplement from (date)</i></p> <p><i>You're entitled to Carer Additional Person Payment from (date)</i></p> <p>As a principle, we will ensure that any communication is clear to carers and kept under review as part of our on-going focus on continuous improvement.</p>
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<p><b>Recommendation 6:</b> 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.</p>	<p><b>Partially Accept</b></p>	<p>One of the five principles that underpins our Benefit Take-Up strategy is to 'prioritise person centred approaches' This guides the actions across for Scottish Government and Social Security Scotland, shaping activities to promote take up for those with complex communication needs or those with English as a second language, including carers.</p> <p>We proactively translate benefit information into: Arabic, Farsi, Gaelic, Kurdish Sorani, Lithuanian, Polish, Romanian, Russian, Slovak, Traditional Chinese, Ukrainian and Urdu. We can also translate into other languages and formats on request, including braille and Easy Read format. We regularly review the languages we translate into and update these accordingly based on demand.</p> <p>Where English is not a person's first language, we can also arrange an interpreter in order to help them apply for benefits. This can be requested by phone. We also run a Text Relay Service to support those who are hard of hearing.</p> <p>We recently ran a translated social media campaign targeted to speakers of languages other than English, directing to available 'Our guide to benefits' flyers in the relevant languages.</p> <p>Our team of specially trained Client Support Advisers are based in every Local Authority area in Scotland. They can help clients to complete online or paper application forms and help with submitting change of circumstances information.</p> <p>Another principal of the Benefit Take-Up Strategy which guides activity is 'Continuously Learn and Improve'. Social Security Scotland undertakes monitoring to support continuous improvement, which will cover Carer Support.</p>
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<p><b>Recommendation 7:</b> 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.</p>	<p><b>Partially accept</b></p>	<p>Carers applying for Carer Support for the first time can inform Social Security Scotland of any additional cared for persons they care for as part of the Carer Support application. Where a carer is already receiving Carer Support Payment when Carer Support is introduced, a determination without application will be made to move the carer from Carer Support Payment to Carer Support. The Carer Support Payment and Scottish Carer Supplement components will be automatically awarded. There will be clear information in the notification for carers about how to tell Social Security Scotland about any additional cared for persons. There is then specific provision in the regulations to ensure a further determination without application can be made to award the Carer Additional Person Payment component.</p> <p>Where a carer applies for Carer Support and later takes on an additional caring role, they can request that the Carer Additional Person Payment component is added to their Carer Support award through enhancements to the existing change of circumstances journey, which have been tested with carers through user research.</p> <p>We considered a range of mechanisms and concluded that using existing processes rather than having a new, separate route, means it is processes by which many carers will already be familiar. Carers can report their circumstances online, using the paper form or by telephone to Social Security Scotland.</p> <p>Specific information on the approach for existing Carer Support Payment clients will be incorporated into the communications plans for Carer Additional Person Payment, and information will be available on an ongoing basis, including on 'my.gov'.</p>
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<p><b>Recommendation 8:</b> 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.</p> <p>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.</p>	<p><b>Partially accept</b></p>	<p>As set out above, applications, notifications and content will outline all three components of Carer Support separately. Within the online application, carers can make an informed choice on whether they wish to apply for the Carer Additional Person Payment and will be presented with the following:</p> <ul style="list-style-type: none"> <li>• <i>If you care for any additional people, you can get Carer Additional Person Payment for each person.</i></li> <li>• <i>If you do not want to add an additional person, select 'continue'.</i></li> <li>• <i>I understand that if I've added any additional people, I provide care for as part of this form, I might be eligible to get payments of Carer Additional Person Payment.</i></li> </ul> <p>These prompts have been included to ensure that it is clear to carers that by reporting any additional cared for persons that they may receive the Carer Additional Person Payment. Where they do not wish to receive support through the Carer Additional Person Payment they can choose not to report any additional cared for persons and continue with their Carer Support Payment application to receive Carer Support Payment and Scottish Carer Supplement components only.</p> <p>This information will also be presented within the paper application and communicated to clients applying over the phone.</p> <p>In line with sections 26 and 39 the Social Security (Scotland) Act 2018 carers have the right to withdraw an application or request to stop assistance of their Carer Support award. To do this, carers can contact Social Security Scotland and information on how to do this is provided in client correspondence and on the <a href="#">my.gov website</a>.</p>
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		<p>Section 26 and 39 apply to the whole award and not specific individual components. Like Carer's Allowance Supplement currently, Scottish Carer Supplement will be paid automatically where Carer Support Payment is paid, meaning carers do not have a choice on whether they are awarded this component. Where a carer wishes to withdraw an application or stop receiving support this affects the whole application/ award.</p> <p>However, carers will have a choice over whether they wish to apply for Carer Additional Person Payment, as outlined above. Where a carer is already receiving Carer Additional Person Payment they can report they are no longer providing care for the additional cared for person(s) and a determination without application would be carried out on the whole Carer Support award to end the additional person component. It is worth noting that Carer Additional Person Payment will not be treated as income within reserved benefits or Income Tax systems and will not affect any means tested support which a carer or cared for person may be receiving.</p> <p>This approach is consistent with our other devolved multi-component benefits such as Adult Disability Payment and aligns with determinations, re-determination and appeals policy. We will monitor, as part of continuous improvement, how this is working in practice.</p>
<b>Recommendation 9:</b> 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	<b>Accept</b>	<p>The current evaluation of carers' benefits includes a further evaluation of Young Carer Grant following the <a href="#">interim evaluation</a> in 2021, and evaluation of the short and medium term impacts of Carer Support Payment. During the summer of 2025 a survey will be conducted with a wide range of carers, including young carers, and include questions on the medium-term impacts of Carer Support Payment. This survey</p>

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<p>outcomes by supplementing its evaluation of currently available support with research on likely outcomes if more support were to be available.</p>		<p>will also form the initial element of fieldwork for the follow-up evaluation of Young Carer Grant. The survey will include questions about how young carers feel regarding accessibility of Young Carer Grant and Carer Support Payment (e.g. awareness, eligibility, application processes and their relationship with Social Security Scotland) and the impact that they feel Young Carer Grant and Carer Support Payment have had for them financially and for their engagement with training, education and employment opportunities.</p> <p>The survey will also ask young carers about how they feel Young Carer Grant and Carer Support Payment have affected their health, wellbeing and quality of life (including social and leisure opportunities), and if it has reduced any negative impacts of caring. Following the survey, we will conduct follow-up interviews with some respondents to explore these issues in greater depth and gain further insight.</p> <p>Together, these two strands of evaluation will allow us to consider the impact that Young Carer Grant and Carer Support Payment have, particularly on young carers, and the extent to which the benefits have encouraged young carers to seek out new opportunities. It will also seek to understand more about young carers' experiences in accessing social security system. We will analyse data to determine if there may have been any unintended negative impacts for young carers from receiving the benefits (i.e. incentivisation of care). A final report is scheduled for early 2026.</p>
<p><b>Recommendation 10:</b> We encourage the Scottish Government to work with the UK Government to make sure that the extended</p>	<p><b>Accept</b></p>	<p>All carers in Scotland in receipt of Carer Support Payment will receive additional support through the extension of the bereavement run on from 8 to 12 weeks. We understand the importance of ensuring any additional support carers receive through this improvement does not</p>

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<p>bereavement run-on benefits carers on Universal Credit.</p>		<p>risk wider financial support carers get from reserved benefits, nor should it be lost through deductions in the reserved system.</p> <p>The Universal Credit rules will apply to the new 12 week run on in the same way as they apply to the current 8 week run on. Carer Support Payment and Carer's Allowance are counted as unearned income and deducted from the Universal Credit maximum amounts £1 for £1. However, carers can benefit from the Universal Credit Carer Element, which is added to the maximum amount within each assessment period where the carer provides regular and substantial care for the whole of the assessment period. Where the Carer Support Payment is not paid for the whole of the assessment period, the Carer Support Payment paid during the period is still deducted £1 for £1 but the Carer Element is not applied. There is also a specific run on rule for Universal Credit which states that where the cared for person dies, the UC award should continue to be calculated as though the cared for person had not died for that and the next two assessment periods.</p> <p>While all carers who receive Carer Support Payment will receive Carer Support Payment throughout the entire extra 4 weeks of support, for some carers on Universal Credit, the extra run on will not always fully align with the Universal Credit run on assessment periods.</p> <p>We have raised this issue with the Department for Work and Pensions, who have told us they consider the current approach to be acceptable. Their view is that there will be very limited circumstances in which the additional 4 weeks of Carer Support Payment would lead to carers receiving the Carer Element for more than the current 3 monthly assessment periods following the death of the cared for person.</p>
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		<p>The Cabinet Secretary has included this in a list of issues she has asked the Minister for Social Security and Disability to consider further as part of the DWPs ongoing review of Universal Credit.</p>
<p><b>Recommendation 11:</b> 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.</p>	<p><b>Accept</b></p>	<p>We are developing a supported application journey for situations where entitlement to Carer Support Payment is ending, and the carer is also receiving a Carer Additional Person Payment component(s). This will be a two-stage process:</p> <p><u>Stage 1: Prompting carers to consider if they wish to make a new application for Carer Support Payment and signposting to advice and assistance</u></p> <p>Where a carer receiving Care Support Payment no longer meets the eligibility requirements, the Carer Support Payment award will end and carers will receive a notification to inform them of this change. The notification will include text to advise that if the carer is caring for another person (this could be a person for whom they are receiving Carer Additional Person Payment) receiving a qualifying disability benefit, for 35 hours or more a week and where no one else receives Carer Support Payment for that person, they can make a new application. We will remind carers that where they wish to do so, Social Security Scotland is available to support in making a new application.</p> <p>Notifications will captures situations where support through Carer Support Payment ends, such as bereavement. It will also signpost carers to where they can receive welfare rights advice to ensure income maximisation is protected for both the carer, the cared for person, and to ensure household income maximisation.</p>

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		<p><u>Stage 2: Providing additional support from Social Security Scotland in making a new application for Carer Support Payment</u></p> <p>Carers can contact Social Security Scotland to receive support in making a new application for Carer Support Payment for a new cared for person.</p> <p>Guidance for client advisors will be developed with particular consideration for where Carer Support Payment is ending due to bereavement, to ensure that carers can benefit from the extended bereavement run on from 8 to 12 weeks. Information will also be available on my.gov.</p> <p>Officials have worked closely with DWP with regards to this 'supported applications' journey to ensure the integrity of data and to ensure that reserved benefit premia are paid correctly as a result of a carer ending an award and starting a new award. We will monitor, as part of continuous improvement, how this process is working in practice, taking feedback from carers and stakeholders and Social Security Scotland.</p>
<p><b>Recommendation 12:</b> 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</p>	<p><b>Accept</b></p>	<p>Improvements made to our Carer Support Payment service in June 2024 mean it is now possible for clients to request backdating for more than 13 weeks using the online application form, where previously clients needed to make these applications by telephone. User research with carers and organisations has been central to this design, making it easier for carer to navigate these rules. We are also making improvements to how applications backdated for more than 13 weeks are processed in order to enable more automated processing, so that clients can be awarded and paid more quickly.</p>



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<p>giving a reason when the request is late.</p>		<p>Clients can still apply via paper application, over the phone or face-to-face through Local Delivery as with all benefits.</p> <p>At the same time as the application changes, we have made improvements to the information for clients on our MyGov website, and to guidance for client advisors processing applications, to ensure the different backdating rules and scenarios are as clear as possible and clients can access all of the support they are entitled to. We will continue to carry out user research and testing to inform the changes which will be needed to applications, client information, and client advisor guidance as part of delivering the improvements to support in these regulations.</p> <p>We recognise though that some clients may still be unaware of their entitlement to backdated support when they apply for Carer Support Payment. To help prevent clients missing out on support as a result of this, we have processes in place to allow carers to apply for further backdated support after an initial application has been determined, and for this to be awarded where they are eligible.</p>
<p><b>Recommendation 13:</b> 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</p>	<p><b>Accept</b></p>	<p>Improvements are being made to existing Carer Support Payment guidance and learning materials on backdating, with a focus on learning for extended backdating. Guidance is tested with Social Security Scotland staff to ensure it meets their needs, and learning materials are presented through facilitated training modules to ensure staff have up-to-date knowledge of changes to carer benefits.</p> <p>As part of the development of Scottish Carer Supplement and Carer Additional Person Payment, Social Security Scotland have planned design resource for the creation of learning materials on complex</p>

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		areas of the payments. Backdating has been identified as one of these areas. The materials will be designed in conjunction with new operational guidance currently in development.
<b>Recommendation 14:</b> Draft regulation 3(15)(c) amends 'paragraph (1)(b)(i)' but it should amend paragraph (1)(a)(i) of regulation 28.	<b>Accept</b>	We have considered the feedback in relation to 3(15)(c) which amends regulation 28 of the Carer Support Payment principal regulations (when an increase in amount of entitlement takes effect). In light of this, we have amended this to refer to (1)(a)(i) of regulation 28.
<b>Recommendation 15:</b> 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.	<b>Accept</b>	We have considered the feedback in relation to draft regulation 3(9) which amends regulations 16(4) of the Carer Support Payment principal regulations. We agree that in circumstances where the additional cared for person has died and the extended bereavement run on from 8 to 12 weeks applies that there would be no requirement for the carer to meet the 20 hour caring requirement and as such, have amended to omit the reference to regulation 14B (1)(b).
<b>Observations</b>		
<b>Observation 1.</b> Regulation 3 (11) refers to applications for individual components, when legally an application is for Carer Support.	<b>Accept</b>	We have considered the feedback and amended Part 3 (5) of the regulations to ensure that Regulation 19 (making an application for CSP) will be corrected to refer to: <i>making an application Carer Support</i> .
<b>Observation 2.</b> The draft reg 3(15) should be deleted (when an increase in amount of entitlement takes the effect).	<b>Accept</b>	We have considered the feedback in relation to draft regulation 3(15) and have amended the drafting error to correct the title (when an increase in amount of entitlement takes effect).

**The Draft Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 - Scottish Government response to SCoSS scrutiny**

**Recommendations on additional amendment to Carer Support Payment regulations on earnings allocation**

Recommendation	Accept/partially accept/ Decline	Response
<p><b>Recommendation 1:</b> To avoid carers being financially penalised as a result of the error which has been identified, Social Security Scotland should make good any losses, such as by an ex-gratia payment, equal to the amount to which the carer would have been entitled.</p>	<p><b>Accept</b></p>	<p>We have considered the potential impacts of the error across a range of client scenarios and believe there is a low likelihood of clients being worse off overall as a result. We have identified only minimal cases to date where this would have affected the start date of an initial determination. However, where it is identified that carers may have been denied Carer Support Payment, or may have missed out on support or payments of Carer's Allowance Supplement (due to entitlement falling one week later), we would seek to correct these determinations and make payments of the two benefits in line with the corrected determination. Any payments made would be either payments of Carer Support Payment or Carer's Allowance Supplement, in line with these corrected determinations, so it is not considered that ex gratia payments would be required.</p>
<p><b>Recommendation 2:</b> In order to avoid the impact of such a situation for carers who may have been identified as having gained from the error, we recommend that any subsequent overpayment should be written off.</p>	<p><b>Accept</b></p>	<p>As set out above, it is not expected in the majority of cases that the difference in approach would impact overall entitlement. Where clients may have gained from the error it is most likely this would be by an additional week of entitlement only. It would therefore not be our intention to seek to identify cases where clients have gained from this error and correct any such decisions. However, where it is identified that carers may have been paid more than would have been the case had the approach in drafting been followed, we would not seek to recover any such overpayments.</p>

**The Draft Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 - Scottish Government response to SCoSS scrutiny**

**Response to further SCoSS response of 25 August 2025**

Observation	Accept/partially accept/ Decline	Response
<p>Consideration should be given with how older carers and others with underlying entitlement are formally notified of the change of their entitlement to Carer Support.</p> <p>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.</p>	<p><b>Noted</b></p>	<p>We appreciate that the introduction of Carer Support will add complexity to our carer benefits. We are therefore developing targeted communications to ensure that the right information is reaching the right people at the right time.</p> <p>All carers with ongoing entitlement to Carer Support Payment on 14 March 2026, including those with underlying entitlement, will receive a letter informing them when their benefits have transferred to Carer Support. The letter will set out the components they have been awarded.</p> <p>For carers receiving a Carer Support Payment award of more than £0, including those whose benefit is reduced by an overlapping benefit, the letter will include information on the new Carer Additional Person Payment, the eligibility criteria and how to apply, including an information leaflet.</p> <p>However, we know from research with carers and other stakeholders that carers with underlying entitlement find it frustrating to be informed of support for which they are not entitled to. Carers with underlying entitlement will therefore not receive the more detailed information on Carer Additional Person Payment or the information leaflet. We've also adjusted the wording of the letter to be clear that we recognise that these carers will not be affected by the changes we are making.</p> <p>Underlying entitlement and signposting information is also included in guidance for client advisors as well as mygov.scot content and the text of annual uprating letters (which carers with underlying entitlement receive) providing an opportunity to keep in touch with carers and to signpost to wider support available, including Pension Credit.</p>

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		<p>We also considered working age carers who have an overlapping benefit which is more than the weekly value of Carer Support Payment, and therefore have a £0 award. With the introduction of Carer Support (including Scottish Carer Supplement and Carer Additional Person Payment) there is the potential for this group of carers to be financially better off by receiving Carer Support. The letters sent to these carers will therefore also include information on the new Carer Additional Person Payment and the leaflet.</p> <p>As with previous Scottish Social Security benefit launches, we will undertake a communications and engagement strategy to promote the introduction of these priority improvements, through information events, provision of marketing resources, social/digital media and press releases.</p> <p>In general we know that many older carers are not aware that their Carer Support Payment award will be affected by State Pension, or that payments may stop when they begin to receive their State Pension. As part of ongoing work to improve the service we deliver, we have already made improvements to the online application which provide clients with further information at the start of the application process to help make them aware of the impacts Carer Support Payment can have on their other benefits and vice-versa. We have also introduced a new notification letter for clients about to reach State Pension age, to inform them about how getting State Pension can affect their Carer Support Payment, which includes information on the benefits of having 'underlying entitlement', including additional amounts carers may be entitled to in other benefits, such as Pension Credit.</p>
There is a further opportunity for Social Security Scotland to provide support regarding competing claims by explaining how carers might adjust applications to get everything they are entitled to.	<b>Noted</b>	<p>We recognise the need to make the eligibility rules and interactions of each component of Carer Support clear, so that carers can access all of the support they are entitled to. With this in mind the eligibility rules for the Carer Additional Person Payment will be clearly set out on my.gov website for both carers and those who support them.</p>

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<p><b>For example:</b> Estranged parents sharing care for two disabled children and make competing applications could be better off where each parent receives Carer Support Payment and Carer Additional Person Payment for each child and visa-versa.</p>		<p>Within the eligibility checker carers are asked if anyone else is receiving Carer Additional Person Payment for the same cared for person. Where the carer intimates this is the case, information within the checker informs the carer that they are not entitled to support through Carer Additional Person Payment. There is a link to more information on Carer Additional Person Payment and a prompt for the carer to check if they may be eligible for another cared for person.</p> <p>Where competing applications are received, we will write to both carers asking if they can agree who should receive support. Information is provided which recommends that carers seek benefits advice to find out how their income could be maximised and about applying for other forms of support.</p> <p>Where a carer who is already receiving Carer Additional Person Payment wishes for someone else to receive support, they can report a change of circumstances that they are no longer caring for 20 hours or more a week. This will allow any new carer to become entitled for the Carer Additional Person Payment.</p> <p>Carers also have the right to stop or withdraw assistance of the whole Carer Support award by contacting Social Security Scotland and information on how to do this is provided in client correspondence and on the my.gov website.</p> <p>We are also developing a suite of comprehensive guidance for client advisors to support the introduction of Carer Support. The guidance will set out the eligibility rules for the Carer Additional Person Payment clearly, as well as information on competing applications and situations where multiple applications are received for the same cared for person.</p> <p>We plan to have all current Decision Making Guidance for Carer Support Payment published by the end of this year, and updated guidance to support the introduction of Carer Support published in Spring 2026.</p>
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**The Draft Carer's Assistance (Miscellaneous and Consequential Amendments, Revocation, Transitional and Saving Provisions) (Scotland) Regulations 2025 - Scottish Government response to SCoSS scrutiny**

Technical areas for clarification	Response
The heading of Regulation 34A 'Transfer from Carer Support Payment to Carer Support' seems more appropriate for Schedule 1A because the schedule only applies to transfers rather than to determinations without application more generally.	We agree and have amended the heading to Schedule 1A. The new heading is: <i>Transfer from Carer Support Payment to Carer Support</i> .
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'	We agree and the term 'decision' has been removed.
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).	We agree and have amended to correct the numbering so it refers to regulation 24(1).
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.	We have amended regulation 40(6)(a) and have removed paragraph (6)(a) as no longer needed.

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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 Part 6 does not form part of the principle regulations, the references need to be more specific.	We have updated to ensure that it is clear where we refer to the principal Regulations and the amended principal Regulations.
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