

# **Children's Rights and Wellbeing Impact Assessment**

# **Scottish Child Payment**

**September 2020**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

**CRWIA Stage 1**  
**Screening - key questions**

**1. Name the policy, and describe its overall aims.**

The Scottish Child Payment (SCP) is a new benefit being introduced by the Scottish Government to tackle child poverty for low income families in receipt of reserved benefits. It will pay the equivalent of £10 a week per child every four weeks in arrears to families with no cap on the number of eligible children a family can claim for. Early payments of the SCP will be made to families with children under the age of 6 – recognising that, of all children in poverty, almost 60% live in a household where the youngest child is aged under 6, and the early years are key to improving long term outcomes. This is ahead of the payment being rolled out to children under 16.

**2. What aspects of the policy/measure will affect children and young people up to the age of 18?**

All aspects of this policy will affect eligible children and will affect some young people who are parents of eligible children.

**3. What likely impact – direct or indirect – will the policy/measure have on children and young people?**

Direct.

**4. Which groups of children and young people will be affected?**

The SCP will provide financial support to low income families (including young parents) with children under 6 who are in receipt of:

- Child Tax Credit
- Universal Credit
- Income Support
- Pension Credit
- Working Tax Credit
- Income-based Jobseeker’s Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)

**5. Will this require a CRWIA?**

Yes. Although the policy is determined to have a broadly positive impact on children and young people, it is important to undertake this impact assessment so that any potential unintended consequences are identified and addressed. A CRWIA also helps to broaden and deepen our understanding of issues around children and young people.

**CRWIA Declaration**

Tick relevant section, and complete the form.

**CRWIA required**

**CRWIA not required**

Yes

**Authorisation**

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<b>Deputy Director or equivalent</b> Ann McVie Deputy Director Social Security Directorate	<b>Date 25/08/2020</b>

**CRWIA Stage 2**  
**The CRWIA – key questions**

**1. Which UNCRC Articles are relevant to the policy/measure?**

**Article 2 - Non-discrimination.** Children should not be discriminated against in the enjoyment of their rights. No child should be discriminated against because of the situation or status of their parent/carer(s).

**Article 3 - Best interests of the child.** Every decision and action taken relating to a child must be in their best interests. Governments must take all appropriate legislative and administrative measures to ensure that children have the protection and care necessary for their wellbeing – and that the institutions, services and facilities responsible for their care and protection conform with established standards.

**Article 4 - Protection of rights.** Governments should undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the UNCRC.

**Article 5 - Parental guidance and a child's evolving capacities.** Governments must respect the rights, responsibilities and duties of parents and carers, as well as members of the extended family, to direct and guide the child in the exercise of their rights.

**Article 12 – Respect for the views of the child.** Every child has a right to express their views and have them given due weight in accordance with their age and maturity. Children should be provided with the opportunity to be heard, either directly or through a representative or appropriate body.

**Article 18 – Parents or legal guardians to have primary responsibility for the upbringing of the child.** Parents, or legal guardians, have the primary responsibility for the upbringing and development of the child, and should always consider what is best for the child. Governments must provide appropriate assistance to parents and carers to help them.

**Article 23 – Children with disabilities.** A disabled child has the right to enjoy a full and decent life in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community. Governments must recognise the right of the disabled child to special care, and ensure the disabled child has effective access to education, training, health care, rehabilitation, preparation for employment, and recreational opportunities.

**Article 26 – Social security.** Every child has a right to benefit from social security, taking into account the resources and circumstances of those who have responsibility for the child.

**Article 27 – Adequate standard of living.** Every child has a right to a standard of living adequate to their physical, mental and social development. Governments should take measures to assist parents and carers who cannot afford to provide

this, and in particular to provide assistance and support with food, clothing and housing.

## **2. What impact will the policy/measure will have on children's rights?**

**Positive:** this new policy has the potential to advance the realisation of children's rights in Scotland.

## **3. Will there be different impacts on different groups of children and young people?**

Under the UNCRC, 'children' can refer to: individual children, groups of children, or children in general. Some groups of children will relate to the groups with protected characteristics under the Equality Act 2010: disability, race, religion or belief, sex, sexual orientation. 'Groups' can also refer to children by age band or setting, or those who are eligible for special protection or assistance.

The policy is specifically aimed at children under 6, however, it will then be fully rolled out to children under 16. A further CRWIA will be undertaken for the under 16s payment.

It is also expected that the policy will impact young people who are responsible for a child under the age of 6 as they can claim the SCP on that child's behalf.

## **4. If a negative impact is assessed for any area of rights or any group of children and young people, what options have you considered to modify the proposal, or mitigate the impact?**

The SCP will be introduced through secondary legislation, using the powers to top up a reserved benefit contained in Section 79 of the Social Security (Scotland) Act 2018. This decision was taken as it was the quickest and simplest route to introduce the payment and therefore help tackle child poverty. Primary legislation would have delayed introduction of the payment, potentially by two or three years. The decision to proceed using the Section 79 power means that eligibility for the SCP is based upon receipt of a qualifying reserved benefit.<sup>1</sup> While the ability to deliver the payment quickly was viewed to be critical, given the urgency of tackling child poverty, this has placed some restrictions on eligibility, in particular, the following groups who will not qualify:

- Young asylum seekers with no recourse to public funds cannot receive a qualifying, reserved benefit and are therefore not eligible. This is a reserved benefits matter and, therefore, not within the Scottish Government's powers to address.
- Young mothers who are not eligible for Universal Credit due to their age e.g. they are under 16. Universal Credit allows young parents under the age of 18 to apply in certain circumstances<sup>2</sup>, however, in circumstances where they do not meet this criteria (e.g. they are under 16) whoever applies for the qualifying benefit on their behalf would be required to apply for the SCP. We will ensure the application process is straightforward in these circumstances, allowing whoever claims benefits on behalf of the child to apply for the SCP.
- Some kinship carers (and thus the children they support) who access local authority funding rather than the qualifying benefits for the SCP. However, we

<sup>1</sup> For a full list of qualifying benefits see - <https://www.gov.scot/publications/scottish-child-payment-factsheet/>

<sup>2</sup> [Universal Credit Eligibility](#)

have endeavoured to ensure that those kinship carer's who are on a qualifying benefit are able to access their entitlements, being as flexible as possible with what they can use as evidence of child responsibility.

The fact eligibility is based upon being in receipt of a qualifying, reserved benefit means that when eligibility for that benefit ends, SCP entitlement also ends. As a result, we are unable to provide payments for a set period of time following a change in circumstances (e.g. an individual entering employment), to allow time for the financial adjustment. Upon balance, the need to tackle child poverty quickly means we believe the decision to proceed using the Section 79 power is the right approach. However, these considerations will all be factored in to the review of the effectiveness of delivering the SCP via the Section 79 power, which we have committed to undertake when the policy is fully rolled out to under 16s.

#### 5. How will the policy/measure contribute to the wellbeing of children and young people in Scotland?

##### **Wellbeing indicators**

With regard to section 96(2) of the Children and Young People (Scotland) Act 2014<sup>3</sup>, this provision is considered to measure positively against the following wellbeing indicators:

- **Healthy** – the SCP can fund activities that promote both physical and mental health. It is part of a combined application with both Best Start Grant and Best Start Foods, payments which also support the healthy development of a child.
- **Achieving** – the SCP can fund activities to build up a child's skills, confidence and self-esteem. It could be used to pay for extra-curricular activities or study materials.
- **Nurtured** – the SCP will provide assistance to families to nurture their children in various ways such as costs of care and family time together.
- **Active** - the SCP can fund extra-curricular activities involving sport and recreation.
- **Included** - the SCP will help families to overcome social, educational, physical and economic inequalities, allowing the fuller participation of children within their community.

#### 6. How will the policy/measure give better or further effect to the implementation of the UNCRC in Scotland?

This policy fulfils the UNCRC Article 26 – right to social security.

#### 7. What evidence have you used to inform your assessment?

##### What does it tell you?

In conducting this Child Rights and Wellbeing Impact Assessment, demographic information played an important role in the evidence base building on the work already undertaken as part of the Tackling Child Poverty Delivery Plan (TCPDP)<sup>4</sup> and more broadly on child poverty.

We considered Scottish Government and UK Government data; stakeholder reports and insights; and consulted those with lived experience of the benefits system through user research.

<sup>3</sup> [section 96\(2\) of the Children and Young People \(Scotland\) Act 2014](#)

<sup>4</sup> [Scottish Government, Tackling Child Poverty Delivery Plan](#)

### **8. Have you consulted with relevant stakeholders?**

There has also been policy engagement with stakeholders through the SCP's development. This has included workshops with anti-poverty organisations, think tanks, local authorities and academia to develop the policy and delivery model for the SCP. We have held one to one meetings and attended a number of member events organised by the Scottish Campaign for Welfare Reform, the Social Security Consortium in Scotland and the Poverty Alliance, amongst others. These events have been designed to seek views on the policy for the SCP, identify any barriers towards claiming and consider how we can best maximise uptake of the benefit.

We have also hosted a series of specific equalities events to consider the impact of the policy on those with protected characteristics, including on young people. We have engaged with Fife Gingerbread; Young Scot; Inclusion Scotland; CEMVO Scotland; and religious groups. The Cabinet Secretary for Social Security and Older People hosted a stakeholder roundtable, which was an open discussion with key stakeholders allowing them to ask questions about the policy and delivery of the benefit.

### **9. Have you involved children and young people in the development of the policy/measure?**

The views of people with lived experience have been captured through a range of user research across Scotland to help shape the design of the new benefit. To date over 300 users have been engaged, including groups across the protected characteristics<sup>5</sup>, care experienced young people and young parents.

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<sup>5</sup> age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; and sexual orientation

## CRWIA – Stage 3

### Publication Template

#### [CRWIA for a non-legislative policy/measure](#)

<b>Scottish Child Payment</b> <b>08/09/2020</b>	
<b>Summary of policy aims and desired outcomes</b>	<p>The Scottish Child Payment (SCP) is a new benefit being introduced by the Scottish Government to tackle child poverty for low income families in receipt of reserved benefits.</p> <p>The policy forms part of the Tackling Child Poverty Delivery Plan<sup>6</sup> (TCPDP) and is being implemented to meet the ambitious child poverty reduction targets within it.</p> <p>The SCP will pay the equivalent of £10 a week per child every four weeks in arrears, with no cap on the number of children under 16 a family can claim for. Early payments of the SCP will be made to families with children under the age of 6 – recognising that, of all children in poverty, almost 60% live in a household where the youngest child is aged under 6<sup>7</sup>. The early years are key to improving long term outcomes with socioeconomic differences in them having implications in later decades<sup>8</sup>.</p> <p>In recognition of the need to get money to families as quickly as possible, the SCP is being introduced through secondary legislation, using the powers to top up a reserved benefit contained in Section 79 of the Social Security (Scotland) Act 2018.</p> <p>This impact assessment focusses on the early payment being made to children under 6, and a further one will be published for the launch of the full payment to under 16s.</p> <p>CRWIAs support Ministers to fulfil their duties under Part 1 of the Children and Young People (Scotland) Act 2014<sup>9</sup> and the United Nations Convention on the Rights of the Child (UNCRC)<sup>10</sup>. They consider whether a policy advances the rights of children in Scotland and if it protects and promotes the wellbeing of children and young people.</p>

<sup>6</sup> [Tackling Child Poverty Delivery Plan](#)

<sup>7</sup> [Children in poverty or material deprivation by age of children in household](#)

<sup>8</sup> [Scottish Government, Growing Up in Scotland: Health Inequalities in the Early Years](#)

## Executive summary

### Impacts

There is evidence that the SCP is likely to have a positive impact on children because:

- It will support children in poverty; the early launch of the under 6s payment is targeted action at those families that need it most: almost 60% of children in relative poverty live in a family where a child is under six years old<sup>11</sup>.
- As a result of COVID-19, the Scottish Fiscal Commission (SFC) expect there to be more eligible children than previously projected due to the increase in numbers of families applying for qualifying benefits, such as Universal Credit.
- There is no limit on the number of children who can benefit from the SCP in any one family which means that children in larger families will benefit significantly.

We do not take these positive impacts for granted, and see encouraging individuals to claim the financial assistance they are entitled to as a duty of government and a social responsibility. This is embedded in the underpinning principles of dignity, fairness and respect and the view that social security is a human right set out in Our Charter<sup>12</sup>.

The Scottish Government recognises that people face a range of barriers to accessing benefits which could be social, accessibility related or through lack of information. We recently published our first Benefit Take-up Strategy<sup>13</sup> and developed funding to assist organisations (including those specifically targeting young parents and other hard to reach groups) to ensure that children benefit from their entitlements<sup>14</sup>. There will also be an extensive communications campaign with targeted messaging to reach young parents specifically, and more generally, to ensure parents with young children are aware.

The fact eligibility is based on entitlement to a qualifying benefits has placed some restrictions on who is eligible, this is likely to impact:

- Those unable to access a qualifying benefit;
- Asylum seekers;
- Some kinship carers.

Upon balance, the need to tackle child poverty quickly means we believe the decision to proceed using the Section 79

<sup>11</sup> [Children in poverty or material deprivation by age of children in household](#)

<sup>12</sup> [Our Charter](#)

<sup>13</sup> [The Social Security Benefit Take-up Strategy](#)

<sup>14</sup> [Benefit Take Up Forms and Guidance](#)

	<p>power is the right approach at this time, however, this will be kept under review.</p>
<p><b>Background</b></p>	<p>In February 2017, the Scottish Government introduced the Child Poverty Bill to the Scottish Parliament, and it was passed unanimously in November 2017<sup>15</sup>. As well as setting ambitious interim (2023) and final (2030) targets for the reduction of child poverty, under the Child Poverty (Scotland) Act 2017, Scottish Ministers are required to publish child poverty delivery plans at regular intervals, with annual reports to measure progress.</p> <p>The first of these delivery plans was published in March 2018<sup>16</sup> (and runs until 2022), setting out the range of policies and proposals to help us make strong progress towards the targets. Recognising the key role of social security, the delivery plan committed the Scottish Government to work towards the introduction of a new ‘income supplement’ – a new benefit to support families with children.</p> <p>As set out in the Analysis of Options for the Income Supplement report<sup>17</sup>, the first stage in the policy development process was to establish a set of key objectives to help guide the development of the SCP, determine potential options and support future evaluation. The objectives set for the SCP are to:</p> <ul style="list-style-type: none"> <li>• achieve a minimum reduction in child poverty (relative, after housing costs) of 3 percentage points;</li> <li>• reduce the depth of poverty and provide support to those who need it most; and</li> <li>• help to support a sustainable and lasting reduction in poverty for families with children.</li> </ul> <p>To meet these objectives, the SCP will pay £10 a week to low income families with eligible children who are in receipt of reserved benefits– Universal Credit, the legacy benefits it replaces, and Pension Credit. It will be a four weekly payment, and there will be no cap on the number of eligible children a family may claim for. The payment will be delivered through an application based process by, Social Security Scotland.</p> <p>As a result of COVID-19, the Scottish Fiscal Commission (SFC) expect there to be more eligible children than previously projected due to the increase in numbers of families applying for qualifying benefits, such as Universal Credit. As of 9 July 2020 there were around 470,000 people</p>

<sup>15</sup> [Child Poverty Act 2017](#)

<sup>16</sup> [Tackling Child Poverty Delivery Plan](#)

<sup>17</sup> [Income Supplement: Analysis of Options](#)

	<p>on Universal Credit. This compares to 243,000 people claiming Universal Credit in January 2020, meaning that the caseload has almost doubled in that time<sup>18</sup>. The SFC have published a new set of forecasts (including numbers eligible and expenditure) to accompany the SCP regulations, these can be found <a href="#">here</a>. As a demand led benefit, the SG guarantees that all those who are eligible and apply for the payment will receive their entitlement.</p> <p>Further information on the policy and delivery detail, including three position papers published by the Scottish Government, is available on the Scottish Government's website<sup>19</sup>.</p>
<p><b>Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base</b></p>	<p>This CRWIA focuses on the payment to under 6s, which is being introduced early given that almost 60% of children in poverty live in a household where the youngest child is aged under 6, and the early years are key to improving long term outcomes. This is targeted action at those children who need it most.</p> <p>Consideration has been given to the impact of the policy on the rights and wellbeing of children and young people in Scotland. The policy will have a direct positive impact on children under 6 who the Payment is intended to benefit and young parents who can claim for their children. The policy proposals will not only comply with the UNCRC requirements, but have the potential to advance the realisation of children's rights and wellbeing. The COVID-19 pandemic has only increased the importance of the payment.</p> <p>The draft regulations were extensively scrutinised by the Scottish Commission on Social Security (SCoSS) to ensure compliance with the UNCRC, and they published a scrutiny report<sup>20</sup> on the 21 January, detailing their finding that the policy was compliant with children's rights. The Scottish Government will publish a response to the recommendations made by SCoSS on 8 September.</p> <p>The CRWIA should be read in conjunction with the other impact assessments conducted for the policy (namely, the Business and Regulatory Impact Assessment, The Islands Communities Impact Assessment, the Fairer Scotland Duty and Equality Impact Assessment), and those developed for the TCPDP<sup>21</sup>, and the Social Security Scotland (2018)<sup>22</sup> Act as a whole.</p>

<sup>18</sup> [Universal Credit Scotland dashboard: August 2020](#)

<sup>19</sup> [Scottish Child Payment, Gov.scot](#)

<sup>20</sup> [Scottish Commission on Social Security, Scottish Child Payment regulations 2020: scrutiny report on the draft regulations](#)

<sup>21</sup> [Tackling Child Poverty Delivery Plan, Annex 3 and 4](#)

<sup>22</sup> [Social Security \(Scotland\) Act Equality Impact Assessment](#)

<p><b>Children and young people's views and experiences</b></p>	<p>The views of people with lived experience have been captured through a range of user research across Scotland to help shape the design of the new benefit. To date over 300 users have been engaged, including groups across the protected characteristics<sup>23</sup>, care experienced young people and young parents. We have issued a survey to Experience Panel members seeking views on the design of the SCP and engaged with young parents, under the age of 18, to test the prototype and paper forms. This input helped shape the wording of the application form but also the design of the wider service.</p> <p>There has also been policy engagement with stakeholders representing children and young people throughout the SCP's development. This has included workshops with anti-poverty organisations, think tanks and local authorities to develop the policy and delivery model for the SCP. We have held one to one meetings and attended a number of member events organised by the Scottish Campaign for Welfare Reform, the Social Security Consortium in Scotland and the Poverty Alliance, amongst others.</p> <p>The SCoSS scrutiny report recognised the challenges of engaging directly with children aged under 6, however, we have engaged with representatives of children and young people, such as Young Scot and Who Cares Scotland, and have met with young parents via Fife Gingerbread to learn directly from their experiences.</p> <p>These events have been designed to seek views on the policy for the SCP, identify any barriers towards claiming and consider how we can best maximise uptake of the benefit. Those we engaged with were highly supportive of the SCP policy telling us that it would make a tangible difference to the lives of children and young people. The most important thing is that young people are made aware of their eligibility.</p>
<p><b>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</b></p>	<p>Tackling child poverty is a Scottish Government priority with 24% of Scotland's children (230,000 children each year) living in relative poverty after housing costs in 2016-19<sup>24</sup>. Prior to the outbreak of COVID-19 it was predicted that if no further action were taken to tackle child poverty one in three children in Scotland will grow up in poverty by 2030, damaging society and the economy<sup>25</sup>. Whilst the full impacts of the pandemic are not yet known, it is likely to have a negative impact on child poverty levels.</p>

<sup>23</sup> age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; and sexual orientation

<sup>24</sup> [Poverty and Inequality in Scotland 2016-2019, Figure 3](#)

<sup>25</sup> [Tackling Child Poverty Delivery Plan, page 15](#)

Children in low income households tend to experience a range of disadvantages including lower educational attainment and poorer health. Poverty can have lasting impacts long into adulthood such as increased risk of homelessness, lower earning potential and greater likelihood of limiting illness. It is difficult to disentangle the effect of poverty from other factors associated with low income that may affect children's outcomes. However, the growing evidence in developed economies suggests that gaining additional income has positive causal effects on health, behavioural development and educational attainment for children in households at the lower end of income distribution<sup>26</sup>. This means the additional funding provided via the SCP is expected to have a positive impact on children's overall wellbeing.

The COVID-19 pandemic has only increased the importance of using the devolved social security powers to tackle child poverty, with the latest SFC forecasts and Universal Credit data demonstrating an increase in the numbers reliant on the benefit system.

### **Children's views on poverty**

In the Children's Parliament report *What Kind of Scotland?*<sup>27</sup>, poverty is identified as the most important barrier to a good life. It affects children day to day, in terms of practical things like having enough food to eat and a house that is warm, but also because children may notice the stress money concerns cause the adults at home.

As part of the formation of the TCPDP CRWIA,<sup>28</sup> the Poverty and Inequality Commission identified themes, which were developed through consultation with children and young people facilitated by the Children's Parliament, Young Scot and the Princes Trust, into recommendations including:

- Social Security: put more money towards benefits;
- Improve quality of life by providing greater support to those affected by poverty; and
- Increase incomes and reduce costs to support with: the cost of the school day; the cost of travel; and activity expenses.

The SCP is one means of addressing these recommendations. It will provide families in poverty with an increased income to support with the range of costs identified, the payment is designed to be flexible so it can be used in a way that will best meet the needs of the individual child.

<sup>26</sup> Cooper and Stewart (2017), [Does money affect children's outcomes?](#), Centre for Analysis of Social Exclusion

<sup>27</sup> [Children's Parliament: What Kind of Scotland? 2017](#)

<sup>28</sup> [Tackling Child Poverty Delivery Plan, Annex 4 - Child Rights and Wellbeing Impact Assessment](#)

## **Our Charter**

The SCP is being delivered by Social Security Scotland and the service it provides is fundamental to successful delivery for children and young people. Our Charter<sup>29</sup> sets out what people can expect from Social Security Scotland and includes the eight principles legislated in the Social Security Scotland Act (2018), some of which relate specifically to human rights and non-discrimination:

- social security is an investment in the people of Scotland;
- social security is itself a human right and essential to the realisation of other human rights;
- respect for the dignity of individuals is to be at the heart of the Scottish social security system;
- the Scottish social security system is to contribute to reducing poverty in Scotland; and
- 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.

This approach, centred on rights and wellbeing, will support the full realisation of the benefits of the SCP. There are measures in place to ensure this happens, with Scottish Government and SCoSS obliged to report to the Scottish Parliament on the commitments within Our Charter, and how they are being delivered.

## **Benefit Take-Up**

To ensure the SCP has the level of positive impact on children's rights and wellbeing that is required to meet the ambitious targets in the TCPDP, high levels of take-up are essential, particularly amongst those who would not normally access their entitlement. We have published our first Benefit Take-up Strategy<sup>30</sup>, setting out the ongoing work of the Scottish Government and Social Security Scotland to address barriers to benefit uptake. As the SCP's eligibility is based on being in receipt of a qualifying benefit (e.g. Universal Credit) we have confirmed with the UK Government that we can promote the fact that eligibility for the SCP is based upon take-up of reserved benefits, it has been confirmed this will not pose a fiscal detriment to the Scottish Government. This will be particularly important in light of COVID-19 with high numbers of people becoming eligible for Universal Credit.

Another important commitment in the Benefit Take-up Strategy is the development of two sources of funding to

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<sup>29</sup> [Our Charter](#)

<sup>30</sup> [The Social Security Benefit Take-up Strategy](#)

assist organisations supporting people to take-up the benefits they are entitled to<sup>31</sup>:

We will also encourage take-up via an extensive communications campaign with Social Security Scotland actively promoting the payment to eligible families. This will involve working closely with a range of stakeholders who parents will come across at various points. For example, campaign literature in maternity packs, arming health visitors with information, working with Scottish Book Trust to get information to all parents who receive the free Bookbug bags and parent emails. A targeted social media campaign will be developed for a range of age groups, including young parents, including posts from our social media channels, as well as paid for targeted posts adjusting the look and messaging slightly depending on who it is aimed at.

### **Children's Rights**

Our assessment of the impact of the SCP on the relevant articles of the UNCRC is as follows:

#### **Article 2 - Non-discrimination.**

For young parents, Social Security Scotland is committed to treating all applicants equally. The principle of non-discrimination is enshrined in the Social Security Scotland Act (2018). Therefore, all those who submit a claim can expect the decision to be made fairly and there are procedures in place for complaints and appeals if they believe that standard has not been met.

The approach taken by Social Security Scotland is centred on non-discrimination making the application process as accessible as possible to reduce the stigma around claiming benefits. We have committed to a multi-channel approach for SCP as with the other devolved benefits with applications taken over the phone, online or on a paper form. In addition, local delivery is the face to face channel of Social Security Scotland, providing pre-claim support to clients accessing the Scottish benefits system. Local Delivery Client Advisors will assist clients to overcome any barriers to applying. Social Security Scotland will co-locate with existing services e.g. in local authorities, third sector and health centres. It is hoped this will reduce the stigma felt by people, since the reason for their visit will not be immediately obvious to other members of the community. Local Delivery staff will also hold regular 'surgeries' to help provide advice and support to those who

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<sup>31</sup> [Benefit Take Up Forms and Guidance](#)

need it and for clients who need them, home visits will be provided, removing a significant barrier to applying.

Although the preference is to have Local Delivery support in place for the launch of the SCP, at this point it is unlikely that this will be fully functional due to COVID 19 restrictions. This is because it is not yet known which external locations/offices will be available to allow face to face contact nor the impact on clients allowing access to their households. In addition, supporting products and kit, such as a lone working solution, booking tool and pdf document access, need to be in place to enable a successful launch. This situation will be kept under close review in the coming months and alternative solutions found for clients with specific needs.

SCoSS recognised in their report that the SCP is a positive measure protecting against discrimination. They highlighted that the decision to pay under 6s early, meant those over the age of 6 would be at a disadvantage. However, they deemed this approach acceptable under international law which allows for the progressive realisation of social and economic rights, with the under 16s payment being launched at a later date.

### **Article 3 - Best interests of the child**

The SCP is one aspect of the TCPDP, a holistic plan focussed on reducing child poverty with the best interest of every child at its centre. The SCP can be spent to meet the best interests of each individual child, whether on clothes, hobbies or books. SCoSS highlighted in their report that 'by directing additional resources to low-income households including children, it is all but certain that the SCP would be regarded as being in the interests of the children who are projected to benefit from its introduction'<sup>32</sup>.

### **Article 4 - Protection of rights**

Social Security Scotland's commitment to dignity, fairness and respect, enshrined in the Social Security (Scotland) Act 2018, and in the publication of Our Charter, ensures that the protection of rights is at the core of the SCP's development and implementation.

### **Article 5 - Parental guidance and a child's evolving capacities**

The SCP will be awarded to parents and carers to spend based upon their child's needs. They will be the best judge of how best to allocate the funds being made available. The views of parents and carers, including young parents, have

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<sup>32</sup> [Scottish Commission on Social Security, Scottish Child Payment regulations 2020: scrutiny report on the draft regulations](#)

been extensively consulted as part of the benefit's development and feedback will continue to be gathered as part of our commitment to continuous improvement.

**Article 12 – Respect for the views of the child**

The TCPDP was formed through extensive consultation with children and young people, this formed the basis of the SCP policy. Young parents and young people have been considered throughout the policy development including through representative organisations and direct engagement and particularly through user research.

**Article 18 – Parents or legal guardians to have primary responsibility for the upbringing of the child.**

The SCP is awarded to the person deemed responsible for the upbringing of the child, this is determined through the child being named on a child responsibility benefit or through a legal order demonstrating child responsibility. They can determine how to best use the payment to support that child's upbringing.

**Article 23 – Children with disabilities**

Children with disabilities are more likely to experience poverty, therefore, the additional financial resources is expected to have a positive impact upon this group. This financial disadvantage may be a result of the higher costs of living with a disability, reduced opportunities for adults in the household to undertake paid work and barriers to benefit take-up, however they also state that these factors may not offer a full explanation. Despite being well-reported, the reasons for the association between poverty and childhood disability are not yet fully understood<sup>33</sup>. We are committed to ensuring those with disabilities and those supporting children with disabilities to overcome barriers accessing our service, through inclusive communications and a flexible application process.

**Article 26 – Social security**

The Scottish Government is committed to the principle that social security is a human right, with Section 1 of the Social Security (Scotland) Act 2018 stating that 'social security is itself a human right and essential to the realisation of other rights'<sup>34</sup>. The importance of this was echoed by the children and young people consulted through the development of the TCPDP. The payment will expand upon the right of a child to benefit from social security. This is accompanied by a

<sup>33</sup> [ESSS Outline - Disability, Poverty and Transitional Support](#)

<sup>34</sup> [Social Security \(Scotland\) Act 2018](#)

concerted effort by Social Security Scotland to change the perception of social security to a human right.

### **Article 27 – Adequate standard of living**

The payment is intended to ensure that child have an adequate standard of living, and is part of the overall TCPDP approach to tackle child poverty. An increased income to allow access to transport, school trips and activities was recommended by the children and young people consulted. Young parents told us that the early years are costly, with children regularly needing new clothes and shoes as they grow.

### **Young parents**

The Scottish Government's Pregnancy and Parenthood in Young People Strategy<sup>35</sup> highlights that young mothers are considerably more reliant on state benefits and tax credits than older mothers – a position that remains the case as the child ages, meaning that they are more likely to be eligible for the SCP. Given the rarity of teenage births most young parents will have a child under the age of 6, and will therefore benefit from the early introduction of the under 6s payment.

Parental age has a significant impact on child poverty rates: 56% of children whose mother is aged under 25 are in relative poverty, compared with 23% of children whose mother is 25 or over<sup>36</sup>. Young mothers we spoke to highlighted how important the payment would be for them, enabling them to pay for shoes, clothing and toys.

Naomi Eisenstadt, the First Minister's Independent Poverty and Inequality Advisor, produced a 2017 report<sup>37</sup> highlighting some of the reasons young people might experience poverty including: an increasing proportion are living in the private rented sector; they are more likely to be in low quality employment; and more likely to experience difficulties accessing the labour market. She recognised that the use of Scotland's social security powers could be useful to support young people.

It is clear from our user testing that many young parents find accessing the welfare and income to which they are entitled confusing and difficult. We conducted user research workshops and tested the form with young parents (under 18) through a charity. The input we got from this group highlighted their preference towards a digital service, finding contact via phone daunting, and helped to shape the wording

<sup>35</sup> [The Scottish Government's Pregnancy and Parenthood in Young People Strategy](#)

<sup>36</sup> [Supplementary child poverty tables – table 5 \(child poverty by age of mother\)](#)

<sup>37</sup> [Independent Advisor on Poverty and Inequality: Progress report on shifting the curve](#)

and design of the form e.g. we took forward their suggestion that pre-application content should be displayed over several pages. Through our policy engagement, some of the young mothers we spoke to highlighted the importance of being able to speak to someone about their entitlement. A multi-channel application process and promotion both digitally and through local services will help ensure young parents access the benefits that they are entitled to. In addition, we will continue to engage with stakeholders to ensure that promotion of the payment is embedded in pregnancy and maternity service to make young mothers aware of the support available.

### **Care leavers**

Care leavers may benefit from the SCP as they become parents themselves or as a result of adoption. As part of the policy development we have engaged with stakeholders to understand how the SCP might impact this group.

In April 2015, the Children and Young People (Scotland) Act came into effect.<sup>38</sup> Part 9 of this Act makes specific provision for care experienced children and young people. The Act sets out the duties and responsibilities of corporate parents in Scotland, and defines corporate parenting as “an organisation’s performance of actions necessary to uphold the rights and safeguard the wellbeing of a looked after child or care leaver, and through which physical, emotional, spiritual, social and educational development is promoted.”

Social Security Scotland is committed to fulfilling these statutory obligations and is working with stakeholders with expertise in this area to fulfil its corporate parenting obligations, as set out in its Corporate Parenting Plan<sup>39</sup>. This includes establishing a Corporate Parenting Champions Group, which will include representatives from across Social Security Scotland and key external stakeholders. It will review barriers to care experienced young people. A new e-learning programme is also being created regarding care experience, which will be mandatory for all staff. Social Security Scotland has also participated in a UK Government internship programme for care experienced people, with plans to develop this further in the future, ensuring those with care experience are encouraged to contribute to the development of social security in Scotland.

### **Children living with a kinship carer**

We recognise that children can be cared for in a range of different environments, we therefore allow kinship carers to

<sup>38</sup> [The Children and Young People \(Scotland\) Act](#)

<sup>39</sup> [Social Security Scotland Corporate Parenting Plan 2019-2021](#)

	<p>use kinship care orders to demonstrate child responsibility so long as they are in receipt of a qualifying benefit. We have engaged with kinship carers as part of the user research to determine specific needs of this group.</p> <p><b>Paying to the main carer</b></p> <p>Currently, either of a couple in a household can apply for the payment, including if they are the partner of the main carer of the child. This decision was taken given that we are utilising the same technical build for the SCP as Best Start Grant and Best Start Foods, which allows partner applications, to provide a streamlined application process and reduce the burden on clients. In addition, the legal route that we have chosen to deliver the payment quickly means that child responsibility for the SCP is determined through the data that we receive from the DWP and HMRC. We are therefore reliant upon the information that they hold recognising that a “main carer” is usually only determined via this data when a couple have separated. We do recognise the importance of the main carer accessing the funds as there is evidence demonstrating that they are more likely to spend additional income on the child<sup>40</sup>. As a result, we are considering what other options might be available within our legal powers and the data that could be made available in the future. It is important that we find a solution that works across the suite of benefits that Social Security Scotland is delivering and reflects the diverse experiences of those applying for the Payment.</p>
<p><b>Monitoring and review</b></p>	<p>The Scottish Government has established SCoSS who have provided independent scrutiny of the Scottish Child Payment regulations. The Scottish Government published its response to the SCoSS recommendations on 8 September.</p> <p>The Social Security (Scotland) Act 2018 places a duty on the Scottish Ministers to report annually to the Scottish Parliament on the performance of the Scottish Social Security System during the previous financial year. The report is to describe what the Scottish Ministers have done in that year to meet the expectations on them set out in the Charter.</p> <p>Scotland’s Commissioner for Children and Young People also has a role to play. The Commissioner has a duty to review law, policy and practice to examine their effectiveness in respecting the rights of children and young people. The Commissioner can investigate on behalf of groups of children</p>

<sup>40</sup> Lundberg et al (1997) The Journal of Human Resources, Volume 32, No. 3, p. 463- 480; Fisher (2014), [British tax credit simplification, the intra-household distribution of income and family consumption](#);

	<p>and young people. As of April 2016, the Commissioner has also been able to investigate on behalf of an individual.</p> <p>We have established stakeholder take-up reference group. This group comprises key individuals and organisations representing academic, third-sector, and local authority interests. It is designed so that members can bring their experience, expertise, and extensive networks to bear in supporting the implementation and monitoring of the first Benefit Take-up Strategy, as well as feeding into the development of the second and subsequent strategies.</p> <p>We have also committed to reviewing the SCP during the course of the next TCPDP (2022-2026) and continue to work closely with stakeholders to ensure that support is targeted on those families that need it most.</p>
<b>CRWIA Declaration</b>	
<b>Authorisation</b>	
<p><b>Policy lead</b>  Rebecca Darge  Scottish Child Payment Policy Lead  Social Security Directorate</p>	<p><b>Date 25/08/2020</b></p>
<p><b>Deputy Director or equivalent</b>  Ann McVie, Deputy Director, Social Security Policy Division</p>	<p><b>Date 25/08/2020</b></p>



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