

CRWIA front sheet	
Policy/measure	Social Security (Scotland) Bill
A general description of the policy/measure	In the 2016-17 Programme for Government, the Scottish Government committed to bring forward a Social Security Bill within this Parliamentary year. The Bill is essential in order to implement welfare powers transferred via the Scotland Act 2016, deliver key social security policy proposals to which the Scottish Government has already committed, and support the required new infrastructure for the administration of social security in Scotland.
Initiating department	Social Security Policy Division: Legislation and Operational Policy Unit
Policy aims What the policy or measure is trying to achieve; what are the expected outcomes	<p>The Social Security (Scotland) Bill is brought forward as a result of measures following the changes to the devolution settlement enacted in the Scotland Act 2016. These measures give the Scottish Parliament legislative competence over disability, industrial injuries and carer's benefits; benefits for maternity, funeral and heating expenses; and Discretionary Housing Payments. They also provide the ability to top up benefits that remain reserved to UK Parliament, and allow new benefits to be created in any area except old age pensions or where there is a connection to a matter reserved to UK Parliament (such as child support maintenance or reserved aspects of employment support). As a result of the changes in the devolution settlement, eleven existing social security benefits will become a devolved responsibility.</p> <p>The Bill transposes the eleven social security benefits onto a Scottish legislative platform, allowing the Scottish Ministers to shape a distinctly Scottish benefits system, with dignity and respect being core to its approach. These are: Disability Living Allowance, Personal Independence Payment, Attendance Allowance, Severe Disablement Allowance and Industrial Injuries Scheme; Carer's Allowance; Sure Start Maternity Grants; Funeral Payments; Cold Weather Payments and Winter Fuel Payments; and Discretionary Housing Payments. It also gives powers to create new benefits for early years and to provide for top up of reserved benefits. It provides for a supplementary payment to persons receiving Carer's Allowance, pending the transposition of that benefit onto a Scottish legislative platform.</p> <p>The Bill also sets out an overarching legislative framework for the administration of social security in Scotland, making provision for operational functions such as managing overpayments, fraud, error and appeals.</p>
Timetable What is the time frame for a policy announcement/	The Scottish Government's consultation on Social Security in Scotland ran from 29 July 2016 to 28 October 2016. 521 formal written responses to the consultation were submitted, of these 241 were from organisations, and 280 from individual respondents. The independent analysis of the responses along with the Scottish

<p>consultation/ implementation?</p>	<p>Government response were published on 22 February 2017¹.</p> <p>The earliest commencement of provisions in the Bill is expected to be in May 2018.</p> <p>A significant body of secondary legislation that provides detail on each type of assistance and the operation of the social security system will then be required once the Bill enters into law. During Stage 1 of the Bill's passage through the Parliamentary process, the Scottish Government intends to produce illustrative regulations to demonstrate exactly how it intends to use these new powers. The Scottish Government wants to ensure that the regulations are considered and agreed in an open and transparent way that allows stakeholders to provide evidence and feed in their views. As with every other aspect of the work to develop the new social security system, the Scottish Government will seek to involve expert organisations and people outside of government in the development of the secondary legislation, just as closely as they have been involved through the consultation exercise and in the development of the Bill.</p> <p>A significant and complex programme of implementation is running in parallel to the legislative process. The Scottish Government's immediate priority is to ensure a safe and secure transition of the current benefits so that those in receipt at the point of transition continue to receive it at the right time and in the right amount. The Cabinet Secretary for Communities, Social Security and Equalities made a Statement to Parliament on 30 May 2017 setting out the first benefits that will be delivered by the new social security agency. These are the Carer's Allowance supplement which will be delivered from summer 2018, and the new Best Start Grant and Funeral Expense Assistance which will be delivered by summer 2019.</p>
<p>Date</p>	<p>21 June 2017</p>
<p>Signature</p>	<p>Chris Boyland</p>

¹ <http://www.gov.scot/Topics/People/fairerscotland/Social-Security/SG-Response>

CRWIA Stage 1

Screening - key questions

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

The Bill defines the types of social security assistance which the Government will give (e.g. assistance for disabled people, carers, early years and funeral expenses, heating costs and so forth). It goes on to give a brief description of each type of assistance, and confer powers on the Government to set out the detailed rules for eligibility and entitlement for each type of assistance in secondary regulations. It is the development of these secondary regulations that will provide greater clarity on the specific impacts on children and young people. However, the types of assistance and current associated benefits that are mainly expected to affect children and young people up to the age of 18 include:

Disability Assistance

Disability assistance is currently provided to children and young people through Disability Living Allowance (DLA) and Personal Independence Payment (PIP). They are provided to help meet the additional costs of the impact of a disability (physical or mental). DLA is currently for children and young people aged under 16 (and also adults over 65). PIP is a new benefit introduced by the UK Government in 2013, to replace DLA for people aged 16 - 65. There are both care and mobility components to each benefit. Currently 4% of these disability payments are to childrenⁱⁱ.

The Bill will include powers which allow Scottish Ministers to give disability assistance, the details of which will be set out in secondary regulations. Such an approach will enable the Scottish Ministers to ensure that those in receipt of DLA and PIP at the point of transition continue to receive it at the right time and in the right amount, and will allow the development of options for improvements to the disability benefits in the future.

The Scottish Government has already committed to giving children and young people in receipt of DLA when the benefits are transferred an automatic entitlement to continue to receive it until they are 18. It is also committed to ending unnecessary re-assessments for the disability benefits, and to reducing as far as possible the need for face to face assessments.

Carers assistance

The current carer's benefit, Carer's Allowance (CA), aims to help an individual look after someone with substantial caring needs. To be eligible the individual must be 16 or over and spend at least 35 hours a week caring for them. As at November 2016 there were 274 carers under the age of 18 receiving the benefit in Scotlandⁱⁱⁱ.

The Bill will include powers which allow Scottish Ministers to give carer's assistance, the details of which will be set out in secondary regulations. Such an approach will enable the Scottish Ministers to ensure that those in receipt of CA at the point of transition continue to receive it at the right time and in the right amount, and will allow options for a future Scottish carer's benefit that is more responsive to any changes in economic and social conditions to

ⁱⁱ <http://www.gov.scot/Publications/2016/07/9955/5>

ⁱⁱⁱ <https://stat-xplore.dwp.gov.uk/>

be developed.

For recipients of CA, the Bill also makes provision for a supplementary payment to increase it to the level of Job Seeker's Allowance.

The Scottish Government is actively considering the introduction of a Young Carer's Allowance to provide extra support for young people with significant caring responsibilities. The Bill will allow the delivery of a Young Carer's Allowance, the detail of which would be included in regulations.

The Scottish Government has also committed to increasing CA for carers looking after more than one disabled child; and to improving the carers experience so that people can easily access help and advice, and feel that the application process is quick and user-friendly.

The Scottish Government introduced Carers (Scotland) Act 2016^{iv} to extend and enhance the rights of both adult and young carers in Scotland. This means:

(a) Extending the rights of young carers^v

(b) Extending the rights of adult carers, including the carers of persons under 18 years old^{vi}, to the extent that the care is or would be provided by virtue of the person's age.

A related CRWIA has been published^{vii}.

Early years assistance

Early years assistance is currently provided by the UK Government as the Sure Start Maternity Grant, and is a one-off payment of £500 to help towards the costs of having a first child. It is available to recipients of certain qualifying benefits, which are used as a proxy for low income.

The Bill will include powers to allow the Scottish Ministers to provide assistance to families and carers on low incomes at key transitions throughout the early years as part of a package of early years support to give every child born in Scotland the best start in life.

Although the details will be set out in regulations, the Scottish Government has already committed to replacing the current Sure Start Maternity Grant with a new, expanded Best Start Grant (BSG). The new BSG will pay qualifying families £600 on the birth of their first child and £300 on the birth of any second and subsequent children.

Qualifying families will also receive £250 around the time the child starts nursery, and a further £250 when they start school. The support provided is staggered and each payment has a different focus for giving children the best start in life. For a family with two children, the BSG will provide £1900 of support over the period of their early years, compared to £500

^{iv} http://www.legislation.gov.uk/asp/2016/9/pdfs/asp_20160009_en.pdf

^v In the Act, "young carer" means a carer who is under 18 years old, or has attained the age of 18 years while a pupil at a school, and has since attaining that age remained a pupil at that or another school.

^{vi} Section 1(2)(b) sets out that the definition of carer does not apply if the care is provided by virtue of a contract or as voluntary work. Subsection (3) gives Scottish Ministers a regulation-making power to set out what is meant by a contract for the purposes of section 1(2)(b)(i). For instance, this power might be used to provide that an agreement between a local authority and a kinship carer under the Looked After Children (Scotland) Regulations 2009 is not a "contract" for the purposes of subsection (2)(b)(i). That would mean that care provided under such an agreement would fall within the meaning of carer and the kinship carer would be a carer for the purposes of the Act.

^{vii} <http://www.gov.scot/Resource/0049/00498298.pdf>

that is currently available from the UK Government.

Cold Weather and Winter Heating Assistance

Though different, both of these benefits can be seen as measures to help tackle fuel poverty. Cold Weather Payments are currently made to qualifying households when the temperature drops below zero degrees Celsius for one consecutive week. Cold Weather Payments are paid automatically to, under certain conditions, households in receipt of certain benefits that act as a proxy for low income. Winter Fuel Payments are unrelated to any particular weather patterns and are paid annually at various rates to all persons over qualifying ages (broadly speaking to everyone over the female state pension age). Together, these types of assistance therefore support those on low incomes (who are generally more likely to have one or more protected characteristics) and older people.

The Scottish Government is proposing to extend eligibility for Winter Fuel Payments to households with a child who is in receipt of the highest rate of DLA. This will positively impact the incomes of an estimated 16,000 families with disabled children in Scotland.

Job Grant

The Scottish Government also intends that the wider system will provide for a Job Grant to support young people aged 16-24 years to meet the costs of returning to work after a period of 6 months unemployment.

The UK Government abolished the Job Grant in 2013 leaving thousands of young people struggling with the costs associated with getting back into work. In contrast, the Scottish Government is seeking to reinstate this assistance, thereby supporting young people to achieve their potential and helping Scotland to maximise its most precious economic resource: the skills and talent of its people.

The Scottish Government is working closely with young people, including those with protected characteristics, and the organisations who represent them, to help develop the detail of the Job Grant. It is also exploring with the UK Government the most appropriate legislative vehicle for its delivery.

2. What likely impact - direct or indirect - will the policy/measure have on children and young people?

The three types of assistance that will be enacted by the Social Security (Scotland) Bill outlined above – disability, carers and early years - will have a direct and positive impact on children and young people.

The proposal to provide an automatic entitlement for young people to continue to receive DLA until they are 18, and the commitment to reduce the need for face to face assessments will positively impact on young people. This will support transition to adulthood and address some of the stress felt by young people and their families on the current transition to PIP at 16. The Scottish Government will work with organisations, families and young people to develop detailed proposals on this.

Carers over the age of 16 will benefit from the additional financial support that will be provided through the carer's allowance supplement which is being introduced specifically to acknowledge the immense contribution carers make in Scotland.

The introduction of a new Young Carer's Allowance would provide extra support for young

people aged 16 to 18 with significant caring responsibilities.

The Scottish Government is also determined to tackle low take-up of Carer's Allowance amongst young people. For example, on 12 June 2017, in partnership with Young Scot, it launched a public campaign to raise awareness amongst 16-24 year-olds who may be entitled to Carer's Allowance but are not claiming it.

The introduction of the Best Start Grant (BSG) will have a positive impact on children. The BSG will increase support to families on low incomes which will help to mitigate the effects of child poverty and material deprivation, helping to improve outcomes for children. The increase in the value of the payment from £500 to £600 for the first child recognises that the Sure Start Maternity Grant payment has remained unchanged for a number of years. It will provide families with enough to buy essential items such as a buggy or a cot or can be used to meet whatever needs they have at the time. Re-introducing a payment of £300 to second and subsequent children will provide increased support to larger families on low incomes. Introducing two new payments will help families with the costs associated with home learning or starting nursery and school for example in travel costs, educational toys, clothing and footwear, and after school activities. Introducing two new payments throughout a child's early years will help to reduce household costs at these key transitions. This will help decrease the financial pressures on the household, which can have negative effects on parental health, mental health, parenting skills and family relationships.

The secondary regulations which will provide the necessary detail in relation to these benefits and future policies affecting children and young people that will be enacted by this Bill will be considered within the future stages of the CRWIA.

The extension of Winter Fuel Payments to households with a child who is in receipt of the highest rate of DLA will alleviate fuel poverty and increase the income of these households. This will deliver direct benefit to the children and young people affected by easing any financial pressures, thereby improving the wellbeing of those in the household.

The Job Grant is specifically targeted at those aged 16-24 and will therefore have a positive impact on all young people returning to work after a period of six months or more of unemployment.

3. Are there particular groups of children and young people who are more likely to be affected than others?

Groups of children and young people who are more likely to be affected than others include:

- Children and young people who are young carers
- Children and young people who are cared-for persons
- Children and young people receiving a disability benefit.
- Children and young people with close family members who receive a disability benefit
- Disabled children
- Children living in poverty and low income families
- Children in larger families

4. Who else have you involved in your deliberations?

Of the 241 organisations that responded to the consultation 81 were received from stakeholder groups relating to children/ young people, equalities and human rights, disability and long term conditions, and carers. All non-confidential responses to the consultation have been published through the Scottish Government website⁸.

A representative of the Disabled Children and Young People Ministerial Advisory Group is a permanent member of the Ill health and Disability Stakeholder Reference group.

Representatives from the Child Poverty Action Group, Maternity Action, One Parent Families Scotland, Save the Children, Action for Children, Barnardo's and Early Years Scotland are members of the Best Start Reference Group.

The Scottish Government will continue to engage with stakeholders through a range of advisory groups and with those with direct personal experience of the current system to explore options and consider the impact on children and young people up to the age of 18. These include the Young Carers Allowance Working Group, the Carers Benefit Advisory Group, the Disability and Carers Benefits Expert Advisory Group and the Best Start Reference Group. The Scottish Government has also established 'Experience Panels' to ensure people with lived experience can share their experience of receiving benefits and help to shape the new system with - and for - the people of Scotland.

5. Will this require a CRWIA?

The Bill sets out an over-arching and enabling legislative framework for the administration of social security in Scotland which relates to the general functions of social security administration (e.g. overpayments, fraud, error and appeals, etc.), rather than detailed provisions in relation to the types of assistance or specific benefits.

The specific impacts on children and young people will therefore be clearer within the content of the secondary legislation which in turn is dependent upon the Bill being passed, and where Scottish Ministers will have been granted regulation-making powers.

Therefore the Scottish Government is committed to ensuring that all related secondary legislation, future policy and the development of the Scottish social security system is assessed through the CRWIA on an on-going basis.

⁸ https://consult.scotland.gov.uk/social-security/social-security-in-scotland/consultation/published_select_respondent

CRWIA Declaration	
CRWIAs will be considered and completed throughout the lifetime of the development and delivery of social security in Scotland, both as a policy improvement tool, to help scope and develop all future legislation and to assist in the service design and delivery process.	
CRWIA required	CRWIA not required
Yes, for forthcoming development of policy, secondary legislation, and overall design of the social security system.	
Authorisation	
Policy lead Chris Boyland, Bill Team Leader Legislation and Operational Policy Unit, Social Security Policy Division	Date 21 June 2017
Deputy Director or equivalent Ann McVie, Deputy Director, Social Security Policy Division	Date 21 June 2017