



T: 0300 244 4000
E: scottish.ministers@gov.scot

Dr Sally Witcher OBE
Scottish Commission on Social Security
Area 1C South
Victoria Quay
Ocean Drive
EDINBURGH
EH6 6QQ
info@socialsecuritycommission.scot

29 October 2020

Dear Dr Witcher,

I am writing to express my thanks to SCoSS for the scrutiny report on the draft Disability Assistance for Children and Young People (Scotland) Regulations of 9 March 2020.

As I indicated to you in my letter of 2 June 2020, the impact of coronavirus on the wider public sector has been unprecedented, and has posed particular challenges for our plans to deliver disability assistance. However, work has continued on the development of the regulations for Child Disability Payment (formerly called Disability Assistance for Children and Young People), with a particular focus on responding to the recommendations made by SCoSS.

I am, therefore, pleased to enclose a further draft of the Disability Assistance for Children and Young People (Scotland) Regulations, made under sections 31(2), 36(2), 41(4)(a), 43(5) and 52 of the Social Security (Scotland) Act 2018 with a formal request to SCoSS for a supplementary scrutiny report on these revised regulations. I also provide with the Disability Assistance for Children and Young People (Scotland) Regulations, a draft explanatory note to assist SCoSS in their deliberations, and accompanying impact assessments.

I would also like to highlight our review of the provisions relating to timescales for requesting and making re-determinations, resulting from your recommendation on the Carer's Allowance Supplement (CAS) and Young Carer Grant (YCG) exportability regulations. In our response, we noted that we would review existing social security legislation and forthcoming regulations and consider how best to express timescales in a way which is consistent and can be clearly understood by all users of Scottish social security.

Having considered this, my officials have advised that we intend to use 'days' when describing timescales relating to both the client and Social Security Scotland. While this is different from the 'working days' referenced in existing regulations relating to work carried out by Social Security Scotland, we feel divergence is appropriate here due to the strong preference expressed by our public consultation on Disability Assistance in Scotland.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



I have sent a copy of the Assistance for Children and Young People (Scotland) Regulations, to the Social Security Committee with the associated papers and documents. I would be grateful if SCoSS could work to provide a supplementary scrutiny report by 7 December 2020. This will help allow for any changes to be made the regulations in time for final legal checks to be undertaken ahead of any parliamentary activity.

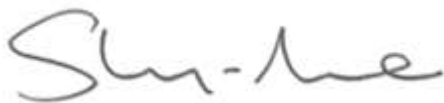
I appreciate that this is an ambitious timetable. However, my officials will make themselves available to you to assist in the scrutiny and consideration process, and I am confident that the revised provisions of the Disability Assistance for Children and Young People (Scotland) Regulations demonstrate our commitment to listen carefully to feedback from our stakeholders.

In order to make most efficient use of SCoSS' time, I propose to ask the Commission to consider a narrow range of issues arising from the redrafted provisions of the Disability Assistance for Children and Young People (Scotland) Regulations. I have endeavoured to select the areas where I believe refreshed scrutiny will be helpful:

- the provisions relating to the periods for requesting and making re-determinations;
- the provisions applicable to the mobility component; and
- the provisions relating to temporary absences from home, including non-payability of assistance.

I remain grateful to you for your time and consideration, and I look forward to receiving your report.

Yours Sincerely,



SHIRLEY-ANNE SOMERVILLE