



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

Dr Sally Witcher OBE
Scottish Commission on Social Security
c/o Secretariat
Victoria Quay
Edinburgh
EH6 6QQ

info@socialsecuritycommission.scot

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Dear Dr Witcher,

I am pleased to submit a draft of 'The Social Security Assistance (Funeral Expense Assistance and Young Carer Grants) (Up-rating and Miscellaneous Provisions))(Scotland) Regulations 2020' to the Scottish Commission on Social Security for consideration as part of the 'super-affirmative' procedure outlined in section 97 of the Social Security (Scotland) Act 2018. I also attach the 'Section 77 Report' which explains the Scottish Government's approach to uprating for the financial year 2020-21.

In addition to the proposed uprate by inflation to the Funeral Support Payment and Young Carer Grant I have also taken the opportunity, through the uprating regulations, to uplift the Funeral Support Payment and to make a few technical amendments to the Funeral Support Payment Regulations and the Young Carer Grant Regulations.

It is proposed that the standard rate of the 'other expenses' element of the Funeral Support Payment will be significantly increased to £1,000, which is higher than the inflation-adjusted level of £711.90.

The draft Regulations propose to amend the Funeral Support Payment Regulations to clarify that the Scottish Ministers can regard entitlement to a lump sum under a funeral plan as an asset of the deceased person for the purpose of determining whether the assets of the deceased are sufficient and available to meet the costs of a funeral. Another proposed amendment is to correct a minor discrepancy, ensuring that where the deceased has low level and incomplete funeral insurance, occupational pension scheme, or burial club the individual applicant will receive the higher award of £1,000 from 1 April 2020.

The draft Regulations provide that the only circumstance that the Funeral Support Payment reduces the entitlement for the 'other expenses' from the standard rate of £1,000 to the lower rate of £122.05 is if the deceased has left in place a pre-paid funeral plan. If the deceased has in place any relevant scheme that is not a funeral plan (such as funeral insurance), they will receive the higher award with the value of the scheme then deducted from the award.

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The draft Regulations also provide that funds or contributions which are available from a pre-paid funeral plan are to be no longer deductible from an award. The intention here is to prevent circumstances where an entitlement to the lower award of £122.05, because a pre-paid funeral plan was in place, could be reduced further by also applying deductions from the same funeral plan.

Finally, the Young Carer Grant Regulations are proposed to be amended to remove the exclusion under section 7(7) from entitlement to the grant for young people subject to immigration control. This will allow a person subject to immigration control, who has no recourse to public funds, to receive the grant.

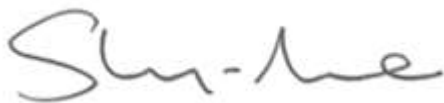
As you are aware, the UK General Election and the subsequent delay to the Scottish Budget has placed additional time constraints upon the Scottish Government to ensure that the legislation completes the Scottish Parliamentary process in time for the uprating to come into effect for 1 April 2020.

I understand that you have already had some discussions with my officials regarding the content of the draft Regulations, and I have asked them to agree an appropriate timescale for this work with you.

I have asked my officials to send a copy of this letter to the Convener of the Social Security Committee in order to notify them that our proposals have been submitted to the Commission for consideration.

I look forward to receiving your report in due course.

Yours sincerely,



SHIRLEY-ANNE SOMERVILLE