

Child Rights and Wellbeing Impact Assessment (CRWIA)

**for The Welfare Foods (Best Start Foods)
(Scotland) Amendment Regulations 2023**

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Disclaimer

This draft document is an initial assessment of the impact The Welfare Foods (Best Start Foods) (Scotland) Amendment Regulations 2023 and Scottish Government will continue to review and update this document where required during the parliamentary/strategic decision making process. Any future iterations will reflect an increased understanding of these impacts as the amount of data and research available continues to grow.

This impact assessment should be read in conjunction with the Equality Impact Assessment and the Fairer Scotland Duty Assessment.

CRWIA Stage 2 – Assessment of Impact and Compatibility

1. What evidence have you used to inform your assessment? What does it tell you about the impact on children’s rights?

The primary purpose of these regulations is to meet the Ministerial commitment to remove income thresholds for all qualifying benefits for Best Start Foods (BSF) in 2023-24. They will also align eligibility criteria and processes more closely with Best Start Grant (BSG) and Scottish Child Payment (SCP), and make some changes to the rules around payments. SCP, the three BSG payments and BSF are known collectively as the five family payments (FFP).

There has been policy engagement with stakeholders throughout the development of BSF and since launch. We have also held a number of meetings with our Five Family Payments Reference Group which is made up of a number of key stakeholders with an interest in the policy area, including Child Poverty Action Group, Citizens Advice Scotland, Engender and a number of other groups. At our meeting in March 2023, we provided the Five Family Payments Reference Group with an overview of our proposed changes and following this we met separately with some of the individual members. The overall feedback we received was positive.

We have drawn on existing research, as referenced in the following sections, to fully understand the impact these changes will have on children and young people. Demographic information played an important role in the evidence base building on the work already undertaken as part of the Best Start, Bright Futures¹ – the latest Tackling Child Poverty Delivery Plan – and more broadly on child poverty. We considered Scottish Government data, UK Government data, stakeholder reports and insights.

2. Evidence from stakeholders/Policy Colleagues

Children under three

Tackling child poverty is a Scottish Government priority with 24% of Scotland’s children (250,000 children each year) living in relative poverty after housing costs in 2019-2022.² Before housing costs, it is estimated that 22% of children (230,000 children each year) were in relative poverty.³ In the same period, 79% of children lived in households with high food security. This means that 21% of children lived in households with marginal, low or very low food security.⁴ Children in poverty were less likely to have high food security: just 65% of those in relative poverty and 65% of those in severe poverty lived in high food security households.⁵

¹ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

² Scottish Government (2022) [Additional child poverty analysis 2023](#) - Table 1 (target measures by priority group)

³ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 4

⁴ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 8

⁵ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 8

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Prior to the outbreak of COVID-19, projections indicated that if no further action were taken to tackle child poverty one in three children in Scotland would grow up in poverty by 2030, damaging society and the economy.⁶ The impact of COVID-19 on child poverty levels is still largely unknown, particularly the long term effects on families and our economy, however we know that the impacts have been felt most acutely by the most disadvantaged in our society.

Children in low income households tend to experience a range of disadvantages which can accumulate throughout their lives. For example, poverty negatively affects children's health, social, emotional and cognitive development, and also their behavioural and educational outcomes.⁷ Evidence suggests that factors associated with child poverty, such as lower educational attainment, have implications for economic growth and a country's capacity to compete in the global economy.⁸ It is anticipated that typical incomes will fall most significantly at the lower end of the income distribution.⁹ 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.¹⁰ This means the additional funding provided via BSF is expected to have a positive impact on children's overall wellbeing.

BSF aims to tackle the impacts of child poverty by improving access to healthy foods and milk for eligible families on a low income. Children up to the age of three can be eligible to receive BSF recognising that the early years are key to improving long term health outcomes and with children from less affluent households being more at risk of negative outcomes in later decades.¹¹ Children aged three to four can benefit from the universal Early Learning and Childcare provision for children which includes a free meal. In addition to this, through the Scottish Milk and Healthy Snack Scheme all preschool children attending a registered setting, for two hours or more per day, can also benefit from a portion of milk or non-dairy alternative and a healthy snack.

Research by The Food Foundation¹² has shown that children's earliest experiences of food can shape lifelong habits and establish their long-term relationship with food. It highlights that young children who experience food insecurity are at increased risk of obesity and, furthermore, that a lack of sufficient nutrition during critical periods in early life may cause irreversible changes to development and therefore increase the risk of chronic disease in later life. There is some evidence to show that BSF may be contributing to better health and wellbeing for children. Recipients report observing

⁶ Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

⁷ NHS Health Scotland (2018) [Child Poverty in Scotland: health impact and health inequalities](#)

⁸ Joseph Rowntree Foundation (2008) [The costs of child poverty for individuals and society](#)

⁹ Scottish Government (2022) [Every child, every chance: tackling child poverty delivery plan 2022-2026](#)

¹⁰ Cooper & Stewart, Centre for Analysis of Social Exclusion (2017) [Does money affect children's outcomes? an update](#)

¹¹ Scottish Government (2010) [Growing up in Scotland: health inequalities in the early years](#)

¹² The Food Foundation (2023) [Healthy Start needs urgent improvement to tackle food insecurity in the early years](#)

their children eating more and a greater variety of fruits and vegetables and feeling positive that they can provide their children with more nutritious foods.¹³

Research into the intergenerational transmission of poverty has shown that unhealthy dietary patterns have been linked with poorer mental health in children and adolescents. Poor in utero nutrition also leads to low birthweight babies with higher risk of the children being stunted and experiencing a permanent limit to their physical and cognitive development, affecting schooling performance and completion. Additionally, a review of international literature shows that child and maternal nutrition are crucial determinants of intergenerational poverty.¹⁴

Young parents

Parental age has a significant impact on child poverty rates: 55% of children whose mother is aged under 25 are in relative poverty, compared with 23% of children whose mother is 25 or over.¹⁵ This can be explained by a range of factors. For example, the age at which mothers have their first child is substantially lower in more deprived areas, meaning that early motherhood is more likely amongst those already facing socio-economic disadvantage. Mothers under 25 are also more likely than older mothers to have fewer qualifications, lower average incomes and to be unemployed.¹⁶

The Scottish Government's Pregnancy and Parenthood in Young People Strategy¹⁷ also 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 FFP.

The latest analysis of client diversity and equalities data¹⁸ shows that for approved BSF and BSG applications between June 2021 and March 2023, 15% (6,735) were from people aged 16-24.

Consultation with external stakeholders

We have carried out an evaluation of BSF,¹⁹ with an external contractor carrying out interviews with a number of clients and healthcare professionals who support clients on their experiences of the payment to date. The evaluation of BSF describes a number of positive findings. They show the benefit helps people buy a greater quantity (and quality) of healthy foods than they could without the benefit. Payments also support healthier shopping habits and meal planning. For example, recipients report purchasing healthier snacks for their children and some experiment with new healthy recipes, without worrying about wasting money or food. BSF may be contributing to better health and wellbeing for children. Recipients report observing

¹³ Scottish Government (2022) [Best Start Foods: evaluation](#)

¹⁴ Chronic Poverty Research Centre (2007) [The Intergenerational Transmission of Poverty](#)

¹⁵ Scottish Government (2021) [Additional child poverty analysis 2021](#) - Table 4 (child poverty priority groups and targets - further analysis)

¹⁶ Scottish Government (2022) [Tackling child poverty delivery plan: fourth year progress report 2021-2022 - focus report on households with mothers aged 25 or under](#)

¹⁷ Scottish Government (2016) [Pregnancy and Parenthood in Young People Strategy](#)

¹⁸ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

¹⁹ Scottish Government (2022) [Best Start Foods: evaluation](#)

their children eating more and a greater variety of fruits and vegetables and feeling positive that they can provide their children with more nutritious foods. Recipients also experienced reduced levels of stress and anxiety in relation to finances as a result of receiving BSF. It had given participants a sense of relief knowing they could use it to buy healthy foods for their families. For some recipients, it guarantees they can afford essential foods even when their finances are difficult. For others, the payments have freed up money for costs such as household bills. They also expressed relief as BSF enabled recipients to be financially independent, whereas they previously had to ask for support from other family members. This was reiterated by healthcare professionals who observed that their recipients were less burdened by financial worries. Healthcare professionals were pleased to see the positive impact BSF was having on the health and wellbeing of families as a preoccupation with finances could impact the relationship they had with their children.

There has been policy engagement with stakeholders throughout the development of BSF and since launch. We have also held a number of meetings with our Five Family Payments Reference Group which is made up of a number of key stakeholders with an interest in the policy area, including Child Poverty Action Group, Citizens Advice Scotland, Engender and a number of other groups. At our meeting in March 2023, we provided the Five Family Payments Reference Group with an overview of our proposed changes and following this we met separately with some of the individual members.

The overall stakeholder feedback we received regarding the policy changes we are making was positive. Removal of the income thresholds was welcomed by stakeholders and considered to be particularly helpful for people who do seasonal work, have variable incomes or are on flexible contracts. It was noted that the existing threshold for Universal Credit (UC) can prevent parents accepting work that is paid at the real Living Wage. A risk was also highlighted that people who currently lose entitlement due to breaching the income thresholds (and who do not fall below the threshold within 12 weeks of losing their entitlement) might not reclaim when their income reduces again, resulting in individuals not receiving the support they are entitled to. Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends was also viewed positively and considered to be especially helpful when issues arise with qualifying benefits which can take some time to resolve. Changes to improve access to BSF for young parents were also welcomed and it was anticipated that they would help improve uptake. Making Working Tax Credit (WTC) a qualifying benefit in its own right was viewed as particularly positive for some pregnant persons and also for some carers who are not responsible for the child for Child Tax Credit purposes, e.g. some kinship carers. In general, further aligning eligibility for BSF with BSG and SCP was also received positively as it was acknowledged that the differences in eligibility can be confusing for some parents.

One stakeholder noted that alignment for under 18s would be a positive step as lots of young parents struggle with the benefit process. They highlighted that some young parents tend to give up resulting in a significant number of incomplete applications. Streamlining the process will help combat this.

We consulted with island stakeholders as part of the Islands Community Impact Assessment process and some of the feedback raised by island stakeholders was relevant to this impact assessment. They noted that BSF helps to address stigma and improve the health and wellbeing of pregnant persons and children. They also felt that BSF could contribute to better educational outcomes. They welcomed the policy changes which will result in BSF being more accessible for low income families. However, they also cautioned that by allowing the individual who a pregnant person is dependent upon to be eligible to receive BSF, the independence of the young person could be adversely affected and it could make them vulnerable to abuse from coercive grandparents. To mitigate against the risk described above, the regulations ensure that an application from the pregnant person will always take precedence over applications from other entitled individuals. Where anyone other than the pregnant person is receiving BSF and an application from the pregnant person is received, Social Security Scotland will end the existing claim and pay the pregnant person instead. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only entitled if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

We have also engaged with Scottish Women's Convention, Scottish Women's Aid, Inclusion Scotland, First Steps Nutrition Trust and Nourish Scotland. Overall, the feedback received was that the changes being made are very positive and progressive. Widening eligibility by removing the income thresholds was particularly welcomed. Changes which will make it easier for eligible families to access BSF were welcomed. Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends was specifically highlighted as a good example of how to treat individuals well. Putting it beyond doubt that people who might otherwise have difficulty accessing their entitlement can be paid in a way other than the prepaid card was seen to be very helpful.

3. Evidence from children and young people

Children under three

The majority of young people who responded to a Scottish Youth Parliament survey to find out about young people's experience in accessing food, agreed or strongly agreed that they and their family can afford food without having to sacrifice other basic needs such as heating or housing. However, between 7-9% disagreed or strongly disagreed with these statements.²⁰

²⁰ Scottish Youth Parliament (2023) [Young People's Right to Food](#)

In the Children's Parliament report *What Kind of Scotland?* poverty is identified as the most important barrier to a good life.²¹ 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 CRWIA for the first Tackling Child Poverty Delivery Plan (TCPDP),²² 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 Prince's 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.

BSF contributes to addressing these recommendations. BSF is designed to tackle the impact of poverty by providing additional monies towards the purchase of healthy foods and milk.

The BSF evaluation²³ noted that some parents observed that their children were excited to be able to try new fruits and vegetables as a result of receiving BSF. Furthermore, there was some evidence that BSF also had the unintended impact of raising children's awareness and interest in money and budgeting.²⁴

Young parents

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 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 and design of the application 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 helps 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 services to make young mothers aware of the support available.

Responses from the *A New Future for Social Security Consultation*²⁵ highlighted under 18s as a group which would benefit from simpler provision. Pregnant persons who are under 18 and their partners are automatically entitled to BSF, without the

²¹ Children's Parliament (2017) [What Kind of Scotland?](#)

²² Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022 , Annex 4 - Child Rights and Wellbeing Impact Assessment](#)

²³ Scottish Government (2022) [Best Start Foods: evaluation](#)

²⁴ Scottish Government (2022) [Best Start Foods - evaluation: annex B - qualitative research](#)

²⁵ Scottish Government (2017) [Analysis of written responses to the consultation on social security in Scotland](#)

need for a qualifying benefit, as long as they meet the residency conditions. This is also true for children who are under one and whose parent or carer is under 18, provided the residency requirement is met.

4. How have the findings outlined in questions 1-3 influenced the development of the relevant proposal?

The changes that we are making will positively affect both children and young parents – who may themselves be children - by providing financial support to more pregnant persons and children, improving access for young parents and their children and making it easier for them to receive the support that they are entitled to. It will also enable some individuals to receive support for longer.

Stakeholders particularly welcomed the removal of the income thresholds that will result in an additional 20,000 individuals being eligible for BSF.²⁶ This will mean more low income families can benefit from the support provided by BSF and more individuals will be eligible for all of the FFP. Furthermore, individuals who have fluctuating incomes will be less likely to move in and out of BSF eligibility – as long as they continue to receive a qualifying benefit, they will remain eligible for BSF. This will provide greater certainty to low income families and help to minimise the need for reapplications.

Removing the income thresholds will align BSF more closely with BSG and SCP which do not have income thresholds, making eligibility for the FFP easier to understand and simpler to communicate to clients. Furthermore, increasing alignment of the FFP will help to support potential future automation of these benefits.

Stakeholders also welcomed proposals to further align the eligibility rules for BSF more closely with BSG and SCP - which will make it easier for young parents to understand the eligibility criteria for the FFP and for Social Security Scotland to promote the benefits. By further aligning the procedural rules for how eligibility is determined for BSF with BSG and SCP, we will reduce the need for clients to reapply or submit review requests for BSF. This should help maximise take-up and enable more clients to receive their full entitlement. Furthermore, it will make it easier for Social Security Scotland to administer the benefits. In general, all of these changes will help address stakeholder concerns regarding the need for better alignment across the FFP and make it easier to potentially automate payments in the future. As well as these overarching benefits, there is also evidence that the changes will have particular impact for children and young parents.

Children under three

As mentioned above, it is expected that removing the income thresholds will result in an additional 20,000 individuals being eligible for BSF. Furthermore, children whose parents or carers have fluctuating incomes from work - such as those who do seasonal work, have variable incomes or flexible contracts - will be less likely to move in and out of BSF eligibility. It is estimated that in 2019-22, 69% of children in

²⁶ Scottish Fiscal Commission (2023) [Scotland's Economic and Fiscal Forecasts – May 2023](#)

relative poverty after housing costs were living in working households (170,000 children each year).²⁷ As part of our stakeholder engagement, we heard that individuals who lose entitlement due to breaching the income threshold (and who do not fall below the threshold within 12 weeks of losing their entitlement) do not always reclaim when their income drops back below the threshold, resulting in the child not receiving the support that they are entitled to. Once the income thresholds are removed, children will remain eligible for BSF as long as their parent or carer continues to receive a qualifying benefit. This will provide greater certainty to children in low income families and help to minimise the need for reapplications.

At present, children under one or whose first anniversary of their estimated delivery date has not yet passed are automatically eligible for BSF as long as the individual responsible for the child is under 18 and meets the relevant residency conditions. Eligibility continues up until the child turns one even if the individual responsible for them turns 18 before their first birthday. The child can then only continue to be eligible if the individual responsible for them is in receipt of a qualifying benefit.

Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer be eligible.

It could also be the case that a young parent who is under 18 does not meet the definition of being responsible for the child if they are not a dependant or if they do not receive a child responsibility benefit because their partner receives it. Under the current rules, that could mean that even though one of the parents of the child is under 18, the child would not be automatically eligible.

We will therefore extend automatic eligibility so that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during pregnancy, their child will continue to be entitled up until:

- their parent/carer turns 18, or
- their parent/carer stops being a dependant, or
- the child turns one, or
- the child reaches the first anniversary of its estimated delivery date, whichever is later (but no later than the child's third birthday).

Expanding automatic eligibility to children whose parents are 18 or 19 year old dependants or who were under 18 or an 18 or 19 year old dependant during the pregnancy will mean more children will be eligible for BSF. Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqlA has found that it is likely there are not more than 800 dependants aged 18 or 19 years old giving birth each year.

²⁷ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) - Figure 5b

Ensuring that, at a minimum, support continues until the child turns one or reaches the first anniversary of its estimated delivery date will ensure that children of young parents continue to receive support at this key developmental stage when they require either breastmilk or first infant formula, whichever is their parents' choice.

Allowing eligibility to continue beyond the child's first birthday where the individual responsible for them or their partner is under 18 or an 18 or 19 year old dependant will ensure that children of young parents can access healthy food and milk, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions. It will also ensure that children of young parents are not disadvantaged because their parents are unable to access a qualifying benefit due to their age. This is particularly important as parental age has a significant impact on child poverty rates with over half (55%) of children in households with a mother aged under 25 in relative poverty in 2015-18, compared to 24% of children overall.²⁸ Young mothers are therefore a priority family type for Best Start, Bright Futures.²⁹

Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that there are around 100 parents aged under 18 and responsible for a child who is aged one or two and up to 700 parents who are dependants aged 18 or 19 and responsible for a child who is aged one or two. The changes we are making will ensure that these young parents are not disadvantaged because they are unable to access a qualifying benefit due to their age. This is particularly important given the strong relationship between parental age and child poverty rates.

Making this change will also further align eligibility for BSF with BSG, as for BSG if an individual is under 18 or an 18 or 19 year old dependant and either they or their partner are responsible for a child who is the relevant age, they are automatically eligible for all three BSG payments. The divergence in the eligibility criteria between BSF and BSG is likely to be a confusing journey for young parents. As part of our stakeholder engagement, we heard that differences between the payments can make it difficult for parents to understand what they are entitled to. Further aligning eligibility rules and processes for BSF with BSG will make it easier for young parents to understand and access social security payments, ensuring their child receives the support it is entitled to. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help ensure more children benefit.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that where it is established that the individual who is receiving BSF on behalf of an entitled child is not using it for the benefit of the child, payments can be made to another appropriate person instead so that the child continues to benefit from BSF.

Ensuring entitlement to BSF continues for a period of eight weeks when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers

²⁸ Scottish Government (2022) [Additional child poverty analysis 2022](#) – Table 1 (target measures by priority group)

²⁹ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends will mean all children will continue to benefit from the support that BSF provides when their family's income is in transition.

Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. So a further eight weeks entitlement to BSF when any legacy benefit ends would be helpful. Families in housing which cannot be supported by UC – temporary accommodation, supported or sheltered housing – continue to receive Housing Benefit, a legacy benefit. They are therefore more likely to benefit from this change. On average, households with children tend to spend longer in temporary accommodation and therefore this change may be particularly relevant to children.³⁰

One stakeholder highlighted that more children may also become eligible for BSF as a result of making WTC a qualifying benefit in its own right. This is because in some cases, while the individual responsible for a child may receive WTC they are not responsible for the child for Child Tax Credit purposes – this could include some kinship carers.

Young parents

One stakeholder told us that the young parents that they work with can get quite frustrated when accessing social security payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help with uptake.

By expanding automatic eligibility to 18 and 19 year old dependants who are pregnant, young parents will be able to more easily access BSF, a need which was highlighted by the original consultation on Social Security Scotland, A New Future for Social Security.³¹ Furthermore, we will extend their ongoing entitlement so that where the pregnant person turns stops being a dependant during pregnancy they will remain eligible until they reach the end of their pregnancy.

Young parents who are still dependent on their parent or carer might not be able to access a qualifying benefit in their own right but they also might not receive financial support from their parent or carer. Making them automatically eligible for BSF will ensure that they have access to some financial support during their pregnancy. This will help pregnant mothers achieve a diet that contains adequate nutrients and energy to allow proper foetal growth and development as well as providing the nutrients the mother needs for maintaining their own health. It will also ensure that young parents are supported to buy healthy and nutritious food for their children, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions.

As mentioned above under **Children under three**, we will also extend automatic eligibility so that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during pregnancy, their child will continue to be entitled up until:

³⁰ Scottish Government (2022) [Homelessness in Scotland: 2021/22](#)

³¹ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

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- their parent/carer turns 18, or
- their parent/carer stops being a dependant, or
- the child turns one, or
- the child reaches the first anniversary of its estimated delivery date, whichever is later (but no later than the child's third birthday).

At present, children under one or whose first anniversary of their estimated delivery date has not yet passed are automatically eligible for BSF as long as the individual responsible for the child is under 18 and meets the relevant residency conditions. Eligibility continues up until the child turns one even if the individual responsible for them turns 18 before their first birthday. The child can then only continue to be eligible if the individual responsible for them is in receipt of a qualifying benefit.

Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer receive support from BSF to help them buy healthy food or milk for their child.

It could also be the case that a young parent who is under 18 does not meet the definition of being responsible for the child if they are not a dependant or if they do not receive a child responsibility benefit because their partner receives it. Under the current rules, that could mean that even though one of the parents of the child is under 18, the child would not be automatically eligible.

By expanding automatic eligibility to children whose parents are 18 or 19 year old dependants, young parents will be able to more easily access BSF, a need which was highlighted by the original consultation on Social Security Scotland, *A New Future for Social Security*.³² Unpublished internal analysis carried out by the Communities Analysis Division to inform this EqIA has found that it is likely there are not more than 800 dependants aged 18 or 19 years old giving birth each year.

Ensuring that at a minimum support continues until the child turns one or reaches the first anniversary of its estimated delivery date will ensure that young parents continue to receive support to breastfeed or purchase first infant formula for their baby, whichever is their choice.

Allowing eligibility to continue beyond the child's first birthday where the individual responsible for them or their partner is under 18 or an 18 or 19 year old dependant will ensure that young parents are supported to buy healthy and nutritious food for their children, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions. Unpublished internal analysis carried out by Communities Analysis Division to inform this EqIA has found that it is likely that there are around 100 parents aged under 18 and responsible for a child who is aged one or two and up to 700 parents who are 18 or 19 year old dependants and responsible

³² Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

for a child who is aged one or two. Extending automatic eligibility in this way, will ensure that these young parents are not disadvantaged because they are unable to access a qualifying benefit due to their age. This is particularly important given the strong relationship between parental age and child poverty rates.

Making this change will also further align eligibility for BSF with BSG, as for BSG if an individual is under 18 or an 18 or 19 year old dependant and either they or their partner are responsible for a child who is the relevant age, they are automatically eligible for all three BSG payments. The divergence in the eligibility criteria between BSF and BSG is likely to be a confusing journey for young parents. As part of our stakeholder engagement, we heard that differences between the payments can make it difficult for parents to understand what they are entitled to. Further aligning eligibility rules and processes for BSF with BSG will make it easier for young parents to understand and access social security payments, ensuring their child receives the support it is entitled to. One stakeholder told us that the young parents that they work with can get quite frustrated when accessing payments is difficult and therefore aligning eligibility and reducing the need for re-applications should help ensure more young parents receive support for their children.

Unpublished internal analysis carried out by the Communities Analysis Division to inform this CRWIA suggests that there are not more than 1,000 pregnant persons who are dependants each year and that there are around 100 children born to people aged 16 or younger. Internal unpublished analysis by Social Security Scotland's Insights and Analysis Team indicates that around 10-20 applications are received every year from under 16 year old parents for BSF. Making explicit that where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who is under three can be paid BSF in their own right will help to empower young parents and also mitigate the risk of financial coercion or abuse. Furthermore, this change will make clear that pregnant persons, partners of pregnant persons and parents to an entitled child who are under 16 and who are not dependent upon anyone, are able to access a payment. Where an application is made by the pregnant person, partner of the pregnant person or parent to an entitled child and they are under 16 and lack legal capacity to be paid BSF in their own right, we will seek to make payment to the person with Parental Rights and Responsibilities for them. Where it would not be appropriate to pay the individual with Parental Rights and Responsibilities, we will appoint the person who is responsible for them or another appropriate person.

Furthermore, we will make the individual who a pregnant person is dependent on and the partner of that individual, entitled to receive BSF in their own right so that young parents can have choice in how they access the benefit. This change will align with the approach already taken for BSG Pregnancy and Baby Payment, where if the individual who is or was pregnant is a dependant, they can choose to apply themselves, or have the individual that they are dependent upon or the partner of that individual apply. We took this approach in response to discussions during the original consultation on BSG³³ which highlighted both the need to empower young parents and the importance of young pregnant persons and parents having the support of an adult in accessing the payment.

³³ Scottish Government (2017) [Analysis of Written Responses to the Consultation on Social Security in Scotland](#)

As part of this change, we will expand the current rule which ensures an application from a pregnant person always takes precedence over an application from their partner so that applications from the pregnant person will also take precedence over an application from any other entitled person. This ensures that the pregnant person will always be able to access BSF payments in their own right as it is paid to support their nutrition. One stakeholder highlighted that for pregnant persons in domestic abuse situations ensuring that an application from the pregnant person is prioritised over one from any other entitled person will help mitigate situations of financial control. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only entitled if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that once the child is born, young parents who are dependants will still be able to have the individual that they are dependent upon or the partner of that individual receive BSF on behalf of their child. To mitigate risks of financial abuse and ensure that the child benefits from the BSF being paid on their behalf, Scottish Ministers will also have the ability to cease making payments to this individual if it is no longer considered appropriate to do so.

Putting it beyond doubt that payments can be made in a way other than the prepaid card could have a positive impact on some individuals with a disability or long term health condition who find that due to their needs, the card is not accessible. This clarity could also be helpful for some young pregnant persons and parents as there is a lower age threshold which is applied to the prepaid card.

FFP advertising states that you may be eligible if you receive certain benefits or tax credits. This is not true for young parents or carers who are eligible or whose children are eligible if they are under 18, without the need to receive a qualifying benefit, provided the residency conditions are met. Following changes, dependants aged 18 or 19 years old and their children will also be eligible without the need to receive a qualifying benefit, provided the parent or carer meets the residency conditions. Without targeted messaging this group may not have the same level of awareness of their entitlement. To ensure that awareness is raised, a comprehensive communications and engagement strategy is being developed alongside the regulations which includes bespoke messaging and activities to ensure awareness is raised among this group.

Social Security Scotland is conducting user research to understand the experiences of 16-24 year olds. Insights from this research will inform how we communicate with these young people.

5. Assessing for compatibility against the UNCRC requirements

UNCRC Articles

What impact does/will your relevant proposal have on children's rights? (Please tick positive, negative or neutral)

- Positive
 - Article 2 Non-discrimination
 - Article 3 Best interests of the child
 - Article 4 Implementation of the Convention
 - Article 5 Parental guidance and a child's evolving capacities
 - Article 6 Life, survival and development
 - Article 12 Respect for the views of the child
 - Article 16 Right to privacy
 - Article 18 Parental responsibilities and state assistance
 - Article 19 Protection from violence, abuse and neglect
 - Article 23 Children with a disability
 - Article 24 Health and health services
 - Article 26 Social security
 - Article 27 Adequate standard of living
 - Article 30 Children from minority or indigenous groups

- Negative – not applicable

- Neutral
 - Article 1 Definition of the child
 - Article 7 Birth registration, name, nationality, care
 - Article 8 Protection and preservation of identity
 - Article 9 Separation from parents
 - Article 10 Family reunification
 - Article 11 Abduction and non-return of children
 - Article 13 Freedom of expression
 - Article 14 Freedom of thought, belief and religion
 - Article 15 Freedom of association
 - Article 17 Access to information from the media
 - Article 20 Children unable to live with their family
 - Article 21 Adoption
 - Article 22 Refugee children
 - Article 25 Review of treatment in care
 - Article 28 Right to education
 - Article 29 Goals of education
 - Article 31 Leisure, play and culture
 - Article 32 Child labour
 - Article 33 Drug abuse
 - Article 34 Sexual exploitation
 - Article 35 Abduction, sale and trafficking
 - Article 36 Other forms of exploitation
 - Article 37 Inhumane treatment and detention
 - Article 38 War and armed conflicts
 - Article 39 Recovery from trauma and reintegration

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- Article 40 Juvenile justice
- Article 41 Respect for higher national standards
- Article 42 Knowledge of rights

First optional protocol

- Positive – not applicable
- Negative – not applicable
- Neutral
 - Article 4
 - Article 5
 - Article 6
 - Article 7

Second optional protocol

- Positive – not applicable
- Negative – not applicable
- Neutral
 - Article 1
 - Article 2
 - Article 3
 - Article 4
 - Article 6
 - Article 7
 - Article 8
 - Article 9
 - Article 10
 - Article 11

Our assessment of the impact of the changes we are proposing on the relevant articles of the UNCRC is as follows:

Article 2 – Non-discrimination

Social Security Scotland is committed to treating all applicants equally. The principle of non-discrimination is enshrined in the Social Security (Scotland) Act 2018.³⁴

The approach taken by Social Security Scotland is centred on making the application process as accessible as possible to reduce the stigma around claiming benefits. We have committed to a multi-channel approach for BSF as with the other devolved benefits with applications taken over the phone, online or on a paper form. In addition, Social Security Scotland has set up a Local Delivery Service with staff in all

³⁴ [Social Security \(Scotland\) Act 2018](#)

32 local authority areas. These staff operate at the local level helping and informing clients of benefits available and assisting clients claim what they are entitled to. They give clients a choice in regard to how they access the service by offering support in outreach locations, home visits and prisons, removing a significant barrier to applying. Clients are able to receive one to one support to understand what devolved benefits they are entitled to and help them to complete applications. Now fully operational and embedded within the local community, there are over 400 staff spread across all local authority areas in Scotland.

The changes will make explicit that young pregnant persons and partners of pregnant persons who are under 16 or under 20 and a dependant can be paid in their own right. They will also put beyond doubt that payments can be made to very young pregnant persons or parents who are unable to be issued with a prepaid card due to there being a lower age threshold which applies.

The changes will also ensure that children whose parents receive WTC receive the same level of support as those whose parents receive other qualifying benefits, as WTC will be a qualifying benefit in its own right. The changes will also ensure that entitlement to BSF continues for a period of eight weeks when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends.

We will extend automatic eligibility so that children under three continue to be eligible until their parent turns 18 or stops being a dependant, or the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later. This will ensure that young parents and the children of young parents are not disadvantaged because the parents are unable to access a qualifying benefit due to their age.

Article 3 - Best interests of the child

BSF is one aspect of the TCPDP,³⁵ a holistic plan focussed on reducing child poverty with the best interests of every child at its centre.

The changes will make clear that young pregnant persons and partners of pregnant persons who are under 16 or under 20 and a dependant can be paid in their own right. Making explicit that, where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who is under three can be paid BSF in their own right will help to empower young parents and also mitigate the risk of financial coercion or abuse. Furthermore, this change will make clear that pregnant persons, partners of pregnant persons and parents to an entitled child who are under 16 and who are not dependent upon anyone, are able to access a payment. Where an application is made by the pregnant person, partner of the pregnant person or parent to an entitled child and they are under 16 and lack legal capacity to be paid BSF in their own right, we will seek to make payment to the person with Parental Rights and Responsibilities for them. Where it would not be appropriate to pay the individual with Parental Rights and

³⁵ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

Responsibilities, we will appoint the person who is responsible for them or another appropriate person.

Furthermore, we will make the individual who a pregnant person is dependent on and the partner of that individual, eligible to receive BSF so that young parents can have choice in how they access the benefit. One stakeholder cautioned that by allowing the individual who a pregnant person is dependent upon to be eligible to receive BSF, the independence of the young person could be adversely affected and it could make them vulnerable to abuse from coercive grandparents. To mitigate this risk, the regulations ensure that an application from the pregnant person will always take precedence. Where anyone other than the pregnant person is receiving BSF and an application from the pregnant person is received, Social Security Scotland will end the existing claim and pay the pregnant person instead. This ensures that the young pregnant person will always be able to access BSF payments in their own right as it is paid to support their nutrition. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only entitled if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that where it is established that the individual who is receiving BSF on behalf of an entitled child is not using BSF for the benefit of the child, payments can be made to another appropriate person instead so that the entitled child continues to benefit from BSF.

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 *Our Charter*,³⁶ ensures that the protection of rights is at the core of BSF development and implementation.

It is expected that removing the income thresholds will result in an additional 20,000 individuals being eligible for BSF.³⁷ Furthermore, children whose parents have fluctuating incomes will be less likely to move in and out of BSF eligibility – as long as they continue to receive a qualifying benefit, they will remain eligible for BSF. This will mean more children in low income families will be entitled to the support provided by BSF and more families will be eligible for all of the FFP.

Making WTC a qualifying benefit in its own right will mean that some children whose carer is not responsible for the child for Child Tax Credit purposes, e.g. some kinship carers, will become entitled to BSF.

³⁶ Social Security Scotland (2019) [Our Charter](#)

³⁷ Scottish Fiscal Commission (2023) [Scotland's Economic and Fiscal Forecasts – May 2023](#)

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By expanding automatic eligibility to pregnant persons and partners of pregnant persons who are 18 or 19 year old dependants and to children whose parents are 18 or 19 year old dependants or were under 18 or 18 or 19 dependants during pregnancy, more children and young people will be entitled to BSF. We will also extend ongoing entitlement for children of young parents so that it does not end until the parent turns 18 or stops being a dependant or the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later. This will mean that children of young parents receive support for longer without the need for an individual to receive a qualifying benefit, provided they meet the residency conditions.

We are also introducing new procedural rules which will help ensure children, young pregnant persons and young partners of pregnant persons receive their full entitlement and reduce the need for them to have to reapply or submit a review request. These changes will specifically:

- allow an application to be treated as if it had been made at a later date where the individual is not eligible on the date they apply but Social Security Scotland can see that they will become eligible within 10 days of applying;
- allow a new decision to be made so that BSF can be paid from the date of the original application where an individual has been denied BSF due to the lack of either a qualifying benefit or child responsibility benefit and they then receive a backdated award covering the date of application.

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

The views of young parents have been extensively consulted as part of the development of BSF and feedback will continue to be gathered as part of our commitment to continuous improvement. Parents can choose healthy options from a range of foods to support a nutritious diet.

The changes will make clear that young pregnant persons and partners of pregnant persons who are under 16 or under 20 and a dependant can be paid in their own right. Making explicit that where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who is under three can be paid BSF in their own right will help to empower young parents and also mitigate the risk of financial coercion or abuse. Furthermore, this change will make clear that pregnant persons, partners of pregnant persons and parents to an entitled child who are under 16 and who are not dependent upon anyone, are able to access a payment.

Where an application is made by the pregnant person, partner of the pregnant person or parent to an entitled child and they are under 16 and lack legal capacity to be paid BSF in their own right, we will seek to make payment to the person with Parental Rights and Responsibilities for them. Where it would not be appropriate to pay the individual with Parental Rights and Responsibilities, we will appoint the person who is responsible for them or another appropriate person.

As part of the changes we are making, we will make the individual who a pregnant person is dependent on and the partner of that individual, eligible to receive BSF so that young parents can have choice in how they access the benefit. One stakeholder cautioned that by allowing the individual who a pregnant person is dependent upon

to be eligible to receive BSF, the independence of the young person could be adversely affected and it could make them vulnerable to abuse from coercive grandparents. To mitigate this risk, the regulations ensure that an application from the pregnant person will always take precedence. Where anyone other than the pregnant person is receiving BSF and an application from the pregnant person is received, Social Security Scotland will end the existing claim and pay the pregnant person instead. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only eligible if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that once the child is born, young parents who are dependants will still be able to have the individual that they are dependent upon or the partner of that individual receive BSF on behalf of their child. To mitigate risks of financial abuse and ensure that the child benefits from the BSF being paid on their behalf, Scottish Ministers will also have the ability to cease making payments to this individual if it is no longer considered appropriate to do so.

Article 6 - Life, survival and development

BSF supports families by enabling pregnant persons and children to have access to a healthy nutritious diet. Changes that will increase eligibility or result in children receiving support for longer are expected to support the health of children at key developmental stages.

Article 12 – Respect for the views of the child

Initial policy development of BSF was informed by a 2016 report by Nourish Scotland entitled *Living is More Important than Just Surviving - Listening to what children think about food insecurity*³⁸ and the report produced by the Children's Parliament in 2017 entitled *What Kind of Scotland?*³⁹

Young parents and young people have been considered throughout the policy development of BSF including through representative organisations and direct engagement and particularly through user research.

As part of the changes we are making, we will make the individual who a pregnant person is dependent on and the partner of that individual, eligible to receive BSF so that young parents can have choice in how they access the benefit. One stakeholder cautioned that by allowing the individual who a pregnant person is dependent upon to be eligible to receive BSF, the independence of the young person could be adversely affected and it could make them vulnerable to abuse from coercive grandparents. To mitigate this risk, the regulations ensure that an application from

³⁸ Nourish Scotland (2016) [Living more important than surviving](#)

³⁹ Children's Parliament (2017) [What Kind of Scotland?](#)

the pregnant person will always take precedence. Where anyone other than the pregnant person is receiving BSF and an application from the pregnant person is received, Social Security Scotland will end the existing claim and pay the pregnant person instead. Where multiple applications are received in relation to a pregnancy but no application is made by the pregnant person themselves, the amendment regulations will provide Scottish Ministers with the power to decide who should be awarded BSF, having regard to the circumstances of the pregnant person. Furthermore, when either the partner of the pregnant person or the individual that the pregnant person is dependent upon or the partner of that individual is being paid BSF, the regulations state that they are only eligible if they are using BSF for the benefit of the pregnant person. If it is established that they are not using BSF for the benefit of the pregnant person, they are not eligible to receive BSF.

Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person will mean that once the child is born, young parents who are dependants will still be able to have the individual that they are dependent upon or the partner of that individual receive BSF on behalf of their child. To mitigate risks of financial abuse and ensure that the child benefits from the BSF being paid on their behalf, Scottish Ministers will also have the ability to cease making payments to this individual if it is no longer considered appropriate to do so.

Article 16 - Right to privacy

The present rules mean that once the child turns one, the young parent may have to their partner or their own parent or carer to claim BSF. By expanding automatic eligibility so that it does not stop before the parent of the child is in a position to claim a qualifying benefit, the parent will continue to be provided with support towards the cost of healthy food or milk for their child, rather than another person who is not the parent of the child receiving BSF.

The changes we are making will also make explicit that where they have legal capacity to be paid, entitled young pregnant persons, partners of a pregnant person and parents to an entitled child who is under three can be paid BSF in their own right – meaning they will not have to ask their partner or their parent or carer to claim BSF.

Furthermore, making explicit that payments can be made in a way other than the prepaid card will put beyond doubt that very young pregnant persons and parents can access the benefit in their own right - as there is a lower age threshold which is applied to the prepaid card.

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

For BSF, once the child is born it is the child that is eligible for the payment. The payment is made to the person who is deemed responsible for the upbringing of the child, this is normally determined through the child being named on a child responsibility benefit or through a legal order demonstrating that the person is a kinship carer for the child. Child responsibility can also be determined through a legal order demonstrating that the person is an adoptive parent, surrogate parent or guardian. Furthermore, young parents who normally live with the child, are under 20 and are a dependant of someone else are also deemed as responsible for the child.

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As part of the changes we are making, the partner of the individual deemed to be responsible for the child will also be able to be paid. This will mean that both parents are able to claim and be paid BSF on behalf of their child.

At present, children under one are automatically eligible for BSF if the person responsible for them is under 18. This eligibility continues until the child turns one or reaches the first anniversary of its estimated delivery date, whichever is later. Once the child turns one or reaches the first anniversary of its estimated delivery date, the child can only be eligible if the person responsible for them receives a qualifying benefit or is the partner or dependent of someone who receives a qualifying benefit.

As part of the changes we are making, we are expanding automatic eligibility to all children under three where the person responsible for them or the partner of that person is under 18, an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during the pregnancy. This entitlement will continue until:

- the child turns one, or
- the child reaches the first anniversary of its estimated delivery date, or
- the person responsible for the child or their partner turns 18, or
- the person responsible for the child or their partner stops being a dependant, whichever is later (but no later than the child's third birthday).

Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer be eligible. By expanding automatic eligibility so that it does not stop before the parent of the child is in a position to claim a qualifying benefit, the parent will continue to be provided with support towards the cost of healthy food or milk for their child, rather than another person who is not the parent of the child receiving BSF.

Article 19 - Protection from violence, abuse and neglect

For BSF there is already a rule which ensures an application from the pregnant person will always be prioritised and awarded in preference to an application from their partner. As part of the regulation changes, we are extending this rule so that it also applies where an application is received from both the pregnant person and the individual they are dependent upon or the partner of that individual. Where more than one application is received in relation to a pregnancy and neither application is from the pregnant person, Scottish Ministers will decide who to award BSF, having regard to the circumstances of the pregnant person.

Social Security Scotland have taken steps to raise awareness with staff of financial abuse so that they are able to identify potential abuse and take appropriate action. Social Security Scotland have internal guidance for Client Advisors which explains what financial abuse is and how it may be identified. This guidance includes how to respond and when to contact the police.

Furthermore, training is also being arranged for staff in Social Security Scotland who manage BSF applications on Risk of Harm and Safeguarding. This is intended to raise awareness and improve understanding of domestic abuse – including coercive control and financial abuse.

Stakeholders did not identify any additional mitigations that they felt were necessary. However, officials will continue to engage with relevant stakeholders to ensure that the mitigations being put in place are working as intended.

Article 23 – Children with disabilities

Children with disabilities are more likely to experience poverty. While the reasons for this are not fully understood, this financial disadvantage may be a result of factors such as 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.⁴⁰ Since families with a disabled child are more likely to be in poverty and as the eligibility criteria for BSF target those on lower incomes, we expect the payments to have a positive impact on these families.

Putting it beyond doubt that payments can be made in a way other than the prepaid card could have a positive impact on some individuals with a disability or long term health condition who find that due to their needs, the card is not accessible. User research carried out by Social Security Scotland has highlighted that this can be the case for individuals whose disability or long term health condition resulted in issues with recall or anxiety. These individuals reported that the process of trying to learn how to use the card and remember the PIN number caused distress. In some instances, this resulted in them becoming overwhelmed with the process and ultimately they stopped using their card.

The changes we are making to further align eligibility and procedural rules for BSF with BSG and SCP will make eligibility easier to understand, minimise the need for individuals to reapply and should support further potential automation of the payments in the future. These changes are likely to help improve access and could have a positive impact for individuals who find the application process to be more challenging as a result of their disability.

The second Benefit Take-up Strategy,⁴¹ published in October 2021, highlights our commitment to inclusive communication. Social Security Scotland are working closely with stakeholders to embed inclusive communication principles across everything that they do. The current service includes:

- promotional benefit information proactively produced in Easy Read and Social Security Scotland work with stakeholders to get this content into the hands of those who need it;
- access to independent advocacy support for disabled people applying for Social Security Scotland assistance, ensuring their voice is heard throughout their journey;

⁴⁰ Iriss (2019) [Disability, Poverty and Transitional Support](#)

⁴¹ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

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- British Sign Language video relay service, available through Contact Scotland;
- deafblind interpreters, Text Relay and electronic note taker services;
- all letters, information and guidance are available in Braille, Large Print, Easy Read and various Audio formats; and
- online content compatible with screen reader software on Jaws, Voiceover and Non Visual Desktop Access platforms.

A recent accessibility audit has highlighted that not all sections of the online information or application forms are accessible to those with a disability. Without improvements to accessibility, those with a disability may not be aware of their entitlement or able to apply in a way that suits their needs. We have begun implementing the improvements identified and will continue to deploy these to ensure that our online systems are fully accessible.

Article 24 - Right to health and health services

BSF supports families by enabling pregnant persons and children to have access to a healthy nutritious diet. Some of the changes we are making will increase eligibility or result in children receiving support for longer which is expected to have a positive impact on their health.

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'.⁴² The importance of this was echoed by the children and young people consulted through the development of the first TCPDP.⁴³ The payments will expand upon the right of a child to benefit from social security. This is accompanied by a concerted effort by Social Security Scotland to change the perception of social security to a human right.

At present, children under one or whose first anniversary of their estimated delivery date has not yet passed are automatically eligible for BSF as long as the individual responsible for the child is under 18 and meets the relevant residency conditions. Eligibility continues up until the child turns one even if the individual responsible for them turns 18 before their first birthday. The child can then only continue to be eligible if the individual responsible for them is in receipt of a qualifying benefit.

As part of the changes we are making, we are expanding automatic eligibility so that where the individual responsible for the child or their partner is under 18 or an 18 or 19 year old dependant or was under 18 or an 18 or 19 year old dependant during pregnancy, their child will continue to be entitled up until:

- their parent/carer turns 18, or
- their parent/carer stops being a dependant, or
- the child turns one, or

⁴² [Social Security \(Scotland\) Act 2018](#)

⁴³ Scottish Government (2018) [Every child, every chance: tackling child poverty delivery plan 2018-2022](#)

- the child reaches the first anniversary of its estimated delivery date, whichever is later (but no later than the child's third birthday).

Young parents who are under 18 or are still dependent on their parent or carer are unlikely to be able to claim a qualifying benefit. They also might not receive financial support from their parent or carer. The present rules mean that once the child turns one, the young parent may have to ask their partner or their own parent or carer to claim BSF, which could be disempowering. Furthermore, if the individual they are dependent upon does not receive a qualifying benefit or nobody else is responsible for the child then the child will no longer be eligible. By expanding automatic eligibility, the child will continue to be eligible until their parent is in a position to claim a qualifying benefit.

It could also be the case that a young parent who is under 18 does not meet the definition of being responsible for the child if they are not a dependant or if they do not receive a child responsibility benefit because their partner receives it. Under the current rules, that could mean that even though one of the parents of the child is under 18, the child would not be automatically eligible. Allowing the child to be automatically eligible if either the individual responsible for them or the partner of that individual is under 18 or an 18 or 19 year old dependant will address this. Ensuring that, at a minimum, support continues until the child turns one or reaches the first anniversary of its estimated delivery date will ensure that children of young parents continue to receive support at this key developmental stage when they require either breastmilk or first infant formula, whichever is their parents' choice.

Allowing eligibility to continue beyond the child's first birthday where the individual responsible for them or their partner is under 18 or an 18 or 19 year old dependant will ensure that children of young parents can access healthy food and milk, helping to establish positive eating behaviours and reduce their risk of obesity and other health conditions. It will also ensure that children of young parents are not disadvantaged because their parents are unable to access a qualifying benefit due to their age. This is particularly important as parental age has a significant impact on child poverty rates with over half (55%) of children in households with a mother aged under 25 in relative poverty in 2015-18, compared to 24% of children overall.⁴⁴ Young mothers are therefore a priority family type for Best Start, Bright Futures.⁴⁵

The changes will also ensure that children whose parents receive WTC receive the same level of support as those whose parents receive other qualifying benefits, as WTC will be a qualifying benefit in its own right. The changes will also ensure that entitlement to BSF continues for a period of eight weeks when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends.

⁴⁴ Scottish Government (2022) [Additional child poverty analysis 2022](#) – Table 1 (target measures by priority group)

⁴⁵ Scottish Government (2022) [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026](#)

Making explicit that payment can be made in another form will put beyond doubt that very young pregnant persons and parents can access BSF in their own right, as there is a lower age threshold which is applied to the prepaid card.

Article 27 – Adequate standard of living

The payments are intended to contribute towards ensuring that children have an adequate standard of living and is part of the overall TCPDP approach to tackling child poverty. Young parents told us that the early years are costly. BSF provides families with a pregnant person or child under the age of three increased income via a payment card to purchase healthy foods and milk.

We will specify in our regulations that the higher payment made when an eligible child is under one should be double the basic payment (paid during pregnancy and when the child is aged between one and three). One stakeholder noted that by specifying this in regulations, parents of a new child will be provided with certainty about the level of payment they will receive.

Article 30 Children from minority or indigenous groups

The latest analysis of client diversity and equalities data⁴⁶ shows that for approved BSF and BSG applications between June 2021 and March 2023:

- 85% (35,230) were from people who identified as white;
- 4% (1,440) were from people who identified as Asian;
- 2% (695) were from people who identified as African;
- 1% (340) were from people who identified as Mixed or multiple ethnic groups;
- less than 1% (60) were from people who identified as Caribbean or Black; and
- 1% (485) were from people who identified as other ethnic group.

In Scotland, 5% of the adult population belong to minority ethnic groups.⁴⁷ A report from Close the Gap⁴⁸ highlights the intersectionality between race and gender and concludes that ‘BME women continue to face high levels of racism, racial prejudice, discrimination and bias in the labour market which ultimately impacts their ability to secure, retain and progress within sustainable, good employment’.

In 2019-22 people from non-white minority ethnic groups were more likely to be in relative poverty, with poverty rates at 49% for ‘Asian or Asian British’ ethnic groups, and 48% for Mixed, Black or Black British and Other’ ethnic groups. This compares to 18% amongst the ‘White British group’.⁴⁹ There are also far higher proportion of children from a minority ethnic group in relative poverty, at 39% compared to 24% of all children.⁵⁰

Stakeholders also told us that when circumstances change it can take a while to resolve entitlement with legacy benefits. So a further eight weeks entitlement to BSF when any legacy benefit ends would be helpful. Families in housing which cannot be

⁴⁶ Social Security Scotland (2023) [Social Security Scotland client diversity and equalities analysis to March 2023](#)

⁴⁷ Scottish Government (2019) [Scottish Surveys Core Questions 2019](#)

⁴⁸ Close The Gap (2016) [Still not visible](#)

⁴⁹ Scottish Government (2023) [Poverty and Income Inequality in Scotland 2019-22](#) – Figure 27

⁵⁰ Scottish Government (2023) [Additional child poverty analysis 2022](#)- Table 1

supported by UC – temporary accommodation, supported or sheltered housing – continue to receive Housing Benefit, a legacy benefit. They are therefore more likely to benefit from this change. Applicants with 'other' ethnicity are most likely to have at least one temporary accommodation placement (81%).⁵¹ White other British and White Scottish also spend less time in temporary accommodation on average than other ethnic groups.⁵²

Allowing individuals who were initially determined as ineligible for BSF due to the lack of a qualifying benefit or child responsibility benefit to receive BSF from the date of their original application if they subsequently receive a backdated award of their qualifying or child responsibility benefit will help people who face processing delays for reserved benefits as well as those who receive an incorrect decision.

One stakeholder highlighted that there can be particularly long delays for foreign nationals to have Child Benefit awarded. While they should be able to claim UC and have UC Child Element included without Child Benefit being in place, often this does not happen and therefore they cannot prove child responsibility until Child Benefit has been awarded. This change may, therefore, have a particularly positive impact for foreign nationals who claim BSF.

We are aware that there are particular barriers faced by ethnic minorities in claiming social security payments, especially those with English as a second language.⁵³ Aligning the eligibility and procedural rules for BSF with BSG and SCP will reduce the need for individuals to have to reapply and should support further automation of the payments in the future, helping to address these barriers.

Those from ethnic minorities are also more likely to be in poverty and therefore be in receipt of income-related reserved benefits.⁵⁴ As such, those from ethnic minorities are more likely to directly benefit from the changes we are making to expand eligibility and simplify the eligibility and procedural rules. They are also more likely to benefit from the changes being made to improve access for young pregnant persons and young parents.

While the evidence suggests that ethnic minority families are more likely to be in child poverty, the diversity and equalities data does not suggest high take-up of BSF among these families. Without a targeted approach to communications and engagement with these groups they may have less awareness of their entitlement and continue to have lower take-up.

Work has already been undertaken with ethnic minorities alongside the main Experience Panels to understand the experiences of those whose first language is not English. This work has given us a depth of information about the barriers faced by this group and ideas for how Social Security Scotland can address these barriers as set out in the second Benefit Take-up Strategy.⁵⁵ Furthermore, the communications and engagement strategy for these policy changes includes working

⁵¹ Scottish Government (2020) [Homelessness in Scotland: Equalities Breakdown 2019 to 2020](#)

⁵² Scottish Government (2022) [Homelessness in Scotland: 2021/22](#)

⁵³ Scottish Government (2020) [Social Security Experience Panels - ethnic minorities: report](#)

⁵⁴ Department for Work and Pensions (2022) [State support - Ethnicity facts and figures](#)

⁵⁵ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

with relevant stakeholders and ensuring we promote BSF in locations that are particularly relevant to those from ethnic minorities.

The BSF evaluation⁵⁶ highlighted that some recipients who do not speak English at all or who have English as a second language, experience issues with the application process for BSF. Some stated that they would like the option of choosing to receive communication (e.g. application form, decision letter, guidance) in other languages, or access to a translator.

Social Security Scotland already proactively translate the FFP factsheet into 13 languages, including British Sign Language. Furthermore, their leaflets and posters display the Happy to Translate logo, to tell speakers of other languages at-a-glance that they can get these materials in other languages on request. Guidance and letters can be provided in over 100 different languages and interpretation services are also available. However, if awareness of this is not raised then individuals may continue to face barriers in applying for BSF. To address this our communications and engagement strategy includes working with relevant stakeholders and ensuring we promote the availability of translation and interpretation services.

Individuals who have no recourse to public funds (NRPF) due to their immigration status are not excluded from applying for BSF. However, in most cases, entitlement to BSF requires receipt of a qualifying low income benefit and child responsibility benefit. Because their immigration status prevents them accessing public funds, individuals with NRPF are unable to receive these benefits and would therefore not normally be able to access BSF.

Currently, individuals who are under 18 and individuals who are both over 18 and the partner of someone who receives a qualifying benefit do not require to receive any benefits to be eligible or for their child to be eligible for BSF. By expanding automatic eligibility to pregnant persons and partners of pregnant persons who are 18 or 19 and a dependant and to children whose parents are 18 or 19 year old dependants or who were under 18 or an 18 or 19 year old dependant during the pregnancy, some additional young people with NRPF may be able to access BSF. Home Office confirmation has been received to state that these individuals with no recourse to public funds can apply for BSF without it affecting their immigration status.

6. Negative Impact/Incompatibility

If negative impact is identified in Question 5 above, can you elaborate on this and explain why impact is or will be negative?

No negative impacts have been identified.

Are there any potential concerns about compatibility with the UNCRC requirements? Please explain these here.

No concerns

⁵⁶ Scottish Government (2022) [Best Start Foods: evaluation](#)

7. Options for modification or mitigation of negative impact or incompatibility

What options have been considered to modify the existing legislation or decision or relevant proposal in order to mitigate negative impact or potential incompatibility issues?

N/A

8. Positive impact: Giving better or further effect to children's rights in Scotland

If positive impact is identified in Question 5, please reflect on and explain how your relevant proposal currently protects, respects and fulfils children's rights in Scotland or will do so in future.

Potential positive impacts – Children under three

- Removing the income thresholds which apply to some qualifying benefits – will mean that more children will be eligible to receive BSF and children whose parents or carers have fluctuating incomes from work - such as those who do seasonal work, have variable incomes or flexible contracts - will be less likely to move in and out of BSF eligibility.
- This will maximise the right of children in low income families to have access to BSF by widening eligibility to all children where the individual responsible for them or the partner of that individual receives a qualifying benefit.
- Making WTC a qualifying benefit in its own right – will mean that some children whose carers are not responsible for the child for Child Tax Credit purposes, e.g. some kinship carers, will become entitled to BSF.
- This will maximise the right of children in low income families to have access to BSF and prevent discrimination between children depending on the type of income-related benefit that their parent receives.
- Expanding automatic eligibility for children of young parents – will mean that more children will become eligible for BSF and will also mean that those children may receive support for longer.
- This will maximise the right of children of young parents to have access to BSF by removing the need for a qualifying benefit and ensuring they continue to receive support until their parent is old enough to access a qualifying benefit. It will also ensure that their right to social security is realised.
- Allowing payments on behalf of the entitled child who is under three to be made to the partner of the individual responsible for them – will help ensure that the principle that both parents have common responsibilities for the upbringing and development of the child is recognised in delivery of BSF.
- Allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person and to cease paying that individual if it is no longer considered appropriate to do so – will help ensure that payments are made with regards to the best interests of the child.

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- Allowing an application to be treated as if it had been made at a later date where the individual is not eligible on the date they apply but Social Security Scotland can see that they will become eligible within 10 days of applying – will maximise the right of young pregnant persons, partners of pregnant persons and young parents to have access to BSF by ensuring they receive their full entitlement.
- Allowing a new decision to be made so that BSF can be paid from the date of the original application where an individual has been denied BSF due to the lack of either a qualifying benefit or child responsibility benefit and they then receive a backdated award covering the date of application – will maximise the right of children to have access to BSF by ensuring they receive their full entitlement.
- Providing a further eight weeks entitlement to BSF when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends – will mean all children will continue to benefit from the support that BSF provides when their family's income is in transition.

Potential positive impacts – young pregnant persons, partners of pregnant persons and parents

- Removing the income thresholds which apply to some qualifying benefits – will affect 18 year old pregnant persons, partners of pregnant persons and parents of children who are in work. It will mean that more of them will be eligible to receive BSF or will be paid BSF on behalf of their children. It will also mean that if they have fluctuating incomes from work - such as those who do seasonal work, have variable incomes or flexible contracts – they/their children will be less likely to move in and out of BSF eligibility.
- This will maximise the right of young pregnant persons, partners of pregnant persons and parents to have access to BSF by widening the eligibility criteria so that receipt of a qualifying benefit is sufficient to evidence low income.
- Expanding automatic eligibility for pregnant persons and partners of pregnant persons to those who are 18 or 19 years old and a dependant – will mean that more young people will become eligible for BSF.
- This will maximise the right of young pregnant persons and partners of pregnant persons to have access to BSF by removing the need for these individuals to receive a qualifying benefit in order to be eligible.
- Expanding automatic eligibility for children of young parents – will mean that more young parents will be paid BSF on behalf of their children and will also mean that those parents may receive support for longer.
- This will maximise the right of young parents to have access to BSF by removing the need for a qualifying benefit and ensuring their child continues to be eligible until the parent is old enough to access a qualifying benefit. It will also ensure that their right to social security is realised.
- Allowing payments on behalf of the entitled child who is under three to be made to the partner of the individual responsible for them – will help ensure that the principle that both parents have common responsibilities for the upbringing and development of the child is recognised in delivery of BSF.
- Allowing an application to be treated as if it had been made at a later date where the individual is not eligible on the date they apply but Social Security

Scotland can see that they will become eligible within 10 days of applying– will maximise the right of young pregnant persons, partners of pregnant persons and young parents to have access to BSF by ensuring they receive their full entitlement.

- Allowing a new decision to be made so that BSF can be paid from the date of the original application where an individual has been denied BSF due to the lack of either a qualifying benefit or child responsibility benefit and they then receive a backdated award covering the date of application – will maximise the right of young pregnant persons, partners of pregnant persons and young parents to have access to BSF by ensuring they receive their full entitlement.
- Making the individual who a pregnant person is dependent on and the partner of that individual, eligible to receive BSF and allowing Scottish Ministers to pay whoever they consider appropriate on behalf of an entitled person – will ensure that young pregnant persons and young parents will have choice in how they access the benefit therefore respecting the views of the young person and helping to ensure their best interests are met.
- Making explicit that where they have legal capacity to be paid, entitled young pregnant persons and partners of a pregnant person can be paid BSF in their own right – will recognise the evolving capacities of the young person and ensure that their best interests are met.
- Ensuring that where they don't have legal capacity to be paid, payment on behalf of entitled young pregnant persons or partners of pregnant persons can be made to the person with Parental Rights and Responsibilities for them or the most appropriate person – will recognise the evolving capacities of the young person and ensure that their best interests are met.
- Allowing payments to be made in a way other than the prepaid card, where appropriate – will put beyond doubt that people who might otherwise have difficulty accessing their entitlement can be paid in a way other than the prepaid card, for example very young pregnant persons or parents who are unable to be issued with a card due to there being a lower age threshold which applies. In this way, we will ensure that their right to social security is met.

9. Impact on Wellbeing: does or will the relevant proposal contribute to the wellbeing of children and young people in Scotland?

Please tick all of the wellbeing indicators that are relevant to your proposal.

Safe

Growing up in an environment where a child or young person feels secure, nurtured, listened to and enabled to develop to their full potential. This includes freedom from abuse or neglect.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Healthy

Having the highest attainable standards of physical and mental health, access to suitable healthcare and support in learning to make healthy and safe choices.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Achieving

Being supported and guided in learning and in the development of skills, confidence and self-esteem, at home, in school and in the community.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Nurtured

Growing, developing and being cared for in an environment which provides the physical and emotional security, compassion and warmth necessary for healthy growth and to develop resilience and a positive identity.

Will there be an improvement in wellbeing in relation to this indicator: **no**

Active

Having opportunities to take part in activities such as play, recreation and sport, which contribute to healthy growth and development, at home, in school and in the community.

Will there be an improvement in wellbeing in relation to this indicator: **no**

Respected

Being involved in and having their voices heard in decisions that affect their life, with support where appropriate.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Responsible

Having opportunities and encouragement to play active and responsible roles at home, in school and in the community and where necessary, having appropriate guidance and supervision.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Included

Having help to overcome inequalities and being accepted as part of their family, school and community.

Will there be an improvement in wellbeing in relation to this indicator: **yes**

Post Assessment Review and sign-off

10. Communicating impact to children and young people

How will you communicate to children and young people the impact that the relevant proposal is having or will have on their rights?

To ensure that awareness is raised, a comprehensive communications and engagement strategy is being developed alongside the regulations which includes bespoke messaging and activities to ensure awareness is raised among young people who may be pregnant or responsible for a child.

Providing information to children and young people on how their rights are being or will be impacted helps to ensure that policy-development is transparent. Are you publishing a child-friendly or accessible CRWIA?

When we publish the document we will ensure that the CRWIA is accessible. The document will be adapted if required to make it more user-focused.

11. Planning for the review of impact on child rights (Stage 3)

As part of the decision making process, plans for reviewing the impact on child rights need to be developed.

- How is the impact of the relevant proposal on child rights being monitored or how will it be monitored in the future?
- When will you review your CRWIA and complete Stage 3?

The Scottish Commission on Social Security (SCoSS) is an advisory non-departmental public body set up to provide independent scrutiny of the Scottish social security system (including benefit regulations) and hold Scottish Ministers to account. They have provided independent scrutiny of these regulations.⁵⁷

In their report, SCoSS welcomed the removal of the income thresholds which apply to some qualifying benefits, noting that as well as increasing eligibility this change has the potential to improve take-up and efficiency. They also welcomed the introduction of the ability to treat an application as made at a later date, the ability to make a new decision where an individual was previously denied BSF due to the lack of a qualifying or child responsibility benefit and ensuring entitlement to BSF continues for a period of eight weeks when entitlement to Child Tax Credit, Working Tax Credit, Income Support, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Pension Credit or Housing Benefit ends.

The prioritisation of BSF applications from the pregnant person over any other application in relation to her pregnancy and the ability to consider the circumstances of the pregnant person when making a decision on who to award if multiple claims are received but there is not one from the pregnant person themselves were received positively by SCoSS. However, they highlighted that it was important for the Scottish Government to work with stakeholders, including those engaged in supporting individuals experiencing domestic or financial abuse, to develop an understanding of the potential for abuse by a partner and what additional mitigations

⁵⁷ [Scottish Commission on Social Security](#)

may need to be put in place. As highlighted above, we have consulted with Engender, Scottish Women's Aid and Scottish Women's Convention to understand the potential impact of the mitigations we are putting in place to address risks of financial abuse and coercive control. These organisations have broadly welcomed the approach that we are taking.

SCoSS also highlighted the need for clear, accessible guidance on who is likely to be able to receive an alternative form of payment, the process for requesting one and how to challenge decisions. They also suggested that BSF recipients should receive guidance on the type of retailers who can accept the card and how to request the addition of their local retailer to the list of approved retailers. Social Security Scotland will give consideration to the external content required in relation to when an exception can be made to the prepaid card. Social Security Scotland will also review the literature provided to BSF clients and identify how this information could be strengthened.

Finally, SCoSS noted that further alignment of language and processes for BSF with the wider Scottish social security system would be helpful in the future. They also noted that there may be challenges communicating the changes being made and therefore stressed the importance of clear and unambiguous guidance for everyone involved – including applicants and administrators. As part of the communications and engagement strategy for the regulations, Social Security Scotland will create and share resources to support eligible people and stakeholders supporting eligible people, to understand the changes and how and when to apply. Information will also be shared with relevant stakeholders via a series of events to ensure they have all the information and guidance that they need to support eligible people to apply.

We intend to commission a further evaluation on BSF as part of a wider evaluation of the FFP to report in 2025. We will also continue to engage with members of the Five Family Payments Reference Group to monitor their impact.

Social Security Scotland carry out regular surveys to understand the experience of clients who have applied for the FFP. The Social Security (Scotland) Act 2018⁵⁸ 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, including in relation to protected characteristics. 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.⁵⁹

We have established a Benefit Take-up Stakeholder Reference Group. This group is a partnership of Scottish Government officials and organisations representing third-sector and local authority interests who have knowledge of issues surrounding benefit take-up. It is designed so that members can provide a valuable source of experience and expertise, acting as a sounding board for policy work going forward. Since the publication of the second Benefit Take-up Strategy in October 2021,⁶⁰ the group has expanded to include organisations representing seldom heard groups of

⁵⁸ [Social Security \(Scotland\) Act 2018](#)

⁵⁹ Scottish Government (2019) [Social Security Scotland: Our Charter](#)

⁶⁰ Scottish Government (2021) [Social Security \(Scotland\) Act 2018: benefit take-up strategy - October 2021](#)

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the population, as identified in the strategy, as well as stakeholders representing the protected characteristic groups.

A review of the CRWIA will be completed after an agreed period of implementation.

12. Compatibility sign off statement

This relevant proposal has been assessed against the UNCRC requirements and has been found to be compatible.

Policy Lead Signature & Date of Sign Off: Nicola Birrell, 11 October 2023

Deputy Director Signature & Date of Sign Off: Ian Davidson, Deputy Director, Social Security Policy Division, 10th November

SGLD Sign Off: Yes No



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