POLICY NOTE

THE CARER'S ASSISTANCE (YOUNG CARER GRANTS) (SCOTLAND) REGULATIONS 2019

SSI 2019/324

The above instrument will, if approved by the Scottish Parliament, be made in exercise of the powers conferred by sections 28, 41(4)(a), 43(5) and 52 of the Social Security (Scotland) Act 2018 and all other powers enabling Ministers to do so. The instrument is subject to affirmative procedure. As required by section 97(2) of that Act, the Scottish Ministers have consulted the Scottish Commission on Social Security and a response to the Commission's report on the proposals is laid along with the draft instrument.

The purpose of this instrument is to provide for a Young Carer Grant, a new type of assistance for young people aged 16-18 who provide an average of 16 hours of care weekly over a 13 week period to a person who is normally paid a qualifying disability benefit. Provision is also made for situations where care is provided to more than one person. Usually, a person will have to apply for the assistance.

Policy Objectives

Section 28 and schedule 2 of the Social Security (Scotland) Act 2018 make provision for carer's assistance and require that the Scottish Ministers in making regulations must: -

• base entitlement on the primary eligibility criteria set out in paragraph 1(1) of the schedule, of a person having "provided regular and substantial care" during a period "to another person to whom a disability benefit is normally payable";

• set out the circumstances in which a person is regarded as having provided regular and substantial care;

• set out the eligibility rules; and

• describe what assistance a person is entitled to receive.

The Young Carer Grant will be a form of carer's assistance, intended to support young carers aged 16-18 who are at a key transitional point in their lives by offering financial support.

For many young adults with significant caring responsibilities, their opportunities may be limited by their caring role. The aim of the Young Carer Grant is to help young people improve their quality of life and help them improve their health and education outcomes.

It is intended that the Young Carer Grant will help deliver the social security outcomes that carers:

- are supported to look after their own health and wellbeing, improve their quality of life and reduce any negative impact of caring;

- participate fully in society and, if they choose, can engage in training, education and employment opportunities, as well as social and leisure;
- have an increased sense of control and empowerment over their lives.

The regulations provide detailed rules relating to the Young Carer Grant. They include provision for eligibility, including residence, what assistance is available, the value of the payment and when to apply. The regulations also include provision for timescales for the processing of redeterminations and certain issues of process relating to application dates.

Consultation

A public consultation on the Young Carer Grant draft regulations ran from 17 September 2018 to 10 December 2018. During this time we engaged with over 100 young people and stakeholders across the country at various consultation events. There were 75 responses to the consultation and the Independent Analysis report is available on the Scottish Government website. The Social Security Committee and the Disability and Carer Benefits Expert Advisory Group also responded directly to The Cabinet Secretary for Social Security and Older People with their recommendations.

A detailed response to the consultation report by the Scottish Government is published alongside the regulations. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website, it includes Carers Trust Scotland, National Carer Organisations, Child Poverty Action Group (CPAG), Citizens Advice Scotland (CAS) and Health and Social Care Alliance Scotland.

In response to consultation responses outlining the eligibility criteria for the grant, the policy on the age criteria has been further developed and the regulations propose that the grant will be paid to all 18 year old young carers, not just those are still at school. Proposals in the consultation on what the definition of care should be were not supported, with responses highlighting that the definition was too prescriptive. Policy has changed as a result and the definition of care was redrafted to reflect that the care provided must involve activity that promotes the physical, mental or emotional well-being of the person being cared for, to acknowledge the different types of care young people are providing. The consultation set out proposed timescales for requesting and processing a re-determination. These were supported by the majority of respondents and are included in the regulations.

In parallel with the consultation, the Young Carer Grant is the first benefit to be independently scrutinised by the newly formed Scottish Commission on Social Security (SCoSS). SCoSS board members were provided with draft regulations and provided a report . Their report was received on 17 May and contained 17 recommendations. Their report was also laid before the Scottish Parliament and published online.

The Scottish Government's response to SCoSS's report will be published at the same time as the draft regulations are laid in Parliament.

Impact Assessments

The following impact assessments have been completed and are attached:

• A Child Rights and Wellbeing Impact Assessment

• An Equalities Impact Assessment

• A Business Regulatory Impact Assessment

• An Islands Screening Assessment

Financial Effects

A partial Business and Regulatory Impact Assessment (BRIA) has been completed. The impact of this policy on business is limited and no quantifiable financial effects have been identified.

Scottish Government Social Security Policy Directorate June 2019