

Consultation on Young Carer Grant Regulations

September 2018

Overview

The Scottish Government is consulting on the development of the policy and regulations for the Young Carer Grant, a new benefit which will be delivered by Social Security Scotland. The grant will provide a £300 one-off payment, which can be applied for annually for young carers aged 16-17 (and 18 if still at school) with significant caring responsibilities. The Young Carer Grant aims to provide some financial support during a key transition period in young carers' lives to help improve their health and education outcomes as they move into the adult world.

Why We Are Consulting

The purpose of this consultation is to gather views on the policy and draft regulations and identify any gaps, issues or unintended consequences. We are also asking questions on some specific points about the effects of these regulations. We would like to gather views from a range of organisations and individuals to ensure we have identified the best solution. In addition to asking questions about the draft regulations and policy we are also asking for views on the potential impacts of Young Carer Grant on different groups and also on businesses.

The Scottish Government is now seeking views of any organisation or individual with an interest in these matters to ensure what is being proposed will meet the needs of clients in the Scottish social security system.

What Happens Next

The Scottish Government will review the responses to the consultation and if required adjust the draft regulations in light of public consultation. The draft regulations will then follow a form of 'super-affirmative' procedure, as explained in the Social Security (Scotland) Act.¹ They will be scrutinised by the independent Scottish Commission on Social Security, revised as needed following the Commission's report and then laid in draft for approval by the Scottish Parliament.

¹ <http://www.legislation.gov.uk/asp/2018/9/section/97/enacted>

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Ministerial Foreword



I recognise the immense contribution young carers make to our society, providing unpaid care for friends, family and neighbours. I know from meeting young carers across Scotland that it can be difficult for them to do the things and access the opportunities that are the norm for their non-caring peers. Caring should not be a barrier to the learning, work and leisure that all of us should be able to access.

On 25 May 2016, the First Minister announced that the Scottish Government would consider the introduction of a Young Carer's Allowance to provide extra support for young people with significant caring responsibilities. On 20 September 2017 she confirmed a new package of support for young carers, with the Young Carer Grant as its centrepiece.

This package of support included our commitment to free bus travel from 2020/2021 for Young Carer Grant recipients, subject to successful piloting. The First Minister also announced a bespoke carer element to the Young Scot National Entitlement card, providing non-cash benefits for young carers aged 11-18, to be rolled out from April 2019. This builds on new support for young carers introduced through the Carers (Scotland) Act which took effect on 1 April this year, including the right to a young carer statement and a duty on local authorities to establish an information and advice service for carers.

I am delighted to now introduce the formal consultation on the Young Carer Grant. The aim of the grant is to provide additional financial support for young people with significant caring responsibilities.

The Young Carer Grant is a new grant, reflecting our commitment to increasing financial support for carers. It comes alongside the 13% increase to Carer's Allowance we recently delivered to Scottish carers through our new social security powers, and our commitment to make an additional payment to carers of more than one disabled child by the end of this parliamentary term.

I am confident of the positive effects the Young Carer Grant will have on young carers. We have built these regulations through engagement with frontline carer support organisations, and with input from young carers through the Young Carer Panel, as well as utilising evidence and research about young carers' experiences.

We are now looking for your views through this consultation to inform our final policy for Young Carer Grant. I encourage you to respond to the consultation, and thank you in advance for taking the time to give us your views.

Shirley-Anne Somerville MSP

Cabinet Secretary for Social Security and Older People

Contents

Section	Title	
1.	Introduction	Page 4
2	Aims of the Young Carer Grant	Page 5
3.	About the Consultation	Page 6
4.	Impact Assessments	Page 9
Annexes	Equalities Impact Assessment (EQIA) summary	Annex A
	Children's Rights and Wellbeing Impact Assessment (CRWIA) summary	Annex B
	Business and Regulatory Impact Assessment (BRIA) summary	Annex C
	Outline of the Young Carer Grant Regulations	Annex D
	Draft Young Carer Grant Regulations	Annex E
	Respondent Information Form	Annex F
	Consultation Process	Annex G
	Consultation Questions	Annex H

SECTION 1 – INTRODUCTION

1. The Scotland Act 2016 devolved new social security powers to Scotland. This includes benefits for carers; ‘carer’s assistance’. Scottish Ministers are using these powers to introduce the Young Carer Grant, a new form of financial help for young carers. The [Social Security \(Scotland\) Act 2018](#)² sets out the overarching framework for the administration of social security in Scotland.
2. The Social Security in Scotland Consultation ran from July to October 2016. The question on how the Scottish Government could improve the support given to young people with significant caring responsibilities, beyond what is already available, received 60 responses from organisations and individuals.
3. On 20 September 2017 the First Minister announced a new package of support for young carers, with the Young Carer Grant as its centrepiece. This grant will be paid by autumn 2019.
4. In line with the principles of dignity, respect and fairness, the Scottish Government has received, and is continuing to take, views from young carers through the Young Carer Panel. The Young Carer Panel is a platform for young people ages 16-25 with experience of caring to help shape the policy and design of the Young Carer Grant.
5. The Young Carer Grant Working Group was established in October 2017. It consists of young carer representatives, young carer services, local and national carer organisations, national youth organisations and COSLA. The group helps to gather evidence, bring a variety of informed perspectives and provide feedback on proposals.

² <http://www.legislation.gov.uk/asp/2018/9/contents/enacted>

SECTION 2 - AIMS OF THE YOUNG CARER GRANT

6. The Young Carer Grant aims to provide support during a key transition period in young carers' lives to help improve their health and education outcomes as they move into the adult world. They may be finishing school, getting their first job or undertaking further study. 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 provide a new service of financial assistance to help improve their quality of life and break down barriers, so that young carers can access opportunities that are the norm for many other young people.

7. The regulations provide detailed rules relating to the Young Carer Grant, including eligibility, what assistance is available, the value of the payment and when to apply. Further information will be set out in operational guidance.

SECTION 3 - ABOUT THE CONSULTATION

What are we consulting about?

8. This is a consultation on the Young Carer Grant, a new benefit that will be delivered on an entitlement basis. It will consist of a £300 one-off payment, which can be applied for annually. It is for young carers aged 16-17 (and 18 if still at school) with significant caring responsibilities.
9. This consultation asks questions on whether the draft regulations at Annex E will achieve the aims of the Young Carer Grant, and also on some specific points. We would like to gather views to ensure we have identified the best solutions and that they are in line with the principles of dignity, fairness and respect.
10. An outline of the Young Carer Grant regulations can be found at Annex D.
11. Recipients of the grant will be provided with free bus travel from 2020/2021, subject to successful piloting. This will be linked to the Young Carer Grant to support increase in take up. However, where we refer to the Young Carer Grant in the consultation, we mean only the £300 cash payment. The free bus travel element will follow separately once the Young Carer Grant has been established.
12. As part of the young carer package of support, we are also introducing a young carer element to the Young Scot National Entitlement Card that will be rolled out from April 2019, offering tailored entitlements and rewards such as leisure activities for young carers aged 11-18.

Who might be affected by the Young Carer Grant draft regulations?

13. Young carers aged 16-17 (and 18 if still at school) with significant caring responsibilities.
14. Under proposed eligibility, we estimate that the Young Carer Grant will offer support to approximately 1,700 young carers each year.
15. Further details of who may be affected by the regulations can be found in the summary of draft Impact Assessments at Annexes A, B and C. We are consulting on these and welcome your views.

How will the Young Carer Grant draft regulations be taken forward?

16. The responses to the consultation will be analysed and, taking these into account, final policy decisions will be made. The draft regulations will then follow a form of 'super-affirmative' procedure, as explained in the Social Security (Scotland) Act.³ They will be scrutinised by the independent Scottish Commission on Social Security, revised as needed following the Commission's report and laid in draft for approval by the Scottish Parliament. They will then need to complete the parliamentary process as an 'affirmative instrument' before payment of Young Carer

³ <http://www.legislation.gov.uk/asp/2018/9/section/97/enacted>

Grant can take place. Further information about this process can be found here: <http://www.parliament.scot/visitandlearn/60169.aspx>.

17. Young Carer Grant will be delivered by Social Security Scotland (a new Executive Agency of the Scottish Government).

18. The Young Carer Grant service design team has started to plan the business processes which will allow young carers to access and receive the Young Carer Grant. This includes the application process. We are taking an 'Agile' approach to service design, which means that we continually test evolving designs with stakeholders to make the client journey as user-friendly as possible.

Who do we want to hear from?

19. We are keen to gather the views of people with a working knowledge of social security, carer and young carer matters and experience of working with regulations. For example carers and young carers, carer organisations, youth organisations, education professionals, health professionals and local authorities.

20. We want this consultation to be as accessible as possible. To respond to the consultation, people will be able to choose between interviews (for example face-to-face or over the phone) and written feedback in the form of a questionnaire. This will provide people with the opportunity to speak directly to researchers about their experiences and views on topics covered in the wider consultation. We will also be running some events during the consultation period to promote and encourage stakeholders to take part in the consultation. Through these events we will be targeting a wide range of stakeholders and seldom heard groups.

21. We are inviting the Young Carer Panel to participate in research on this topic, as well as working with a range of young carer services, and other relevant agencies to hear about their experiences and views on key issues covered in this consultation. If you would like to tell us about your experiences and views, please contact socialsecurityexperience@gov.scot or:

Freephone: 0800 029 4974 (includes language line translation)

Text: Prefix 18001

SMS: 07467 447375

British Sign Language (BSL) users can contact us via <http://contactscotland-bsl.org>.

22. Please let us know about any support needs that you have in order to allow you to take part.

What comments are requested and by when?

23. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). The list of questions can also be found at Annex H Consultation Questions. All responses should be submitted to us by 10 December 2018.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (Annex F) and send to:

Young Carer Grant Consultation
Carer Benefits Policy Team
Social Security Policy
Victoria Quay
Edinburgh
EH6 6QQ

Further information about responding to this consultation can be found at Annex G.

SECTION 4 - IMPACT ASSESSMENTS

As we have been assessing options for policy and regulations we have been logging impacts and developing the following impact assessments on which we are now consulting:

- The Equality Impact Assessment summary at Annex A. An Equality Impact Assessment involves assessing the impact of new or revised policies, practices or services against the requirements of the public sector equality duty. The duty requires all Scottish public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers people in respect of all aspects of equality. It helps to ensure the needs of people are taken into account during the development and implementation of a new policy or service or when a change is made to a current policy or service.
- The Child Rights and Wellbeing Impact Assessment summary at Annex B. The Scottish Government want to make Scotland the best place in the world for a child to grow up. Recognising, respecting and promoting the rights of children and young people is essential to achieving this. We are taking steps to ensure that children experience their rights, as determined by the United Nations Convention on the Rights of the Child. A Child Rights and Wellbeing Impact Assessment helps ensure that our policies, measures and legislation protect and promote the wellbeing of children and young people.
- The Business and Regulatory Impact Assessment summary at Annex C. A Business and Regulatory Impact Assessment is used to analyse the cost and benefits to businesses and the third sector of any proposed legislation or regulation, with the goal of using evidence to identify the proposal that best achieves policy objectives while minimising costs and burdens as much as possible.

YOUNG CARER GRANT EQUALITY IMPACT ASSESSMENT SUMMARY

The Young Carer Grant will not directly or indirectly discriminate on the basis of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. The policy applies equally to those affected by its provisions. The Young Carer Grant will likely have a positive impact as it not only complies with equality requirements but has the potential to advance the realisation of support available to protected groups. The Young Carer Grant will also help to alleviate material deprivation, tackle inequality and provide some recognition to the immense contributions of young carers in Scotland.

It is commonly understood that many traditional data sources underestimate what is understood to be the true level of young caring. This is for many reasons including (but not limited to): young people not self-identifying themselves as a carer; young carers deciding not to disclose their caring status, perhaps due to perceived fear of repercussions; and data collection sources mainly being collected at household levels and mostly by adults on behalf of the young person. The impacts on groups who share protected characteristics that we have identified to date are set out below.

Age

1. Young carers are more likely to live in an area of multiple deprivation – 3.1% of young people aged under 25 living in the 20% most deprived areas in Scotland are carers, compared with 1.7% in the least deprived areas. 28% of young carers living in the most deprived areas care for 35 hours per week or more; compared with 17% of carers living in the least deprived areas.⁴

2. Research undertaken by Carers Trust⁵ found that:

- An estimated average of 48 school days for young carers are affected because of caring each year; this includes absence, lateness or leaving school early.
- Young carers and young adult carers aged under 25 are four times more likely to drop out of college or university than students who are not carers.
- Young carers and young adult carers in work missed an average of 17 days per year and had a further 79 days affected because of their caring responsibilities.

3. Young carers aged 16-17 (and 18 if still at school) who meet all of the eligibility criteria will directly benefit from the Young Carer Grant. Attention will be given in the promotion of the grant to endeavour to manage expectations of those who are not eligible for the support, for example by signposting to other support available.

4. There is an opportunity through accessing the Scottish social security system that young parent carers or young pregnant carers become more aware of the

⁴ Scotland's Carers (2015) <http://www.gov.scot/Resource/0047/00473691.pdf>

⁵ Carers Trust Scotland (2015) [Time to be Heard for Young Adult Carers](#)

support available to them, including providing opportunities for Social Security Scotland to signpost to Best Start Grant support. Young carers may also be advised about their rights under the Carers (Scotland) Act 2016.

Disability

5. 41% of carers of all ages have a long-term health condition. Nearly 6% of carers of all ages report having a long-term mental health condition compared with 4% of non-carers.⁶

6. The percentage of carers of all ages with one or more long-term health condition increases with the number of hours caring – from 36% of those caring for 1-19 hours to 50% of those caring for 35+ hours.⁷

7. One of the eligibility conditions for the Young Carer Grant requires that the young person is providing care for a person entitled to a disability benefit, therefore the cared for person will usually be a disabled person.

8. We are in the process of building a system which meets accessibility standards. The Scottish Government needs to adhere to Digital First Service Standards. To progress to each new stage of development, the system must pass a Digital First Assessment. These assessments ensure that the system will meet accessibility standards for people who need extra support to use our service. Accessible formats, adaptations and support will be available to ensure all eligible young carers have the opportunity to apply for the grant and the process is underpinned by dignity, fairness and respect.

9. It is also anticipated that the Young Carer Grant will have an indirect positive impact on disabled people being cared for by a young person that receives the grant. There will also be a direct positive impact to young carer recipients who have a disability.

10. Through the Young Carer Panel and wider Experience Panels, we are gathering information on the barriers that users experience and seeking to design a system which meets their needs, offering a range of methods for application and contact.

Race

11. People from older ethnic groups such as “White: Scottish” and “White: Other British” are most likely to report providing unpaid care. People from ethnic groups with younger age profiles, such as the “Arab” and “White: Polish” groups, are least likely to report providing unpaid care.⁸

⁶ Scotland’s Census (2011) <http://www.scotlandscensus.gov.uk/>

⁷ ibid

⁸ Analysis of Equality Results from Scotland’s Census (2011)
<http://www.gov.scot/Publications/2014/10/8378>

12. According to census data, 96% of carers of all ages in Scotland are of a “White Scottish / British / Irish” ethnicity, while 4% are of “Other” ethnic backgrounds. 8.7% of the Pakistani population in Scotland provide some form of unpaid caring. This compares with 4.3% of the Chinese and 5.5% of the Indian communities. Many young people who provide support and help to family members who need it often do not recognise this as a caring role. Australian and UK studies have suggested that this is especially common among some minority cultural and ethnic communities.⁹

13. The Gypsy/Traveller population account for 0.1% of Scotland’s population. There is evidence that Gypsy/Travellers experience significant health inequalities, high infant mortality rates, and premature deaths and higher than average rates of major long-term conditions such as diabetes and cardiovascular disease. Research undertaken by MECOPP found that Gypsy/Travellers are less likely to identify as carers or to access support services for carers, including benefits, with low levels of knowledge in communities about carer entitlements. Evidence also found high levels of illiteracy impacted significantly on carers’ ability to search for support.¹⁰

14. Strategies on how to reach eligible minority ethnic young carers, including Gypsy/Traveller young carers, will be explored in the development of communication, engagement and delivery plans for the grant. It is hoped that through the promotion of the Young Carer Grant, it will help to raise awareness of carers generally in society and may help to improve the identification of minority ethnic young people with significant caring responsibilities, and if eligible result in them having access to the Young Carer Grant support. This will also provide an opportunity to signpost these young people and communities to additional carer and social security support that they may be entitled to.

15. Asylum Seekers cannot claim any benefits. If they are destitute they can apply to the Home Office for assistance but have no recourse to public funds so will not be eligible for Young Carer Grant. Those who are granted refugee or humanitarian protection status (after five years, they can apply for indefinite leave to remain) can claim benefits and therefore would be eligible for Young Carer Grant.

16. There can be a gap between refugee status being granted and people accessing benefits. Social Security Scotland may need to consider additional evidence requirements during this period, for example for those without National Insurance numbers.

17. Accessible formats and support will be available to ensure all eligible young carers have the opportunity to apply for the grant.

⁹ Children and Young People’s Commissioner Scotland (February 2017) [*“Coping is difficult, but I feel proud” - Perspectives on mental health and wellbeing of young carers*](#)

¹⁰ Hidden Carers – Unheard Voices – Informal caring within the Gypsy/Traveller Community in Scotland http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Inquiries/MECOPP.pdf

Sex

18. 55% of carers under 25 years old identify as women and 45% of carers under 25 years old as men.¹¹

19. Research by Carers Trust found that over half of all male carers feel their needs as carers are different to those of female carers and many struggle to ask for help and support.¹²

20. As young women are more likely to be carers we would expect a disproportionate positive impact to them.

21. Research highlights, and stakeholders have identified, that a concerted effort is required to encourage applications from young carers who are men as they are often less likely to come forward for support that they are entitled to.

Sexual orientation

22. Research from Carers Trust Scotland in 2016 highlights that lesbian, gay bisexual and transgender (LGBT) younger adult carers aged 16-25 years old face barriers in having both their LGBT and carer identities recognised by support services. It also reported that 83% respondents had personally experienced bullying in school, 40% in college and 27% at university.¹³

23. LGBT Youth Scotland's written response to the Carers (Scotland) Act 2016 consultation provided further evidence of issues affecting LGBT carers. Including that many LGBT carers, or the LGBT people they are caring for, may have reduced social networks due to a lack of acceptance of their sexual orientation. This can result in accessing less support than other carers.¹⁴

24. There may be other factors affecting those in protected groups which although not a consequence of the grant may impact on uptake by eligible young people. For example, LGBT young people may be experiencing, or fear experiencing, homophobia or discrimination, and these may be an additional barrier to accessing the support that they are entitled to. This may include, but is not limited to, a young person providing care to a same-sex partner who has a disability.

Evidence Gaps:

25. The Young Carer Grant will be payable to anyone who meets the eligibility criteria. We recognise that there is limited data about young carers from protected characteristic groups, as well as carers more generally. There is limited research on their experiences – in particular in relation to gender reassignment, marriage and civil partnership, pregnancy and maternity, and religion and belief.

¹¹ Scottish Government (2015) [Scotland's Carers](#)

¹² Carers Trust (2014) [Husband, Partner, Dad, Son, Carer? A survey of the experiences and needs of male carers](#)

¹³ Carers Trust Scotland (2016) [Young People Caring OUT There: Experiences of LGBT young adult carers in Scotland](#)

¹⁴ http://www.legislation.gov.uk/asp/2016/9/pdfs/asp_20160009_en.pdf

Gender reassignment

26. No data is available about young carers or adult carers under this protected characteristic grouping.

27. There are additional considerations required for transgender young carer clients to ensure they have an equal opportunity to apply, including gender non-binary young people. For example, we wish to avoid clients requiring to state that they are male or female. This will be explored in the development and delivery plans of the grant.

Marriage and civil partnership

28. No data is available about young carers or adult carers under this protected characteristic grouping.

29. No issues have been raised by stakeholders in regards to this protected characteristic grouping and we don't expect the Young Carer Grant to negatively impact on this group.

Pregnancy and maternity

30. No data is available about young carers or adult carers under this protected characteristic grouping and we don't expect the Young Carer Grant to negatively impact on this group.

31. No issues have been raised by stakeholders in regards to this protected characteristic grouping.

Religion or Belief

32. No data is available about young carers or adult carers under this protected characteristic grouping and we don't expect the Young Carer Grant to negatively impact on this group.

YOUNG CARER GRANT CHILD'S RIGHTS AND WELLBEING IMPACT ASSESSMENT SUMMARY

The Young Carer Grant is intended to enhance the quality of life for young carers in Scotland. Evidence has shown that many young adult carers are more likely to be living in low income households, feel socially isolated and have poorer physical and mental wellbeing than non-carers. The Young Carer Grant improves the support available to young people who are eligible for the grant, and indirectly to those children and young people who are cared for by someone in receipt of the grant. The Young Carer Grant is expected to have positive impacts on those children and young people directly affected. This policy provides the opportunity to raise awareness among young carers of their rights to the Young Carer Grant, in addition to furthering positive discussions about the role and contributions young carers make to our society. The principle of co-design is central to developing the Scottish Government's approach to delivering the Young Carer Grant.

Who have we involved in our deliberations?

1. There was a specific question in the Social Security Consultation on how the Scottish Government could improve the support given to young people with significant caring responsibilities - beyond what is currently available. This question received 60 responses (29 individual and 31 from organisations) and respondents were in general agreement that there is a need for additional provision of support for young carers.
2. The Scottish Government have engaged with a wide range of stakeholders through advisory groups including the Young Carer Grant Working Group and the Carer Benefit Advisory Group. Specifically the Young Carer Grant Working Group has been instrumental and inputted at each stage on the development and implementation planning of the policy detail. Representatives from Carers Trust Scotland, Child Poverty Action Group, COSLA, Edinburgh Young Carers Project, Falkirk and Clackmannanshire Carers Centre, the Scottish Youth Parliament, Shared Care Scotland and Young Scot are members of the Young Carer Grant Working Group.
3. We have engaged with some third sector organisations that support those with protected characteristics, to identify and mitigate barriers, where we can, to enable equal access to the entitlement.
4. We have also established the Young Carer Panel to ensure young people with lived experience can share their views and input into the development of the Young Carer Grant.

Data

5. The Scottish Health Survey 2012/13¹⁵ provides the most accurate estimate of the number of young carers in Scotland. It is estimated that 11,000 young adults meet the age requirements for the Young Carer Grant and have a caring role in Scotland. However they will not all qualify for the grant, due to not meeting all of the eligibility conditions. It is estimated that approximately 1,700 young carers will be eligible for the grant at the time of commencement.

6. Research indicates that young carers may often not recognise themselves as carers – and as such may be less likely to receive support for their caring role. Studies have suggested that this is especially common among some minority cultural and ethnic communities.¹⁶ We are unclear at present how these may impact applications for the Young Carer Grant. It is likely therefore to be beneficial to the rights of young people to focus communications activity on raising awareness of caring roles and the support available.

7. Research produced by Carers Trust Scotland¹⁷ about young carers in transition to adulthood is applicable to the Young Carer Grant. The research highlights the impact of caring on the education, mental health and wellbeing, and access to support of young carers:

- 48 school days on average for young adult carers had been affected because of caring each year; this includes absence, lateness or leaving school early.
- Young adult carers were four times more likely to drop out of college or university than students who were not carers.
- A quarter of young adult carers in school had experienced bullying because of their caring role.
- Young adult carers in work missed on average 17 days per year, and were late or had to leave early on approximately 79 days per year because of caring responsibilities.
- 45% of young adult carers reported having mental problems.
- Only 22% of young adult carers had received a formal assessment of their needs by their local authority.

8. Research from the Scottish Youth Parliament¹⁸ found 74% of young carers were struggling financially and some were using student support funding to pay for basic family needs rather than to support study.

¹⁵ Scottish Health Survey (2012/13) <http://www.gov.scot/Publications/2016/09/2408>

¹⁶ Children and Young People's Commissioner Scotland (February 2017) "[Coping is difficult, but I feel proud](#)" - [Perspectives on mental health and wellbeing of young carers](#)

¹⁷ Carers Trust Scotland (2015) [Time to be Heard for Young Adult Carers](#)

¹⁸ Scottish Youth Parliament (2014) [A Costly Youth: The Impact of Caring on Young People in Scotland](#)

United Nations Convention on the Rights of the Child (UNCRC)

9. Our assessment of the impact of the Young Carer Grant policy on the relevant articles of the UNCRC is as follows:

- **Article 12 - Respect for the views of the child:** The Young Carer Grant policy has been developed through consultation with and input from young carers, in particular through the Young Carer Panels, the Young Carer Grant Working Group and carer organisations. This policy will impact the lives of young carers and their contribution is crucial in shaping a successful policy.
- **Article 23 - Children with disabilities:** Children and young people with a disability may be cared for by a young person who receives the Young Carer Grant, such as a sibling. This additional financial resource is intended to provide additional support to young carers with a significant caring role which should have an indirect positive impact on those they care for.
- **Article 26 - Social security:** Young carers aged 16-17 years old - and those who have attained the age of 18 and still at school – who receive the grant will get some financial support. Children and young people who are cared for by a young carer in receipt of the Young Carer Grant will also benefit indirectly. The work to promote awareness and understanding of the Young Carer Grant will also consider how best to reach and inform young people who are entitled to this support.
- **Article 28 - Right to education:** The Young Carer Grant also intends to help improve young carers' educational attainment. Research highlights and stakeholders report that young carers' education may be negatively impacted by the caring role, this could include their attendance or a perceived or actual pressure to start work to financially provide for themselves or the household. The Young Carer Grant aims to help deliver the key Social Security Outcome that carers are able to participate fully in society, and if they choose, can engage in training, education and employment opportunities, as well as social and leisure.
- **Article 31 - Leisure, play and culture:** The Young Carer Grant aims to help deliver the key Social Security Outcome that carers are able to participate fully in society, and if they choose, can engage in training, education and employment opportunities, as well as social and leisure. By providing some financial support, these young carers may be able to access age appropriate life opportunities that are the norm for many other young people. This policy will therefore provide young carers in receipt of the grant more opportunities for cultural, artistic, recreational and leisure activity.

- **Article 42 – Knowledge of rights:** Under the Carers (Scotland) Act 2016¹⁹ there is a requirement for local authorities to provide an information and advice service for carers, which includes income maximisation.

Getting it right for every child (GIRFEC) wellbeing indicators

10. Our assessment of the impact of the policy on the relevant wellbeing indicators is as follows:

- **Healthy:** The Young Carer Grant is intended to help improve the health and wellbeing of young carers by providing some financial support. Young carers may use the financial resource to pursue sport and fitness pursuits to help improve their own health and wellbeing. Consequentially, there could also be a positive impact on the health of children and young people who are cared for by a young carer in receipt of the Young Carer Grant.
- **Achieving:** The policy is also intended to improve young carers' educational attainment by providing some financial support to help reduce the barriers that young carers may experience in accessing, sustaining and succeeding in education, employment or training. The funds could be used to purchase goods or materials that they require to pursue education, employment or training opportunities.
- **Active:** The additional financial resource may help to improve the ability of young carers to take part in activities. The funds are expected (but not directed) to be used to pay for leisure and social activities, short breaks, or to purchase goods and services.
- **Respected:** The principle of respect for the dignity of individuals is at the heart of the new Scottish social security system and specified in the Social Security (Scotland) Act 2018. Young carers make an invaluable contribution to our society. This new grant is intended to recognise the immense contribution of these young people and ensure that they are treated with the dignity and respect they deserve.
- **Responsible:** Young carers who receive the grant will be responsible for the financial management of it. The Young Carer Grant has been co-designed with young carers and this co-design will continue until the grant is implemented; including through the Young Carer Panel and young carer representatives who are members of the Young Carer Grant Working Group.
- **Included:** The Young Carer Grant is intended to provide some financial support for young carers to help them in their role, addressing inequalities they may face as a result of caring – that is young carers may be less able to take part in social or leisure activities or take forward employment opportunities.

¹⁹ http://www.legislation.gov.uk/asp/2016/9/pdfs/asp_20160009_en.pdf

Conclusions

11. Based on the evidence gathered, the Scottish Government considers that the Young Carer Grant policy does not infringe upon the rights of the child as set out in the articles of the UNCRC, or the indicators of wellbeing as set out by the Children and Young People (Scotland) Act 2014. Any impact of the policy should be neutral or positive.

12. The Scottish Government considers overall that the Young Carer Grant policy will have a direct positive impact on young carers and an indirect positive impact on disabled children and young people. This is because the proposals will not only comply with the UNCRC requirements but have the potential to advance the realisation of children's rights and wellbeing.

YOUNG CARER GRANT BUSINESS AND REGULATORY IMPACT ASSESSMENT SUMMARY

Introduction

1. The Young Carer Grant will help in the promotion of the Economic Strategy and in the delivery of the priorities for sustainable growth. Our assessment of the impact of the Young Carer Grant policy to the five principles of better regulation is as follows:

- **Proportionate** – The Young Carer Grant will mainly impact clients. The Scottish Government will look to identify and minimise any indirect impacts, for example administrative burdens, on local government, private businesses or third sector organisations as a result of the grant.
- **Consistent** – The Young Carer Grant builds on the Social Security (Scotland) Act 2018 framework of a new system that is underpinned by dignity, respect and a human rights based approach. The grant will be delivered on an entitlement basis to eligible young people. We will publish guidance on the grant so that it is clear how decisions are being made. There will be provision in place to enable grant decisions to be challenged through internal review in the form of a re-determination of their decision by Social Security Scotland and have the right of appeal to a First-tier Tribunal.
- **Accountable** – We will ensure that clients understand their right to have their decision re-determined by Social Security Scotland and to request an appeal to the First-tier Tribunal if they remain unhappy with their Young Carer Grant application decision. In addition, the Social Security Charter will be concise and in plain English clearly explain what people are entitled to expect from the new system. Complaints regarding the Social Security Scotland can be directed to the Scottish Public Services Ombudsman.
- **Transparent** – We will develop a communications strategy for the Young Carer Grant. This will aim to ensure that people who are eligible, the third sector, local government, education sectors and advice providers are aware of the grant, know how to apply and understand the eligibility criteria. We will publish guidance on the grant so that the eligibility is clearly explained. Also under the Carers (Scotland) Act 2016 there is a requirement for local authorities to provide an information and advice service for carers, which includes income maximisation.
- **Targeted only where needed** – There are at least 11,000 young adults who meet the age requirements for the grant and have a caring role in Scotland. The Young Carer Grant is targeted at young people with significant caring responsibilities to ensure targeted assistance is provided to those most in need. The Scottish Government expects to make approximately 1,700 Young Carer Grant payments per year.

2. Fourteen private businesses and five business organisations responded to the Social Security in Scotland Consultation. Those private businesses and business organisations that responded to the specific question on how the Scottish Government could improve the support given to young people with significant caring responsibilities - beyond what is currently available, were in general agreement that there is a need for additional provision of support for young carers.

3. The Young Carer Grant as a new policy represents an additional spend of approximately £500,000 each year into the Scottish economy and therefore there are likely to be impacts upon businesses. Some people will buy items that they would not have bought without the payment. The impact will likely be dispersed across the country and sectors of the economy.

4. It is expected that the introduction of Social Security Scotland could cause additional requests for information and support from existing advice services. The Young Carer Grant as a new policy may result in additional pressure on advice agencies to become informed. The Scottish Government will continue to engage with the advice services sector as the programme to implement the social security system in Scotland progresses.

Competition Assessment

5. The Scottish Government does not believe that the Carer's Assistance (Young Carer Grant) (Scotland) Regulations will have an adverse impact on the competitiveness of Scottish companies or the third sector within the Scotland UK, or elsewhere in Europe or the rest of the world. The grant does not directly or indirectly limit the number of suppliers, nor does it limit the ability of suppliers to compete or reduce suppliers' incentives to compete vigorously. Additionally the Scottish Government does not expect there to be any significant impact on the operational business of local authorities or health boards as a result of introducing this provision.

6. Any procurement required to support the administration of the Young Carer Grant will be subject to the Public Contracts Scotland (2015) Regulations and the Procurement Reform (Scotland) Act 2014 which together provide a national legislative framework for sustainable public procurement which supports Scotland's economic growth through improved procurement practice.

Test run of business forms

7. No new business forms will be brought in with the implementation of the proposed legislation.

Legal Aid Impact Test

8. The right to appeal to a First-tier Tribunal is provided for in the Social Security (Scotland) Act 2018. Legal Assistance will continue to be available to individuals to appeal an entitlement decision to the Upper Tribunal, Court of Appeal or Supreme Court.

9. The Scottish Government does not expect any new impact as a result of implementing Young Carer Grant on the legal aid budget, and expects legal

assistance through the statutory scheme of Advice and Assistance, and Advice by Way of Representation will continue.

Enforcement, sanctions and monitoring

10. The Scottish Government will set up the Scottish Commission on Social Security, an independent expert body that will scrutinise the Scottish social security system (including benefit regulations) and hold Scottish Ministers to account. As part of their function, they will examine the regulations required for the administration of the Young Carer Grant and produce a report setting out its observations and recommendations in relation to the proposals. This report will be submitted to Scottish Ministers, the Scottish Parliament and made available to the wider public.

11. The Social Security (Scotland) Act 2018 proposes a duty on the Scottish Ministers to publish an annual report on the performance of the Scottish social security system.

12. On-going engagement with key stakeholders will also provide the Scottish Government with an opportunity to monitor the impact of the policy.

13. Audit Scotland will monitor and report on the delivery of the social security system, including Social Security Scotland.

OUTLINE OF THE YOUNG CARER GRANT REGULATIONS

Format of the draft regulations

1. The legislative framework for Scottish Social Security is intended to be simple and accessible. The Social Security (Scotland) Act 2018 sets out an over-arching legislative framework and describes the different types of assistance to be provided. Regulations will contain the relevant provision for the Young Carer Grant assistance.

INTRODUCTORY AND INTERPRETATION

2. This section specifies the date of commencement and definitions used in the regulations, such as the definition of a determination to ease understanding.

Applications and Determinations

3. We want to make it easy for young carers who are entitled to take up their entitlement to the Young Carer Grant. There will be a range of ways to apply. Information on how to apply for the Young Carer Grant will be publicised widely.

4. Each payment will be treated as a one-off grant. Even if a young person does not qualify in their first application, if their circumstances change then they may qualify at a later stage.

5. We propose that a new application is made each year.

6. We explored whether young carers should be prompted to reapply for the Young Carer Grant. Evaluation of other grant initiatives for carers has shown that reminder letters can be seen as insensitive to changing circumstances within the caring situation. This is a particular issue where the cared for person has died.

Evidence

7. Evidence requirements and processes to check whether clients meet eligibility conditions are under development. This includes opportunities for using existing data sources, including gathering data from DWP. Evidence requirements will be kept to a minimum and will be clearly specified.

Valid Application

8. There will be certain conditions that need to be met to determine that a valid claim has been made. Relevant processes for this and for situations where the form does not meet the requirements, will be set out once service design is further progressed.

Date of Application

9. Applications will be assessed based on the eligibility of the client on a single day. It is proposed that the application is treated as being made on the day it is received by Social Security Scotland.

10. We have proposed to allow for advance applications to provide a level of flexibility to help ensure there is a smooth application process for clients and increased efficiency of the social security system by reducing the need to re-submit an application. For example, it may be possible to make an early application for the Young Carer Grant and the application to be held by Social Security Scotland for 28 days before the applicable date. In this case, a determination will be made using the information from the initial application. As Young Carer Grant is a one-off payment that can be applied for annually, this may be necessary for clients who have previously received the grant, but that need to re-apply before they become eligible again for this support.

11. After the Young Carer Grant has been live for over 28 days, we have proposed that in exceptional circumstances (these exceptional circumstances will be listed in the final regulations), that we will allow for some flexibility around retrospective applications. In these circumstances, it may be possible to make a retrospective application. The application will be treated as being made on a retrospective date specified - as long as the person is applying within 28 days of the date specified.

ELIGIBILITY

12. Eligibility will be determined via a series of tests carried out by Social Security Scotland. The client is the young person applying for the Young Carer Grant. The proposed eligibility conditions are:

- (a) The client is aged 16 or 17 years old (or 18 if still a pupil at school).
- (b) The client is not in receipt of Carer's Allowance on the date of application.
- (c) The client is habitually resident in the European Economic Area (EEA) or Switzerland and is ordinarily resident in Scotland.
- (d) The client has not had a successful Young Carer Grant application processed within the last year.
- (e) The application is received within the relevant application window.
- (f) The cared-for person is receiving a weekly average of 16 hours of care over a 13 week period by the client.
- (g) The cared-for person is entitled to a qualifying disability benefit.

(A) Age – The client must be aged 16 or 17 years old (or 18 years old if still a pupil at school) on the date of application. This age range reflects the upper age definition of a young carer in the Carers (Scotland) Act 2016. Clients aged 16 years old, are able to claim the hours of caring immediately subsequent to the date of application to meet the eligibility requirements; this may include caring hours when they were 15 years old. For clients aged 18 years old and still a pupil at school, this will include those who are registered at a local authority managed school, a public school, a grant-aided school, an independent school and those who are home educated.

(B) Carer's Allowance – A client cannot be in receipt of Carer's Allowance on the date of application. It has been agreed with the UK Government through the Fiscal Framework that Young Carer Grant will not affect a client's entitlement elsewhere in the UK benefit system. Therefore Young Carer Grant will have no impact to a person's entitlement to other benefits.

(C) Residence – The proposal is that Scottish claimants will be defined as those who are habitually resident in the European Economic Area (EEA) or Switzerland and ordinarily resident in Scotland. Broadly speaking, this means that to be eligible a person must have a connection to the EEA or Switzerland and that their current home is in Scotland. In practice, the process of demonstrating ordinary residence in Scotland, for example where it is clear that a person has lived here for a relatively significant period, will often be more than enough to also demonstrate habitual residence in the EEA (since Scotland is in the EEA). We have chosen to apply the condition of habitual residence to the EEA rather than, for example the Common Travel Area or Scotland, as a way of simplifying the process and to broaden the evidence base that an applicant is able to draw on to establish eligibility. This is consistent with practice across the EEA where periods of residence in one member state can often be taken into account to establish eligibility for social security in another.

We have chosen not to include a presence condition of the kind included in the UK Carer's Allowance eligibility rules. This is because Young Carer Grant is not a recurring payment and such a condition would substantially narrow eligibility, preventing young carers from benefitting.

There is a close intersection between social security residence conditions and the immigration rules, reserved to the UK Government, that restrict access to public funds. Our policy intention is to be as generous as possible but without extending assistance to people whose ability to live and work in the UK could be jeopardised through receipt of public funds forbidden by their immigration status. For that reason we have included a rule which excludes those who are subject to immigration control.

(D) Time elapsed – Young Carer Grant is proposed to be a one-off payment, which can be applied for annually. Social Security Scotland must not have processed a successful application for the client within the last year. This is regardless if they are providing care for the same or a different cared-for person.

(E) Application windows – to be valid, the client must meet all of the eligibility requirements on the date the application is received by Social Security Scotland. Early applications can be held for a maximum of 28 days before an eligible date and then a determination will be made using the information from the initial application submission. Retrospective applications will be accepted in exceptional circumstances (these exceptional circumstances will be listed in the final regulations) when a determination is requested within 28 days of the date of application specified. In these circumstances the client must specify through the application submission the date which they are requesting a determination to be made on.

(F) Average hours of care – The young carer must be completing a weekly average of 16 hours of care a week over a 13 week period. This must be verified through the application process for the Young Carer Grant support.

(G) Qualifying benefit – The cared-for person must be entitled to a qualifying disability benefit on the date of application. Social Security Scotland must receive permission through the application process to access the cared-for person's benefit record to check that they are entitled to a qualifying benefit. This data is currently held by DWP. The qualifying disability benefits are:

- Personal Independence Payment - daily living component.
- Disability Living Allowance - the middle or highest care rate.
- Attendance Allowance.
- Constant Attendance Allowance at or above the normal maximum rate with an Industrial Injuries Disablement Benefit.
- Constant Attendance Allowance at the basic (full day) rate with a War Disablement Pension.
- Armed Forces Independence Payment.

ASSISTANCE TO BE GIVEN

Value of Grant

13. The Young Carer Grant value will be £300, which will be annually uprated by inflation.

Form in which the Grant is given

14. We anticipate that the majority of payments will be made in the form of cash through BACS payments. No other form of payment will be imposed on a client without their consent.

REQUEST FOR A RE-DETERMINATION

15. Re-determination provides a right for an individual to challenge a decision made on their application, should they disagree with it.

If a re-determination is requested, Social Security Scotland will put aside the original determination and a different officer will undertake the full process of making a new determination, which will replace the earlier decision completely.

The individual will be able to ask for a re-determination without having to supply further evidence, but Social Security Scotland will take into consideration any new evidence provided. If the individual is dissatisfied with the re-determination outcome, or if it has not been completed within the prescribed timescales set out in the regulation, they can appeal to the First-tier Tribunal. Social Security Scotland will have a duty to provide an individual with the form required to initiate an appeal. Upon completion of the required form back to Social Security Scotland, it will forward the form along with all relevant information to the Tribunals Service for the appeal to be determined by the First-tier Tribunal.

Timescales for the re-determination process

16. Our proposal is that a re-determination request relating to Young Carer Grant should be made within 31 calendar days of being notified of the initial decision.

To ensure an individual is not prevented from challenging the decision if they miss the 31 calendar days limit, Social Security (Scotland) Act 2018 allows for a request to be made late and up to a year after being notified of the original determination, if there is a good reason for the request not being made sooner. Where Scottish Ministers refuse a late request for a re-determination, that will carry a right of appeal against their decision to the First-tier Tribunal.

We propose that on receipt of a request for a re-determination of entitlement to Young Carer Grant, Scottish Ministers should have 16 working days to make the fresh determination. If there is a failure to make the re-determination within the 16 working day period, the individual will be informed that they have the right to appeal to the First-tier Tribunal against the original determination.

These draft regulations have been prepared for discussion purposes.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.***

SOCIAL SECURITY

The Carer's Assistance (Young Carer Grant) (Scotland) Regulations 2019

<i>Made</i> - - - -	*** 2019
<i>Coming into force</i> -	*** 2019

CONTENTS

PART 1

Introductory and interpretation

1. Citation and commencement
2. Interpretation

PART 2

Eligibility

3. Overview
4. Making of applications
5. Conditions relating to the care being provided
6. Conditions relating to the person being cared for
7. Further conditions
8. Multiple applications

PART 3

Assistance to be given

9. Amount and form of young carer grants

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 28 of the Social Security (Scotland) Act 2018⁽²⁰⁾ and all other powers enabling them to do so.

In accordance with section 96(2) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of that Act, the Scottish Ministers have consulted the Scottish Commission on Social Security.

(a) 2018 asp 9.

These draft regulations have been prepared for discussion purposes.

PART 1

Introductory and interpretation

Citation and commencement

1. These Regulations may be cited as the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019 and come into force on *** 2019.

Interpretation

2. In these Regulations—

- “applicant” means a person who has applied for a young carer grant;
- “determination” means a determination of an individual’s entitlement under section 37 of the Social Security (Scotland) Act 2018;
- “young carer grant” means the grant provided for by these Regulations.

PART 2

Eligibility

Overview

3.—(1) A person who applies for a young carer grant (the “applicant”) is entitled to receive it if that person—

- (a) applies within the period described in regulation 4, and
- (b) meets the conditions prescribed in these Regulations.

(2) Regulation 4 describes when applications can be made, based on the age of the applicant.

(3) Regulation 5 describes eligibility conditions relating to the care being provided.

(4) Regulation 6 describes conditions relating to the person being cared for.

(5) Regulation 7 describes further conditions relating to the applicant’s residence, receipt of other benefits and the status of the applicant.

(6) Regulation 8 provides for situations that involve multiple applications.

(7) Regulation 9 describes the assistance that an applicant is entitled to receive.

Making of applications

4.—(1) A person is not entitled to a young carer grant unless their application for that assistance is made within the period described in this regulation.

(2) A person must be aged at least 16 on the day on which they apply for assistance and be either—

- (a) under the age of 18 on that day, or
- (b) aged 18 on that day, have attained that age while a pupil at a school, and have since attaining that age remained a pupil at that or another school.

(3) In a non-leap year, the birthday of a person born on 29th February is to be taken to be 28th February.

(4) An application is to be treated as made on the day it is received by the Scottish Ministers.

These draft regulations have been prepared for discussion purposes.

(5) For the avoidance of doubt, a thing that purports to be an application is not an application unless it is—

- (a) made in the form, and
- (b) accompanied by the evidence,

required by the Scottish Ministers under section 38(1) of the Social Security (Scotland) Act 2018.

Conditions relating to the care being provided

5.—(1) To qualify for a young carer grant the applicant must have provided care, in each of the 13 weeks ending with the day before the date on which their application for a grant is made—

- (a) to a person described in regulation 6,
- (b) of the type described in paragraph (2), and
- (c) for the number of hours described in paragraph (3).

(2) [The care provided must be care relating to—

- (a) the day to day physical tasks and needs of the person cared for (for example, eating and washing), or
- (b) the mental processes related to those tasks and needs (for example, the mental process of remembering to eat and wash).]

(3) The average number of hours of care provided over the 13 week period must be at least 16 hours per week.

Conditions relating to the person being cared for

6.—(1) To qualify for a young carer grant the person being cared for must be in receipt of a qualifying disability benefit at the date on which the application is made, and consent to the Scottish Ministers accessing their benefit records to confirm that fact.

(2) In paragraph (1), “qualifying disability benefit” means a benefit, or where applicable a component of a benefit, which is of a type, and being paid at a rate, that would entitle a carer who meets its other qualifying conditions to—

- (a) carer’s assistance, payable under section 28 of the Social Security (Scotland) Act 2018;
- (b) carer’s allowance, or
- (c) invalid care allowance.

(3) In paragraph (2), “carer’s allowance” and “invalid care allowance” both mean an allowance payable under section 70 of the Social Security Contributions and Benefits Act 1992⁽²¹⁾.

Further conditions

7.—(1) To qualify for a young carer grant, the applicant must, on the date their application is made for that assistance, be—

- (a) habitually resident in the European Economic Area or Switzerland;
- (b) ordinarily resident in Scotland.

(a) 1992 c.4. There are amendments to section 70 that are not relevant to these Regulations.

These draft regulations have been prepared for discussion purposes.

(2) An applicant is not entitled to a young carer grant if, on the date their application is made, the applicant or any other person—

- (c) is in receipt of a benefit listed in regulation 6(2) in respect of the person being cared for, or
- (d) has previously received a young carer grant in respect of care of the person being cared for, unless at least a year has passed since the date of the application in respect of which that grant was paid.

(3) An applicant is not entitled to a young carer grant if, on the date their application is made, the person is subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999⁽²²⁾, unless the person falls within a category or description of persons specified in Part 2 of the schedule of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (persons not excluded under section 115 of that Act from entitlement to various social security benefits)⁽²³⁾.

Multiple applications

8.—(1) Where two or more young persons are providing care to a person and apply for a young carer grant the Scottish Ministers must determine which one (if any) of the applicants is to be entitled to receive a young carer grant.

(2) Where the applications are not made on the same day, the Scottish Ministers must determine the application by the first young person to apply before they determine any other application.

(a) 1999 c.33. There are amendments to section 115 that are not relevant to these Regulations.

(b) S.I. 2000/636.

These draft regulations have been prepared for discussion purposes.

PART 3

Assistance to be given

Amount and form of young carer grants

9.—(1) A young carer grant is to be given as a payment of £300.

(2) A young carer grant is to be given as money (3).

(3) If—

(a) the Scottish Ministers offer to give an individual some or all of the value of a young carer grant in a form other than money; and

(b) the individual accepts the offer,

the grant is to be given in the form offered.

[**]

St Andrew's House,
Edinburgh

*** 2019

DRAFT REGULATIONS

These draft regulations have been prepared for discussion purposes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under section 28 of the Social Security (Scotland) Act 2018 for payments to be made to help young persons who provide care to disabled persons.

Part 1 is formal and contains commencement and interpretation provisions. Regulations 3 and 4 provide that applications are required and describe the time frame within which those applications can be made.

Regulations 5 to 7 set out entitlement rules. Regulation 8 deals with situations where applications are made by more than one person.

Part 3 sets out the amount of a Young Carer Grant that is to be given. A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

DRAFT REGULATIONS



Consultation on Young Carer Grant Regulations

RESPONDENT INFORMATION FORM

Please note this form **must** be completed and returned with your response.
To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response.

Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss.

They may wish to contact you again in the future, but we require your permission to do so.

Annex F Young Carer Grant – Respondent
Information Form

Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No

Responding to this consultation paper

We are inviting responses to this consultation by 10 December 2018.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>).

Access and respond to this **consultation online at [URL]**. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 10 December 2018.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Young Carer Grant Consultation
Carer Benefits Policy Team
Social Security Policy
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:

<https://beta.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>.

If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us.

Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted please send them to:

ycgconsultation@gov.scot

Or

Carer Benefits Policy Team
Social Security Policy
Victoria Quay
Edinburgh
EH6 6QQ

SCOTTISH GOVERNMENT CONSULTATION PROCESS

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>.

Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation.

Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

CONSULTATION QUESTIONS

Questions on regulations

This section of the consultation covers the impact of the draft Young Carer Grant Regulations (Annex E). These draft regulations provide the legal structure and rules to delivering the Young Carer Grant. These include eligibility, what assistance is available, the value of the payment and when to apply.

Question 1

The Young Carer Grant aims to help improve young carers' health and education outcomes at a key transition period in their lives. The grant aims to provide a new service of financial assistance to young carers to help improve their quality of life and break down barriers so they can access opportunities that are the norm for many other young people.

Do you think the draft regulations (Annex E) are likely to meet the policy aims set out in this document?

Yes / No

If no, please explain:

Question 2

Can you identify any potential unintended consequences of the regulations?

Yes / No

If yes, please explain:

Questions on policy proposals

In this section we are keen to hear your views on some specific topics. These include combining caring hours for more than one cared-for person, multiple carers providing care for the same cared-for person and proposed timeframes for requesting a re-determination if a client is unhappy with the decision made on their application.

Question 3

We are aware of the changing role of carers and the needs of the cared-for person. Due to this, we are proposing that young carers would make a new application each year in order to receive payment.

Do you agree with this proposal?

If not, please explain:

Question 4

Some young carers may be providing care for more than one cared-for person. A young carer may not be providing the required 16 hours average of care per week to one cared-for person. But they may fulfil the required 16 hours average of caring for more than one cared-for person.

Example: Sean is 18 years old and is a pupil at secondary school. Sean cares 7 hours a week for their mother, and 9 hours a week for their brother. Sean's mother and brother are both entitled to a qualifying benefit.

Carer's Allowance restrictions do not currently allow carers to combine the hours of care provided for more than one person to meet the 35 hours per week requirement.

Should applicants be able to combine hours caring for more than one person to meet the required 16 hours average each week?

Yes / No

Please explain:

Question 5

There may be circumstances where a young carer is fulfilling the required 16 hours average of caring each week but another carer is in receipt of Carer's Allowance for providing care for the same cared-for person.

Example: Omar is a 17 year old college student and provides care for 16 hours a week for their auntie who is entitled to a qualifying disability benefit. Omar's auntie also receives care from their niece, Fatima, and Fatima receives Carer's Allowance.

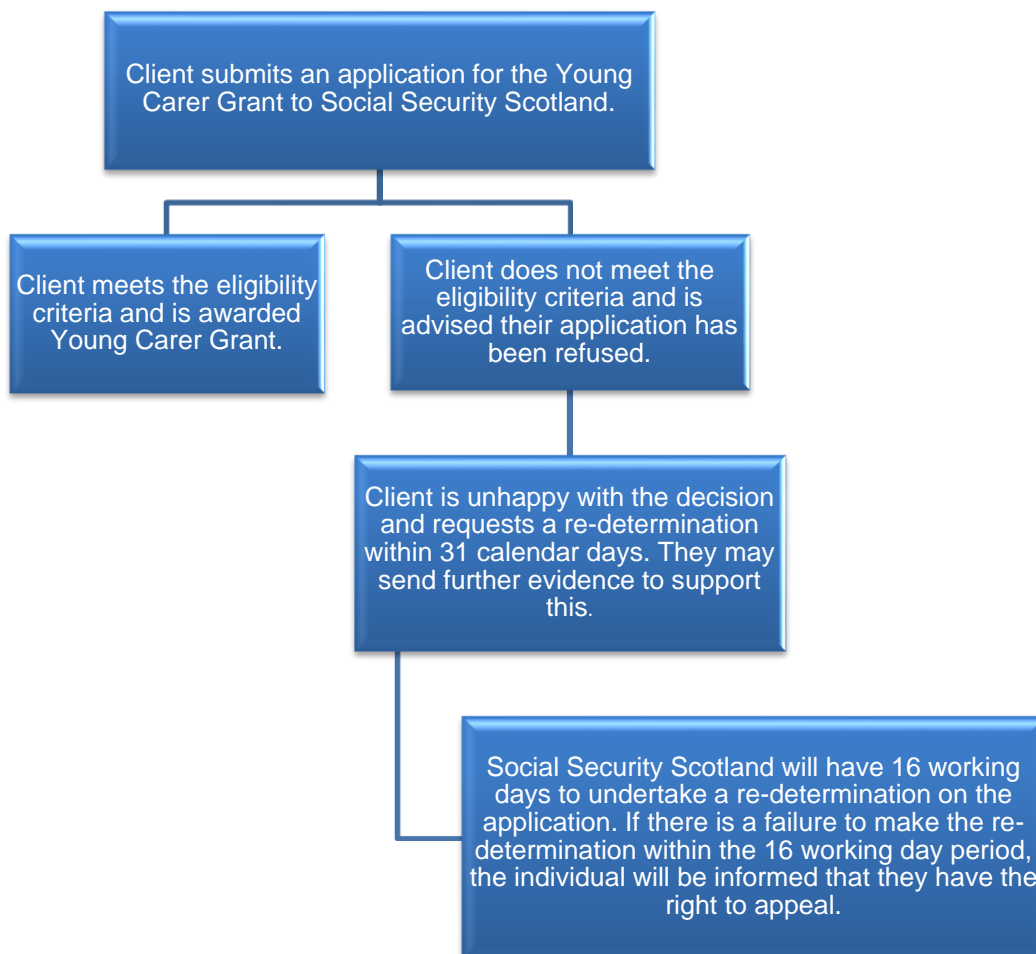
Should young carers be eligible for the Young Carer Grant when another carer is in receipt of Carer's Allowance for providing care for the same person?

Yes / No

Please explain:

Question 6 (a)

Re-determination flowchart:



We propose that when a young carer is unhappy with the decision made on their application, they will be able to ask Social Security Scotland for a re-determination. They will have 31 calendar days to make this request after they have been informed of the initial outcome. 31 calendar days has been proposed so that the applicant is not limited to taking actions by working days restrictions.

Is 31 calendar days an acceptable time limit for requesting a re-determination?

Yes / No

If no, please explain:

Question 6 (b)

We propose that where a request for a re-determination is made for a Young Carer Grant application, then Social Security Scotland should complete this within 16 working days.

Is 16 working days an acceptable time for a re-determination to be completed by Social Security Scotland?

Yes / No

If no, please explain:

Question 7

We propose that Scottish claimants will be defined as those who are habitually resident in the European Economic Area (EEA) and ordinarily resident in Scotland. This approach reflects existing practice where periods of residence and presence in any EEA jurisdiction can count towards meeting the eligibility criteria for accessing social security in any other.

Do you have any comments on the proposed approach to residency?

Yes / No

If yes, please explain:

Questions on Impact Assessments

Please see:

- The Equality Impact Assessment summary at Annex A.
- The Child Rights and Wellbeing Impact Assessment summary at Annex B.
- The Business and Regulatory Impact Assessment summary at Annex C.

Question 8

The Young Carer Grant will not directly or indirectly discriminate on the basis of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. The policy applies equally to those affected by its provisions. The Young Carer Grant will help to alleviate material deprivation, tackle inequality and provide some recognition to the immense contributions of young carers in Scotland.

Are you aware of any equality impacts on age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation of the Young Carer Grant that we have not identified?

Yes / No

If yes, please explain:

Question 9

The Young Carer Grant is intended to enhance the quality of life for young carers in Scotland. Evidence has shown that many young adult carers are more likely to be living in low income households, feel socially isolated and have poorer physical and mental

wellbeing than non-carers. The Young Carer Grant is expected to have positive impacts on those children and young people directly, and to furthering positive discussions about the role and contributions young carers make to our society.

Are you aware of any impacts of Young Carer Grant on children’s rights and wellbeing that we have not identified?

Yes / No

If yes, please explain:

Question 10

The Young Carer Grant will help in the promotion of the Economic Strategy and in the delivery of the priorities for sustainable growth. The Young Carer Grant represents an additional Scottish Government spend of approximately £500,000 each year into the Scottish economy and therefore there are likely to be positive impacts upon businesses.

Can you identify any business related impacts of Young Carer Grant that we have not identified?

Yes / No

If yes, please explain:

Question on additional considerations

Question 11

Do you have any additional comments on the content and proposals of this document?

Please explain:



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