



Scottish Child Payment: The Gaps

July 2024

Strengthening Social Security:
research into the five family payments



Scottish Child Payment: The Gaps

Summary

CPAG in Scotland launched the *Strengthening Social Security: research into the five family payments* project at the end of 2023 with funding from the Robertson Trust. Over the next two years, the project will identify the circumstances that lead to families with children missing out on Scottish child payment and other Scottish national and local payments. Evidence will initially come from CPAG in Scotland's Early Warning System (EWS), which collects and analyses case evidence from frontline workers about how social security changes are affecting the wellbeing of children, their families and the communities that support them. This analysis will be followed by interviews with frontline workers and families excluded from, or on the margins of entitlement to Scottish child payment.

The project team will work with families to develop potential policy solutions, with the aim of reshaping the delivery of Scottish child payment and other Scottish family payments to ensure better accessibility for those currently marginalised or excluded from these payments. A set of preliminary recommendations based on EWS analysis can be found at the end of this document.

The cases set out in this briefing have been collected through CPAG in Scotland's EWS since 2022. The circumstances that result in families missing out on Scottish child payment and other payments are grouped in this briefing under the below headings:

- 1. Not receiving universal credit (UC) or Scottish child payment despite eligibility**
- 2. No entitlement to UC or Scottish child payment**
- 3. Fluctuating UC or Scottish child payment entitlement**
- 4. Scottish child payment refused or underpaid due to difficulties in demonstrating responsibility for a child**

Introduction

Scottish child payment was introduced by the Scottish Government in 2021 as part of its mission to reduce child poverty. It was designed as a 'top-up' to reserved benefits for low-income families in Scotland.¹ Scottish child payment was initially introduced for eligible children under six at a rate of £10 per week, per child, then doubled the following year. Scottish child payment was further increased to £25 per week for eligible children under 16 from November 2022 then uprated by inflation to £26.70 from April 2024. Unlike UC and child tax credit, which are restricted by the two-child limit, there is no cap on the number of children who can receive Scottish child payment.

To be eligible for Scottish child payment, a parent or carer must be normally living in Scotland, be responsible for a child under 16, and be in receipt of at least one penny of a qualifying benefit: UC, child tax credit, working tax credit, income support, pension credit, income-based jobseeker's allowance or income-related employment and support allowance.² Eventually, UC, and to a lesser extent pension credit, will be the only qualifying benefits for Scottish child payment as individuals in receipt of the benefits that UC is replacing are invited to claim UC and their old benefits are brought to an end.³

Early evidence suggests Scottish child payment is having a welcome effect in reducing relative child poverty in Scotland.⁴ However, the design of Scottish child payment requiring households be in receipt of a qualifying benefit such as UC, and the restrictive design of UC itself, means that Scottish child payment is not fulfilling its potential as a source of support for all families on a low income. This briefing identifies several gaps where families are missing out on Scottish child payment altogether or are unable to rely on it consistently, some of which were not anticipated or intended by policy makers. These gaps include migrant families with no entitlement to UK benefits, mothers in receipt of maternity allowance in certain situations, and those with inconsistent entitlement to UC because of fluctuating earnings or the payment frequency of their wages. With the introduction of childhood assistance in the Social Security (Amendment) (Scotland) Bill, the Scottish Government has the opportunity to make Scottish child payment a more inclusive and secure form of financial support for families, which minimises interruptions in essential income and prevents cliff edges when family incomes increase.

Early Warning System evidence

The EWS cases gathered below illustrate the wide variety of circumstances which result in families missing out on Scottish child payment. Some families are not receiving Scottish child payment despite being eligible, some are excluded from entitlement entirely, while other parents and carers are on the margins of entitlement and facing gaps in their UC entitlement or vulnerable to minor changes in circumstances bringing their qualifying benefit entitlement, and therefore Scottish child payment, to an end altogether.

¹s79 Social Security (Scotland) Act 2018.

²If a parent or carer receives no UC payment because of a sanction, deduction or housing payment direct to a landlord they may still be entitled to Scottish child payment as they remain entitled to UC.

³UC is replacing income support, income-based jobseeker's allowance, income-related employment and support allowance, child tax credit, working tax credit and housing benefit.

⁴Scottish Government, *Examining Outcomes Associated with Social Security Scotland Spending: An Evidence Synthesis*, 2024, pp12-13, available at gov.scot/publications/examining-outcomes-associated-social-security-scotland-spending-evidence-synthesis/.

1.

Not receiving UC or Scottish Child Payment despite eligibility

Parents and carers must apply for Scottish child payment, with the option available to apply for Best Start foods and Best Start grants at the same time.⁵ However, there are several reasons why a family may not apply for benefits, even if their circumstances mean they would be eligible for a payment.

Choosing not to apply

Some parents and carers are dissuaded from claiming their entitlements because they have had previous negative experiences with the benefits system or because they have heard about the negative experiences of others. EWS cases indicate that it is more likely that a family would be reluctant to claim UC, and therefore miss out on the Scottish child payment due to the lack of a qualifying benefit, rather than specifically avoiding an application for Scottish child payment itself.



Grandparents who are kinship carers for their grandsons would be entitled to UC if they were to claim it but have not because of its bad press. This means they are also missing out on Scottish child payment.

(Early Warning System – September 2023)



A mum with two children is too scared to claim UC due to a previous experience when she was told she had been overpaid £5000 UC because she had savings. These were in a joint account which she did not have access to. She and her husband have since divorced, and her current level of savings would not prevent her from getting UC. Her fear of claiming UC is causing her to miss out on Scottish child payment as well.

(Early Warning System – May 2023)

Any aspect of the social security system which discourages families from claiming UC equally prevents entitlement to Scottish child payment due to the requirement for a qualifying benefit.

Unable to apply

The Scottish child payment can be applied for by telephone, online or paper form, with some applicants required to send in additional evidence, such as evidence of kinship care arrangements, either in the post or by uploading it online. If the application is not completed in the correct way with all of the required information, Social Security Scotland can reject the application without determining eligibility. The EWS case below illustrates how some parents and carers struggle to provide the supporting evidence required of them and can miss out on the Scottish child payment as a result.



A lone parent with learning difficulties always got help from her mum with benefit applications until she passed away. The lone parent has not received any Best Start grants or Scottish child payment despite two of her children being under the age of 5. An application for Scottish child payment was started but was rejected after 8 months because the lone parent was not able to provide supporting evidence requested without her mum's help.

(Early Warning System – June 2022)

⁵Best Start foods is money for milk and healthy food while pregnant or with children under 3. Best Start grant is made up of the pregnancy and baby payment, the early learning payment and the school age payment to help with the additional costs at these three different life stages.

More often, people face challenges with claiming UC, which is largely claimed and maintained online. Previous research by CPAG found that approximately 6 per cent of claims for UC were refused in 2022 because claimants failed to accept the 'claimant commitment' in their digital UC accounts due to reasons including digital literacy issues and ill health.⁶



A woman's claim for UC was refused because she did not accept her claimant commitment. She cannot speak or read English at all and requests for an interpreter have repeatedly been ignored.

(Early Warning System – April 2024)

Managed migration

The EWS cases above showing families unwilling or unable to apply for UC are particularly relevant in the context of managed migration: the process by which legacy benefit recipients receive a migration notice informing them they have three months to claim UC, after which their legacy benefits will be terminated. The most recent figures show that 32 per cent claimants did not claim UC before their deadline date and had their legacy benefits terminated as a result.⁷ Research by CPAG found some claimants had difficulties in opening or understanding their migration notices and dealing with 'unfamiliar demands, uncertainty, stress and change.'⁸ Families in Scotland who do not, or cannot, successfully claim UC as part of the managed migration process will also miss out on the Scottish child payment as there will be no qualifying benefit.



A family with two children were getting tax credits but recently received a UC migration notice. One partner works and the other partner has health issues (on personal independence payment) but due to historical bad experience is reluctant to go through a work capability assessment for UC, which could reduce his conditionality. He is scared of work-related requirements and jobcentre engagement. They've considered not migrating but would lose the financial support and have two children.

(Early Warning System – April 2024)

⁶CPAG, *You Reap What You Code – Chapter 2: Decision Making*, 2023, p.60, available at cpag.org.uk/news/you-reap-what-you-code. The requirement to accept a claimant commitment is one of the basic conditions of entitlement for UC.

⁷CPAG, *Beneath the trends: a detailed look at the issues facing claimants going through managed migration*, briefing 5, 2024, available at cpag.org.uk/news/managed-migration-5; DWP, *Completing the move to Universal Credit: Statistics related to the move of households claiming Tax Credits and DWP Benefits to Universal Credit: data to end of March 2024*, 2024, available at gov.uk/government/statistics/move-to-universal-credit-statistics-july-2022-to-march-2024/completing-the-move-to-universal-credit-statistics-related-to-the-move-of-households-claiming-tax-credits-and-dwp-benefits-to-universal-credit-data;

⁸CPAG, *Beneath the trends: a detailed look at the issues facing claimants going through managed migration*, briefing 4, 2024, available at cpag.org.uk/news/managed-migration-4

UC errors

The EWS has received evidence of errors in UC decision making and incorrect advice from officials that has resulted in individuals missing out on UC despite their eligibility for the benefit. For families in Scotland, any errors which result in a lack of UC also result in a lack of Scottish child payment entitlement.



A woman has not received any statutory maternity pay but her boss says he has paid it. HMRC disputes team say it will take a couple of months to resolve. The woman tried to claim UC in the meantime but Jobcentre Plus advised her not to, so she is not getting Scottish child payment or Best Start grants either. Her partner is on a low income, so they are accruing rent arrears and have maxed out borrowing.

(Early Warning System – May 2023)



A lone parent started a college course and her UC stopped in error, causing her to miss out on approximately £230 a month UC as well as passported benefits such as Scottish child payment, worth £100 every 4 weeks.

(Early Warning System – August 2023)

Scottish child payment errors

To be eligible for Scottish child payment, a parent or carer must be in receipt of at least one penny of a qualifying benefit such as UC. In some circumstances, the DWP might not pay the parent or carer directly, for example, if there is an arrangement to pay the rent directly to a landlord. However, the parent or carer remains entitled to UC even if they are not being paid the benefit themselves, and they therefore remain eligible for Scottish child payment. Similarly, a family remains eligible for Scottish child payment if they receive no UC payment due to a sanction or deductions. The case below demonstrates that mistakes are being made and some families whose UC is paid to their landlord or reduced by deductions are being treated as though they have no UC entitlement, and therefore no Scottish child payment entitlement, in error.



A young mum of a new baby gets maternity allowance and UC. All of her UC goes to her landlord to pay her rent and to paying back her UC advance. She applied and was refused Scottish child payment, Best Start grants and Best Start foods because she is not in receipt of UC. She is, it just does not get paid directly to her.

(Early Warning System – October 2023)

2.

No entitlement to UC or Scottish child payment

In order to get Scottish child payment, parents or carers must be getting a qualifying benefit such as UC. Evidence from the EWS highlights that some low-income families you might expect to be entitled to UC are not because of the way UC is designed.

Families in temporary or supported accommodation

Families in temporary or supported accommodation have their housing costs paid by housing benefit rather than UC; however, housing benefit is not a qualifying benefit for Scottish child payment. Whilst some families in receipt of housing benefit will also be entitled to UC or one of the other qualifying benefits alongside their housing benefit, some people in these types of accommodation will not be entitled to an additional qualifying benefit and therefore miss out on the Scottish child payment. For example:



A mum left her partner, taking her son with her, due to domestic abuse. She works part time and gets a small amount of UC whilst she is staying at her friends. If she moves into temporary accommodation, she will get housing benefit to cover her rent, but lose her UC, because without housing costs included in the calculation, her earnings are too high. No UC means no Scottish child payment or any of the other five family benefits.

(Early Warning System – November 2023)

Mothers getting maternity allowance

One of the groups who can struggle to access Scottish child payment is mothers in receipt of maternity allowance in certain circumstances. Maternity allowance is paid to people who have not worked for long enough or earned enough to satisfy the conditions for statutory maternity pay, so women with less stable employment and lower earnings are more likely to get maternity allowance, rather than statutory maternity pay. Maternity allowance and statutory maternity pay are paid at the same rate.⁹ However, maternity allowance is deducted in full as income when calculating a UC award while only some of statutory maternity pay is deducted.¹⁰ The main groups who lose out are lone parents of one child with no housing costs or couples where the partner's earnings mean that there is only a small amount of UC entitlement and the difference in treatment of statutory maternity pay and maternity allowance wipes it out. Because eligibility to Scottish child payment is tied to receiving a qualifying benefit, some families will not be entitled to Scottish child payment while other families in very similar circumstance will be entitled.

Mothers getting maternity allowance with no housing costs

Some parents and carers have no housing costs at all. Without the inclusion of housing costs, maternity allowance income can be too high for a household to be entitled to any UC because it reduces UC pound for pound. As the cases below show, some advisers now recommend mothers do not claim maternity allowance in order to retain some UC entitlement and therefore eligibility for Scottish child payment. Parents and carers who do not receive this advice may not be able to get Scottish child payment.¹¹

⁹For the first 6 weeks statutory maternity pay can be paid at a higher rate.

¹⁰CPAG, Maternity Allowance and Universal Credit, available at <https://cpag.org.uk/welfare-rights/test-cases/test-case-updates/maternity-allowance-and-universal-credit>

¹¹By not claiming maternity allowance some families may have a lower income during pregnancy.



A 28-year-old getting maternity allowance owns her home so has no housing costs for the purposes of UC. Without housing costs included in the UC calculation, her income is too high for UC. No UC means no Scottish child payment.

(Early Warning System – December 2023)



A pregnant woman is due to have her baby next month. She has no housing costs and if she gets maternity allowance she will not get UC, so she will lose out on Scottish child payment and Best Start grant.

(Early Warning System – April 2023)

Mothers getting maternity allowance in temporary accommodation

As has already been discussed, households staying in temporary accommodation have their housing costs paid by housing benefit rather than UC, and housing benefit is not a qualifying benefit for Scottish child payment. Without the inclusion of housing costs, maternity allowance income can be too high for a household to be entitled to any UC.



A lone parent and her baby are currently staying in temporary accommodation where her housing costs are being paid by housing benefit rather than UC. Because the mum is receiving maternity allowance, her income is too high for her to be entitled to UC without her housing costs included in the UC calculation. This means that she is not eligible for Scottish child payment because she is not in receipt of a qualifying benefit – but potentially would be if she were staying in different accommodation.

(Early Warning System – May 2022)

Due to the design of UC, some families are excluded from Scottish child payment entitlement when families with essentially the same income levels and circumstances are entitled to it.

Kinship carers

Some children live with relatives or friends if they are unable to live with their parents for whatever reason, which is called 'kinship care' in Scotland. Kinship care can either be a formal arrangement made by the local authority, courts or the children's hearing system or an informal arrangement. There is an important distinction concerning whether a child is formally 'looked after' by the local authority or not, which depends on which, if any, legislation the kinship care arrangement was made under. If a child is not 'looked after', then the kinship carer may be able to get an increase in UC for that child (the child element). However, kinship carers caring for a child who is 'looked after' by the local authority are not eligible for an increase in UC for that child. Kinship carers who have some other income, may not be entitled to UC unless the child or children they are caring for are included in the UC calculation.¹² For example:

¹²Regulation 4 and 4A Universal Credit Regulations 2013.

No entitlement to UC without the child element



A grandparent and her partner are kinship carers for her two grandchildren who are 'looked after' by the local authority. This means the children cannot be included in the calculation of UC entitlement for the couple. Without the children included in the calculation, they are not entitled to UC, but would be if they were included - this means they are not entitled to Scottish child payment either.

(Early Warning System – April 2023)



A grandparent is a kinship carer for his two grandchildren. Due to his partner's income, he will only get UC if the child elements are included in the UC calculation. Whether they can be included depends on whether the children are 'looked after by the local authority' or not. If they are, the local authority will pay the grandparent kinship care payments and he will not be entitled to the child elements of UC. No UC means no Scottish child payment.

(Early Warning System – December 2023)

The Scottish Government and local authorities have agreed that certain kinship carers and foster carers should receive equivalent financial support.¹³ Therefore, local authorities are encouraged to deduct any 'child-related' benefits from any kinship care allowance which a kinship carer is entitled to that a foster carer is not. Scottish child payment is not to be deducted, however. This creates a disparity with kinship carers for children that are not 'looked after' by the local authority who have the child element included in their UC calculation, which allows a higher income before the threshold is met and they no longer meet the financial conditions for UC, and kinship carers whose children are 'looked after' and who receive payments from the local authority in respect of the children, but may not benefit from Scottish child payment.

Students

Most full-time students are excluded from claiming UC but students who are parents on a low income may claim UC or one of the other qualifying benefits for Scottish child payment. Students that are eligible for UC have their student income considered when calculating their UC entitlement. This means that some students on low incomes are excluded from receiving UC and therefore cannot receive Scottish child payment, even though student funding is often in the form of loans requiring repayment. We know that lone parents with one child often find that their student income precludes them from getting UC and therefore they are unable to receive Scottish child payment.



A full-time student couple with a new baby just misses out on UC as their combined student income and his part time earnings reduce any UC entitlement to nil. This means they are also not entitled to Scottish child payment or Best Start grants.

(Early Warning System – March 2024)



A lone parent of a 4-year-old is not getting UC because her student income and care experienced bursary together during term time are too high. She will only get UC and therefore Scottish child payment during the summer break.

(Early Warning System – November 2023)

¹³CPAG in Scotland, *Children's Handbook Scotland 2023/2024*, 2023, p.117.

People from abroad

Whether or not people from abroad are entitled to benefits is usually dependent on their immigration status.

EU nationals

EU nationals with settled status have the same rights to benefits as UK nationals, but EU nationals with pre-settled status will mostly not be eligible for benefits unless they are working or are the family member of someone who is. EU nationals who have come to the UK since 1 January 2021 are likely to have a no recourse to public funds condition attached to their visa which will prevent them from claiming benefits, even if they are working.



An EU national with four children was refused pre-settled status after she made a late application. This means she currently has no access to benefits including Scottish child payment.

(Early Warning System – November 2023)



An EU national with a baby separated from her partner. Her immigration status does not allow her access to UC unless she can rely on a court case *SSWP v AT* [2023] EWCA Civ 1307, which allows EU nationals to get UC if not awarding it puts them at immediate risk of not being able to live in the UK in dignified conditions.¹⁴ Without access to UC she cannot access Scottish child payment either.

(Early Warning System – November 2023)



A young EU national with a 3-month-old baby has applied for UC and been refused 6 times on the basis that she does not have a status that will entitle her to any benefits. Her housing support worker does not know how to help her - we have provided details of specialist advisers.

(Early Warning System – January 2024)



An EU national with pre-settled status and her 3-year-old are facing destitution having fled domestic abuse. They have been refused UC and therefore will have no entitlement to the five family benefits either. (Note: This family may be able to rely on *SSWP v AT* [2023] EWCA Civ 1307 depending on their specific circumstances.)

(Early Warning System – February 2024)

Non-EEA nationals

Many non-EEA nationals are excluded from getting benefits because they are a person subject to immigration control. Persons subject to immigration control are a large group that include:

- ✓ Migrants who require leave to enter or remain in the UK but do not have it
- ✓ Most asylum seekers
- ✓ People who have leave to remain in the UK but on condition that someone else supports them **and**
- ✓ People who have leave to remain in the UK but have a no recourse to public funds condition.

There is some overlap between the list of benefits that persons subject to immigration control are excluded from and the list of public funds that you cannot access if you have no recourse to public funds. For example, you cannot get UC if you are a person subject to immigration control and it is also a public fund.

¹⁴CPAG, Destitute EU nationals with PSS can rely on EU Charter of Fundamental Rights to obtain Universal Credit, available at <https://cpag.org.uk/welfare-rights/test-cases/test-case-updates/destitute-eu-nationals-pss-can-rely-eu-charter-fundamental-rights-obtain>



An asylum seeker with an 11-year-old left their relationship due to domestic abuse. They are being temporarily accommodated by social work but have no entitlement to benefits due to their immigration status.

(Early Warning System - February 2024)

Up until October 2023, Scottish child payment was not on the list of public funds. Persons subject to immigration control cannot get Scottish child payment just now because eligibility depends on receipt of a reserved benefit – which are included in the benefits that persons subject to immigration control cannot get. CPAG had hoped that when Scottish child payment becomes a stand-alone benefit that the Scottish government would allow persons subject to immigration control to get Scottish child payment. They still could do this, which could allow asylum seekers and others to get Scottish child payment, but now that it is on the list of public funds, it will not be available to people who have no recourse to public funds.

Incorrectly refused UC

Incorrect residence determinations have consistently been one of the most common issues raised with the EWS. Evidence suggests that decision makers often fail to fully investigate all of the different possible residence rights based on a person's personal circumstances and the circumstances of their family members.



An EU national couple with a 4-year-old who have pre-settled status were refused UC, but one partner is working 18/20 hours a week so should have a right to reside as a worker. No UC means no access to Scottish child payment either.

(Early Warning System – July 2023)



An EU national and his children were evacuated from Sudan because of the violence there. UC has been refused because he has pre-settled status and no right to reside, but he should have been exempt from the habitual residence test as a person who had to leave Sudan. Without UC there is no entitlement to Scottish child payment.

(Early Warning System – November 2023)



A young parent lost her right to reside as a dependant of her own mum when she turned 21 and UC stopped without determining whether she could establish another right to reside. It looks like she should have retained a right to reside after her employment ended. She should be entitled to settled status but has not got a passport and cannot afford to go to Edinburgh to get one. No qualifying benefit means no Scottish child payment either.

(Early Warning System – December 2023)



When a mum with pre-settled status had to stop work due to her advanced pregnancy, her claim for UC was refused. She has pre-settled status, and her husband has no recourse to public funds. She should have retained worker status which would have entitled her to UC for herself and her children. She submitted a mandatory reconsideration request, but despite her adviser calling UC several times has been unable to find out the outcome. Meanwhile mum has been advised to apply for Scottish child payment, even though it will be refused, as otherwise it cannot be backdated once UC is eventually awarded.

(Early Warning System – February 2024)

3. Fluctuating entitlement

The EWS has evidence of families losing entitlement to a qualifying benefit for a brief period of time and therefore losing entitlement to Scottish child payment. This can be because of a temporary increase in earned income, or because the way UC is calculated can mean families lose entitlement for one assessment period, even though their income has not changed. For example, UC claimants who are paid four-weekly receive one set of four-weekly wages for 11 monthly assessment periods a year (being paid less than they have earned that month) and two sets of wages in one assessment period (being paid more than they have earned that month). This assessment period with two sets of four-weekly wages can often result in no UC entitlement. There is data sharing between DWP and Social Security Scotland, but a parent or carer must notify Social Security Scotland if their qualifying benefit comes to an end. If a person becomes entitled to a qualifying benefit again within 12 weeks, they can receive Scottish child payment again without needing to make a new claim.¹⁵

Fluctuating earnings



A mum did not receive any UC last month because her wages included backdated holiday pay. With no entitlement to UC, her Scottish child payment should stop too. Scottish child payment can re-start without a new application so long as UC is back in payment within 12 weeks, but the client is responsible for letting Social Security Scotland know about the UC stopping and starting herself.

(Early Warning System – November 2023)

¹⁵Schedule paragraph 12 The Scottish Child Payment Regulations 2020.

4.

Scottish child payment refused or underpaid due to difficulties in demonstrating responsibility for a child

To be eligible for Scottish child payment, an individual must either be responsible for a dependent child or be a kinship carer for them. To demonstrate responsibility, the claimant or their partner must have an award of child benefit, child tax credit, UC or pension credit which includes the child or provide evidence of a kinship care arrangement, such as a residence order. Only one person can receive Scottish child payment for any one child at a time, with competing claims by multiple people usually decided according to who is responsible for the child for UC, child tax credit or pension credit.



When mum separated from her husband, she tried to claim UC, Scottish child payment, and child benefit. Dad is still getting Scottish child payment and child benefit for the 3 children. Mum is having difficulty establishing responsibility for the children for Scottish child payment. Social Security Scotland asked her to provide a letter from UC stating the 3 children she is trying to apply for Scottish child payment for are the same 3 children she has been awarded UC for. UC will not provide this. Scottish child payment was refused and unchanged at re-determination. The client is being asked to send screenshots of the UC award and then told the evidence is no good because it only shows the number of children, not names. Client is a Polish national, does not speak English and has not understood what is required.

(Early Warning System – January 2024)



UC claimants have 3 children but only get child elements for the older 2 because of the two-child limit. They thought this also applied to child benefit so did not claim for their youngest, who is now 6, losing out on more than £4,000. They are only getting Scottish child payment for the older two children because Social Security Scotland say they have not proved responsibility for the youngest child.

(Early Warning System – May 2023)

There are some situations when difficulty proving responsibility for a child for UC will have a knock-on effect for Scottish child payment. According to the legislation and guidance, a claimant does not need to receive child benefit to prove to UC that they are responsible for a child who normally lives with them.¹⁶ For example, some parents with shared care decide one parent will receive the child benefit and the other the UC. In practice, the EWS has received evidence of the DWP using child benefit as a proxy for verifying responsibility for a child and a failure to investigate alternative evidence.¹⁷ If the DWP fails to accept alternative evidence of responsibility when there is no child benefit award, then these families will not be able to demonstrate their eligibility for Scottish child payment either.

¹⁶Parliament data, available at https://data.parliament.uk/DepositedPapers/Files/DEP2023-0791/002.Additional_amount_for_children_V29.0.pdf

¹⁷CPAG, Welfare Rights Bulletin, 2019, available at <https://askcpag.org.uk/?id=200038>



An Iranian man getting UC informed DWP when he was joined in the UK by his wife and child. The wife was included in the UC award immediately, but DWP refused to add the child element to UC until child benefit had been awarded in respect of the child. Both UC and DWP's guidance confirms that an award of child benefit is not necessary before a child element can be added. Without child benefit or the child element is payment, the couple will not be able to establish responsibility for the child for the purposes of Scottish child payment. The application for Scottish child payment will likely be refused but can be awarded whenever child benefit is put in payment. Similar cases tell us this could be months.

(Early Warning System – December 2023)



A lone parent has been struggling to get the two child elements added to her UC for almost two years, despite providing evidence requested. DWP accused her of falsifying documents because there was a spelling mistake on a letter from the children's school. Unless she is getting child benefit (and it appears that she is not, or this could have been resolved more quickly) she will have difficulty establishing responsibility for the children too.

(Early Warning System – October 2023)



Recommendations

Based on the cases outlined in this briefing, CPAG has developed the below policy recommendations. These recommendations will be expanded and built on throughout the duration of this project, as new evidence and experiences are raised during interviews with welfare rights advisors and families who have interacted with Scottish child payment and other Scottish national and local payments.

For the Social Security (Scotland) Amendment Bill

- ✓ Introduce backdating for Scottish child payment (so that it can be paid from a date before the application is made)
- ✓ Introduce late applications for Best Start grants (so that someone who would have been entitled during the eligibility window, may make an application after the window closes)

For any subsequent childhood assistance regulations

(which will provide detail for the new legislative footing for Scottish child payment)

- ✓ Widen eligibility for Scottish child payment to address the gaps identified in this briefing
- ✓ Widen the ways in which parents/carers may demonstrate responsibility for a child

For the Social Security (Scotland) Amendment Bill

When widening eligibility for Scottish child payment

- ✓ Request that the UK government remove Scottish child payment from the list of public funds so that it may be paid to people with no recourse to public funds
- ✓ If unsuccessful, consider an alternative route to delivering an equivalent amount to Scottish child payment to people with no recourse to public funds

For Social Security Scotland

- ✓ Carry out awareness raising on the impact of not migrating to universal credit from the benefits it is replacing, on entitlement to Scottish child payment, Best Start grants and Best Start foods



The Forsyth Building, Suite 4.2
5 Renfield Street
Glasgow
G2 5EZ

For more information contact

Matilda Bryce mbryce@cpagscotland.org.uk or
Rosie Mears ramears@cpagscotland.org.uk