

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

Please select one item

Yes

TickedNo

If no, please explain.

CPAG warmly welcomes the introduction of the young carer grant, as well as the stated aims of providing support during a key transition period and ensuring young carers have access to opportunities that are the norm for many other young people. As drafted however, we are concerned that the regulations do not entirely meet those aims. As individuals as young as 16 will be applying for this grant, there is an overarching need for simplicity in the grant and application process. Given the relatively small amount of money, if the application process is overly complex individuals who are eligible will be less likely to apply. As we set out in more detail below, CPAG believes that some eligibility criteria could be simplified. If the laudable aims of the young carer grant are to be achieved, then as many eligible young carers as possible should receive it. In order to do this, consideration will need to be given to simplifying the application process and slightly broadening the criteria for entitlement.

2. Can you identify any potential unintended consequences of the regulations?

Please select one item

TickedYes

No

If yes, please explain.

It is important that the application process is simple. If making an application is complex, then fewer eligible young people will apply and the overall impact of the grant will be weakened. As currently drafted, the regulations seem more complex than necessary which could result in a more complicated application process. Specific potential unintended consequences are outlined below.

Regulation 4

While we appreciate that the definition set out here is in line with the Carers (Scotland) Act 2016, we do not believe that it is useful to use this definition here. It does not seem to be well aligned with the aim of encouraging young carers into education and employment. As drafted, for 18-year-old carers, only those who are still at school can benefit. 18-year-olds studying full-time at college or university may well see this as unfair, given that they are also ineligible for carer's allowance. We also know that many young carers choose to study at college or university (Sempik & Becker, 2014) as this can often offer more flexibility compared to employment (NUS, 2013). To reduce the number of young people falling through the gap between carer's allowance and the young carer grant, one option would be to simply remove the references to being a pupil in regulation 4(2)(2)(b) so that all 18-year-olds would be eligible. Anyone entitled to carer's allowance is prevented from getting a young carer grant anyway by regulation 7(2), and young people not in education will receive more support from carer's allowance. No matter their age or the type of education a young person is receiving, being a young carer still presents barriers that this grant is seeking to help overcome. We therefore suggest that as a minimum, 18-year-olds should be eligible no matter the type of

education they are in. This could be achieved by mirroring the carer's allowance definition of 'education', so that a full-time student (either as defined by the institution, or a student treated as full-time due to studying over 21 hours a week) would be eligible for the young carer grant after turning 18.

Regulation 5

The conditions relating to the care being provided also have the potential to make an application more complex. It is not clear why the criteria in regulation 5(2) were chosen, however they could cause anxiety to people receiving personal independence payments (PIP), since the criteria are similar to some of those relevant to PIP entitlement. This could have the unintended consequence of reducing take up. Care is not defined for carer's allowance any further than you must be 'regularly and substantially engaged in caring' (section 70 Social Security Contributions and Benefits Act 1992). Neither this section nor the regulations define it further. We believe that defining it here has the potential to make it unnecessarily prescriptive, as care can encompass many different things. As such, we believe that regulation 5(2) could be removed. In order to simplify the process further, we believe that regulation 5(3) should be replaced with a 'normally' test. That is, that rather than having strict criteria for the numbers of hours care is provided each week, and requiring that the average is calculated over a lengthy period, it should be sufficient that care is normally provided for at least 16 hours each week.

Regulation 6

In regulation 6(1), we would suggest that the line on consenting to the Scottish Ministers accessing benefit records could be removed for simplicity. It is likely that this will be covered by the application form and therefore seems unnecessary here. We would also suggest that, as a matter of good practice, the person being cared for should know this application is being made. In regulation 6(2)(c) 'invalid care allowance' is not necessary as this is covered by (b) – 'carer's allowance'.

Regulation 7

Under regulation 7(2), there is potential for error as it could be practically difficult to know if any other person is in receipt of the listed benefits. We suggest simplifying this provision so that it is easier for individuals to comply, and easier for the agency to verify – e.g., by allowing a grant regardless of whether another carer is in receipt of carer's allowance.

Other comments

We note that the regulations are not fully formed yet, particularly regarding the application window. We believe that provision should be made for an application to be treated as made on the date from which a qualifying benefit is eventually awarded, rather than on the date the application is made. This is assuming that the eligibility criteria were met on that date. This would require a consequential change to the current regulation 7(2)(d), allowing one grant a year to be paid to eligible young people.

Questions on policy proposals

3. Do you agree with this proposal?

Please select one item

Yes

TickedNo

If not, please explain.

We understand that there may be sensitivities around receiving a letter about this, particularly if a person has died. However we do feel that this could be written sensitively. To maximise take up, it is important that making an application is as simple as possible. Therefore we think that there should be a rapid reclaim process with a pre-populated form. There are likely to be small numbers eligible for this grant, and even fewer eligible for a second year, therefore this need not be an administrative burden.

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

Please select one item

TickedYes

No

Please explain.

If young carers are providing at least 16 hours of care on average per week for people on qualifying benefits then they should be eligible. However, we are conscious of the need to not add complexity to the application process and understand that the practicalities of this therefore require consideration.

5. 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?

Please select one item

TickedYes

No

Please explain.

As above, if they are providing at least 16 hours of care on average per week for people on qualifying benefits then they should be eligible. As well as this being more consistent with the aims of the young carer grant, it makes the system simpler. Expecting young people to know that someone else gets carer's allowance may be unrealistic. Removing this expectation also removes a risk of error.

6a). Is 31 calendar days an acceptable time limit for requesting a re-determination?

Please select one item

TickedYes

No

If no, please explain.

We do however note that for reserved DWP benefits, any application made within a year of the expiry of the time limit generates a right to appeal to the tribunal if the decision is not changed. We believe that this should be monitored for impact and, should issues arise, it should be extended.

6b). 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?

Please select one item

TickedYes

No

If no, please explain.

As above, this should be monitored for impact. There is a tension between avoiding delays in awarding the correct entitlement, and increasing the number of appeals, as after the expiry of the time-limit people will be able to appeal to the tribunal before their application has been redetermined. Even if the application is subsequently re-determined under s.43(3)(a) of the Act, this will not prevent the appeal from proceeding.

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

Please select one item

TickedYes

No

If yes, please explain.

The intention here seems fine. While we understand that the Scottish Government will be acutely aware of this, we feel it is necessary to note that no one would qualify for a young carer grant as the regulations stand should the UK leave the EEA.

Questions on Impact Assessments

8. 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?

Please select one item

TickedYes

No

If yes, please explain.

The National Union of Students (2013) found that female carers aged 16 to 24 are less likely to enter education compared to male carers, which could be due to them being more involved in caring tasks alongside financial considerations. The Scottish Youth Parliament also found that young carers were often frustrated that they lost their carer's allowance payments if they entered full time education (The Scottish Youth Parliament, 2014). In making the grant available to all young carers, no matter their educational status, the grant could positively impact this and ensure more young female carers have the opportunity to enter education.

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

Please select one item

Yes

TickedNo

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

Please select one item

Yes

TickedNo