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28 February 2022

Dear Elena,

Launch of Scottish Carer's Assistance consultation

Today I have published a consultation on our proposals for Scottish Carer's Assistance. Scottish Carer's Assistance will be a new benefit provided through Social Security Scotland which replaces Carer's Allowance for unpaid carers in Scotland, currently delivered by the Department of Work and Pensions. I have included a copy of the consultation with this letter for further information.

As set out in my letter of 29 September last year, we have been working with carers and the organisations who support them to develop proposals for how our new benefit can work better for carers – as part of a more compassionate Scottish social security system based on the principles of dignity, fairness and respect.

This consultation sets out how we will deliver an improved service from launch, and provide more stable support for carers, making links to wider services. The consultation also sets out how we will continue to make extra payments to carers in Scotland through our Carer's Allowance Supplement and a new Carer's Additional Person Payment, and proposes important changes to eligibility which we would make as soon as it is safe to do so. In particular:

- increasing the time carers will receive Scottish Carer's Assistance from eight to twelve weeks after the death of a cared for person;
- removing education restrictions so full-time students can receive Scottish Carer's Assistance;
- allowing carers to add together hours spent caring for more than one person to meet the caring hours requirement for Scottish Carer's Assistance;
- making payments for longer when a cared for person goes into hospital or care; and
- increasing the amount carers can earn (the 'earnings threshold') and still get support.

We have already improved support to carers through our Carer's Allowance Supplement and when we make changes to the current eligibility criteria, this will mean that more carers are able to receive Scottish Carer's Assistance and receive higher payments for longer. This consultation will also seek views on whether we should consider new support for those with long term caring roles.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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Social security is only one part of how we can improve the lives of Scotland's unpaid carers. The work undertaken throughout the development of Scottish Carer's Assistance is linked to our wider carer policy work, and these proposals take into account the impact this wider work could have on carers. For example, our ongoing work to implement recommendations from the Independent Review of Adult Social Care, including the introduction of a National Care Service – which we consulted on last year – could have a significant impact on the lives of unpaid carers in Scotland. The findings from these consultations will be taken forward in our Carers Strategy, which will set out how we will work across government and public services to support unpaid carers as we recover from the pandemic.

Delivery of Scottish Carer's Assistance

Launching Scottish Carer's Assistance will be our highest priority following the delivery of Adult Disability Payment in August this year, the extension of Scottish Child Payment for 6 to 16 year olds by the end of this year (subject to the Department for Work and Pensions providing the necessary data) and our low income winter heating benefit in winter 2022/23. As part of our joint programme of work to devolve social security, we are working with the Department for Work and Pensions to see how quickly we can deliver Scottish Carer's Assistance. We expect it will take at least 18 months to build because Carer's Allowance is the most complex benefit we will replace in terms of its links with other benefits, including those delivered by the Department for Work and Pensions. We hope to have an agreement on timings soon and I have written to Chloe Smith MP, UK Minister for Disabled People, Health and Work to confirm this.

Carers in receipt of Carer's Allowance may also receive linked support through the reserved system, including Income Support. For carers who are in receipt of Universal Credit, eligibility for Carer's Allowance means that the requirement to seek work is lifted. It is therefore crucial that we work with the Department for Work and Pensions to ensure that carers in Scotland continue to receive all of the support they are entitled to when we launch our replacement for Carer's Allowance.

The consultation will seek views on all of the proposals outlined above and run for 12 weeks until the 23 May 2022, and I am sure that this consultation will be of interest to the Committee. I would be happy for my officials to organise an information session for the Committee if this would aid the Committee's consideration and scrutiny of the proposals.

I look forward to working with the Committee throughout the development of Scottish Carer's Assistance and ensuring the proposals put forward within this consultation are rigorously scrutinised. My officials and I would be happy provide any further information that Members might require to aid the Committee's consideration.

Best regards,



BEN MACPHERSON

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Scottish Carer's Assistance Consultation

February 2022

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Ministerial Foreword



I would like to thank all of Scotland's unpaid carers for all they do. The impact of the support that carers provide to their family members and friends, and of course society, cannot be overstated. That is why the support that the Scottish Government provides is so important.

This consultation seeks your views on Scottish Carer's Assistance, a new Scottish Government benefit, which will replace Carer's Allowance.

Launching Scottish Carer's Assistance will be our highest priority following the delivery of Adult Disability Payment in August this year, the extension of Scottish Child Payment for 6 to 16 year olds by the end of this year (subject to the Department for Work and Pensions providing the necessary data), and our low income winter heating benefit in winter 2022/23. As part of our joint programme of work to devolve social security, we are working with the Department for Work and Pensions to see how quickly we can deliver Scottish Carer's Assistance.

Our work on Scottish Carer's Assistance builds on the progress we have already made for unpaid carers, with two of our seven new and unique benefits being designed to support carers – the Carer's Allowance Supplement which provides over £460 a year, and the Young Carer Grant.

As Minister for Social Security and Local Government, as well as a constituency MSP, I have had the opportunity to discuss what being a carer means with a number of unpaid carers in different communities. I am always struck by the commitment and dedication, day in, day out, of unpaid carers, and I appreciate that the pandemic has hit people particularly hard. I was therefore pleased that we were able to provide some extra support with an additional Carer's Allowance Supplement payment in both 2020 and 2021.

Social security is a human right and we are building a better and more compassionate Scottish social security system based on the principles of dignity, fairness and respect. We have already delivered 11 benefits, including more generous replacement benefits and seven completely brand new forms of support, including our Best Start Grants and Scottish Child Payment.

Following the successful introduction of Child Disability Payment last year, we have begun the transfer of cases from the Department for Work and Pensions to Social Security Scotland. Next month we will introduce Adult Disability Payment in pilot areas with a full roll out at the

end of August. This will be the biggest and most complex of the devolved benefits we will deliver, replacing Personal Independence Payment for people in Scotland.

And now, we turn to Scottish Carer's Assistance. We have been listening to, and working with, carers and the organisations who support them to develop the proposals we have set out in this document – including our Carer Benefits Advisory Group and Disability and Carers Benefits Expert Advisory Group. I am grateful to the members of these groups, to our Experience Panels, who provided input from their direct lived experience, and to everyone who has contributed to the development of these proposals.

This consultation sets out how we plan to deliver an improved benefit from the start, linking carers to wider services and making support available when the person they care for is challenging a change to their disability benefits. We will also create a new payment of £10 per week for those caring for more than one person, as well as keeping the extra support provided through Carer's Allowance Supplement.

When we have introduced our new benefit and finished the transfer of benefits for people currently getting Carer's Allowance to Scottish Carer's Assistance, we are proposing to make further changes. We will continue to look for opportunities to make these changes sooner if we can.

These changes would help remove barriers to education, allow carers to add together hours spent caring for more than one person to qualify for support, extend support after the loss of a cared for person or when a cared for person is in hospital, and enable carers to earn more from paid work. We want to hear your views on these plans, other potential changes beyond these, and your thoughts on how the changes can help address inequality and poverty.

We also know how important it is that any changes that we make don't do anything which would risk the other financial support carers already get from reserved benefits provided by the Department for Work and Pensions. The proposals in this consultation reflect our commitment to a safe and secure transfer of benefits for carers already getting Carer's Allowance, from the Department for Work and Pensions to Social Security Scotland. This will protect the wider support carers currently get and avoid creating a 'two-tier system', as that would disadvantage some carers.

This consultation also recognises that our work to deliver Scottish Carer's Assistance is just one part of a range of work already underway – such as the introduction of a National Care Service and work to look at a Minimum Income Guarantee for all – which has the potential to deliver significant improvements for carers. This consultation will also contribute to the development of our Carers Strategy, which we will publish in late spring this year.

The proposals we have set out here reflect our ambition to deliver a better benefit from day one, as well as a benefit which will continue to improve and evolve to meet the needs of carers in the future.

I would encourage you to have your say on the future of this important benefit.

Ben Macpherson MSP

Minister for Social Security and Local Government

Executive Summary

Scottish Carer's Assistance will replace Carer's Allowance in Scotland. When we introduce Scottish Carer's Assistance:

- We will improve how support is provided to carers, and make links to wider services. This will include working with carers to design systems that work for them, processes that treat people fairly, with dignity and respect, and making links from Social Security Scotland into wider carer support. Social Security Scotland's Local Delivery service will also help carers with face to face support, including assistance with benefit applications. This will help carers access all the support available to them, be it financial support or more widely, and help ensure carers have a positive experience of social security.
- We will continue to provide extra money to Scottish carers. To better recognise the different impacts of different caring situations, we plan to introduce a new extra payment of £10 a week for people who will get Scottish Carer's Assistance who are caring for more than one person who is getting a disability benefit. We also intend to pay Scottish Carer's Assistance to carers when the person they care for is in the process of challenging a disability benefit decision, and receiving short-term assistance – where no support is currently available. This will help provide more financial stability for carers. The extra money from the Carer's Allowance Supplement and our Young Carer Grant will continue.
- We will extend support further after launch, starting with five proposed priority actions. To protect carers' existing support and ensure everyone can benefit from these changes at the same time, we will bring forward these changes once we have safely and securely transferred carers' benefits from Carer's Allowance to Scottish Carer's Assistance. Our five priority actions are:
 - removing education restrictions so full-time students can get Scottish Carer's Assistance,
 - allowing carers to add together hours spent caring for more than one person to meet the caring hours requirement for Scottish Carer's Assistance,
 - increasing the time carers will receive Scottish Carer's Assistance from eight to twelve weeks after the death of a cared for person,
 - making payments for longer when a cared for person goes into hospital or residential care, and
 - increasing the amount carers can earn and still get support.

These changes would help carers access opportunities outside of caring where they wish to do so, provide more financial stability, and better recognise different caring situations than the current benefit. We will also seek your views on whether we should consider new support for those with long term caring roles.

Launching Scottish Carer's Assistance will be our highest priority following the delivery of Adult Disability Payment in August this year, the extension of Scottish Child Payment for 6 to 16 year olds by the end of this year (subject to the Department for Work and Pensions providing the necessary data), and our low income winter heating benefit in winter 2022/23. As part of our joint programme of work to devolve social security, we are working with the Department for Work and Pensions to see how quickly we can deliver Scottish Carer's Assistance. We expect it will take at least 18 months to build because Carer's Allowance is the most complex benefit we will replace in terms of its links with other benefits, including those delivered by the Department for Work and Pensions. We hope to have an agreement on timings soon.

The purpose of this consultation is to gather views on these changes from unpaid carers, the people they care for, support organisations and the wider public.

Feedback from the consultation will help shape the changes we make and how we make them. This consultation also provides information on the wider support available to carers and talks about our ongoing work to implement the recommendations from the Independent Review of Adult Social Care, including the introduction of a National Care Service which we consulted on last year. The findings from this wider work and these consultations will be taken forward in our Carers Strategy, that will set out how we will work across government and public services to support unpaid carers as we recover from the pandemic.

In developing the proposals in this consultation, we have looked at how the decisions we make could affect different people and groups differently – using research and evidence we already have and listening to carers and organisations who support them to find out more. At the end of this consultation paper we ask for your thoughts on what more we can do through Scottish Carer's Assistance to improve equality and deliver better outcomes for all unpaid carers.

Introduction

Unpaid carers provide vital support to the people they care for. They also have a huge impact on Scotland as a whole. Carers UK have estimated that the value of unpaid care in Scotland could be around £10.8 billion each year¹. Changes as a result of the coronavirus pandemic may mean more people are now providing care, and more hours of care than before, which would increase the level and value of unpaid care being provided².

Caring can be a positive experience for unpaid carers and the people they care for. But it is also linked to poor mental and physical health. Unpaid carers of working age, who are caring for long hours, can also be at a higher risk of poverty³. Caring roles may also stop unpaid carers from being able to take part in education, training, or paid work they would like to do. Unpaid carers also report having less time for themselves and can feel lonely or isolated.

The Scottish Government's vision for unpaid carers is set out in our draft Carers Strategic Policy Statement⁴. The Statement is a document that brings together what we are trying to do for carers across the work of government and public services, and sets out key principles for how policies to support carers should be designed and delivered.

Our vision is that all unpaid carers 'are supported on a consistent basis to allow them to continue caring, if that is their wish, in good health and wellbeing, allowing for a life of their own outside of caring'. Scottish Carer's Assistance, our replacement for Carer's Allowance, will be an important part of how we achieve this.

What we are consulting about

In 2015, it was agreed that the Scottish Parliament should have some powers over carer benefits. These powers are set out in the Scotland Act 2016⁵. Through this, we created new support for carers, the Carer's Allowance Supplement in 2018, and our Young Carer Grant in 2019. We are now designing a new benefit which will replace the current Carer's Allowance benefit for carers in Scotland. We are calling this 'Scottish Carer's Assistance' for now.

Carer's Allowance, which is paid by the Department for Work and Pensions, provides support to unpaid carers who meet certain criteria and provide 35 hours or more of care a week for people receiving certain disability benefits. It is £67.60 a week in 2021-22. This consultation asks for views on proposals for how Scottish Carer's Assistance could be different from Carer's Allowance.

The background section sets out information on the support already available for unpaid carers and some changes we've already made to improve this support. This section also explains our aims for Scottish Carer's Assistance, how we developed them, and some of the key things we need to think about in making decisions about changes. We then split the document into three main sections. These are:

1. Scottish Carer's Assistance when it first launches.

This section sets out proposals for how our new benefit will work when it first opens for new applications, including who will be eligible for support, how benefit processes will work better, and how we could link carers to wider services and support.

2. Extra money for carers in Scotland.

This has questions on how Carer's Allowance Supplement should be paid in future, and on proposed new support for people getting Scottish Carer's Assistance and looking after more than one person in receipt of disability benefits. We are calling this extra support 'Carer's Additional Person Payment' for now.

3. Changes to Scottish Carer's Assistance

After we have launched Scottish Carer's Assistance, we can begin transferring benefits so people in Scotland who are getting Carer's Allowance can get Scottish Carer's Assistance instead. This process is known as 'case transfer'. The third section sets out changes we propose to make to the benefit once this process is complete. The proposals are based on our work with carers and support organisations to look at how Carer's Allowance could support more carers.

Following this we ask for your views on how the proposals could affect different groups of carers and businesses in Scotland, and what we can do to make sure our new benefit works for everyone.

Background

This section sets out information on the support available for unpaid carers – in social security benefits and elsewhere – as well as what we have already done to improve this support. It provides information on key things we need to think about when we are making decisions about Scottish Carer's Assistance. These include how it affects other support, and how it could help address inequality and poverty. Finally, it sets out the aims we have worked with carers and others to develop – for what we want our new benefit to do.

The story so far on carer benefits

The Scottish Government has made improving support for Scotland's unpaid carers a priority since it was agreed that the Scottish Parliament should have some powers over carer benefits⁶.

We have invested over £188 million in the Carer's Allowance Supplement since its launch in September 2018⁷. This new payment from the Scottish Government for carers who get Carer's Allowance was introduced at a rate of over £440 per year⁸ to ensure carers received the same level of financial support as those in receipt of Jobseeker's Allowance. The Carer's Allowance Supplement is paid twice a year – in June and December⁹ – and it has increased support for over 126,000 carers. Its rate is now £231.40 per payment, so it provided an extra £462.80 for carers in Scotland last year. To help with the extra pressures carers have faced as a result of the pandemic, an additional payment of the same value was made in June 2020, and another in December 2021.

Another new benefit introduced by the Scottish Government is the Young Carer Grant¹⁰. This is the only benefit of its kind in the UK, and provides young carers aged 16 to 18 with an annual payment of £308.15 (2021-22 rate). We have invested £1.4 million since October 2019 supporting over 4,700 young carers since launch¹¹. This payment is designed to help young carers who are not in receipt of Carer's Allowance to improve their quality of life – by helping them take part in opportunities which young people who are not carers may be able to access more easily.

We know from our evaluation of these two new benefits that they are having a positive impact on the lives of unpaid carers¹².

Carer benefits are just one element of the devolved social security system. Unpaid carers in Scotland can also benefit from the range of social security support we provide, to help low-income families with living costs, and to enable disabled people to live full and independent lives.

Although our powers are limited, in the three years since we have had the powers and laws to deliver social security we have introduced 11 benefits, seven of which are completely new. Our replacement benefits are more generous and easier to access. The Scottish Fiscal Commission – which is Scotland’s official, independent economic forecasting body¹³ - has estimated that, by 2026/27, we will be investing £5.5 billion a year in social security¹⁴. In 2022/23, we expect to invest £361 million more than the provisional funding we get from the UK Government to pay benefits¹⁵. This is an investment in the people of Scotland and is key to our national mission to tackle poverty.

Wider support for carers

Social security benefits are only one part of how we can improve the lives of Scotland’s unpaid carers. We are looking at how we improve carer benefits as part of wider work to improve all of our support for unpaid carers and the people they care for.

Through the Carers (Scotland) Act 2016¹⁶, every carer is entitled to an ‘Adult Carer Support Plan’ or ‘Young Carer Statement’ which sets out their needs as a carer, and the support they can get from their local authority. Local authorities have to consider whether this support should include short breaks from caring. They also have a duty to provide information and advice services for carers, including advice on money.

We invest in work to put the Carers Act into practice, including in local carers centres, support for third sector organisations to provide short breaks, and targeted support for young carers. We have increased this investment in response to the impacts of the pandemic on unpaid carers. We also fund the Carer Positive scheme¹⁷, which encourages employers to support unpaid carers to stay in work.

We are working on changes recommended by the Independent Review of Adult Social Care¹⁸ in February 2021, which involved hearing from unpaid carers and the people they care for. The recommendations include creating a ‘National Care Service’. The National Care Service would oversee how care is delivered in Scotland, improve standards of care, and provide better support for unpaid carers. We ran a public consultation on a National Care Service from August to November 2021, including on a right to breaks from care for unpaid carers¹⁹. Analysis of the responses to the consultation found a majority in favour of establishing a National Care Service²⁰. The responses also highlighted the risks which could emerge from such significant reform, but the need for change in the immediate and longer term was a key theme. We will provide an update on our plans soon.

The results of this work and of this Scottish Carer's Assistance consultation will be incorporated into a Carers Strategy which we will publish in late spring this year. It will focus on unpaid carers and their needs, setting out how policies across the Scottish Government can work together with other public bodies to support carers as we recover from the pandemic and beyond. In developing the strategy we will work with unpaid carers, so it is shaped by those who best understand the challenges.

Replacing Carer's Allowance with Scottish Carer's Assistance

Scottish Carer's Assistance will replace Carer's Allowance in Scotland. The timing of this has been affected by the impacts of coronavirus, but we are making good progress. Launching the benefit will be our highest priority following the delivery of Adult Disability Payment in August this year, the extension of Scottish Child Payment by the end of the year, and our first low income winter heating benefit in winter 2022/23.

The current Carer's Allowance benefit is the most complex benefit that we will replace in terms of its links with other benefits, including benefits which will still be provided by the Department for Work and Pensions. We are working with the Department for Work and Pensions to understand what needs to be put in place between the two systems so our new benefit will have these links. This work will also help us understand how quickly we can deliver Scottish Carer's Assistance. We hope to have an agreement on timings soon.

We expect the build to take at least 18 months because it is vital that we make sure it works with UK Government systems in the same way as Carer's Allowance – so carers get the right amount of benefits and don't lose any support. During the process of designing and delivering the new benefit we will be engaging with carers to take their feedback and gather user research. We will deliver the new benefit in a way that is compassionate and considerate of people who will use it, and their needs.

When the benefit first launches it will be open to new applicants – people who are eligible for support but are not yet getting Carer's Allowance from the Department for Work and Pensions. Once the benefit has been up and running for a period we will then begin transferring benefits so that carers in Scotland who are already getting Carer's Allowance from the Department for Work and Pensions will start getting Scottish Carer's Assistance from Social Security Scotland instead. This process is known as 'case transfer'. When it is complete, all eligible carers in Scotland will be getting Scottish Carer's Assistance and not Carer's Allowance.

We have set out some key principles for how case transfer will work for all of our benefits which are replacing UK benefits²¹. These are based on research with people with experience of the current benefits system. We will make sure that when benefits are transferred that no-

one will be asked to re-apply for support they are already getting, and people will continue to get the right payment amount at the right time. We will also make sure carers get clear information about the transfer of their benefits, and aim to complete transfer as soon as we can.

What Scottish Carer's Assistance is for

When we consulted in 2016 about Scottish benefits, most people who responded agreed that Scottish Carer's Assistance should have a similar role to Carer's Allowance²² – that is, it should be a benefit to provide some replacement income for unpaid carers who are less able to take on paid work. It should not be a payment for the care provided, but would provide recognition for the caring role – by giving support with no requirement to look for work.

Scottish Carer's Assistance will also be 'non-means tested' in the same way as Carer's Allowance. This means that a carer's income (other than from paid work²³) and their household's income won't affect whether they can get the benefit, or how much they will get. The benefit will also still be targeted at carers who are caring for at least 35 hours a week for people getting certain disability benefits. This means it will be focused on unpaid carers with some of the most intensive caring roles and who are likely to be on lower incomes.

We have already increased the amount of support provided to carers through our Carer's Allowance Supplement, so carers getting Carer's Allowance in Scotland get around 13% more than carers in England and Wales. We are now looking at how we can support more carers, provide them with better support, and deliver extra support for those carers who need it most. Our aims for Scottish Carer's Assistance are set out later in this section at pages 16 to 18.

Wider work to look at the incomes of all unpaid carers in Scotland, and the financial support available, will be part of the work to consider the potential for a Minimum Income Guarantee for all in Scotland. Carer representatives are involved in this work²⁴, so that it considers the particular needs of unpaid carers. What a Minimum Income Guarantee will look like is yet to be agreed, and it is at an early stage of its development, but it has the potential to make a real and positive difference for unpaid carers in the longer term.

Important things to consider in making decisions about Scottish Carer's Assistance

Our new benefit will replace the existing Carer's Allowance benefit, and will be just one part of a range of support which the Scottish Government and others provide for carers. This means there are a number of things we need to think about in making decisions about how Scottish Carer's Assistance should work in future.

Scottish Carer's Assistance and links with other benefits

The current Carer's Allowance benefit has complex links with other reserved benefits that will still be provided by the Department for Work and Pensions. Many carers who get Carer's Allowance get other linked support which they rely on for basic living costs, for example, extra amounts in benefits such as Income Support. For carers getting Universal Credit, being eligible for Carer's Allowance will also mean there is no requirement to look for work.

We need to work with the Department for Work and Pensions to understand how entitlement to those reserved benefits will be maintained. We want to make sure that people getting Scottish Carer's Assistance will still be able to access extra support from the Department for Work and Pensions in the same way as carers getting Carer's Allowance. We also need to ensure any extra support we provide isn't taken away somewhere else in the benefits system.

Investing in support for unpaid carers

When we make changes to how the current Carer's Allowance benefit works that mean more carers will get our replacement benefit, get higher payments, or get payments for longer, we will need to invest more money from the Scottish Budget to make these changes. Broadly speaking, the money we get from the UK Government to pay Carer's Allowance only covers how the benefit works now. The Carer's Allowance Supplement and Young Carer Grant are two of the seven new and unique benefits we have introduced that are funded entirely from our budget. In 2022/23 the Scottish Fiscal Commission has forecast that we will spend £361 million over and above what is estimated to be provided from the UK Government²⁵.

Since launch, we have invested over £188 million in Carer's Allowance Supplement²⁶, including the extra coronavirus payments in June 2020 and December 2021. In 2021/22 we expect to spend around £60 million²⁷. The costs of Carer's Allowance Supplement are also expected to increase in future years as the number of people who are eligible for Carer's Allowance is expected to continue increasing, and we increase the amount each year in line with rising living costs²⁸. Overall, the total cost of Carer's Allowance and Carer's Allowance Supplement is expected to increase by over £142 million by 2026-27, before any changes are made²⁹.

The funding needed for Scottish Carer's Assistance will be forecast by the Scottish Fiscal Commission. The Commission has already estimated that costs of the current Carer's Allowance benefit will increase each year, even without changes to eligibility. This is because the number of people getting Carer's Allowance is expected to increase and the value of support will be increased each year in line with inflation³⁰. It is also expected that replacing Personal Independence Payment with Adult Disability Payment will increase the number of

people getting disability benefits, meaning more people will qualify for Carer's Allowance. The combined impacts of this change on Carer's Allowance and Carer's Allowance Supplement are currently expected to need an additional investment of £40 million by 2026/27³¹.

Social security budgets are 'demand led' – so once we have agreed who should be able to get a certain benefit, we will pay any eligible person who applies. To make policy changes that will increase future benefit spending, the Scottish Government would need to find the funding to invest in making these changes. We will need to decide how affordable and sustainable any changes are as part of our wider Resource Spending Review. The review will look at budget plans across government for the next few years to make sure we are spending money where it will best support our core priorities for Scotland, such as tackling poverty.

Equality and human rights

Our approach to social security is that it is a human right, so we are taking a human rights based approach to how we develop and deliver Scottish Carer's Assistance.

We have made sure that carers, organisations that support them and the wider public have been involved in the process that has led to this consultation. The aims and proposals we have set out have been developed from a range of work to learn from carers' experiences of the current benefit and how this could be improved. This consultation, and the events that will be part of it, will continue that work. As with all Scottish benefits, we will involve the people who will get the benefit when we design the detail of how the benefit will work, such as application processes. And in line with the Social Security Charter³², this approach will be central to continuing to improve the benefit after launch.

We have also used the equality data available to us to inform decisions on the proposals we have set out in this document. We know the majority of Scotland's unpaid carers are women, as are the majority of people getting Carer's Allowance – currently 69%³³. So changes we make to our carer benefits are likely to have more of an impact on women, who already face a gender pay gap³⁴ and are more likely to have been affected by previous benefit changes³⁵, and by the coronavirus pandemic in multiple ways³⁶. Women are also more likely than men to rely on social security. We also recognise that for some women, Carer's Allowance paid direct to the carer may also be their main or only independent income. We are also aware that people from some ethnic minority communities face additional barriers to getting support for caring roles, and this will need to be considered in how we design and deliver our new support.

In making decisions about changes we also looked at how we could target improvements and support at carers on the lowest incomes or at most risk of poverty. We know that many unpaid carers live with the person they care for and households with a disabled person in them are

more likely to be in poverty³⁷. Carer's Allowance recipients are also more likely to be in poverty than the population as a whole³⁸. In considering the impact of policy proposals, it is important to look at the specific group of carers within the overall group who are likely to benefit. In particular, working age carers are more likely to be affected by poverty than carers aged 65 and over³⁹.

We know that there are gaps in the information we have about unpaid carers, and specifically those who currently receive Carer's Allowance, or should receive it but don't. We are working with members of our Carer Benefits Advisory Group⁴⁰ and wider organisations to use this consultation process to reach as wide a range of carers and others as possible. We want to improve what we know about how our proposals could impact different groups – and how we could use Scottish Carer's Assistance to reach more carers and to improve equality.

We have plans in place to help us understand the reach and impact of our policies on diverse groups. Social Security Scotland will collect a wider range of equality data for people getting Scottish Carer's Assistance than is currently collected for Carer's Allowance. We are already working to improve our information about people getting Carer's Allowance Supplement through surveys run by Social Security Scotland. We also plan to work with groups of carers we have already identified as having particular barriers to applying for benefits.

We have included some information in this document about how equality and poverty information has shaped our proposals for Scottish Carer's Assistance. We have also provided summary information from the work we have already done for all of our impact assessments as part of developing our plans. We ask for views on equality, poverty and other impacts on pages 47 to 55 and would also welcome views on these for all proposals in this document.

Our aims for Scottish Carer's Assistance

In March 2020, we published a discussion paper on Scottish Carer's Assistance⁴¹, setting out draft aims for the new support, taking into account the core purpose of the benefit as set out above – to provide replacement income for carers with the most intensive caring roles.

The aims are designed to help contribute to the vision that unpaid carers are 'supported on a consistent basis to allow them to continue caring, if that is their wish, in good health and wellbeing, allowing for a life of their own outside of caring'.

The aims were informed by a range of work with carers and support organisations. This includes feedback from the public consultation on Social Security in Scotland in 2016, and our Experience Panels⁴² - volunteers with experience of the current benefits system. They also reflect the work of the Disability and Carers Benefits Expert Advisory Group⁴³, which provides

independent expert advice on disability and carer benefits, and work with the Carer Benefits Advisory Group⁴⁴, which involves representatives from the National Carer Organisations⁴⁵, carer services, health and social care, local authorities and welfare advice organisations.

After we published the draft aims, we held events with carer support organisations and others and carried out a small number of interviews with members of our Experience Panels to take feedback. We updated the aims based on this feedback and they are set out below.

A key point raised by carers and organisations was about how the aims would be used. It was felt that the aims could feel very far away from the reality of many carers' lives right now. We plan to use the aims to guide decisions about how the benefit will work in future – and they already have been used to develop options for future changes (set out in section 3) – and to help us assess how well changes have made a difference for carers. So we do know the aims may not reflect what carers' lives are like now. They are there to set out our ambition for what carers lives should be like and how Scottish Carer's Assistance should contribute to making this a reality.

Aim 1. Scottish Carer's Assistance provides income for unpaid carers in recognition of their vital role and its impact on their lives. It is delivered in a way that takes into account that different carers have different needs, and that different caring situations have different impacts.

We know that carers value the acknowledgement Carer's Allowance provides of their caring role and its importance. We also appreciate the importance of the 'income replacement' role of Carer's Allowance. Scottish Carer's Assistance should provide support to carers, with no requirement to work outside of caring, in recognition of the value of what carers do, and its impact on their lives and opportunities.

But no two carers or caring roles are the same. It is important that Scottish Carer's Assistance is designed to work for a range of carers. We know there are concerns that the current support doesn't recognise different caring situations. However, we are also aware of the need to balance any changes with what carers have told us about the importance of clear eligibility criteria and simple processes for receiving support.

Aim 2. Scottish Carer's Assistance provides stability and supports carers to access opportunities outside of caring, where possible, and should they wish to do so.

Carers face a number of pressures in their daily lives. Concerns about how changes in their circumstances may affect their support should not be one of these. Scottish Carer's Assistance should help provide stability through these changes, whether this is to their work, their health, or the situation of the person they care for.

Our analysis has highlighted the importance of supporting carers at key points in their lives. This could be at the beginning of a caring role, the change from being a young carer to an adult carer, moving in or out of education, or when a caring role comes to an end. Scottish Carer's Assistance should do more to connect with wider services to help carers get the support they need at these times.

We have also heard about the value to carers' health and wellbeing of access to opportunities outside of caring, which could be learning, training, employment, or in their community, such as voluntary work. Scottish Carer's Assistance should not be a barrier to this.

Aim 3. Scottish Carer's Assistance is designed to ensure carers have a positive experience of the social security system, and to maximise carers' take-up of all support available to them.

Carers already have busy and demanding lives. In line with Our Charter⁴⁶, applying for and getting support should be simple and stress free. Carers should be treated with patience and kindness, with consideration for how they may feel. The system should offer flexibility in the range of ways carers can engage with the system, to fit around their other priorities.

Take-up of Carer's Allowance is difficult to measure as the criteria mean it is challenging to work out the number of people who are eligible but do not apply. We will consider how we can remove key barriers to take-up, as identified by our Benefit Take-up Strategy⁴⁷. For example, we are aware that in some communities people may be less likely to identify as carers, and for some groups of people there may be communication barriers – so we will address this in our communications and engagement plans.

Section 1: Scottish Carer's Assistance from launch

When our new benefit first launches – when it opens for new people to apply – we will deliver an improved service, that we will design with carers so it meets their needs. We are also working to make links with other services so carers applying for Scottish Carer's Assistance can find out about wider support which could help them.

In the beginning, the rules about who is entitled to the benefit will be similar to Carer's Allowance, to protect carers in Scotland who are already getting Carer's Allowance. But we're proposing that our benefit will be different in a number of important ways. This would include having improved processes for carers who want to challenge a benefit decision, and clear times for when they can expect this to be done. We will also provide support to carers when the person they care for is challenging a change to their disability benefits. Our processes are designed to treat people with dignity and respect, for example if we needed to stop payments

temporarily or ask for benefits back that have been overpaid, we will look at whether this will cause hardship for carers before we do this.

More information is provided below on how Scottish Carer's Assistance will work from launch, with questions about our proposals.

A service that works well for carers

Scottish Carer's Assistance will be provided by Social Security Scotland, the agency which was established in 2018 to pay Scottish benefits. It already delivers 11 benefits including the Best Start Grants, Scottish Child Payment, Child Disability Payment and Carer's Allowance Supplement, and will start rolling out Adult Disability Payment (the Scottish replacement for Personal Independence Payment) from March. Social Security Scotland has two main centres, in Dundee and Glasgow, and teams in every local authority area – known as Social Security Scotland Local Delivery. Social Security Scotland is committed to treating people with dignity, fairness and respect, and more about the service people can expect is set out in Our Charter⁴⁸.

When we launch Scottish Carer's Assistance, the service we provide will be designed based on user research, and ongoing user engagement, so that it meets carers' needs. We also want to make sure that carers using the service are told about other support that is available to them – other social security benefits and wider services – and that they are aware of our vision to provide support for their wellbeing and to allow for a life of their own outside of caring. With the development of Social Security Scotland, we have opportunities to link Scottish Carer's Assistance into wider carer support – for example through the work of the Local Delivery service. Local Delivery teams offer in person support across the country. Advisers can answer questions about benefits and help with filling out applications – advice is available in person, on the phone or by video call. Social Security Scotland is also committed to 'inclusive communication' – this means designing services so that as many people as possible understand what we do, and can get in touch with us in the way they want to.

We have taken feedback on how Scottish Carer's Assistance could link better with wider services, and provide information for carers on wider support, from carers, organisations who support carers, and people working in other areas of government. We know from this that there are some areas, and points in carers' lives, where links to other services could be particularly useful. For example, at the start of a caring role, when young carers are moving on from young carer services and support to adult services, or when a caring role comes to an end, especially if this is due to the loss of the cared for person. We have also heard that links to information and advice on education, training and work would help carers who would like to and are able to take part in these opportunities.

We are working to identify ways we can link up with other support from launch. For example, providing on-screen information about wider support as part of the application process, as well as clear information about other benefits relevant to carers, so that carers are better informed about their entitlements. Similar information could be included in the text of award letters, or in guidance provided by Social Security Scotland's Local Delivery teams.

After launch, we will continue to improve how we deliver the benefit, by continuing to work directly with carers and support organisations to understand how well the system is working and identify any changes needed.

We will also work with carers and carer support organisations throughout the design process for Scottish Carer's Assistance, to ensure the benefit and our services work well for all those who will use it. For example, we know from feedback we have already had from carers on our Carer's Allowance Supplement communications that they appreciate the use of clear language, and that we acknowledge the importance of their role as carers.

Question 1: Please give us your views on how Scottish Carer's Assistance services could be designed to suit carers' needs (For example, in terms of how carers can apply for benefits, report changes that may affect their benefits, get payments, or get information or notifications about their benefits).

Question 2: Please give us your views on support that Scottish Carer's Assistance could link to that would be helpful for carers.

Who will be eligible for Scottish Carer's Assistance when it launches

When we first open our Scottish Carer's Assistance benefit for new applications, we want to make sure that it doesn't cause problems for people in Scotland who are already getting Carer's Allowance from the Department for Work and Pensions.

We need to be able to make sure carers will continue to get the right amount of support at the right time when their benefits transfer from Carer's Allowance to Scottish Carer's Assistance. This is one of our key principles for transferring benefits and something we know is really important to carers. We also need to make sure that we don't create a 'two-tier system' where people on Carer's Allowance in Scotland are treated differently from people getting Scottish Carer's Assistance.

This means that core eligibility criteria for the benefit will be the same as Carer's Allowance initially. Carers will need to be 16 or over, providing 35 hours or more of care a week for someone who is getting certain disability benefits, and not be in full-time education or earning

more than £128 a week (this is the rate for 2021/22), after some deductions⁴⁹. Carers also wouldn't be able to get Scottish Carer's Assistance at the same time as other benefits which are paid for the same purpose, known as 'overlapping benefits'⁵⁰.

Scottish Carer's Assistance – benefit rules

At the same time as making sure that Scottish Carer's Assistance eligibility is similar to Carer's Allowance, we also need to make sure key benefit rules fit with how other Scottish benefits work, including the disability benefits. This includes rules on where a carer is living (residence requirements) and what happens when a carer is unhappy with a decision made on their application (re-determinations and appeals). We have set out some key points on these areas below, with more information in Annex B. We will ask in particular about:

1. Rules about where carers are living
2. When a carer isn't happy with a decision
3. When payments need to stop temporarily to check entitlement or protect carers
4. Setting the value of Scottish Carer's Assistance awards to £0
5. Short-term assistance

1. Rules about where carers are living

Eligibility for Scottish Carer's Assistance will be based on where the carer lives, and not where the person they care for lives. Rules about where a carer needs to live to get this support will be different from Carer's Allowance as in the main, we are only able to provide support to people who are living in Scotland, or in some circumstances, who have strong links to Scotland.

How Carer's Allowance works

At the moment, the Department for Work and Pensions will pay Carer's Allowance to people who are normally living in England, Scotland or Wales. They also have to have been living there for at least two of the last three years – this is known as the 'past presence test'. To get support carers also can't be subject to immigration controls. Carers will also be able to get Carer's Allowance outside of the UK in some circumstances.

How Scottish Carer's Assistance will be different

Scottish Carer's Assistance rules about residence will be similar to the rules for Carer's Allowance, except that carers will need to be normally living in Scotland (see Annex B). But we are looking at how the 'past presence test' should work. At the moment this means people need to have been living in Scotland, England or Wales for two of the past three years. Following recent appeals against these rules, we have reduced the 'past presence test' which we will use for Child and Adult Disability Payments. Our aim would be to make sure carers and the people who they care for are treated in the same way.

If we were to use a different 'past presence test' for Scottish Carer's Assistance than the Department for Work and Pensions uses for Carer's Allowance, we would need to work with them to look at the impact of this. We would want to make sure that carers getting Scottish Carer's Assistance could still receive any extra amounts in their benefits that carers getting Carer's Allowance would get – for example Carer Premiums paid in Income Support.

Question 3: Do you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]

Question 4: Please write the reason why you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance, or any other information you want to share on this question.

Question 5: Please give us your views on the 'past presence test' which should be used for Scottish Carer's Assistance.

2. When a carer isn't happy with a decision

Carers will have the right to ask for decisions on their eligibility for Scottish Carer's Assistance to be reviewed, through re-determinations and appeals. A re-determination is when a carer asks Social Security Scotland to look at a decision they have made again. A new team will look at the application, and any other information the carer wants to provide, and make a new decision⁵¹. The carer can then appeal if they disagree with the decision made in the re-determination. The appeal will be considered by the Social Security Chamber of the First-tier Tribunal for Scotland⁵² who will make a decision.

How Carer's Allowance works

At the moment, if a carer disagrees with a decision made by the Department for Work and Pensions, they can ask for the decision to be looked at again – this is called a 'mandatory

reconsideration'. They need to do this within one month but no timescales are set out publicly for how long the Department for Work and Pensions needs to take to do this. Carers can also appeal if they disagree with the decision made after the mandatory reconsideration. They need to submit an appeal within one month of being told about this decision⁵³.

How Scottish Carer's Assistance will be different

The processes for appealing decisions and the timescales for appeals against decisions about Scottish Carer's Assistance are already set by the Social Security (Scotland) Act 2018⁵⁴. Carers have 31 days from a re-determination decision to apply for an appeal in most cases. For re-determinations, we need to set the time limits for Scottish Carer's Assistance. We are proposing that carers should have 42 days from a decision to ask for a re-determination. We also propose that Social Security Scotland should have 56 days to carry out the re-determination following a request. Carers will still be able to submit a late request if they have a good reason for doing so. Carers can also apply for an appeal if the re-determination decision is not made on time.

While re-determinations for Scottish Carer's Assistance may not take as long as those for disability benefits, we felt carers should be given more time to request the re-determination, and that it would make things simpler if the timescales were the same as we have for disability assistance.

Question 6: Do you agree or disagree with the proposed re-determination timescales for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]

Question 7: Please write the reason why you agree or disagree with the proposed re-determination timescales for Scottish Carer's Assistance, or any other information you want to share on this question.

3. When payments need to stop temporarily to check entitlement or protect carers

We're proposing that Scottish Carer's Assistance should work differently from Carer's Allowance in terms of when payments of the benefit may be stopped temporarily.

How Carer's Allowance works

The Department for Work and Pensions currently has powers to suspend payments of benefits in a wide range of circumstances, if there is an issue where benefit conditions may not be met. For example, powers can be used to stop payments if people don't meet work requirements for certain benefits. Support organisations have told us that they think these powers go too far. At

the moment, if a qualifying disability payment is suspended so a cared for person stops receiving payments, Carer's Allowance payments for their carer will stop too. When the Department for Work and Pensions ends a suspension, payments will begin again.

How Scottish Carer's Assistance will be different

We plan to suspend payments (so that carers would not receive them for a period) in only a very small number of circumstances. This would be where suspension is necessary to prompt a carer to provide information which Social Security Scotland needs to check they are entitled to support, or in rare circumstances where Social Security Scotland pays Scottish Carer's Assistance to a third party on behalf of a carer and suspension is necessary to protect the carer's payments. For example, the third party may not be able to continue receiving payments or there may be a risk of financial abuse.

We also need to think about whether it will cause carers to have financial problems if we suspend payments, before we decide to do it. Carers would also be able to challenge a decision to suspend their payments if they disagree. When a suspension is ended, if a carer was entitled to payments during the suspension, they would get backdated payments for the full amount they were entitled to.

We are thinking about what should happen to a carer's Scottish Carer's Assistance payments when the disability benefits of the person they care for are suspended.

Question 8: Do you agree or disagree with the proposals on when payments of Scottish Carer's Assistance should be suspended? [Agree, Disagree, Unsure.]

Question 9: Please write the reason why you agree or disagree with the proposals on when payments of Scottish Carer's Assistance should be suspended, or any other information you want to share on this question.

Question 10: Please give us your views on what should happen to payments of Scottish Carer's Assistance when a cared for person's qualifying benefit is suspended.

4. Setting the value of Scottish Carer's Assistance awards to £0 instead of suspending or ending the award

We want to provide more stability for carers getting Scottish Carer's Assistance when there are periods where they aren't eligible for support. We can do this by setting their payments to £0 rather than ending their awards in certain situations.

How Carer's Allowance works

Currently a Carer's Allowance award would be reduced to £0 if a carer is receiving another 'overlapping benefit'⁵⁵ at the same or a higher rate. This allows carers to still get some support which is linked to Carer's Allowance even if they don't get payments.

How Scottish Carer's Assistance will be different

We would continue to give carers getting 'overlapping benefits' a Scottish Carer's Assistance award of £0 to protect their access to other support.

We also plan to set Scottish Carer's Assistance awards to £0 for any week in which a cared for person's qualifying benefit award is set to £0. This would include, for example, when a cared for adult is in hospital for more than 28 days. This would be an improvement to the current system, where an award would end at this point, and would allow support for carers to be resumed more quickly and easily, with no need to re-apply.

In addition to this, we plan to set Scottish Carer's Assistance awards to £0 for any week in which a carer earns over the earnings limit. This would prevent overpayments where a carer has earnings which change often, but stop an award being ended when they are not eligible for support only temporarily. This is different to how Carer's Allowance works but will have the same effect.

We're proposing that after a carer's award had been set to £0 for six months in a row, we would then end the award. Carers would be able to request a re-determination of a decision to set their award to £0 and to appeal this decision if they don't agree with the outcome of the re-determination.

Question 11: Do you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0? [Agree, Disagree, Unsure.]

Question 12: Please write the reason why you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0, or any other information you want to share on this question.

5. Short-term assistance

Short-term assistance is a new form of assistance in the Scottish benefits system. It provides financial support for people while they challenge a decision to reduce or stop an ongoing

payment of certain devolved benefits. This is to make sure people are not put off from challenging decisions by having to manage, for a period of time, with a lower income.

How Carer's Allowance works

At the moment, there is no short-term assistance available from the Department for Work and Pensions.

How Scottish Carer's Assistance will be different

Carers will be able to receive short-term assistance where they are challenging a decision to stop or reduce ongoing payments of Scottish Carer's Assistance. Short-term assistance is paid at a level which maintains the support the person was getting before the decision to stop or reduce their benefits.

For Scottish Carer's Assistance, it would not be paid where the decision was to set an award to £0 because the carer is in receipt of an overlapping benefit, is earning over the earnings threshold for a temporary period, or where the qualifying benefit of the person they care for is set to £0.

We do not expect many challenges as Scottish Carer's Assistance awards will not be reviewed in the same way as disability benefits and will be mainly paid at the same rate to everyone. However, we know that carers face problems when the person they are caring for has their disability benefit removed or reduced – because the carer's benefits depend on the cared for person receiving support at a certain level. We are therefore recommending a change to allow carers to get support when the person they care for is challenging a decision to reduce or remove their benefits and is getting short-term assistance.

We propose to do this by treating short-term assistance as a qualifying benefit for Scottish Carer's Assistance. This appears to be the simplest way to protect payment of Scottish Carer's Assistance while the person they care for is supported by short-term assistance. It may mean linked support provided by the Department for Work and Pensions could still be paid to carers during challenges. However, we would need to work with the Department for Work and Pensions to look at the impacts of making this change, as Carer's Allowance wouldn't be paid in this situation. Carers, like the people they care for, would still face some gaps in support as short-term assistance is only paid during the re-determination and appeal processes.

We felt the alternative option of extending eligibility for short-term assistance would add too much complexity, and it would be less likely to allow carers to keep any support they get which is linked to their Scottish Carer's Assistance. We also considered a 'run on' of Scottish Carer's

Assistance for twelve weeks after the cared for person's benefit is reduced or removed. However, this would not be targeted at people caring for someone challenging a decision and would not provide support for the whole time the decision was being challenged.

We are also proposing that any Scottish Carer's Assistance paid while a cared for person is receiving short-term assistance would not need to be paid back, in most cases, in the same way as the people being cared for would not be required to repay short-term assistance – even where a challenge was not successful. Repayment of short-term assistance and any linked Scottish Carer's Assistance may be required if it was found to be paid as a result of fraud.

Question 13: Do you agree or disagree with the proposal to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short-term assistance? [Agree, Disagree, Unsure.]

Question 14: Please write the reason why you agree or disagree with the proposals to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short-term assistance, or any other information you want to share on this question.

Question 15: Please give us any other views you want to share on the proposals for Scottish Carer's Assistance when it is first launched.

Section 2: Extra money for carers in Scotland

Since passing the Social Security (Scotland) Act 2018, we have already launched two new forms of support for Scotland's unpaid carers that are unique in the UK. Carer's Allowance Supplement provides extra support for those getting Carer's Allowance and has been paid since 2018. Carers continuously in receipt of Carer's Allowance and Carer's Allowance Supplement will have received over £2,270 more than carers in the rest of the UK. This includes two additional payments paid during the pandemic in 2020 and 2021. Young Carer Grant launched in 2019 and is a £300 a year payment which supports young carers.

Unpaid carers looking after children may also benefit from the new support provided from the Scottish Child Payment⁵⁶ and Child Winter Heating Assistance⁵⁷, as well as the Best Start Grants (in addition to Child Disability Payment⁵⁸ or Disability Living Allowance).

We will continue to invest in providing this extra support for carers through Carer's Allowance Supplement and Young Carer Grant. We are also committed to creating another new payment for unpaid carers in Scotland – to provide extra support for people who are getting Scottish Carer's Assistance and caring for more than one person in receipt of disability benefits. We know that these carers face extra pressures and that extra support could help make a difference to their wellbeing.

This section sets out more information on Carer's Allowance Supplement and asks for your views on how this payment should be made in future.

We are also looking for feedback on how our proposed new payment – known as 'Carer's Additional Person Payment' – should work.

Carer's Allowance Supplement

Carer's Allowance Supplement is a unique payment from the Scottish Government. It is paid to carers who are receiving Carer's Allowance and living in Scotland. Payments are made by Social Security Scotland using information from the Department for Work and Pensions. It was introduced as a temporary measure to increase support for carers before Scottish Carer's Assistance replaced Carer's Allowance. It is paid every six months and the payment amount this financial year (2021-22) is £231.40⁵⁹.

An evaluation of Carer's Allowance Supplement, which included interviews with people who had received payments, was published in December 2020⁶⁰. This found that the payments had had a positive impact on the carers who received them, in terms of their finances and their wellbeing, with those who were struggling financially feeling the biggest impacts. Carers were

able to spend the money on things they would not have been able to afford without it, or to pay for household bills they would have struggled with. Carers typically liked that it was paid in two lump sums a year but also said they mainly felt the benefit during months the payments arrived. Carers also said it had helped them feel more recognised by the Scottish Government.

To support the safe and secure transfer of benefits for people already getting Carer's Allowance from the Department for Work and Pensions, once Scottish Carer's Assistance is launched, we plan to continue making payments of Carer's Allowance Supplement in the same way as now, until the process of transferring carers' benefits from the Department for Work and Pensions to Social Security Scotland is complete.

Carer's Allowance Supplement payments will remain separate from payments of Scottish Carer's Assistance. This is because Scottish Carer's Assistance is counted as income in deciding eligibility for some benefits from the Department for Work and Pensions, but Carer's Allowance Supplement is not. Payments of benefits like Universal Credit are not reduced by Carer's Allowance Supplement payments. Once all eligible carers are getting Scottish Carer's Assistance we will consider how it could be paid differently.

Options for future payment of Carer's Allowance Supplement

In future, Carer's Allowance Supplement could be paid at the same time as a carer's regular Scottish Carer's Assistance payments, while still being separate. Most carers currently get Carer's Allowance payments weekly or every four weeks. This would give carers a higher regular income which would help with their budgeting. This may be particularly important for carers on lower incomes. It would also allow any change of circumstances to be reflected in a carer's award more quickly, making over or under payments less likely. However, getting smaller payments more frequently may be more complex for carers who need to report their income to the Department for Work and Pensions or HM Revenue and Customs.

Carer's Allowance Supplement could be paid in a way which is similar to the process now, a payment every six months for example. We know that some carers like this. It could also be simpler for carers who need to tell the Department for Work and Pensions about their income. However, it would mean we would still need to use qualifying dates for payments. This could mean some carers missing out on support. If payments were made in arrears, carers could be underpaid if their caring role ends just before a qualifying date. Changes of circumstances during the period between payments – if a carer exceeds the earnings threshold, or the person they care for has an extended stay in hospital – could not be reflected in the award, which would also lead to overpayments.

We propose that payments of Carer's Allowance Supplement are made with Scottish Carer's Assistance payments in future. This would have a greater impact on carers' regular incomes

and help ensure carers get the right amount of support. We would work with carers and support organisations to help make any reporting to the Department for Work and Pensions as simple as possible.

Question 16: Do you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future? [Agree, Disagree, Unsure.]

Question 17: Please write the reason why you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future, or any other information you want to share on this question.

Question 18: Please give us any other views you want to share on the proposals for Carer's Allowance Supplement.

Carer's Additional Person Payment

We previously committed to provide extra support for carers who get Scottish Carer's Assistance and are caring for more than one child who is getting a disability benefit. This is because having more than one caring role can have a bigger impact on carers' health and wellbeing.

We now propose to extend this £10 per week payment to carers getting Scottish Carer's Assistance who are caring for more than one person of any age, who is getting a disability benefit. While we know there are particular challenges in caring for more than one child, we have also heard from carers and the organisations who support them that there are also extra pressures on carers looking after more than one adult, or an adult and child. Also, in many situations, where a child who is getting a disability benefit turns 18, there is no change in the care they need.

We plan to make the extra payments part of Scottish Carer's Assistance. Joint work is underway with the Department for Work and Pensions, as set out in the background to this consultation, to help us to understand the work that is needed to deliver Scottish Carer's Assistance. The current Carer's Allowance benefit has complex links with other benefits, including benefits that will still be provided by the Department for Work and Pensions, and we need to make sure that we build our benefit so that it will still have these links. The joint work we are doing with the Department for Work and Pensions will allow us to see how quickly we can deliver Scottish Carer's Assistance and Carer's Additional Person Payment, and we hope to have agreement on timings soon.

Who Carer's Additional Person Payment will be for

To be able to get Carer's Additional Person Payment, carers must be eligible for Scottish Carer's Assistance, and receiving payments. This means that all of the eligibility criteria for Scottish Carer's Assistance set out in section 1 will already apply.

Carers will also need to be caring for at least two people who are in receipt of a Scottish Carer's Assistance qualifying benefit. Both caring roles would need to be significant, so we are proposing that carers should be providing at least 20 hours of care a week for each additional person they are applying for Carer's Additional Person Payment for. They wouldn't need to be providing this care separately from the care they provide for the person they get Scottish Carer's Assistance for – for example, many people caring for two children would be looking after both at the same time.

We do not propose a cap on the number of additional people a carer could receive the additional payment for. So, for example a carer caring for three children who are all getting a disability benefit would be able to receive two awards of Carer's Additional Person Payment.

As we want the Carer's Additional Person Payment to provide extra support for people with more than one significant caring role, we do not propose that the hours spent caring for a number of different people could be added together to meet the eligibility criteria. It would remain the case that 35 or more hours of care a week will need to be provided for the person the carer is getting Scottish Carer's Assistance for.

We will consider changes which could allow carers to add together the hours they spend caring for more than one person to get Scottish Carer's Assistance in the future and more information on this is in section 3.

Question 19: Do you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]

Question 20: Please write the reason why you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment, or any other information you want to share on this question.

Carer's Additional Person Payment – amount and frequency of payments

The payment would be the equivalent of £10 per week and will be 'up-rated' each year using the same measure of increases in costs that we use for other Scottish benefits⁶¹.

We are proposing that Carer's Additional Person Payment will be paid at the same time as Scottish Carer's Assistance payments. Most carers currently get Carer's Allowance payments either weekly or every four weeks. We looked at whether Carer's Additional Person Payment could be paid as a lump sum instead, or if carers could be offered the choice to get a lump sum payment.

To make lump sum payments, for example every six months, we would need to use qualifying dates, which could mean carers are more likely to be either overpaid or underpaid. Or, we would need to check carers' eligibility every six months before making payments, which could mean extra work for the carers, and require more resources from Social Security Scotland. For carers getting more than one award of Carer's Additional Person Payment, these checks and payments could happen at different times for each payment, which would add further work and complexity.

Question 21: Do you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]

Question 22: Please write the reason why you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment, or any other information you want to share on this question.

Carer's Additional Person Payment – impact on other benefits

At the moment, getting Carer's Allowance can reduce the amount of money carers will get in income-based benefits like Universal Credit and Income Support, but the Scottish Government and UK Government have an agreement which means new benefits like Carer's Additional Person Payment will not reduce the amount of support carers can get in these other benefits. This means Carer's Additional Person Payment would not be counted as income when working out whether a carer can get other benefits from either the UK or Scottish Governments, or how much they will get.

Whether or not carers could be taxed on payments of Carer's Additional Person Payment is still to be agreed with HM Revenue and Customs. Decisions about what income should be taxed are made by the UK Government. At the moment, carers can be taxed on their Carer's Allowance if they are earning over a certain amount. In practice, it is unlikely Carer's Allowance recipients will pay income tax, due to the earnings limit⁶².

Targeting Carer's Additional Person Payment at carers getting Scottish Carer's Assistance

As set out above, Carer's Additional Person Payment will be paid to people who are getting payments of Scottish Carer's Assistance, and caring for more than one person who is getting a disability benefit. This means it would not be paid to people who have 'underlying entitlement' to Scottish Carer's Assistance, or who get the Universal Credit Carer Element instead. This is how the Carer's Allowance Supplement works now.

Carers with 'underlying entitlement' to Carer's Allowance are those who would be eligible for it but are getting another 'overlapping' benefit instead which is paid for the same purpose. The reason that Carer's Allowance Supplement and Carer's Additional Person Payment are targeted at people getting payments of Scottish Carer's Assistance is that 'overlapping benefits' are paid at a higher rate, and people getting Universal Credit Carer Element can receive Carer's Allowance unless they are earning over the earnings limit. This means that carers receiving payments of Scottish Carer's Assistance are likely to be on lower incomes.

We know that there are some carers getting the Universal Credit Carer Element who don't apply for Carer's Allowance at the moment, but could be better off if they did – because of Carer's Allowance Supplement and, in future, the Carer's Additional Person Payment. We want carers to get all the financial support they are entitled to, so we will use communications about the launch of Scottish Carer's Assistance and the Carer's Additional Person Payment to encourage carers in Scotland who are getting Universal Credit, or applying for it, to find out if they would be better off if they applied for Scottish Carer's Assistance too.

We have also heard the concerns of carers who have only 'underlying entitlement' to Carer's Allowance or who are unable to get support because of the earnings limit. We have looked at a number of options for future changes to Scottish Carer's Assistance, including to the earnings limit, and to support those with 'underlying entitlement' only and more information on this work and our plans is set out in section 3.

Question 23: Do you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance? [Agree, Disagree, Unsure.]

Question 24: Please write the reason why you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance, or any other information you want to share on this question.

Question 25: Please give us any other views you want to share about the proposed Carer's Additional Person Payment.

Section 3: Changes to Scottish Carer's Assistance

When we first launch Scottish Carer's Assistance, we plan to keep many of the eligibility criteria the same as Carer's Allowance to make sure we don't create a 'two-tier system' where carers already getting Carer's Allowance are treated differently from people who have newly applied for Scottish Carer's Assistance.

In the medium to longer term we want to make further changes to this benefit. We have worked with carers, and the organisations who support them, to look at options for changes to help address some of the key concerns about how Carer's Allowance currently works and what improvements could be made.

As well as the improved service we will deliver from launch, we propose to make significant changes as soon as we can and particularly once we have transferred all cases from the Department for Work and Pensions to Social Security Scotland, so all eligible carers are getting Scottish Carer's Assistance instead of Carer's Allowance. We want to allow as wide a group of people as possible to feed in their views on these changes and on how we should prioritise the changes we make.

The priority changes that we propose are:

- removing education restrictions so carers can study full-time and be eligible for Scottish Carer's Assistance
- allowing carers to add together hours spent caring for more than one person
- increasing the time carers will receive Scottish Carer's Assistance from eight to twelve weeks after the death of a cared for person
- extend the period of payment when a cared for person goes into hospital or residential care from four to twelve weeks
- increasing the earnings limit so carers can earn more and still get financial support

This section sets out the changes that we are proposing to make alongside further information on our work to look at other options, including the changes we could make following the five priority changes, and whether we should look at new support for long term carers in the future.

How we will make changes

Carers and the organisations who support them have told us that they would like eligibility criteria for Scottish Carer's Assistance to change in a number of ways in future – so that more people can get support, and support would continue in some situations where it would

currently stop. However, we will not be able to make all of the changes people want to see, or make all the changes at once, for a number of reasons.

Primarily, of all the benefits we have taken responsibility for, Carer's Allowance has the most complex links with other UK Government benefits and support, and many carers rely on this support which is linked to Carer's Allowance⁶³. This means we need to work with the Department for Work and Pensions to understand what needs to be put in place to ensure that, for carers getting Scottish Carer's Assistance, entitlement to those reserved benefits will be maintained. We want to make sure that carers getting Scottish Carer's Assistance do not lose out on other financial support they are eligible for which is currently linked to Carer's Allowance.

We also need to think about the resources which will be needed to make changes – the funds we would need to pay additional elements of Scottish Carer's Assistance. The number of carers eligible for the current benefit is expected to increase each year even without changes to eligibility criteria. Any extra investment we make therefore needs to be funded from the Scottish budget. Whilst we want to do all we can to support carers, we have to also fully consider how affordable and sustainable changes are, as part of wider budget planning to ensure our resources are targeted where they will deliver the most benefit. We are aware that we are already due to be investing £361 million in Scottish social security benefits in 2022/23 over and above what we expect to receive from the UK Government, rising to £764 million by 2026/27⁶⁴. This must be funded from the Scottish Government's budget.

In addition, making changes could affect Social Security Scotland and their ability to support people and provide a good service. Changes will mean application systems and processes need to be updated, new guidance and training for staff created, and new information for carers and organisations needs to be provided.

All of this means that decisions on what changes we can make, and when we can make them, will need to take into account the impacts on carers' other financial support, how changes can be delivered, and budget considerations, as well as the feedback we get from this consultation.

We also need to think about how the options suggested for change fit with wider improvements we are making for unpaid carers, and the people they care for. We are committed to delivering a National Care Service by the end of this parliament. We are also looking at the potential for a Minimum Income Guarantee for all. This work will have a big impact on the everyday lives of carers, and the people they care for.

To decide which changes we would propose to make as a priority, it was important that we used a clear process, involving carer views and strong evidence. We have set out more information on this process below.

The decision making process

A process called a Multi Criteria Analysis was carried out to look at different changes which could be made to the current Carer's Allowance eligibility criteria. The process looked at 15 different options, which were developed from our work with carers, support organisations and wider research.

The Multi Criteria Analysis process involved ranking each of the options in terms of how well they would meet a set of 18 criteria. The criteria were based on the aims for Scottish Carer's Assistance (see pages 16 to 18), and the social security principles⁶⁵. For example, options were ranked in terms of how they would affect equality, their potential impact on poverty, how simple they would be for carers and Social Security Scotland to understand and use, and the impacts they would have on other benefits and support, as well as the costs of introducing them. More information on the process was published with the consultation on our [website](#).

In the next section, we set out the options we looked at, and the changes we are proposing following the Multi Criteria Analysis. We have included some of the evidence from the process which has informed what we propose. The options we looked at were designed to address the following key issues with the current benefit which were identified by carers:

1. barriers to education or training
2. the need to better recognise different caring situations – for example where carers care for more than one person, or where a person in receipt of disability benefits has more than one carer
3. the need for more stability in support, where payments are affected by life events affecting the person being cared for, or their benefits
4. barriers to taking on, or staying in, paid work
5. a lack of recognition or support for a wider group of unpaid carers, including those who get 'overlapping benefits' instead of Carer's Allowance

1. Access to education and training

At the moment, carers studying more than 21 hours a week are not eligible for Carer's Allowance⁶⁶, on the basis that financial support for full-time students is separate from the current benefits system. However, we know that this can be a barrier to some carers accessing full-time education. Also, while there are valid reasons for separating student support from the benefits system, this may be a problem for student carers in particular, who are less able to support themselves through paid work. Some carers may also be unable to access student support. Carer support organisations have reported hearing from carers who feel unable to take up higher education because of the current Carer's Allowance restrictions, or confusion about what the rules mean.

Proposed change

We propose to remove education restrictions from Scottish Carer's Assistance.

This change would help to reduce barriers to education, and help those people who wish to maintain their caring role alongside studying. It could improve work prospects for carers by allowing them to improve their qualifications and skills.

This change would bring eligibility in line with that for carers who study for less than 21 hours. It would help provide a more stable income through caring and studying and would remove the stress and difficulties from having to move from one system of financial support to another. It would also recognise that students caring for 35 hours or more a week may find it more difficult to take up paid work.

Compared to other changes we considered, this change is targeted more at younger carers. Removing barriers to education could be positive for all carers, but the impact of access to education will be greater for young carers in terms of their future prospects. Because of the much higher numbers of women who are unpaid carers, it could also help reduce barriers to education and paid work for women.

For carers who access student financial support at the moment, Carer's Allowance may be taken into account in their assessment and affect the amount of financial support they get. Our aspiration is to make sure that carers who do get student financial support would be better off overall from being able to get Scottish Carer's Assistance, if we make this change. We would link up with wider work on student financial support ahead of this change to ensure it meets the needs of carers.

We propose to make this change as a one of our five priority changes. We will look for opportunities to introduce this sooner than the end of case transfer, if we are assured that doing so would not put carers' benefits or wider delivery of Scottish Carer's Assistance at risk.

Question 26: Do you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance? [Agree, Disagree, Unsure.]

Question 27: Please write the reason why you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance, or any other information you want to share on this question.

2. Recognising different caring situations

Carer's Allowance is only paid where 35 hours or more of care is provided each week by one person, for one person. This means that where someone is caring 35 hours or more a week but this care is split across two or more people in receipt of disability benefits, they aren't eligible to get the benefit. Where people are sharing care for the same person in receipt of disability benefits, only one of them can get Carer's Allowance. Carers have told us that where caring has a similar impact on unpaid carers' lives, it is unfair that they don't have the same access to carer benefits.

We are already committed to providing extra support for those caring for more than one person, where they have two significant caring roles. This will be done through the Carer's Additional Person Payment (more information in section 2). We have also considered the option to allow carers to add together hours spent caring for different people to meet the 35 hours a week caring requirement.

This option would mean that carers looking after two people for a total of 35 hours would have the same access to Scottish Carer's Assistance as people providing this care for one person. Both of the cared for people would need to be in receipt of a qualifying benefit. There wouldn't be any rules on the number of hours a carer would need to be caring for each person, as long as it added up to 35 hours overall.

As the information we have about people caring for multiple people is limited, it is difficult to assess how well this option would address inequality and poverty.

We know from discussions with carers and support organisations that this change could make applying for support more complicated. Where there are two cared for people, details for each would need to be included on application, and there would be twice as many changes of circumstances for the carer to report and Social Security Scotland to process.

Proposed change

We propose that after introducing the Carer's Additional Person Payment, our next priority in the area of recognising different caring situations would be to allow carers to add together hours spent caring for two people to reach the 35 hours per week caring requirement.

At this stage we suggest that hours could be added across just two cared for people. We would then monitor how this works before we consider allowing hours to be added across more people. We would work with carers to make sure systems would be designed to make this as simple as possible.

We propose to make this change as one of our five priority changes. We will look for opportunities to introduce this sooner than the end of case transfer if possible and if we are assured that doing so would not put carers' benefits or wider delivery of Scottish Carer's Assistance at risk.

We also looked at an option to allow more than one carer to get Scottish Carer's Assistance for care of the same person in receipt of disability benefits. We know that when a disabled person needs a lot of care, this is sometimes shared between more than one family member or friend. We found that this option would add complexity to applications and operations. Having more than one carer for the same person would be likely to require additional checks on the caring situation, a significant shift in how the benefit currently works.

In terms of equality, while we lack information on the group that would be affected by this change, we anticipate this could largely affect couples caring for children or parents. It would help carers who share care with someone else but may exclude those caring alone – groups such as lone parents.

We do appreciate that for people who are sharing care for someone who needs a lot of support the current rules can feel unfair. We therefore want to keep the option of allowing multiple carers for one person in receipt of disability benefits in consideration for the future, taking into account work to improve formal care and wider support for carers. This will involve the National Care Service where we have established a 'Social Covenant' steering group, which is made up of people with lived experience, to ensure the new service is designed around the needs of care users and supports the needs of care workers.

Question 28: Do you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement? [Agree, Disagree, Unsure.]

Question 29: Please write the reason why you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement, or any other information you want to share on this question.

3. More stable support where life events have affected the cared for person

Carer's Allowance is paid where the person being cared for is getting certain disability benefits. This means payments will stop when, or shortly after, the cared for person's benefits stop. When a cared for adult goes into hospital, Carer's Allowance will stop after four weeks, when disability benefits stop. When a cared for person dies, Carer's Allowance payments stop after eight weeks.

Carers have told us these periods are too short. Most recipients depend on Carer's Allowance and any linked payments to cover living costs. The cared for person going into hospital is likely to be a difficult time for carers, both practically and emotionally, with a lot of uncertainty about what will happen, and if or when the cared for person may leave hospital. The death of a cared for person will also, of course, be a very difficult time. Carers have told us that it is not reasonable to expect them to find other financial support in the current timescales at a time of stress.

In short, changes in a cared for person's disability benefits do not always match the needs of that person's carer. Unpaid carers need more stable incomes, and this is especially true at a time when they are having to cope with major life events which affect someone they care for.

Proposed changes

We propose to extend the period Scottish Carer's Assistance is paid after the death of a cared for person, from eight to twelve weeks. We also propose to extend the period of payment when a cared for adult goes into hospital or residential care from four to twelve weeks.

Increasing the current 'run on' of payments when the cared for person dies would be an extension of existing rules, so it is likely to be more manageable to deliver than changes which are more different. For example, it may be less challenging to protect linked support in reserved benefits as this would increase entitlement for four weeks after an existing run on period.

Both changes would provide more stability for carers. Where the cared for person had extended periods of going in and out of hospital, the carer would have a more reliable income. And, in other situations, the carer would have more time to adjust before an award ends. Alongside making these changes, we would also work to link carers to wider services and support to help them cope with and adapt to major changes in their caring role.

This should help carers on lower incomes – and the majority of recipients of Carer’s Allowance are in the bottom half of income distributions⁶⁷ – who are likely to have fewer resources to be able to cope financially with sudden changes in benefits. The changes will benefit carers of all characteristics, but, because of the nature of ageing, are likely to benefit a higher proportion of people caring for older people.

We also considered an option where payments would continue for a number of weeks after the cared for person’s disability benefit stopped for any reason. Work on this option found it could make the benefit more complicated – for example we would need to look at whether carers would need to have been getting Scottish Carer’s Assistance for a certain amount of time before they would be eligible for a ‘run on’, or if there should be a limit on the number of weeks payments could ‘run on’ in any period. In some situations, a cared for person may be challenging a decision to stop their benefits, and may apply for short-term assistance. There could be issues with how this would work alongside our plans to support carers during this time (set out in section 1).

We are also aware that some issues with Carer’s Allowance payments being stopped are linked to how UK disability benefits have worked in the past, with awards being reduced or stopped after reviews, when disability assistance and care is still needed. Changes we are making as disability benefits are devolved could help to fix some of these problems for carers without changing Carer’s Allowance rules. We do not therefore propose to take this option forward for the time being but we would keep this under review.

Question 30: Do you agree or disagree with the proposed future change to continue to pay Scottish Carer’s Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person? [Agree, Disagree, Unsure.]

Question 31: Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer’s Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person, or any other information you want to share on this question.

Question 32: Do you agree or disagree with the proposed future change to continue to pay Scottish Carer’s Assistance for 12 weeks when a cared for person goes into hospital or residential care? [Agree, Disagree, Unsure.]

Question 33: Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks when a cared for person goes into hospital or residential care, or any other information you want to share on this question.

4. Access to paid work

We know that some Carer's Allowance recipients work, or want to work, but that current rules can make this difficult. It is estimated that over 10%⁶⁸ of carers getting Carer's Allowance are also in paid work. We have heard from carers that the current earnings limit, which means carers can't earn more than £128 per week (after some deductions for things like Pension contributions)⁶⁹ is too low, and limits opportunities. Also, if carers earn £1 over the threshold, they lose all of their Carer's Allowance award. This is often referred to as the earnings 'cliff edge'. This means that carers getting Carer's Allowance may have to reduce their working hours as their wages increase to keep their benefits, or end up worse off. Rules for those carers who wish to take up paid work should be as straightforward and fair as possible.

Proposed changes

We propose that increasing the earnings threshold is our first priority change in the area of paid work. This would increase the amount carers could earn while receiving Scottish Carer's Assistance and could be linked to 16 hours at a specific rate, such as the Real Living Wage⁷⁰. We considered 16 hours in particular, based on common working patterns for unpaid carers and those who work part time⁷¹.

Using the 2021-22 level of the Real Living Wage, which is £9.90 an hour, this would be around £158 weekly, compared to the current earnings threshold of £128. As carers in work would already need to provide information about work to Social Security Scotland and report any changes in earnings, making this change shouldn't make the system more complicated for carers. However, we would need to think about what this could mean for other benefits and how this could affect when we may be able to make changes. In particular, if some carers in Scotland were still getting Child Tax Credits – which are due to be replaced completely in future by Universal Credit – a change which would allow carers to work 16 hours a week could mean new interactions with Working Tax Credits, adding complexity and costs.

Increasing the earnings limit wouldn't fix the 'cliff edge' but it may be a problem for fewer carers as the limit is increased. We therefore want to look at how we could address the 'cliff edge'. This could be done by using a 'run on' period. Payments could continue for a number of weeks after a carer earns over the limit, which would give more stability. Support could also

then be reduced gradually so carers would have more time to adjust. This could also help carers who have earnings which often change from one week to the next.

We also looked at an 'earnings taper' option. This would mean payments of Scottish Carer's Assistance would continue when a carer earned more than the limit but would be reduced as earnings increased. This would be similar to how Universal Credit works.

We found the run on option would be a better way to fix the 'cliff edge' issue for a number of reasons. In particular, a taper could introduce more interactions with the tax system, carers may need to report on their earnings more often, and would get payments at more varying rates, which could make getting the benefit much more complicated – particularly for carers getting other financial support.

In this area, we also looked at an option to remove the earnings limit and replace it with a limit on the hours per week carers could work (for example 16 hours). This would allow unpaid carers to take on higher paying jobs and earn more while working part-time. However, it would need a new system to be created to check carers' hours of work which could make the benefit much more complicated to use. As some carers on much higher incomes could then get the benefit, it would be less targeted at carers on lower incomes.

In terms of equalities, all of these options ranked similarly well. In addition to the impacts of the unpaid caring roles, the current earnings restrictions act as a barrier to work for unpaid carers and restrict earnings. Working age carers are also more likely to be in relative poverty than those aged over 65⁷².

As our second priority in this area, we propose introducing a run on period after earnings have exceeded the earnings threshold.

Question 34: Do you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]

Question 35: Please write the reason why you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer's Assistance, or any other information you want to share on this question.

Question 36: Do you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role? [Agree, Disagree, Unsure.]

Question 37: Please write the reason why you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role, or any other information you want to share on this question.

Question 38: Do you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future? [Agree, Disagree, Unsure.]

Question 39: Please write the reason why you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future, or any other information you want to share on this question.

5. Recognition or support for a wider group of unpaid carers

The main purpose of Scottish Carer's Assistance will be income replacement. Like Carer's Allowance, it would be targeted at a particular group of unpaid carers. Carers would need to be providing 35 hours of care or more a week for someone getting certain disability benefits, and there would be a limit on the amount carers could earn and still receive it. While every caring experience is unique, this does mean that on average, payments are likely to reach those who have a more intensive caring role, and who are more likely to be on lower incomes.

We know that some carers feel that the contribution of a wider group of carers should be recognised through Scottish Carer's Assistance. This includes in particular people who have only 'underlying entitlement' to the current benefit. That is, people who don't receive Carer's Allowance because they get another income replacement benefit instead⁷³. Most carers in this situation⁷⁴ receive State Pension, the standard rate of which is £137.60 per week. This is significantly above the level of Carer's Allowance, even with the extra amount from Carer's Allowance Supplement. There are some carers with underlying entitlement who are on lower incomes. These carers can get extra amounts in other benefits, for example a Carer Addition in Pension Credit or a Carer Premium in Income Support⁷⁵. These can increase the amount of benefits received by £37.70 a week (2021/22 rates).

We looked at options to provide a new payment to carers with 'underlying entitlement'. While this would have a positive impact in terms of recognising the contribution of these carers, it would require significant investment which wouldn't be targeted at carers on the lowest incomes, and would leave out other groups of carers currently unable to get Carer's Allowance.

Proposal

A different approach could be a payment for long term carers, if it was felt that it would be an effective investment to recognise a wider group of carers. The aim of such a payment would be to recognise the impacts on carers' finances of a long term caring role. As an example of how this might work, it could be paid after a carer has met Scottish Carer's Assistance eligibility requirements for a certain period, whether they were receiving payments or had only 'underlying entitlement'.

This is a new policy idea. We would need to carry out further work, with carers, support organisations and others in government and public services to understand if it would be feasible, its impacts, and to work out more detail about who would be able to get a payment, and how much it should be. Given the number of carers who may be eligible for support, this would be a significant investment if taken forward. We wanted to use this consultation to take views on whether this kind of payment should be explored further and how it could work.

We also recognise the calls for support for a much wider group of carers, and in particular those caring for 20 or more hours a week, as highlighted by the National Carer Organisations⁷⁶ and in the recommendations in the report of the Social Renewal Advisory Board in 2021⁷⁷. While we are targeting the support available through Scottish Carer's Assistance to those with the most intensive caring roles, the wider work to look at a Minimum Income Guarantee for all has the potential to have significant positive impacts on this wider group of carers.

We also understand the challenges for people providing care for someone who isn't getting a disability benefit. As disability benefits are being devolved and we are making significant improvements to how people are assessed for support, we felt that this could be less of an issue in future. At the same time, it was also considered that the introduction of the National Care Service by the end of this parliament, which aims to standardise support for unpaid carers across Scotland, may make other options to identify carers, without qualifying benefits, more simple in future. As such, we will continue to keep these options under review as we deliver Scottish Carer's Assistance and the priority changes we have proposed above.

Question 40: Do you agree or disagree that a payment for long term carers should be considered further? [Agree, Disagree, Unsure.]

Question 41: Please write the reason why you agree or disagree that a payment for long term carers should be considered further, or any other information you want to share on this question.

Question 42: If a payment for long term carers was considered, what should the payment look like and who should it be for?

Question 43: Please give us any other views you want to share about the proposals for future changes to Scottish Carer's Assistance.

Impact assessments

In our work to develop policy for Scottish Carer's Assistance we have considered how the decisions we make could affect different people and groups differently – using research and evidence we already have, and continuing to listen to carers and organisations who support them to find out more.

It is important that our benefits are designed and developed in a way that works for all of Scotland's carers and the people and organisations that support them. We also want to do what we can to improve equality through Scottish Carer's Assistance and avoid any negative impacts on any people, groups, communities or businesses.

We would therefore like to use this consultation to take your views on any possible impacts Scottish Carer's Assistance may have in a number of areas that we may not have considered to date. A summary of what we have learned so far is provided below.

Equality Impact Assessment

An Equality Impact Assessment means thinking about how a policy could affect different groups differently when it is being developed, as well as thinking about how any proposed changes could be used to improve equality. In developing the proposals we have set out in this document we looked at equality information about unpaid carers to identify where changes could affect some groups more than others, either positively or negatively, and where there are opportunities to make changes which would improve equality.

The gendered nature of caring is one of those areas. Reflecting that in society caring roles most typically fall to women, 69%⁷⁸ of people who get Carer's Allowance are women. Women already face a gender pay gap and are more likely to have been affected by previous benefit changes⁷⁹, and by the coronavirus pandemic in multiple ways⁸⁰. Women are also more likely than men to rely on social security, and for some women, Carer's Allowance, paid directly to the carer, may be their main or only independent income. Increases to payment levels will help address financial inequality, but we also need to look more broadly. We know that people with intensive caring roles are more likely on average to have poorer educational, economic and health outcomes than their peers without such roles. So, changes which can provide more income stability for carers, and address barriers to education and employment, can also have a positive impact on women. To inform our proposals for future changes to Scottish Carer's Assistance eligibility criteria, we included equality as a factor within the formal analytical assessment process, the 'Multi Criteria Analysis' (more information on this process is provided on our [website](#)⁸¹).

As Scottish Carer's Assistance is an income replacement benefit, mainly carers of working age will benefit. There is a small number of pension age carers who will receive it, and a significant proportion, around 39,400 as of August 2021⁸², of pension age carers have underlying entitlement. Underlying entitlement provides access to additional payments for carers on low incomes. These can increase the amount of support they receive by £37.70 a week (2021-22 rates).

Because of the close relationship between carers and the cared for person, we expect improvements we make in social security support for carers to have a disproportionately positive impact on the disabled people being cared for, many of whom will also be over pension age. However, our work to date has also identified the high proportion of carers who are themselves disabled⁸³. We will be very careful to ensure that their voice is heard in policy development so that Scottish Carer's Assistance meets their needs. This includes work with our Experience Panels, and, for example, we plan to carry out a bespoke piece of work with carers with learning disabilities as part of this consultation.

We know that for some ethnic minority groups, in addition to the lower awareness of the social security support available, there can be a range of barriers. For example language barriers, where the language used may be difficult to translate or has negative cultural resonance⁸⁴. A take-up barrier specific to carer benefits is that many people do not identify as carers. This can be the case for any carer, but we recognise that for some communities – including gypsy traveller and carers of south east Asian heritage – this may be particularly likely. We will undertake a programme of work with carers from these backgrounds to deepen our understanding of this issue, and identify practical actions to address it.

Work done by Social Security Scotland and through our 'Seldom Heard Groups' research to understand the needs of particular communities for all of our benefits will feed into the design of Scottish Carer's Assistance and how we promote it. We will build on what we have learned from Carer's Allowance Supplement and Young Carer Grant. We are also engaging with a diverse range of carers in our Experience Panels work and User Research to identify how we can design Scottish Carer's Assistance to be easy to access for all of those who would be eligible. Our work to link carers to further financial support they may be entitled to both from Social Security Scotland, and help from other organisations, particularly at key changes in the caring relationship, also has the potential to help address inequality.

We recognise there are areas where we lack equality information. For Carer's Allowance, only information on gender and age is gathered. In line with our practice across all of our benefits, we will collect a broader range of equality information for Scottish Carer's Assistance. This will help us understand the reach of the benefit, different experiences of the benefit, and where we need to take further proactive action. We will also use targeted events as part of this

consultation to improve our understanding needs of particular groups where we lack sufficient information, such as faith communities and LGBT+ groups.

Question 44: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on groups who share protected characteristics.

Island Community Impact Assessment

This is about testing any new policy, strategy or service which is likely to have an effect on an island community which is significantly different from the effect on other communities.

We are aware that island stakeholders have emphasised the importance of policy makers understanding the island experience. Each island has its own specific considerations and constraints, and there are several factors which impact on island residents' daily lives compared to people who live on the Scottish mainland.

When looking at the demographics of island residents compared to those who live on the mainland, the key notable demographic difference we have identified is age. Remote rural areas have a higher (25%) proportion of older people (65+) than the rest of Scotland (18%)⁸⁵ - 62% of island residents are aged between 16 and 65, with the median age being 45, which is higher than the average across Scotland as a whole (41)⁸⁶.

Citizens Advice Scotland⁸⁷ has identified issues with the power grid, utilities, digital and travel as key barriers for people in accessible rural, remote rural and remote small towns, and we know that many costs can be higher on average⁸⁸. A lack of accessible employment, education and leisure opportunities can be made more difficult for someone with mobility issues and those who care for them, especially when transport options are limited. This shows us the value of pursuing options which improve the financial situation of unpaid carers in island communities. It will be important to make sure carers can be linked to services and support which may be of help to them through Social Security Scotland Local Delivery teams.

We have also heard that there are potential cultural barriers for island residents applying for Scottish Carer's Assistance, due to the close-knit nature of island communities. There is evidence of the positive impact of the support provided by close-knit communities⁸⁹ (for example, neighbours and family members assisting with providing transport, as mentioned above). However, certain barriers may also be present, and some people may be reluctant to come forward for support from Scottish Carer's Assistance due to not wishing to disclose disability or caring status in the community. We will need to be sensitive to this in how we provide and promote our new benefit.

When Scottish Carer's Assistance is launched, Social Security Scotland's Local Delivery function will provide support to applicants in rural areas. This will be an improvement on the support offered through the current system. Local delivery officers will share locations with other services so that they are based where people currently go, to ensure that they can access advice and support. Access to support will be less reliant on digital methods for applications, reporting changes, and getting advice, which is of particular importance in remote rural and island communities in light of problems getting online.

Monitoring the impact of Scottish Carer's Assistance in island and remote rural communities will be a continuous process. We will put in place a monitoring and evaluation plan for Scottish Carer's Assistance prior to implementation which will take account of the issues identified within the completed Island Communities Impact Assessment. On-going stakeholder engagement with key carer organisations will also provide us with an opportunity to monitor the impact of the policy.

Question 45: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on Island communities.

Fairer Scotland Duty

This is about looking at how the decisions we make about future policy for Scottish Carer's Assistance can help to reduce the challenges that people can face as a result of 'socio-economic disadvantage' – which can be things such as having a low income, not having access to basic goods or services, or having a background which gives them fewer advantages.

In making decisions about the proposed changes to Scottish Carer's Assistance we looked at which groups of carers would be most affected and which changes were likely to target lowest income carers or carers at greater risk of poverty. We already know that households with a disabled person are more likely to be in poverty, and these families, targeted by our Tackling Child Poverty Delivery Plan, may benefit from the changes we are proposing⁹⁰.

Households with a Carer's Allowance recipient are more likely to be in poverty than the average household⁹¹ and they consistently tend to be in the bottom half of income distributions. In looking at the impact of policy proposals, it is important to consider the specific group of carers within the overall group who are likely to benefit. In particular, working age carers are more likely to be affected by poverty than carers aged 65 and over⁹².

It is estimated that around 90%⁹³ of Carer's Allowance recipients live in a household with a disabled person (this may be themselves, the person they care for, or someone else). And, we

know that poverty is more likely to affect disabled people. It is estimated that around 11.5% of households in receipt of Carer's Allowance are lone parents,⁹⁴ and single mothers in particular have one of the highest poverty rates among the groups for which it is reported - 38%⁹⁵ compared with 19% in the population, and the highest rate of child poverty of any group, also 38%⁹⁶.

One of the first changes we made with our new social security powers was to increase Carer's Allowance by 13% through the Carer's Allowance Supplement. This was because Carer's Allowance was the lowest of all working age benefits. The payment is currently paid every six months to people in receipt of Carer's Allowance. We know through the Carer's Allowance Supplement evaluation⁹⁷ that some recipients appreciate having the payment as a lump sum, however, for those carers on the lowest incomes, this made it difficult for them to use the money for ongoing basic living costs. A question on how to integrate the Supplement into Scottish Carer's Assistance is included earlier in this document.

Taking over all aspects of the benefit policy and delivery through Scottish Carer's Assistance gives us the opportunity to further increase the incomes of those carers who have amongst the most intense caring roles, and who on average are more likely to be on lower incomes.

We have proposed a new extra payment for people already eligible for Carer's Allowance, through the Carer's Additional Person Payment, and we propose to extend support through longer 'run-ons' of payments when there are changes which affect the person being cared for. We are also proposing to help improve unpaid carers' incomes for the immediate and longer term by addressing barriers to education and employment. As well as work to better link carers to practical support and services to help them, we propose increasing the earnings threshold and removing the current study restrictions.

Our formal process to assess options for changes to eligibility criteria further underlined that providing a new payment to carers with only underlying entitlement to Scottish Carer's Assistance would have minimal impact on poverty. Key information about impacts on poverty of our proposals is included in the relevant sections of this document.

One of the overarching aims for Scottish Carer's Assistance is to maximise benefit take up. The importance of this is reflected in one of our three aims for Scottish Carer's Assistance: 'Scottish Carer's Assistance is designed to ensure carers have a positive experience of the social security system, and to maximise carers' take-up of all support available to them'. An estimate of take-up of existing Carer's Allowance is not available due to the measurement limitations of the eligible population. As such it is not possible to assess how our proposals increase take-up of the benefit in a measurable way, but work to better understand and address challenges of particular communities more likely to be in poverty will

be pivotal in increasing access. Our overall approach is set out in our benefit take-up strategy⁹⁸.

In developing detailed policy for Scottish Carer's Assistance, we will be looking further at how it could do more to help tackle the disadvantages people face because of financial and economic inequality – in how it is designed, delivered, and communicated – and we would welcome views on this.

Due to our reliance on survey information we are limited in our ability to evaluate policy outcomes around poverty. However, as we start to deliver Scottish Carer's Assistance, we will have access to earnings information for carers, and will consider further actions needed to effectively evaluate the impact of our policies on poverty.

Question 46: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on reducing inequality caused by socio-economic disadvantage.

Child Rights and Wellbeing Impact Assessment

The Scottish Government wants 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 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. A child is defined as anyone under the age of 18 as per the United Nations Convention on the Rights of the Child.

Scottish Carer's Assistance will be available to carers aged 16 and over so we would expect the primary impacts of Scottish Carer's Assistance to be on young people aged 16 and over. We would also expect to see an indirect positive impact for children and young people who are cared for by someone in receipt of Scottish Carer's Assistance or living with someone who receives Scottish Carer's Assistance.

According to 2011 Census data, around 8,200 (16-18) year olds provide some hours of unpaid care⁹⁹. As of May 2021, there were around 81,300 carers in receipt of Carer's Allowance in Scotland, of whom 420 were aged under 18¹⁰⁰. Full data on the numbers of children and young people who are cared for, or living with someone in receipt of Carer's Allowance, is not available.

Evidence also shows that young carers have poorer physical and mental wellbeing than non-carers. A survey by Carers UK from 2021 found 64% of carers of all ages said their physical

health had worsened and 69% reported that their mental health had worsened as a result of their caring role¹⁰¹. It was also found that 81% of carers of all ages have felt lonely or socially isolated as a result of their caring role. Within this, a larger proportion of younger carers reported feeling isolated. 31% of carers overall said not being able to afford to participate in social activities made them feel lonely or socially isolated¹⁰². Young Carer Grant, the first benefit of its kind in the UK, was launched on 21 October 2019 to help address some of these issues for young carers aged 16, 17 and 18.

We expect Scottish Carer's Assistance to have a direct or indirect positive impact on the following articles of the United Nations Convention on the Rights of the Child:

Article 23 (children with a disability). Many children and young people with a disability may be cared for by people in receipt of Scottish Carer's Assistance. Eligibility criteria for Scottish Carer's Assistance will require that the cared for person is in receipt of specific disability benefits. The income replacement that Scottish Carer's Assistance is intended to provide support to these carers which should have an indirect positive impact on those they care for.

Article 26 (social security). Young people aged 16 and over who receive Scottish Carer's Assistance should be supported on a consistent basis to allow them to continue caring, if that is their wish, in good health and wellbeing while also allowing for a life of their own outside of caring. Our work to promote awareness and understanding of Scottish Carer's Assistance will also consider how best to reach young people who are entitled to this support. We are also proposing a future change to Scottish Carer's Assistance eligibility which would allow carers to study full-time and receive support. This is expected to benefit young carers in particular and could remove barriers to education for young carers, or support them to stay in education longer.

Article 42 (knowledge of rights). As part of the implementation of Scottish Carer's Assistance and the wider devolution of a number of social security benefits we will continue to work on increasing awareness and take up of benefits. We will also need to ensure that children and young people being cared for by people receiving Scottish Carer's Assistance and Carer's Additional Person Payment, or named on applications, receive appropriate information about this, and their rights in relation to this.

The relevant wellbeing indicators for this policy are:

Healthy: Scottish Carer's Assistance is intended to help improve the health and wellbeing of carers by supporting them to continue their caring role if they wish. This could have a positive impact on the health of young people who are receiving Scottish Carer's Assistance or children and young people who are cared for by those in receipt of Scottish Carer's Assistance.

Active: Scottish Carer's Assistance is being developed to also support carers to access opportunities outside of their caring role. We expect the payment to have a positive impact on young people in receipt of Scottish Carer's Assistance from this easier access to non-caring opportunities.

Included: Scottish Carer's Assistance is intended to provide additional support for carers to help them in their role, addressing inequalities they may face as a result of caring – for example, carers may be less able to take on paid employment or studies.

The positive impact of Scottish Carer's Assistance will be reduced if young carers do not receive the support they are entitled to. Research on young carers 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. Promotion of Scottish Carer's Assistance will be used to mitigate this reduction, making sure carers know about what support is available to them. This issue along with the others highlighted will be taken into consideration in the planning of the promotion of Scottish Carer's Assistance to maximise the positive impact.

Having control of the benefit policy and delivery of Scottish Carer's Assistance gives us the opportunity to further increase the positive impacts those under the age of 18 years. Through measures like addressing barriers to education and employment, or by making it possible for carers to add together hours of care to meet the threshold we can remove some of the barriers to application for young people.

Question 47: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on children's rights and wellbeing.

Business and Regulatory Impact Assessment

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.

We have considered the potential business and third sector impacts of introducing Scottish Carer's Assistance, including Carer's Additional Person Payment. Creating a new benefit, widening eligibility, and changing some elements of how the benefit works, is likely to mainly affect carer support services and welfare advice agencies, as carers adapt to the new Social Security Scotland system and eligibility requirements, and consider applying for the new support. We will work with stakeholders from a range of organisations to ensure that we

provide information and support in advance of Scottish Carer's Assistance launch and future changes in order to reduce these impacts. We published our second Benefit Take-Up Strategy in October 2021 under the provision of the Social Security (Scotland) Act 2018. The strategy sets out Scottish Ministers' work supporting benefit take-up to date. It also introduced a series of new activities and initiatives aimed at increasing awareness of and access to Scottish benefits and supporting those who are eligible to apply. These include new funding streams for benefit take-up and income maximisation.

We also considered potential impacts on legal aid, and do not consider it is likely to increase the number of people requiring use of legal aid, given the likely rate of challenges to decisions about Scottish Carer's Assistance eligibility.

Question 48: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on businesses.

Next steps

The responses to this consultation will be analysed and will be used to develop and agree policy for Scottish Carer's Assistance, Carer's Allowance Supplement and Carer's Additional Person Payment. The policy will be set out in draft regulations which will need to be agreed by the Scottish Parliament before the benefit can be launched. Draft regulations will also be shared with the Scottish Commission on Social Security, who provide independent advice on social security regulations, before going to Parliament.

Feedback on this consultation will also inform the work to build the systems and services which will deliver the benefit. However, like all our benefits we will continue to involve carers and the organisations that support them in the detailed work to design how Scottish Carer's Assistance will work beyond this consultation.

We have also asked about future changes which we could make to Scottish Carer's Assistance and your views on these. The feedback on these will be used to develop our proposals further.

Once responses to the consultation have been analysed we will provide a further update on our next steps.

Responding to this consultation

We are inviting responses to this consultation by 23 May 2022.

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 <https://consult.gov.scot/social-security/scottish-carers-assistance>. 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 23 May 2022.

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

Carer Benefits Policy Team
Scottish Government
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 we 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://www.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 the contact address above or email ScottishCarersAssistance@gov.scot

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.

List of consultation questions

- Question 1: Please give us your views on how Scottish Carer's Assistance services could be designed to suit carers' needs (For example, in terms of how carers can apply for benefits, report changes that may affect their benefits, get payments, or get information or notifications about their benefits).
- Question 2: Please give us your views on support that Scottish Carer's Assistance could link to that would be helpful for carers.
- Question 3: Do you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]
- Question 4: Please write the reason why you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance, or any other information you want to share on this question.
- Question 5: Please give us your views on the 'past presence test' which should be used for Scottish Carer's Assistance.
- Question 6: Do you agree or disagree with the proposed re-determination timescales for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]
- Question 7: Please write the reason why you agree or disagree with the proposed re-determination timescales for Scottish Carer's Assistance, or any other information you want to share on this question.
- Question 8: Do you agree or disagree with the proposals on when payments of Scottish Carer's Assistance should be suspended? [Agree, Disagree, Unsure.]
- Question 9: Please write the reason why you agree or disagree with the proposals on when payments of Scottish Carer's Assistance should be suspended, or any other information you want to share on this question.
- Question 10: Please give us your views on what should happen to payments of Scottish Carer's Assistance when a cared for person's qualifying benefit is suspended.
- Question 11: Do you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0? [Agree, Disagree, Unsure.]

- Question 12: Please write the reason why you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0, or any other information you want to share on this question.
- Question 13: Do you agree or disagree with the proposal to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short-term assistance? [Agree, Disagree, Unsure.]
- Question 14: Please write the reason why you agree or disagree with the proposals to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short-term assistance, or any other information you want to share on this question.
- Question 15: Please give us any other views you want to share on the proposals for Scottish Carer's Assistance when it is first launched.
- Question 16: Do you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future? [Agree, Disagree, Unsure.]
- Question 17: Please write the reason why you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future, or any other information you want to share on this question.
- Question 18: Please give us any other views you want to share on the proposals for Carer's Allowance Supplement.
- Question 19: Do you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]
- Question 20: Please write the reason why you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment, or any other information you want to share on this question.
- Question 21: Do you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]
- Question 22: Please write the reason why you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment, or any other information you want to share on this question.

- Question 23: Do you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance? [Agree, Disagree, Unsure.]
- Question 24: Please write the reason why you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance, or any other information you want to share on this question.
- Question 25: Please give us any other views you want to share about the proposed Carer's Additional Person Payment.
- Question 26: Do you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance? [Agree, Disagree, Unsure.]
- Question 27: Please write the reason why you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance, or any other information you want to share on this question.
- Question 28: Do you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement? [Agree, Disagree, Unsure.]
- Question 29: Please write the reason why you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement, or any other information you want to share on this question.
- Question 30: Do you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person? [Agree, Disagree, Unsure.]
- Question 31: Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person, or any other information you want to share on this question.
- Question 32: Do you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks when a cared for person goes into hospital or residential care? [Agree, Disagree, Unsure.]

- Question 33: Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks when a cared for person goes into hospital or residential care, or any other information you want to share on this question.
- Question 34: Do you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]
- Question 35: Please write the reason why you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer's Assistance, or any other information you want to share on this question.
- Question 36: Do you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role? [Agree, Disagree, Unsure.]
- Question 37: Please write the reason why you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role, or any other information you want to share on this question.
- Question 38: Do you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future? [Agree, Disagree, Unsure.]
- Question 39: Please write the reason why you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future, or any other information you want to share on this question.
- Question 40: Do you agree or disagree that a payment for long term carers should be considered further? [Agree, Disagree, Unsure.]
- Question 41: Please write the reason why you agree or disagree that a payment for long term carers should be considered further, or any other information you want to share on this question.
- Question 42: If a payment for long term carers was considered, what should the payment look like and who should it be for?
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- Question 44: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on groups who share protected characteristics.
- Question 45: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on Island communities.
- Question 46: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on reducing inequality caused by socio-economic disadvantage.
- Question 47: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on children's rights and wellbeing.
- Question 48: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on businesses.

Scottish Carer's Assistance – further detail on draft policy for launch

As set out in section 1 of this consultation document, we are proposing outline policy for how Scottish Carer's Assistance will work when it is first launched. This is based on the need to keep core eligibility rules similar to Carer's Allowance, to avoid a 'two-tier system' for those already getting Carer's Allowance. It is also based on the rules set out for devolved Scottish benefits in the Social Security (Scotland) Act 2018. This is so that people getting Scottish Carer's Assistance are treated in a similar way to people getting other Scottish benefits, and are treated with fairness, dignity and respect, in line with our social security principles¹.

We are inviting views on this outline policy. Questions are set out in section 1 and this annex provides further information. Further work on the detail of how this policy will work for Scottish Carer's Assistance will be carried out when we have the responses to this consultation, and alongside the work we will do with carers to design the services that will deliver this support. We are also working with the Department for Work and Pensions on some areas where there could be impacts on carers' entitlement to support which they provide.

Core Scottish Carer's Assistance eligibility

1. To be eligible carers would need to be:
 - 16 or over
 - not in full-time education, or education for 21 or more hours a week
 - not earning more than £128 a week, after certain deductions² (2021/22 threshold)
 - providing 'regular and substantial care' to a person who is normally receiving a qualifying disability benefit (see qualifying disability benefits below)
 - 'Regular and substantial care' will be defined as 35 hours or more a week. Hours cannot be combined across multiple cared for people
2. Carers would not need to be related to, or living with, the person they care for.
3. Carers would not be able to receive the full amount of Scottish Carer's Assistance at the same time as other 'income replacement' benefits paid for the same purpose, according to

¹ The Social Security Principles are set out in [Part 1 of the Social Security \(Scotland\) Act 2018](#)

² Deductions can be made for expenses, including 50% of a carer's pension contributions, equipment they need to do their job, travel costs for work, business costs for the self-employed, costs which are less than or equal to 50% of the carer's earnings to pay for care for the disabled person or childcare while the carer is at work.

the 'overlapping benefits' rule. They would have 'underlying entitlement' to Scottish Carer's Assistance and may receive additional support in reserved benefits.³

Definition of care

4. We would not define care in regulations for Scottish Carer's Assistance. However, care must not be provided by virtue of a contract or as voluntary work.

Qualifying benefits – cared for person

5. The cared for person would need to be in receipt of one of the qualifying benefits below. In line with the proposals in section 1, the cared for person may also be in receipt of short-term assistance paid in place of one of the devolved qualifying benefits. Scottish Carer's Assistance would stop when the disability benefit stops, with the exception of the death of the cared for person.

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

Shared care

6. More than one person would not be able to claim Scottish Carer's Assistance for the same cared for person. Where there are multiple applications involving care of the same person a process would be needed to determine who is entitled to support.

Payments

7. Scottish Carer's Assistance payment amounts would be in line with Carer's Allowance on launch. The payment amount for Carer's Allowance is £67.60 per week in 2021/22. Carers will continue to receive additional support through Carer's Allowance Supplement.

³ This includes premiums in some means-tested benefits and may include Class 1 National Insurance contributions.

8. Payments will be up-rated annually, on the same date as other devolved benefits, using the same inflation measure, currently the September rate of the Consumer Price Index.
9. Payment frequency would be in line with standard Carer's Allowance payment cycles.

Other benefits: Young Carer Grant

10. We propose that a carer would not be able to get Young Carer Grant if they are in receipt of Scottish Carer's Assistance. However, a carer may apply for Scottish Carer's Assistance in a year in which they have already received Young Carer Grant.
11. Another carer may be in receipt of Young Carer Grant and caring for the same person for whom a carer claims Scottish Carer's Assistance. This mirrors Young Carer Grant regulations and allows for shared care.

Other benefits: cared for person's disability benefits

12. If the cared for person has a Severe Disability Premium/additional amount included in their benefits, their entitlement to that support can be affected if their carer receives Scottish Carer's Assistance. Severe Disability Premium is an additional amount paid in certain means-tested benefits⁴ to help with the cost of disability.

Other benefits: reserved means-tested benefits

13. Scottish Carer's Assistance will be counted as income in the calculation of entitlement to reserved means-tested benefits and tax credits.
14. Receipt of, or having underlying entitlement to Scottish Carer's Assistance would also mean a carer is in the 'no work-related activity' group for Universal Credit, and therefore not required to look for or prepare for work.
15. The work requirements for Working Tax Credits for couples with a child or qualifying young person are reduced if one of the couple is receiving Scottish Carer's Assistance – to just 16 hours a week.
16. Carers receiving Scottish Carer's Assistance or with underlying entitlement to Scottish Carer's Assistance, would be exempt from the benefit cap.

⁴ The relevant benefits are: Income Support, Income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Pension Credit, and Housing Benefit.

Tax status

17. Scottish Carer's Assistance will be a taxable benefit. Carer's Allowance is taxable and the definition of income for tax purposes is reserved to the UK Government.

Backdating and qualifying periods

18. We propose that backdating would mirror Carer's Allowance – we would backdate Scottish Carer's Assistance awards up to three months, and further where the cared for person's qualifying benefit is backdated, and the claim is made within three months of the qualifying benefit award. This may be more than three months in situations where the cared for person's award is backdated following a Tribunal decision.

19. There would be no qualifying period for Scottish Carer's Assistance, carers can apply from day one of their caring role, or up to three months before they would qualify – for example if they plan to stop working to take on a caring role.

Death of cared for person

20. Scottish Carer's Assistance would continue to be paid for 8 weeks after the death of the cared for person on launch. Options are being considered to extend this in future and more information on this is included in section 3 of this consultation.

Breaks in care

21. Carers would be allowed up to four weeks' break in any 26 week period, and up to 12 weeks if the cared for person is in hospital, and still retain their Scottish Carer's Assistance award.

Redeterminations and appeals

22. We propose that re-determination timescales would be set in line with the Scottish disability benefits. Given the pressures on carers, having a longer timescale to request a re-determination would be beneficial. Carers would have 42 days to request a re-determination and the Agency would have 56 days to carry this out.

23. Appeal timescales and First-tier Tribunal procedures set out in the Social Security (Scotland) Act 2018 and the First-tier Tribunal for Scotland Social Security Chamber (Procedure) Regulations 2018 will apply. Carers will have 31 days to request an appeal after they receive the outcome of a re-determination.

Short-term assistance

24. Short-term assistance would be available where a decision to reduce or remove an award of Scottish Carer's Assistance is being challenged. Short-term assistance paid during the two challenge periods (re-determination and appeal) would not need to be paid back, unless there has been an overpayment as a result of fraud or error. We propose that short-term assistance would not be available to carers challenging a decision to set their award to £0, due to them receiving an overlapping benefit, earning over the earnings limit, or when a cared for person is in hospital. This is because this could risk incentivising challenges, when these are unlikely to be successful, when the determination is based on evidence of overlapping benefits, earnings or the removal of a qualifying disability benefit. Short-term assistance is also not available for Child Disability Payment when a child's award is set to £0 following admission to residential care.

25. As set out in section 1, we propose that short-term assistance should be treated as a qualifying benefit for Scottish Carer's Assistance when being paid in place of a qualifying disability benefit. This would allow carers to continue to receive support when a cared for person is challenging a decision. Any Scottish Carer's Assistance paid while a cared for person is receiving short-term assistance would not normally be recovered, except where it has been paid as a result of fraud or error.

Overpayments, recovery, fraud and offences

26. Provisions in the Social Security (Scotland) Act 2018 on overpayments, recovery, fraud and offences would apply to Scottish Carer's Assistance. This means that in line with other devolved benefits, recovery of any overpaid Scottish Carer's Assistance could be taken from ongoing payments of other devolved benefits, and recovery of other benefits could be taken from Scottish Carer's Assistance. In making decisions about recovery of overpayments, an individual's circumstances (including their financial circumstances) will be taken in to account. No individual will be placed into hardship as a result of recovery.

27. Investigations have previously been carried out into Department for Work and Pensions overpayments of Carer's Allowance, by the National Audit Office and Work and Pensions Select Committee. These investigations highlighted a number of issues which led to these

overpayments, and further fraud and overpayments policy and design work will be undertaken to prevent this from occurring in Scottish Carer's Assistance.

Residence requirements

28. Residency will be based on the place of residence of the carer, not the cared for person.
29. To get Scottish Carer's Assistance, carers will need to be 'ordinarily resident' in Scotland and 'habitually resident' and present in the common travel area. If someone is 'ordinarily resident' somewhere it means that they live there. If someone is 'habitually resident' somewhere it means that place is their main home and they intend to stay there. The Common Travel Area is the United Kingdom, Ireland, the Isle of Man, and the Channel Islands.
30. They must also not be 'subject to immigration controls'. If someone is subject to immigration controls, it means they are able to be in the UK and stay there, but they aren't able to access public funds, such as benefits. This will sometimes be the case if someone has come into the country on a visa which has these limits – these include 'partner visas' – if they are moving to live with a partner who lives in the UK – and student visas.
31. To be eligible for Carer's Allowance you have to have been living in Great Britain for 104 of the past 156 weeks (2 of the past 3 years) – this is the 'past presence test'. Following recent appeals against the rules which the Department for Work and Pensions use, we have already reduced the 'past presence test' which we will use for other new Scottish benefits, Child and Adult Disability Payments. We are considering the test which should be used for Scottish Carer's Assistance.
32. The same rules on 'exportability' – eligibility to receive support outside the UK - will apply for Scottish Carer's Assistance as they do to Child and Adult Disability Payment. This means some carers may be able to receive Scottish Carer's Assistance outside of the UK if they are living in the European Economic Area, Switzerland or Gibraltar, and they have a 'genuine and sufficient link' to Scotland⁵. They would need to be included in agreements the UK Government has made with the European Union, Ireland, or Gibraltar⁶. To be

⁵ Carers may have a 'Genuine and sufficient link' if they do not live in Scotland but have links to the country. This may be because, they, or a family member have spent a significant part of their life in Scotland.

⁶ Some carers will be able to get Scottish Carer's Assistance outside of the UK if they are covered by the Withdrawal Agreement the UK Government made with the European Union before leaving. Carers may be covered if they are a European Economic Area or Swiss national who moved to the UK before the 1st of January 2021, or a UK national who moved to an European Economic Area country or Switzerland before the 1st of January 2021, or if they are moving to join a family member who moved before this date. Ireland and Gibraltar have their own agreements with the UK Government. British or Irish nationals who have moved to Ireland from the UK may be able to get Scottish Carer's Assistance regardless of when they moved. People of any nationality living in Gibraltar who moved there from the UK may also be able to get Scottish Carer's Assistance regardless of when they moved.

covered by the European Union agreement, carers from the UK would need to have been living outside of the UK since before the UK left the European Union on the 1st January 2021. Carers may also receive support outside of the UK if they are a serving member of the armed forces, aircraft worker or mariner. Carers wouldn't be able to get Scottish Carer's Assistance if they are living outside of Scotland but elsewhere in the UK. People living elsewhere in the UK will get UK Carer's Allowance even if they have links to Scotland.

Special rules for terminal illness

33. We don't propose to include special rules for terminal illness for Scottish Carer's Assistance. The special rules for disability assistance allow awards to be made with no qualifying period, but there is no qualifying period for Scottish Carer's Assistance. We are considering how Scottish Carer's Assistance applications may be handled differently where the cared for person is awarded support under special rules.
34. We are considering whether any past presence test for Scottish Carer's Assistance should be removed where the cared for person is awarded support under the special rules. There is no past presence test for disability assistance awarded under the special rules.

Appointees

35. Standard appointee provisions in the 2018 Act, as amended by the Social Security Administration and Tribunal Membership Act 2020, would apply to Scottish Carer's Assistance as they do to other devolved forms of assistance. These allow people to have another person act on their behalf in dealing with their benefits.
36. For carers already getting Carer's Allowance who have their benefits transferred to Scottish Carer's Assistance we intend to allow existing Department for Work and Pensions appointees to remain appointees pending a review by Social Security Scotland, in line with the 2018 Act provisions.

Suspension of assistance

37. Provisions for suspension of assistance would mirror those inserted into regulations for Scottish Child Payment and Child Disability Payment, setting out circumstances in which assistance may be suspended: 1. When an individual has not provided information which has been requested; 2. When someone is receiving assistance on behalf of the carer, and that person is no longer able to receive the assistance, or 3. There is a risk of financial abuse.

38. Carers will have the right to challenge a suspension of assistance and ask for a review but this wouldn't have the same status as a re-determination and there would be no short-term assistance or appeal available in this situation.
39. Regulations will be drafted so that decisions to suspend awards have to take into account the financial circumstances of the carer, allow them a right to review as above, and explain to them the reasons for the suspension in writing.
40. Work is ongoing to consider what should happen to Scottish Carer's Assistance awards when the qualifying benefit has been suspended.

Nil awards

41. As set out above, we propose that Scottish Carer's Assistance awards could be set to £0 for any week in which a carer earns over the earnings threshold. This would prevent overpayments where a carer has earnings which change regularly, but prevent an award being ended when a carer is ineligible for support only temporarily. This would be a different approach to UK Carer's Allowance in which an award would be suspended in this situation, as suspension powers are more narrow in scope in the devolved system.
42. Scottish Carer's Assistance awards could also be set to £0 for any week in which a cared for person's qualifying benefit award is set to £0. This would include where a cared for person is in hospital for more than 28 days (with the exception of children under 18 where payments will continue). This would be a different approach to Carer's Allowance where an award would end at this point, and would allow support for carers to be resumed more quickly and easily.
43. Awards would also be set to £0 where a carer is in receipt of an 'overlapping benefit' which is paid at the same or a higher rate than Scottish Carer's Assistance. This would ensure that carers do not receive payments which they are not entitled to, but ensure that their 'underlying entitlement' to Scottish Carer's Assistance is recorded on systems. Having an underlying entitlement can increase the amount that carers can receive in other benefits.
44. With the exception of carers in receipt of overlapping benefits, we propose that there should be a time limit of six months on £0 awards, after which a carer's Scottish Carer's Assistance award would be ended and they would need to re-apply if they became eligible in future.
45. Carers would be able to request a re-determination of a decision to set their award to £0 and to appeal this decision following an unsuccessful re-determination.

Endnotes and references

- ¹ Carers UK, [Valuing Carers](#), 2015, Table 2.
- ² Carers UK, [Unseen and Undervalued](#): The value of unpaid care provided to date during the COVID-19 pandemic, November 2020.
- ³ Scottish Government, [Scotland's Carers](#), March 2015.
- ⁴ [Draft Carers Strategic Policy Statement](#), Scottish Government, September 2019.
- ⁵ [Scotland Act 2016, Part 3, section 22](#). Also repeated in the [Social Security \(Scotland\) Act 2018 at Schedule 2](#).
- ⁶ These powers allow the Scottish Government to pay benefits to people providing 'regular and substantial care' to 'a person to whom a disability benefit is normally payable'. [Scotland Act 2016, Part 3, section 22](#). Also repeated in the [Social Security \(Scotland\) Act 2018 at Schedule 2](#).
- ⁷ [Summary statistics for Carer's Allowance Supplement, October eligibility date 2021 and Carer's Allowance, Disability Living Allowance, Attendance Allowance and Severe Disablement Allowance at August 2021](#), page 8.
- ⁸ Scottish Government, [Support for carers: Policy position paper](#), February 2019.
- ⁹ More information on [Carer's Allowance Supplement at mygov.scot](#).
- ¹⁰ More information on [Young Carer Grant at mygov.scot](#).
- ¹¹ [Young Carer Grant: high level statistics to 31 October 2021](#), December 2021.
- ¹² [The evaluation of Carer's Allowance Supplement](#) was published by Scottish Government in November 2020. The [Interim Evaluation of Young Carer Grant](#) was published by Scottish Government in August 2021.
- ¹³ More information about the Scottish Fiscal Commission is available [on their website](#).
- ¹⁴ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 5, Social Security.
- ¹⁵ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 2 Fiscal overview, figure 2.4: Social security net position and new payments.
- ¹⁶ The [Carers \(Scotland\) Act](#) defines a 'carer' as an individual who provides or intends to provide care for another individual, other than care provided to a person under 18 years old only as a result of their age, or care provided as part of a contract, or voluntary work.
- ¹⁶ More about the [Carer Positive scheme](#) on their website.
- ¹⁸ [Independent Review of Health and Social Care](#), published February 2021.
- ¹⁹ Scottish Government, '[National Care Service consultation responses published](#)', February 2022.
- ²⁰ '[Strong support for National Care Service](#)', Scottish Government news release, 10 February 2022. News release and analysis of responses available on the Scottish Government website.
- ²¹ More information in our [Case Transfer policy position paper](#), Scottish Government, February 2019.
- ²² Most respondents to our 2016 consultation on social security, supported the goal we set for Scottish Carer's Assistance, that it would be 'not a payment for care [but] provide some financial support and recognition for those who choose to, or who have had to give up or limit their employment or study because of caring responsibilities'. [Analysis of written responses to the consultation on social security in Scotland](#), Scottish Government, February 2017.
- ²³ Carer's Allowance is an 'income-replacement' benefit so carers may not be earning more than £128 per week (2021/22 rate) from employment, after tax, National Insurance and some expenses. More information on is available at: <https://www.gov.uk/carers-allowance/eligibility>.
- ²⁴ A Minimum Income Guarantee Steering Group has been set up to work on defining what a Minimum Income Guarantee for Scotland should look like. It includes representation from Carers Scotland. More information on the group, its membership and work is available [on the Scottish Government website](#).
- ²⁵ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 2 Fiscal overview, figure 2.4: Social security net position and new payments.
- ²⁶ [Summary statistics for Carer's Allowance Supplement, October eligibility date 2021 and Carer's Allowance, Disability Living Allowance, Attendance Allowance and Severe Disablement Allowance at August 2021](#), page 8.
- ²⁷ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 5, Social Security, figure 5.4: Social security spending forecasts.
- ²⁸ More information on how we uprate Carer's Allowance Supplement and other Scottish benefits is included in our [Effects of inflation report](#), Scottish Government, December 2021.
- ²⁹ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 5, Social Security, figure 5.4: Social security spending forecasts.
- ³⁰ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts December 2021](#)', pp.11: [uprating].

³² Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 5, Social Security, figure 5.8, ADP policy decomposition.

³² More information on the [Social Security Charter](#) on Social Security Scotland website.

³³ Figures available to the end of May 2021 on [DWP StatXplore](#).

³⁴ [A fairer Scotland for women: gender pay gap action plan](#), Scottish Government, 2019.

³⁵ [The gender impact of welfare reform](#), Scottish Government, August 2013, [A Widening Gap – Women and Welfare Reform](#), Engender, 2015.

³⁶ [One Year On: How COVID-19 is impacting women's employment in Scotland](#), Close the Gap, March 2021. '[Covid-19 in Scotland: The impact on unpaid carers and carer service support workers](#)', Carers Trust Scotland, 2021.

³⁷ [Poverty and Income Inequality in Scotland 2017-20](#), Disability section.

³⁸ Analysis based on multiple years of the [Family Resources Survey](#), poverty rates on Carer's Allowance have increased since 2005-08 from being lower compared to the overall population to being slightly higher now. It should be noted that Carer's Allowance is underreported in the survey.

³⁹ Analysis based on multiple years of the [Family Resources Survey](#).

⁴⁰ More about the Carer Benefits Advisory Group role and membership [on the Scottish Government website](#).

⁴¹ [Scottish Carer's Assistance Discussion Paper](#), Scottish Government, March 2021.

⁴² More on our [Expense Panels on the Scottish Government website](#).

⁴³ More about the Disability and Carer Benefits Expert Advisory Group role and membership [on the Scottish Government website](#).

⁴⁴ More about the Carer Benefits Advisory Group role and membership [on the Scottish Government website](#).

⁴⁵ The National Carer Organisations are Carers Scotland, Carers Trust Scotland, Shared Care Scotland, Minority Ethnic Carers of People Project (MECOPP), and Coalition of Carers. More information on the [unpaid carers page of the Scottish Government website](#).

⁴⁶ More information on Our Charter on the [Social Security Scotland website](#).

⁴⁷ [Social Security \(Scotland\) Act 2018: benefit take-up strategy](#), Scottish Government, October 2021.

⁴⁸ More information on Our Charter [on the Social Security Scotland website](#).

⁴⁹ Expenses can include 50% of a carer's pension contributions, work expenses such as travel costs and equipment for work, and up to 50% of the costs of replacement care for the person being cared for. More information is available on the [Carer's Allowance eligibility section of the UK Government website](#).

⁵⁰ More information on the effect that Carer's Allowance has on other benefits [on the UK Government website](#).

⁵¹ More information about what to do if you do not agree with a benefit decision made by Social Security Scotland [available at mygov.scot](#).

⁵² More information about appealing to a Tribunal about a benefit decision made by Social Security Scotland [available at mygov.scot](#).

⁵³ More on the Department for Work and Pensions mandatory reconsideration process [on the UK Government website](#).

⁵⁴ [Social Security \(Scotland\) Act 2018](#), section 48.

⁵⁵ The benefits that 'overlap' with Carer's Allowance are: State Pension, Incapacity Benefit, Severe Disablement Allowance, Unemployability Supplement – paid with Industrial Injuries Disablement Benefit or War Pension, Widow's Pension or Bereavement Allowance, Widowed Mother's Allowance or Widowed Parent's Allowance, War Widow's or Widower's Pension, Maternity Allowance, Industrial Death Benefit, contribution-based Jobseeker's Allowance, contribution-based Employment and Support Allowance.

⁵⁶ More about [Scottish Child Payment at mygov.scot](#).

⁵⁷ More about [Child Winter Heating Assistance at mygov.scot](#).

⁵⁸ More about [Child Disability Payment at mygov.scot](#).

⁵⁹ More information on [Carer's Allowance Supplement at mygov.scot](#).

⁶⁰ [The Evaluation of Carer's Allowance Supplement](#), Scottish Government, November 2020.

⁶¹ More information on how we uprate Scottish benefits is set out in our [Effects of inflation report](#), Scottish Government, December 2021.

⁶² Carer's Allowance is an 'income-replacement' benefit so carers may not be earning more than £128 per week (2021/22 rate) from employment, after tax, National Insurance and some expenses. This means that most carers will not have taxable earnings above the personal tax allowance, which is £12,570 in 2021/22. More information on Carer's Allowance eligibility is available at: <https://www.gov.uk/carers-allowance/eligibility>.

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- ⁶³ Receiving or being eligible for Carer's Allowance can entitle carers to additional amounts in some UK Government benefits, including Income Support, Pension Credit. Eligibility for Carer's Allowance will also reduce the work requirements for carers who are getting Universal Credit.
- ⁶⁴ Scottish Fiscal Commission, '[Scotland's Economic and Fiscal Forecasts, December 2021](#)', Chapter 2 Fiscal overview, figure 2.4: Social security net position and new payments.
- ⁶⁵ The Social Security Principles are set out in [Part 1 of the Social Security \(Scotland\) Act 2018](#).
- ⁶⁶ More information on Carer's Allowance eligibility [on the UK Government website](#).
- ⁶⁷ Analysis of the [Family Resources Survey](#).
- ⁶⁸ Analysis of the [Annual Population Survey](#), Jan-Dec 2019.
- ⁶⁹ Carer's Allowance is an 'income-replacement' benefit so carers may not be earning more than £128 per week (2021/22 rate) from employment, after tax, National Insurance and some expenses. Expenses can include 50% of a carer's pension contributions, work expenses such as travel costs and equipment for work, and up to 50% of the costs of replacement care for the person being cared for. More information is available on the [Carer's Allowance eligibility section of the UK Government website](#).
- ⁷⁰ Real Living Wage is independently calculated by the Resolution Foundation. More information on the [Scottish Living Wage website](#).
- ⁷¹ Average weekly hours for part-time workers is around 16 hours in the [Labour Force Survey](#).
- ⁷² Analysis based on multiple years of the [Family Resources Survey](#).
- ⁷³ The benefits that 'overlap' with Carer's Allowance are: State Pension, Incapacity Benefit, Severe Disablement Allowance, Unemployability Supplement – paid with Industrial Injuries Disablement Benefit or War Pension, Widow's Pension or Bereavement Allowance, Widowed Mother's Allowance or Widowed Parent's Allowance, War Widow's or Widower's Pension, Maternity Allowance, Industrial Death Benefit, contribution-based Jobseeker's Allowance, contribution-based Employment and Support Allowance.
- ⁷⁴ Carers receiving State Pension make up around 80% of all carers with an underlying entitlement to Carer's Allowance. Around 98% of carers with underlying entitlement who have reached State Pension age receive the State Pension.
- ⁷⁵ More information on the premiums paid with reserved benefits is available [on the UK Government website](#).
- ⁷⁶ National Carer Organisations: '[A Manifesto for Unpaid Carers and Young Carers](#)', 2021.
- ⁷⁷ [If not now, when? - Social Renewal Advisory Board report](#), Scottish Government, January 2021.
- ⁷⁸ Figures available to the end of May 2021 on [DWP StatXplore](#).
- ⁷⁹ [The gender impact of welfare reform](#), Scottish Government, August 2013, [A Widening Gap – Women and Welfare Reform](#), Engender, 2015.
- ⁸⁰ [One Year On: How COVID-19 is impacting women's employment in Scotland](#), Close the Gap, March 2021: '[Covid-19 in Scotland: The impact on unpaid carers and carer service support workers](#)', Carers Trust Scotland, 2021.
- ⁸¹ [Social security: Benefits for carers - gov.scot \(www.gov.scot\)](#).
- ⁸² [Summary statistics for Carer's Allowance Supplement, October eligibility date 2021 and Carer's Allowance, Disability Living Allowance, Attendance Allowance and Severe Disablement Allowance at August 2021](#), page 11.
- ⁸³ [Scotland's Carers](#), Scottish Government, March 2015.
- ⁸⁴ Allmark P, Salway S, Crisp R & Barley R (2010) [Ethnic Minority Customers of the Pension, Disability and Carers Service: An Evidence Synthesis](#).
- ⁸⁵ [Rural Scotland key facts, 2015](#).
- ⁸⁶ [Inhabited Islands analytical report](#).
- ⁸⁷ [Remotely excluded: barriers facing Scotland's rural consumers](#), Citizens Advice Scotland, 2015.
- ⁸⁸ [A Minimum Income Standard: For Remote rural Scotland: a Policy Update](#), Loughborough University, UHI & Highlands and Islands Enterprise; 2016.
- ⁸⁹ Scotland's Carers, March 2015: [Scotland's Carers - gov.scot \(www.gov.scot\)](#).
- ⁹⁰ [Tackling Child Poverty Delivery Plan](#), Scottish Government.
- ⁹¹ Analysis based on multiple years of the [Family Resources Survey](#).
- ⁹² Analysis based on multiple years of the [Family Resources Survey](#).
- ⁹³ Analysis based on [Family Resources Survey](#), 2019-20.
- ⁹⁴ Analysis based on the Annual Population Survey household datasets, Jan-Dec 2019. Characteristics such as gender and age may not be reflected by the survey weighting in the household datasets.
- ⁹⁵ [Poverty and Income Inequality in Scotland 2017-20](#), Gender section.
- ⁹⁶ [Poverty and Income Inequality in Scotland 2017-20](#), Child poverty section.
- ⁹⁷ [The Evaluation of Carer's Allowance Supplement](#), Scottish Government, November 2020.

⁹⁸ Social Security (Scotland) Act 2018 Benefit Take-up Strategy, Scottish Government, October 2019

⁹⁹ Scottish Government (2015) [Scotland's Carers](#).

¹⁰⁰ Figures available to the end of May 2021 on [DWP StatXplore](#).

¹⁰¹ Carers UK (2021) [State of Caring 2021](#).

¹⁰² Carers UK as part of the Jo Cox Loneliness Commission (2017) [The world shrinks: Carer loneliness](#).



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