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Young Carer Grant Regulations: Analysis of Consultation Responses



EQUALITY AND WELFARE



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Introduction

Background

The Scotland Act 2016 devolved new social security powers to Scotland, including benefits for carers; otherwise referred to as ‘carer’s assistance’. Scottish Ministers are using these powers to introduce the Young Carer Grant (YCG), which is a new form of financial help for young carers.

On 20 September 2017 the First Minister announced a new package of support for young carers, with the Young Carer Grant as its centrepiece. This wider package of support included:

- a commitment to free bus travel from 2020/2021 for Young Carer Grant recipients (subject to successful piloting);
- a bespoke carer element to the Young Scot National Entitlement card, providing non-cash benefits for young carers aged 11-18 (to be rolled out from April 2019); and
- new support for young carers introduced through the Carers (Scotland) Act (which took effect on 1 April 2018), including the right to a young carer statement, and a duty on local authorities to establish an information and advice service for carers.

The Young Carer Grant aims to provide support during a key transition period in young carers’ lives to help improve their health and education outcomes as they move into the adult world. The aim of the Young Carer Grant is to provide a new service of financial assistance to help improve their quality of life and break down barriers, so that young carers can access opportunities that are the norm for many other young people. The draft regulations provide detailed rules relating to the Young Carer Grant, including eligibility, what assistance is available, the value of the payment and when to apply¹.

Young carers aged 16-17 (and 18 if still at school) with significant caring responsibilities will be eligible for the Young Carer Grant, which will consist of a £300 one-off payment, and can be applied for annually. Under the proposed eligibility, the Scottish Government estimates that the Young Carer Grant will offer support to approximately 1,700 young carers each year.

The Scottish Government launched a public consultation to gather views on the draft YCG regulations, to explore if stakeholders perceived that the best solutions had been presented and that these were in line with the principles of dignity, fairness and respect. It should be stressed that the consultation focused solely on the £300 grant and did not seek to gather views about the proposed free bus travel or the carer element to the Young Scot National Entitlement card.

¹ It is intended that further information will be set out in operational guidance.

The Consultation Exercise

The consultation document set out the following:

- An outline of the Young Carer Grant Regulations, which included sections on the application process, eligibility, assistance to be given, and the re-determination process;
- A copy of the Draft Young Carer Grant Regulations; and
- Impact Assessments for the proposed YCG implementation, including an Equality Impact Assessment, an Impact Assessment for Children's Rights and Wellbeing, and a Business and Regulatory Impact Assessment.

A total of 11 questions were asked in relation to the draft regulations. These included more general questions, such as whether the regulations would meet the specified policy aims or have any potential unintended consequences, as well as more specific questions around eligibility, the frequency of applications, whether hours of care for more than one person could be combined to allow an applicant to reach the eligibility threshold, whether more than one applicant could seek a grant when caring for the same person, and issues around re-determination timescales.

The consultation also sought to identify any additional impacts of the draft regulations on people with protected characteristics under the Equality Act 2010, in relation to children's rights and wellbeing, and from a business and regulatory perspective, which were not already identified in the consultation document.

Contributions were encouraged from carers and young carers, carer organisations, youth organisations, education professionals, health professionals, local authorities, and any other groups or individuals with a working knowledge of social security, carer and young carer matters and experience of working with regulations.

In addition to the structured consultation document, the Scottish Government also invited contributions via interviews and attendance at targeted events. Responses from these engagement activities were analysed separately and do not form part of this report, which focuses on the responses to the main consultation document only.

The consultation opened on 17 September 2018 and ran for 12 weeks until 10 December 2018.

Methodology

A total of 75 substantive responses were received, most via the Scottish Government's online portal Citizen Space, but a few submitted directly to the Scottish Government by email. Of the 75 responses, 56 were submitted by individuals and 19 came from organisations.

A total of 11 open questions were included, most of which had both a closed and open component. All questions were answered by at least one respondent. Responses were read and logged into a database, and all were screened to ensure

that they were appropriate/valid. None were removed for analysis purposes. Although some responses to individual questions were not appropriate/did not directly address the questions being asked, all feedback was analysed and is presented under the appropriate sections below.

Closed question responses were quantified and the number of respondents who agreed/disagreed with each proposal is reported below. Comments given at each open question were examined and, where questions elicited a positive or negative response, they were categorised as such. For most of the questions, respondents were also asked to state the reasons for their views, or to explain their answers. The main reasons presented by respondents both for and against the proposals set out across the consultation were reviewed, alongside specific examples or explanations, alternative suggestions, caveats to support, and other related comments. Verbatim quotes were extracted in some cases to highlight the main themes that emerged. Only extracts where the respondent indicated that they were content for their response to be published were used - six respondents asked that their response not be published and 35 approved publication without reference to their name/affiliation. The remaining 34 were content for their response and identity to be published, although a decision was made to anonymise all responses as part of the reporting process.

Report Presentation and Research Caveats

Findings are presented as they relate to each question contained under the core sections of the consultation document. Where people provided no response, this is noted separately from cases where respondents indicated that they had no further comments.

The tables below show the difference in views expressed by the respondent group as a whole. Given the relatively small number of responses received overall, it was decided that disaggregated analysis by respondent typology would be unreliable, however, in any cases where individual respondents offered views that differed significantly from those submitted by organisations, this is picked up narratively in the report. As a guide, where reference is made in the report to 'few' respondents, this relates to three or less respondents. The term 'several' refers to more than three, but typically less than ten.

Finally, the views presented here should not be taken as representative of the wide range of stakeholders invited to respond to this consultation, nor should they be generalised too broadly. Rather, they reflect the views of those individuals and organisations who responded.

Regulations

The draft regulations provide the legal structure and rules for delivering the Young Carer Grant. These include eligibility, what assistance is available, the value of the payment and when to apply.

Meeting the Policy Aims

The consultation document states that the Young Carer Grant aims to help improve young carers' health and education outcomes at a key transition period in their lives. The grant will provide financial assistance to help improve the quality of life for young carers, break down barriers and allow them to access opportunities that are considered normal for many other young people. Respondents were asked whether the draft regulations were likely to meet these policy aims.

Q1. Do you think the draft regulations are likely to meet the policy aims set out in this document?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 55 | 73% |
| No | 17 | 23% |
| No response | 3 | 4% |
| Total | 75 | 100% |

Nearly three quarters (73%) of respondents felt that the draft regulations would be likely to meet the policy aims. Less than one quarter (23%) felt they would not, while three respondents did not provide a response.

Where respondents felt that the policy would not meet its stated aims (and where caveats were provided by those who indicated it would meet the aims), many respondents reported concerns over apparent exclusions based on the eligibility criteria, and therefore felt that the positive impact of the Young Carer Grant would be limited. These exclusions (typically cited by more than one respondent each) included:

- The exclusion of those who care for someone who suffers from mental health issues and/or addictions (due to the need for the cared-for person to be in receipt of a disability benefit);
- The definition of 'care' being seen to be more restrictive than that used in the Carers (Scotland) Act and in the eligibility criteria for Carer's Allowance. In particular, it was suggested the exclusion of social, emotional and mental support within the definition of caring, meant that those caring for individuals with mental health issues and/or addictions would not be eligible for the grant, as well as those that provided assistance with more day-to-day

activities and/or supervision to keep someone safe (such as doing the shopping, accompanying a cared-for person on activities in case they fall, etc.);

- The age range and need to be at school may exclude:
 - those (aged 18) that are in non-traditional forms of education, e.g. home educated;
 - 18 year olds in further education (but who are not eligible for Carer's Allowance due to being in full-time education);
 - those aged 18 that have left education (but may have difficulty in accessing Carer's Allowance due to not meeting the hours required and/or where another claimant already exists for the same cared-for person);
 - young adult carers (i.e. aged 18-25), where it was felt that many young people would be unable to top-up their income through work, and/or again, where a young adult carer is at university full-time they cannot apply for Carer's Allowance (note: this was only discussed by one respondent); and
- Allowing only one Carer's Allowance and/or Young Carer application/grant per cared-for person was considered to exclude situations where more than one carer contributes. It was felt this could be considered discriminatory against one carer in favour of another. In particular, it was noted that the scale of the caring responsibilities and time spent in the caring role was not taken into consideration in such situations, so it would be possible for those with more significant responsibilities and impact on their own opportunities being refused the Young Carer Grant (where another carer has already been paid a carer grant) while those with lesser time inputs and responsibilities are granted it.

One organisation also discussed the lack of information within the consultation document around how a 'caring role' definition would be established and substantiated. They felt it was essential that an effective and fair way to quantify 16 hours of 'caring' be developed prior to the implementation of the grant, otherwise, they felt that some young carers may lose out. Further, they suggested (in response to a later consultation question) that, without a clearly defined method to establish caring responsibilities and time input, the process could be open to abuse and false claims:

“As it's currently unclear how the 'caring role' will be established/substantiated the process could be open to abuse by young people claiming falsely that they are providing 16+ hours per week. This would not be aligned to the principle that the grant should be targeted only where needed.” (Organisation)

This same organisation also suggested that the Scottish Government may have significantly underestimated the number of young carers living in Scotland and felt that the Young Carer Grant would do little to assist 'hidden' young carers due to the need for the cared-for person to have a qualifying benefit:

“We believe that the figure estimated by the Scottish Government of 1,700 eligible for this new grant underestimates Scotland’s actual young carer population overall and that these regulations will not significantly narrow the sizeable gap between identified and ‘hidden’ young carers as only those caring for someone with a qualifying benefit will be eligible for the grant.” (Organisation)

Other issues raised by one respondent each included:

- That there was an overarching need for simplicity in the grant and application process. This respondent was concerned that the relatively small amount of money available meant that if the application process was overly complex young carers would be less likely to apply;
- That young carers may be more likely to spend the grant in supporting their family rather than on themselves, thus it may not have the direct intended positive impact on young carers themselves (discussed more below);
- That a payment of £300 to cover a 12 month period may not be sufficient enough to make a significant difference to a young carer and allow them to remain in full-time education; and
- That the Young Carer Grant should provide the option of spreading out the payment into smaller instalments.

Overall, however, most respondents felt that the policy aims would be met, and even where concerns were raised this tended to focus on the limitations of the eligibility criteria and suggested amendments to ensure the grant is available to as many deserving young carers as possible:

“If the laudable aims of the young carer grant are to be achieved, then as many eligible young carers as possible should receive it. In order to do this, consideration will need to be given to simplifying the application process and slightly broadening the criteria for entitlement.” (Organisation)

Unintended Consequences of the Regulations

Respondents were also asked to identify any potential unintended consequences of the regulations.

Q2. Can you identify any potential unintended consequences of the regulations?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 49 | 65% |
| No | 23 | 31% |
| No response | 3 | 4% |
| Total | 75 | 100% |

Nearly two thirds (65%) of respondents indicated that there were potential unintended consequences of the draft regulations. These respondents were again asked to further explain their response. As with the comments provided at Q1, the consequences identified focused mostly on the perceived exclusions or young carers who may fall through the gaps in the eligibility criteria.

Eligibility Exclusions

Many respondents (both individuals and organisations) identified the challenges and exclusions created by the age criteria and need to be attending a school (thus excluding those being home educated, those in further/higher education, and those trying to enter the jobs market). They felt that the grant should be provided on a more inclusive basis for all young carers aged 16-18 (with one respondent stating the eligible age should be extended to 21) regardless of their educational/work status:

“I think that young carers at the age of 18 should still get the grant if they are still in education such as college/university.” (Individual)

“If you are not at school but still 18, you should still be able to get the grant.” (Individual)

“No matter their age or the type of education a young person is receiving, being a young carer still presents barriers that this grant is seeking to help overcome. We therefore suggest that as a minimum, 18-year-olds should be eligible no matter the type of education they are in.” (Organisation)

Similarly, the definition of caring as provided in the draft regulations was considered too restrictive and may unintentionally result in the exclusion of those providing emotional (rather than practical) support:

“The definition of caring is too narrow. Caring is not just about the physical needs - it can (and should) be about the person's emotional needs as well.” (Individual)

“Young Carers who provide social and emotional support which is invaluable for cared-for persons with mental health illness will be excluded.” (Organisation)

Indeed, several organisations highlighted that the definition for caring differed from/was stricter than those used in other legislation/benefits (which can provide greater financial support). One organisation suggested it would be important to ensure that the Young Carer Grant was not unintentionally more restrictive while three others felt that the additional requirements for the Young Carer Grant were largely unnecessary, generated negative consequences for young carers, and undermined the stated policy aims:

“This is more specific than the provisions in the Social Security (Scotland) Act for Carer's Assistance. Whilst not appearing to be an unreasonable description, clarification on whether this is based on an existing description would be

welcome. Care must be taken to ensure that the eligibility for the Young Carer Grant is not unintentionally more restrictive than that for other carer's benefits." (Organisation)

"We find the definition of care in the draft regulations too prescriptive (5.2) and doesn't encompass many young carers' experience of caring... We are unclear why, if eligibility is linked to the cared-for person(s) being in receipt of a qualifying benefit (as in Carer's Allowance) why further qualifying criteria or definitions are needed beyond the hours requirement. This restrictive definition will mean that many young carers with very significant caring responsibilities will not be supported - most notably those who provide significant emotional support to their cared-for person." (Organisation)

Several respondents also felt that the need for the cared-for person to be in receipt of specific benefits was restrictive and would exclude certain groups of young carers, particularly those supporting people with mental health issues and addictions:

"Young carers may be carrying out a significant caring role, however if the family are not claiming certain benefits, then the young carer is not eligible for the grant therefore they miss out on this." (Organisation)

"Young carers caring for someone with mental health problems or an addiction who may not receive a qualifying disability benefit may be most at risk of not receiving support although they may have intense caring responsibilities. Also, young carers caring for someone who have had their benefits stopped will also not benefit from this support." (Organisation)

In particular, two organisations identified ongoing issues of the Personal Independence Payment (PIP) and suggested that, because this was one of the main qualifying benefits detailed in the draft regulations, these issues could produce unintended consequences for the Young Carer Grant. It was suggested that a large number of PIP claimants have disputed decisions, resulting in subsequent reversal of decisions and backdating of awards. Combined with significant numbers of 'hidden' claimants, this could have an impact on eligibility and uptake of the Young Carer Grant:

"Even if barriers, such as stigma and a lack of awareness among services are addressed, we could still see 'eligible' young carers enmeshed in the PIP problems and therefore unable to claim the Young Carer Grant. This could be of particular importance for those caring for someone with a stigmatising condition, such as mental health problems that will be affected by the legal ruling on psychological distress." (Organisation)

Unfairly excluding young carers from eligibility where a carer's grant is already being paid to another person (when sharing the care of the same person) was again highlighted. This was considered problematic both in terms of unfairly excluding deserving young carers from the support, and in creating potential conflict

between carers/young carers regarding who would apply/receive the grant, as well as perpetuating the risk that 'hidden' young carers remain unidentified. Rather, respondents felt that all young carers who provide the required hours of care should be eligible for support, regardless of other carers also claiming support:

"We believe that if a young person meets all the eligibility conditions then they should be entitled to the full grant, even if another young person has already received a Young Carer Grant payment for providing care for the same cared-for person. However, we do not agree for Young Carer Grant payments to be shared, but for each young person who meets the criteria to receive the grant in full. The approach for the new Best Start Grant is to not put a limit on the number of children supported, so we believe the Scottish Government should also take this approach for the Young Carer Grant and support all young carers who meet the eligibility conditions." (Organisation)

It was also suggested by one organisation that only supporting one applicant per cared-for person may introduce practical difficulties, both for applicants and the Social Security Agency, in verifying other carers in receipt of benefits. As such, they suggested accepting multiple carers:

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

Currently, several respondents felt that the regulations seemed more complex than was necessary. One organisation suggested this risked the creation of a more complex application process, while two other organisations suggested that the restrictions on eligibility would mean that the majority of young people who have caring responsibilities that impact on their lives would still be unable to access this support.

Encouraging Caring Roles

Two organisations highlighted a risk that the Young Carer Grant could result in young people continuing in caring roles rather than maximising their life opportunities, and could increase 'carer identity' which may have a negative impact on the young person's sense of agency. It was felt that, for some, there may be pressure placed on young carers to increase the hours they care for someone in order to access the grant, or that young carers could become subsumed into a "cheaper" version of a Self-Directed Support (SDS) personal assistant (i.e. an adult might decline to make a client contribution because it is a cheaper option to have a family member deliver the care). It was also suggested by one of these organisations that the Young Carer Grant may be seen by some families as a 'gateway' to Carer's Allowance. Therefore, there could be a perception that the young carer should continue in their caring role when it is not in their best interests to do so. Rather, both organisations felt that emphasis needed to be placed on

maximising the personal opportunities, for example, through accessing further or higher education, training, apprenticeships or employment:

“The grant has the potential to support young carers in this transition period and must not be seen as an incentive to prioritise their caring role over their future plans.” (Organisation)

“For some families, having a son or daughter as a personal carer may be preferred to considering SDS and could increase the pressure on Young Carers. This would again raise the issue of the rights of the Young Carer versus the cared-for person and whether Young Carers are becoming trapped in the caring role versus having a life outside of caring.” (Organisation)

One respondent, however, noted that, while there may be a risk of a perception being created that young carers should continue in their caring roles when it is not in their best interests, they felt that the small amount of money the Young Carer Grant represents meant it was unlikely that young carers would feel pressured into increasing their caring responsibilities simply to qualify:

“Due to the level of grant, we do not think that is very likely that young carers would increase, or be pressured to increase, their caring responsibilities in order to qualify for the grant.” (Organisation)

They suggested that, alongside the grant, the Scottish Government and partners should consider how best to support young carers, including enabling them to access additional support for themselves and the person they care for, supporting them to identify and decide on their future goals and ensuring that their caring role is not a barrier to their aspirations, and supporting young carers in sustaining further education.

Other Unintended Consequences

Two respondents commented that there may be issues for young carers that do not have bank accounts, while another two respondents suggested that some young carers will require help to complete the application process/form. One organisation also stressed the need for the application process to be simple, and felt that if this was complex then fewer eligible young people would apply, thus weakening the overall impact of the grant.

As above, some respondents suggested that the grant may not be used to benefit the young carer as intended, for example, the cared-for person or other persons may take the money for their own use, or the young carer may use it to pay household bills or for other household needs, or they may use it for irresponsible purchases. A few respondents therefore suggested that some form of support should be made available to applicants regarding how to spend the grant and/or that more thought may be necessary around how best to safeguard or monitor the use of the Young Carer Grant.

One respondent also highlighted the perceived differing values being placed on the care provided by young carers compared to those claiming Carer's Support Allowance:

"In comparing the Young Carer Grant with the Carer's Support Allowance, it is possible that some unfortunate comparisons could be read into the value of young carers support. Young Carer Grant will total £300 per annum whilst the Carer's Support Allowance could total £4,000. Whilst we acknowledge that the Scottish Government is not keen to "encourage" a caring role for people under the age of 18, the value placed on that care must be considered." (Organisation)

Areas for Additional Clarity

Other areas that organisations sought clarity over included whether young carers would still be eligible to apply for other grants and sources of financial assistance if they were in receipt of the Young Carer Grant, and whether the provision/use of respite care may jeopardise the success of a Young Carer Grant application if this was used during the 13 week claim period.

Individual organisations also identified information that was not provided within the draft regulations and/or linkages to future (and therefore unconfirmed) regulations, and sought clarity over a number of points. These included:

- How it would be confirmed that the young person was in school. If information is required to be provided by local authorities then, it was felt this would be a new burden on them that will require Scottish Government funding;
- If a Young Carer Statement would be required as evidence in the application process, consideration would have to be given as to how services, including the third sector, will work together to ensure Health and Social Care Partnerships (HSCPs) can fulfil this duty. It was also suggested that consideration would be needed regarding the difficult and contradictory position that Carer Services could be placed in, i.e. of having to provide a Young Carer Statement as the Young Carer wants to achieve hours to access the grant while at the same time trying to alleviate the caring role;
- Whether it is intended for the form of application for the Young Carer Grant to be added to the regulations, or made in a separate set covering applications for all devolved benefits; and
- That consideration could be given to whether Severe Disablement Allowance (which is due to be devolved) could be included as a qualifying benefit. Once the devolved benefits are established, in addition to receiving an appropriate qualifying disability benefit, it may be worthwhile including receipt of Short Term Assistance as a further qualifying condition. This was considered beneficial in order to ensure that, if a cared-for person loses entitlement to disability benefit, but is challenging the decision through the re-determination and appeals process, their carer would not lose entitlement to Carer's Allowance as a consequence.

Suggested Amendments/Additions to the Draft Regulations

Specific recommended amendments and/or additions to the draft regulations were also given by a number of individual respondents, as follows:

- To remove the reference to being a pupil in regulation 4(2)(2)(b) so that all 18-year-olds would be eligible (it was noted that anyone entitled to Carer's Allowance is prevented from getting a Young Carer Grant by regulation 7(2), and young people not in education will receive more support from Carer's Allowance);
- That regulation 5(2) could be removed as it has the potential to make the process unnecessarily prescriptive (one organisation also suggested that, in order to simplify the process further, regulation 5(3) should be replaced with a 'normal hours test', i.e. rather than having strict criteria for the numbers of hours care is provided each week, and requiring the average to be calculated over a lengthy period, it should be sufficient that care is normally provided for at least 16 hours each week);
- In regulation 6(1), the line on consenting to the Scottish Ministers accessing benefit records could be removed for simplicity (it was noted that this would likely be covered by the application form and therefore seemed unnecessary). This respondent also suggested that, as a matter of good practice, the person being cared for should know this application is being made;
- In regulation 6(2)(c) 'Invalid Care Allowance' is not necessary as it was felt that this was covered by (b) - 'Carer's Allowance';
- That the timescales for re-determinations and appeals for Young Carer Grant should be included in the regulations;
- That applicants should be able to combine hours caring for more than one person to meet the required 16 hours per week; and
- One respondent felt that provision should be made for an application to be treated as made on the date from which a qualifying benefit is eventually awarded, rather than on the date the application is made (assuming that the eligibility criteria were met on that date). They noted this would require a consequential change to the current regulation 7(2)(d), allowing one grant a year to be paid to eligible young people.

Applications and Eligibility

In addition to seeking general views on the impacts of the Young Carer Grant draft regulations, the Scottish Government also sought views regarding specific elements of the policy. This chapter outlines the views provided in relation to the need for annual applications, as well as eligibility as it relates to combining caring hours for more than one cared-for person, and multiple carers providing care for the same cared-for person.

Annual Applications

As the role of carers and the needs of the cared-for person are known to often change over time, the consultation document proposed that young carers would make a new application each year in order to receive payment.

Q3. Do you agree with this proposal?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 57 | 76% |
| No | 15 | 20% |
| No response | 3 | 4% |
| Total | 75 | 100% |

Around three quarters (76%) of respondents agreed with this proposal, with the remaining quarter split between those who disagreed (20%) and those who gave no response (4%).

While those who disagreed were asked to further explain their response, a number of those who supported the proposal overall also caveated their response. Comments from both supporters and those who disagreed with the proposal typically focused on the need to provide a reminder to claimants when it was time to re-apply and/or to keep the re-application process as simple as possible.

Some respondents requested that some form of opt-in or standard reminder be sent to claimants shortly before they need to re-apply as it was felt that many young carers would be likely to forget. This point was raised mainly by individuals, although a few organisations also felt this would be important to maximise uptake:

“I think that there should be an opt-in box for young carers to be reminded a year after they have sent the application and sent a form to get the grant, to confirm that they are still in a caring role.” (Individual)

Other respondents suggested that any re-application process needed to be kept as simple as possible for claimants. It was felt that claimants should not be expected

to complete the form afresh each year, but rather they could be asked to review their previous application, or have the form pre-populated from their previous application and asked to confirm that the details were still accurate. This issue was discussed mostly by organisations, however, a few individuals did also suggest the need for a simplified re-application process:

“To maximise take up, it is important that making an application is as simple as possible. Therefore we think that there should be a rapid reclaim process with a pre-populated form. There are likely to be small numbers eligible for this grant, and even fewer eligible for a second year, therefore this need not be an administrative burden.” (Organisation)

One organisation suggested that local authorities may be better placed to manage and deliver the Young Carer Grant. They highlight that local authorities already hold information on the qualifying young carers, and could link this to the person being cared for, including via the Registrar, thus avoiding a new claim or reminder being sent to an existing applicant where the cared-for person has passed away. They noted that local authorities are required to satisfy statutory obligations under the Carers Scotland Act 2016, and suggested that a model delivered by local authorities would align with the Scottish Government’s localism agenda and deliver effective outcomes for young carers and the public purse.

Several respondents disagreed that any re-applications should be necessary. Some of these respondents felt that, as the grant was only available to young carers for a short period of time (i.e. two to three years), it should automatically renew/cover them for this entire period without the need to re-apply. Others felt that any re-application process would put unnecessary stress and burdens on young carers as well as young carers’ services and other organisations who are likely to support young carers in applying for the grant. A few also felt that the need to reapply would most likely result in discouraging some young carers from applying, and that the most vulnerable young carers may be the most adversely impacted, such as those with chaotic home lives, those not in regular contact with support services, those with literacy problems or other communication barriers:

“Don’t agree, this is just another task that the young carers would have to do when they have so much already. If the grant is paid for a longer period then there is maybe an argument for this, but as its just 16-18 then no.” (Individual)

“I think like Carer’s Allowance it should be automatically renewed unless a Young Carer has left home/cared-for person has died. Renewal of application puts a burden on Young Carers.” (Individual)

“...a system that requires a new application every year acts as barrier, disincentivises applications and ultimately reduces take-up.” (Organisation)

A few respondents highlighted that young carers are often caring for someone with long-term or lifelong conditions, and therefore the situation is not expected to change. As such, they felt that annual applications were inappropriate and

unnecessary, (although one respondent did suggest that it may be sensible to require new applications every two years):

“For the majority of these young carers, their caring role is for a long-term disability, mental health or addiction issue therefore it would make more sense to make new applications every 2 years.” (Organisation)

One respondent suggested that, rather than requiring annual applications it may be more appropriate for young carers to make a new application only at the point their caring role changes.

A few respondents also suggested that it may be helpful for the young carer to be given the option that their local young carer service is advised of their application/need to re-apply so that they can either contribute directly to the application (if appropriate) or offer assistance to the young person in completing/confirming the details:

“We would also suggest that they [young carers] are given the option for their local young carers’ service to also receive the same correspondence, so they can assist them in returning it. This could be an option provided as part of the original application.” (Organisation)

Whilst not directly answering the question, one respondent again raised the issue of not accommodating young carers/families that choose home education within the eligibility criteria, suggesting this showed *“a huge lack of understanding of both the roles and needs of young carers and those requiring care.” (Individual)*

Combining Hours of Care to Meet the Required Threshold

The consultation document acknowledges that some young carers may be providing care for more than one cared-for person. It notes that a young carer may not provide the required 16 hours average of care per week to one cared-for person, but they may fulfil this requirement by caring for more than one cared-for person. While Carer’s Allowance restrictions do not currently allow adult carers to combine the hours of care provided for more than one person, the Scottish Government sought views to determine whether young carers should be able to combine hours of care provided in order to be eligible for the Young Carer Grant.

Q4. Should applicants be able to combine hours caring for more than one person to meet the required 16 hours average each week?

| | Number | Percentage |
|--------------|------------|-------------|
| Yes | 75 | 100% |
| No | 0 | - |
| Total | 75% | 100% |

There was overwhelming support for this proposal, with all respondents agreeing that it should be possible to combine hours of care.

Many respondents (both organisations and individuals) noted the carer was still providing the required number of hours, irrespective of who/how many people were being cared for. Indeed, a few suggested that it may actually be more stressful for the young carer to have responsibility to care for more than one person (meaning that they would be even more likely to benefit from the grant):

“If a young person is providing the required care hours then they should receive the Young Carer Grant, regardless if their hours are as a collective of care being provided to more than one person. In some circumstances the impact of caring for two or more people for the required care hours (16 hours) may be more challenging and complex than caring for one person for the required care hours.” (Organisation)

“Young carers often care for more than one person - 16 hours is 16 hours of caring.” (Individual)

One respondent suggested that if a young carer was caring for more than one person they should perhaps be given a higher financial allowance by the grant:

“It's only fair that the care being given for the required hours is recognised with a payment no matter how many people are cared for. In fact if more people are being cared for then more of an allowance should be given.” (Individual)

A few highlighted that the Young Carer Grant is aimed at supporting/assisting the young carer (and not the cared-for person) and therefore the entirety of the young carer's responsibilities needed to be taken into account:

“The introduction of the young carer grant is to enable young carers towards living a fuller life beyond their caring responsibilities, therefore the totality of their caring responsibilities should be in scope.” (Organisation)

Some noted that a lot of young carers provide care for more than one person, and to only allow an application based on one cared-for person would exclude/discriminate against many young carers. A few specifically indicated that allowing young carers to combine their caring hours provided a fairer system with more equitable eligibility criteria (as compared to the Carer's Allowance):

“From the perspective of a young carer who is indeed caring at least 16 hours per week, albeit they may be caring for more than one person, it could seem perverse that despite the fact that they are still carrying out the same tasks in the same period (indeed perhaps on occasions when combined for even longer periods) with all the same demands and stresses placed on them that other young carers, have they do not get the limited support on offer via the Young Carer Grant.” (Organisation)

Two respondents noted that many young carers, in addition to providing care to the cared-for person, will also take on parental responsibilities. It was felt that this was not well reflected in the draft regulations, but that this was an important element of young carers' roles which should be accounted for and included within the eligibility criteria:

"...that caring hours should include replacement parental duties which should be provided by the cared-for person. For example, a young carer taking on parental responsibilities for a younger sibling - who doesn't have a disability - because their parent is their cared-for person and is unable to provide this support for their younger sibling... the criteria should be redrafted to reflect this." (Organisation)

Other issues raised by one respondent each included:

- That it may be difficult for young carers to quantify the number of hours of care they provide, particularly where a routine has been established and the young person no longer perceives certain tasks as caring; and
- A concern that the requirement risks making 16 hours of care a target, and the grant should be more focused on the young carer's wellbeing and alleviating the young person's caring role.

Multiple Carers Providing Care for the Same Person

The consultation document noted that, as well as young carers providing care for multiple cared-for people, there is also the possibility that multiple carers could be providing care for one person and therefore multiple benefits could be sought. The document notes that there may be circumstances where a young carer is fulfilling the required 16 hours average of caring each week but another carer is in receipt of Carer's Allowance for providing care for the same cared-for person. The Scottish Government sought views on whether young carers should be eligible for the Young Carer Grant when another carer (providing care for the same person) is already in receipt of Carer's Allowance.

Q5. Should young carers be eligible for the Young Carer Grant when another carer is in receipt of Carer's Allowance for providing care for the same person?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 75 | 100% |
| No | 0 | - |
| Total | 75 | 100% |

Again, there was unanimous support for this proposal. All respondents agreed that young carers should still be eligible for the Young Carer Grant, even when another carer is in receipt of Carer's Allowance.

Similar to the comments provided at Q4, many respondents (both organisations and individuals) felt that, as long as the young carer was providing the required average of 16 hours of care per week then they should be entitled to the grant, irrespective of who else may be providing care or claiming a related benefit. They felt that the young carers were still providing a caring role/managing caring responsibilities and therefore they should be entitled to the grant:

“If a young person is providing the required care hours then they should receive a Young Carer Grant, regardless if another person is in receipt of Carer’s Allowance for providing care for the same person.” (Organisation)

Some respondents again noted that the Young Carer Grant was aimed at supporting the young carer and not the cared-for person or other carers who may be receiving Carer’s Allowance, therefore it was important that the grant was based on the young carer’s circumstances alone. Several also felt that young carers should be better recognised and supported:

“Yes because the Young Carer Grant is for that specific carer not the other carer.” (Individual)

“So that the young carer is getting acknowledged for the job they do and the help they deserve.” (Individual)

It was also noted that caring for someone with complex needs often requires more than one carer, and that one carer should not be penalised/excluded because another carer is already in receipt of Carer’s Allowance, or indeed where another young carer already receives the Young Carer Grant. One respondent also drew comparisons with Jobseeker’s Allowance, highlighting that an unemployed young carer would still be entitled to this even if another adult in the household were also claiming.

Respondents also highlighted that it would be fairer to ensure young carers are eligible for the Young Carer Grant regardless of other benefits being paid to other carers, while a few suggested this would help to simplify the system, and two also indicated that this would be more consistent with the aims of the Young Carer Grant:

“As well as this being more consistent with the aims of the young carer grant, it makes the system simpler. Expecting young people to know that someone else gets carer’s allowance may be unrealistic. Removing this expectation also removes a risk of error.” (Organisation)

One organisation also highlighted the significant difference in funding that is available between the Carer’s Allowance (£3,359 annually) and the Young Carer Grant (£300 annually), and suggested that, if a young person is providing 16 hours of care per week then they have rights under the United Nations Convention on the Rights of the Child (UNCRC) and therefore they should not be prevented from accessing the grant. This same organisation also suggested that, the fact a young

carer is required to provide care on top of that already provided by the Carer's Allowance claimant is an indication of the level of need of that cared-for person. They stressed it would therefore be unfair to deny young carers in this situation access to the Young Carer Grant simply because of the caring needs of the cared-for person, when other young carers possibly caring for those with lesser needs (i.e. perhaps only the 16 hours per week care from the young carer) would still be eligible.

Two organisations also highlighted that such circumstances (i.e. where both a young carer and a Carer's Allowance claimant are involved in the provision of care for one person) likely represent those households on low incomes and therefore have less money available to support children and young people to take part in leisure and activities that are the norm for most other children and young people. They felt that, without the Young Carer Grant, some young carers with significant caring responsibilities will, therefore, remain disadvantaged.

One individual felt that, while young carers should still be eligible for the Young Carer Grant where someone else was also in receipt of Carer's Allowance for caring for the same person, they should perhaps receive a reduced amount. They suggested they should perhaps receive half or three quarters of the full grant amount, unless certain circumstances are met, with these circumstances to be determined by the Minister. This was, however, a lone view.

Meanwhile, one organisation felt that, while young carers should remain eligible, it should be necessary to demonstrate evidence that the young carer is providing care in addition to the other family member. They suggested that sufficient reassurance/ evidence should be provided within the application that the 16 hours per week being delivered by the young carer is indeed additional/separate from those delivered by the other carer, otherwise there is a risk of double counting.

Finally, one respondent sought clarity over what type of evidence will be required in these circumstances.

Re-Determination

The consultation document set out the steps and timescales proposed for the re-determination process associated with the Young Carer Grant. Specifically, where an initial application is unsuccessful/refused because the applicant does not meet the eligibility criteria, they will be informed of this and will have 31 calendar days to request a re-determination. They will also be permitted to submit further/additional evidence in support of this. Social Security Scotland will then have 16 working days to undertake the re-determination of the application. Should Social Security Scotland fail to make the re-determination within the 16 days, the applicant will be informed that they have the right to appeal.

Time Limit for Requesting a Re-Determination

A specific question was included in the consultation to gauge stakeholders' views on whether the 31 calendar day rule was an acceptable time limit for requesting a re-determination.

Q6a. Is 31 calendar days an acceptable time limit for requesting a re-determination?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 61 | 81% |
| No | 12 | 16% |
| No response | 2 | 3% |
| Total | 75 | 100% |

Most respondents (81%) felt that this was an acceptable time limit, while only 16% felt it was not and 3% did not provide a response. Those who stated that this was not an acceptable time limit were asked to comment further.

On the whole, those respondents who did not agree with the timescale typically indicated that they felt the 31 days was not long enough for young carers to respond. Some suggested that this would not be feasible due to their caring role and other priorities, while others suggested it might be difficult for young carers to access any support required and/or gather the required evidence within this time:

“The reality is that with all things that a young carer may have going on in life, 31 days is too short a time to appeal.” (Individual)

“Circumstances of young carers change and have other priorities, 31 days isn't long at all from the perspective of a young carer. Gathering proof of incoming benefits can also take a long time to gather, a lot of waiting for evidence for this.” (Organisation)

Respondents typically felt that the timescale should be extended, and while some suggested that six weeks, two months or three months may be more acceptable timescales, others did not volunteer any specific timescales, (and one individual felt they should be able to re-apply at any time). One organisation who requested the timescale be extended to three months suggested this was necessary because young carers are less likely to have interacted with, and will have less knowledge of both the benefits system (including time limits) and advice services, therefore leaving them less aware of their options and more vulnerable to an unfair outcome. They also noted that, should a re-determination require the completion/revision of a Young Carer statement then this would have to be completed in a shorter timeframe than is usual (i.e. currently 28 working days), and could place additional pressure on carer services and care managers.

Respondents (including some of those who agreed with the timescale in general but provided caveat comments) felt that some flexibility may need to be built into the system to allow young carers to request re-determinations beyond this timescale. They noted that some young carers may have chaotic home lives, should not be expected to have the same level of maturity/responsibility as an adult, they (or the cared-for person) could have been ill or hospitalised, or that they may need to seek assistance in completing paperwork or in securing supporting documentation which might not be possible within the 31 day timescale, etc. As such, it was considered important that young carers should have the opportunity to provide reasons for not submitting a re-determination within the 31 days, and that exceptional circumstances should be taken into consideration by Social Security Scotland, who should adopt an open and supportive approach to young carers.

Two other organisations suggested that the timescale should be monitored over time once the grant becomes available. One noted that, for reserved Department for Work and Pensions (DWP) benefits, any application made within a year of the expiry of the time limit generates a right to appeal to the tribunal if the decision is not changed. They suggested that this should be monitored for impact and, should issues arise, it should be extended. Meanwhile, the other organisation felt it would be important to monitor the impact of the timescales on different equality groups:

“...we believe that a 31-day timeframe to request a re-determination should be monitored, with particular reference to the impact on different groups, identified as having “protected characteristics” in the Equality Act 2010. Young people with no prior engagement with the social security system may need more time and support with the process.” (Organisation)

One organisation, in support of the timescale, felt that an unsuccessful application may provide an opportunity to refer applicants to support services. They suggested that Social Security Scotland should play a leading role in identifying and working with organisations across Scotland who can both provide support to young carers and help them identify support.

Another organisation repeated their earlier recommendation to ensure that the re-determination timescales are clearly stated within the regulations in order to meet the requirement to do so in section 41(4) of the Social Security Act.

Time Limit to Complete a Re-Determination

As part of the consultation, the Scottish Government also sought views on whether the proposed 16 working days timescale for Social Security Scotland to complete a re-determination was acceptable.

Q6b. Is 16 working days an acceptable time for a re-determination to be completed by Social Security Scotland?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 64 | 86% |
| No | 10 | 13% |
| No response | 1 | 1% |
| Total | 75 | 100% |

Most respondents (86%) again agreed that the proposed 16 day timescale for Social Security Scotland to complete a re-determination was acceptable, compared to only 13% who disagreed and 1% who did not provide a response.

Those who disagreed with the proposed timescale were invited to provide further details in support of their response. Some of the comments received suggested that respondents had misunderstood the proposal, mistaking it to refer to the time available to young carers to request a re-determination rather than the time provided to Social Security Scotland to assess the re-determination.

Other respondents who disagreed with the timescale either felt this was too short or too long. The one respondent who suggested a longer timescale (i.e. 20 working days) felt this would be necessary to ensure that the final decision was not rushed. Meanwhile, of the three respondents who would prefer a shorter timescale, one suggested that a three week wait for a response was too long, another suggested that 10 working days would be more suitable as this would keep the decision to just a two week period, while the third suggested reducing this to 15 working days to provide consistency with the timescale proposed for the Best Start Grant and Funeral Expense Assistance.

Two respondents, who were generally in favour of the proposed timescale felt that the process may create a cyclical loop and/or create tension between re-determination decisions and the appeals process. It was noted by both respondents that an applicant could begin the appeals process after the expiry of the time-limit but before their application has been re-determined. One indicated

that, even if the application was subsequently re-determined under s.43(3)(a) of the Act, this would not prevent the appeal from proceeding.

As at Q6a above, one respondent again indicated that the timescale for making a decision on a re-determination did not appear in the draft regulations attached to the consultation document. They sought clarification that it was intended to insert this into the regulations, in order to meet the requirement to do so in section 43(5) of the Social Security Act.

Residency

The consultation document set out that Scottish claimants will be defined as those who are habitually resident in the European Economic Area (EEA) and are ordinarily resident in Scotland. This reflects existing practice where periods of residence and presence in any EEA jurisdiction can count towards meeting the eligibility criteria for accessing social security in any other. The Scottish Government sought views on the proposed approach to residency.

Q7. Do you have any comments on the proposed approach to residency?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 17 | 23% |
| No | 55 | 73% |
| No response | 3 | 4% |
| Total | 75 | 100% |

Less than a quarter of respondents (23%) indicated that they had any comments on this proposed approach, with most (73%) indicating they had no comments in this respect, and a further 4% not providing a response.

Those who supported the proposal felt that requiring applicants to be habitually resident in Scotland was a reasonable and sensible requirement, and noted that it would be consistent with the approach taken for other devolved benefits.

Others, however, felt that all young carers should be entitled to the grant, regardless of their immigration status, provided they meet all the other requirements:

*“Every young carer should get it regardless of their residency status.”
(Individual)*

“I think that people without an immigration status should still be able to get the grant as long as they can prove everything else.” (Individual)

Indeed, a few respondents felt that the grant should be available to asylum seekers and other young people. Two respondents also noted that, while Scottish Ministers intend to make the case to the UK Government for an exception to be made for the Best Start Grant to allow asylum seekers and those who have no recourse to public funds to receive this support, the same should be done for the Young Carer Grant to ensure that these young carers do not lose out on this support:

*“We are in general agreement with the proposed approach to residency.
However, we believe that the grant should be extended to asylum seeker young*

carers or other young people who have no recourse to public funds, without this impacting their immigration status.” (Organisation)

Two organisations also noted that consideration will be needed regarding how Brexit might affect this policy with regards those resident in the EEA, as the regulations as they currently stand would mean that no one would qualify for a Young Carer Grant should the UK leave the EEA.

Impact Assessments

As part of the consultation document, the Scottish Government included summaries of various impact assessments that had been conducted to date. These included:

- A summary of the Equality Impact Assessment (EQIA);
- A summary of the Children’s Rights and Wellbeing Impact Assessment (CRWIA); and
- A summary of the Business and Regulatory Impact Assessment (BRIA).

Respondents were invited to identify and describe any additional potential impacts related to each of these assessments that had not already been identified. This chapter outlines the responses given in relation to each impact assessment.

Equality Impact Assessment (EQIA)

An Equality Impact Assessment involves assessing the impact of new or revised policies, practices or services against the requirements of the public sector equality duty. The duty requires all Scottish public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. It covers people in respect of all aspects of equality, and helps to ensure the needs of people are taken into account during the development and implementation of a new policy or service or when a change is made to a current policy or service.

The consultation document set out data and evidence related to age, disability, race, sex, and sexual orientation. It also highlighted evidence gaps in relation to gender reassignment, marriage and civil partnership, pregnancy and maternity, and religion and belief. Overall, it was considered that the Young Carer Grant would not directly or indirectly discriminate on the basis of any protected characteristic but, rather, the policy would apply equally to those affected by its provisions and was expected to bring positive impacts to all equally. Respondents were asked if they were aware of any potential equality impacts that had not already been identified in the document.

Q8. Are you aware of any equality impacts on age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation of the Young Carer Grant that we have not identified?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 15 | 20% |
| No | 60 | 80% |
| Total | 75 | 100% |

Most respondents (80%) indicated that they had identified no further equality impacts, while one in five (20%) offered suggestions for impacts which had been overlooked.

Of those that indicated they could identify additional potential equality impacts, the main concerns focused on the age range and educational requirements for eligibility. As discussed above, many respondents felt the age range was too narrow and should be expanded to include those aged 18 regardless of their educational or work status, with one respondent suggesting the upper age limit should be extended to age 20. Others felt that restricting eligibility to only those enrolled in school was discriminatory towards those who have chosen other means of education, such as home education, college or university:

“In the eligibility, only 18 year old that are still in school get the grant. I think that no matter what you’re doing, you should still be able to get the grant.”
(Individual)

“It is unfortunate that young carers aged 18 and attending uni or college are not entitled to apply.” (Organisation)

One organisation also highlighted a link between the age/educational limits and potential gender impacts. They indicated that female carers aged 16 to 24 were less likely to enter education compared to male carers, and suggested that the Young Carer Grant could provide an opportunity to support young female carers to access education if it was made available to all:

“In making the grant available to all young carers, no matter their educational status, the grant could positively impact this and ensure more young female carers have the opportunity to enter education.” (Organisation)

The accessibility of the grant and application form was also discussed by some respondents. In particular, three respondents noted that the application form needed to be suitably tailored for transgender applicants, allowing them to use names, pronouns and gender that they identified with (rather than those assigned at birth). One other felt that alternative formats of the application paperwork needed to be made available (e.g. BSL and simplified versions) to ensure the process was accessible to all. Meanwhile, two respondents discussed the need for awareness raising and promotional campaigns which are suitably tailored to ensure maximum support for applicants, and uptake of the grant by young carers from equality groups, including young carers from the travelling community.

Other issues identified by one respondent each included:

- A potential stigma for those who care for people who have HIV/AIDS and/or mental health issues; and
- That the regulations assume that young carers have the capacity to apply and have no additional needs themselves, which will not always be the case. It was felt there was a need to identify who could support individuals that do

not have capacity or understanding and have not identified themselves to a service.

Children’s Rights and Wellbeing Impact Assessment (CRWIA)

The Scottish Government wants to make Scotland the best place in the world for a child to grow up, and recognising, respecting and promoting the rights of children and young people is considered essential to achieving this. Ongoing steps are being taken by the Scottish Government to ensure that children experience their rights, as determined by the United Nations Convention on the Rights of the Child (UNCRC). In drafting the regulations, a Children’s Rights and Wellbeing Impact Assessment was carried out to help ensure that the policies, measures and legislation proposed protect and promote the wellbeing of children and young people.

The summary of the Children’s Rights and Wellbeing Impact Assessment included within the consultation document outlined the relevant data, and addressed how the Young Carer Grant policy may impact upon the relevant articles of the UNCRC and on the relevant Getting It Right For Every Child (GIRFEC) wellbeing indicators. The CRWIA concludes that the Young Carer Grant policy will not infringe upon the rights of the child as set out in the articles of the UNCRC, or the indicators of wellbeing as set out by the Children and Young People (Scotland) Act 2014. Rather, any impact of the policy should be neutral or positive.

Respondents were again asked to indicate any additional impacts which the Young Carer Grant may have on the children’s rights and wellbeing which were not already considered by the CRWIA.

Q9. Are you aware of any impacts of the Young Carer Grant on children’s rights and wellbeing that we have not identified?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 6 | 8% |
| No | 67 | 89% |
| No response | 2 | 3% |
| Total | 75 | 100% |

Again, most respondents were unable to identify any additional impacts.

Of those that did identify additional possible impacts, four respondents stressed the importance of ensuring the Young Carer Grant allows young carers to make autonomous choices regarding their caring role and that it does not inadvertently lead to some young people continuing in unsuitable caring roles:

“A grant like this can be seen as encouragement for a young carer to stay in their caring role rather than seek support to limit [their] caring role. Especially with the criteria being 16 hours and above a week. A young carer may decide to just continue caring because they are being paid to do so.” (Organisation)

There were suggestions among these respondents that additional support should be given to young carers to ensure that their caring role is age-appropriate, to access additional support for the person they care for and themselves where appropriate (i.e. to alleviate their caring role), and to help them decide on their own future goals and ensure that their caring role is not a barrier to them pursuing these.

Two of these respondents also felt there was a need to support young carers in managing their finances, for example, by assisting them to set up a bank account and/or supporting them in deciding what they wish to use the grant for. Again, it was felt that, for some young carers, there may be the potential for parents/guardians to pressurise them into spending the grant on things other than themselves, therefore such support and/or future follow up to measure the impact of the grant may be sensible.

Three respondents again suggested that the grant be made available to all young carers aged 16-18, regardless of their educational/employment status. One stressed that the £300 payment was a small amount of money compared to the caring responsibilities that young carers undertake, and that it was unfair for young carers to not be eligible for Carer’s Allowance if they are also in full time education.

There was also a call from one organisation for the Scottish Government to clarify whether being in receipt of the Young Carer Grant will have any impact on entitlement to other support, for example, the Education Maintenance Allowance.

Another organisation indicated that the issue of hidden carers had been well documented, along with the barriers that exist for young carers accessing support and information services, and the stigma related to addictions and mental health. All of these could be relevant in relation to the Young Carer Grant, it was felt.

Business and Regulatory Impact Assessment (BRIA)

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.

The consultation document indicated that the Scottish Government expects that the Young Carer Grant will help in the promotion of the Economic Strategy and in the delivery of the priorities for sustainable growth. It states that the Young Carer Grant represents an additional Scottish Government spend of approximately £500,000 each year into the Scottish economy and, therefore, positive impacts upon businesses were expected. The consultation document provided a summary of the

Scottish Government’s Business and Regulatory Impact Assessment and invited respondents to identify any additional potential impacts not already included.

Q10. Can you identify any business related impacts of the Young Carer Grant that we have not identified?

| | Number | Percentage |
|--------------|-----------|-------------|
| Yes | 4 | 5% |
| No | 69 | 92% |
| No response | 2 | 3% |
| Total | 75 | 100% |

Only four respondents indicated that they were able to identify additional business related impacts, while most respondents indicated that they could not, or did not answer the question.

Of these four, one organisation felt that further quality assurance was needed and that they could not know the impact on businesses because there was no way to know what young carers would spend the money on. Another organisation questioned how the Young Carer Grant would sit alongside Education Maintenance Allowance (EMA) payments. Meanwhile, one individual suggested that the money could be used to help young carers to start/set-up their own businesses.

The fourth respondent (an organisation) who indicated that they could identify additional impacts suggested that, while the estimated spend of £500,000 into the economy would be good for business, the payments were too low and did not reflect the true cost of having to deliver equivalent replacement care (which they estimated would total £26 million). As such, they felt that the grant did not reflect the main principles of the Carers Act:

“In that context, £500,000 could be considered as meeting the policy aims of the grant, but contradicting the underpinning principles of the Carers Act. This could be viewed as Scottish Government policy condoning children propping up health and social care services.” (Organisation)

One organisation, who did not provide a response to the closed question, did provide a qualitative response. While they did not identify any new or additional impacts, they outlined agreement with the Scottish Government’s Business and Regulatory Impact Assessment that the introduction of Social Security Scotland could cause additional requests for information and support from existing advice services. They outlined a number of reasons for this, including:

- That the introduction of a new system in Scotland (alongside the UK system) has the potential to increase complexity for claimants;

- Changes to benefits make clients concerned, as recent changes have involved reassessments and/or reductions in payments;
- Two substantial benefit changes (i.e. Universal Credit and Personal Independence Payment) are still being rolled out to many claimants in Scotland. Demand for advice on these issues will inevitably increase at the same time as the new Scottish system is embedded;
- Tens of thousands of claimants are likely to be worse off as a result of the UC and PIP roll out, they perceived; and
- The move to digital public services will cause access problems to those who lack online access and skills.

They suggested that the confusion created by both a new system/benefit along with changes to, and the introduction of other benefits at the same time, would lead to uncertainty for claimants and introduce challenges for advice services to provide accurate information. However, they also saw opportunities to improve the system that would help to support their work and potentially reduce the need for advice over the long-term:

“More confusion and help needed, with separate systems running in parallel. Clients now do not always know what benefits they are receiving so the new powers will add complexity... They will be anxious about losing their benefits or having to claim again under a new system. They will also be worried that they will be paid less or there will be a delay in payment... If the proposed changes are made it is likely benefit enquiries would increase in the short term but ideally long term we'd see more people out of poverty and potentially lower demand on services.” (Organisation)

Other Comments

Respondents were asked to detail any other comments that they had in relation to the draft regulations.

Q11. Do you have any additional comments on the content and proposals of this document?

Some respondents took the opportunity to confirm their support for the Young Carer Grant, indicating it would provide much needed recognition and support to young carers:

“I think this is great, having a grant for young carers.” (Individual)

It is hard, frustrating, time consuming and it has a massive impact on [the respondent’s young carer’s] day to day living. This grant would offer a much-needed boost for her to be able to have some time out with friends and possibly buy some personal items that we just can’t afford.” (Individual)

“[Organisation name] commends the Scottish Government for introducing the innovative Young Carer Grant, the first of its kind in the UK. We believe this grant goes some way to recognising the immense contribution of young carers in Scotland.” (Organisation)

One respondent noted that young carers would not feel as restricted and ‘different’ as a result of the grant. Another stated that they liked the proposed ‘yes or no’ system (i.e. where young people are either eligible to receive the full grant or are not eligible) and that applicants would have the opportunity for a re-determination. They also liked the fact that it was non-discriminate (although others felt that possible discrimination was inherent, as discussed above).

Excluded Groups and Eligibility Limitations

When provided with an opportunity to give ‘other comments’, many respondents reiterated a number of issues/concerns discussed elsewhere in the consultation. It was generally felt (by both individuals and organisations) that the eligibility criteria were too narrow, meaning the grant would only help a very small number of young carers. The concerns and recommendations discussed included:

- Concerns over excluded groups of young carers, including those caring for people not on benefits (or where benefits have been stopped) and those providing mental health and emotional support. It was felt that those caring for people with mental health issues and addictions would be most at risk of being excluded under the existing criteria/definition;
- Recommendations that multiple carers should be permitted/supported by the Young Carer Grant and that the value of the grant should not decrease where more than one carer is available, including situations where there are multiple

- young carers and/or where there is an adult claiming Carer's Allowance providing care for the same cared-for person;
- Recommendations that hours of care provided to different cared-for persons can be combined, including care provided to siblings;
 - Concerns that the age range for eligibility was too limited, and recommendations that this should be increased. Some respondents did not suggest an upper age limit but indicated this should reflect 'young people', while two respondents suggested that those up to age 20 should be eligible and another two suggested 'young adults' up to age 25 should also be eligible. Meanwhile, one respondent suggested those aged 15 should also be eligible, with two others suggesting that those with significant caring responsibilities aged under 16 should be eligible for a £300 parity voucher scheme (rather than a cash payment), and another suggested that the "*grant should go upward to 50-60*" (Individual);
 - Recommendations that those aged 18 (and younger) should be eligible for the grant regardless of their educational/employment status, this included those in any form of full- or part-time education (including home education), apprenticeships, employment or those that are unemployed. In particular, it was noted that many young carers may leave school at 16 and enter college or university due to the increased flexibility this provides. It was also felt unfair that full-time students aged 18 were ineligible for both Carer's Allowance and the Young Carer Grant; and
 - Recommendations that any re-application (annual or otherwise) should have the option for opt-in reminders or for renewal of the grant to be automatic.

One individual felt that consideration could be given to including young carer's who care for less than 16 hours a week. They felt they were still subject to valid caring responsibilities and there would be an impact on the young carer.

While not directly relevant to the Young Carer Grant, or answering the questions set within the consultation document, a few respondents highlighted what they considered to be a gap in the Carer's Allowance, i.e. the exclusion of full-time students from the eligibility criteria. This was seen as unfair and results in many students experiencing financial hardship. One organisation noted that student carers are four times more likely to drop out of college or university than those who are not carers and many list financial pressures as a key reason for dropping out. They requested that the Scottish Government recognise the contribution student carers make to society and remove the 21 hour/full-time study restrictions upon taking on full delivery of Carer's Allowance, or alternatively introduce a specific student carer's bursary.

Practical Implementation

Some respondents (both individuals and organisations) had concerns over the practical implementation of the grant.

A few respondents felt the draft regulations lacked detail regarding how the grant would operate in practice, for example, around the nature and extent of evidence that may be required in support of an application. One organisation suggested that,

where young carers are known to an official young carer organisation, then that organisation could verify their caring. Another was concerned over the need for the cared-for person signing to confirm the young carer's application, noting that they might not have the capacity to do this, or may refuse:

“Signing 16 hours by cared-for person not realistic as cared-for persons may not have capacity to sign or refuse to.” (Organisation)

Another organisation highlighted that, as the proposed funding was a grant and not an allowance, they did not understand why the same process was necessary for verifying the level of caring under the Young Carer Grant as is necessary under the Carer's Allowance. They suggested that there may be a need to employ different measures for young carers and that more simple solutions would be required in order to reach those most in need:

“If we want to get this grant to reach the most in need and support as many young carers in their education and wellbeing, should we consider other simple solutions...? Especially for those who will have trouble either asking the cared-for person for permission or verifying their caring by a benefit level.” (Organisation)

One organisation also highlighted that not all young carers will have access to a bank account, and so preparatory work may be required to support them to open accounts:

“Not all young people will have a bank account, therefore work is also needed to ensure that young carers have access to bank or credit union accounts both in advance and on application. This should include preparatory work with relevant organisations and young carers' services on assisting young people to open such accounts.” (Organisation)

A suggestion was put forward by one organisation that a 'break in care' rule could be implemented for the eligibility of the Young Carer Grant. They suggested that it would be possible for a young carer, who has provided significant levels of care over a long period of time, to be ineligible for the grant as a result of the cared-for person being hospitalised for a week or more during the 13 week period prior to the application. Such applicants would then have to wait a further 13 weeks after the cared-for person was discharged from hospital before being able to apply, thus delaying their access to the grant. Therefore, they recommended that the Young Carer Grant should make provision for a 'break in care', similar to the provision within the UK Carer's Allowance:

“We would therefore request the Scottish Government consider introducing a 'break from care' rule into the YCG scheme to allow for a short break (e.g. up to two weeks from the caring role owing to the cared-for person being hospitalised) to be included as part of the 13 week back period caring requirement on the grounds that it would be fair to do so.” (Organisation)

Meanwhile, one individual felt that the grant could be open to abuse, while others (both organisations and individuals) were concerned that the grant may not be used for the purpose it was intended, with some fearing the money may become absorbed in household spending. One organisation suggested that young carers may have more ownership over a monthly payment, and felt that they should be given a choice between receiving a one-off annual payment or six incremental payments across the year. It was also suggested by a few respondents that there was a need to provide support to the young carer in this respect:

“My only concern is that providing a cash sum may lead to the monies not be used for the purpose it is intended for and would hope the young person will be provided with support to ensure this does not happen.” (Individual)

One organisation felt it would be important to evaluate the success of the Young Carer Grant. They suggested that the Scottish Government review the grant a year after it has launched, and make any required changes based on any lessons learnt.

Value of the Grant

There were also calls for the monetary value of the grant to be increased. A few suggested that this could be a sensible consideration in individual cases and/or in rural areas where access to support services and travel costs can be challenging. Others suggested increasing the value of the grant for all young carers, with values of £450, £500, and £600 per year being cited as more appropriate/impactful:

“£300 is too low, it is essentially only £25 per month. It won’t make a massive impact.” (Individual)

“...based on the proposed hourly criteria (16 hours) each week that the Young Carer Grant equates to approximately 36 pence per hour. We do welcome that the grant will be increased annually with inflation. But we would like to see the value increase further to £600... £600 is still modest but would be a more significant amount of money that would have the potential to be more impactful for young carers.” (Organisation)

One organisation also suggested that, while the provision for free bus travel was welcomed, they hoped this could be extended to a free travel card for use on all forms of transport. They felt this would be more helpful in ensuring young carers can remain in employment, education and training, and maximise family finances (this, however, was not covered by the current consultation).

Another organisation felt that the Scottish Government may need to manage expectations regarding the likely effectiveness of the grant. They noted that, compared to other support, such as the Education Maintenance Allowance (EMA) which provides higher levels of funding per person, the Young Carer Grant was likely to be less impactful:

“The Scottish Government needs to manage expectations as to the effectiveness that £500,000 across 1,700 people will make. [Organisation name] supports the

overall principle of the grant but compared to EMA over an average year which is £1,170 per applicant then £300 will inevitably result in a less positive impact compared to EMA for example.” (Organisation)

This respondent also felt that additional clarity could be provided regarding the scale and nature of the administrative overhead in order to better understand the value for money for the Scottish taxpayers. They felt it was unclear currently whether this administrative overhead was included in the £500,000 allocated for the grant or if this would be in addition.

Promotion of the Young Carer Grant

A few individuals suggested methods for advertising and/or promoting sign-up for the grant. This included advertising through schools or social media, for example using Glow² and/or Facebook, and allowing young carers to sign-up through schools and/or at local libraries and other public buildings.

Organisations also felt that the promotion of the Young Carer Grant would be key to its uptake:

“Without national promotional campaigns targeted at young carers, carer support services and education providers then there could be many young people who are eligible for the Young Carer Grant who do not apply.” (Organisation)

Promotional campaigns needed to be wide ranging and suitable, it was suggested, as well as covering a long list of venues. Support networks and services identified for engagement included:

- Schools, colleges and universities;
- Professionals working with young people (e.g. college bursary officers, skills development officers, additional needs assistants, social workers, family support workers);
- Youth centres and youth groups;
- GP surgeries;
- Local authority contact centres/Citizen’s Advice;
- Religious centres/groups;
- Sports groups;
- Disability and condition specific organisations and carers’ organisations; and
- Young carers’ organisations.

It was also suggested that social media should be harnessed and used for promotional activities, and that targeted promotion would be required to take account of marginalised groups and underrepresented groups, including ethnic minorities, rural and island communities, gypsy/traveller communities, people with learning disabilities and people with experience of homelessness. One respondent

² Glow is an online learning platform accessible to educators and pupils. It provides online materials and the opportunity for collaboration to enrich and enhance learning across the curriculum.

also suggested that any advertising could also highlight other support that may be available to young people:

“Given the relatively limited number of young carers who will benefit for the grant, the Scottish Government should consider promotion also highlighting other support that may available including a young carer’s statement, educational maintenance allowance, etc.” (Organisation)

One organisation also felt that it would be important for Social Security Scotland to liaise with Scottish Government colleagues who have responsibility for the implementation of Young Carers Statements (YCS) to ensure that eligibility for the young carer grant is discussed during consideration of the need for a YCS. They felt that young people should be signposted to the Young Carer Grant application by those responsible for assessing the YCS. Social Security Scotland should also provide young carers with information regarding the availability of a YCS, it was felt.

Another organisation queried whether it might be likely that the numbers of young carers identifying themselves and seeking support from care centres might increase which, ultimately, they considered would be a positive consequence.

Finally, some respondents (typically individuals) felt that the consultation document had not been user friendly for young people. They noted that the wording and terminology used was not always suitable for young people, while one organisation suggested the document was overly complex compared to the limited amount of money available to individuals via the grant:

“This document isn't very young person friendly due to the wording and terms. To get the best out of young people it needs to be on their level.” (Individual)

Discussion

The consultation was successful in engaging a wide range of key partners in discussion of all the areas covered by the guidance. Responses were provided by individuals (including young carers themselves and/or parents of young carers), public sector organisations, and third sector organisations responsible for either information provision and/or directly supporting/representing young carers. As well as detailed feedback being provided for all sections of the consultation, respondents also provided additional comments and/or suggested changes to assist in finalising the regulations.

Main Findings

There was overwhelming support for the introduction of a Young Carer Grant, and general support for all elements of the Young Carer Grant as proposed in the consultation document. Most respondents felt that the draft regulations would be likely to meet the stated policy aims, agreed that annual applications would be sensible, agreed with the timescales proposed for the re-determination process, and most had no comments on the proposed residency requirements.

There was unanimous agreement that young carers should be allowed to combine hours caring for more than one person to meet the required 16 hours average each week, and that young carers should be eligible for the Young Carer Grant when another carer is in receipt of Carer's Allowance for providing care for the same person. Indeed, it was also considered important to allow multiple applications from young carers who are providing care for the same person.

Most respondents were unable to identify any additional equality impacts of the Young Carer Grant, or any impacts of the Young Carer Grant on children's rights and wellbeing and/or business related impacts. There were, however, some common concerns that were discussed across the consultation.

Limitations of the Definition

The definition of a young carer was considered by many to be too restrictive raising concerns that many vulnerable young carers would be excluded from the grant. In particular, it was suggested that, by not recognising social, mental health and emotional support within the caring definition this would be likely to exclude many who care for those with mental health issues and/or addictions. It was also suggested that this limitation could have a potential impact on young carers that provide supervisory care to keep a cared-for person safe, and/or provide care to siblings (who do not have a disability) as a result of the main care giver being the cared-for person.

Further, many suggested that requiring the cared-for person to be in receipt of certain benefits would again be likely to exclude some young carers, either because the cared-for person is not eligible for/does not claim benefits (again seen to impact most on those caring for people with mental health issues and/or addictions) or because their benefits have been stopped for any reason.

Age and Educational Status

The proposed age for eligibility, i.e. aged 16-17 (and 18 if still at school), also generated significant discussion among respondents. Many felt this age range was too limited. It was suggested that all those aged 18 should be eligible for the Young Carer Grant, regardless of their educational status. It was noted that those aged 18 who attend college or university (often because this offers more flexibility to combine with their caring responsibilities compared to school) are not eligible for the Carer's Allowance either and therefore would not receive any financial support at this important transitional time. It was generally considered unfair for those aged 18 to only qualify for the grant if they were still at school.

It was also noted several times throughout the consultation that the requirement for young carers to be at school was also likely to result in those who have opted for less traditional forms of education, such as home education, to be excluded from the grant. Again, this was considered unfair and not in keeping with the general ethos of the grant.

Many respondents suggested that the requirement to be at school should be dropped so that those attending any form of full- or part-time education, those completing an apprenticeship, those that are in employment and/or who are unemployed should all be eligible.

It was also suggested that the age range needed to be extended. Many felt it needed to include all 18 year olds, while others suggested that the upper age limit should be increased to 20 in order to better reflect 'young people', and yet others suggested that 'young adults' should be eligible with the age limit being increased to 25 to accommodate this.

Annual Applications

While many were in favour of the need for annual applications, both those who supported this proposal and those who were against it suggested that any need to re-apply should be accompanied by reminder correspondence (either an opt-in reminder or an automatic reminder for all existing claimants). It was felt that this would be necessary to maximise continued up-take.

Some also suggested that any re-application should be simpler than the initial application process. It was felt that the form could be pre-populated and sent to claimants to check and confirm/correct the necessary information. The process needed to be made as simple as possible for potential applicants, it was felt.

Multiple Carers

One of the areas where there was unanimous support was the need to allow multiple applications from carers who are caring for the same cared-for person. This included allowing a Young Carer Grant application where someone else is already in receipt of Carer's Allowance, but also to allow for multiple young carers within one household/per cared-for person. It was considered that caring

responsibilities are often split between different carers and it was considered unfair to place the situation/needs of one carer ahead of another. It was generally felt that, as long as the young carer is providing the required average of 16 hours of care per week, then they should be entitled to the grant.

Re-Determination

While there was general support for the timescales proposed for the re-determination period, some respondents suggested that either the timescale for an applicant to request a re-determination should be extended and/or that there needed to be flexibility built into this. It was suggested there may be legitimate circumstances where a young carer may find it difficult to request a re-determination within 31 calendar days, for example, where they need to access support to complete the process, where additional information/evidence is required (and which cannot be provided within the timescale), or where either the young carer or cared-for person is ill/hospitalised during this period. It was felt it would be unfair to penalise young carers in such situations and, therefore, greater flexibility/discretion was required around this timescale.

Next Steps

The responses to the consultation, along with the summary provided in this report, will be considered ahead of any final policy decisions being made. The draft regulations will then follow a form of 'super-affirmative' procedure, as explained in the Social Security (Scotland) Act³. They will be scrutinised by the independent Scottish Commission on Social Security, revised as needed following the Commission's report and laid in draft for approval by the Scottish Parliament. They will then need to complete the parliamentary process as an 'affirmative instrument' before payment of the Young Carer Grant can take place⁴.

The Young Carer Grant service design team within the Scottish Government has started to plan the business processes which will allow young carers to access and receive the Young Carer Grant. This includes the application process. The Scottish Government are taking an 'agile' approach to service design, which means that they will continually test evolving designs with stakeholders to make the client journey as user-friendly as possible. When approved, the Young Carer Grant will be delivered by Social Security Scotland (the new Executive Agency of the Scottish Government).

Conclusion

The consultation shows that, while there is general support for the creation of the Young Carer Grant, and for the draft regulations as presented, some key areas of concern remain which may be worthy of further consideration before finalising arrangements for the Young Carer Grant. In particular, concerns regarding potential groups of young carers who would be excluded from this support (based

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

⁴ Further information about this process can be found here:
<http://www.parliament.scot/visitandlearn/60169.aspx>.

on the current draft regulations), are linked to perceptions that the Young Carer Grant may be limited in helping improve young carers' health and education outcomes at a key transition period in their lives. Further consideration of the eligibility criteria may allow for the grant to be more impactful and provide recognition and support to a wider range of vulnerable young people.



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