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Carer's Allowance Supplement (Scotland) Bill

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This briefing describes Carer's Allowance Supplement and the double payment made in June 2020 before considering the proposal in the [Carer's Allowance Supplement \(Scotland\) Bill](#) to provide another double payment in December 2021. A separate briefing considers the broader context of devolved benefits for carers.



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Summary

Carer's Allowance Supplement (CAS) is a lump sum payment made twice a year. It is paid automatically by Social Security Scotland. In 2021-22, the payment is £231.40 paid in June and December.

The Carer's Allowance Supplement (Scotland) Bill proposes to increase the December payment to £462.80.

A similar 'double payment' was also made in June 2020. (Some backdated payments were made in December 2020 and June 2021).

The additional payment is forecast to cost £21 million, bringing the total forecast spend on Carer's Allowance Supplement this year to £63 million.

Only a minority of unpaid carers are entitled to carer benefits. According to Carers UK, there were up to 729,000 unpaid carers in Scotland before the COVID-19 outbreak. They estimate that this may have risen by around 400,000 at the height of the pandemic.¹ Around 91,000 carers are expected to get CAS in December 2021.

The Bill is being considered in a shorter timescale than normal so that payments can be made in December 2021.

The Bill also allows for further increases in future to be made by regulations.

CAS and Carer's Allowance are due to be replaced by Scottish Carer's Assistance at some point during this parliamentary session. Further consultation on this replacement benefit is expected later this year.

What is Carer's Allowance Supplement?

[Carer's Allowance Supplement](#) (CAS) is a temporary measure introduced in 2018, pending the introduction of Scottish Carer's Assistance which will be the Scottish version of Carer's Allowance. CAS is legislated for by [section 81 of the Social Security \(Scotland\) Act 2018](#) (the 2018 Act).

In October 2015, the First Minister made a commitment to increase the level of Carer's Allowance to that of Jobseeker's Allowance (JSA).² (Annual uprating has since increased CAS above this level). When the framework for Scottish social security was being established by the 2018 Act, CAS was included as a stand-alone, temporary benefit. This allowed the 2015 commitment to be delivered quickly.

Eligibility

CAS is a lump sum payment made twice a year to people who get Carer's Allowance on the qualifying dates. The payments are made in June and December. In 2021:

- people who got Carer's Allowance on 12 April 2021 received CAS on 16 June 2021
- people getting Carer's Allowance on 11 October 2021 will get CAS in December 2021.

CAS is paid automatically based on a list provided to Social Security Scotland by the Department for Work and Pensions (DWP). If someone is later awarded Carer's Allowance for the qualifying date (for example, as a result of an appeal), then they will get a backdated CAS payment.

Some people living in the EEA or Switzerland are entitled to CAS if they have a close connection to Scotland and are protected by the Withdrawal Agreement.³ They are not paid automatically and have to make an application.

Calculating Carer's Allowance Supplement

In 2021-22, CAS is worth £231.40. It must be uprated for inflation each year. When it was first introduced in 2018, it was worth £221.

The way CAS is calculated is set out in [section 81 of the 2018 Act](#). It is the difference between Carer's Allowance (currently £67.60 per week) and whichever is the higher of:

- JSA (currently £74.70 per week for people aged 25 or over) or
- what JSA would have been if it had been uprated for inflation since 2018 (£76.50 per week).

As it is paid every six months, this is multiplied by 26.

CAS = (uprated JSA weekly amount - Carer's Allowance weekly amount) X 26 weeks

This gives a CAS of £231.40 for 2021-22.

Unlike some other Scottish social security benefits, uprating CAS for inflation does not require regulations. Instead, Ministers must issue a statement each year.⁴

The Scottish Government cannot increase CAS by more than the rate of inflation unless it introduces a Bill. During the 2021-22 budget process, the Scottish Government increased some Scottish benefits by more than inflation but was not able to do this for CAS.⁵

It is also interesting to note that the calculation refers to JSA rather Universal Credit. Both benefits are paid to job seekers, although Universal Credit is also paid to people in low paid work. Until recently they were paid at similar rates, although Universal Credit is based on a monthly rather than a weekly rate.

Since 2020, there has been a temporary £20 per week uplift to Universal Credit but not to JSA. At the time of writing, this uplift is due to end in September 2021.⁶ The Scottish Government has called for this to be extended and has criticised the fact that the uplift was not applied to legacy benefits such as JSA.⁷ If it had been (or if CAS had been based on Universal Credit instead of JSA), then CAS would have been much higher.

Universal Credit for those over 25 is currently £411.51 per month (the equivalent of £94.96 per week). Calculating CAS based on the current (July 2021) level of Universal Credit would give a lump sum CAS payment of £711.46 for six months.

A temporary measure

CAS was first paid in autumn 2018. Initially, it was expected that it would be replaced by Scottish Carer's Assistance at the end of 2021⁸ but plans for creating Scottish Carer's Assistance have been delayed. The first delay was to 'early 2022', to make room to deliver the Scottish Child Payment.⁹ More recently it has been delayed due to COVID-19 and a revised start date has not been announced.¹⁰ A discussion paper on the development of Carer's Assistance, published in March 2021, states that a public consultation on Carer's Assistance is due 'later this year'.¹¹

These delays have meant that the temporary measure of CAS and the DWP's administration of devolved Carer's Allowance will continue for longer than first intended, although quite how much longer has yet to be determined.

Carers not entitled to Carer's Allowance Supplement

Not all unpaid carers are entitled to receive Carer's Allowance and therefore are unable to get CAS.

Carers UK estimated that, before the COVID-19 outbreak, there were up to 729,000 unpaid carers in Scotland. They also estimated that this may have risen by around 400,000 at the height of the pandemic.¹ The Scottish Fiscal Commission forecast that there will be around 91,000 recipients of the December CAS payment this year.¹²

The reason there is such a difference is because of the [eligibility rules for Carer's Allowance](#), which in turn, determine who is entitled to CAS. These rules include:

- the care must be for at least 35 hours a week
- the person being cared for must get certain disability benefits
- net earnings, after expenses, must be £128 per week or less
- there are some benefits, such as the State Pension, which cannot be paid in full at the same time as Carer's Allowance.
- it's not possible to get the Young Carer Grant at the same time as Carer's Allowance.

If a carer only has underlying entitlement to Carer's Allowance, then they will not get CAS. Underlying entitlement means people who have applied for Carer's Allowance but do not get it because they receive another earnings replacement benefit such as the State Pension. In November 2020, there were around 82,300 people in Scotland getting Carer's Allowance and a further 39,000 with 'underlying entitlement.'¹³

The Young Carer Grant (YCG) is payable to 16, 17 and 18 year olds who provide care of 16 hours or more a week for someone who gets certain disability benefits. By April 2021, 2,945 young people had had a Young Carer Grant.¹⁴ While these young people were not entitled to Carer's Allowance or CAS at the time they received their YCG, this does not prevent them from becoming entitled after they've had the YCG.

Coronavirus Carer's Allowance Supplement June 2020

Last year the Scottish Government made a double payment of CAS in June. The [Coronavirus \(Scotland\) \(No. 2\) Act 2020](#) provided that:

“ The amount of a carer’s allowance supplement in respect of the period of 1 April 2020 to 30 September 2020 is £230.10 greater than that calculated according to the formula in subsection (4).”

Schedule 1 to the Coronavirus (Scotland) No.2 Act, 2020¹⁵

This was a very specific provision that only increased one specific, dated, CAS payment – the one made in June 2020.

The Scottish Government’s aim in making that additional payment related to the impact of COVID-19:

“ The specific aim of this additional payment was to recognise and help mitigate the impacts of additional caring responsibilities and financial impacts, in the shape of negative impacts on household finances and health and well-being, as a result of the spring lockdown on unpaid carers”

Macpherson, 2021¹⁶

It was welcomed in speeches made on 13 May 2020 by Annabelle Ewing MSP, Miles Briggs MSP, Willie Coffey MSP, Shona Robison MSP, Graham Simpson MSP, Kenneth Gibson MSP, James Dornan MSP and Jenny Gilruth MSP. Graham Simpson MSP welcomed the measure but wondered “where the money will come from.”¹⁷

Alison Johnstone MSP proposed a supplement to the Young Carer Grant (amendment 23) but did not press it, saying:

“ it seems that many of the arguments that have been put forward in favour of the carers allowance supplement apply just as much to recipients of the young carer grant.”

Scottish Parliament COVID-19 Committee, 2020¹⁸

The then Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville MSP, argued against the proposal saying:

“ We absolutely agree with Alison Johnstone that young carers should be supported. However, I urge her not to press amendment 23, and I ask the committee to vote against it if it is pressed, given its potential impact on work that we are already doing to support young carers and the risks that it would pose to on-going delivery of live benefits and to the planned work to support people who are new to the welfare system.”

Scottish Parliament COVID-19 Committee, 2020¹⁸

The provision allowing a double payment for June 2020 expires on 30 September 2021. This is set out in section 7(b) of the [Coronavirus \(Extension and Expiry\) \(Scotland\) Bill](#). This was passed as emergency legislation with Stage 1 on 22 June, Stage 2 on 23 June

and Stage 3 on 24 June 2021.

Because the June 2020 payment has already been made the only impact this expiry has is if, after 30 September 2021, it is decided that someone should have received Carer's Allowance on 13 April 2020. The Scottish Government is content that backdating payments can continue beyond expiry of the provision on the basis that the Interpretation and Legislative Reform (Scotland) Act 2010 will protect individual rights acquired while the provision was in force.¹⁹

Pam Duncan-Glancy MSP lodged, but did not move, amendments seeking a reporting requirement.²⁰ In response, the Scottish Government lodged a successful amendment at Stage 3. The [Bill as passed](#) therefore includes a requirement that, one month after Royal Assent, Ministers lay a report on various matters. One of these is Ministers' view of the effect of the Act on social security support available for carers.

Pam Duncan-Glancy MSP also queried the need for a 'standalone' bill rather than including the increased payment in the 'Extension and Expiry' bill;

“ On the point about the Carer's Allowance Supplement (Scotland) Bill, which has come to the Social Justice and Social Security Committee, I think that we missed an opportunity by not doing some of that in the bill that is before us today. Then the bill that has gone to committee could have been on less of a tight timescale.”

Scottish Parliament, 2021²⁰

Other support for carers

The provision of an additional CAS payment is only one measure in a range of UK and Scottish government support provided during the COVID-19 pandemic. Other social security measures to support unpaid carers during COVID-19 include:

- temporary changes to Carer's Allowance rules so that carers don't lose their Carer's Allowance if COVID-19 means they need to take breaks in care. This is due to expire on 31 August 2021. ²¹
- various deadlines have been relaxed including deadlines for making applications for Scottish social security benefits. This applies to the Young Carer Grant but is not relevant to CAS which is an automatic payment with no appeal rights. ²²

The Policy Memorandum refers to support apart from social security:

“ Outwith the social security system, a range of support is provided to carers including the right to an adult carer support plan or young carer statement, practical support, advice and information through Scotland's network of carers centres and information and extra support for young carers through Young Scot. Additional funding has also been made available to enable carer centres to provide support remotely during the pandemic and an extra £750,000 has been invested in the 'Time to Live' scheme to allow for carers to take short breaks away from caring, usually virtually.”

Scottish Parliament, 2021²³

The Scottish and UK Governments have also made various funds available for those affected by COVID-19 and its economic impact. It may be that some carers would be eligible for these payments, but they are not specifically created for unpaid carers. These other funds include:

- an increased budget for the [Scottish Welfare Fund](#) which provides discretionary grants for people in a crisis situation or to maintain a settled way of life
- [Self-isolation Support Grant](#) of £500 for those on low incomes
- [Low income pandemic payment](#) for people getting Council Tax Reduction. £130 paid by end October 2021.
- temporary £20 uplift to Universal Credit (and similar increase to Working Tax Credit).

For a summary of Scottish Government social security measures taken in response to COVID-19, see their [response to the Social Security Committee's inquiry on COVID-19 and social security](#). ²⁴

The Bill

The [Carer's Allowance Supplement \(Scotland\) Bill](#) was introduced on 22 June 2021. It has only two substantive provisions:

- section 1 provides for the CAS payment made in December 2021 to be worth £462.80 instead of £231.40.
- section 2 allows regulations to provide for future CAS payments to be higher than the calculation made under the 2018 Act. ([That calculation is described above](#))

Why is the Bill needed?

Policy intention

Like the previous double payment, the policy intention is linked to the impact of COVID-19. The Policy Memorandum states that the Bill aims to:

“ provide unpaid carers who receive Carer's Allowance with extra financial support in recognition of the extra burden the pandemic has placed on carers and due to the loss of income and increased costs many have faced as a result of the coronavirus outbreak.”

Scottish Parliament, 2021²³

A survey in October 2020 by Carers UK found that:

“ Many carers in Scotland already faced difficult financial situations due to their caring responsibilities. 29% of carers in Scotland are now reporting struggling to make ends meet, while 10% revealed they were/had been in debt as a result of caring. Juggling work and care remains a challenge, with 7% of carers having reduced hours to manage their caring responsibilities, and 7% had given up work to care since the COVID-19 pandemic.”

Carer's UK, 2020¹

This survey was not restricted to only those carers entitled to Carer's Allowance.

Other, UK-wide research, published in August 2020 looked at people who provide unpaid care *outside* their own household. Again, its not known how many of these were getting Carer's Allowance. The research found that these carers' financial worries decreased during spring 2020 compared to the previous year. The researchers note that: “the Government's interventions are likely to have played a role in this.” This research also found that financial worries were greater amongst carers who work compared to those not working and were greater for those aged 31 – 45 than those of pension age. It reported that:

“ In spring 2020, 21.5% of unpaid carers experienced some degree of financial strain, saying they were 'just about getting by' or finding it 'quite' or 'very' difficult to do so. 1 in 4 carers in paid work had financial concerns, compared with 1 in 7 carers without paid jobs.”

Circle Group, University of Sheffield, 2020²⁵

Legislative route

The proposal to increase the CAS payment needs to be brought in as a Bill because, unlike other Scottish social security, CAS is provided for in primary legislation rather than regulations. While most Scottish social security benefits are created by regulations, CAS was added in directly to the Social Security (Scotland) Act 2018. This was so that it could get up and running as soon as possible after the Act was passed. The Policy Memorandum in 2017 stated:

“ This supplementary payment mechanism is designed to deliver additional payments to carers as quickly as possible.”

Policy Memorandum to the Social Security (Scotland) Bill as introduced, 2017²⁶

While this did allow quick delivery in 2018, it means that changes now require a bill rather than regulations.

Timetable and consultation

The Bill is subject to a shorter than normal timetable. It was introduced on 22 June 2021 and would need to reach Stage 3 by 7 October in order to get Royal Assent in November and the payments to be made in December 2021. ¹⁶

There has been no formal consultation on the policy. The Business and Regulatory Impact Assessment (BRIA) states that this is:

“ due to the urgency of ensuring the Bill is in place to enable payment to reach carers for the December 2021 Carer's Allowance Supplement payment date. Ongoing engagement with carer organisations in Scotland throughout the last year on the impact of the coronavirus outbreak on unpaid carers has, however, been a key consideration.”

Scottish Government, 2021²⁷

The Social Justice and Social Security Committee issued a call for views on 2 July 2021, seeking views by 12 August. ²⁸

The increased payment in June 2020 was also brought in and then expired at very short notice, both measures being part of emergency COVID-19 legislation.

The last social security Bill was also subject to a shorter than normal timetable. The [Social Security Administration and Tribunal Membership \(Scotland\) Bill](#) was brought in at short notice because some changes were needed before the Scottish Child Payment regulations could progress.

The double payment

Following the increased payment in June 2020, there were calls for this to be repeated and/or paid permanently at a higher level.

In Autumn 2020, Citizen's Advice Scotland, the Scottish Campaign on Rights to Social Security (SCORSS) and the Scottish Commission for People with Learning Disabilities (SCLD) all asked for a 'double payment' in December 2020.²⁹

When the first double payment was made in June 2020, Shona Robison, then a backbench MSP, hoped that, if COVID-19 continues:

“ the Scottish Government will keep an open mind about what further support will be offered to that vital part of the caring effort.”

Scottish Parliament, 2020³⁰

In February 2021, during the Social Security Committee budget process, Shona Robison MSP again asked the then Cabinet Secretary whether the June 2021 payment could be doubled. The then Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville MSP, replied:

“ because of the way that the legislation is designed, repeating a coronavirus carers allowance supplement would require primary legislation to go through the Parliament. That is obviously not feasible for a June payment, given the current pressures on the parliamentary timetable.”

Scottish Parliament Social Security Committee, 2021³¹

Subsequently, the proposal for a double payment in December 2021 was included in the [SNP manifesto](#). Other party manifestos also included provisions on carers. Specifically in relation to the Carer's Allowance Supplement, the [Scottish Green party manifesto](#) included a proposal to “increase the Carers Allowance top-up to £105 per week.”

The regulation-making power

The Bill would allow future payments of CAS to be set at a higher amount using regulations.

These would be affirmative regulations, but they are not subject to the 'super-affirmative' provisions in section 97 of the 2018 Act. This means they do not have to be considered by the Scottish Commission on Social Security (SCoSS). In contrast, changing the amount paid under most other Scottish social security benefits would be considered by SCoSS.

Increasing future payments would not have to be limited to responding to COVID-19. The Policy Memorandum states:

“ The Scottish Government considered limiting the use of the delegated power specifically to responding to the current coronavirus pandemic, but consider that recent experiences have highlighted the need for greater flexibility to respond to unforeseen future events and that a broader power would be more appropriate.”

Scottish Parliament, 2021²³

This means that, if it chose to do so, the Scottish Government could bring forward regulations to increase each future payment of CAS.

Alternative approaches

Some have asked for the CAS increase to be permanent rather than a 'one-off'. In their submissions to the then Social Security Committee's inquiry on COVID-19 and social security, the Scottish Commission for People with Learning Disabilities and Scottish Campaign on the Right to Social Security proposed increasing the value of the payment on a permanent basis.²⁹ In the Scottish Parliament in June 2021, Pam Duncan-Glancy MSP stated that:

“ Scottish Labour would have wanted to take the opportunity to see the uplift to the carers allowance supplement remain permanent— doubling the amount that carers receive.”

Scottish Parliament, 2021³²

While the Bill proposal is specifically for the December 2021 payment, the regulation-making power could be used to set a higher amount each year.

Other alternative approaches might be to try to include unpaid carers who do not get Carer's Allowance, such as those with 'underlying entitlement'. These are carers who meet the qualifying conditions for Carer's Allowance but cannot actually receive it because they get another earnings replacement benefit.

Carers UK have called for the double payment to be repeated and also to:

“ Recognise that not all carers are eligible for CAS, and provide additional ring fenced funding to offer dedicated funding for carers facing hardship. This could be administered by local authorities through the Scottish Welfare Fund or through local carers centres.”

Carer's UK, 2020¹

The Financial Memorandum explains why the focus is on those unpaid carers who get CAS rather than on unpaid carers more widely:

“ The Scottish Government considers that many unpaid carers will have experienced a loss of income and increased costs during the coronavirus outbreak. In most cases, this is likely to be more severe for those unpaid carers with a more intensive caring role and lower financial resilience. The Scottish Government considers that the receipt of Carer's Allowance is a way of identifying these unpaid carers, because it requires 35 hours or more caring per week with a weekly income threshold of £128. Around 83,000 unpaid carers in Scotland receive Carer's Allowance, and they are more likely to be in the bottom half of income deciles and have poorer health and educational outcomes.”

Scottish Parliament, 2021³³

The Policy Memorandum argues against alternative approaches saying:

“ The Scottish Government has considered a range of options to increase payments to unpaid carers. Options other than a top up to Carer's Allowance Supplement would have dependencies on the UK Government, and/or would require the development of a new delivery mechanism which could put existing benefits, including the roll out of new benefits, at risk.”

Scottish Parliament, 2021²³

In particular:

- under the Agency Agreement, the Scottish Government cannot introduce different rules for Carer's Allowance in Scotland
- a new form of Carer's Assistance or Short Term Assistance would take time and resource to develop.

Consideration of alternatives also needs to be seen in the wider context of progress with replacing both Carer's Allowance and CAS with Scottish Carer's Assistance in the next few years. However, as mentioned, a revised timetable for this has not yet been announced.

Financial Memorandum

The Scottish Fiscal Commission (SFC) has costed this measure at £21 million¹² and this figure is included in the Financial Memorandum.³³ The cost is the proposed addition multiplied by the estimated caseload in December. As CAS is paid automatically, there is no need to estimate take-up.

The SFC estimate that 91,000 carers will be eligible for the payment in December. Including backdated payments, the June 2020 payment was made to 84,000 people.

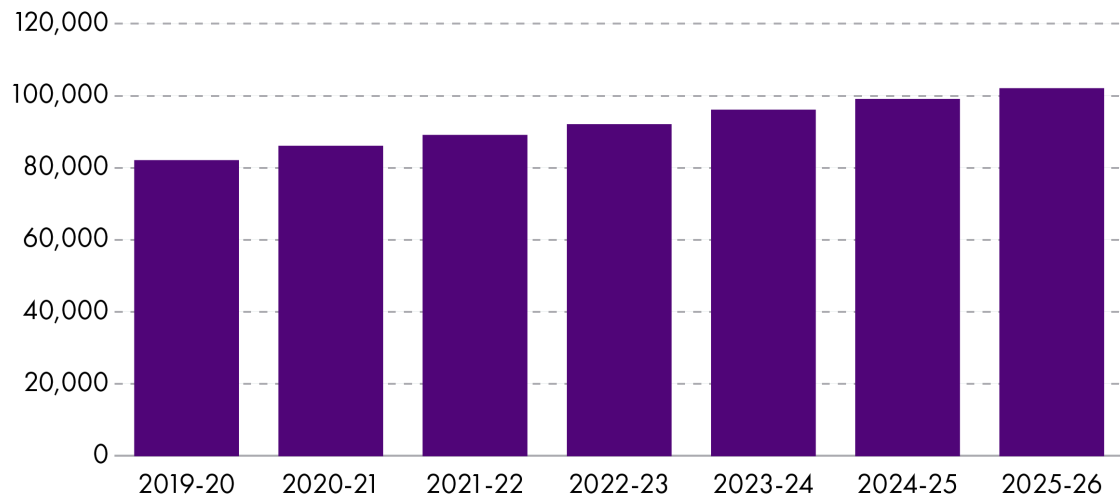
The SFC note that the number of people getting Carer's Allowance is increasing. This has an inevitable impact on the number of people who will get CAS.

“ our forecast of 91,000 payments represents caseload growth of around 8 per cent over the 18 months from April 2020 to October 2021”

Scottish Fiscal Commission, 2021¹²

The Carer's Allowance caseload is forecast to increase over the next few years. This is without taking into account any changes that might happen as a result of introducing Scottish Carer's Assistance. Therefore the annual costs of CAS payments will also increase over time, even without increasing the value of the payment. The chart below is based on SFC forecasts made in January 2021. This will be updated on 26 August.

Figure 1: Carer's Allowance forecast caseload



Scottish Fiscal Commission Scottish Fiscal Commission, 2021³⁴

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