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## Social Justice and Social Security Committee

# Carer's Allowance Supplement (Scotland) Bill Stage 1 Report



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# Contents

<b>Introduction</b>	<b>1</b>
Social Justice and Social Security Committee consideration	1
Consideration by other Committees	2
Financial and Policy Memorandums	2
<b>Timetable for Bill consideration</b>	<b>3</b>
<b>Carer's Allowance and Carers Allowance Supplement</b>	<b>4</b>
Carer's Allowance	4
Carer's Allowance Supplement	4
Eligibility	4
Calculating Carer's Allowance Supplement	4
<b>The impact of Covid on carers</b>	<b>5</b>
<b>Specific issues raised about the Bill</b>	<b>7</b>
Increasing the payment and making it permanent	7
Numbers receiving the benefit	8
Benefit take-up	9
Non-financial support	10
Regulation making power	11
<b>Committee's findings on the Bill</b>	<b>13</b>

# **Social Justice and Social Security Committee**

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.



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# Committee Membership



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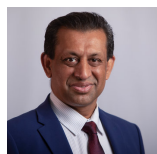
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# Introduction

1. The Carer's Allowance Supplement (Scotland) Bill has been introduced to increase the amount of Carer's Allowance Supplement for December 2021. It was introduced on 22 June 2021 by Shona Robison MSP, Cabinet Secretary for Social Justice, Housing and Local Government.
2. The Bill has two main purposes.
3. Section 1 provides for the Carer's Allowance Supplement (CAS) payment made in December 2021 to be worth £462.80 instead of £231.40. The Social Security (Scotland) Act 2018 set the initial amount that carers would receive for this period.
4. Section 2 allows regulations to provide for future CAS payments to be higher than the calculation made under the 2018 Act.

## Social Justice and Social Security Committee consideration

5. We were designated as the lead committee in consideration of the Bill at Stage 1 on 24 June 2021.
6. Under the Parliament's Standing Orders Rule 9.6.3 (a) it is for the lead committee to report to the Parliament on the general principles of the Bill. In doing so, it must take account of views submitted by any other committee to it.
7. We issued a call for written views which ran from 2 July 2021 to 12 August. There were 133 responses of which the vast majority were from individuals, 17 were from organisations. The Parliament's Participation and Communities Team (PACT) also sought to engage with individual carers to enhance the body of written evidence received.<sup>i</sup> Whilst we understand the need for this legislation to be considered at an expedited timescale some of the written evidence we received highlighted challenges that individuals faced in sharing their views within this time.
8. We took oral evidence from stakeholders at our first meeting after the summer recess on 2 September. This was followed at the same meeting by evidence from Ben Macpherson MSP, Minister for Social Security and Local Government (the Minister).<sup>ii</sup>
9. We would like to take the opportunity to thank all those who took the time to engage with us, especially those who shared personal testimony about their experiences as an unpaid carer.

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i Further information on PACT's engagement work is contained in the [Scottish Parliament Information Centre, \(2021\) Carer's Allowance Supplement \(Scotland\) Bill Summary of written views](#)

ii Evelyn Tweed MSP attended as Committee substitute for Natalie Don MSP at this meeting and on 9 September when the draft report was considered and agreed by the Committee.

## Consideration by other Committees

10. The Delegated Powers and Law Reform Committee (DPLR Committee) considered the delegated powers in the Bill at their meeting on 7 September 2020. The specific issues they highlighted regarding the two provisions in the Bill conferring power to make subordinate legislation are covered later in our report.
11. The Scottish Fiscal Commission (SFC) has costed this measure at £21 million and this figure is included in the Financial Memorandum. 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.
12. The Finance and Public Administration Committee agreed to take no specific action in relation to scrutiny of the Bill.

## Financial and Policy Memorandums

13. The lead committee is required to report on the Financial Memorandum and Policy Memorandum, which accompany the Bill. The Committee has no specific concerns we wish to bring to the attention of the Parliament. We are content that the information contained has been sufficient to aid our scrutiny of the Bill at this stage.

## Timetable for Bill consideration

14. In order for the December 2021 payment of Carer's Allowance Supplement to be made at the increased rate set out in the Bill, the Bill needs to have received Royal Assent and be in force by November 2021. This means the Bill will need to reach Stage 3 by 7 October 2021.<sup>iii iv</sup>
15. To meet this deadline the scrutiny timetable has been compressed.

**The Committee understands the reasons for the expedited timetable for consideration of this Bill. Nevertheless, it is not ideal that the timetable for our scrutiny has been truncated. The Committee seeks assurances from the Scottish Government that this is a one-off event due to the unavoidable circumstances on this occasion.**

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iii Guidance on public bills: [Part 2: Stages of Bills - the general rules - Parliamentary Business: Scottish Parliament](#)

iv [Letter from the Minister for Social Security and Local Government, 16 June 2021](#)



# Carer's Allowance and Carers Allowance Supplement

## Carer's Allowance

16. Carer's Allowance is UK wide benefit that is the main benefit available to unpaid carers. To qualify for the Allowance claimants must spend at least 35 hours a week caring for a disabled person. The person being cared for must be in receipt of certain disability benefits. The main qualifying benefits are: Attendance Allowance, the daily living component of Personal Independence Payment and the higher or middle rate care component of Disability Living Allowance. Other eligibility rules include: earning £128 or less per week (after deducting certain expenses) and not being in full time education.<sup>v</sup>

## Carer's Allowance Supplement

17. [Carer's Allowance Supplement](#) (CAS) was introduced in 2018 following the passage of the Social Security (Scotland) Act 2018. It is a twice-yearly payment to increase the level of benefits available to carers in Scotland ahead of the introduction of Scottish Carer's Assistance which will be the Scottish version of Carer's Allowance.

## Eligibility

18. CAS is a lump sum payment which is made twice a year to people who get Carer's Allowance. Although each payment covers a six-month period, eligibility is based on whether someone was receiving (or has a backdated claim which covers receipt of) Carers Allowance on a specific date. In 2021, people received a CAS payment if they were in receipt of Carer's Allowance on 12 April 2021 and a CAS payment if they were in receipt of Carer's Allowance on 11 October 2021. Someone who received Carer's Allowance during 2021 but not on either of the qualifying dates would not receive a payment.
19. The 'overlapping benefit' rule means that it's not possible to get Carer's Allowance at the same time as the full amount of certain other benefits. The main benefit that 'clashes' with Carers Allowance in this way is the State Pension.

## Calculating Carer's Allowance Supplement

20. In 2021-22, CAS is worth £231.40. It must be updated for inflation each year. When it was first introduced in 2018, it was worth £221.<sup>vi</sup>

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v [Carer's Allowance: Eligibility - GOV.UK \(www.gov.uk\)](#)

vi [Carer's Allowance Supplement \(Scotland\) Bill. SPICe Briefing SB 21/43](#)

# The impact of Covid on carers

21. The Coronavirus (Scotland) (No.2) Act 2020 doubled the value of the June 2020 CAS payment. In explanatory notes which accompanied the Bill the Scottish Government explained that the increased supplement payment was to provide additional financial support to carers due to the loss of income and increased costs they had faced as a result of the pandemic.<sup>vii</sup>
22. The additional amount was paid as an increased amount of CAS for the period from 1 April 2020 to 30 September 2020.
23. The two CAS payments that have been made since June 2020 have not included an increased amount.
24. The policy memorandum for this Bill 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.<sup>viii</sup>
25. The Committee received powerful testimony from carers about their experiences of providing care and support. Whilst noting that caring could be rewarding many provided insights into the often-damaging impact their caring responsibilities could have on their own health and wellbeing.
26. Many spoke of the isolation and exhaustion they felt as a result of their caring responsibilities. Allison McIntyre in her submission to the Committee offered the following insight
  - ” Caring for a family member can be erratic and at times a 24hr per day job with no staff room to rest in and no other staff to turn to.

Source: Alison McIntyre, written Submission
27. The Committee heard that the pandemic had exacerbated many issues carers already faced. Submissions to the Committee spoke of the significant demands these circumstances had placed on unpaid carers' financial, physical and mental health and employment. The pandemic has also meant there was a lack of opportunity for carers to take breaks from their caring responsibilities with the reduced availability of respite services adding further stress and pressure to their roles.
28. Ann McColl in her submission to the Committee spoke about her experience of caring—

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vii [Carer's Allowance Supplement \(Scotland\) Bill. Explanatory Notes \(SP Bill 2-EN, Session 6 \(2021\)\)](#).

viii [Carer's Allowance Supplement \(Scotland\) Bill. Policy Memorandum \(SP Bill 2-PM, Session 6 \(2021\)\)](#).

” Carers have got the raw end of the pandemic. We have had an increase in carer hours as there has been no respite or support services available. College courses aimed specifically at people with a ‘significant additional support need’ went completely online so we all became public support assistants as well as trying to keep on top of everything we do in our day to day life.

I am at month 16 and have not had a break. Carers are at breaking point and an extra payment, while not being anywhere near the support we need, at least allows us some breathing space.

Source: Ann McColl, written submission.

29. In oral evidence Salena Begley, Family Fund summed up the intense experience many carers had faced by describing lockdown as a ‘pressure cooker’ intensifying carers experiences.<sup>ix</sup>
30. There was almost unanimous support for an increased CAS payment from those who shared their views with us. The small minority who did not support it disagreed with it because not all carers would get the payment. Issues raised in evidence focused on increasing the level of payment further, the frequency and method of payments or the need for wider improvements to the support available to carers.
31. Salena Begley told the Committee that carers welcomed the timing of the payment being made in December.<sup>x</sup> Submissions from carers referred to the additional costs people faced at this time of year due to the increase in fuel bills and Christmas. This included a submission from Claire Campbell who stated

” Sometimes Christmas can be extra challenging as disabilities mean specially adapted items needing purchased or trips which aren’t as easy due to travel with a carer. An increase in payment would help this.

Source: Claire Campbell, written submission.

32. The Minister recognised the difficulties carers had faced as a result of the pandemic. He spoke of his gratitude and admiration for the important work carers do. He explained that the additional payment sought to mitigate the negative impact of the virus on carers’ finances and wellbeing. The Minister told us that the payment would also assist in carers being able to continue to provide support in the future.<sup>xi</sup>

We welcome the move to provide more financial support to carers. There was almost unanimous support, with the vast majority of people who gave evidence to us welcoming the increase in the December payment of Carer’s Allowance Supplement.

<sup>ix</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 14.

<sup>x</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 18.

<sup>xi</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 21.

## Specific issues raised about the Bill

33. While there was broad support for the aims of this Bill there were some specific issues that were raised in the evidence we received.

### Increasing the payment and making it permanent

34. The Committee received evidence which called for the amount proposed for the CAS payment in December 2021 to be higher. Some submissions also called for the increase to be made permanent rather than a 'one off'.
35. Many people told us that the low level of carer benefits was not sufficient to lift carers out of poverty and compared the level of Carer's Allowance and CAS to what it would cost to provide a similar level of paid care. Fiona Collie, Carers Scotland, estimated that if this money provided in benefits to carers was equated to paid work it translated to £2 per hour for a 35 hour working week. Reference was also made to how much money carers save the government in social care expenses.<sup>xii</sup>
36. Colin Toal, unpaid carer, Lanarkshire Carers, supported the payment being made permanent and highlighted the short term approach carers had to adapt to managing their finances as another factor in the number of carers living in poverty. He argued that if the additional payment to CAS was made permanent it would give carers a fixed idea of their income in coming years which would assist with their longer-term financial planning.<sup>xiii</sup>
37. Some people who provided evidence argued that there were areas which were a higher priority for resources than increasing the CAS payment or making it permanent. Suggestions included expanding the provision of financial support to a wider number of people or expanding the non-financial support available to carers.
38. On the issue of making the CAS increase permanent, the Minister told us that the Scottish Government had identified the resources from this year's budget to make the additional CAS payment in December 2021.<sup>xiv</sup>
39. The question of whether future increases could be funded would need to be considered in the context of future budgets. He explained that the Scottish Government had created an enabling power for the additional payment to the supplement to happen in future if it was "the will of the Parliament". He also told the Committee he did not consider it "prudent or correct" to set this additional payment to the supplement as permanent as consideration needed to be given to its interaction with the forthcoming Scottish Carer's Assistance benefit. The Minister explained that options for change were currently being assessed and that there would be further public consultation this winter. He explained that there would be an 18 month build in time for the new benefit.<sup>xv</sup>

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xii Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 8.

xiii Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 6.

xiv Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 22.

xv Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 23, 35.

We note section one of the Bill allows for the CAS payment to be increased for the specific occasion of the December 2021 payment, whilst section two allows regulations to provide for future increases. We believe there is a strong case for making further increases to the level of CAS payment in the future. We urge the Scottish Government to seriously consider the evidence we received to this inquiry which argues for further additional payments to CAS to be made in future years using the regulation power in this Bill.

Allowing carers to plan their finances over the longer term could allow carers to look at longer term financial planning. In the longer-term we hope that this is something Scottish Carer's Assistance will help with. Until this new benefit is introduced we urge the Scottish Government to look at the evidence we have received to this inquiry when considering how best to support carers as they continue to face the extra burden the pandemic has placed on them.

We welcome plans for consultation on Scottish Carer's Assistance and look forward to engaging with the Scottish Government on the options proposed.

## Numbers receiving the benefit

40. We heard that one issue with focusing support for carers on increasing the CAS payment is that only a small minority of carers are eligible for CAS and that it should be provided to more unpaid carers.
41. According to Carers UK, there were up to 729,000 unpaid carers in Scotland before the COVID-19 outbreak. They estimated that this may have risen by around 400,000 at the height of the pandemic. Around 91,000 carers are expected to get CAS in December 2021, around 10% of all carers in Scotland.
42. Many responses discussed concerns with the qualifying rules for Carer's Allowance. Including young carers not being able to get the Young Carer Grant if they are in receipt of Carer's Allowance at the time they apply for the Young Carer Grant. Specific reference was also made to the interaction of Carer's Allowance and Universal Credit. Whilst Carer's Allowance is deducted from Universal Credit CAS is not. The Committee heard that if people do not know this they may decide not to claim Carer's Allowance not realising that this means they will lose out on CAS.
43. We asked the Minister whether there was scope for more people to access CAS by extending it to those with underlying entitlement to Carer's Allowance. The Minister noted this was something that had been considered in the context of the June 2020 additional supplement. However, he explained this would have required significant resources from Social Security Scotland, social security staff in the Scottish Government and the Department of Work and Pensions to develop new processes at a pressurised time for these departments. It would also have resulted in the additional payment taking longer to deliver to carers.<sup>xvi</sup>

44. The Minister emphasised the work that was being done towards delivering Scottish Carer's Assistance as a longer term solution to addressing issues regarding carer eligibility for benefits. Issues being consulted on included the earning threshold, accessing benefits if in full time education and extending provision for carers after the death of the person they cared for. He told the Committee that the Scottish Government was aiming for case transfer by 2025. The Minister suggested consideration was being given to what could be delivered with regards to changes to eligibility sooner than 2025.<sup>xvii</sup>

We note the suggestion that the numbers of carers receiving financial support should be increased. We hope the Scottish Government's plans for Scottish Carer's Assistance will consider issues such as expanding eligibility, increasing the level of benefit and recognising those unpaid carers with more than one caring role.

This is something that we will closely monitor, and we ask the Scottish Government to publish a timetable for delivery of the new benefit including its date for introduction. We also ask the Scottish Government considers the evidence we received to this inquiry, as well as information from their other consultation work when designing the new benefit to ensure that it addresses the issues that were raised with us. We heard in evidence to this inquiry that the new benefit should prioritise lifting carers out of poverty and ensuring support for their wellbeing.

## Benefit take-up

45. Another issue explored during consideration of the Bill was the take up of benefits by those entitled to them.
46. Fiona Collie, Carers Scotland stressed the need for simplicity in the application process for benefits for carers, as they were often deterred from claiming especially where there was cross-over in how benefits interacted with each other. She emphasised the need for the Scottish Government, carers organisations, disability and citizens advice organisations and local authorities to come together to improve signposting, guidance and support for claimants.<sup>xviii</sup>
47. In evidence the Minister acknowledged the need to raise awareness of CAS to improve uptake. Scottish Government officials explained there were plans for engagement work with voluntary organisations and resources to be produced to ensure carers were aware of their eligibility its interaction with Universal Credit and how to access the CAS in advance of its December payment.<sup>xix</sup>

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<sup>xvi</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 26.

<sup>xvii</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 31, 34-36.

<sup>xviii</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 17.

<sup>xix</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 36-37.

**Ensuring all those who are entitled to Carer's Allowance and CAS are accessing these benefits, especially in the situation where some claimants receiving Universal Credit may be entitled to CAS is crucial. We ask the Scottish Government to set out how it will monitor and evaluate whether the steps taken to promote the December 2021 payment have been successful in ensuring high uptake by those carers who qualify for it. We expect this issue to be addressed in the forthcoming benefit take-up strategy.**<sup>xx</sup>

## Non-financial support

48. The provision of an additional CAS payment is only one measure in a range of UK and Scottish Government support for carers during the COVID-19 pandemic. Other social security measures to support unpaid carers have been introduced during COVID-19. 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.

Source: [Carer's Allowance Supplement \(Scotland\) Bill. Policy Memorandum \(SP Bill 2-PM, Session 6 \(2021\)\)](#), paragraph 18

49. Fiona Collie, Carers Scotland emphasised the importance of considering the needs of carers as a whole, not just their financial needs but also how their lives can be improved overall. She told the Committee that repeatedly the number one thing carers stress is the need for a break. Many carers in the last year had had no break at all.

” not an hour, a day or a week<sup>xxi</sup>

50. Salena Begley, Family Fund told the Committee that breaks were vital for sustaining carers. Providing them with something to look forward to and memories to look back on.<sup>xxii</sup>

**We recognise the importance of carers being able to access support that goes beyond just financial. The need for carers to have an opportunity to get a break**

<sup>xx</sup> [First benefit take-up strategy was Oct 2019](#), statutory requirement to publish the second 2 years later. [Social Security \(Scotland\) Act 2018 \(legislation.gov.uk\)](#)

<sup>xxi</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 8, 13.

<sup>xxii</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 14.

**from their caring roles has never been more essential with many people finding Covid-19 has increased the intensity of the demands on them as carers. Given the limited numbers of carers who qualify for CAS and the increased payment ensuring there is non-financial support accessible to as wide a range of carers as possible is crucial.**

**Non-financial support was considered essential by many of the people we heard from. Some submissions suggested provision of some such support including respite had been affected by Covid-19. We consider it vital that the Scottish Government considers how best to provide non-financial support to carers and that support the Government has already committed to is provided as quickly as possible.**

## Regulation making power

51. Some submissions commented specifically on the Bill's proposal to use regulations under the affirmative produced rather than primary legislation to increase the amount of CAS paid in future.
52. Looking across social security generally, regulations to change the amount of benefit paid can be subject to negative, affirmative or super-affirmative procedure depending on the legislation it is based on. However, most Social Security benefits are subject to super-affirmative procedure which require a report from the Scottish Commission on Social Security (SCoSS).
53. The Committee received a variety of views on the level of parliamentary scrutiny future increases to the amount of CAS should be subject too. Some recommended that all social security regulations should be super-affirmative, while others suggested that changing the amount of payment ought to require little scrutiny.
54. Colin Toal, unpaid carer, Lanarkshire Carers in oral evidence considered there was merit in future regulations being subject to a level of scrutiny as it would assist in raising the profile of these benefits and ultimately may put pressure on the Parliament to do more to assist carers.<sup>xxiii</sup>
55. We asked the Minister in his oral evidence session why the Scottish Government had determined these regulation making powers should not be subject to the super-affirmative procedure. He told the Committee he did not consider the engagement of SCoSS as necessary as these regulations were limited in scope only increasing the supplement for a specific period.<sup>xxiv</sup>
56. One technical point we explored with the Minister, which has also been raised by the Delegated Powers and Law Reform Committee in their report to the Committee is regarding the regulation making powers and why they were not being

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<sup>xxiii</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 15.

<sup>xxiv</sup> Social Justice and Social Security Committee. *Official Report, 2 September 2021*, Col 28.



commenced at the same time as Section 1 of the Bill. The Minister responded that normal procedure was to wait two months after a Bill has received Royal Assent before the provisions are commenced.

57. Section 1 is to come into force the day after Royal Assent to ensure CAS can be made in December.
58. Section 2 does not have the same urgency and therefore it will commence in the normal way.

**The Committee has heard that there is a wide interest from stakeholders in the increased CAS payment being proposed by the Scottish Government. The Committee therefore considers it important that the Scottish Government ensure the regulation making powers in this Bill are subject to a suitable procedure to allow robust scrutiny to take place.**

## Committee's findings on the Bill

59. The role of the Committee at Stage 1 is to consider the general principles of the Bill. The purpose of the Bill is to provide an additional targeted financial payment to unpaid carers who receive Carer's Allowance. The Committee supports this policy objective and recognises there is a need to address the additional hardships carers have faced as a result of the pandemic.
60. The Committee has heard calls for the payments to be increased further and made on a regular basis in future years. We note that the regulation making powers in the Bill provide a mechanism for doing this. We would encourage the Scottish Government to give further consideration to this in advance of when the next payment is due in June 2022.
61. We acknowledge there is a wider discussion to be had about future reforms of the way carers are supported in Scotland. An important mechanism for doing this is likely to be the new Scottish Carer's Assistance.

**The Committee is content to support the general principles of the Bill and recommends to the Parliament that they be agreed to.**

