



**Reference: Views from a working group of the Experts by Experience Panel of the Poverty and Inequality Commission on the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.**

A working group of three members of our [Experts by Experience Panel](#) with direct experience and interest in carer support came together to provide their views on the draft Regulations on behalf of the Experts by Experience Panel of the Poverty and Inequality Commission.

This response has been made in relation to the specific points in the Regulations that the Scottish Commission on Social Security asked for views on, as well as some additional points that the working group of the Panel wished to raise, outlined below.

### **Education**

There were concerns that young people in school education aged 16 - 19, despite having caring roles will receive a lesser award as per Regulation 13 of the draft Regulations. Whilst the rationale for this move, to not incentivise young people taking on significant caring roles was understood to some extent, there were real concerns about the unintended consequences of this move. These included concerns that this may lead to young people dropping out of non-advanced education to be eligible for the benefit, particularly if they move to destinations that are not positive, such as becoming unemployed to continue their caring role to receive Carer Support Payment. The Young Carers Grant being a lesser award was not thought of as an adequate alternative of financial assistance. The working group also noted that the Scottish Government plan to extend entitlement to most carers in full-time education from the launch of Carer Support Payment (CSP), but the draft Regulations do not currently lay out fully the entitlement and eligibility around education.

### **Earnings**

The updated earnings schedule provided by the Scottish Government to the Scottish Commission on Social Security were not available at the time the working group discussed this. However, before they became available the working group wanted to raise concerns about the earning limit in draft

Regulation 14, of £139 per week as this causes real hardship for people on low income that go above this figure whilst undertaking a caring role, which can be stressful and demanding. They felt that the award should be tapered by earnings above the £139 per week, so the award has slight reductions for any £1 in earnings above the £139 per week. People are inadvertently put into financial hardship through the reality of variable hours and the inflexibility within employment.

For self-employed carers, Panel members felt that disregards for expenses had to be taken into consideration, for example, public indemnity insurance, which is not currently disregarded in the system but is a required expenses incurred by self-employed workers.

### **Overpayments**

There was concern around the impact of overpayments on people due to administrative error and the draft Regulations should allow further flexibility to people that are impacted by overpayments through no fault of their own. This point also linked to the earlier point of an earnings limit, which led to people losing benefits if they go over the earning threshold including loss of passported benefits. It was felt that changes to the processing of benefits in a more '*dynamic and live*' system where changes could be reported and updated in a timely manner by social security staff would help reduce risks and the hardship on people. This also linked to points made around **Abatement** rules proposed, which included paying arrears directly to Department for Work and Pensions. Working group members felt that there should be the flexibility in the Regulations, when overpayments happen that are not due to the fault of the individual.

### **£0 awards**

Although there was appreciation of the purpose behind the new provision Regulation (23), having underlying entitlement for 26 weeks at £0, to allow for quicker entitlement without having to go through a new application.

This would still not mean entitlement to passported benefits and the rationale for a period of 26 weeks as opposed to a more person centred view of just having an ongoing period of underlying entitlement, if still



caring for the same person, was not understood or explained well enough by the Scottish Government.

## Take Up

The Experts by Experience Panel have raised concerns previously around people not claiming key benefits that they are entitled to, further disadvantaging communities facing real hardship in a cost of living crisis. It was felt that agencies had to be proactive, a Panel member noting that those that are “*hard to reach are the easiest to ignore*”. Panel members felt there were systemic issues, where people were scared of interacting with a punitive system such as that of the Department for Work for Pensions in particular, but this had an impact on wider benefit delivery. There had to be transparency and informed consent by social security agencies to build trust in the benefit system and increase uptake.

## Language

The working group of the Panel, welcomed the move away from language like ‘severely disabled person’ but still felt that ‘cared for person’ was language attuned to a medical model and was not demonstrating an equal power relationship in the caring relationship. Suggestions for new language to describe the person receiving care included, ‘**person with high support needs**’ or ‘**person you care for**’.

## Payment Frequency

There was significant concern at the proposal to pay carers every 4 weeks, with new applicants to CSP not getting the choice of weekly payments. It was thought that this was not person centred and would not assist with budgeting and short term cost pressures. It was also thought by the working group of the Panel that this could be seen as hypocritical. As on the one hand Scottish Government state that they cannot increase benefit entitlement or support to avoid a two-tier system, but are able to change aspects like payment frequency. Those on Carer’s Allowance have the option of weekly payments.

## **Hospital admission**

Panel members also thought that the caring role for someone in hospital does not end, the carer can still be called on to provide a number of roles and tasks. Someone may need washing done, food purchased/made that the hospital cannot offer, as well as emotional and other support. There is preparation required for when the patient is discharged, when caring responsibilities can also increase. Regulation 40, a temporary break in care should be updated to account for the continued caring responsibilities whilst someone is in hospital.

## **Suspension**

There was agreement on suspension due to the need to protect someone from financial abuse. The rules in Regulation 29 give the Scottish Government a lot of flexibility on when to suspend an award. For example, the Scottish Government have talked about suspension when information is not received on time. The Regulations need to outline the specific times when an award will be suspended and be proportionate in terms of suspension when information requested is not received on time, due to a number of reasons that an individual can be impacted on providing information, through no fault of their own.

**The working group of the Panel also raised some further issues that are not in the Regulations but that they wished to highlight, which included:**

## **Support**

Panel members felt strongly that unpaid carers make a significant contribution to public service and society, from an economic contribution and from ensuring NHS and social care services do not go into deeper crisis. In turn they felt that the support that unpaid carers are given by government is not comparable to their valuable role. They felt that the support needs to be strengthened in a number of key areas:

## **Travel Support**

Similar to the National Bus Travel Concession Scheme for Young Persons (Scotland) Order 2021, the Experts by Experience Panel have called for unpaid carers to be given entitlement to free bus travel in Scotland. Panel members felt that the Regulations should be updated to include free travel entitlement for those with CSP.

## **Personal Protective Equipment**

The Experts by Experience Panel have also called for Personal Protective Equipment (PPE) to be given as standard to unpaid carers. There was concern from feedback that Panel members were aware of, that although it is advertised that PPE was free for unpaid carers, the awareness of this and access to this varied across Scotland. Panel members have also called for Lateral Flow Tests (LFTs) to be categorised as Personal Protective Equipment for the purposes of providing a caring duty. They felt that the Regulations should be updated to include entitlement to PPE as outlined, to those that are eligible for CSP.

## **Telephone Allowance**

Panel members felt that the Scottish Government should look again at the offer that they have outlined in the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 to include a free telephone allowance for carers, due to the telephone costs that they incur to arrange care.

## **Council Tax exemption**

Panel members have also thought that unpaid carers should receive council tax exemptions and discounts as is applied to other groups, after they have been in their caring role for a period of time. The Panel felt that the Scottish Government should look again at the Regulations and how these relate to this additional support.



## **Carer Rights**

Panel members have previously stated that the Carers (Scotland) Act 2016 and provisions within the Equality Act 2010 alluding to Carers could be strengthened further alongside disabled people's rights. This could include further responsibility placed on government to ensure take up for all eligible carers to CSP and that new carers identified are supported and their rights protected in their caring roles.