

POLICY NOTE

THE SCOTTISH CHILD PAYMENT (ANCILLARY PROVISION) REGULATIONS 2022

SSI 2022/326

The above instrument was made in exercise of the powers conferred by section 95 of the Social Security (Scotland) Act 2018(1) and all other powers enabling Scottish Ministers to do so. The instrument is subject to negative procedure.

These Regulations make ancillary provisions in connection with the amendments made by the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 (“the amending Regulations”) to the Scottish Child Payment Regulations 2020 (“the Scottish Child Payment Regulations”). These Regulations come into force on 14 November 2022.

These provisions are required to come into force on the same day as the amending Regulations to ensure that existing clients’ ongoing entitlement is extended so that it can continue until their child turns 16, rather than 6; new clients can be awarded Scottish Child Payment with an ongoing entitlement until their child turns 16; and for clients who were told before 14 November 2022 that their award of Scottish Child Payment prior to 14th November, due to no longer being in receipt of a qualifying benefit or being responsible for the child, the 12 week period during which their claim can be restarted will continue to run from the date they were informed their entitlement ended, rather than the date their circumstances changed.

Policy Objectives

The Scottish Government has identified that these provisions will be required to ensure that the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 operate correctly. In line with the original policy intentions, these provisions will ensure that:

1. For existing clients, their ongoing entitlement is extended so that it can continue until their child turns 16, rather than automatically ending when their child turns 6;
2. For new clients, they can be awarded Scottish Child Payment (SCP) with an ongoing entitlement until their child turns 16; and
3. For clients who were told before 14 November 2022 that their entitlement to SCP had ended because they no longer had a qualifying benefit or were responsible for the child, the 12 week period during which a client’s SCP claim can be restarted will continue to run from the date they were informed that their SCP entitlement had ended, rather than from the date when their circumstances changed.

(1) 2018 asp 9.

Consultation

The Scottish Commission on Social Security (SCoSS) carried out a period of scrutiny in relation to the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. The Scottish Government response to their scrutiny report was laid in the Scottish Parliament alongside the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 on 20 September 2022.

Ahead of drafting the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022 we consulted with members of the Five Family Payments Reference Group, which comprises third sector, NHS and local government representation.

There is no requirement to consult SCoSS on the Scottish Child Payment (Ancillary Provision) Regulations 2022, however the Scottish Government has made SCoSS aware of its intention to make these Regulations, and that they have been informed by feedback from SCoSS on the issue of clients potentially losing entitlement when children on their claim turn 6.

Impact Assessments

These provisions align the legislation with the policy intent which has been impacted when we prepared a full set of impact assessments to accompany the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. No further assessments have been carried out to accompany this instrument. The following impact assessments were completed:

- A Children's Rights and Wellbeing Impact Assessment
- An Equalities Impact Assessment
- A Business and Regulatory Impact Assessment
- An Islands Screening Assessment
- A Fairer Scotland Duty Impact Assessment
- A Data Protection Impact Assessment

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed for the Social Security (Miscellaneous Amendment and Transitional Provision) (Scotland) Regulations 2022. The impact of this policy on business is limited and no quantifiable financial effects have been identified.

These Regulations do not have further impact on business and so a separate BRIA is not necessary. The Cabinet Secretary for Social Justice, Housing and Local Government confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Social Security Directorate
8 November 2022