

Consultation Response: Scottish Carer's Assistance

SUBMISSION FROM SOCIAL WORK SCOTLAND, TO SCOTTISH GOVERNMENT CONSULTATION

25 May 2022

Social Work Scotland, the membership organisation for the leaders in social work in Scotland, welcomes the opportunity to contribute to the Scottish Government's consultation on the replacement of the Carers Allowance by a new Scottish Carer's Assistance (SCA) benefit¹. Our members acknowledge the vital contribution unpaid care makes to the health and wellbeing of Scotland's people. Unpaid carers provide the vast majority of care in Scotland, and without them the health and social care systems would collapse.

We very much support the new investment the Scottish Government has made in recent years by introducing the much-needed Carer's Allowance Supplement (which brings the value of the Carer's Allowance up to that of Job Seeker's Allowance), and the Young Carers Grant, and we look forward to further improvements to devolved social security, as well as the clearer focus that we hope the proposed National Care Service will bring to supporting carers' rights, including the right to a break from caring².

Poverty remains a significant issue for many carers, especially for carers of working age³, as the most recent Joseph Rowntree Foundation UK annual poverty report observes: "Carers are more likely to be on low incomes as their capacity to work is squeezed by caring responsibilities and at the same time they face higher costs"⁴. We welcome this review of the restrictive eligibility criteria that limits the impact of the current Carer's Allowance⁵.

¹ <https://www.gov.scot/publications/scottish-carers-assistance-consultation/documents/>

² See Social Work Scotland's November 2021 submission on carers to the NCS consultation; at: <https://socialworkscotland.org/wp-content/uploads/2022/01/SWS-NCS-Supplementary-Response-CARERS-1-1.pdf>

³ Aldridge and Hughes 2016 *Informal carers & poverty in the UK: An analysis of the Family Resources Survey*. New Policy Institute and Joseph Rowntree Foundation. At: https://www.npi.org.uk/files/2114/6411/1359/Carers_and_poverty_in_the_UK_-_full_report.pdf

⁴ JRF 2021 *UK Poverty 2020-21*, full report, page 49; at: <https://www.jrf.org.uk/report/uk-poverty-2020-21>

⁵ As stated in the consultation paper, to be eligible for Carer's Allowance, carers need to be 16 or over, spend 35 or more hours a week caring for someone in receipt of a specified disability benefit, and not be in full-time education or earning over £158 a week (after deductions).

Improvement options for financial support to carers are set out under three headings in the consultation paper ⁶:

- **Section 1. Scottish Carer's Assistance when it first launches**

These include: opportunities to improve take up, and link Scottish Carer Assistance benefit to other support; amended residency requirements; more generous timescales for carers to request a redetermination of a decision on their eligibility; and reduced benefit suspensions and cessations. (Questions 1 to 15)

- **Section 2. Extra money for carers in Scotland.**

Proposals about how Carer's Allowance Supplement should be paid in future: whether the supplement should be paid alongside the Scottish Carers Assistance payments or, as now, as two lump sums; a new Carer's Additional Payment for carers caring for more than one person; whether that should be paid alongside SCA or as a lump sum. (Questions 16-25).

- **Section 3. Changes to Scottish Carer's Assistance (SCA)**

Case transfer Department of Work and Pension (DWP) Carer's Allowance to SCA is expected to start in 2023 and take 18 months. Subsequent improvement proposals for mostly later implementation are in five categories:

(1) **Improving access to education and training:** removing full-time education restrictions on eligibility, (Questions 26-27);

(2) **Recognising different caring situations:** allowing carers to add together hours spent caring for two people to count towards the 35-hour per week caring requirement, (Questions 28-29);

(3) **More stable support where life events have affected the cared for person:** increasing the time carers will receive SCA from 8 to 12 weeks after the death of a person they are caring for; extending the SCA payment period from 4 to 12 weeks when a person cared for is admitted to hospital or residential care, (Questions 30-33);

(4) **Improving access to paid work:** increasing the earnings limit so carers can earn more and still be eligible for SCA, and introducing a 'run on' period during which SCA would continue for carers earning over the earnings limit, (Questions 34-39);

(5) **Recognition or support for a wider group of unpaid carers:** a proposal for a payment for long-term carers; and a commitment to keep other proposals under review such as extending SCA to carers who care for people for 20 or more hours per week, (Questions 40-43).

It is plain from the detail in the consultation paper that the art of the possible is being exercised with considerable thought, engagement with carers and the National Carers Organisations, and with diligent liaison with DWP, especially with regard to interfaces with other benefits, both non-devolved and devolved. Before setting out our responses to these 43 questions, we wish to address some more general issues.

Poverty, policy objectives, and the scope of Scottish Carer's Assistance

Social Work Scotland welcomes the emphasis in the paper on the role of devolved benefits in addressing poverty in Scotland, and the inclusion of anti-poverty impacts in the assessment of

⁶ This summary is to assist SWS members reading this submission who may not have read the full consultation paper.

alternative options for improving financial support to carers. There are many references^{7,8} to the poverty faced by unpaid carers, with links to the source surveys, but not to the analyses of data from these sources, which would have been useful to have published alongside the consultation paper. What is missing in particular is a comparison of average incomes for unpaid carers, by age, gender, and perhaps banded hours of care, compared to the general population who are not carers, using information from available surveys⁹. This would assist understanding the impacts of the current Carer's Allowance and Scottish supplements on the income differences. This would also provide a baseline for assessment of the further impact of the SCA improvement proposals on the remaining income differentials.

We also believe that the higher costs facing carers, and the people with disability¹⁰ they care for, also need to be taken into account. One of those costs may be expenditure required to realise the new right to a break from caring proposed for all carers by the 2021 Feeley Report that the Scottish Government is considering within the National Care Service proposals. At the time of writing, the Scottish Government has yet to publish its response to the NCS consultation; when it does so it will be clear whether there are any implications for Scottish Carer's Assistance, at least for the minority of carers who are eligible for this benefit.

Does the new Scottish Carer's Assistance benefit present an opportunity to **raise payment levels**? The values of the current benefits in scope of the consultation are shown below, with the Young Carer Grant¹¹ added:

		Period	2021-22	2022-23	Increase	%
DWP	Carer's Allowance	weekly	£67.60	£69.70	£2.10	3.1%
		Annual	£3,524.86	£3,634.36	£109.50	3.1%
SG	Carer's Allowance Supplement	6 monthly	£231.40	£245.70	£14.30	6.2%
		Annual	£462.80	£491.40	£28.60	6.2%
	Total for adult carers in receipt	Annual	£3,987.66	£4,125.76	£138.10	3.5%
SG	Young Carer Grant	Annual	£308.15	£326.65	£18.50	6.0%

The UK Government has been criticised for only uprating benefits by 3.1%, the midpoint of Consumer Price Indexed inflation in 2021-22, when the Bank of England Monetary Committee

⁷ "Unpaid carers of working age, who are caring for long hours, can also be at a higher risk of poverty" (page 8). "We know that many unpaid carers live with the person they care for and households with a disabled person in them are more likely to be in poverty. Carer's Allowance recipients are also more likely to be in poverty than the population as a whole. [...] In particular, working age carers are more likely to be affected by poverty than carers aged 65 and over" (pages 15-16).

⁸ Households with a Carer's Allowance recipient are more likely to be in poverty than the average household and they consistently tend to be in the bottom half of income distributions. [...] It is estimated that around 90% of Carer's Allowance recipients live in a household with a disabled person (this may be themselves, the person they care for, or someone else). And, we know that poverty is more likely to affect disabled people. It is estimated that around 11.5% of households in receipt of Carer's Allowance are lone parents, and single mothers in particular have one of the highest poverty rates among the groups for which it is reported - 38% compared with 19% in the population, and the highest rate of child poverty of any group, also 38%" (pages 50-51).

⁹ For example, the UK Family Resources Survey, and possibly the Scottish Health Survey. Such income comparisons would need to take account of household composition, and the age-group and gender differences between the carer and non-carer populations. Techniques exist to do this.

¹⁰ The work that COSLA has done to incorporate "disability related expenditure" into non-residential social care charging policies may be useful in this regard. See: https://www.cosla.gov.uk/data/assets/pdf_file/0011/32033/COSLA-Social-Care-Charging-Guidance-2022-23.pdf

¹¹ The Young Carer Grant is not in scope of the consultation as this is a specifically Scottish measure with eligibility criteria which already include many of the relevant improvements sought for the Carer's Allowance replacement. See: <https://www.mygov.scot/young-carer-grant>

projections at that time were projecting 6.6% as the average for 2022-23 (itself now likely to be an under-estimate). The Scottish Government's uplift of devolved benefits by 6% is welcomed.

Do these sums meet the **policy objectives of financial support to carers**? The consultation paper states that:

Our vision is that all unpaid carers 'are supported on a consistent basis to allow them to continue caring, if that is their wish, in good health and wellbeing, allowing for a life of their own outside of caring'. Scottish Carer's Assistance, our replacement for Carer's Allowance, will be an important part of how we achieve this. (Page 8)¹²

Is the current level of financial support sufficient to meet that objective, at least in terms of financial needs? That is not clear. Another policy objective implied throughout the consultation paper is that poverty, or the risk of poverty, in itself or as a consequence of unpaid caring, is a social injustice which therefore should be abolished or ameliorated. Again, some further work is needed to show that the current payment levels achieve this objective.

What is clear is that these payments can help sustain caring and reduce poverty but only for carers who meet the eligibility criteria, which remains restricted to carers caring for 35 or more hours per week. Other carers will also face poverty, or need financial assistance to keep giving unpaid care.

The latest Scottish statistics¹³ show that 81,400 carers were receiving the Carer's Allowance at August 2021 (a decrease of nearly 2% over the year) – this is only 10% of the total pre-Covid number of adult carers (780,000) and possibly only around 8% now that this number is estimated to have increased to over one million during the coronavirus pandemic. A further 39,412 carers in Scotland are assessed as having "entitlement only" which means they would receive Carers Allowance were they not already receiving other "overlapping benefits"¹⁴ that the DWP considers perform the same income maintenance functions. That means that 120,812 carers in Scotland caring for 35 or more hours per week are known to the DWP, or about 15% of total adult carers in 2019.

Extending Scottish Carer's Assistance to more carers

The new Scottish Carers Assistance benefit presents an opportunity to extend eligibility to benefit more carers by reducing the 35 hours per week of care eligibility criterion. This is discussed briefly on page 45 of the consultation paper.

We also recognise the calls for support for a much wider group of carers, and in particular those caring for 20 or more hours a week, as highlighted by the National Carer

¹² The phrase in quotation marks is from the 2019 Draft Carers strategic policy statement, <https://www.gov.scot/publications/carers-strategic-policy-statement-draft-consultation/>. For Young Carers, the strategic outcome is that "young carers are supported; and protected from inappropriate caring and negative impacts on their education, social lives and future development".

¹³ "In August 2021, there were 81,400 carers in Scotland in receipt of Carer's Allowance. This is a decrease of around 1.9% since August 2020 when there were 83,009". The reason for the decrease is not given. <https://www.gov.scot/publications/carers-allowance-supplement-october-eligibility-date-2021-and-carers-allowance-disability-living-allowance-attendance-allowance-and-severe-disablement-allowance-at-august-2021-statistics/>

¹⁴ "The benefits that 'overlap' with Carer's Allowance are: State Pension, Incapacity Benefit, Severe Disablement Allowance, Unemployability Supplement – paid with Industrial Injuries Disablement Benefit or War Pension, Widow's Pension or Bereavement Allowance, Widowed Mother's Allowance or Widowed Parent's Allowance, War Widow's or Widower's Pension, Maternity Allowance, Industrial Death Benefit, contribution-based Jobseeker's Allowance, contribution-based Employment and Support Allowance". (Consultation Paper, footnote 55).

Organisations¹⁵ and in the recommendations in the report of the Social Renewal Advisory Board in 2021¹⁶. While we are targeting the support available through Scottish Carer's Assistance to those with the most intensive caring roles, the wider work to look at a Minimum Income Guarantee for all has the potential to have significant positive impacts on this wider group of carers.

However, the Minimum Income Guarantee work is at a very early stage, with no guarantee that such a policy will be adopted and with any implementation unlikely before the 2030s¹⁷. The SCA consultation paper then states:

We also understand the challenges for people providing care for someone who isn't getting a disability benefit. As disability benefits are being devolved and we are making significant improvements to how people are assessed for support, we felt that this could be less of an issue in future. At the same time, it was also considered that the introduction of the National Care Service by the end of this parliament, which aims to standardise support for unpaid carers across Scotland, may make other options to identify carers, without qualifying benefits, more simple in future. As such, we will continue to keep these options under review as we deliver Scottish Carer's Assistance and the priority changes we have proposed above.

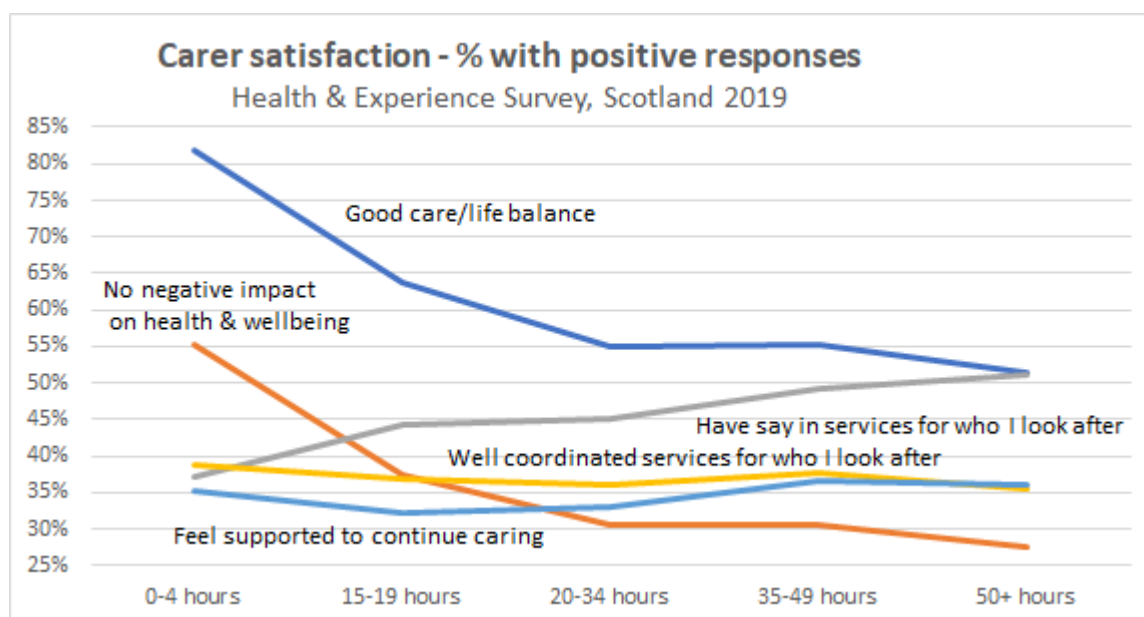
The National Care Service consultation did not set out an aim of the NCS as standardising support for unpaid carers, but rather asked how the Feeley report recommendation of a right to a break from caring might be best implemented. At the time of writing, the Scottish Government has yet to announce how such a right will be delivered, but amending the Carers Act 2016 to strengthen the duty of local authorities to meet assessed needs for breaks from unpaid care is a likely outcome, together perhaps with more funding to Third Sector projects to assist carers find suitable respite care. Whether that will be enough to enable all unpaid carers to have at least an annual break from caring, with replacement care when needed for the person they care for, is to say the least very much an open question. Local authorities, carers centres, and voluntary organisations currently assist only a relatively small minority of carers with support for breaks from unpaid care, and need more resources to do more.

Scotland has no bespoke population survey of unpaid carers, and information from other surveys and sources provide limited insight into met and unmet needs for support, including financial support. In the past, for example in the financial memorandum for the Carers Act 2016, carer satisfaction measures from the Health & Care Experience Survey (HACE) have been used as crude proxies for need. (According to those pre-Covid statistics, carer satisfaction has been in decline in recent years). The latest (2019) figures we have by hours of unpaid care provided are shown below:

¹⁵ National Carer Organisations 2021: *A Manifesto for Unpaid Carers and Young Carers*, at: <https://www.carersuk.org/files/section/6552/ncocarersmanifestofinal.pdf>

¹⁶ Scottish Government 2021: *If not now, when?* At: <https://www.gov.scot/publications/not-now-social-renewal-advisory-board-report-january-2021/pages/5/>

¹⁷ <https://www.gov.scot/publications/minimum-income-guarantee-steering-group-background-on-minimum-income-guarantee-and-basic-incomes/>



Satisfaction levels are indeed lower for carers providing the most care, except for those that are service-related (reflecting the fact that services tend to be concentrated on carers providing more care hours). On key measures, the table below shows that the satisfaction of carers in the 20-34 hours group is little higher than those in the 35+ hours group and for “feeling supported to continue caring” is actually a bit lower:

HACE Question 32 Positive responses (Agree or Strongly agree with statements)

All carers aged 17+ Scotland 2019	0-4 hours	15-19 hours	20-34 hours	35-49 hours	50+ hours	All carers	35+ hours
Good care/life balance	82%	64%	55%	55%	51%	64%	52%
No negative impact on my health & wellbeing	55%	38%	31%	31%	28%	39%	28%
Feel supported to continue caring	35%	32%	33%	37%	36%	34%	36%
Have say in services for who I look after	37%	44%	45%	49%	51%	45%	51%
Well-coordinated services for who I look after	39%	37%	36%	38%	36%	37%	36%

Source: SWS 20201 HACE ad hoc statistical request (as for graph earlier)

There is certainly a case for considering extending SCA to adult unpaid carers for 20-34 hours per week who meet the other eligibility criteria. The adult carer population estimates are shown below:

Table 1 Estimated number of carers by average weekly hours of care, Scotland 2019

	Up to 4 hours a week	5 - 19 hours a week	20 - 34 hours a week	35 - 49 hours a week	50 or more hours	Varies	TOTAL	%
16-24	36,000	18,000	3,000	2,000	2,000	9,500	70,500	9.0%
25-34	42,000	25,000	4,000	3,000	11,000	11,000	96,000	12.3%
35-44	45,000	28,500	5,500	3,500	15,000	12,000	109,500	14.0%
45-54	72,500	51,500	12,000	5,500	21,500	16,500	179,500	23.0%
55-64	58,500	53,500	13,500	6,000	22,000	16,500	170,000	21.8%
65-74	34,000	24,000	8,000	3,000	17,000	14,500	100,500	12.9%
75+	17,500	10,500	3,000	1,500	15,000	7,000	54,500	7.0%

	Up to 4 hours a week	5 - 19 hours a week	20 - 34 hours a week	35 - 49 hours a week	50 or more hours	Varies	TOTAL	%
TOTAL	305,000	211,000	49,000	24,500	103,500	86,500	779,500	100.0%
%	39.1%	27.1%	6.3%	3.1%	13.3%	11.1%	100.0%	

Source: SSQC 2016-19 Ad hoc request, received 25 March 2021. Note: Rounding may mean that the totals shown differ from the sums of rounded numbers.

The number of unpaid carers providing 20-34 hours of unpaid care is 49,000, perhaps a little higher if some of the “varies” group are included, say, 55,000. We would then have to deduct people with overlapping benefits, or who do not meet the eligibility criteria because they are over the earnings threshold, or care for someone who is not eligible for disability benefits, etc.

Social Work Scotland would like to see this option modelled so that the public expenditure requirements could be estimated and then considered alongside the other SCA improvement proposals within the ongoing Scottish Government’s Resource Spending Review.

RESPONSES TO CONSULTATION QUESTIONS

Section 1. Scottish Carer's Assistance when it first launches.

- Question 1: *Please give us your views on how Scottish Carer's Assistance services could be designed to suit carers' needs (For example, in terms of how carers can apply for benefits, report changes that may affect their benefits, get payments, or get information or notifications about their benefits).*

Benefits should be able to be claimed online, by telephone, and in person. Information should adopt and follow the inclusive formats that are becoming more widely used, including availability in multiple languages such as British Sign Language (BSL). For carers happy to use internet access, their accounts with Social Security Scotland could allow other benefit claims and notifications of changes to be made, as well as providing alerts and communications, in the same way that is now standards with online banking. Advice services, such as CABx, and local carers centres, need to be resourced and trained to provide benefits advice to carers, including assistance with Scottish Carer's Assistance claims and issues. As well as advice, we would recommend that promotion of independent advocacy is made available to support any activity required around redeterminations and appeals.

- Question 2: *Please give us your views on support that Scottish Carer's Assistance could link to that would be helpful for carers.*

The consultation paper contains some useful ideas, for "onscreen" links to information about different kinds of support (for carers who use the internet), and suggestions of an enhanced role for Social Security Scotland Local Delivery Teams. We would recommend that any "onscreen" information is made accessible through easy read formats and for those with visual impairment and supports BSL users.

We would note that there is already the basis for a national infrastructure of support via the local carers centres¹⁸ that exist now in all (or almost all) local authority areas in Scotland. Nevertheless, there will be areas of rural and island Scotland where the nearest carers centre will be too far to visit in person. Consideration for the needs of remote, rural, and island communities should be undertaken through an impact assessment and wider engagement with carers in these areas.

The National Care Service consultation suggested that more light-touch assessment of carers' need for support, including for short breaks, could be done in such centres, although in our view that would require some investment to increase the numbers of such centres in more towns, and in the capacity of carers centres to take on more work, including benefits advice. Such investment should be prioritised as a key part of prevention strategies and we see a key role for the social work workforce in this space. Close coordination of services to carers and cared for people, suitably enhanced, is critical to ensuring good quality service delivery. However, as noted above, a "one fits all" approach may not accommodate the requirements and needs within Scotland's remote, rural and island communities and consideration should be given to how light touch assessments could support carers in these areas to ensure equitable access.

- Question 3: *Do you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance? [Agree, Disagree, Unsure.]*

Unsure.

- Question 4: *Please write the reason why you agree or disagree with the proposed residency criteria for Scottish Carer's Assistance, or any other information you want to share on this question.*

¹⁸ <https://www.careinfoscotland.scot/topics/support-for-carers/carers-centres/>

We would have answered “**Agree**” to Q3, on the basis of the text on pages 21-22 of the Consultation Paper (despite the lack of information on how the ‘past presence test’ was being reduced as a result of recent successful appeals). However, paragraph 29¹⁹ in the “residence requirements” of Annex B (which is intended to amplify the main consultation text) does not clarify adequately the distinction between being ‘ordinary resident’ in Scotland and ‘habitually resident’ in the ‘common travel area’ that is defined as “the UK, Ireland, the Isle of Man, and the Channel Islands”, unless it is the intention to say that a person living in Scotland could claim Carers Assistance, even if their ‘main residence’ was elsewhere in the UK. If that isn’t the intention then the policy requires further clarification; if it is the intention then we disagree.

We agree that Scottish Carers Assistance should be based on the carer, not the cared for person, living in Scotland as their main address and intending that to continue.

• Question 5: *Please give us your views on the ‘past presence test’ which should be used for Scottish Carer’s Assistance.*

We also agree that any necessary ‘past presence test’ (PPT) must apply to any durations of living in the UK (at minimum) rather than in Scotland (because devolved benefits must be accessible to UK citizens who have recently moved to Scotland), but believe such PPTs should be minimal, and waived in the case of refugees or where other human rights considerations take priority.

• Question 6: *Do you agree or disagree with the proposed re-determination timescales for Scottish Carer’s Assistance? [Agree, Disagree, Unsure.]*

Agree

• Question 7: *Please write the reason why you agree or disagree with the proposed redetermination timescales for Scottish Carer’s Assistance, or any other information you want to share on this question.*

We support the more generous timescales proposed for carers to request a redetermination of a decision on their eligibility for Scottish Carer’s Assistance, compared with the current Carer’s Allowance, and also the setting of a response time for Social Security Scotland. We would, in fact, support more generous timescales for redeterminations across all benefit entitlement decisions around eligibility. We assume these timescales will be reviewed, post-implementation, to ensure they are appropriate to carers’ varied circumstances. Timescales set should accommodate any additional support needs of the carer to allow time to access advocacy if required.

• Question 8: *Do you agree or disagree with the proposals on when payments of Scottish Carer’s Assistance should be suspended? [Agree, Disagree, Unsure.]*

Agree

• Question 9: *Please write the reason why you agree or disagree with the proposals on when payments of Scottish Carer’s Assistance should be suspended, or any other information you want to share on this question.*

We agree that “Scottish Carer’s Assistance should work differently from Carers Allowance in terms of when payments of the benefit may be stopped temporarily” (p23) and we support the proposal to

¹⁹ Paragraph 29 says: “To get Scottish Carer’s Assistance, carers will need to be ‘ordinarily resident’ in Scotland and ‘habitually resident’ and present in the common travel area. If someone is ‘ordinarily resident’ somewhere it means that they live there. If someone is ‘habitually resident’ somewhere it means that place is their main home and they intend to stay there. The Common Travel Area is the United Kingdom, Ireland, the Isle of Man, and the Channel Islands”.

reduce suspensions to a minimum “in only a very small number of circumstances”²⁰ and including prior consideration as to whether this would cause carers financial problems (p24).

• Question 10: *Please give us your views on what should happen to payments of Scottish Carer's Assistance when a cared for person's qualifying benefit is suspended.*

The Consultation Paper states “We are thinking about what should happen to a carer's Scottish Carer's Assistance payments when the disability benefits of the person they care for are suspended”. As stated on page 24 currently the DWP suspends Carer's Allowance for this reason. The only issue should be whether the need for caring stops, and if so, whether this is only likely to be temporary. Operationalising such a rule would be need to rely on information provided by the carer on most cases.

• Question 11: *Do you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0? [Agree, Disagree, Unsure.]*

Agree. (But with caveats below)

• Question 12: *Please write the reason why you agree or disagree with the proposals for when an award of Scottish Carer's Assistance should be set to £0, or any other information you want to share on this question.*

We agree with the proposals to set the payment level to £0 in more circumstances than is currently the case with the Carer's Allowance, both in order to protect carers' access to other support linked to the Carer's Allowance, and to reduce the number of cases where the benefit ceases and carers then have to re-apply subsequently.

However, in some of the circumstances mentioned the caring role is unlikely to cease. For example, in “any week in which a cared for person's qualifying benefit award is set to £0”. That might happen for reasons unrelated to the reality of a continuing disability. In the one example given – “when a cared for adult is in hospital for more than 28 days” (p25) – the caring role obviously changes but might not totally cease if the carer is making frequent hospital visits, incurring travel and other costs.

We understand (perhaps incorrectly) that the DWP currently seeks to stop Carer's Allowance payments in any week when the caring drops below the 35 hours threshold; if so, that should be re-examined for the SCA. Potentially, it would also contradict the policy being developed within the National Care Service considerations of setting a new right for carers to have a break from caring.

• Question 13: *Do you agree or disagree with the proposal to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short-term assistance? [Agree, Disagree, Unsure.]*

Agree.

• Question 14: *Please write the reason why you agree or disagree with the proposals to pay Scottish Carer's Assistance to carers when the person they are caring for is receiving short term assistance, or any other information you want to share on this question.*

Social Work Scotland welcomes the development of “short term assistance” across the Scottish benefits system to provide “financial support for people while they challenge a decision to reduce or stop an ongoing payment of certain devolved benefits. This is to make sure people are not put off from challenging decisions by having to manage, for a period of time, with a lower income”

²⁰ Such as those mentioned on page 24: where necessary to secure entitlement information apparently being withheld, or to prevent third party financial abuse.

(p25-26). We agree that this should be applied both to the new Scottish Carer's Assistance and to the devolved disability benefits, including those claimed by the people being cared for, which would allow short term assistance for people with disabilities (during re-determination and appeal processes) to be included as part of the qualifying criteria for the Scottish Carer's Assistance (as described on page 26).

We note that the Consultation Paper acknowledges that: "Carers, like the people they care for, would still face some gaps in support as short-term assistance is only paid during the re-determination and appeal processes" (p26) and that other proposals have been considered but found wanting (p27). We remain concerned that the reduction or cessation of a cared for person's disability benefit often does not mean that the need for care ends or is reduced, although we would expect such situations to be less frequent under a more humane benefits system than UK Governments have chosen to operate over the last decade and more. We support a human rights based approach toward accessing benefits that allows individuals and families to engage in a meaningful way within their communities.

• Question 15: *Please give us any other views you want to share on the proposals for Scottish Carer's Assistance when it is first launched.*

Our responses to previous questions raise some caveats, but overall we are supportive of the proposals. Some issues will need close monitoring over the 18-month implementation period, supported by adequate IT systems, data collection and analysis, and data publication; these will need some early scoping and investment. We would recommend accessible and meaningful engagement with those caring for someone, being cared for, and for those services supporting individuals requiring to access the benefit as integral to a launch of the proposals made within this consultation.

Section 2. Extra money for carers in Scotland.

• Question 16: *Do you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future? [Agree, Disagree, Unsure.]*

Agree.

• Question 17: *Please write the reason why you agree or disagree that Carer's Allowance Supplement should be paid alongside carers' regular payments of Scottish Carer's Assistance in future, or any other information you want to share on this question.*

Social Work Scotland welcomes the continued payment of the Carer's Allowance Supplement, noting the positive evaluation research findings mentioned in the Consultation Paper.

We agree with the proposal that payments of Carer's Allowance Supplement are made with Scottish Carer's Assistance payments in future – at the end of the 18-month transition period – for the reasons²¹ given in the Consultation Paper. Unless otherwise indicated in responses from carers, the counterarguments presented in the paper did not seem persuasive²².

• Question 18: *Please give us any other views you want to share on the proposals for Carer's Allowance Supplement.*

²¹ "This would give carers a higher regular income which would help with their budgeting. This may be particularly important for carers on lower incomes. It would also allow any change of circumstances to be reflected in a carers award more quickly, making over or under payments less likely" Page 29.

²² "...getting smaller payments more frequently may be more complex for carers who need to report their income to DWP or HMRC"; this would seem to only add a similar addition task that already exists with CA.

We are not clear how the supplementary payment level was calculated initially. This is just a part of a wider issue about the appropriate level of financial recognition and support to carers that society through the State may wish to make – we discussed some of these issues earlier in our response

- Question 19: *Do you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]*

Disagree

- Question 20: *Please write the reason why you agree or disagree with the proposed eligibility criteria for Carer's Additional Person Payment, or any other information you want to share on this question.*

We agree that “having more than one caring role can have a bigger impact on carers’ health and wellbeing” (p30), and should be recognised by a Carer’s Additional Person Payment (CAPP). The amount suggested, an additional payment of £10 per week (at 2020-21 prices?), seems quite small, although we note that £10 is 15% of the 2021-22 Carer’s Allowance (£67.60).

We disagree with the part of the eligibility criteria that states “that carers should be providing at least 20 hours of care a week for each additional person they are applying for Carer”. While we agree that for some carers the 20 or more hours would be contained within 35 or more hours of care per week that they are already providing for a single cared for person, there will be a significant number of carers caring for more than one person at different addresses or at different times. For these carers, the total weekly hours of care will total 55 hours at least, and probably much more when we take into account the fact that 81 % of carers caring for 35+ hours per week are actually in the highest 50+ hours group used in the carer population surveys²³. Generally speaking, carer satisfaction indicators²⁴ fall as the number of hours of care provided increases, suggesting that the health and wellbeing impacts are greater. Therefore, the CAPP eligibility criteria should be less onerous (perhaps reduced to 10+ hours per week) for at least for this group of carers who caring for different people which are not all at the same address.

- Question 21: *Do you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment? [Agree, Disagree, Unsure.]*

Agree

- Question 22: *Please write the reason why you agree or disagree with the proposed payment frequency for Carer's Additional Person Payment, or any other information you want to share on this question.*

We agree that “Carer’s Additional Person Payment will be paid at the same time as Scottish Carer’s Assistance payments. Most carers currently get Carer’s Allowance payments either weekly or every four weeks” (p32). We concur with the reasons given in the Consultation Paper (p32) – simplicity, stability of payments, avoidance of need for qualifying dates associated with lump sum payments, and therefore lower additional administration costs.

- Question 23: *Do you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance? [Agree, Disagree, Unsure.]*

Agree

²³ Scottish Surveys Core Questions, 2016-2019 dataset, SWS ad hoc request 2021.

²⁴ For the Scottish Health and Care Experience Surveys, SWS ad hoc request 2021, discussed earlier in our response.

- **Question 24:** *Please write the reason why you agree or disagree with the proposal to target Carer's Additional Person Payment to carers who are getting payments of Scottish Carer's Assistance, or any other information you want to share on this question.*

We accept the rationale set out on page 33 of the Consultation Paper, which explains why CAPP would not be paid to (i) people who have 'underlying entitlement' to Scottish Carer's Assistance – who are eligible but are receiving another 'overlapping benefit' instead, or (ii) people getting the Universal Credit Carer Element. We welcome the commitment made:

...we will use communications about the launch of Scottish Carer's Assistance and the Carer's Additional Person Payment to encourage carers in Scotland who are getting Universal Credit, or applying for it, to find out if they would be better off if they applied for Scottish Carer's Assistance too. (Page 33)

- **Question 25:** *Please give us any other views you want to share about the proposed Carer's Additional Person Payment.*

Please see our reply to Question 20.

Section 3. Changes to Scottish Carer's Assistance (after case transfer is complete)

Section 3.1: Access to education and training

- **Question 26:** *Do you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance? [Agree, Disagree, Unsure.]*

Agree

- **Question 27:** *Please write the reason why you agree or disagree with the proposed future change to allow carers in full-time education to get Scottish Carer's Assistance, or any other information you want to share on this question.*

Social Work Scotland supports the proposal to allow carers studying more than 21 hours a week to claim *Scottish Carer's Assistance* (if they meet the other criteria), for all the reasons set out on page 37, including improving access to education, and helping maintain caring roles alongside studying, together with the other benefits listed. We also welcome the commitment to "link up with wider work on student financial support" to "make sure that carers who do get student financial support would be better off overall from being able to get Scottish Carer's Assistance" (p37), as Carer's Allowance income may currently be taken into account in assessments for student financial support.

Section 3.2: Recognising different caring situations

- **Question 28:** *Do you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement? [Agree, Disagree, Unsure.]*

Agree

- **Question 29:** *Please write the reason why you agree or disagree with the proposed future change to allow carers to add together hours spent caring for two people to reach the 35 hour caring requirement, or any other information you want to share on this question.*

This would resolve an unfair and longstanding anomaly with the current rules for Carer's Allowance whereby a person caring for one other person for, say, 50 hours a week meets the 35 or more hours of care per week criteria, but not a person caring for two people at different addresses or times for 25 hours each per week. It would also thereby provide support to more carers.

The Consultation Paper then considers a further "different caring situation":

We also looked at an option to allow more than one carer to get Scottish Carer's Assistance for care of the same person in receipt of disability benefits. We know that when a disabled person needs a lot of care, this is sometimes shared between more than one family member or friend. (Page 39)

This situation is very common where a couple share care for a disabled parent or child.

However, the paper then states:

We found that this option would add complexity to applications and operations. Having more than one carer for the same person would be likely to require additional checks on the caring situation, a significant shift in how the benefit currently works.

We disagree that this "complexity" is sufficient reason for failing to include this particular "different caring situations" in the improvements being consulted upon for when case transfer to the new Scottish Carer's Assistance is complete. We urge the Scottish Government to reconsider its decision to exclude this improvement, which would allow care by two or more people to count towards the current eligibility criterion of 35 or more hours per week.

There is of course also a wider issue, not covered by the consultation questions, of whether there is a case for reducing the current eligibility criterion of 35 or more hours per week of caring – which is each week, rather than an average – to something less than full-time caring, such as 20 hours per week. That would provide financial support for a much larger group of carers than is so far countenanced by the improvements proposed for consultation, and would need full consideration of the costs and benefits, as well as the opportunity cost compared with other pressures on health and care public expenditure. We have discussed this earlier in the general part of our submission.

Section 3.3. More stable support where life events have affected the cared for person

• Question 30: *Do you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person? [Agree, Disagree, Unsure.]*

Agree

• Question 31: *Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks (rather than 8 weeks) after the death of a cared for person, or any other information you want to share on this question.*

We agree with the reasons stated on pages 40-41 of the Consultation Paper: this measure provides greater stability of income at a time when carers face bereavement and other changes due to the death of the person they care for, who is likely to be a partner, parent or child. This also helps carers on low incomes, as noted in the paper.

• Question 32: *Do you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks when a cared for person goes into hospital or residential care? [Agree, Disagree, Unsure.]*

Agree

• Question 33: *Please write the reason why you agree or disagree with the proposed future change to continue to pay Scottish Carer's Assistance for 12 weeks when a cared for person goes into hospital or residential care, or any other information you want to share on this question.*

This is a significant improvement on the current Carer's Allowance rule which stops payments after 4 weeks. We agree with the reasons stated on pages 40-41 of the Consultation Paper: this measure provides greater stability of income at a time when carers face uncertainty about the health of the person they care for, or the changes involved in the person's admission to residential care. The caring role is changed but is unlikely to cease, as almost all carers in this position will be visiting the person in hospital or residential care, which may not be close by, and in the case of

residential care the carer is also very likely to be involved in the many practical issues associated with having a loved one in residential care, especially if they have power of attorney. This also helps carers on low incomes, as noted in the paper.

We also note that the Scottish Government has considered “an option where payments would continue for a number of weeks after the cared for person’s disability benefit stopped for any reason” (page 41) but that “work on this option found it could make the benefit more complicated”. We would have preferred this option set out for consultation. However, we note the commitment to “keep this under review”, given changes being implemented as part of the devolution of disability benefits, and urge the Scottish Government to come back to this question in a public way in future.

Section 3.4. Access to paid work

• Question 34: *Do you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer’s Assistance? [Agree, Disagree, Unsure.]*

Agree

• Question 35: *Please write the reason why you agree or disagree with the proposed future change to increase the earnings limit for Scottish Carer’s Assistance, or any other information you want to share on this question.*

We believe the current earnings threshold is too low and will deter some carers who claim Carer’s Allowance and want to work part-time, or for more hours per week. Increasing the earnings threshold is a desirable socio-economic measure, although such impact is not discussed in the Consultation Paper and would need to feature in the impact assessment.

• Question 36: *Do you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role? [Agree, Disagree, Unsure.]*

Agree. (With caveats)

• Question 37: *Please write the reason why you agree or disagree that the earnings threshold should be set at a level which would allow carers to work 16 hours a week alongside their caring role, or any other information you want to share on this question.*

The choice of 16 hours is explained at page 42 as being “based on common working patterns for unpaid carers and those who work part-time”, with a footnote to a Labour Force Survey chart showing a seasonally-adjusted time-series for average part-time hours for all workers at around 16.2 hours pre-covid and 16.7 hours in the current phase of economic recovery. Figures for carers of working age who are working part-time are not provided – they might be expected to be lower, at each working age-group, due to their provision of unpaid care, and also for Carer’s Allowance claimants to keep under the current £132 earnings limit (for 2022-23, after tax, National Insurance and expenses). We agree that 16 hours per week is a reasonable figure to use to cost an improved earnings threshold, provided it is reviewed from time to time as increasing part-time work appears to be an economic trend. (We also agree that an earnings threshold is preferable to one set at a number of hours of work per week, for all the reasons stated on page 43).

The costing of those 16 hours at the Real Living Wage by definition is below average wages. For 2021-22 the figures given are for an earnings threshold of £158 per week, compared to £128 per week used for the Carer’s Allowance last year, an increase of 23%. Whilst we acknowledge this is significant, we would have preferred some discussion in the paper on the alternative of using average hourly wages. The proposed improved earnings threshold would still leave claimants well below the income tax threshold.

Of course, carers who work part time at rates of pay above the Real Living Wage can work for less than 16 hours within the proposed improved threshold. But where this is not the case, then for claimants to benefit they would have to work up to 16 hours on top of 35 hours or more of unpaid

caring, which makes a long working week of at least 51 hours. Indeed, 81% of adult carers caring for 35+ hours per week are already caring for 50+ hours a week; although these figures would need reanalysis for working age carers, they do indicate that many claimants of the Scottish Carers Assistance will not have any time for part-time work, unless the 35+ caring hours eligibility threshold is itself reduced.

- Question 38: *Do you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future? [Agree, Disagree, Unsure.]*

Unsure

- Question 39: *Please write the reason why you agree or disagree with the proposal to look at a 'run on' after a carer earns over the earnings limit in future, or any other information you want to share on this question.*

We agree it is unfair for the current Carers Allowance to be withdrawn in total if a claimant earns more than the earning threshold, even by only £1 per week (page 42). This cliff-edge would still remain at the higher earnings threshold proposed, but would be ameliorated by a 'run-on' period to allow claimant to adjust before losing Scottish Carers Assistance. The duration of the run-on period would need to be worked out in consultation with carers.

However, we believe that the alternative measure of losing SCE income on a taper for every £1 above the new earnings threshold would be a fairer method of amelioration because it levels the cliff edge directly. While we accept that the counterargument on page 43 -- in terms of complexity and interaction with the tax system -- has some force, we believe that most SCA claimants will be below the income tax thresholds. We think the carers and the National Carer Organisations are better placed than we are to advice on the workability of the taper option.

Section 3.5. Recognition or support for a wider group of unpaid carers

- Question 40: *Do you agree or disagree that a payment for long term carers should be considered further? [Agree, Disagree, Unsure.]*

Unsure

- Question 41: *Please write the reason why you agree or disagree that a payment for long term carers should be considered further, or any other information you want to share on this question.*

Social Work Scotland agrees with the 2021 Feeley Review (the Independent Review of Adult Social Care) that unpaid carers are a vital part of the health and social care system in Scotland and should be well supported to better realise carers' own human rights, as well as one of the most important and effective preventative measures to sustain current and future health and care services. The proportion of carers who require financial and other support is likely to rise with the volume of care they provide, so will be highest in the 35+ care hours per week category, and lowest in the group providing fewer hours, and also likely to be higher in each group for young carers, than for adult carers.

Developing proposals to address poverty and other pressures on unpaid carers providing 20-34 hours per week of care is therefore a priority, alongside further measures to recognise the heavy lifting done by carers providing 35+ care hours per week. The long-term financial impact of the caring role could be recognised for the 35+ group by a payment for long-term carers, but this proposal would need to be considered against others that seek to provide support for a wider group of carers.

- Question 42: *If a payment for long term carers was considered, what should the payment look like and who should it be for?*

We have no opinion on that question at present. The costs and benefits of various options would need to be modelled in the context of other options to provide support for a wider group of carers.

- Question 43: *Please give us any other views you want to share about the proposals for future changes to Scottish Carer's Assistance.*

We have already stated in our answer to Q41 our views on the importance of also considering financial support needs of carers who provide less than 35 hours of care per week.

Section on Impact assessments

We will consider further whether we have access to information that could assist the impact assessments, as requested in Questions 44-48 below, and hope to contribute to this work via our membership of the Carer's Benefits Advisory Group.

- Question 44: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on groups who share protected characteristics.
- Question 45: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on Island communities.
- Question 46: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on reducing inequality caused by socio-economic disadvantage.
- Question 47: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on children's rights and wellbeing.
- Question 48: Please set out any information you wish to share on the impact of Scottish Carer's Assistance on businesses.

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