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Collette Stevenson MSP
Convener
Social Justice and Social Security Committee
The Scottish Parliament
Edinburgh
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By email to: SJSS.committee@parliament.scot

4 March 2025

Dear Convener,

**The Carer's Assistance (Young Carer Grant and Carer Support Payment)
(Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025**

Further to my letter of 28 November last year, I am writing to update you on the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 ('the draft amendment regulations').

I have written today to the Scottish Commission on Social Security (SCoSS) to share a further draft provision to be included in the draft amendment regulations, asking that they consider this as part of their ongoing scrutiny. The amendment is to address an error identified in the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 ('the Carer Support Payment regulations'), which means they do not give full effect to the policy intent for how a carer's earnings should affect their entitlement to support and are not in line with the way Carer Support Payment is currently being delivered. We believe there is a low likelihood that a carer would have been better off, overall, if an earning decisions had been made in line with the current regulations, rather than in line with the policy intent. This is being kept under review.

I have enclosed a copy of my letter to SCoSS, which includes an Annex with a copy of the draft provision. I would like to thank the Committee for your co-operation and support to date. I look forward to engaging with the Committee on the draft instrument in due course.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE

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4 March 2025

Dear Ed,

**The Carer's Assistance (Young Carer Grant and Carer Support Payment)
(Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 –
additional provision**

Further to my letter of 28 November last year, I am writing regarding the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 ('the draft amendment regulations').

Firstly, I would like to thank the Commission for their recent scrutiny report on the draft amendment regulations. We have recently identified an error in the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 ('the Carer Support Payment regulations'), which means that a carer's earnings in any given week will affect entitlement to Carer Support Payment in that same week – instead of the following week as per the intended policy, the current Carer Support Payment systems, and how Carer's Allowance works.

We are seeking to correct this through a further amendment provision in the draft amendment regulations, with a view to this coming into force as soon as these regulations are made. We believe there is a low likelihood that a carer would have been better off, overall, if an earnings decision had been made in line with the current regulations, rather than in line with the policy intent. This is being kept under review.

I have attached a draft of the provision to amend regulation 14 of the Carer Support Payment regulations, which aims to address this issue and align the regulations with the policy intent. I appreciate the timescales are limited but would be grateful for any consideration the Commission could give to this further provision ahead of the draft amendment regulations being laid. My officials would be happy to provide any additional information required.

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I would like to thank the Commission once again for its continued support for the work to deliver and improve support for Scotland's carers, particularly given the complexities of this legislation.

Yours sincerely,

SHIRLEY-ANNE SOMERVILLE

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Proposed amendment to regulation 14 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023

Keeling schedule showing the effect of the proposed amendment to regulation 14 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 by the Draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations

14.— (Earnings limit)

- (1) An individual is not entitled to Carer Support Payment in any award week in which their earnings in respect of ~~that award~~ the immediately preceding week exceed £151.
- (2) Earnings are to be calculated in accordance with schedule 2.

Extract from the draft Carer’s Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 showing the drafting of the proposed amendment

“PART 1 Carer Support

Amendment of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023

1. —(1) The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 are amended in accordance with paragraphs (2) to (20).

.....

(8) In regulation 14(1) (earnings limit), for “that award” substitute “the immediately preceding”.

