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3 September 2021

Dear Dr Witcher,

As you will be aware from your Secretariat team, I am writing to inform you that we intend to lay amending regulations for Scottish Child Payment and Best Start Grant in relation to completing claims for the same child. It is our intention to lay them in Parliament on 25 October to come into force as soon as possible afterwards.

As per section 97 of the Social Security (Scotland) Act 2018, I have enclosed a draft copy of the amending regulations for the Commission's views. These amending regulations are a direct response to appeals to First Tier Tribunals where in a very small number of cases the existing hierarchy in the Scottish Child Payment regulations for resolving competing cases is not resulting in the person with primary responsibility for the child receiving the payment. A related issue has also arisen in relation to Best Start Grant.

Although the numbers are small, in line with our commitment to continuously improve how Scottish Child Payment and Best Start Grant operate, and ensure the payment is received by the primary carer, we have decided to take action to address it by amending our regulations. This approach is in line with our determination to respond as quickly as possible to issues that come up as we roll out our delivery of benefits, ensuring they meet the needs of all the people of Scotland.

My officials have been in contact with your secretariat and I am aware of the challenges this timetable presents, especially given SCoSS's existing commitments. Officials are happy to discuss how they can help facilitate your consideration of the regulations in a timescale that is sensitive to both of our pressured workloads and commitments.

This letter has been copied to the Convener of the Social Justice and Social Security Committee and to the Delegated Powers and Law Reform Committee. Officials will also inform key stakeholders and discuss it with the Five Family Payments Reference Group, which comprises third sector, NHS and local government representation.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

Finally, I want to extend my sincere thanks to the Commission for considering these regulations given your already busy programme of work. This shows how we are responding as fast as possible to issues that come up as we roll out our delivery of benefits and ensuring they meet the needs of the people of Scotland.



**BEN MACPHERSON**

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