

Response to Scrutiny Report of 18 November 2021 on the Disability Assistance for Children and Young People (Scotland) Regulations 2021 and the Scottish Child Payment Regulations 2020 (Miscellaneous Amendments) Regulations 2022

SCoSS Recommendation	Accept/ Partially accept/ Reject	Scottish Government Response
<p>1. The Scottish Government explores the scope to remedy the mismatch in residency tests between Carer's Assistance and Disability Assistance in order to promote disabled people's and carers' human rights.</p>	<p>Accept</p>	<p>Scottish Government response: The Scottish Government is aware of the mismatch between the residence requirements for Child Disability Payment and Adult Disability Payment and the current Carer's Allowance rules. Until our replacement, Scottish Carer's Assistance is in place, Carer's Allowance will continue to be delivered by the Department for Work and Pensions on behalf of Scottish Ministers under an agency agreement that requires Carer's Allowance to be delivered in Scotland in the same way that it is delivered in England and Wales.</p> <p>We understand that a recent First Tier Tribunal decision has raised questions about the legality of the application of the past presence test, as amended, in the Social Security (Invalid Care Allowance) Regulations 1976. We are seeking to engage with the DWP to discuss what plans, if any, they may have to make amendments to those provisions in light of this decision.</p> <p>In developing Scottish Carer's Assistance, our intention would be to ensure we take a rights' based approach that ensures consistency of treatment within our devolved system for carers and the people they care for wherever possible.</p>

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<p>2. The Scottish Government engages with stakeholders and people with lived experience to continuously improve information and ensure its accessibility, to people who will be affected by the transfer of awards to Child Disability Payment and Adult Disability Payment</p>	<p>Accept</p>	<p>Scottish Government response: The Scottish Government is committed to ensuring that Scotland’s social security system can continue to evolve and improve. Our system is being designed using evidence, and by testing everything we do with the people who will use or interact with it to make sure we get it right.</p> <p>Specifically for case transfer, stakeholder engagement and user social research with Experience Panels has been the foundation of designing our entire process, including client and stakeholder communications. As the transfer process continues, we will continue this engagement and continuously incorporate our findings into existing communications to ensure the information available is as accessible and useful to clients as possible.</p> <p>We will do this by, for example, capturing people’s experiences of case transfer as part of our client research programme, looking specifically at case transfer as part of our wider disability assistance evaluation, and where necessary ad hoc research with Client Panel members to explore further any issues that may arise and to inform any planned improvements.</p>