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Dr Sally Witcher OBE
Scottish Commission on Social Security
Area 1C South
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2nd August 2021

Dear Sally,

I enclose a copy of the draft Winter Heating Assistance for Children and Young People (Scotland) Amendment Regulations, made under sections 30(2) and 52 of the Social Security (Scotland) Act 2018. I am pleased to provide SCoSS with the formal request for scrutiny of these draft regulations.

As you know, the Scottish Government launched Child Winter Heating Assistance in November 2020 to provide the financial assistance to disabled children and young people, who are entitled to the highest rate of the care component of Disability Living Allowance or Child Disability Payment. This new form of assistance delivered over 14,000 payments totalling £2.8 million.

We have considered feedback from individuals and stakeholders very carefully since then, in particular around the eligibility criteria being linked to the highest rate of the care component. I am pleased to therefore confirm that we intend to extend eligibility to young people aged 16, 17 and 18 who are entitled to receive payment of the enhanced rate of the daily living component of Personal Independence Payment (PIP) during the qualifying week.

The extended eligibility criteria takes into account that these individuals will have needs broadly equivalent to young people on the highest rate of the care component of Disability Living Allowance (DLA) and Child Disability Payment (CDP). We have also taken the decision to retrospectively extend eligibility to young people who would have met the extended eligibility criteria during the qualifying week (this was the 21 to 27 September in 2020).

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The amendments align with the existing rules for young people in receipt of DLA and CDP, by paying CWA to clients who would be receiving PIP, but for being resident in a care home. The regulations also allow for Scottish Ministers to make a determination without application for clients who become entitled to the enhanced rate of the daily living component of PIP, during the qualifying week, as a result of an appeal.

Furthermore, the amendment regulations give Scottish Ministers the flexibility to pay CWA to an individual deemed appropriate for the benefit of a child without the need to appoint them. This ensures consistency with the existing provisions that allow CWA to be paid to an individual on behalf of a young person.

I also provide with the amendment regulations a policy note and accompanying draft impact assessments to assist SCoSS with its scrutiny of the regulations.

I would be grateful if SCoSS could provide me with its report by 13 August 2021 in order to support laying these amendment regulations before Parliament on 13 September, so that the provisions will come into force in time to allow Scottish Ministers to pay CWA by 31 December 2021 in accordance with CWA regulations.

I appreciate this timetable does not provide as much time as is usual for scrutiny. My officials stand ready to discuss any interim arrangements that may be necessary should it not be possible to provide a report within that timetable.

I am grateful for the constructive way in which stakeholders have provided their views on the existing CWA regulations which have greatly supported us in amending the regulations, ensuring that we build upon our aims of dignity, fairness and respect. I am also grateful to SCoSS for scrutinising these proposals, which will be key to ensuring that we achieve those aims for the social security system in Scotland.



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