



OFFICIAL REPORT
AITHISG OIFIGEIL

Social Security Committee

Thursday 10 May 2018

Session 5



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SOCIAL SECURITY COMMITTEE

11th Meeting 2018, Session 5

CONVENER

*Clare Adamson (Motherwell and Wishaw) (SNP)

DEPUTY CONVENER

*Pauline McNeill (Glasgow) (Lab)

COMMITTEE MEMBERS

*George Adam (Paisley) (SNP)

*Jeremy Balfour (Lothian) (Con)

Mark Griffin (Central Scotland) (Lab)

*Alison Johnstone (Lothian) (Green)

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

*Ruth Maguire (Cunninghame South) (SNP)

Adam Tomkins (Glasgow) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Ros Bragg (Maternity Action)

Gavin Fergie (Unite)

Dr Louise Hill (Centre for Excellence for Looked After Children in Scotland)

Gordon Lindhurst (Lothian) (Con) (Committee Substitute)

Sonya Scott (NHS Greater Glasgow and Clyde)

Clare Simpson (Parenting Across Scotland)

Mark Willis (Child Poverty Action Group in Scotland)

CLERK TO THE COMMITTEE

Anne Peat

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament Social Security Committee

Thursday 10 May 2018

[The Convener opened the meeting at 09:00]

Decision on Taking Business in Private

The Convener (Clare Adamson): Good morning, and a warm welcome to everyone to the 11th meeting in 2018 of the Social Security Committee. I remind everyone to turn mobile phones and other devices to silent, so that they do not disrupt the meeting.

We have received apologies from Mark Griffin MSP and Adam Tomkins MSP. Gordon Lindhurst is here to substitute for Adam Tomkins—a warm welcome to you, too.

Does the committee agree to take agenda items 3 and 4 in private?

Members *indicated agreement.*

Early Years Assistance (Best Start Grant) Regulations: Consultation

09:01

The Convener: We move to agenda item 2. To inform policy, the Scottish Government is consulting on draft regulations for the best start grant, which will be one of the first devolved benefits to be delivered—it will be in place from summer 2019. The consultation closes on 15 June.

I am delighted to welcome Clare Simpson, manager of Parenting Across Scotland; Ros Bragg, director of Maternity Action; Gavin Fergie, lead professional officer for commercial development, Scotland and Wales, health sector, Unite the union; and Sonya Scott, consultant in public health medicine in NHS Greater Glasgow and Clyde. I thank the witnesses who provided submissions for today's meeting.

As I said, a consultation is going on, and the policy objectives of the regulations have not been finalised. Does the panel think that there are gaps in the draft regulations?

Clare Simpson (Parenting Across Scotland): We think that there are a number of gaps, one of which is to do with qualifying benefits. We think that receipt of maternity allowance ought to be included in the eligibility criteria.

There is an issue to do with teenage parents—it is not a gap as such, but there is a lot of dispute about it. I was not sure whether the benefit should be paid directly to the teenager or to the grandparent, and I thought quite a lot about the issue. I went to organisations that worked with young parents and met young parents, and I think that, without exception, everyone said that the benefit should be paid to the young parents themselves. People said that we allow people to marry at 16 in this country, which implies that we allow them to start a family then, so if we think that young people are capable of taking on that responsibility, we need to give young parents the money and empower them to spend it as they wish.

Those are the two main issues of concern for us.

The Convener: The grant is means tested and is designed to reach those who most need it. Would a general eligibility for people in receipt of maternity allowance meet that criterion?

Clare Simpson: Maternity allowance is not means tested, so the benefit would reach people

on higher incomes as well as people on lower incomes.

The Parliament has tried to address the question of unfair work and low-paid work, which is the experience of many people who get maternity allowance. The uptake of maternity allowance in Scotland is very low at the moment—only 700 people get it. I think that we could catch people who are on a low income and miss out on other benefits, although some people who took up the best start grant might be on higher incomes.

Ros Bragg (Maternity Action): First, we welcome the best start grant, which is a fabulous new source of support for parents on low incomes. We see a lot of pregnant women and new parents who are really struggling, so the grant is a welcome contribution.

The two areas that we would flag as areas for further thought are maternity allowance and the situation of some migrant parents. One of the problems is that there is a group of women on maternity allowance who are sole parents and have no housing costs; because they are not entitled to universal credit, they are consequently not entitled to the best start grant. However, if they received the same amount of statutory maternity pay, they would receive roughly £400 a month of universal credit and, of course, the best start grant. Their position is an anomaly. Those women are predominantly, but not exclusively, low-income earners, as maternity allowance is also available for those who are, for various reasons, not entitled to statutory maternity pay. We would like some provision to be made for them, and there are various ways to approach that. In exceptional circumstances, provision with guidance is one possibility.

The other group we are concerned about are migrants who are, for reasons of immigration law, precluded from accessing benefits. They might be European Economic Area nationals who do not meet the criteria for gaining benefits, or they might be nationals of other countries who have no recourse to public funds as a condition of their visa. In both groups, there are women and families who have lived in the United Kingdom for some years, who intend to bring up their children in the UK, and who often live in quite severe poverty. At the moment, they really have no recourse to financial support.

Gavin Fergie (Unite): Thanks very much for the opportunity to speak to you. I am a health visitor, and I represent the majority of health visitors in the country. We welcome the opportunity to speak to the committee, but we are not at all experts on social security legislation or on how to draft such legislation. What we see is the impact of poverty on the families whom we deal with. Any measure that improves a child's future is to be

recommended. We cannot comment on the fine detail of the regulations, so we were surprised and happy to be invited here. You strongly represented to us that you wanted health visiting opinion around the table, so perhaps there will be a question further on in answer to which I can give more detail. However, we do not see any obvious gaps in the best start grant regulations, and we applaud the direction of trying to reduce poverty in families and its impact on the children in them.

Sonya Scott (NHS Greater Glasgow and Clyde): I, too, welcome the best start grant and the extended eligibility and value, which is fantastic. Like Gavin Fergie, I am not an expert on social security systems or welfare, but I think that there are a number of issues from the perspective of improving the situation of people on low incomes. I support the comments that have already been made and think that maternity allowance would be something to consider as an eligible benefit for the best start grant.

One of the submissions mentioned students on income-related bursaries who might miss out because they are not entitled to housing benefit. I also support the comment about young people getting the grant directly. That would respect their autonomy and give a message of trust that they will be considered in how they will use the grant. We could include in the information that we give to those who receive the grant information about sources of support and advice on how the grant can be used sensibly.

I noticed a couple of things in the technical notes. Forgive me if I am missing some of the subtlety of the draft regulations, but I did not notice in them anything about how quickly applications would be processed, although there was information about how quickly reconsiderations would be undertaken. Further, I wonder whether there was consideration of how payments would be made to those without a bank account, as I think that the regulations talk about BACS payments.

Finally, I wondered whether the civil servants who are drafting the regulations had considered whether there would be a way to automate notification of entitlement to the grant. A number of our health boards now have electronic maternity systems and, obviously, we have our birth register, so we have a way of knowing when children are born. If, in setting up our new social security information technology system, those systems could talk to each other, there might be a way of flagging to the social security system that someone is eligible. Unfortunately, that would require our social security system to talk to the Department for Work and Pensions system, which I appreciate might be a stumbling block. However, that is worth exploring, because we know that,

even with extensive promotional campaigns—our healthier, wealthier children programme showed this—people find it really difficult to navigate the social security system and to know what they are entitled to.

The Convener: Pauline McNeill has a supplementary question.

Pauline McNeill (Glasgow) (Lab): I thought that the panel might be able to help me with this question for my own understanding. Ros Bragg raised the question of immigration status and who might qualify. I just want to be clear in my head about what your view is on that. In relation to European Union nationals, what is your understanding of who would qualify? Is the qualification based on the number of years in which a person has been resident in Scotland?

Ros Bragg: A number of factors are brought into play in determining a person's qualification. They have to meet certain criteria. For example, if they are working on a self-employed basis, there are criteria that will determine whether that is sufficient to entitle them to benefits. There are also criteria relating to jobseeking, on which there are quite specific rules. Living in the country for five years will get another form of status. Therefore, a few tests are applied. However, we encounter women who, for various reasons, do not meet those tests. They may not have been earning enough money from their self-employed role. That particular example came up on our advice line quite recently. A woman had been working on a self-employed basis for more than a year but for relatively small amounts of money, so she was considered not to have met the criteria that would have made her eligible under the European Union provisions.

Pauline McNeill: So there might be quite a number of EU nationals who might not qualify, although they have been living here.

Ros Bragg: Yes. Unfortunately, we do not have numbers for that.

Pauline McNeill: On the other qualifying criteria, a person would qualify for the benefit if they had received any tax credits, including housing benefit. There is a proposal to include universal credit claimants who had an award in the month before applying, but that is not included in the draft regulations. Given what you said earlier about encapsulating low-paid workers as well as those on benefits, are you sufficiently satisfied that the qualifying criteria would mean that women who are working and are on universal credit would qualify for the grant?

Ros Bragg: Our expertise is in the area of pregnancy through to the child's first years, so I am not so sure about the return-to-work provisions for the second and third payments. However,

around the time of the birth, the issue specifically relates to maternity allowance, and sole parents with no housing costs who are on maternity allowance and consequently are not eligible for universal credit. That is the only group that we have identified that we are particularly concerned about at that point in time.

Pauline McNeill: People who are on universal credit can be not working or working but with a low income. Are you satisfied that the eligibility rules on who qualifies would cover both groups?

Ros Bragg: Yes. As members know, entitlement to universal credit is set at a very low bar, so there will be people who will not be entitled to it whom we would consider to be on low incomes. However, within those constraints, I think that working and non-working people are covered.

Sonya Scott: On the issue of the month prior to applying, the month of applying and the universal credit entitlement being greater than £0, I wondered whether we could include anyone who received even a £0 universal credit in that month. Perhaps I am not understanding the subtlety of that. The reason for my querying that is that we know that 70 per cent of our children who live in relative poverty are in working households and that precarious employment is increasingly an issue. I am concerned about people who might move in and out of eligibility for universal credit. If, in one month, they have received a £0 payment, I assume that that is because in the next month they might be reconsidered and that, after so many months of £0 payments, they would be exited from the benefit claim. If that is the case, that would allow us to capture another financially vulnerable group. Again, I do not have numbers or the implications for the cost of the grant, but that might be worth exploring. I am not sure why that was set at greater than £0. That is what I am asking about.

09:15

Jeremy Balfour (Lothian) (Con): I have a couple of questions, but I want to go back to a point that Ms Scott made about missing people and using the register of births as a way of picking them up. My understanding—I appreciate that it might not be right—is that the first payment can be made before the birth of a child. Perhaps Mr Fergie would like to comment on this, too. How do we pick up parents who want the money to pay for things before the birth of their child? You said that it is difficult. Is that a role for health visitors or others? How can we pick people up once they are pregnant and go to see a medical professional?

Sonya Scott: Currently, with the sure start grant, we require families to have a health professional's signature. However, we find that

that is a barrier, and I welcome the fact that, with the best start grant, that will not be needed. I am also conscious of the reliance on hard-pressed, front-line staff to remember a whole range of things, which does not always happen.

Having said that, I appreciate that eligibility starts at 24 weeks of pregnancy. Eight of our 14 health boards in Scotland now have a single IT maternity system—BadgerNet, which is provided by Clevermed. It is a dynamic system, which means that, every two months, we can make requests for updates on the system. We could decide that we wanted that system to talk to our social security system and to alert it when someone reached 24 weeks of pregnancy. There would need to be a way to cross-check that with eligible benefits, so the system would need to talk to the Scottish social security system and, possibly, the DWP's system. It would be the same for the births register. We could consider the births register in addition to BadgerNet, as that would pick up the remaining health boards that are not on BadgerNet.

As I am sure that Gavin Fergie will talk about, there is now an antenatal contact with our health visitor colleagues, which is fantastic. Eligibility could be raised or signposted by professionals, but that would be another request in addition to the wide range of things that we ask health visitors to look at during those contact points.

Gavin Fergie: The problem with health visitors taking a proactive part in that is capacity. With the magic number of 500 extra health visitors in the system by next year and the £40 million that went on top of that, there is a misconception that health visitors can do everything for everybody, including putting their pants over their tights and flying to the next visit. It does not work like that, because they do not have the capacity. There are almost as many people leaving the service as we are bringing in.

We are also very concerned about the possibility of the interaction that the health visitor has with their client and their family becoming much more about giving them this and that and ticking boxes, rather than building up a therapeutic relationship with the family. We are looking at a timescale of 40 to 45 minutes for visits being introduced by some health boards, so adding another task would squash out things that apply to everybody universally. We have to remember that having access to the health visitor service is a universal benefit.

We also have to be cautious because health visitors have always been seen as one of those shadowy social work agents of the state, but we are not. We are there to empower people in their health decisions and to get healthy outcomes. We are very wary of more being put on the workforce

and of being seen as an instrument of the social security system, which we are not.

Jeremy Balfour: That was very helpful.

Clare Simpson: There is obviously a role for health visitors and midwives, allowing for capacity, as Gavin Fergie said, but we must remember that, often, third sector agencies are in touch with particularly vulnerable families, so there is a role for them.

The other group to look at is young parents, who might still be in school or education. As Gavin Fergie said about health visitors, we expect teachers to do more and more but, at the same time, if a teacher has a pregnant teenager in their class, there will be some educational input. We know that outcomes for children and parents are much improved if parents stay on in education. There is a role for quite a varied range of professions, albeit that it should be accepted that they have their own particular job to do.

Sonya Scott: I apologise for wanting to come back in, but that has triggered a thought. I refer again to the healthier, wealthier children programme in greater Glasgow and Clyde, in which we use our universal contact points in health to make referrals. We try to keep the onus on the front-line staff as minimal as possible but, if they notice financial difficulty in their holistic assessment, they can make a referral. Through the BadgerNet maternity system, for example, we are trying to make things as streamlined as possible. It is a case of pressing a button if the family agrees to a referral. That is where the third sector and other provider organisations can come in. Rather than a person sitting with their health professional and going through their income and benefit entitlement, they can sit with someone who is separate from health services. That overcomes Gavin Fergie's concerns.

I appeal to the committee on one issue. We are finding that investment in those services is decreasing. I am about to launch a big renewal of awareness with our midwives and health visitors in greater Glasgow and Clyde of the Child Poverty (Scotland) Act 2017 and the need to maximise incomes, but I am very concerned that we will generate lots of referrals that our local authorities will not have the capacity to cater for because of budget issues that mean that the budgets for financial inclusion services are being reduced. Perhaps that needs to be considered in the context of the support for the best start grant.

Gavin Fergie: Sonya Scott's last point highlights the realities of practice for many health visitors now. Local authority colleagues are just not there any more, so many health visitors are expected to do more, and they have very little capacity.

Ruth Maguire (Cunninghame South) (SNP):

Good morning, panel. I want to talk a little about breaking the link with accessing other services and look at the matter from the perspective of my constituents. The committee has done quite a lot of work and has been focused on increasing uptake and simplifying things. I acknowledge everything that has been said about the pressure on practitioners, but is there a danger that, if the onus is on the person who is entitled to the benefit having to evidence contact with another service, that will increase the burden on them and might impact on the uptake of what they are entitled to?

Sonya Scott: My understanding is that they will not have to evidence their contact with the health service. What we are saying is that, through contact with the social security system, those who are not in antenatal care would be encouraged. We know that certain groups do not often contact a health professional. That is one of the issues with the current requirement to get a health professional's signature. However, my understanding is that, to access the best start grant, people will not have to show that they are in contact with the health service.

Ruth Maguire: Will they have to demonstrate that they have enrolled at a nursery or that they have been in contact with another service?

Sonya Scott: It is my understanding that they will not. It will not be necessary to be going to nursery to receive the nursery payment. That is my reading of the regulations.

Jeremy Balfour: I have a couple of technical questions. If you do not want to answer them, please ignore them.

I think that we all agree that kinship arrangements are a good thing. I refer again to my reading of the regulations. Would there need to be a formalised agreement for kinship carers to get money? There are 32 local authorities. Should there be a standard agreement? Should each local authority have the same documentation that has to be completed, or would you prefer it to be left to each local authority to do their own thing with regard to reaching a formal agreement?

Clare Simpson: Do you mean a formal agreement on the kinship care?

Jeremy Balfour: Yes.

Clare Simpson: Louise Hill from the centre for excellence for looked after children in Scotland, who will give evidence later, is much more of an expert on that than I am. I do not have the technical knowledge. However, the organisations that we work with are certainly aware of a great number of kinship carers who are in great hardship and could really do with the payment.

I know that the Government is talking about bringing forward proposals this summer for a kinship care allowance. Very often, people are subject to a postcode lottery that determines who gets what. It seems as though people who take on that burden—it is a joy, but it is also a financial burden on the family—are being penalised for doing so. There should not be a huge discrepancy in payments to people who live 5 miles apart.

Jeremy Balfour: Would you suggest that all local authorities should follow the same procedure and reach the same agreement with the Scottish Government? Rather than each individual local authority following its own procedure, should there be a consensual agreement, perhaps with the Convention of Scottish Local Authorities, to work matters out?

Clare Simpson: As I said, I am not an expert on such matters, but I would certainly agree with the end outcome of having a uniform rate across the country.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Universal credit was discussed earlier. I have a follow-up question on the maternity allowance. It is my understanding that some people on maternity allowance will also qualify for the best start grant. In your experience, how many families might miss out on the best start grant because of the anomaly in how maternity allowance interacts with universal credit? I see that Sonya Scott is nodding her head.

Sonya Scott: In fact, I cannot answer that question. Perhaps Ros Bragg can answer it.

Gavin Fergie: It is beyond my area of expertise as well.

If Ben Macpherson does not mind, I will jump back to Jeremy Balfour's question. In our opinion, practitioners would appreciate having one scheme that covers the whole country. Scotland is not a huge country—it is fairly small. Why, therefore, are there myriad approaches with the cutting and slicing of areas to create—as my colleague described it—a postcode lottery?

We are moving towards one pathway in Scotland for health visiting, which is certainly beneficial for practice. Families often move in and out of our patch and, if we have to re-educate people about what happens in our area, which might be different from what happens in the area that they have just come from, it just wastes time. On that particular subject, we would go for a Scotland-wide agreement.

I am sorry, Mr Macpherson, that I cannot answer your specific question.

Ben Macpherson: That is no problem.

Ros Bragg: I can comment on the maternity allowance question.

As far as I am aware, there is no data that tells us how many women will be in the position that I described, in which they are in receipt of maternity allowance and are sole parents with no housing costs. I cannot tell you precisely how many people will be affected as a result. As far as we are aware, it is only that group, among those who are receiving maternity allowance, who will be excluded from universal credit and consequently will be excluded from the best start grant.

Ben Macpherson: Have you had any interaction with the DWP on that point?

Ros Bragg: I do not know that the DWP has paid a whole heap of attention to what we have said to it on the issue. Our view is that the DWP should change the policy, but I cannot say that we have made any progress in that regard. We would prefer to have some provision in Scotland, along the lines of an exceptional circumstances provision, to be able to accommodate that. Ideally, in the future, it would not be needed, but at this point in time there is a group of women, many of whom will be very much in need of financial support, who will be excluded from the best start grant under the current arrangement.

Ben Macpherson: Absolutely.

On a related point, Pauline McNeill's question touched on that issue and the best start grant's relationship with universal credit in general. Do you want to add any other points on the relationship between the best start grant and universal credit, or highlight any issues that you think might arise?

Ros Bragg: There are all sorts of problems with universal credit. Our focus is largely on pregnancy and the first year. The maternity action issue has stood out most strongly for us, although I think that many other families will receive less money under universal credit than they would have received under the previous arrangements.

In some ways, it makes a lot of sense to align the best start grant with universal credit and other benefits that are administered by the DWP, certainly from the point of view of simplicity. Many women who call our advice line are struggling to work out what their entitlements are and how to access them. Many others do not call our advice line because they are not even aware that that support is available. It makes sense to keep the system as simple as possible, and the assessment process as straightforward as possible, so in that sense alignment with DWP provisions is generally a positive step.

09:30

Alison Johnstone (Lothian) (Green): Thank you very much for your evidence so far this morning—it has been very helpful. I get the impression that we need to simplify matters for those who should be able to access the help that they need when they need it.

We have looked previously at the issue of making the process more automatic and streamlining the system so that it takes up less of the health professionals' time, for example. Do we need to do more in that regard?

The social security agency will know who is claiming benefits. Do we need to look at more automatic links? We know when someone is born because births are registered, and we know when children start school and so on. Should we be using that information to make sure that the process is more automatic? I can see that all the witnesses are nodding.

Clare Simpson: Unequivocally, yes. We should be using that information, and I think that it is possible to do that.

Gavin Fergie: The obvious answer is yes. The reality is that the practitioner needs to move through and use a myriad of systems. A lot of the time, those systems do not talk to one another.

Sonya Scott mentioned the BadgerNet system, which eight health boards use, but what about the other boards? They are not there yet. There are various systems that it is obvious should talk to one another, but they do not. That is a huge barrier to practitioners. They have to duplicate their efforts and try to jump over the artificial software barrier that has been put in place because one agency has one system and another agency has another system and they just do not talk to each other.

Any use of technology to simplify practice or to assist the practitioner is to be applauded, but it is a huge task to tackle. If we can tackle it, everything will be much more efficient and much more effective, which will enable us to make best use of practitioners' time.

Clare Simpson: There are huge IT difficulties. There is the potential for simplification so that we can flag up people, but there are also groups of really vulnerable parents to consider. I am thinking about young parents and parents with learning disabilities. Such groups of parents need the relationship in terms of support and advocacy to help them to move forward and get the grant.

Ros Bragg: We certainly find that there are many vulnerable women who struggle to work out what their entitlements are—there are vulnerable families who struggle to sort that out. There are also some who are not vulnerable but are simply

dealing with the challenges of pregnancy and new parenthood.

Our view is that it makes no sense to have multiple points at which parents are told about their entitlements in the hope that, at one point, they will pick up on that information and be able to act on it, because it may well be that having that information—even at a critical time—is just not enough to get the message through.

Sonya Scott: There are a couple of windows of opportunity in relation to systems talking to one another. I have mentioned BadgerNet. Gavin Fergie quite rightly pointed out that it does not cover all our health boards. We also have the new Scottish child surveillance and wellbeing system, which is replacing our old child health surveillance pre-school system. Every child should be on that new child surveillance system because we call children for vaccinations. We should have every birth on that system.

We should specify that the health systems that are currently in development need to talk to our social security system. In developing our social security system, we should specify that it should talk to the DWP system once its functionality becomes available—if it ever does. That way, at least we will be set up for that to happen in the future. Let us not miss these windows of opportunity to have the systems talking to one another so that, even though we might not be ready now, we will at some point in the future be ready to achieve what Gavin Fergie has outlined in terms of a smooth, streamlined IT approach.

Alison Johnstone: Some people on a low income may be claiming low-income benefits, but others may not be claiming anything, which means that they might be excluded from getting the best start grant. Do you have any concerns about the eligibility criteria? Will we be able to ensure that everyone who needs to access it is able to do so?

Sonya Scott: Inevitably, there will be a group of people who are just over the benefit threshold but who struggle to meet their everyday costs and who would benefit from the grant. I am not sure how to extend eligibility beyond the exceptions that we have outlined and go that extra step without the benefit becoming universal.

Clare Simpson: Sonya Scott mentioned that the money for financial inclusion services is falling. Those services are key to ensuring that people know about and take up their benefits. We need to make sure that people get the checks and know whether they are eligible. Some people who are on a low income may be eligible but might not take up the benefit.

I agree that the situation is difficult, but there must be a way to say who is eligible and, as far as possible, to prevent people from falling through the

net. At the moment, eligibility is calculated on the basis of existing benefits; it is difficult to see another way of doing it.

Sonya Scott: I suppose that it could be done on the basis of an income threshold. Rather than making it about passporting benefits, we could say that people earning below the median income would be eligible. That would significantly increase the number of people who are eligible, so we would have to consider the affordability and the opportunity cost of that approach against other approaches that we could take. I would love it if that approach were taken and for people such as me to be taxed more in order to pay for it.

The Convener: Mr Lindhurst, is your question on this topic?

Gordon Lindhurst (Lothian) (Con): It is on something else.

The Convener: In that case, I will bring in Mr Macpherson, who has a supplementary question.

Ben Macpherson: The witnesses' points about encouraging benefit take-up are so important. Do you welcome the fact that the primary legislation includes an obligation on the agency to promote the take-up of benefits? How important do you see that role being in making sure that we deliver benefits to all the people who need them?

Ros Bragg: Yes, it is a welcome change from much of what we are dealing with in relation to benefits and the DWP, and it is fantastic to see that focus on promoting access.

The extended timeframes for application and the removal of the requirement for a health professional to sign a form to get the initial payment are important. Furthermore, there are a number of specific measures that are helpful in promoting access, but the overall principle of promoting access is a welcome change.

Clare Simpson: I totally agree. I should have said at the beginning that I very much welcome the grant, as it will make a big difference to a lot of the people who we work with.

On social security more widely, it is fantastic that the legislation is based on respect, trust and dignity and so on. We have seen the impact of how the DWP sometimes works, whether that be through sanctions or its behaviour towards people. I hope that what is in the legislation will come to pass and that people will be treated with fairness and dignity.

I have brought along case studies of people who could have been but were not helped in the current system. We need to do better. It does not help people with income or with outcomes for their children or even to get out of that system. I

welcome the new system, which I hope will be more enabling and empowering for people.

Gavin Fergie: Anything that removes the stigma attached to benefits would be extremely useful. Although the sums that are being mentioned are not life changing, they certainly can have an impact on life, and anything that can assist a family to bring up their child and to remove that child from poverty would have huge benefits for society as that child develops and grows, whether that be through the demand on education, health or even criminal justice systems. The research on that is well documented. Anything that we can do to change little Johnny from going down a path that is less beneficial to him and into a more positive lifestyle is to be applauded and supported.

Sonya Scott: I echo everything that has been said. It is fantastic that there is a provision on promoting eligibility. The values that have been laid out for the new social security system are also wonderful.

We seem to have moved away from the idea of social insurance. Social security is an insurance policy. Most of the people who are eligible for the benefits that we are talking about move in and out of work. It is a myth that there are generations of unemployed people. The Joseph Rowntree Foundation has examined that and found that it is just not so. People move in and out of work and pay taxes; social security is their insurance policy.

It is fantastic that that is the sort of message that the new system will give out. When we give out that message, people respond to it and rise to it.

Ben Macpherson: Absolutely.

Gordon Lindhurst: I will ask about a point that Clare Simpson touched on. Her point was simple—that is not a criticism, because simple points are sometimes the best ones—and was about the difference between the ages of 16 and 18.

It is proposed that 16 be the age at which direct payments should be made in certain circumstances. Clare Simpson gave an example of why that is: people are allowed to marry at the age of 16—that is nothing new in Scotland; it has been the way for hundreds of years—and can vote in certain elections. Does she or any other member of the panel see any difficulties with the way that the system is set up or with how the best start grant would interact with other benefits in the Scottish system or the DWP system?

Clare Simpson: I cannot answer you on some of the technicalities, but your question allows me to say something about the under-18s, under-20s and the age categories that we put on benefits.

Under-18s will be automatically eligible for the best start grant but those who are 18 or 19 will not and will have to rely on a qualifying benefit. When I wrote my submission, I puzzled quite a lot over that threshold of 18 or 19. Somebody at 16 or 17 would be automatically entitled to a grant but, at 18 or 19, they would not be so entitled and would have to rely on their parent and a passporting benefit.

I wondered about the affordability of that and who it would affect. I did not put it in my submission because I did not have the point then but, having thought about it since, the issue is that 18 or 19-year-olds who live at home with parents and are not in receipt of other benefits are likely to be studying or training, although they are not always. If they become pregnant during that time, it is really hard. I can testify to that because my son and daughter-in-law are in that position, albeit that they are a bit older. It is not an easy thing to do. If we extended the automatic entitlement to under-20s, that would make the system a great deal simpler to administer and it would treat people as adults, as they should be treated. Past the age of 20, they are not dependents and the DWP cannot treat them as such.

I looked at the figures and found that, in 2016, 1,449 children were born to parents between the ages of 18 and 20. Those figures have also been declining year on year. Some of those parents would qualify anyway through benefits such as child tax credits and universal credit. The group that would not qualify will be relatively small but it is a group who need the money and to whom it could make a difference. That difference could be paying some childcare costs early on or buying a pram.

Extending the automatic entitlement would simplify the system and catch a group that we do not catch. That does not really answer your question, does it?

Gordon Lindhurst: Perhaps it highlights some of the complications that might arise from a simplistic approach.

Do any of the other witnesses have a comment to make on the age differentials that are applied?

Ros Bragg: There are technical issues that arise with that but, unfortunately, I cannot speak to them today.

Pauline McNeill: I appreciate that some of what I will ask about has already been covered but I want to be sure about the responsibility for a child and who can apply. Only the person who is responsible for the child will be able to apply for the best start grant but two approaches have been suggested for deciding parental responsibility. Both use the receipt of reserved benefits as part of

the test, but the test is yet to be finalised, which is why I am interested in the witnesses' views.

The test that is in the draft regulations excludes all looked-after children, and the consultation document seems to assume that all looked-after children are financially supported by local authorities, but that is not necessarily the case, as some looked-after children live at home with their parents. That might relate to the age group that Clare Simpson talked about in response to Gordon Lindhurst's question. We have covered the question of age and talked about kinship carers. I want to be clear about your views on who should be able to apply for a best start grant. Do you want to add anything about who should qualify as having parental responsibility?

09:45

Clare Simpson: The agencies that we work with, which will respond to the consultation, have all said that they prefer test 2, because it enables the widest reach and includes as many people as possible.

Kinship care raises a specific and technical issue. Kinship carers who receive a formal allowance will be able to get the grant, but informal carers might not. In Scotland, children who are looked after at home are in a special category. Under the proposals, their carers will also be allowed to get the grant; otherwise, the situation is that the child is looked after and the local authority is expected to pay for certain things.

Some refinement of the regulations is still to be done, and civil servants are working on that. We would go for whichever test allowed the widest reach, which is test 2.

The Convener: As there are no further questions, I thank the witnesses for their attendance. A lot of interesting areas have been raised—I have written to the cabinet secretary about some of them, so it was interesting to hear about them today.

I suspend the meeting to allow the panels to swap over.

09:47

Meeting suspended.

09:50

On resuming—

The Convener: We move on to our second panel this morning. I welcome Dr Louise Hill, who is policy implementation lead at the centre for excellence for looked after children in Scotland—CELCIS—and Mark Willis, who is a welfare rights

worker for early years with the Child Poverty Action Group in Scotland.

We are at the development stage of the regulations for the best start grant. Are there big gaps in what is currently being proposed?

Dr Louise Hill (Centre for Excellence for Looked After Children in Scotland): Thank you very much for the opportunity to meet the committee today to discuss this issue. We welcome the best start grant and in particular the financial increases, which are very substantial, particularly for our early years children and pre-school children. We think that the grant is a great development. We also recognise and value the shift—as the previous panel members said—towards a new kind of social security system for Scotland that is value based and rights based, with an emphasis on trust and dignity at its heart. We welcome that approach.

We have been very impressed by the social security team in the civil service and by their engagement with this issue. I participated in a consultation event last week, which was incredibly well attended by all kinds of different groups. There was good representation from the third sector and from health groups in particular. What felt different about the event was that it was a genuine dialogue about some of the challenges that we might face. The team wanted to hear about solutions, so there was some positive energy in the room and there was an openness to listen to the solutions.

On the question of gaps in the proposed regulations, I can go into this in greater depth, but there is a specific issue to do with looked-after children and young people. In the illustrative regulations, as you may be aware, looked-after children are excluded. I do not think that that was the intention as part of the development of the regulations. Perhaps it is helpful that they are only illustrative regulations at this stage, because it is recognised that a sizeable number of looked-after children live at home. In the last year, 768 children under five were being looked after at home with their birth parents. We also have a significant number of children who are looked after in kinship care in Scotland—about 28 per cent of all our looked-after children, which comes to just over 4,000 children at the moment.

We need to recognise that looked-after children could be in need of additional support, partly because we know that children who grow up in kinship care live in some of our poorest communities in Scotland. The analysis of the last census data clearly shows us that. It often involves an older group of kinship carers, who are disproportionately affected by disability and ill health. There are many factors to take into account for that group.

I can talk in great depth about the kinship care issue, but the other area that I would particularly like to talk about is an assumption of entitlement for care leavers. We can make particular links with the Scottish care leavers covenant and the emphasis that we should place as corporate parents on our duties under part 9 of the Children and Young People (Scotland) Act 2014. We should be doing everything that we can to ensure that all our care leavers access all the right kinds of support services—and that includes our social security system. It is important to know that care leavers are disproportionately high users of social security; they are overrepresented in the system. That is another area that I would be keen to talk about.

Mark Willis (Child Poverty Action Group in Scotland): Thank you for inviting us. We welcome the best start grant as a positive step in tackling poverty and supporting families with young children. Compared with the sure start maternity grant, we see it as a clear improvement in that the amounts have increased and payments are allowed for subsequent children, which will make a big difference to families.

Some of the gaps in coverage, such as they are, have been mentioned already. The gaps will perhaps emerge as a result of the changing context of social security, because if you make the starting point the receipt of any child tax credit, that pretty much captures all low-income families.

If we move to using universal credit as a qualifying benefit, the best you can say is that it is good that there is not an income threshold, but there are differences in the way in which universal credit treats unearned income in particular. That will mean that, in some cases, individuals or families who would have got child tax credit will not get universal credit, so as universal credit is introduced, some low-income families will miss out. Is it easy to identify or capture those families? It might not be that simple, but that is what we would see as a gap.

There are also the points that have been mentioned to do with kinship care, and there are some questions about habitual residence and about young people.

The Convener: Thank you very much.

Jeremy Balfour: This question is for Dr Hill and is about kinship arrangements. My understanding was that kinship carers get a payment if they enter into a formal agreement. Perhaps you could comment on that. If that is right, should that formal agreement be standardised across Scotland so that it is not decided by each local authority or each agency and there is no difference if you move around the country?

Secondly, those who are fostering children are not entitled to this grant—they seem to be excluded. Do you think that they should be included? Obviously, adoptive parents are fine because of their legal position.

Dr Hill: Yes, they have those responsibilities.

Jeremy Balfour: I am interested in people who foster and also issues to do with kinship care. I have one other question that I will come back to in a moment.

Dr Hill: Thank you—it is a good question. It may be helpful to say a little about kinship care in Scotland at the moment. It is quite useful to consider that we have three broad groups of children who live in a kinship care arrangement. We have one group of children—just over 4,000 children, as I said earlier—who are formally looked-after children. As the regulations stand, that group of children will not be eligible for the best start grant.

We also have a group of children who are not looked-after children. Children who come under an order under section 11 of the Children (Scotland) Act 1995, which was considered a kinship care order in the 2014 act, are not looked-after children but they will be eligible for the grant. If children in that group of are deemed to be at risk of becoming looked after or were previously looked-after children, the local authority will provide an allowance to that family based on an assessment, so not all families who have a kinship care order get the allowance from a local authority. It can be quite a confusing field.

We also have a much bigger group of kinship carers—around 12,000 in the last census figures—who are our informal kinship carers. Social work services might have no knowledge of those arrangements. We consider those to be private family arrangements.

Relatively little research has been conducted in Scotland on kinship care, but it is interesting from a research point of view that the UK evidence base and the international studies show that the adversities that children from those different groups face mean that they have very similar backgrounds whether they end up in formal or informal kinship care. Those factors include experience of living with parents who have serious drug and alcohol problems or mental health difficulties.

Disproportionately represented is a group that Clare Simpson mentioned earlier, which is parents with learning disabilities, whose children might be in informal kinship care, living with a grandparent, for example. Bereavement is also a factor. There are three quite distinct groups of children, but if we just talked to the children themselves and did our

work with them, we would find that they have pretty similar backgrounds and support needs.

10:00

As it stands, looked-after children will be excluded. Children on a kinship care order are included. Children who are in informal kinship care will be included and will be able to have the best start grant if they have a court order. As I said in my submission, getting a court order and a transfer of parental rights and responsibilities is pretty difficult and challenging for many families.

Provision was made in the 2014 act to try to alleviate that. There is a provision for legal support from a local authority in certain circumstances—there are certain eligibility criteria—to help someone get an order. However, it is more about the cultural factors and the barriers that families face. For example, many grandparents do not want to take their children to court to get a transfer of parental rights and responsibilities. Often, although they are entitled to child benefit, the family dynamics can be so fraught that going through the process to get child benefit transferred can be difficult. That transfer often does not happen, which can be a challenge in respect of getting the qualifying benefit. Getting the order is a long, difficult process, and all sorts of other factors come into play.

Jeremy Balfour: You have highlighted the issues. The question that the committee has is, what is the solution?

Dr Hill: Test 2, as presented, would present a greater opportunity to reach some of those informal kinship carers. We strongly advocate test 2, with the acknowledgement that, as Mark Willis said, as the system evolves, we will realise which groups of children we are not able to reach.

The question whether children in foster care should be eligible for the best start grant is an interesting one to discuss in much greater depth with the foster care agencies and support networks. I do not know what the views of foster carers are and I would be interested to hear them.

I want to make a final point on the eligibility issues and why we welcome the best start grant. For kinship care in particular, we have to recognise that the likelihood is that children will not be accessed at maternity stage, so we have to make a concerted effort for them in the early years and in pre-school. Those children are likely to have moved into informal or formal kinship care or fostering at that stage. A fairly small number will be intended to move at birth.

The Convener: You have laid out very well the complexities of kinship care and the reasons why families do not want to go down formal routes and

all the rest of it. We will never know the extent of all informal kinship arrangements, but is it reasonable to say that there are kinship care arrangements known to a local authority where there is no formalisation in place?

Dr Hill: That will vary across local authority areas. There will be such arrangements. There can be a provision of support and there will potentially be some contact about the needs of a child. The best start grant is specifically focused on the early years and under-fives. We know that some of the challenges for kinship carers do not arise or become more difficult until the children are of primary school age. That is when more challenges arise in family dynamics, so that might be when families contact social work, too. We need to be mindful of that.

Jeremy Balfour: On informal kinship agreements, the person who got the first payment will still get the second and third payments, so the payments will not go to the grandparents or to whoever is looking after the children. The money will still go from the pot to an individual, but it will go to the wrong individual. Is that what you are saying?

Dr Hill: If the parent retains the parental rights and responsibilities, they will get the payment. However, the system is not automated, and my understanding is that they will have to apply for it. You could argue that it would be unlikely that they would apply if they no longer had care of the child.

Pauline McNeill: I ask Dr Hill to clarify a matter for me. She mentioned a scenario in which, following a bereavement, for example, the court decides that the grandparents should be given parental responsibility and that the children will reside with them. Will they be eligible for the payment?

Dr Hill: Yes, they will be eligible, because they will have parental rights and responsibilities, which they will demonstrate through the court order.

Ruth Maguire: I want to ask about young parents, an issue on which we have received written evidence and which you both mentioned in your opening statements. Intuitively, it would seem silly not to give the parents of children who are responsible for bringing them up the support that we would give to older parents. Will you flesh out why that is important?

Mark Willis: In the draft regulations, 16 and 17-year-olds are automatically entitled to claim in their own right. I think that the intention is that, with a mother under 16, someone else will always be the appointee. It is complicated when it comes to 18 and 19-year-olds. They have options. They could start claiming universal credit in their own right when they are responsible for a child; they will be eligible. However, in some cases, they could be,

as a household, worse off doing that rather than staying as part of the baby's grandmother's claim. There will also be issues if they are in education and so on—there could be differences in supporting them to stay in education and how student income is treated for universal credit. In some cases, that 18 or 19-year-old will have to rely on the grandmother to make the claim for them and to give them the money, which does not seem an ideal way to support the young parent to be the responsible one for the child.

As has been suggested, a way around that would be to say that under-20s are automatically eligible regardless of income. Realistically, how many 18 and 19-year-olds would not be eligible anyway, either through their parents or by claiming the benefits in their own right? It is unlikely that an 18 or 19-year-old with a baby would not be eligible. Again, you could put in a rule that their partner, if they had one, would also have to be under 20. It is unlikely that they would have some huge income that would prevent them from being eligible anyway, so automatic eligibility would be a simplification of the system or a shortcut. As I said, there is nothing special or significant about the age 18 in terms of the benefit rules.

Ruth Maguire: I suppose that we would not want to make sweeping generalisations about 18 or 19-year-olds, because there may be people of that age who are working and have children, but I take on board your point.

The Convener: The topic of entitlement to student bursaries was mentioned by the previous panel. Should the education maintenance allowance be considered as a possible gateway to the grant?

Mark Willis: Possibly. A young person who is getting EMA is likely to be a dependent young person and therefore part of someone else's claim. Because the EMA is subject to an income threshold, household income is checked, so it would be an effective way of identifying a low-income student.

Dr Hill: I would like to add something about young parents. In the consultation event that I was at, someone who was at the table next to me made a powerful contribution on the challenge for some young people who experience a lot of adversity, who move around a lot and who may have very complicated relationships with their parents. She was very concerned about whether, if the payment went to gran, that money would ever be passed on for the grandchild and about that being a factor in their relationship. She gave lots of examples of young women who had basically been asked to leave the family home as a result of their pregnancy. That does not necessarily mean that they will stop claiming child benefit. I was struck by the complexity of the issue

and the fact that, in some ways, that is exactly the group of new young parents whom we absolutely want to support to stop the risk of children growing up in poverty. We need to be mindful of that group.

Ruth Maguire: Do you have a view on how that problem should be solved? Should everybody under 20 be automatically eligible?

Dr Hill: I agree that that seems to be a simpler system. I am heartened by the communication strategy around the social security agency, for example, but there should be recognition of the local presence and, in particular, awareness of issues that young people—particularly care leavers—face. Care leavers are a whole different group in respect of their relationships with their parents. Quite a significant proportion of looked-after children and young people return to their biological family home, and they might go on to have children themselves. Again, there are complicated relationships there but, in respect of the local presence, there should be specific support for the under-20s that is tailored to that group and a recognition of the complexity of their lives and how money can be used to help them to navigate some of that.

Ruth Maguire: Thank you. That is helpful.

Ben Macpherson: I have questions about the qualifying benefits. Mr Willis, your submission says that CPAG believes that maternity allowance should be added as a qualifying benefit where the claimant does not have a partner. Could you elaborate on that?

Mark Willis: As we have said, maternity allowance is not means tested. I understand that there are difficulties with adding it as a qualifying benefit, but the basic criterion is that a person has not worked long enough for the same employer or earned enough to get statutory maternity pay. Therefore, it is paid to women in the maternity period for just 39 weeks. The most that can be paid out is around £145 a week, which works out as just slightly more than the amount for one person and a child under universal credit. Basically, if the person had a partner and was on a low income, they would get universal credit anyway if maternity allowance was their only income. If maternity allowance is included, I suppose that we would want to add something to exclude people who have a partner with a high income.

Ben Macpherson: So you are cognisant of the point about it not being means tested, which could mean that people with higher incomes—

Mark Willis: Exactly. It is not perfect. It could open the door to some women who have changed jobs or are self-employed and who have a relatively high income, but the greater concern involves women who previously would have been

eligible. If their only income was maternity allowance, they would get child tax credit in full, as maternity allowance is ignored for child tax credit, but they would not get universal credit, as it counts as income in full.

Ben Macpherson: It is a matter of bridging a flaw in universal credit.

Mark Willis: You could look at it like that. Essentially, it is about identifying a gap in which low-income parents will not be eligible for the best start grant and whether there is any way to identify them. We could even look at council tax reduction as another way of identifying that group. That would help if they were liable to pay council tax, which would mean that they live on their own. Again, that would not capture women who are still at home in a wider family, for example, or students, as they are not liable to pay council tax anyway.

Maternity allowance could be added with the proviso of, as Ros Bragg said, having something in guidance about exceptional circumstances. However, we do not want to add another income test that somebody has to carry out to qualify for the best start grant. Therefore, for simplicity, maternity allowance would be one way of identifying the group that we are talking about if it was their only income and they did not have a partner.

10:15

Ben Macpherson: With the caveats that you suggest.

Mark Willis: Yes, but the numbers are small. As we say, 700 to 1,000 people in Scotland each year claim maternity allowance. The majority of them will, if they are liable for rent, be eligible via universal credit anyway. If they have a partner and are on a low income, they will also be eligible via universal credit. We are talking about a small group within a group. Because the allowance is paid in the main to people who are in insecure, low-paid work, most of the people in that group will be on a low income. However, I acknowledge that there could be some on higher incomes.

Ben Macpherson: Would either of you like to comment on any other aspects of universal credit's relationship with the best start grant, particularly in relation to how the earnings fluctuations would be treated?

Mark Willis: Yes. There is a slight issue with the phraseology. There is a suggestion in the consultation paper that a qualifying payment of universal credit should be

"an award of more than £0 in the month".

I understand why it has been phrased in that way—because of fluctuating earnings, for instance—but it would be simpler to say that being entitled to universal credit is a qualifying criterion. The concern that I have is that it is possible that someone could be sanctioned and end up with £0 even though they are still technically entitled to universal credit.

It depends on how the systems talk to each other and what can be seen. In each monthly assessment period for universal credit, if a claimant's income is too high and the amount is £0, they are technically not entitled to universal credit and have to start a new claim the following month. If that is easy to detect from the systems, that would be one way of addressing the fluctuation. However, another way would be to say that people would qualify for the best start grant if they were entitled to universal credit in the current or previous assessment period, or even the one before that. We could go back three months. The healthy start grant and free school meals entitlement in England consider universal credit over three assessment periods.

Ben Macpherson: Is that suggestion designed to create security in case there is a sanction?

Mark Willis: The concern about sanctions would be addressed by the phrasing that is used. If somebody is sanctioned, they are still entitled to universal credit so, if the regulations used the phrase "entitled to universal credit", that would be okay.

If you want to deal with fluctuating earnings—for example, people who have two pay packets in one monthly assessment period, which can take them off universal credit for that month—you could have a system that looks back at the previous month as well. You could even go back one before that. As long as they were entitled in that month, that would capture the people who miss out because of one month's earnings being too high. If the social security agency had built-in advice that somebody could claim again the next month, that would be another way of capturing them, as long as a person was still within the time period for claiming. There are ways to deal with how fluctuating earnings affect universal credit.

Dr Hill: This is a slightly different angle, but the roll-out of universal credit presents some particular challenges for looked-after children and young people and for their carers because it is conceptualised much more under the English system. Kinship carers in England are assessed along similar lines to, and are considered equivalent to, foster carers, so looked-after children are excluded. That creates a challenge for the child element of whether kinship carers could access universal credit in Scotland. It is a bit messy. The CPAG has reflected on that challenge

and has done good work on it. If the child element is a passporting benefit to get the best start grant, that will present more challenges for looked-after children in kinship care.

Alison Johnstone: What is the awareness of the best start grant—currently the sure start grant—among professionals and claimants? Is it as good as it needs to be? Do we need to do more to increase awareness that it exists?

Dr Hill: The research shows low awareness among some groups, particularly care leavers. That is why the local presence of the social security agency is critical for general entitlement to benefits. Some young people face many additional barriers to access to anything with a formal process. A concerted effort is needed to ensure that our young people and young adults can access those benefits. Particular groups have low take-up and we need to learn from what happened with the sure start maternity grant. Mark Willis may have more reflections on that issue.

Mark Willis: The awareness among health professionals is good with regard to being part of the support in pregnancy and following on from the healthy start. A lot of work has been done about their awareness, but even so, there are issues with take-up among working families, which is different from the healthy start in that respect. If a person gets any tax credits, they can still get the sure start maternity grant, but people often misunderstand and think that, if they get working tax credit, they are not eligible. If they have a child, they will get child tax credit and they are eligible. I am pretty sure, having looked at some of the statistics, that the numbers who get the sure start maternity grant who are in work are lower than we would expect. From training and our advice line, we know that people do not realise that if they are in work and get tax credits, they could get a sure start maternity grant. That is a current problem.

Moving forward, in most cases, universal credit will be what is looked at. The message may be simpler—anyone getting universal credit will be eligible for the best start grant—and that may avoid confusion between child tax credit and working tax credit.

Alison Johnstone: However, there is certainly work to be done.

Mark Willis: Yes.

Alison Johnstone: What are your views on the cut-off points for claiming the three elements of the best start grant? The draft regulations propose a longer period in which those three elements can be claimed.

Mark Willis: Again, those are new, and the nursery and school payments seem like a good idea. I understand that it makes sense to link them

to those stages in a child's life. Generally speaking, with any claims, people can miss out if there is a limited window. The nursery window is 18 months and I think that there is about a year for the school claim, which seems quite a good opportunity for low-income families to get advice, to hear about it and to make the application. My only concern about the application windows concerns a situation in which, at the time of the claim, a person is not getting a qualifying benefit, but that has gone to appeal, which can take months to get sorted out, and the appeal is successful and the benefit is eventually paid and backdated for that period. In that case, will there be a way to make sure that the person in that situation gets the best start grant payments?

Alison Johnstone: Although you appreciate the longer window, there still needs to be an element of flexibility for individual circumstances.

Mark Willis: Yes—some safeguarding.

Dr Hill: I agree with Mark Willis. The extension of the window from what it was for the sure start grant is welcome, particularly in relation to the complexities for kinship carers. The longer the window, the better. The people we are dealing with face so many things and so many factors, and looking after young children is so hard for them on so many levels.

The extension of the window is a really positive thing. The timescales that are suggested for the redress are fairly short, according to the papers that are being consulted on. We think that it might be wiser to extend the period so that, if someone is not happy with a decision, there is a longer period. It is quite a short period at the moment—I think that it is 15 working days. It feels like quite a quick turnaround for expecting people to respond, particularly given what is going on in their lives.

Jeremy Balfour: There is an interesting point here regarding people with multiple children. I do not know whether you have looked into this. There is a multiple birth supplement, but people do not get a multiple supplement for the other two payments, as far as I can see. Have I read that correctly? If so, do you think that that needs to be looked at when the new regulations are produced?

Mark Willis: I was having a look at that point. It had not struck me as being an issue, to be honest. The issue is with the birth payment, which is essentially £600 for the first child and £300 for subsequent children, but there is an extra multiple payment for a multiple birth. The nursery and school payments, however, will always be £250 per child, as I understand it, so even in the case of a multiple birth, it will be per child.

Another point is that families with multiple births have extra needs. The matter could perhaps be

given some consideration, although it had not struck me before.

Dr Hill: There is a question whether there is already a child in the family and how that is considered. I was thinking about that in cases of adoption, in particular, where a family already has one child, along with the parental rights and responsibilities; then, if more children come into the family, what might that mean? Would there be a lower payment for it being a subsequent child? It would feel unfair if they then took on the care, under a kinship care arrangement, of a nephew, say, and they got the lower payment, because they already had one child. When I was reading through the regulations I felt that there were still some things that could be worked out around that.

Mark Willis: A change has recently been made to the sure start maternity grant. On the question whether there is another child in the household, a child who is not a birth child of the applicant is ignored for that purpose.

Dr Hill: That could resolve the issue, if we did something similar here.

Mark Willis: That would need to be added in, yes.

The Convener: I have a final question, on something that was mentioned by the first panel and which is of personal concern for me. It is to do with the situation of asylum seekers. The ethos behind the grant is the desire to reduce child poverty and to ensure that children have the best possible start when they are born, when they go to nursery and when they enter school. There is a suggestion that that might fall foul of the Home Office's rules regarding financial support for asylum seekers. Have you had any experience of that, or do you have any thoughts about people in that circumstance?

Mark Willis: As I understand it, I think that people receive a payment of £300 when they have a new baby, under the Home Office asylum support regime, which is obviously a reserved matter. The question is whether that would be payable to people who are in receipt of asylum support as one of the qualifying benefits. For free school meals, for example, asylum support from the Home Office is listed as a qualifying benefit. If there was a way for that to be done, we would support it, because that group of people is at particularly high risk of poverty.

More widely, as was mentioned earlier regarding people who have no recourse to public funds, because the maternity grant is currently listed as a public fund, I was expecting that that support would be listed as a public fund, too. Again, that would be a reserved exclusion. I would welcome any way to negotiate about that, because

that concerns another group in poverty that would need the support.

10:30

Dr Hill: I share those thoughts. If we end up with groups that slip through the net of our new social security system, that will be a concern in terms of addressing child poverty in Scotland.

I have a question that might be for Mark Willis. If we could see the child as autonomous, could they be eligible as a child who is "in need" under section 22 of the Children (Scotland) Act 1995? The support would then be provided to them by the local authority—it would have a duty to do so—and would not be from a public fund. Section 22 is not used very often, but I wonder whether it could be.

Pauline McNeill: Can I further complicate that?

Dr Hill: Sure.

Pauline McNeill: If we did that, the situation might be a bit uneven. We identified with the previous panel that some EU nationals might not qualify because of the politics of the EU—you might remember that we ended up with the agreement that a person would have to have been in the UK for a certain length of time before they would qualify for benefits. If we solved the asylum seeker question by saying that a benefit would be a qualifying benefit—by looking at the child—there might be EU nationals who have not been here for four or five years who would not qualify.

Dr Hill: I do not want to contradict that, but if we were to use the argument that we have a duty of care for the welfare of the child regardless of the parents' legal status in the country, the argument could be used for EU nationals, as well. I am just not sure whether we are allowed to use that argument, legally. If a child is destitute—if the parents relinquished the child to a social work office and said that they were unable to care for the child—that child would become a looked-after child and would have all the support that they should have. That is obviously not remotely a scenario that we want to see, but I am trying to think through scenarios to do with the duty of care and a child being in need, which would mean that one-off financial payments could be made to those families. Might that work?

Mark Willis: That would work for social work support, but there would be difficulty with regard to applying for a best start grant.

I will go back to the point about European nationals, which is a slight concern because the phrase that is used is "habitually resident in Scotland". We need clarification about what that means and entails. There is also the qualifying-benefit requirement; plenty of European nationals

get a qualifying benefit and I think that the idea is that they are accepted as being habitually resident in Scotland. I want to flag up that there are a lot of cases in which there are issues about how the DWP and Her Majesty's Revenue and Customs apply that test to European nationals, who often need advice in order to challenge it. There could be a role for advice to check or challenge decisions if someone does not get the best start grant because they do not get a qualifying benefit—particularly if European nationals are affected by the habitual residency issue.

The Convener: That is the end of our questions. The panel has given us plenty of food for thought and things to follow up on. Thank you very much for your attendance this morning.

10:33

Meeting continued in private until 10:53.

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