

**Scottish Women's Convention response to:**  
**The Scottish Government:**  
**"Consultation on the Best Start Grant Regulations"**

**June 2018**

**The Consultation**

Following the passage of the Scotland Act 2016 and the subsequent devolution of new social security powers to Scotland, the Scottish Government has released a number of calls for views regarding the regulations regarding the new Social Security (Scotland) Bill.

Once devolved, one particular type of assistance will take the form of the newly created Best Start Grant (BSG) which will replace the current Sure Start Maternity Grant (SSMG) and will be one of the first claims to be rolled out across Scotland.

The BSG will provide qualifying families with £600 on the birth of their first child and £300 on the birth of every subsequent one. The support is geared towards a different focus at different times in early years, giving children the best start in life. At present, SSMG is a one-off payment of £500, only allowed for the first child within a household and has seen no increase in value for a number of years despite the rising cost of living.

Qualifying families under the new system will further receive two "staggered" payments of £250 around the time the child starts nursery, and a further £250 when starting primary school. For a single mother with two children, the BSG will provide £1900 of support over the period of their early years, compared to £500 that is currently available from the UK Government.

The policy objectives of the BSG cash payments are to improve children's wellbeing and life chances, providing support to lower income families at key transition points in early years. The Consultation on BSG Regulations seeks to ensure the draft regulations meet these objectives

**The Scottish Women's Convention (SWC)**

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. The SWC uses the views of women to respond to a variety of Parliamentary, Governmental and organisational consultation papers at both a Scottish and UK level.

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events, Thematic Conferences and regional contact groups. This submission provides the views of women and reflects their opinions and experiences in a number of key areas relevant to social security.

We have proposed that applicants must be habitually resident in Scotland to qualify. Do you agree with this approach?

Upon consultation with women around the new social security powers being devolved to Scotland, many felt that the current habitual residence test used by the DWP was satisfactory. However, others had significant concerns that it was restrictive, unfair and hard to reconcile with the principles of the new system.

It is undoubtable that some form of procedure is in place to identify Scotland as the residence. There should, however, be clear links with the UK Government and the DWP when sharing data to ensure some individuals do not fall through the gaps.

Additionally, staff at the new social security agency should have a clear cut objective to determine and assess cases on an individual and subjective basis. This should include equality data pertaining to gender, particularly around the likes of the BSG.

As tests for status will most likely consider women for whom English is not their primary language, overtures should be in place for this. This should be done with utmost dignity and not seen as a way of testing people in order to “catch them out”. Those who will be subject to these tests should be informed in a timely manner of the outcome and given advice on contacts from independent agencies and advice services who can help given the complexity of the test.

There are two alternative responsibility tests set out:

1) Receipt of child benefit and, where relevant, a care order or

2) A test based on receipt of either UC or Child Tax Credit, or Child Benefit  
Which is preferable?

It is of the utmost importance that there are a variety of ways in which to claim all manners of social security. However, given the focus this particular piece has on children and emphasising the best start possible in life, extra focus through which individuals may receive payment in extenuating circumstances would be helpful.

Any proposals reflected in determining eligibility should be in line with these principles in accordance with Article 22 of the UN’s Universal Declaration of Human Rights. In order to relieve the stigma surrounding assistance, this approach is necessary. At present, social security is perceived as a negative instrument that should act as a disincentive by ensuring those entitled to it are only allowed nothing or the very minimum in order to survive.

Whilst Test 1 is that which is currently in place by the DWP to assess eligibility for the SSMG, given the often confusing and disjointed way in which claims are processed at present, other options should also be explored.

Consultation with women has produced a number of ways in which eligibility could be assessed. Giving a possible tiered approach where if one cannot meet the required child benefit test such as is laid out here is seen as a positive step forward.

Families whose household income is at or below the Living Wage rate. Many women who are in employment do not qualify for certain benefits are struggling to make ends meet. Too

often they feel like they are forgotten about. There is a perception that they are “*poor but not poor enough*”, which can mean they are afforded fewer opportunities to access any type of social security support. Paying the Best Start Grant to those whose incomes are at or below the Living Wage demonstrates a commitment to ensuring that more children are not disadvantaged. Allowing those in work for instance to provide proof through wage slips could also be added to the criteria.

As the second test contains scope for both child benefit and child tax credit, women have noted that this may be the best approach. Given that child benefit does not necessarily have to be received by the female in the household, allowing only this as a test may leave vulnerable women open to abuse and financial hardship.

Additionally, the latter test proscribes additional information is not needed unless there are no claims for social security this has the added advantage of reaching other carers who may not be able to otherwise be approved.

**[We have proposed that qualification by UC should be an award of more than £0 in the month before or the month in which the application is made. Do you agree?](#)**

Women have spoken positively that people do not need to wait until they are in receipt of child tax credit after a child is born in order to show eligibility. Whilst it is positive that this form will be spread out over 2 months in terms of Universal Credit qualification rather than the current one month set out by the DWP, there are some concerns.

Ongoing welfare reforms have seen children who in households that are in receipt of social security are at a distinct advantage, including the introduction of Universal Credit and the failure of the system. A main concern with regards to this is primarily focused on Universal Credit which remains reserved with only certain powers extended within the Scottish Government’s remit. Given the continuous changes with this system, it would be useful if this was looked at in regards to devolved social security.

The ongoing confusion surrounding Universal Credit and the changes in payments from month to month have left women at a severe disadvantage. This, in turn, has an effect when applying for the likes of the BSG. Given the detriment that this welfare reform has had on women disproportionate to men, other eligibility criteria should be looked at on a subjective basis if there award is £0.

If the qualification of over £0 is kept, it is crucial that there are other ways that people may claim. Given that the BSG is to be a key marker in alleviating child poverty, it must be communicated that when application is made it will only be taken if this criteria is met.

**[Do you think that the draft regulations are likely to meet the policy intent set out in this document?](#)**

Women have spoken in a positive light about the Scottish Government’s approach to the Best Start Grant, particularly with regard to payments at different times throughout the early years.

The fact that the SG is solely responsible for Scotland means it is more adept to acknowledging the localised and unique structures of the Scottish economy and

communities and can thus adapt better in periods of uncertainty such as high unemployment, for example. Taking this into account, regulations should allow scope for higher levels of payments in terms of severe inflation for instance in order to offset some of the causes of child poverty. The current SSMG has seen no rise in level of payment since it was first rolled out.

### Can you identify any gaps in regulations?

Given that the BSG will provide £1900 of support over the early year's period, compared to the £500 that is currently available from the UK Government and that lone parent, low-income households are overwhelmingly women this is a positive step forward for provision of some assurance against inequality.

There were, however, gaps identified by women:

Accountability should be included in legislation including around informing applicants of their rights if a request is turned down.

It is also important that regulations hold a requirement to keep up with inflationary methods.

Emphasis should be placed on the human right to social security as outlined in the Social Security Charter. This not only lessens current stigma around claimants, but may go some way to alleviating the discriminatory effect that being from lower income households has on children.

### We have proposed that requests for a BSG redetermination should be made within 31 calendar days of receipt of notification of the original determination. Do you think this is an acceptable time period?

Redeterminations have been seen as a much more positive approach than the current mandatory reconsideration in that it goes back and determines all aspects, not just those being challenged.

Women have suggested the use of a steps-based system for complaints, which would be an effective, clear process for both workers and claimants. Frequent communication with complainants regarding outlining at which stage in the process their complaint is at would be welcomed.

At present, many women feel that staff are often trying to "trip them up" and may feel disempowered in requesting a redetermination. In line with this, all redetermination and appeals processes should adequately reflect the principles identified within the charter set out within the proposed Social Security (Scotland) Bill. Standard procedures and guidelines in place for accessibility to the likes of independent advice should be communicated clearly through staff in a way that allow individuals to properly enforce their rights.

### We have proposed that a BSG redetermination should be processed within 15 working days of receipt of a request/ Do you think that this is an acceptable time period?

Yes. However, in event of delays women should be made aware and the reason for this given. Within the time frame, any additional evidence that may further the request should be allowed to be accepted.

#### [Are you aware of any equality impacts we have not identified?](#)

Carrying out a number of assessments in terms of equality whilst trying to make the BSG as accessible as possible is welcomed. Analysis of other groups such as care leavers that do not fall under the remit of the Equality Act is seen as an extremely positive step forward.

It is, however, essential that all groups and service users continue to be consulted at every point of take up to ensure the utmost effectiveness of this highly important point of social security. This should include case studies analysing uptake and emphasis of coherent qualitative data that not only identifies merits but also potential challenges of the system. For instance, this could also possibly include scope for annual reports such as that within the Child Poverty (Scotland) Bill recently passed in terms of how this grant is helping with early year's formation.

In connection with this, it is essential that Ministers and decision makers recognise the inequalities faced by women on a daily basis and how key this particular form of social security can be to their family's lives. Gender based violence is still a pivotal problem in many households and many women may feel unable to come forward.

Whilst it is positive that the equality impact lays provision for raising awareness amongst Agency staff to spot signs of domestic abuse, this should also include provision to be seen by female agency staff if so desired and signposting to relevant organisations.

Given the severe financial hardship faced by women, agency staff should also be aware to give advice about other available funds such as the Local Authority community care grant to ensure there is a joined up approach for mothers facing pressure if they have not been made aware of it.

Additionally, the Scottish Government should consider developing a list of special circumstances in which additional payments could be made to families who encounter situations which require further financial support

#### [Are you aware of any impacts on children's rights and wellbeing which are not identified here?](#)

In order to ensure that BSG is promoted to all who are eligible to receive it, it is vital that midwives, maternity hospitals and health visitors are given specific training and information about the benefit. They have the most direct access to pregnant women and new mothers and are, therefore, the most appropriate way in which to inform women about their entitlement.

In putting forth such legislation, Ministers should note the positive effect that these payments will have on the child's physical as well as mental health and development. Publicity surrounding the BSG should emphasise the child's right to the best start to ensure maximum take up.

### Conclusion

The SWC welcomes the opportunity to comment and have women's voices heard in relation to the devolution of further social security powers to Scotland. Having women who participate in the system for assistance is pivotal to ensure regulatory frameworks follow human rights based approach for those who it is set out to protect. All legislative instruments must underscore a commitment to gender equality with adequate staffing and resources in place that are workable and adaptive to women and children who need it most.

For further information, please contact

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