



Dear Dr Sally Witcher OBE,

Carers Trust Scotland would like to thank the Scottish Commission on Social Security for providing us with the opportunity to provide views as part of the scrutiny of the draft Suspension of Assistance (Disability Assistance for Children and Young People) (Scottish Child Payment) (Scotland) Regulations 2021.

We are generally supportive of the draft regulations and believe in principle that they will provide additional protections from risks of financial abuse either by an appointee or by someone who is able to coercively control an individual's finances. We also agree that the draft regulations could help mitigate potential risk of an individual's entitlement to assistance terminating as a result of a failure to provide information to Social Security Scotland and believe that the opportunity to engage with the client or appointee in these circumstances is essential. We think that the draft regulations provide added safety measures against the risk of overpayment if circumstances change, but an individual has not engaged with Social Security Scotland as part of a review of their entitlement.

We co-signed a letter to the Cabinet Secretary for Social Security and Older People on 25 June 2020 advising that we supported Scottish Ministers to suspend assistance where an individual has failed to provide information that is material to a determination of entitlement. But we were not supportive of Ministers immediately ending an individual's entitlement to assistance if an individual fails to provide information. In this letter we also noted our support to suspend assistance to protect individuals from the risk of financial abuse. However, we continue to support that suspension of assistance for failure to provide information should only be used as a last resort, where all other routes to engage with the individual have been exhausted. Social Security Scotland must only exercise the power to suspend assistance in rare circumstances where an appointee is no longer able or suitable to act on behalf of an individual. We believe these draft regulations overall address these issues highlighted in the letter.

When Social Security Scotland engages with individuals around suspension and providing information, it is essential that communications are inclusive and meet the needs of the individual. It is paramount that when requesting information from individuals or considering potential suspension of assistance that they are treated in line with the principles of Social Security Scotland - with dignity, fairness, and respect.

Sensitivity is vital in any suspension of assistance. We would be keen to know more about how Social Security Scotland proposes to verify the accuracy and truth of information that potentially leads to the suspension of assistance in circumstances where the individual hasn't requested suspension?

*"Having made a decision to suspend an individual's Child Disability Payment, the Scottish Ministers must inform the individual of—  
c) any steps which might be taken by the individual in order for the Scottish Ministers to consider ending the suspension,"*

It is important for individuals to understand the approach for deciding when a suspension is appropriate and what actions they can take, and this information should be easily available and widely accessible. This should also highlight what support or advocacy may be available to individuals who may be experiencing suspension of assistance and as part of the right to review suspension. Consistency in the approach is crucial to ensure individuals are not unfairly disadvantaged and these draft regulations are successful if implemented.

In situations where assistance is suspended because financial abuse is identified, we are keen to understand what further safeguards Social Security Scotland will introduce to ensure the individual receives the appropriate support when payments are resumed.

In many situations the appointee may also be the individual's unpaid carer. If the appointee is no longer able to undertake this role, for example in cases where the appointee dies, then we would recommend for a new appointee to be identified as soon as is practical to avoid any unnecessary or prolonged suspensions of assistance. Suspensions of assistance should only be for the shortest amount of time possible and no longer than absolutely necessary.

Unpaid carers may be directly and financially impacted with the suspension of Child Disability Payment. Many unpaid carers may be receiving Carer's Allowance where their eligibility is dependent on their cared for person receiving the required benefit. If their cared for person's benefit is suspended, then this will also suspend the unpaid carer's Carer's Allowance entitlement. Unpaid carers make an immense contribution to their cared for person and to Scotland and they must also be treated with dignity, fairness and respect. This is why we urge that any required suspensions to assistance is for the minimal possible time, as it can also have a detrimental impact to the unpaid carer. We would highlight that these circumstances are fully considered and also addressed through the development of Scottish Carer's Assistance.

Kind regards,

Paul Traynor  
Head of External Affairs, Carers Trust Scotland