



**One Parent
Families Scotland**
changing lives, challenging poverty



**Early Years Assistance
Consultation on Best Start Grant Regulations**

One Parent Families Scotland Submission

June 2018

One Parent Families Scotland

OPFS is Scotland's national single parent organisation. We provide expert information, advice & family support, along with training activities, employability programmes & flexible childcare, tailored to the needs of single parent families.

OPFS model of transformational change has co-production at its centre through the active involvement of single parents as volunteers, peer mentors and as members of the board.

Our approach enables single parents, the majority of whom are women, to build their self-esteem, confidence and skills, increasing parent's access to employment, training and education. OPFS programmes raise participants' aspirations and expectations - giving single parents the confidence and skills to change their lives whilst offering the support to challenge the structural barriers that prevent them from achieving their potential.

Single Parent Families

One quarter of Scottish families are single parent households. The Poverty and Inequality Commission, whose main role is to provide independent advice to Scottish Ministers on reducing poverty and inequality, has highlighted that 37% of all children in Scotland living in poverty live in a single parent family¹ and 94% of these single parents are women.

Furthermore, the most current government statistics show astonishingly that **49% of children in single parent families now live below the poverty line.**² A recent EHRC³ report highlights that by 2021 single parents and their children will lose a fifth of their income due to welfare reform - an average of £5,250 a year. The **predicted increase in the child poverty rate (after housing costs) for children in single parent households to over 62%** will have a devastating impact on the lives and future prospects of so many children.

OPFS is very pleased to submit evidence to the Scottish Government consultation on the Best Start Grant Regulations as we fully recognise the role and value of those benefits and supports the policy objectives of the BSG cash payment which are to:

- improve children's wellbeing and life chances by providing support to lower income families at key transition points in the early years.
- help mitigate the effects of child poverty and material deprivation.
- contribute to improving outcomes for children, including reducing health inequalities and closing the attainment gap.

¹ <https://povertyinequality.scot/wp-content/uploads/2018/02/Child-Poverty-Delivery-Plan-advice-Final-Version-23-February-2018.pdf>

² <https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201617>

³ <https://www.equalityhumanrights.com/sites/default/files/cumulative-impact-assessment-report.pdf> p153

Early Years Assistance

Consultation on Best Start Grant Regulations

Introduction

The Scotland Act 2016 devolved new social security powers to Scotland. One of the powers which has been devolved allows for an equivalent of the Sure Start Maternity Grant (SSMG) to be provided. Scottish Ministers are using this power to create Early Years Assistance as is described in the Social Security (Scotland) Act. This will be delivered in the form of a new benefit called the Best Start Grant (BSG) - three cash payments: the maternity and new baby, nursery and early learning, and school-age grants.

The BSG is split into three payments providing support during key transition periods in a child's early years.

- **Maternity and New Baby Payment** - £600 for a first child and £300 for any subsequent child - will help with expenses in pregnancy or of having a new child, for example a pram or additional heating.
- **Nursery /Early Learning Payment** - £250 - will help with costs during nursery and early learning years to support child development, for example travel costs, changes of clothes for messy play, trips out and toys for home learning.
- **School Payment** - £250 - will help with the costs of preparing for primary school, for example a school bag, educational toys, after school activities such as swimming or football, or helping with the cost of school milk or school trips.

The BSG is due to replace the DWP's Sure Start Maternity Grant (SSMG) from summer 2019. Scottish Government have published the regulations which provide detailed rules relating to the BSG, including eligibility, what assistance is available, the value of the three payments falling within it and when to apply. The document states under proposed eligibility, BSG will reach potentially more than 90% of lone parent households.

OPFS has been very active in contributing to the development of BSG. OPFS has encouraged and supported single parents to become involved in the Social Security Panels set up by Scottish Government whose members have fed into the development of one of the first devolved benefits to be implemented.

We have organised workshops to enable single parents to meet Scottish Government officials to give feedback on their experiences of the UK social security system and their views on a model which has dignity, respect and fairness at the centre. Individual parents tested the design of the BSG form and feedback on the plans for the service to deliver BSG.

OPFS has also been represented by a senior practitioner at meetings of the Scottish Governments 'Best Start Grant Reference Group 'which was established in October 2016. The group has met 6 times to help gather evidence, bring a variety of informed perspectives and provide feedback on proposals. In addition, we have been involved in smaller sub group meetings on specific areas and interests.

OPFS welcomes the opportunity to comment on the consultation on the Best Start Grant (BSG) regulations.⁴ OPFS is very pleased that the BSG is more than a maternity grant, also including two further payments of £250 for eligible families at the points when a child would be likely to start nursery or early learning and school.

OPFS also welcomes:

- increases to the rate of the payment compared to the existing system
- Universal credit is a qualifying benefit for Best Start Grants.
- Housing benefit is a qualifying benefit.
- Mandatory reconsideration is an improvement on DWP re-determinations
- Young pregnant teenagers under 18yrs will be eligible for Best Start Grants.
- The time period window during which parents can make an application for Best Start Grants has been extended.

OPFS Case Studies for Best Start Grant (All details anonymised)

Some examples below illustrate the difference the new Early Years Assistance grants have the potential to contribute:

Louise

Louise is single parent living in Lanarkshire with two children. A boy aged 6 months and a girl aged 2 years old. She became a single parent just after her second child was born following the breakup of her relationship after being subject to domestic abuse. She applied to the Scottish Welfare Fund for a pram and items of clothing. Her application was refused because she would still have had the pram she was given for her first child. However, she hadn't kept the pram as she didn't expect to have a second child - she had planned to leave her partner due to his violent behaviour. She was also not awarded clothing as this is not covered by the social fund.

OPFS obtained a pram through a charitable application and she was given clothing from donations to our organisation. We also obtained items through the Baby Bank. The single parent said she felt embarrassed and degraded having to rely on charity. If Louise had her child after the start of the new Best Start Scheme she would have been given £300 to support her costs and would also have qualified for the "Baby Box" which has essential items of clothing.

⁴ <https://consult.gov.scot/social-security/best-start-grant/>

Marie

Marie is a Kinship Carer Single Parent, living in Glasgow's east end, who took on the care of her great-grandson at short notice. She was already the carer for her granddaughter and grandson. There was only 6 months between the two boys. She was subject to the benefit cap and had no surplus income to obtain essential items. She applied for a car seat and double pram to the Scottish Welfare Fund but was refused because they do not supply these items. Marie obtained these items through Brighthouse at a cost of £11.50 per week as she felt she had no alternative.

OPFS obtained the items through charitable application and arranged for the goods to be returned to Brighthouse. Marie was also supported to apply for disability benefit which removed her from the Benefit Cap. If Marie had taken over the care of her great grandson after the introduction of the new scheme she would have received the £300 payment as a Kinship Carer and would not have had to resort to taking on Hire Purchase for essential items.

GENERAL FEEDBACK

Applications and Determinations

Section 3 para 24

'Each BSG payment is to be treated as a one off grant so, even if you do not qualify for the first payment, if your circumstances change by the time your child is ready for the second payment, you can still qualify. Where the Agency has verified information from a previous application, the intention is that it should be used, where practical and with the applicant's permission, to identify future BSG entitlement. The time lapse between determinations will mean that the Agency will need to contact the applicant and go through the application process with them to ensure that their circumstances have not changed.'

There should be clarification on how the agency will contact the claimant for future entitlements. A couple may be together when the baby is born but when the child is 2/3 yrs circumstances may have changed. The father may have claimed the first payment but the mother may single parent by the time of the second claim. We believe each payment should stand alone and the 2nd and 3rd payments should be an opportunity to use an evidence base which ensures avoidance of economic abuse.

Eligibility

Section 4 para 29(b)

The eligibility conditions are:

(b) No equivalent payment of an SSMG or BSG has been or is due to be made.

We would argue for more flexibility around this as a single parent (usually mother) may have been mentioned in the first claim but due to financial abuse she won't have had access to the grant for her child. We think the statement '*to someone not named on the first claim*', in b) '*No award has already been made*' should have some exceptions detailed.

Section 4 para 29(d)

The eligibility conditions are:

(d) The applicant is, or is the partner of, someone who is going to or has had a baby, or meets the responsibility test for the child by reason other than being a biological parent.

We have concerns that an applicant can be the partner of the person who is going to have or has had a baby. We believe the payments should be treated like child benefit. If both parents live together, Child Benefit is usually paid to the mother. If both parents do not live together, it is usually paid to the parent with whom the child lives. This would avoid the potential of financial abuse.

Consultation Paper Questions

ELIGIBILITY

Question 1

Residence

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

The draft regulations require that, to qualify for a BSG:

- the applicant is habitually resident in Scotland
- the applicant is either not a “person subject to immigration control” (a UK immigration law concept); or is in a group who can claim social security benefits in spite of that status.

These rules are like the current reserved rules and are consistent with the residence test for the qualifying benefits for the BSG. We agree this may make sense in most situations but feel some flexibility should be given on this criterion, for example an appeal on habitual residency can take months, so when HR is awarded a claim should be allowed out with the Best Start application window.

Thought should be given to whether the time - limit for applications could be extended until the result of appropriate UK benefit applications or challenges has been concluded. At the moment, a second application for SSMG can be made in certain cases where entitlement to relevant benefits is established after the initial deadline for an application.

Gloria – an example of the impact of an inflexible claim window.

Gloria is a single parent from a non- EU country with a 4-year-old daughter. Gloria’s partner left her after 10 years together. Gloria needed to gain habitual residence and applied but was denied. Her appeal, which has been successful, took 18mths and she was awarded residency. However due to the time taken for the appeal, if the new best start regs were in place, Gloria wouldn’t have been able to claim the new Nursery /Early Learning Payment - a loss of £250.

Question 2

Life events and responsibility for the child

There are two alternative responsibility tests set out in the consultation:

- 1) receipt of Child Benefit and, where relevant, a care order; or
- 2) a test based on receipt of either Universal Credit or Child Tax Credit, or Child Benefit.

Which is your preferred test, test 1 or test 2?

We are very pleased to see that the regulations do not include making the maternity and new baby grant conditional on the applicant receiving advice from a health professional, in the same way as the SSMG is. We agree with the government that the requirement for a midwife signature would be a barrier to on-line applications.

The Scottish Government sets out two different tests to establish who has responsibility for the child. The first involves receipt of Child Benefit and, where relevant, a care order while the second test is based on receipt of either Universal Credit or Child Tax Credit, or Child Benefit.

OPFS believes Test 2 is better in that it is more robust and open to a wider number of families in need. It should also cover parents with an underlying entitlement to Universal Credit. Moreover the person claiming UC/CTC needs to be resident in the home with a child before a payment of CTC or UC is made.

Many single parent kinship carers OPFS supports do not have formal care arrangements. We would propose that more thought is given to enabling that, wherever possible, all informal kinship carers are able to qualify. For example some councils enable kinship carers who do not have a formal order in place to advise social work of the arrangement, which enables them to receive other passported benefits.

Question 3

Financial Circumstances

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 with this approach?

BSG payments will be made to people who have been correctly awarded a qualifying DWP or HMRC payment, people who are dependent on someone who has been awarded a qualifying payment or who are under the age of 18. Qualifying payments are listed in the consultation document.

We agree with CPAG that believe that maternity allowance should also be a qualifying benefit where the claimant does not have a partner. Maternity allowance is generally paid to women in low paid, insecure employment during the maternity period. If these women

are single and not eligible to receive help with housing costs (and therefore not in receipt of UC or HB) they would not currently be eligible for a Best Start Grant.

We also think recipient of Council Tax Reduction should be a qualifying benefit. We still see in work poverty in families who don't get UC and at moment don't get HB but get CTR. This would take into account students and families affected by the Benefit Cap.

Question 4

Eligibility Options for Young Parents

We have proposed that in cases where the parent is under the age of 16, or is 18 or 19 and the grandparent (or another carer) is still in receipt of tax credit or UC because the parent is in training or non-advanced education, the grandparent or carer will be the eligible person.

Do you agree with this approach?

OPFS support the regulation providing that all expectant parents under 18yrs will be considered eligible for BSG without requiring a qualifying benefit. This is an improvement on the Sure Start Grant.

However, there appears to be a potential issue in how young parents can receive the payment. The current proposal is to make the payment via the baby's grandparent/carer, rather than directly to the new parent. We are concerned that this may not be empowering for the new parent and feel option should be pursued so the parent can receive the BSG payment directly for their child.

Question 5

Policy Intent

Do you think that the draft regulations (Annex A) are likely to meet the policy intent set out in this document?

Question 6

Unintended Consequences

Can you identify any potential unintended consequences of the regulations?

Question 7

Gaps

Can you identify any gaps in the regulations?

We would like clarification regarding situations where for example a father claims Child Benefit and Best Start Grant and the couple split up because of domestic and financial abuse, how we can prevent the 2nd payment going to father?

Further clarification would be helpful if for example a Single Parent is working full-time and is not in receipt of a qualifying benefit but she loses her job (sps are often in temp jobs) and is just outside the application window; or if for example a single parent was only recently part of a couple with 2 incomes, they split up and s/he wishes to apply but is just outside window for redetermination.

There are 3 staged payments – a couple applies but the mother never receives the money for child – the parents split up due to abuse including financial abuse but the parent with care is denied making a second claim for the same child.

Question 8 (a)

Timescales for the re-determination process

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

Question 8 (b)

Timescales for the re-determination process

We have proposed that a BSG re-determination should be processed within 15 working days of receipt of a request. Do you think that is an acceptable time period?

The regulations say ‘if there is a failure to make the re-determination within the 15 day period, the individual will be informed that they have the right to appeal to the First-tier Tribunal against the original determination.’ We believe the regulations should say:

‘If there is a failure to make the re-determination within the 15 day period, the individual will be informed that **unless they opt out their case will go** to appeal to the First-tier Tribunal against the original determination.’

Question 10

BSG CHILD’S RIGHTS AND WELLBEING IMPACT ASSESSMENT

Are you aware of any impacts on children’s rights and wellbeing which are not identified here?

We feel it’s important to highlight the link between the child and the parent who holds the money. Will the money go to the child?

Reaching Single Parents

In consultations with Single Parents we realise that the changes in the Social Security landscape will have a big impact on their everyday lives. Aside from the devastating impact of Westminster cuts to benefits and the introduction of Universal Credit parents have very little knowledge of what benefits are being devolved and so we predict OPFS will receive an increase in enquiries around Best Start as well as the other benefits as they are implemented. The changes have the potential to cause confusion and we would wish to support any moves to avoid increasing the complexity of the system. We are also keen to ensure single parents can access support with online access and digital skills to ensure they do not lose out on their entitlements.

OPFS participates in the Scottish Government's Social Security Communication and Engagement Partnership Group, which provides a network for the Scottish Government and its partners to ensure the newly devolved benefits reach all those entitled and who will be impacted by the new powers. As well as tailored communication to reach different target groups we will be making a strong case for good training for all Scottish Social Security staff. We all know that it so easily gets overlooked as time and budgets run out so the case for making it a robust, public requirement is all the greater.

OPFS welcomes the commitment that the Scottish Social Security Agency will treat those who use the service with dignity, respect and fairness. The Best Start Grant will be the first trial of that assurance. We know from consultations that single parents feel they face a high level of judgemental attitudes and stigma and often this has been felt when they have engaged with JCP. We look forward to working with the new agency to ensure single parent families will always be treated with dignity and respect and that the agency will meet the expectations of the Social Security Charter when published.

Anne Baldock, Financial Inclusion Programme Co-ordinator
Marion Davis, Head of Policy & Strategy

One Parent Families Scotland
13 Gayfield Square,
Edinburgh
EH1 3NX

Tel: 0131 556 3899

www.opfs.org.uk

Changing Lives, Challenging Poverty

Lone Parent Helpline: 0808 801 0323

[Web](#) | [Facebook](#) | [Twitter](#) | [Donate](#) | [Join](#)

Registered as: One Parent Families Scotland, a charitable company limited by guarantee

Registered at Edinburgh under number 094860. Scottish Charity Number: [SC006403](#)