

## SIAA Response

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### **Early Years Assistance, Consultation on the Best Start Grant Regulations**

June 2018

**Question 1 We have proposed that applicants must be habitually resident in Scotland to qualify. Do you agree with this approach?**

No, we are concerned this excludes groups such as Refugees and Asylum Seekers or others who might not be considered to be habitually resident in Scotland but would find this entitlement beneficial.

**Question 2 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 believe it should be a combination of both tests in order to be beneficial to as many people as possible.

**Question 3 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?**

Yes

**Question 4 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?**

No, we are not clear on the reasoning behind this proposal and we do not think this complies with a rights based approach. In line with promoting and protecting children's rights the parent regardless of their age should be the eligible person.

**Question 5 Do you think that the draft regulations (Annex A) are likely to meet the policy intent set out in this document?**

Not sure

**Question 6 Can you identify any potential unintended consequences of the regulations?**

The success of the BSG will be dependent on people finding out about it, we are concerned the regulations do not state how people will find out about BSG, it would be useful if there was a clearly stated duty e.g. on the Agency, midwives, health visitors etc. to inform people about the BSG.

**Question 7 Can you identify any gaps in the regulations?**

We are not sure why people need to apply for BSG, it would be more efficient if it was granted automatically if people qualify for other benefits. Having to complete an application could be a barrier for anyone who has literacy issues or for whom English is not their first language. We are concerned that if an application is completed incorrectly then the claim can be dismissed. Also it would be helpful if a claimant could apply for BSG and then supply any evidence at a later date.

We believe the deadline of 6 months should be extended to 12 months as this fits with maternity leave and allows a longer period for application.

Regarding who can apply, does this include kinship carers and informal care arrangements?

Regarding second and subsequent children, we believe that consideration needs to be given to families who have a first child outwith Scotland. We believe this should state first child born in Scotland.

**Question 8 (a) 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?**

No it should be longer to ensure that people know and understand they can appeal and for them to secure the right support to enable them to appeal.

**Question 8 (b) 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?**

Yes

**Question 9 Are you aware of any impacts on children's rights and wellbeing which are not identified here?**

See response to Q 4

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The Scottish Independent Advocacy Alliance (SIAA) is Scotland's national membership body for advocacy organisations. The SIAA promotes, supports and defends independent advocacy in Scotland. It aims to ensure that independent advocacy is available to any person who needs it in Scotland.

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