

The Winter Heating Assistance for Children and Young People (Scotland) Amendment Regulations (2021)

Draft EQIA

September 2021

Title of Policy	The Winter Heating Assistance for Children and Young People (Scotland) Amendment Regulations (2021)
Summary of aims and desired outcomes of Policy	<p>The Scottish Government launched Child Winter Heating Assistance (CWhA) in November 2020 to provide the financial assistance to disabled children and young people, who are entitled to the highest rate of the care component of Disability Living Allowance (DLA) or Child Disability Payment (CDP). This new form of assistance delivered over 14,000 payments to eligible children and young people totalling £2.8 million.</p> <p>The key aim of the CWhA is to provide children, young people and their families with an annual payment during the winter to assist them financially in mitigating the increased costs they incur in heating their homes as a result of having a disability or long-term condition.</p> <p>Having considered the views of individuals and stakeholders since delivering the payment, the Scottish Government intends to extend eligibility to CWhA for young people aged 16, 17 and 18 who are entitled to be paid the enhanced rate of the daily living component of Personal Independence Payment (PIP) during the qualifying week.</p> <p>This change will be made retrospectively to ensure that young people who were entitled to the enhanced rate of the daily living component in the qualifying week in September 2020, are also entitled to CWhA for that year.</p> <p>These Regulations also permit Scottish Ministers to pay CWhA to another person to be used for the benefit of the child.</p>
Directorate: Division: Team:	Social Security Directorate Social Security Policy Division Disability Benefits Policy Team

Executive Summary

1. Child Winter Heating Assistance (CWhA) was introduced in response to the commitment in the SNP Manifesto for the Scottish Parliamentary elections in 2016, to extend eligibility for Winter Fuel Payments to children who were entitled to the highest rate of the care component of Disability Living Allowance (DLA).
2. The Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 ('the 2020 Regulations') introduced the statutory framework for CWhA. The 2020 Regulations provide that a child or young person must be entitled to the highest rate of the care component of DLA or Child Disability Payment (CDP), in respect of any one day during the qualifying week in September (21 to 27 September in 2020).
3. The rationale for providing for eligibility to CWhA for this group of children and young people is to provide some mitigation for the increased costs these individuals incur including as a result of needing to heat their homes through the day and night, or periods of the night, because, as a result of their disability or condition, they require another person to provide care and support throughout the night.
4. Prior to 1 September 2020, a child who was entitled to DLA immediately prior to age 16 was required to apply for Personal Independence Payment (PIP) on or after reaching age 16. The Scottish Ministers amended the eligibility criteria for DLA to allow a young person to remain entitled to that benefit, before being required to apply for PIP at age 18 instead.
5. However, young people (aged 16 and over) who apply for a disability benefit for the first time, must continue to apply for PIP. A young person who is terminally ill (within the meaning given in the Welfare Reform Act 2012) and makes an application for PIP will be automatically awarded the enhanced rate of the daily living component.
6. The Scottish Government has carefully considered feedback from stakeholders and individuals about young people aged 16 to 18 who cannot access DLA or CDP because of their age, which excludes them from entitlement to CWhA, despite having broadly similar needs as a result of their disability.
7. Extending eligibility to young people aged 16 to 18 who are entitled to be paid the enhanced rate of the daily living component of PIP is considered to be the most effective way of targeting this form of assistance at young people with the most severe disabilities.
8. This Equality Impact Assessment (EQIA) considers the potential effects of extending the eligibility criteria for CWhA and how it might impact on groups with protected characteristics, presented below in the Key Findings section.

Background

Policy Aims

9. The key aim of the CWHA is to provide children, young people and their families with an annual payment during the winter to assist them financially in mitigating the increased costs they incur in heating their homes as a result of being disabled or having a long-term condition.
10. The assistance has been developed to address the increased costs that disabled children, young people and their families incur as a result of:
 - heating their homes to a higher temperature in winter, in line with World Health Organization (WHO) Guidance on room temperatures for vulnerable people;
 - the need to heat their homes through the night, or for periods of the night, because another person is required to provide care and support to the child or young person during the night in respect of needs arising from the individual's disability or condition; and
 - the need to heat their homes for longer periods through the winter because of the likelihood of most children or young people being present in the family home for longer periods of time.
11. A household is in fuel poverty if it needs to spend more than 10 per cent of adjusted net income, i.e. after having paid housing costs, on reasonable fuel needs and is not left with enough money to maintain an acceptable standard of living¹.
12. For the purposes of the Fuel Poverty (Targets, Definition and Strategy) Act 2019, someone who has a long-term health condition or is in receipt of a disability benefit such as DLA or PIP is assumed to need a warmer home e.g. 23 degrees Celsius for the living room instead of the standard 21 degrees. They are also assumed to need to heat the home for 16 hours a day.
13. CWHA is presently targeted only at children and young people who receive the highest rate of the care component of DLA or CDP, as this provides a reasonable proxy for those children and young people who need heat during the day and at night. It also targets those children and young people who are assumed to have the most severe needs as a result of their disability, by virtue of being entitled to the highest rate of the care component.
14. This targeted form of assistance is one way in which families of disabled children and young people reduce their exposure to fuel poverty.
15. As entitlement to CWHA is linked to entitlement to other forms of social security assistance, it does not ordinarily require an application from individual clients.

¹ Fuel Poverty (Targets, Definition and Strategy Act) 2019

Payments are normally triggered automatically on the basis of information held by Social Security Scotland or the Department for Work and Pensions (DWP).

16. The automatic nature of the payment is designed to ensure that this financial support is delivered by 31 December each year to eligible child or young person. A small number of children and young people, who are habitually resident in a country listed in the Schedule of the principal regulations and have a genuine and sufficient link to Scotland, must apply for CWA.

Extension of eligibility criteria

17. We understand that some individuals would like to see us extend the eligibility criteria more widely. However, any further changes would need more detailed service design and delivery alterations (requiring technical system changes and further testing which would require diversion of resources currently dedicated to extension of the Scottish Child Payment (SCP), CDP and Adult Disability Payment (ADP)). In order to avoid considerable risks and delays to the launch of these other forms of assistance, Ministers have decided that on balance it is better to deliver the extended CWA payment safely and securely now. This will ensure that a large number of young people can benefit from this support at a time when economic recovery will be of paramount importance.

18. The Scottish Government considered a number of options as part of the extension of the eligibility criteria of CWA in light of stakeholder feedback. Rather than more generally extending entitlement to assistance to any child or young person in receipt of any rate of a disability benefit, both individual and stakeholder feedback has focused primarily on young people aged 16 to 18. This is because some of those young people will not have received DLA or CDP prior to turning 16, therefore excluding them from entitlement to CWA.

19. A number of options were therefore considered for the extension of eligibility to meet the needs of this group:

- **Option 1:** Extending eligibility for CWA to all young people who are aged 16 to 18, but do not receive DLA, and require them to meet a new substantive eligibility requirement relating to day and night-time care needs;
- **Option 2:** Extending eligibility to all young people who are aged 16 to 18 and entitled to the enhanced rate of the daily living component of PIP in the qualifying week in September and meet a substantive eligibility requirement relating to night-time care needs;
- **Option 3:** Extending eligibility to all young people who are aged 16 to 18 and entitled to the enhanced rate of the daily living component of PIP in the qualifying week in September.

20. **Option 1** would replicate the same application process as that used for both DLA and CDP. It would also potentially require clients within the extended eligibility group to re-apply in future years, as further confirmation that they continue to have both day and night-time needs would need to be established.

21. This would involve considerably more effort on the part of clients to complete an application form, as well as potentially supplying or signposting supporting information from a health or social care professional that confirms that the individual has the relevant needs. Such an experience could potentially discourage clients from applying for CWA, as it would essentially require the collection of detailed information about the impact of a client's disability.
22. This option would have a considerable impact upon Social Security Scotland's ability to deliver other forms of assistance, as it would require a full application and decision-making framework that does not currently exist. This would be delivered at the same time that Social Security Scotland will be delivering CDP across Scotland from November 2021, impacting upon the Scottish Government's ability to deliver a safe and secure transition for clients.
23. It is expected that there will be a need to transfer the payments of more than 40,000 clients from DWP to Social Security Scotland, whilst also developing the necessary systems and infrastructure to support delivery of ADP from 2022.
24. **Option 2** would require development of an application form and manual assessment of eligibility but only in respect of the individual's night-time care needs. The enhanced rate of the daily living component may be considered a reasonable proxy for having the highest level of daytime care needs.
25. This option would take considerable time to implement the necessary design and development work, with a considerable impact as described in Option 1. This would affect Social Security Scotland's ability to deliver other forms of assistance this year, whilst also delivering a safe and secure transition from DLA to CDP at the same time.
26. **Option 3** as with Option 2, the receipt of the enhanced rate of the daily living component may be considered a reasonable proxy for having the highest level of day-time care needs and therefore the requirement for heating the home during the day.
27. In Scotland, 68% of children in receipt of the highest rate of the care component of DLA, were awarded the enhanced rate of the daily living component of PIP, 9% were awarded the standard rate of the daily living component, and 15% had no entitlement to the daily living component.
28. It is inherent in the social security system that is currently in operation that certain individuals in the relevant age group will receive PIP as the ultimate replacement for DLA, and that benefit does not differentiate between day and night time care needs. Against that background it would be disproportionate to require evidence of night-time care needs from individuals who are assessed, for the purposes of the benefit available to them, to have the highest level of need.
29. Nonetheless, someone who is in receipt of PIP at the enhanced rate of the daily living component is likely to indicate higher disability-related costs in the same way that a child in receipt of higher-rate DLA will.

30. The amendments will help deliver numerous Social Security Outcomes, and are closely aligned with the Healthier, Wealthier and Fairer Strategic Objectives, and contributes to the following National Outcomes:

- We respect, protect and fulfil human rights and live free from discrimination;
- We tackle poverty by sharing opportunities, wealth, and power more equally;
- We live in communities that are inclusive, empowered, resilient and safe;
- We grow up loved, safe and respected so that we realise our full potential.

31. This Equality Impact Assessment (EQIA) sets out the Scottish Government's analysis of the equalities impact of the CWA amendments.

Consultation

32. In July 2016 the Scottish Government launched a public consultation to support the development of a framework that would become the Social Security (Scotland) Bill. Two questions about Winter Fuel and Cold Weather Payments were incorporated into this consultation. We asked 'Do you have any comments about the Scottish Government's proposals for Winter Fuel and Cold Weather Payments?' 164 respondents answered this question (82 individuals and 82 organisations).

33. Overall, a large number of respondents felt that Winter Fuel and Cold Weather Payments were necessary to tackle fuel poverty and inequality and they generally welcomed the approach. Respondents were generally in favour of expanding the eligibility criteria to include families with children receiving the highest rate of DLA and accelerating payments to people off the main gas grid.

34. They were also keen that the Scottish Government should continue to look at expansion of these payments to other groups at risk of fuel poverty that do not qualify for the highest rate of the care component of DLA. Some respondents were concerned about the need to improve fuel efficiency and concerns were raised about promoting awareness of these payments.

35. The 'Disability Assistance in Scotland' Consultation built on the work of the previous consultation and research with more than 2,400 volunteers with experience of the benefits that are being devolved to Scotland (Experience Panels). The consultation was published on 5 March 2019. It sought the views of the people of Scotland on the three proposed disability assistance benefits, and included a question on Winter Heating Assistance for severely disabled children. The consultation closed on 28 May 2019, having received 263 replies, of which 74 were from stakeholder organisations and 189 were from individuals².

² <https://www.gov.scot/publications/consultation-disability-assistance-scotland-analysis-responses/>

36. We asked ‘Do you agree or disagree with the proposal to make a £200 Winter Heating Assistance payment to families in receipt of the highest rate care component of Disability Assistance for Children and Young People? If you disagreed, please could you explain why’. An analysis of the consultation responses indicated that a large majority of respondents were supportive of the proposal. There were some suggestions that this payment should be available to all people receiving any form of social security benefits or Disability Assistance³.

The scope of the Equality Impact Assessment

37. The scope of this EQIA is to look at the impact of extending the eligibility criteria for CWAHA to include young people who are entitled to the enhanced rate of the daily living component of PIP.

38. A variety of information sources were used in compiling this EQIA, including:

- Scottish Health Survey 2019;
- Scotland’s Census 2011⁴;
- NRS Scotland Mid-year Population Estimates;
- Social Security Experience Panel findings;
- responses to our Consultation on Disability Assistance in Scotland⁵;
- advice from our Disability and Carer Benefits Expert Advisory Group⁶; and
- DWP StatXplore statistics.

39. The Scottish Health Survey provides an accurate estimate of the number of disabled young people in Scotland. Within the 16-24 age group, 29% of young people have a limiting long-standing illness⁷.

40. In 2020, there were 164,702 young people aged 16 to 18 in Scotland⁸. As of April 2021⁹, there are 5,900 young people in Scotland entitled to Personal Independence Payment. This accounts for approximately 4% of this demographic.

41. Poverty rates remain higher for households in which somebody is disabled compared to those where no-one is disabled. The gap between the two groups has remained fairly steady over the last few years. In 2016-19, the poverty rate after housing costs for people in households with a disabled person was 23% (490,000 people each year). This compares with 17% (530,000 people) in a household without disabled household members¹⁰.

³ <https://www.gov.scot/publications/consultation-disability-assistance-scotland-analysis-responses/>

⁴ <https://www.nrscotland.gov.uk/statistics-and-data/census>

⁵ <https://www.gov.scot/publications/consultation-disability-assistance-scotland-analysis-responses/pages/3/>

⁶ <https://www.gov.scot/groups/disability-carers-benefits-expert-advisory-group/#:-:text=The%20Disability%20and%20Carers%20Benefits,on%20disability%20and%20carers%20benefits.>

⁷ <https://www.gov.scot/publications/scottish-health-survey-2019-supplementary-tables/>

⁸ <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2020>

⁹ DWP StatXplore, accessed July 2021

¹⁰ Poverty and Income Inequality (2019), Scottish Government

<https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19>

42. In 2016-19, as in previous years, the poverty rate was higher for individuals in households with a disabled person, when disability related benefits are not included in the household income. After housing costs, the poverty rate was 29% (620,000 people each year) for people living with a disabled household member, and 16% (500,000 people) for those without.

43. Between 2017 and 2020, 11% (70,000) families in Scotland with dependent children had a disabled child or young person. Households with a disabled adult or disabled child, or both, have a higher proportion of children who live in relative poverty (29% compared to 22% for households without a disabled person)¹¹.

Key Findings

44. These CWA amendment regulations should overall have a positive impact on children and young people with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

Age

45. In 2020, there were around 164,702 young people aged 16, 17 or 18 in Scotland. As of May 2021, 5,900 young people in Scotland were entitled to the daily living component of PIP¹², representing 3.6% of the population of 16 to 18 year olds¹³. Of the 5,900 young people entitled to the daily living component in Scotland, 79% of those young people are entitled to the enhanced rate of the daily living component.

46. As of November 2020, the number of young people aged 16 to 18 receiving the highest rate of the care component of DLA is 825.

47. We anticipate that that the extension of eligibility for CWA to young people will have a positive impact as regards age, as the substantial majority of young people who are entitled to PIP will receive the qualifying rate.

48. The extended eligibility criteria will have a direct positive impact on those who were not eligible under the previous eligibility criteria and now under eligibility through the amended criteria will be able to access additional financial assistance as a result of having a severe disability.

49. Furthermore the extended eligibility criteria meets Article 3 (Best interests of the child) of the UNCRC. This is because the eligibility criteria is borne out of the best interests of young people in the expanded eligibility group

¹¹ Scottish Government analysis of the Family Resources Survey, Households Below Average Incomes dataset <https://www.gov.scot/publications/additional-child-poverty-analysis-2021/>

¹² DWP Stat-Xplore, accessed July 2021

¹³ NHS Mid-year Population Estimates (2020) <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2020>

Disability

50. Five people aged 16-19 in Scotland who are entitled to PIP receive it under the special rules for terminal illness, representing 0.002% of all Scottish PIP clients¹⁴.

51. Since 2013, of the 6,129 children in Scotland who were entitled to the highest rate of the care component of DLA that were required to apply for PIP, 4,173 were awarded the enhanced rate of the daily living component (68%), 530 were entitled to the standard rate of the daily living component (9%) and 940 were not entitled to the daily living component (15%).

52. Poverty rates remain higher for households in which somebody is disabled compared to those where no-one is disabled. The gap between the two groups has remained fairly steady over the last few years¹⁵.

53. In 2016-19, as in previous years, the poverty rate was higher for individuals in households with a disabled child (29%) than a non-disabled child (21%), when disability related benefits are not included in the household income¹⁶.

54. Households with a disabled family member are over-represented within fuel poverty statistics, with approximately 34% of fuel poor households containing someone with a disability. Fuel poverty, as defined in the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, is when a household has to spend more than 10% of their income on fuel costs, in order to maintain a satisfactory heating regime. The World Health Organisation (WHO) have defined this as 21°C in the living room and 18°C in other rooms, for 16 hours in every 24, unless the household is classified as “vulnerable”, such as when at least one resident has a long term sickness or disability. In these instances, the heating regime required is 23°C in the living room and 18°C in other rooms, for 16 hours per day.

55. The enhanced rate of the daily living component of PIP does not explicitly consider whether or not a young person has night-time care needs resulting from a disability. However, it is notable that a sizeable majority of young people move from the highest rate of the care component of DLA, to the enhanced rate of the daily living component of PIP, whilst having broadly the same level of needs.

56. We envisage that the extension of eligibility for CWA to young people will have a positive impact as regards disability, for those young people who are entitled to the enhanced rate of the daily living component of PIP.

57. The policy will also ensure that any terminally ill young person who applies for a disability benefit (whether DLA, CDP or PIP), who meets the definition of terminal illness for that benefit, will be automatically able to access CWA.

¹⁴ DWP Stat-Xplore, accessed July 2021

¹⁵ Poverty and Income Inequality in Scotland 2016-19, <https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/pages/4/>

¹⁶ Poverty and Income Inequality in Scotland 2016-19, <https://www.gov.scot/publications/poverty-income-inequality-scotland-2016-19/pages/4/>

58. Whilst smaller numbers of young people will receive only the standard rate of the daily living component, the enhanced rate is nevertheless consider a reasonable proxy for the overall severity of the young person's disability. As a targeted form of assistance, it is necessary to establish a measure of the severity of the child or young person's disability.

Sex, gender reassignment and sexual orientation

59. As of April 2021, just over two-thirds of young people in Scotland who receive the enhanced rate of the daily living component of PIP are male (n = 3,087)¹⁷.

60. Young people are more likely to identify as being lesbian, gay, bisexual or other in Scotland, with 8.3% of young people in the 16-24 age group. This is nearly twice as many people as in the 25-34 age group and more than any other individual age group¹⁸.

61. In 2017, 22% of the LGBTI young people (age 13-25 years) who completed an online survey (though self-selecting) for LGBT Youth Scotland reported having a disability.

62. 84% of LGBTI young people and 96% of transgender young people who completed the LGBT Youth Scotland survey have experienced mental health problems and associated behaviours. Furthermore, individuals identifying themselves as "LGBT & Other" are less likely to report "good" or "very good" general health than the rest of the population (65.6% compared to 74.5% of the general population).

63. There is no robust data relating to the proportion of people of any age in Scotland to whom the gender reassignment protected characteristic would apply. However, we recognise that one of the main potential barriers to Trans people and those who identify as non-binary accessing disability assistance is a requirement for individuals to provide their gender when making an application. Non-binary people in particular can be excluded if individuals are asked to tick a box to indicate their gender and only binary options are available.

64. This was reiterated by LGBTI youths throughout the original consultation period in our engagements with them. Those who had undergone gender reassignment discussed feelings of being 'outed' by this process as they had to reiterate that they had changed gender and often felt disparaged by assessment staff who said they couldn't be "that disabled" if they were able to transition. They also expressed frustration that the system could not cope with their attempts to amend their existing identity information, such as name and gender, within the current system.

65. The design of our systems and the training of our staff will ensure that whether the applicant is a parent, a carer or a young person, they will be treated respectfully. Our application form has been designed to allow for individuals to

¹⁷ DWP Stat-Xplore, accessed July 2021

¹⁸ Scottish Surveys Core Questions 2019

identify as 'male', 'female' or 'other'. Agency staff will be recruited and trained to embody values of dignity and respect and all training for new staff will include LGBTI awareness and be underpinned by human rights principles.

66. We do not anticipate anyone to be negatively impacted by either of the amendments on the basis of their sex, gender re-assignment or sexual orientation.

67. We anticipate everyone to receive positive benefits from the extended eligibility criteria irrespective of their sex, gender reassignment and sexual orientation.

Religion or belief

68. We have not identified any particular barriers resulting from our policy approach which may affect people with the protected characteristic of religion or belief.

Pregnancy and maternity

69. We have not identified any particular barriers resulting from our policy approach which may affect people with the protected characteristic of pregnancy and maternity.

Race

70. At the time of the 2011 census, 96% of Scotland's population identified as "White" while 4% identified as belonging to another ethnic group. In 2011, 7% of Scotland's population communicated in languages other than English at home while data from 2019 shows that this is true for 9% of children registered for Early Learning & Childcare in Scotland.

71. We do not have statistics showing the number of children and young people within Scotland who apply for disability benefits and who belong to minority ethnic groups. However, UK wide information from the 2015/16-2017/2018 suggests that minority ethnic families in all age groups are slightly less likely to apply for DLA than white families, with a slight exception for Bangladeshi families who are more likely to receive the DLA care component¹⁹.

72. In the 2011 census, both for the general population and the 0-24 age group, "White" people are more likely to say their day to day activities are limited "a lot" or "a little" by their long-term health conditions, compared to their share in the population. This is not true for any of the other ethnic categories apart from "Caribbean or Black" respondents aged 0-24 who are slightly more likely to say their day-to-day activity is limited "a little".

73. However, analysis of 2011 census health data shows that there was a wide variation in health problems or disability amongst men and women from different ethnic groups. Women from the three groups "Bangladeshi, Pakistani and

¹⁹ UK Government (2019), State Support – figures for DLA also include figures for PIP

Gypsy/Traveller” recorded higher rates of 'health problem or disability' than women from the “White: Scottish” ethnic group, while men from only two ethnic groups, “Pakistani” and “Gypsy/Traveller”, recorded higher rates of “health problem or disability” than men from the “White: Scottish” ethnic group.

74. At the time of the 2011 Census, just over 4,000 people in Scotland (0.1% of the population) identified their ethnic group as “White: Gypsy/Traveller”. Generally, Gypsy/Traveller households were more likely to contain dependent children (36% compared to 26% of the population as a whole) and they were three times more likely to contain “three or more” dependent children. The number of Gypsy/Traveller children who receive disability benefits under the current system is unknown.

75. We are aware of the particular barriers faced by ethnic minorities in applying for disability benefits, especially those with English as a second language as they may face difficulties in accessing or understanding their entitlements due to language or other communication barriers. To address this, work has been undertaken with ethnic minorities alongside the main Experience Panels as part of our Benefit Take-up Strategy.

76. As CWA is an automatic payment that requires no application form this should avoid any additional challenges to accessing this benefit.

77. Furthermore, Social Security Scotland will create a bank of CWA stakeholder resources and content in accessible formats that will be proactively supplied to relevant stakeholder organisations through the National Stakeholder Engagement team, for organisations to distribute to people in local communities. The languages we proactively translate materials into were selected through stakeholder consultation. These are: BSL, Farsi, Mandarin, Cantonese, Urdu, Gaelic, Polish, Arabic, braille and easy read formats. Social Security Scotland will produce communications materials in other languages on request. Social Security Scotland communications will work with community radio and foreign language press to provide messaging on Child Winter Heating Assistance to communities. In some circumstances printed marketing materials may not be the right way to engage with these communities and where this is the case we will provide an engagement approach through work carried out by the National Stakeholder Engagement and Local Delivery functions.

78. Gypsy/Traveller households were more likely to have no central heating (5 per cent) than all households (2 per cent). They were also more likely to have “Electric Central Heating” and “2 or more types of Central Heating”. Only 62 per cent of Gypsy/Traveller households had gas central heating compared to 74 per cent of the population.

79. We were informed anecdotally that Gypsy/Travellers operate within the ‘cash economy’ and that they are more likely to have a post office account than a bank account. This can be problematic in terms of having benefits paid.

80. We recognise that the payment method will be important for some people and in particular Gypsy/Traveller communities. In addition to Post Office and Credit Union accounts, payments can be made using iMovo which is a secure digital voucher

system that can be delivered to individuals in several media (SMS, email). These can be redeemed at one of 2850 PayPoint outlets in Scotland. This has also been found to be useful for young adults who have not yet opened a bank account.

81. It is anticipated that the expansion of eligibility criteria will benefit people who are from black or ethnic minority backgrounds due to the higher prevalence of individuals within these communities living with a disability.

Marriage and Civil Partnership

82. We have not identified any particular barriers resulting from our policy approach which may affect people with the protected characteristic of marriage or civil partnership.

Monitoring and review

83. The Scottish Government will undertake policy evaluation as part of a broader evaluation of devolved disability benefits. As part of this evaluation we will carry out an impact analysis on people from the protected characteristic groups identified in this document. The Social Security (Scotland) Act 2018 required the Scottish Government to create the Social Security Charter. The purpose the Charter is to set out what people should expect from the new social security system. It explains in clearer terms how we will uphold the Principles in the Act, how we will make sure that we are taking a human rights based approach to what we do and how we will demonstrate dignity, fairness and respect in all our actions²⁰.

84. A commitment to report on the impact on people with protected characteristics is set out in the Social Security (Scotland) 2018 Act Part 1 section 20 (c) and (d). It states that the annual report to Parliament must also contain “an assessment of how the Scottish social security system has affected the circumstances of persons living in households whose income is adversely affected, or whose expenditure is increased, because a member of the household has one or more protected characteristics within the meaning of section 4 of the Equality Act 2010, and a description of the data for the purpose of monitoring equality of opportunity used in preparing the report”.

Conclusion

85. This EQIA process has identified that overall, the amendments to the CWA regulations has the potential to have positive impacts for those who share protected characteristics.

86. In particular, we anticipate approximately 3,900 additional young people are expected to have entitlement through enhanced rate of the daily living component of PIP in 2020-21 and will therefore receive CWA where they would not have previously.

²⁰ <https://www.socialsecurity.gov.scot/about-us/our-charter>

87. The amendments ensure the eligibility criteria for CWHA now ensures more young people who require this support will receive it.

88. Terminally ill young people in receipt of PIP will now receive an automatic payment of the CWHA annually as a result of these amendments.

Authorisation

89. I confirm that the impact of the Child Winter Heating Assistance policy has been sufficiently assessed against the needs of the equality duty:

<p>Name and job title of policy lead:</p> <p>Jana Eyssel Policy Manager Disability Benefits Policy Division</p> <p>Name and job title of a Deputy Director or equivalent:</p> <p>Ian Davidson Deputy Director Social Security Policy Division</p>	<p>27 July 2021</p>
---	---------------------



Scottish Government
Riaghaltas na h-Alba
gov.scot

© Crown copyright 2021

OGL

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-80201-260-6 (web only)

Published by The Scottish Government, September 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS914846 (09/21)

W W W . g o v . s c o t