

Guidance for Local Authorities – Scottish Child Payment, Best Start Grant and Best Start Foods for Kinship Carers

1. Policy Overview

Scottish Child Payment is a new benefit introduced by the Scottish Government to tackle child poverty for low income families in receipt of reserved benefits. The Payment will pay £10 per week per child every four weeks in arrears to families with no cap on the number of eligible children a family can claim for.

Early payments of Scottish Child Payment are being made to families with children under the age of 6 – recognising that, of all children in poverty, almost 60% live in a household where the youngest child is aged under 6, and the early years are key to improving long term outcomes. This is ahead of the payment being rolled out to children under 16 at the end of 2022, subject to co-operation from the UK Government.

Best Start Grant is made up of three possible payments – Pregnancy and Baby Payment, Early Learning payment and School Age Payment. It provides parents or carers who get certain benefits or tax credits with financial support during the key early years of a child's life.

Best Start Foods is a prepaid card that you can use to buy healthy foods for children under 3 and during pregnancy. You can use the card in shops and online.

Scottish Child Payment/Best Start Grant/Best Start Foods can be applied for via a combined application form and have two key eligibility criteria, the first is being in receipt of certain **low income qualifying benefits** and the second is being able to **evidence child responsibility**. These are explained in more detail below.

2. Scottish Child Payment/Best Start Grant/Best Start Foods for kinship carers

The Scottish Government recognises that children are cared for in a whole range of different environments and wants to ensure that children in kinship care benefit from poverty reduction measures.

If the kinship carer is resident in Scotland, responsible for a child under 6 and is in receipt of one of the following low income qualifying benefits they *may* be eligible for Scottish Child Payment/Best Start Grant/Best Start Foods:

- Child Tax Credit
- Universal Credit
- Income Support
- Pension Credit
- Working Tax Credit
- Income-based Jobseeker's Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)
- Housing Benefit (Best Start Grant/Best Start Foods only)

3. How can a kinship carer demonstrate child responsibility to claim Scottish Child Payment/Best Start Grant/Best Start Foods?

A person or their partner is considered responsible for a child by the child being named on certain benefits: Universal Credit, Child Tax Credit, Pension Credit or Child Benefit.

Kinship carers have an **additional option** of evidencing child responsibility via kinship care. This is if they or their partner are not the child's parent but are either: related to the child (either by blood, marriage, or civil partnership); a friend or acquaintance of a person related to the child (either by blood, marriage or civil partnership); and are the child's kinship carer. This means that the child will live with the person or their partner (exclusively or predominately).

Evidencing kinship care for this purpose can be done in a number of different ways, depending on the type of kinship caring arrangement in place, detailed below.

Non-looked after children

In the case of non-looked after children demonstrating child responsibility as a kinship carer for the purposes of the Scottish Child Payment could be via one of the following:

- A kinship care order has been made within the meaning of Section 72(1) Children and Young People (Scotland) Act 2014. A kinship care order is –
 - a Section 11 order made under the Children (Scotland) Act 1995 which grants parental responsibilities and rights including the right to have the child living with the carer (or for the carer to regulate the child's residence),
 - a residence order which states the child shall live, or predominantly live, with the carer, or
 - a section 11 order which appoints the carer as a guardian for the child.
- A kinship care order may otherwise be known as a **Residence Order, Section 11 Order** or a **Kinship Care Order**.
- Certain orders in respect of children which are made by Courts **outside of Scotland** can be recognised in Scotland. There is law around what orders can be recognised in Scotland.
- If a kinship care order as defined under section 72(1) of the Children and Young People (Scotland) Act 2014 is pending for administrative purposes (e.g. the order has been granted but the physical copy has not yet been received) a letter from a solicitor or local authority confirming that this order has been granted can be used as evidence.

Looked after children

When a child is 'looked after' within the meaning of section 17(6) of the Children (Scotland) Act 1995, and placed with kinship carers by the local authority there has to be a written agreement between both parties. This can be evidenced through a

written agreement between the person, the person's partner or both of them and either:

- **a local authority by which the child is looked after within the meaning of section 17(6) of the Children (Scotland) Act 1995**, there has to be a written agreement between the kinship carer and the local authority because of regulation 11 of the Looked After Children (Scotland) Regulations 2009. In an instance where an agreement has been made but is pending for administrative purposes (e.g. the agreement has been made but the physical copy has not yet been received) a letter from a local authority confirming the agreement can be used as evidence.
- **a local authority in England or Wales by which the child is looked after within the meaning of section 105(4) of the Children Act 1989**, in this instance a letter from a local authority confirming a kinship care agreement would be sufficient.
- **an authority in Northern Ireland by which the child is looked after within the meaning of article 25 of the Children (Northern Ireland) Order 1995**, in this instance a letter of support from a local authority confirming kinship care would be sufficient.

4. Income disregard for kinship carers

Kinship carers often receive financial support from their local authority in the form of a kinship care allowance. Where a kinship carer has been awarded Scottish Child Payment/Best Start Grant/Best Start Foods we would advise that the payment should be disregarded as income when calculating kinship care allowances.

Scottish Child Payment is one of the key child poverty reduction interventions forming part of the Scottish Government's Tackling Child Poverty Delivery Plan¹. The plan targets the main drivers of child poverty, one of which is reduced incomes from social security. The £10 per week payment is intended to support the child and can be used for things like: travel costs; nappies; toys/books and childcare.

The Best Start Grant offers financial support to families who receive certain benefits and tax credits at three key transition points in a child's early years:

- The Pregnancy and Baby Payment helps with expenses associated with pregnancy or with having a new child.
- The Early Learning Payment supports child development when a child is aged between 2 and 3½ years old.
- The School Age Payment helps with the costs of preparing for school, when a child is first old enough to start school.

Best Start Foods is paid to low income families on certain benefits for the sole purpose of buying healthy foods from a prescribed list. Payments are made to cover the cost of ensuring children can receive a healthy and balanced diet. In order to establish a

¹ [Scottish Government - Tackling Child Poverty Delivery Plan](#)

healthy eating pattern, payments are made every four weeks on to a card to eligible pregnant women and families with children under three years of age.

It is strongly recommended that children living in kinship care arrangements are able to benefit from this support for low income families. This will only be possible if they do not see a deduction in their income elsewhere as a result of this increased support, e.g. a deduction to their kinship care allowance.

Our advice that this should be disregarded as income, is similar to the agreement we have reached with the UK Government through the Fiscal Framework. This agreement provides that any new benefits or discretionary payments introduced by the Scottish Government, which provide additional income for a recipient, will not affect their entitlement elsewhere in the UK benefit system.

5. When more than one person claims Scottish Child Payment

Only one person can claim the Scottish Child Payment per child. Sometimes more than one person might, potentially, be eligible for Scottish Child Payment for the same child. Where this is the case, and where more than one person does claim, there are rules about whose claim takes priority. These rules prioritise the person who can evidence that they are living with the child. The hierarchy is:

- Where the child is named on an individual's Universal Credit, Child Tax Credit or Pension Credit.
- Then evidence of kinship care for the child (as set out in section 3)
- Then an award of Child Benefit for that child.

If two applications are received that meet the eligibility conditions and have the same place on the hierarchy then priority is given to the one received first.

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