

## Consultation on Job Grant

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- Individual  
 Organisation

Full name or organisation's name

Information for organisations:	Who Cares? Scotland
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We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

# Who Cares? Scotland

Response to consultation on Job Grant,  
March 2019



Who Cares? Scotland [WC?S] is an independent advocacy and influencing organisation working with people who have experience of the care system. We provide direct advocacy to Care Experienced children and young people, as well as opportunities for local and national participation. WC?S aims to provide Care Experienced people in Scotland with knowledge of their rights. We strive to empower them to positively participate in the formal structures and processes they are often subject to solely because of their Care Experience. At WC?S we ensure the voice of the Care Experienced population of Scotland informs everything we do as an organisation.

## **1. Are the eligibility criteria for the Job Grant clear?**

No, see response to question 9.

## **2. We have proposed applications for Job Grant can be made 14 days in advance of the employment start date and up to 14 days after employment has commenced. Do you think that the proposed application period for Job Grant is suitable?**

No

## **3. If no to question 2, please provide comments.**

We would like to see improved flexibility on the timescales for individuals applying to receive the grant, especially in the initial roll out when there are lower levels of awareness of the offer. We would like to see special consideration given to Care Experienced applicants regarding the timescales for application and for those who miss the deadlines to be treated on a case by case basis.

We also support the position of Child Poverty Action Group Scotland (CPAG) and the Centre for Excellence for Looked After Children in Scotland (CELCIS), who both highlight in their responses that the 14-day window either side of the employment start date will prove particularly difficult to meet for those on zero-hours contracts. In these types of contracts, it is extremely difficult to gain proof of employment needed to prove eligibility for the Job Grant in the 14 days specified.

We would also like to support the proposal put forward in the response from CELCIS to ensure Care Experienced people receive the grant at the earliest stage possible and without creating a burden on the individual applying to provide evidence of projected working hours, which for many (especially those on zero-hour contracts) may be impossible altogether.<sup>1</sup>

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<sup>1</sup> CELCIS, April 2019, Response to the consultation on Job Grant.

**4. We have proposed that Job Grant consists of one payment of £250, or £400 for young people with children. Do you agree with the proposed format of the payment?**

Yes

**5. If no to question 4, please provide comments.**

N/A

**6. Do you agree that the proposals for Job Grant set out in this consultation paper meet the policy intent to support a smooth transition into employment for young people on low incomes by helping to meet the initial costs of starting work?**

Yes

**7. If no to question 6, please provide details.**

N/A

**8. Can you identify any potential unintended consequences which we have not considered in these proposals?**

Yes

**9. If yes to question 8, please provide details.**

We welcome the introduction of the Job Grant and the support it will provide to many young people in their transition into employment. However, there are several issues with the eligibility criteria we would like to highlight in this response, which will negatively impact the Care Experienced people that we represent.

The Scottish Government (Ministers) and Social Security Scotland are Corporate Parents and under section 58(1)(c) of the Children and Young People (Scotland) Act 2014, Corporate Parents have a duty to promote the interests of Care Experienced people. Therefore, the services provided by Social Security Scotland should be tailored to maximise potential positive impacts on the Care Experienced population and prevent policies creating negative, unintended consequences. In order to do this effectively, it is vital that the Scottish Government team designing the roll out of Social Security Scotland's new grants and functions have a comprehensive understanding of the context of Care Experienced people's lives and backgrounds, especially when designing eligibility criteria. We would like to continue working with the policy team and Social Security Scotland colleagues, to ensure the roll out of new initiatives fully embodies the spirit of Corporate Parenting duties and promote the interests of Care Experienced people.

The Job Grant has potential to support many Care Experienced individuals to overcome some of the barriers they face when transitioning into employment, by providing a helping hand to cover some of the upfront costs of starting work. Care Experienced people have told us how juggling life at home with the pressures of finding work or continuing education can be exhausting. Many can misunderstand the roots to unemployment, easily labelling people as lazy or happy to exist on benefits. It is important that policies such as the Job Grant help

to tackle the real issues such as the lack of confidence or opportunity that exists for populations like those with Care Experience.<sup>2</sup>

The consultation document reflects an acknowledgement of the need for Care Experienced people to receive special consideration in the policy design for the grant: *“Care leavers aged 16 and 17 will not have to meet the 6 month period, and so will receive support as long as they are on a qualifying benefit and have received a job offer.”* It is excellent practice for the Scottish Government to have identified that Care Experienced people need to be considered as a particularly vulnerable group, in need of extra support when transitioning into employment. However, if the issues raised in this response (alongside CELCIS and CPAG) remain unresolved, the policy as it stands may have unintended negative consequences, which mean many young Care Experienced people are unable to access this important financial support.

### **1. Definition: ‘Care Experienced’ instead of ‘Care Leaver’**

We work on behalf and alongside Care Experienced people of all ages and are committed to highlighting the lifelong impact of care on individual’s lives. Therefore, we strongly suggest the Job Grant commits to using the term ‘Care Experienced’ rather than the definition of ‘care leaver’ when referring those who have been looked after within the care system. It is also important that the definition of ‘Care Experienced’ is as wide and flexible as possible.

The current ‘care leaver’ terms used in the consultation document, does not give a clear definition as to which Care Experienced people can benefit from this grant (without needing to be out of work for 6 months). ‘Care leaver’ is related to the language of Scotland’s care system, which often sets arbitrary age limits to decide which Care Experienced people are eligible for certain statutory services. It is especially important for us to understand how a person will be categorised as requiring special consideration due their lived experience of care, as this will affect how the individual provides the necessary evidence of their Care Experienced to Social Security Scotland.

An example of how a definition of ‘Care Experienced’ has been applied positively in practice, can be found in the eligibility criteria for the Care Experienced bursary. This support is available to all Care Experienced people who have *ever* been legally ‘looked after’ in Scotland.<sup>3</sup> The Students Awards Agency Scotland (SAAS) have shown leadership in the interpretation of their Corporate Parenting duties, by ensuring they do not to apply the legalistic definition of ‘aftercare’ eligibility, which leaves those who left care just before they turned 16, unable to access support. The legal test of eligibility for ‘aftercare’ definition places an arbitrary rule that you must have been ‘looked after’ (as defined by the Children (Scotland) Act 1995 definitions) until after or on your 16<sup>th</sup> birthday and is often applied very literally in front-line practice, when local authorities are deciding whether a Care Experienced person is entitled to ‘aftercare’ assistance.

### **2. No Upper Age Limit for Care Experienced People**

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<sup>2</sup> Who Cares? Scotland, March 2015, *Report on Workshops on Care Proofing Job Centres.*

<sup>3</sup> [SAAS, 2018, Support for Care Experienced Students 2019-2020,](#)

We strongly suggest the removal of the age limit for Care Experienced people accessing the grant. The average age of leaving home in the EU is 27 and even then, parents do not opt out of children's lives at this point and many will continue to provide practical, emotional and financial support to their children for as long as they need it. Much of current Corporate Parenting policy focuses only on those up to the age of 26, leaving those struggling in adulthood, without support.

We know from our Care Experienced members and through our advocacy relationships that Care Experienced people can reach educational and employment milestones at a later age in comparison to their non- Care Experienced peers.<sup>4</sup> Many Care Experienced people enter education much later and continue to struggle with financial hardship and precarious employment throughout their adult lives. This is due to the lifelong consequences of being care, which can lead to difficult life circumstances, such as dealing with mental health issues, experiencing a higher likelihood of homelessness and contact with Scotland's justice system.<sup>5</sup> For example, the Care Experienced bursary is limited to Care Experienced people aged 26 and under, even though data shows that a high proportion of students in further and higher education who are Care Experienced are aged over 26: *"the largest age group in the university sector are those aged 25 and over (130 students) and they represent 38.8% of undergraduate entrants."*<sup>6</sup>

At a recent discussion with a group of 11 Care Experienced parents, they raised the issue of the SAAS bursary age limit and how this has affected them. The group explained how Care Experienced parents who have their own with children, will have no choice but to spend their time being a full-time carer until their child is ready to start school, as a result of early years entitlement.<sup>7</sup> This is because children who are 'looked after' receive a full and free early years nursery entitlement. Yet, the children of Care Experienced parents do not qualify for this. Irrespective of a Care Experienced person's age or income, managing childcare is challenging. Across Scotland, people can rely on an extended network of grandparents, aunts, uncles and other family members to offer informal childcare, however, Care Experienced parents are often less able to do this. As well as having a practical impact, this also has an emotional impact, causing stress and worry. If they are over the age of 26 by the time their child is attending school and they can return to education, they will not qualify for progressive Scottish Government policies like the Care Experienced bursary.<sup>8</sup>

Removing the age limit applied to Care Experienced people accessing the Job Grant, will ensure Care Experienced people who need the support the most, can access it.

### **3. Change the Qualifying Benefits for Care Experienced Applicants**

Alongside CELCIS, we also have concerns with the named qualifying benefits which an individual must be receiving in order to qualify for the Job Grant. Many Care Experienced

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<sup>4</sup> [WCS Corporate Parenting Video, 2018, The Road to College](#) - Laura shares her experiences of education and the barriers she had to overcome.

<sup>5</sup> [Who Cares? Scotland, Statistics webpage](#).

<sup>6</sup> [Scottish Funding Council, 2018, Care Experienced Students](#).

<sup>7</sup> Who Cares? Scotland, March 2019, *Discussion with Care Experienced Parents, Mother's Day Event*.

<sup>8</sup> *Ibid*.

people in the age category above 16, will be receiving financial support (called 'aftercare') from their local authority, which impacts their ability to claim the qualifying benefits named in the Job Grant policy consultation document.

As Child Poverty Action Group Scotland explain in their resources on the complexity of navigating the DWP benefit system for care leavers, 'aftercare' money is classed as 'income' by DWP.<sup>9</sup> *"Many 16 and 17-year olds who have been 'looked after away from home' by the local authority cannot get universal credit, income support, income-based jobseeker's allowance or housing benefit. Instead, the local authority which last looked after them is responsible for providing financial and housing support. Local authorities often call this help 'after-care', 'after-care services' or 'leaving care services'."*

Young people in care also have the right to stay in their care placements until they are 21 years old, which was extended in part 10 of the Children and Young People (Scotland) Act 2014. 'Continuing care', as it is termed, also affects the ability of young people to claim the qualifying benefits named.

If the qualifying benefits needed are not reviewed, many young Care Experienced people will be unable to access the Job Grant due to their 'aftercare' support, or because they are in continuing care. This must be looked at as a matter of urgency for the Job Grant team and we would suggest contacting CPAG for more information on which benefits could be listed that would help to understand if Care Experienced people could be eligible for the grant.

### **Conclusion:**

The Job Grant policy is excellent in the fact it has specified care leavers as a group of young people who may need financial support when transitioning into employment. In this response we have suggested three vital changes, which will ensure this grant reaches Care Experienced people who need it most:

1. Use a 'Care Experienced' definition, instead of 'care leaver', and ensure this is flexible in its criteria. Take into consideration the way an individual will need to provide evidence of their experience of care. SAAS bursary eligibility can be used as a good practice example.
2. Remove the upper age limit for Care Experienced people applying for the grant. The arbitrary use of 26 years old, creates a cut-off point leaving Care Experienced parents and others in adulthood, unable to access this important support.
3. Change the qualifying benefits needed to access the grant, as many Care Experienced people will be ineligible for these benefits as their local authority support is classed as 'income' by DWP.

The issues raised above are examples of how this grant and the eligibility criteria have initially been designed around the needs of the general population of younger people on low incomes and who are being supported by DWP benefits. This demonstrates that this policy needs to be properly tailored to meet the needs of our Care Experienced population

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<sup>9</sup> [CPAG, 2018, Care leavers and benefits: giving good advice.](#)

in Scotland and thus, in its current form, does not fully realise the Corporate Parenting responsibilities of Social Security Scotland.

Previously, Louise Hill from CELCIS gave evidence to the Social Security Committee<sup>10</sup> on the Best Start Grant (BSG) and pointed out that *“research by The Children’s Society highlighted the negative experiences of many Care Experienced young people and adults in trying to navigate the complex social security system that they disproportionately need to rely on compared to their peers.”*<sup>11</sup> Within this evidence, Dr. Hill argued that an ‘assumption of entitlement’ for all Care Experienced people should be applied for the BSG and we strongly agree with this. We believe the Job Grant is another opportunity for Social Security Scotland to incorporate this approach into the financial support they offer and truly act on their Corporate Parenting responsibilities and duties.

Furthermore, Dr. Hill suggested creating a ‘marker to identify care leavers’ for those with Care Experience (with consent). *“The Department of Work and Pensions introduced a marker to identify care leavers on the Labour Market System to ensure they received better, more tailored, support. By October 2014, a total of 3,162 care leavers had self-identified and were visible on the system. To date, there is no such system for Universal Credit.”*<sup>12</sup> There is an opportunity to consider the potential advantages of introducing this in the system as a mechanism to provide a higher level of support.”<sup>13</sup>

We would also encourage Social Security Scotland to speak to Care Experienced people directly about the services they create and design. For this Job Grant, we would like there to be a much fuller understanding of the barriers to employment that Care Experienced people can face either when in care and when leaving care, at any age. We would also encourage Social Security Scotland to work alongside us through continuing engagement with our training and education team, in order to realise their Corporate Parenting duties to the fullest extent possible.

**If you wish to discuss this consultation, please get in touch.**

**Lucy Hughes, Policy Officer: [lhughes@whocaresscotland.org](mailto:lhughes@whocaresscotland.org)**

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<sup>10</sup> Hill, L. CELCIS, 2018, *Evidence to the Social Security Committee: Best Start Grant*, pp. 29-32.

<sup>11</sup> The Children’s Society, 2017, *Claiming after care: Careleavers and the benefit system*.

<sup>12</sup> *Ibid.*

<sup>13</sup> Hill, L. CELCIS, 2018, *Evidence to the Social Security Committee: Best Start Grant*, pp. 29-32.