

# Consultation on the Early Years Assistance (Best Start Grant) Regulations 2018



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Full name or organisation's name

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## **Early Years Assistance Consultation on (Best Start Grant) Regulations**

### **Scottish Commission for Learning Disability Response**

The Scottish Commission for Learning Disability (SCLD) welcomes the opportunity to respond to this important consultation. SCLD is an independent charitable organisation and strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, *The keys to life* (2013)<sup>1</sup>. The strategy defines a learning disability as a significant, lifelong, condition that started before adulthood, which affects development and means individuals need help to understand information, learn skills, and cope independently. SCLD is committed to finding new and better ways to improve the lives of people with learning disabilities and is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works.

*The keys to life* (2013) highlights the importance of friendships and romantic relationships for people with learning disabilities: "Having meaningful relationships is a priority for people with learning disabilities...many people with learning disabilities want that chance to have a romantic, sexual and long term relationship" (*The keys to life* p.73).

Having a family, for many people is an important part of long term romantic relationships. However, significant barriers are faced by people with learning disabilities in establishing a family (Tarleton, Ward & Howarth, 2006<sup>2</sup> and Stewart, Macintyre, & McGregor, 2016<sup>3</sup>). *The keys to life* (2013) recognises the need for local supported parenting services to ensure better outcomes for families impacted by a parental learning disability.

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<sup>1</sup> [The keys to life](#)

<sup>2</sup> [Tarleton, B., Ward, L., & Howarth, J. \(2006\). Finding the Right Support? Bristol University.](#)

<sup>3</sup> [Stewart, A., Macintyre, G., & McGregor, S. \(2016\). Supporting Parents with Learning Disabilities in Scotland: Challenges and Opportunities. SCLD.](#)

The aim of this response is to support the Scottish Government in the development and delivery of policy through sharing knowledge and providing practical solutions to policy based challenges in line with SCLD's strategic plan 2017-21.

In responding to this consultation, SCLD has:

- Engaged with key stakeholder [Parenting across Scotland](#)
- Drawn from existing research regarding the experiences of parents with learning disabilities
- Reflected on wider available research on child protection and poverty.

## Overview

SCLD welcomes The Best Start Grant Regulations and views this as an important function of the new Social Security Agency. In particular, SCLD welcomes the selection of qualifying benefits and the inclusion of young parents. While SCLD values and acknowledges the support The Best Start Grant will offer many families, it is critical that consideration is given to how these regulations can be made to work for families where a parent may have a learning disability. To achieve this, SCLD would request that particular attention is paid to:

1. The eligibility test for The Best Start Grant (Question 2)
2. Empowering young parents with a learning disability (Question 4)
3. The impact of regulations (Questions 5-7)
4. Giving clarity regarding re-determination (Question 8a)
5. Including parents with learning disabilities in impact assessment (Question 9a)
6. Ensuring accessibility and public awareness of The Best Start Grant (Question 9a)
7. Ensuring the role of independent advocacy in supporting individuals through the application and re-determination (Question 9a).

## 1. Eligibility for The Best Start Grant (Question 2)

In considering the two responsibilities tests set out on pages 14 and 15 of the consultation document, SCLD has reflected on the organisation's understanding about the significant barriers to having and raising a family faced by parents who have learning disabilities (Tarleton, Ward, & Howarth, 2006<sup>4</sup> and Stewart, Macintyre, & McGregor, 2016<sup>5</sup>). In addition, SCLD has also drawn on evidence about structural inequalities which have led to child welfare proceedings experienced by parents living in poverty from the United States (Tobias<sup>6</sup>). Inequalities experienced as a result of both learning disability and poverty can lead to parents on low income being excluded from employment and, in some instances, subject to child protection proceedings.

Parents who are considered vulnerable, which can include those with learning disabilities, may not have the care of their child. The Refreshed Good Practice Guidance for Supporting Parents with Learning Disabilities states that where child protection measures are necessary, placement with extended family members should be an option which is given due consideration. Therefore, SCLD would select test 2 from the available options presented in the consultation document. This would ensure payments of The Best Start Grant to kinship carers where they have responsibilities for a child, who is considered looked after by the local authority. Therefore, SCLD supports The Best Start Grant being made available to those with both formal and informal kinship care arrangements. This is in line with both Maternity Action and The Child Poverty Action Groups' submissions to the Social Security Committee (10<sup>th</sup> of May 2018)<sup>7</sup>. To ensure this, SCLD support The Child Poverty Actions Groups request that in implementing test 2, the requirement the child not be looked after by a local authority, be removed from the regulations. (See Meaning of Parental Responsibility Section 7, Subsection C on page 31 of the consultation document).

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<sup>4</sup>[Tarleton, B., Ward, L., & Howarth, J. \(2006\). Finding the Right Support? Bristol University.](#)

<sup>5</sup>[Stewart, A., Macintyre, G., & McGregor, S. \(2016\). Supporting Parents with Learning Disabilities in Scotland: Challenges and Opportunities. SCLD.](#)

<sup>6</sup> Tobias, D, 2013. *From Pariahs to Partners: How parents and their allies changed New York City's Child Welfare System*. New York: Oxford University Press.

<sup>7</sup> [The Scottish Parliament. Social Security Committee \(10<sup>th</sup> of May 2018\)](#)

The removal of the aforementioned requirement (Section 7, Subsection C) to apply for The Best Start Grant would help to support families who had given voluntary agreement for their child to be placed in foster care at birth. If it was likely the child would return to their care, having access to The Best Start Grant would help parents prepare to provide care for the child. Where the parent has a learning disability the provision of support and the development of parenting skills would need to be made available to the parent. This should be in line with The Refreshed Good Practice Guidelines for Supporting Parents with a Learning Disability<sup>8</sup> and Part 12 of The Children and Young People (Scotland) Act 2014<sup>9</sup>.

In the type of situation discussed above, the award of The Best Start Grant could potentially empower the parent/s. SCLD does, however, acknowledge that in complex child protection cases, if a child may not return back to their family, The Best Start Grant and items purchased with it may add to the experience of distress in having a child removed. SCLD feels that on balance having the opportunity to apply for this grant gives parents the resources required to have their child returned to their care, if appropriate. To support the suitable applications for The Best Start Grant SCLD would welcome the need for advocacy, linked to Children and Families Services, to support parents in applying. There is a potential role here for local area co-ordinators in establishing and supporting this link. Advocacy is of critical importance where a parent has a learning disability (See Section 7, The role of independent advocacy in supporting individuals through the application and re-determination process).

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<sup>8</sup> [SCLD. \(2015\). Refreshed Good Practice Guidance for Supporting Parents with a Learning Disability](#)

<sup>9</sup> [Children and Young People \(Scotland\) Act 2014](#)

## 2. Empowering Young Parents with a Learning Disability (Question 4)

With regard to Question 4, SCLD supports eligibility for all expectant parents under the age of 18 for The Best Start Grant payments without a requirement to receive a qualifying benefit. However, SCLD would ask that further consideration is given to regulations on making payments to grandparents rather than the parents themselves. A number of organisations have highlighted concerns regarding this. In evidence presented by CELCIS to the Social Security Committee (10<sup>th</sup> of May 2018)<sup>10</sup> concerns about not suitably empowering young parents were raised. SCLD would also highlight this could have an unintended negative impact on a young parent with a learning disability.

Research commissioned by SCLD has highlighted the significant barriers faced by parents with learning disabilities, with Stewart, Macintyre, and McGregor (2016) citing international studies which have estimated between 40 to 60% of parents with learning disabilities having their children removed from their care<sup>11</sup>. In addition to this, demonstrable links between teenage parenthood and poverty show significant challenges for young parents. The Information Statistics Division 2017<sup>12</sup> showed women aged under 20 living in the most deprived areas as having five times higher pregnancy rates than their peers in the least deprived areas. Taken together, the impact of having a learning disability, being young and living in poverty serves as a multiplier of disadvantage.

Alongside facing significant barriers with regard to parenting, people with learning disabilities are also excluded from education and subsequently employment. Research examining the employability landscape for people with learning disabilities in Scotland, commissioned by SCLD, highlighted that people with learning disabilities achieved markedly lower attainment with regard to qualifications than their peers. For example in 2013 only 12.3% of pupils with a learning disability achieved one or more qualification at SCQF level 6 compared to 39.5% of the rest of the pupil

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<sup>10</sup> [The Scottish Parliament, Social Security Committee \(10<sup>th</sup> of May 2018\)](#)

<sup>11</sup> [Stewart, A., Macintyre, G., & McGregor, S. \(2016\). \*Supporting Parents with Learning Disabilities in Scotland: Challenges and Opportunities\*. SCLD.](#)

<sup>12</sup> [Information Statistics Division. \(2017\). \*Teenage Pregnancy Year of conception ending 31 December 2015\*.](#)

population<sup>13</sup>. 7.7% of pupils with a learning disability achieved an SCQF level 6 as their highest qualification. This is in comparison to 41.9% of pupils with an identified additional support need. This places pupils with learning disability as a minority within a minority and demonstrates disadvantage to a greater level than their peers.

The differences in data collection for the general pupil population as compared to those with an additional support need is also worth note. The attainment of the general pupil population is recorded from SCQF level 3. For those with an additional support need, this is recorded from SCQF level 2. This illustrates an understanding that some individuals with an additional support need will not achieve a qualification higher than level 2, while this is expected for other pupils. These low levels of attainment, among a range of other factors, exclude individuals with learning disabilities from the employment market. Research<sup>14</sup> stated that the employment rate for adults with learning disabilities is between 7% to 25%. This should be taken in comparison with the overall employment rate of 75.2%<sup>15</sup>.

In understanding the complex range of barriers faced by a young parent with a learning disability, SCLD would support changes to the eligibility options for young parents outlined on page 16 of the consultation document. Instead of the current proposal, SCLD would suggest that payments should be made directly to parents under 16 years of age and those 18 or 19 in training or non-advanced education. This will be of critical importance to young parents with a learning disability who may have experienced a breakdown of a relationship with their own parent. Direct payments to the parent will help to ensure the autonomy of the young person to be a parent. This would also recognise that in some instances a parent with learning disabilities' aspirations and wishes can be different to that of their own parents or carers. To support young people with learning disabilities to be parents, SCLD would welcome welfare advice and financial inclusion services playing a role in providing optional advice to the parent about the most advantageous way of spending The Best Start Grant for both them and their child.

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<sup>13</sup> [Mc Teir, A., MacDougal, L., McGregor, A., Hirst, A., & Rinne, S. \(2016\). \*Mapping the Employability Landscape for People with Learning Disabilities in Scotland\*. Glasgow: SCLD.](#)

<sup>14</sup> [Mc Teir, A., MacDougal, L., McGregor, A., Hirst, A., & Rinne, S. \(2016\). \*Mapping the Employability Landscape for People with Learning Disabilities in Scotland\*. Glasgow: SCLD.](#)

<sup>15</sup> The Scottish Government. (2018). <http://www.gov.scot/Topics/Statistics/Browse/Labour-Market/LMTrends>

For young parents with learning disabilities, The Best Start Grant should be offered in conjunction with the ILF Scottish Transitions Fund which provides money for up to one year support for young people experiencing a disability between 16 and 21 years of age. This fund can be used to purchase a number of activities which can support people to participate in activities. This can include assistive technology, travel training, driving lessons and training courses. The combination of both a Best Start Grant and The ILF Transition Fund could provide positive outcomes in a child's early life for the family. More information about the ILF Scotland Transition Fund can be found [here](#).

### **3. The impact of regulations (Questions 5-7)**

With regard to Question 5, SCLD believes the regulations will support the objectives set out at the start of the consultation document. This included mitigating the experience of poverty in early childhood and material deprivation. SCLD also believe The Best Start Grant regulations will support the reducing of health inequalities and the closing of the attainment gap. However, this will need to sit alongside policy developments across education, employment, parenting support, housing, advocacy and social security. The Best Start Grant alongside a range of policy development will help to ensure a positive impact for families where one or more parent has a learning disability.

In response to Question 6, SCLD sees the regulations relating to the Meaning of Parental Responsibility Section 7, Subsection C having potential unintended consequences. For example, excluding parents with learning disabilities who may have given voluntary permission for their child to be placed in temporary foster care. This and the potential impact on kinship carers is outlined in Section 1, the eligibility test for The Best Start Grant in this document.

With regard to Question 7, SCLD has not identified gaps in the regulations. However, SCLD would highlight the need for the eligibility of all Schedules 1 to 3 (Maternity and New Baby Grant, Nursery and Early Learning Grant and School Age Grant) to be produced in an accessible format for those applying for the grant. Additionally,



consideration should be given to extending application windows to ensure people with learning disabilities have appropriate time to arrange support to go through this process. This fits with The Child Poverty Action Group's request that application windows be extended until the UK benefit applications or challenges have been decided<sup>16</sup>.

#### **4. Clarity regarding Re-determination (Question 8a)**

With regard to question 8(a), SCLD agrees that 31 days to request a re-determination is, in principle, an appropriate amount of time. However, SCLD would welcome clarity regarding what is meant by a 'good reason' for a re-determination being submitted outwith the stated timescale. SCLD would ask that a definition of a 'good reason' be given and that this takes into consideration the potential waiting times parents with learning disabilities may face in accessing welfare advice or advocacy support. This should also acknowledge that individuals may delay in requesting a re-determination as a result of difficulties with memory (relating to a learning disability or difficulty), ongoing physical or mental health issues or due to a number of complex life circumstances which could include; addiction, stress, trauma or bereavement. Therefore, SCLD views it as critical that a definition of a 'good reason', which acknowledges individuals' complex life circumstances, is given. Moreover, SCLD views 15 working days as a maximum appropriate timescale for re-determinations of The Best Start Grant (Question 8 (b) of the consultation document).

#### **5. Including parents with learning disabilities in the impact assessment (Question 9a)**

In response to question 9 (a) of the consultation document, SCLD would welcome the inclusion of learning disability alongside the protected characteristics. While learning disability is implicitly covered by the term disability, SCLD would request that learning disability is explicitly stated in the impact assessment. Parents with learning disabilities require a particular focus due to the particular barriers they face in having and raising a family.

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<sup>16</sup> [The Scottish Parliament, Social Security Committee \(10<sup>th</sup> of May 2018\)](#)

## **6. Ensuring accessibility and public awareness of The Best Start Grant (Question 9a)**

In their submission to the Social Security Select Committee (10<sup>th</sup> of May 2018)<sup>17</sup> Parenting across Scotland highlighted that the uptake of maternity benefits has been low. SCLD supports Parenting across Scotland's statement that increasing the uptake of this benefit among pregnant families is critical. Therefore increased work is needed to ensure pregnant families are aware of their entitlements. This is best facilitated through welfare advice agencies and financial inclusion organisations with a proven track record in income maximization. This should also include those professionals that individuals will encounter at the stages at which applications could be made. This will include, healthcare professionals and those working in primary education. Particular consideration should be given to how this information is provided to pregnant families where the parents have a learning disability.

The range of challenges experienced by people with learning disabilities in finding out about and applying for social security payments was highlighted in SCLD's (2016) earlier response to the Consultation on Social Security in Scotland<sup>18</sup>. In this, SCLD stated that people with learning disabilities often found Social Security communications confusing and difficult to engage with. The Scottish Government has statutory duties under the Equality Act 2010 and responsibilities under the United Nations Convention on the Rights of Disabled People (UNCRPD) to guarantee that disabled people are not disadvantaged by inaccessible communication. Therefore SCLD would support the co-design of The Best Start Grant communications with people with learning disabilities. The keys to life Expert Group<sup>19</sup> is one of a number of groups who can support the development of these communications. At the time of writing this response, SCLD has engaged with IBM, the company responsible for usability and accessibility of The Best Start Grant. SCLD hopes that this will ensure people with learning disabilities have the

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<sup>17</sup> [The Scottish Parliament, Social Security Committee \(10<sup>th</sup> of May 2018\)](#)

<sup>18</sup> [SCLD. \(2016\). Social Security in Scotland.](#)

<sup>19</sup> [The keys to life Expert Group](#)

opportunity to inform the creation of the applications and in making information accessible.

To best support future parents who have a learning disability, The Best Start Grant Applications will need to be accessible. To ensure this, parents with learning disabilities should be supported through this process by welfare advice organisations and independent advocacy organisations.

### **7. The role of independent advocacy in supporting individuals through the application and re-determination (Question 9a)**

SCLD, in response to Social Security Bill: Call for Views, (2017)<sup>20</sup> highlighted the role independent advocacy can have in making the emerging new social security system in Scotland accessible. This response highlighted the experiences of people with learning disabilities, who discussed the important role independent advocacy can play. SCLD also discussed findings from The Scottish Government funded Welfare Advocacy Pilot project between March 2015 and August 2016. This found that advocacy support throughout the assessment process of both ESA and PIP had positive impacts for those who accessed the services. This included: reduced stress and anxiety, increased confidence, improved accuracy of assessment outcomes and positively impacted the behaviour of those carrying out assessments.

Following the extension of the right to independent advocacy to all disabled people<sup>21</sup>, SCLD wishes to highlight the importance of independent advocacy being available and open to parents with learning disabilities. To ensure this, training for frontline advocacy staff will be required to understand the significant barriers and challenges experienced by this particular group of parents (See Tarleton, Ward , & Howarth, 2006<sup>22</sup> and Stewart, Macintyre, & McGregor, 2016<sup>23</sup>).

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<sup>20</sup> [SCLD. \(2017\). Social Security Bill: Call for Views](#)

<sup>21</sup> Scottish Government. (2018). *Right to advocacy extended*. Retrieved from <https://news.gov.scot/news/right-to-advocacy-extended>

<sup>22</sup> [Tarleton, B., Ward, L., & Howarth, J. \(2006\). Finding the Right Support? Bristol University.](#)

<sup>23</sup> [Stewart, A., Macintyre, G., & McGregor, S. \(2016\). Supporting Parents with Learning Disabilities in Scotland: Challenges and Opportunities. SCLD.](#)

## Summary

To ensure The Best Start Grant Regulations best support families in which one or more parent has a learning disability SCLD would support the following:

- Adopting of eligibility test 2 in conjunction with the removal of regulation Section 7, Subsection C
- Empowering young parents with learning disabilities through direct payments and advice,
- Defining a 'good reason' for applying for a re-determination outside of the 31 day period which takes into account the particular circumstances parents with learning disabilities face
- Including parents with learning disabilities in impact assessments
- Ensuring accessibility and awareness of The Best Start Grant
- Highlighting learning disability within the impact assessment
- Ensuring access to independent advocacy.

SCLD hopes that the Best Start Grant can be fully accessible to families where the parents has a learning disability. Improving accessibility alongside flexible application processes, which taking into account the complexities of all individual life circumstances, would potentially improve outcomes for both parents with learning disabilities and their children.

Thank you for the opportunity to respond to this important consultation.



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