



Response to Scottish Government's Consultation on the Job Grant

April 2019

We welcome the opportunity to submit our views in response to the Scottish Government's consultation on the Job Grant. We strongly support the policy objectives of the Job Grant, to support smooth transitions into work by providing assistance to young people on low incomes to meet the initial costs of starting work.

Key messages

- The particular focus on increased eligibility for care leavers is especially welcome. This aligns with good corporate parenting practice, and the principles of 'assumption of entitlement'.
- Alterations are required to the eligibility criteria to ensure all care leavers (particularly those aged 16 and 17) are eligible for the Job Grant.
- Clarity over whom the term 'care leaver' applies to, in the context of the Job Grant, is required.
- Clear guidance is required to ensure the Job Grant enhances, rather than replaces, financial support already available to care leavers.

Background

The recognition of the significant barriers faced by care leavers in entering employment is welcome, as are the consideration of their particular needs, and the provisions proposed to ensure these young people benefit from the Job Grant to the maximum extent. Such assessment and implementation of plans to meet the needs of care experienced young people is core to good corporate parenting practice.¹ The state has a specific set of duties to safeguard the rights and promote the wellbeing of looked after children and care leavers, as set out in [Part 9: Corporate Parenting](#) of the Children and Young People (Scotland) Act 2014 (the 2014 Act). Scottish Ministers, Social Security Scotland, local authorities and a range of other public sector bodies must promote the interests of looked after children and care leavers, and enable them to make use of supports and services they provide.

Research by the Children's Society highlights the poverty and disproportionate impact of financial hardship faced by care leavers. Their access to assistance

¹ Scottish Government (2015) [Children and Young People \(Scotland\) Act 2014: Statutory Guidance on Part 9: Corporate Parenting](#). Edinburgh: Scottish Government

such as the Job Grant is of paramount importance.² In recognition of the multiple barriers and disadvantage faced by care leavers in Scotland, the [Scottish Care Leavers Covenant](#) sets out the rationale for an 'assumption of entitlement' for these young people to all forms of discretionary support from corporate parents and associated agencies. This means there should be a default position where care leavers are entitled to services, support and opportunities, up to their 26th birthday, and that:

'Where discretion exists in definitions of vulnerability, or in giving priority access, these will be in favour of care leavers. This includes access to bursaries and grants; access to employment or training support and provisions; housing and accommodation options; health services; leisure, cultural and recreational opportunities with access to 'second-chance' opportunities.'³

The proposed increased eligibility for care leavers to the Job Grant aligns with this position. Care leavers do not have to meet the condition of being out of work for six months prior to application, and can access the Job Grant up until their 26th birthday (as opposed to other young people who are eligible up until the age of 24 only). However, further consideration of the eligibility criteria and the application period are required in order to maximise the positive benefits of the Job Grant for care leavers.

Question 1: Are the eligibility criteria for the Job Grant clear?

No.

Eligibility for qualifying benefits

Section 5 of the consultation establishes the eligibility criteria for the Job Grant. Our key concern relates to eligibility criteria b), which states that an applicant who is a care leaver must be in receipt of a qualifying benefit, namely Jobseekers Allowance (JSA), Income Support (IS), Employment and Support Allowance (ESA), or Universal Credit (UC).

By virtue of Section 6 of the [Children \(Leaving Care\) Act 2000](#) and regulations 8(1), (2) and (4) of the [Universal Credit Regulations 2013](#), many 16 and 17 year old care leavers are not eligible to receive JSA, IS or UC. Instead, the local authority which previously looked after them is responsible for providing them with financial support. Generally speaking, this exclusion applies to any young person who

- is under 18; and
- who was looked after by a local authority at/beyond their 16th birthday; and

² The Children's Society (2017) [Claiming after care: Careleavers and the benefit system](#), London: The Children's Society; The Children's Society (2016) [The cost of being care free: The impact of poor financial education and removal of support on care leavers](#), London: The Children's Society.

³ Scottish Care Leavers Alliance (2015) [Scottish Care Leavers Covenant](#), Glasgow. p7.

- was looked after away from home for at least 3 months since their 14th birthday; and
- has ceased to be looked after.

This includes 16 and 17 year olds who have left care and are eligible for aftercare services (under Part 10 of the 2014 Act), and 16 and 17 year old young people who have ceased to be looked after, but remain in their care setting under a Continuing Care arrangement (under Part 11 of the 2014 Act). There are certain exceptions to these special rules, which are set out in detail in the factsheet [Care leavers and benefits: giving good advice](#) produced by the Child Poverty Action Group (CPAG) and Staf in June 2018.⁴ As the Job Grant proposals stand, these 16 and 17 year old care leavers would not be eligible for the Job Grant as they are ineligible for qualifying benefits. We believe this is likely to be an omission that requires rectification, rather than an intentional design.

Care leaver status

The question of who is a 'care leaver' is not always clear, different definitions are used in different contexts. Definitions range from those used to establish eligibility for certain benefits (as specified above); those based on legal eligibility for aftercare (which include any young person who is under the age of 26 and who is no longer looked after, but was looked after on or beyond their 16th birthday);⁵ to those based on more extensive and inclusive definitions of 'care-experience'. For example, the Student Awards Agency Scotland (SAAS) care experienced student bursary is available to anyone who has ever been looked after by a local authority, for any length of time, in any placement type, and at any point in their childhood.⁶ To avoid confusion, greater clarity is required in establishing to whom the term applies in the context of the Job Grant.

Consideration is also required about whether and how an individual is required to provide evidence of their status as a care leaver. Whilst some evidence may be necessary, its form must be sensitively considered, as requirements to prove such status can place a stigmatising and bureaucratic burden on young people, who may be required to repeatedly produce such evidence in a variety of circumstances. As previously stated in our evidence to the Social Security Committee concerning the Best Start Grant in May 2018, we would recommend that a marker is developed to identify those with care experience (with consent). This would negate any requirements to provide evidence of such status more than once, and could be used positively to provide better, more tailored support in a variety of situations, as per the principles of assumption of entitlement. The Department of Work and Pensions introduced a marker to identify care leavers on the Labour Market System, and by October 2014, a total of 3,162 care leavers had self-identified and were visible on the system. To date, there is no

⁴ CPAG & Staf (2018) [Care leavers and benefits: giving good advice](#). Glasgow: CPAG

⁵ Set out in Section 29 of the Children (Scotland) Act 1995, as amended by Section 66(2) of the 2014 Act

⁶ SAAS (2018) [Support for Care Experienced Students 2019-2020](#). Edinburgh: SAAS

such system for Universal Credit.⁷ There is an opportunity to consider the potential advantages of introducing this in the Scottish social security system as a mechanism to provide a higher level of support.

Question 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

Question 3: If no, please provide comments

Application period and zero-hours contracts

The application period may be suitable in certain circumstances (for example, where there is a clear, written, employment contract). However, in other more complicated situations, consideration is required regarding the interaction of the relatively short application period, with the requirement to evidence the employment offer meets the stated eligibility criteria.

To be eligible, the offer of employment must amount to at least 16 hours of work per week, and be expected to last for at least 3 months. The proliferation in zero-hours contracts for young people's employment is recognised in the consultation document. However, the suggestion that average weekly hours over a four-week period could be used to evidence the employment opportunity is eligible for the Job Grant is incompatible with the proposed time period for application, which is only allowed up until 14 days after taking up employment.

A possible solution is in increasing the application period, however this will not support the policy objectives of the Job Grant to meet the initial costs experienced by young people taking up employment. For care leavers who have limited access to alternative supports, such a delay in receiving the grant could lead to some having no option but to give up the offer of employment. Consideration should be given to mechanisms which enable care leavers to apply for a Job Grant so that it is received at the earliest stage, and without placing an undue burden on young people to provide evidence of projected working hours, which for many, especially those with zero-hours contracts, may be impossible.

Repeat applications

Their extended eligibility means a care leaver may apply for a Job Grant over a period of ten years (between the ages of 16 and 26). We recommend consideration that care leavers can make repeated applications for the Job Grant if other eligibility conditions are met, rather than restricting it to a 'one-off' opportunity. This would align with the assumption of entitlement principles outlined above, and reflect a recognition that care leavers face many barriers

⁷ The Children's Society (2017) [Claiming after care: Care leavers and the benefit system](#), London: The Children's Society (pg.1)

related to employability, and do not always experience a straightforward trajectory into stable employment. Receiving a Job Grant on more than one occasion could make a crucial positive difference to an individual's employment outcomes in the long term.

Question 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

Question 5: If no, please provide comments

N/A

Question 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

Question 7: If no, please provide details

N/A

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

Yes

Question 9: If yes, please provide details

The importance of clear guidance is paramount, to ensure the Job Grant for care leavers is implemented and experienced in the manner it is intended, with consistency. We are aware from those working in the sector, and from care experienced people themselves, of concerns relating to other grants and bursaries, in particular the SAAS care experienced student bursary. In some local areas, the bursary is being seen to **replace rather than enhance** the financial support offered to care experienced young people by their corporate parents.⁸ This is leading to varying practices, which is confusing and frustrating for young people who are trying to manage their budgets. In the absence of clear guidance, there is a risk the Job Grant will encounter similar difficulties.

Thank you for providing us with this opportunity to respond. We hope the feedback is helpful; we would be happy to discuss any aspect in further detail.

About CELCIS

⁸ Further information can be found at <https://www.scottishcareleaverscovenant.org/publications> Reports and publications - Bursary for Care Experienced Students: Implementation Issues

CELCIS is committed to building brighter futures for children in need of care and protection. As an intermediary organisation between research, policy and practice, we strengthen the skills and capacities of people who care for children and young people. What's more, we take an evidence-informed approach to implement lasting and positive change, across the services and systems that affect the lives of children and families.

CELCIS is part of the Institute for Inspiring Children's Futures, based at the University of Strathclyde.

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