

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 12 MARCH 2019

SCOTTISH GOVERNMENT CHILD TAX/UNIVERSAL CREDIT – TWO CAP EXEMPTION

REPORT BY SHARON FAULKNER, HEAD OF HR, DIGITAL ENABLEMENT, IT & BUSINESS SUPPORT

ABSTRACT

This report presents a summary of Scottish Government Child Tax/Universal Credit – Two cap exemption.

1. RECOMMENDATION(S)

1.1 It is recommended that the Angus Council:

- (i) Notes the summary report and considers the impact on the citizens of Angus;
- (ii) Agrees the role of the registered social workers as approved third party professionals as recommended in Scottish Government guidance.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

2.1 This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Angus Council Plan 2017-2022:

- We want to maximise inclusion and reduce inequalities
- More opportunities for people to achieve success
- Improve physical, mental and emotional health and wellbeing
- The best start in life for children

3. BACKGROUND

3.1 Reference is made to Scottish Government Child Tax/Universal Credit – Two child cap exemption statement for Health and Social Work professionals in Scotland which has been issued to local authorities (see Appendix 1).

3.2 On 6 April 2017, the UK Government introduced a cap on Child Tax Credit, Universal Credit and Income Support providing payment only for two children of a claimant, although Child Tax Credit will continue to be paid for all children born before that date. Full [details](#) of the policy can be found on the HMRC website.

3.3 A number of exceptions to the cap are included, one of which allows women to claim for children ‘born as a result of non-consensual conception’. This is defined as a child ‘likely to have been conceived either:

- as a result of a sexual act to which the woman didn’t or couldn’t consent, or
- at a time when the woman was in an abusive relationship, under ongoing control; or
- coercion by the other biological parent of the child.’

3.4 A woman may qualify for the exception whether or not there has been a criminal conviction or court case. However, she cannot be currently living with the child’s other biological parent.

3.5 To apply, a woman has to submit a specific form ‘Support for a child conceived without your consent’. The form must be completed ‘with the help of an approved third-party professional’. The UK Government has indicated that an “approved third-party professional” is either a

healthcare professional, a “Registered Social Worker” or a specialist third sector support agency.

4. CURRENT POSITION

4.1 There is opposition to the two-child cap policy in the Scottish context. Professional bodies have been united in arguing that the arrangements put health and social work practitioners in an invidious position.

4.2 However, in order to ensure that arrangements are in place to support women to access financial support under the exemption clause, the Scottish Government has issued guidance underpinned by 2 key principles:

- The rights and safety of survivors of rape and their families are prioritised at all times;
- Local authorities and the NHS are committed to protecting members of their workforce who may be asked to support a woman’s claim.

4.3 Department of Work and Pensions (DWP) guidance asks third party professionals to tick a box to confirm that the claimant’s circumstances, as described by them, are consistent with the exemptions outlined above. It is noted that professionals are not expected to determine whether or not the woman has experienced sexual violence or coercion. The guidance emphasises that it is not required, nor is it appropriate, for them to ask for details of the abuse and there is no requirement on approved agencies or workers to seek any further evidence or confirm the circumstances.

4.4 Complying with DWP guidance in signing verification of the criteria above may present some Council employees with professional and/or ethical conflicts. The British Association of Social Work has stated that all registered social workers must use their professional judgement and have due regard to the needs of a woman asking for verification. However, it has also made clear that the association will support any member who refuses to engage with this policy on grounds congruent with the BASW Code of Ethics.

5. PROPOSALS

5.1 It is proposed that Registered Social Workers in Angus undertake the verification role ascribed to them in the DWP guidance if asked for such assistance by an applicant, as part of their duties.

5.2 Registered social workers have the skills to listen and respond sensitively to such a request, to offer support to vulnerable women and their children or to provide advice about other relevant services.

5.3 This proposal should not be taken as an implicit endorsement of the exemption clause but rather as an attempt to mitigate its impact on women and children impacted by sexual violence.

5.4 Should the proposal be agreed, arrangements will be put in place operationally to support implementation and monitor any impact.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications for the Council arising directly from this report.

7. OTHER IMPLICATIONS

7.1 The Council will need to manage such requests for assistance within current resources and consider the possible impact that it may have on services in terms of demand and resource constraints.

8. CONSULTATION

8.1 Advice has been sought from Legal and Democratic Services and Revenues and Benefits. The relevant trade unions have also been consulted in relation to this matter.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Sharon Faulkner, Head of HR, Digital Enablement, IT & Business Support
EMAIL DETAILS: People@angus.gov.uk