

KINSHIP CARE AND CONTINUING CARE PAYMENTS - NEW STYLE JSA AND ESA

Contents	Paragraphs
Introduction	1
Background	2 - 3
Effect on self employed earnings – new style JSA	4
Effect on work – new style ESA	5
Annotations	
Contacts	

INTRODUCTION

- 1 This memo provides guidance on the Social Security and Child Support (Care Payments and Tenant Incentive Scheme) (Amendment) Regulations 2017 ([S.I.2017 No. 995](#)) (SS & CS (CPTIS)(Amdt) Regs 17) and come into force on 7.11.17¹.

1 SS & CS (CPTIS)(Amdt) Regs 17, reg 1

BACKGROUND

- 2 An LA in Scotland may place a child who is at risk of going into care or who has previously been looked after by the LA with another person. This is known as Kinship care¹. Any payments made by the LA to the person with care are intended to cover any additional costs normally incurred by children living at home but do not cover the costs of accommodation and maintenance of the child.

1 Children and Young People (Scotland) Act 2014, s73(1)(b)

- 3 LAs in Scotland also have a duty to provide on-going care and assistance to eligible people who have ceased to be looked after by the LA. This is known as continuing care¹.

1 Children (Scotland) Act 1995, s26A

EFFECT ON SELF EMPLOYED EARNINGS – NEW STYLE JSA

- 4 Any payments made by an LA under the Kinship care or the continuing care arrangements do not count as self employed earnings¹ in new style JSA.

1 JSA Regs 13, reg 60(2)

EFFECT ON WORK – NEW STYLE ESA

- 5 A claimant who is engaged in caring for a former child under the Kinship care and continuing care arrangements is not excluded from new style ESA by virtue of the general rule that a claimant is not entitled to ESA in any week in which they work¹.

1 ESA Regs 13, reg 37(7)

ANNOTATIONS

Please annotate the number of this memo (ADM 27/17) against the following ADM paragraphs: ADM S3012 (heading), S3013, V3030 (heading), V3040

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 23/16](#) - Obtaining legal advice and guidance on the Law.

DMA Leeds: November 2017

The content of the examples in this document (including use of imagery) is for illustrative purposes only