POLICY NOTE

THE NATIONAL ASSISTANCE (ASSESSMENT OF RESOURCES) AMENDMENT (SCOTLAND) (NO. 2) REGULATIONS 2019

SSI 2019/191

The above instrument was made in exercise of the powers conferred by section 22(5) of the National Assistance Act 1948. The instrument is subject to negative procedure and will come into force on 28 June 2019.

Purpose of the instrument.

To disregard a payment from the Advance Payment Scheme in respect of cases of historical child abuse in care within the National Assistance (Assessment of Resources) Regulations 1992. This will ensure that payments made by the Scottish Government via this scheme are not taken into consideration by local authorities when carrying out a financial assessment for social care charges for those residing in a care home. Only those who are aged 70 or over or who are terminally ill and have experienced abuse while in care in Scotland before December 2004 are eligible to apply for a payment under the Advance Payment Scheme.

Policy Objectives

Advance Payment Scheme in respect of cases of historical child abuse in care

The 1992 Regulations set out a number of different types of capital that are to be disregarded when a local authority assesses a resident's capital for the purpose of charging for residential care. The Advance Payment Scheme in respect of historical child abuse in care opened on 25 April 2019. It is essential that the Regulations incorporate the disregard of these payments. This will ensure these payments are not taken into consideration by local authorities when carrying out financial assessments for social care charges, for those residing in a care home. Individuals who are aged 70 or over or who are terminally ill are eligible to apply for these payments.

Consultation

Both COSLA and Charging for Residential Accommodation Guidance working group members have been consulted about the proposed amendment to the National Assistance (Assessment of Resources) Regulations 1992 and have raised no concerns.

Impact Assessments

A BRIA and EQIA have both been completed and approved by the Cabinet Secretary for Health and Sport and the Deputy Director of Care, Support and Rights respectively.

The following action is being taken as a result of the payments under the Advance Payment Scheme being made directly to the applicant from the Scottish Government.

Financial Effects

The Cabinet Secretary for Health and Sport has confirmed by approving a BRIA stating that this amendment to the National Assistance (Assessment of Resources) Regulations 1992 does not bring any significant additional costs to Scottish Government, Local Government or individuals.

Scottish Government
Health and Social Care Integration
Care, Support and Rights Division

28 May 2019