POLICY NOTE

THE NATIONAL ASSISTANCE (ASSESSMENT OF RESOURCES) AMENDMENT (SCOTLAND) (NO. 2) REGULATIONS 2022

SSI 2022/72

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 11 April 2022.

Purpose of the instrument.

To disregard payments paid to individuals living in residential care from the Scottish Infected Blood Support Scheme and equivalent schemes enacted in other parts of the United Kingdom; payments made under the Victims' Payments Regulations 2020; payments made under the Redress Board (Northern Ireland); and under the payment scheme for former British child migrants within the National Assistance (Assessment of Resources) Regulations 1992. This will ensure these payments are not taken into consideration by local authorities when carrying out financial assessment for charges for those living in residential care.

Policy Objectives

It is appropriate to disregard certain discretionary payments from financial assessments for residential care charges. This is to ensure people retain the full value of these payments in line with the principles of these funds and their intended outcomes.

Scottish Infected Blood Support Scheme (SIBSS)

SIBSS is a scheme which provides financial support to those who were infected mostly in the 1970s or 1980s with hepatitis c (HCV) and/or HIV via infected NHS blood transfusions, blood products or tissue transplants and their widows, widowers, civil partners or other long-term cohabiting partners. It has replaced five former support schemes, which operated on a UK-wide basis and were all disregarded (the Skipton Fund, the Caxton Foundation, the Macfarlane Trust, the Eileen Trust and MFET ltd).

Victims Payment Regulations

Payments made under the Victims' Payments Regulations 2020 to those injured during the Troubles conflict. This scheme acknowledges the harm caused to those injured between January 1966–April 2010 through no fault of their own during the Troubles to promote reconciliation in Northern Ireland following this period of conflict.

More than 40,000 people are estimated to have been injured during the Troubles and many individuals continue to live with permanent disablement caused by serious physical and psychological injuries sustained in Troubles-related incidents, which has a serious impact on their day-to-day lives.

A Troubles-related incident is defined in statute as "an incident involving an act of violence or force carried out in Ireland, the United Kingdom or anywhere in Europe for a reason related to the constitutional status of Northern Ireland or to political or sectarian hostility between people there."

Redress Board (Northern Ireland)

Compensation payments made under the Redress Board (Northern Ireland) as set up under the Historical Abuse (Northern Ireland) Act 2019 for survivors of historical child abuse. This Board was set up to make awards following an inquiry into historic abuse of children under age 18, who live in any of the 22 residential institutions run by religious, charitable and state organisations across Northern Ireland over a 73 year period between 1922 and 1995.

Payment scheme for former British child migrants

The UK government has set up a payment scheme for former British child migrants, who were separated from their families and sent overseas as part of the UK government's historic participation in child migration programmes.

The scheme was set up by the government after a recommendation made in the Independent Inquiry into Child Sexual Abuse (IICSA) interim report and its report on child migration programmes, which were both published in spring 2018.

Consultation

We have consulted with members of the Charging for Residential Accommodation Guidance ("CRAG") working group, whose membership consists of local authorities, COSLA officials and other stakeholders.

Impact Assessments

Equality Impact Assessments have been carried out for each of the new payments disregarded.

Financial Effects

Scottish Government's initial understanding is that given this context, additional costs imposed on local authorities by disregarding these payments from social care means tests are expected to be minimal.

Scottish Government
Social Care and National Care Service Development Directorate
February 2022