

Coronavirus (Discretionary Compensation for Self-Isolation) Bill Consultation Analysis

October 2021

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About this report

This report provides an analysis of the responses to the Scottish Government's consultation on 'Coronavirus (Compensation for Self-Isolation) Bill' which opened 27 August 2021 and closed 24 September 2021, as well as the Scottish Government's response. The consultation paper can be accessed [here](#).

Introduction and policy background

This consultation ran from August 27 to September 24 and was open to the public via <https://consult.gov.scot/>. The consultation principally related to extending the effects of temporary modifications made to the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”) by the UK Coronavirus Act 2020 (“the UK Act”).

As described in the consultation paper, the 2008 Act confers a duty on Health Boards to pay compensation to a person who receives a written request from the Board to isolate, or to not attend or to leave a specified place or refrain from carrying on any activity or type of activity. This duty was temporarily suspended by the UK Act though a discretionary power for Health Boards to pay compensation remains.

Had the modification not been put in place, Health Boards would have been liable to pay compensation to anybody who received a written request from the Health Board to isolate, or to not attend or to leave a specified place or refrain from carrying on any activity or type of activity. Policy development of the 2008 Act was focused on provisions that would provide effective public health intervention in relation to infectious diseases at much smaller scale than the pandemic. Modifications made by the UK Act were put in place to ensure that the Scottish Government could take a proportionate approach to providing support to people self-isolating whilst appropriately balancing the use of public resources.

To support people self-isolating throughout the Covid pandemic, the Scottish Government has implemented financial and practical support in lieu of the previous compensation scheme. For example, the Self-Isolation Support Grant provides £500 to workers who lose income as a result of self-isolating and earn the Real Living Wage or less. The Grant is also available to those who are in receipt of Universal Credit (UC) or other low income benefits or whose family income is within 25 per cent of UC rates.

The Self-Isolation Support Grant has provided vital financial support for those on low incomes and need to isolate to control the spread of COVID-19. From 13 October 2021 people who are fully vaccinated and test negative no longer need to self-isolate if they are a contact of a positive case so the eligibility criteria for the Self-Isolation Support Grant has been changed to reflect this. We have protected those on lower incomes by continuing to include the £20 Universal Credit uplift within the calculation of low income despite the payments being removed by the UK Government.

In addition, the Scottish Government continues to fund the National Assistance Helpline and the Local Self-Isolation Assistance Service, ensuring that pro-active and reactive call services are available to triage the support requirements people may have relating to isolation and link people to relevant local services or to provide advice. Practical support provided includes access to food, essential medication or other local and voluntary services.

Current Situation

The modifications to the 2008 Act only have effect while schedule 21 of the UK Act remains in force and the statutory declaration made under that schedule remains in place. The declaration is to the effect that Scottish Ministers are of the view that:

- the powers in schedule 21 of the UK Act remain a suitable means to reduce transmission of COVID-19;
- COVID-19 is a serious and imminent threat to public health. The declaration must be revoked if the Scottish Ministers consider that one or both of these conditions cease to be met.

If this modification to the 2008 Act is no longer in force, a Health Board would be liable to pay compensation to a person who receives a written request from the Board to isolate, or to not attend or to leave a specified place or refrain from carrying on any activity or type of activity. Health Boards would also be liable to compensate the carers of people who receive such a written request.

As set out in the consultation paper, the proposals put forward intend to ensure an appropriate balance of public resources, both financial and administrative, to meet the ongoing public health risks. If the suspension of the duty to provide full compensation to people asked to isolate in writing ceased to have effect, there would be a substantial financial and administrative impact on territorial Health Boards.

The proposals outlined in the consultation were to therefore maintain the modifications made to the 2008 Act, so that a Health Board may pay compensation to a person who receives a written request from the Board to be isolate, or to not attend or to leave a specified place or refrain from carrying on any activity or type of activity, and the carers of such a person, but the Board is not under an obligation to do so.

Overview of Respondents

A total of 14 responses were received.

Of the 14 total responses, 11 have been published on the Scottish Government website. 3 of the respondents have chosen not to have their response published.

All responses are included in the quantitative analysis presented in this report. Where respondents have given permission for their written feedback to be published, it is included in this document. Where permission to publish written feedback was not provided this feedback has not been included in this report, but will be considered by Ministers alongside all other responses.

The published responses can be accessed [here](#).

Of the 14 total responses, 5 were received from individuals representing organisations and 9 were received from members of the public..

List of organisations that responded and consented to their responses being published

- Scottish Women's Convention
- Shetland Islands Council
- Dumfries and Galloway Council
- Aberdeen City Health and Social Care Partnership

Overview of Responses

The table sets out responses to the consultation in full and the written responses are also summarised below. More detailed analysis of each question and feedback received is provided in the next chapter.

Consultation Questions:	Yes	No	Total Responses
1. Do you agree with proposals to modify the duty on Health Boards to make the payment of compensation related to self-isolation for COVID-19-19 discretionary?	11	3	14
2. Do you agree that the Scottish Government should be able to vary the expiry date of these provisions?	11	3	14
3. Do you agree that these are the most appropriate considerations for the Scottish Government to take into account when considering extending or bringing forward the expiry date for these provisions?	13	1	14

Overall, responses to the consultation were in favour of the proposed changes, with 78.5% of respondents (n = 11) agreeing with the proposal to extend the effects of the modification of the duty on Health Boards to make the payment of compensation related to self-isolation for COVID-19.

78.5% of respondents (n = 11) were also in favour of the Scottish Government having the ability to vary the expiry date of these provisions - with 92.8% of respondents (n = 13) agreeing that these factors are the most appropriate consideration for the Scottish Government to take into account when considering extending or bringing forward the expiry date for these provisions.

The feedback also highlighted some concerns for respondents. The importance of the Scottish Government providing financial support to individuals who were isolating was highlighted by some respondents, along with the need to prioritise health and social care support for families struggling due to the self-isolation rules. Whilst levels of support, whether financial or practical, are outwith the scope of the proposed Bill this feedback has been noted by the Scottish Government.

The Scottish Women's Convention outlined they felt there was a need for more information and support with applying for the financial help that people are entitled to. A small number of Local Authorities responded to the consultation, outlining the

additional pressures providing support during the pandemic has placed on them, including dealing with significant numbers of calls and applications during periods of high demand. In their view, suitable funding must be in place to allow authorities to maintain sufficient capacity to resource this function, alongside their everyday business.

We have published the full responses received on the [Scottish Government website](#) where the respondents have given permission for us to do so.

The responses and feedback provided to the consultation will help inform the development of the Regulations to amend the Coronavirus (Discretionary Compensation for Self-isolation) Bill.

Detailed Analysis

The Scottish Government invited members of the public and stakeholders to provide their responses and feedback to 3 questions set out within the consultation document.

The feedback received will be used to consider whether the proposals set out should be modified.

Question 1

Do you agree with proposals to modify the duty on Health Boards to make the payment of compensation related to self-isolation for COVID-19-19 discretionary?

11 respondents agreed with the proposal to modify the duty on Health Boards to make the payment of compensation related to self-isolation for COVID-19-19 discretionary. 3 respondents disagreed.

Of the 11 respondents that agreed, 7 provided further comments and of the 3 respondents that disagreed, 1 provided further feedback. The comments have been set out below and are grouped by sub-theme.

Answer	Total
Yes	11
No	3

Comments from Respondents

The comments below have been organised into the sub-themes that they relate to and whether they responded 'Yes' or 'No' to Question 1:

Question 1

Equalities groups

Comments from people who agreed with the proposal

“During COVID-19 it was impossible to go anywhere and my son and I were at home 24/7 without a break. This is further compounded by Local Authorities and NHS not providing any care and unable to appropriately take forward a meaningful plan to get Carers and families support.” - (Individual)

“Consideration also needs to be given to how the Scottish Government can better support people who are shielding.”

- One woman explained that, despite being vulnerable, her condition was not on the shielding list, so she was unable to access any support.
- “Find out who has to self-isolate for practical health reasons, and financially support them. If I had caught COVID-19, it would cost the NHS much more!” - (Scottish Women's Convention - Organisation)

“Fundamentally, people experiencing hardship need to be treated with dignity, and the Scottish Government has a responsibility to protect everyone through this pandemic.

- “There's always going to be a shortfall in any system, but when these are highlighted, there should be a specific department to deal with them and not have vulnerable people passed from pillar to post and made to feel like beggars.”-
- “I feel people on zero contracts or in lower wage brackets working for private companies may fall through the net with the self-isolating, only because they have unscrupulous employers.” - (Scottish Women's Convention - Organisation)

Financial concerns

Comments from people who agreed with the proposal

“The burden of payment of these costs for the number of people affected and the number of occasions people may have to isolate would take away necessary resources from frontline services. This would have a knock on effect.” - (Individual)

“Provided that there are other financial support mechanisms remain in place.” - (Shetland Islands Council - Organisation)

“While we agree that compensation from Health Boards should remain discretionary, we believe that the Scottish Government should be doing more to support people through self-isolation.

All but one of the women we heard from reported that self-isolating had a negative effect for them financially -

- One woman explained how she had to use up much of her savings, and if she had not been fortunate enough to have these, she would not have managed.
- Women reported increased costs for heating, electricity, medication and also for food (delivery fees and the fact that the cheaper supermarkets do not deliver).” - (Scottish Women’s Convention - Organisation)

Comments from people who disagreed with the proposal

“People need financial support to be able to afford to self-isolate as many employers don’t pay wages when off sick and only pay SSP.” - (Individual)

Applying for the Self-Isolation Grant

Comments from people who agreed with the proposal

“Of all the women we spoke to, none of them had successfully accessed the Self-Isolation Support Grant or the Local Self-Isolation Assistance Service, despite all having had to isolate at some point during the pandemic -

- Many highlighted that they had not heard of these schemes and did not know that they may have been entitled to support.
- Those who had heard of it, did not have enough information to ascertain whether they would qualify - “I didn't think I'd be eligible.”
- Although some women noted that they had not faced a loss of income as a result of their self-isolation, the increase to their living costs during this period meant that they faced a loss in real terms.” - (Scottish Women’s Convention - Organisation)

“It has also been raised that the application process can be daunting and confusing. The pandemic has seen many people fall on hard times and reach out for benefits for the first time in their life, so they have not been familiar with many of the processes. Moreover, while libraries, job centres, Citizens Advice, and other public services have been closed (some as part of restrictions, but many on a permanent basis due to cuts), people are not getting the support they need to apply for grants and social security.

- “Naïvely, claiming benefits and redundancy weren’t things I’d ever expected for myself.”
- “It should be as easy as possible for self-isolation payments to be claimed.” - (Scottish Women’s Convention - Organisation)

Improving the accessibility and information about Self-Isolation Grant

Comments from people who agreed with the proposal

“Women expressed that they would like information about these schemes to be made more widely available and in more accessible formats so that more people can get what they are entitled to.

- “A phone number should be available to ask what's needed. Websites are hard to negotiate.”
- “[The Scottish Government] could look at how people have to ask for help, and not have to fill in multiple pages on a form both paper and online. It would be good to have a helpline service that is free to call. You could also have help desks with info in places like health centres.”

One woman explained that her application for the grant was denied because her employment contract was not due to start until the day after her self-isolation period had already begun.

We know that the labour market has become increasingly volatile during the pandemic, and there are likely to have been many women who have been moving between jobs for whom this may have also been an issue.

We would urge the Scottish Government to release the information of how many claims for the Self-Isolation Support Grant have been rejected and for what reasons. We encourage them to meaningfully engage with the reasons why people are being turned down, to better understand how more people can get the support they need.”

- (Scottish Women’s Convention - Organisation)

Helping to protect the NHS and Local Authorities

Comments from people who agreed with the proposal

“As long as COVID-19 cases remain significant and we are at level 0 on the route map the potential for the number of people being asked to self-isolate is high. This modification to the duty protects the NHS Boards from exposure to significant cost from claims.” - (Aberdeen City Health and Social Care Partnership - Organisation)

“I agree for the reasons outlined in the proposal.” - (Individual)

“The proposal is logical, however there must be recognition of the additional pressures this has placed on Local Authorities in dealing with significant numbers of calls and applications during periods of high demand. Any requirement for Local Authorities to continue to support Policy Initiatives such as this must be underpinned by suitable funding that allows authorities sufficient capacity to resource this function, whilst being able to continue to deliver normal business and any other events which may result in increases in demand e.g. forthcoming changes to Benefits or end of Furlough. Through the initial deployment of this, the country was under restrictions and as such, Local Authorities had the opportunity to redirect staff to demand areas for a time. Given the reopening of society and services in recent months, the ability

to do so has been curtailed, bringing staffing and recruitment challenges in recruiting to short term posts.” - (Dumfries and Galloway Council - Organisation)

Question 2

Do you agree that the Scottish Government should be able to vary the expiry date of these provisions?

11 respondents agreed that the Scottish Government should be able to vary the expiry date of these provisions. 3 respondents disagreed.

Of the 11 respondents that agreed, 4 provided further comments and of the 3 respondents that disagreed, 2 provided further comments. The comments have been set out below:

Answer	Total
Yes	11
No	3

Comments from Respondents

The feedback below has been organised into the sub-themes that they relate to and whether they responded ‘Yes’ or ‘No’ to Question 1:

Equalities groups

Comments from people who agreed with the proposal

“It’s already been 21 months, parent Carers have had no right to respite.” - (Individual)

“Women felt that there are still “too many uncertainties” for an end date to be set in stone, and it should therefore be kept “under review”.” - (Scottish women’s Convention - Organisation)

The impact that Self-Isolation has on Local Authorities

Comments from people who agreed with the proposal

“It is unlikely that Local Authorities will be able to redeploy staff during any future periods of demand and will need to have specific resources in place as a result of normal services having fully resumed. As such it is important to ensure that any decision to extend these provisions is done in a way which does prevents Local Authorities being left with short term resource and demand issues which cannot be

filled by recruitment processes as a) the timescale on offer is of little interest to prospective employees and b) the timescale covered is barely sufficient to undergo appropriate recruitment.

Furthermore any financial support offered to Local Authorities to support this activity also needs to be sufficient to accommodate extensions if they are required.” - (Dumfries and Galloway Council - Organisation)

Scottish Government

Comments from people who agreed with the proposal

“The provisions should be in place as long as COVID-19 remains a threat. The Scottish Government should have control over the decisions as to when the conditions are appropriate to review the expiry date.” - (Aberdeen City Health and Social Care Partnership - Organisation)

Comments from people who disagreed with the proposal

“No Government should have an open ended availability to set the dates this was a special provision and should be reviewed on a regular basis.” - (Individual)

Financial concerns

Comments from people who disagreed with the proposal

“A set date gives citizens an assurance that they will be supported financially during that time if they need to self-isolate.” – (Individual)

Question 3

Do you agree that these are the most appropriate considerations for the Scottish Government to take into account when considering extending or bringing forward the expiry date for these provisions?

13 Respondents agreed that these are the most appropriate considerations for the Scottish Government to take into account when considering extending or bringing forward the expiry date for these provisions. 1 respondent disagreed.

Of the 13 that responded Yes, 3 of these respondents provided further comments. None of the respondents who responded No provided any additional comment. The comments have been set out below:

Answer	Total
Yes	11
No	3

Comments from Respondents

The feedback below has been organised into the sub-themes that they relate to and whether they responded 'Yes' or 'No' to Question 1:

Equalities groups

Comments from people who agreed with the proposal

"A further consideration which reflects the role of Local Authorities in this would be:

- Local Authorities continue to have the resource and capacity to deliver alternative mechanisms without detriment to routine supports to vulnerable groups." - (Dumfries and Galloway Council - Organisation)

"Women are concerned that there is a misconception that the lockdown is already over, when that is not the case. While many have welcomed the easing of restrictions, there are still many women who are worried about the virus and are diligent in following the rules because they are fearful for their own health or the health of those they care for. Their Scottish Government needs to acknowledge these valid concerns and avoid withdrawing support mechanisms too early.

- "[These provisions] will have to continue until pandemic is contained. Not yet!"
- "There are some really strong, active women who are now scared to go back out there, and it's quite worrying that they've basically just been ignored, they've just been left behind." - (Scottish Women's Convention - Organisation)

Compliance

Comments from people who agreed with the proposal

"To ensure compliance this is crucial." - (Individual)

Scottish Government response

Financial concerns

Some of the comments set out feedback relating to the Scottish Government providing sufficient support for people self-isolating or relating to COVID-19 generally. Financial support would continue as provided throughout the pandemic through the Self-Isolation Support Grant. The Local Self-Isolation Assistance Service and National Assistance Helpline, run by local authorities continue to proactively contact those being asked to self-isolate to offer help, advice and assistance including help to access essential food and medication. However, there are also comments on how to improve existing services which, although outwith the scope of this Bill, will be considered by the team leading on isolation support services.

Applying and improving the accessibility and information for the Self-Isolation Grant

Some of the comments expressed concern at a lack of information and awareness regarding the Self-isolation Support Grant, Local Self-Isolation Assistance Service and National Assistance Helpline. They also asked that a Freephone number be made available rather than having to search online for information.

If you're self-isolating and need help, you can call the Scottish government's national assistance helpline on 0800 111 4000, Monday to Friday 9am to 5pm

In partnership with Local Authorities, we have also launched a Local Self-Isolation Assistance Service which will proactively get support to the people self-isolating who are likely to need it after they are asked by contact tracers to self-isolate; you can also call the Freephone number and get connected to your Local Self-Isolation Service.

Comments regarding wider promotion of the self-isolation support services will be provided to the team leading on isolation support services.

Impact on Local Authorities

Comments were received regarding the additional pressures placed on Local Authorities due to the high number of calls and grant applications received and the requirement for suitable funding to resource this service as well as continuing to provide normal services.

The Scottish Government continues to work closely with COSLA and Local Authorities, providing additional spending powers and funding to help safeguard our public services and restart our economy.

Supporting people shielding and facing hardships

Comments were received about how we can better support people who are shielding, as well as people facing financial hardships. The comments on how to improve existing services, although outwith the scope of this Bill, will be provided to the team leading on isolation support services.

Next steps

The results of this consultation have been shared with Ministers, including those leading the upcoming Coronavirus (Discretionary Compensation for Self-Isolation) Bill through the Scottish Parliament. The wider points submitted via the consultation around self-isolation support and other areas, which go beyond the scope of this Bill, will be passed to the areas of the Scottish Government that lead on those areas for consideration. The responses highlighted above will feed into considerations as part of the drafting of the Bill, and the assessment of the impacts of the Bill, before both are introduced to the Scottish Parliament. A full “You asked, We Said, We Did” response will be published on the Scottish Government website in due course.



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