

EQUALITY IMPACT ASSESSMENT - RESULTS

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| Title of Policy | Amendments to The National Assistance (Assessment of Resources) Regulations 1992 in respect of the Advance Payment Scheme |
| Summary of aims and desired outcomes of Policy | To ensure that payments under the Advance Payment Scheme for historical child abuse will be exempt from social care means tests for those residing in residential care. This will ensure that survivors of childhood abuse living in residential care can retain the full value of these payments. |
| Directorate: Division: team | Directorate for Health and Social Care Integration, Care, Support and Rights Division, Adult Social Care Policy Team. |

Executive summary

The purpose of this policy is to make the necessary changes to legislation, The National Assistance (Assessment of Resources) Regulations 1992 (“1992 Regulations”) by Summer recess, using the minimum required time for laying of a Scottish Statutory Instrument (SSI), being 28 days as set out in section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. This is to ensure that payments under the Advance Payment Scheme for historical child abuse will be exempt from social care means tests for those residing in residential care. This is expected to have positive equality impacts on older and disabled people and no negative equality impacts.

Background

The Deputy First Minister of Scotland made a statement to Parliament on 23 October 2018 in which he committed to establish a financial redress scheme for survivors of abuse in care. The Advance Payment Scheme comes ahead of the planned legislation for a statutory redress scheme, which the Scottish Government intends will pass its final Parliamentary stages before March 2021. It was recommended that advance payments are made as soon as possible to survivors who may not live long enough to apply to the statutory scheme due to either ill health or age.

The Advance Payment Scheme therefore opened on 25 April 2019 for those who are aged 70 or over, or who have a terminal illness who are survivors of child abuse, which occurred in care in Scotland before December 2004.

These amendments are necessary to ensure that payments from the Advance Payment Scheme are not taken into account within the personal capital of people subject to financial assessments in respect of residential care. This will ensure that survivors of child abuse living in residential care can retain the full value of these payments. To do this, a change is required to the 1992 Regulations.

The Scope of the EQIA

The scope of the EQIA enables policy officials to assess the impacts and identify any opportunities to promote equality.

Key Findings

As the statutory scheme for financial redress for survivors of abuse in care will not come into effect until the end of March 2021, the Advance Payment Scheme enables those aged 70 and over or who are terminally ill to make an application for an advance payment prior to the statutory scheme coming into effect. For these advance payments to be disregarded from an individual's capital, an amendment to the 1992 Regulations is necessary.

Little information is available on the protected characteristics of the expected beneficiaries of the scheme. However, given the focus on old age, or terminal illness and receipt of residential care, it is likely that beneficiaries of this amendment are more likely to be older and/or disabled than the general population. This amendment is therefore expected to have a positive impact on equality in respect of old age and disability. No negative impacts are expected.

Recommendations and Conclusion

It is therefore recommended that the proposed amendments to the 1992 regulations are taken forward.