

# **Coronavirus (Discretionary Compensation for Self-isolation) Bill**

**Child Rights and Wellbeing Impact  
Assessment (CRWIA)**

**November 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

## CRWIA for legislation Stage 3

**CRWIA title: Coronavirus (Discretionary Compensation for Self- isolation) (Scotland) Bill**

**Date of publication: November 2021**

### **Executive summary**

This Child Rights and Wellbeing Impact Assessment considers the impact of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill. This document should be read alongside the other Impact Assessments assembled for this Bill, including the Equality Impact Assessment, Business and Regulatory Impact Assessment, Islands Impact Assessment, and the Fairer Scotland Duty Summary.

The Bill seeks to continue the effects of the modification to the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”) by the UK Coronavirus Act 2020 (“the UK Act”) with respect to Health Boards duties to provide compensation to people who are self-isolating. This modification changes the duty on Health Boards to provide compensation to a discretionary power.

This Bill proposes to continue this modification from the date of Royal Assent until 31 October 2022, with regulation-making powers to bring expiry of the modification forward or to extend it as necessary. The Bill seeks to continue the modification in the light of the continuing scale of the pandemic and given the existence of the range of supports available to people who are self-isolating, including financial and practical support.

This Impact Assessment considers the modification as proposed, which continues the measures in place since March 2020. The Bill affects people who self-isolate and suffer losses as a result. The provisions in the 2008 Act provide compensation for all losses incurred as a result of self-isolation, not just loss of income. In the majority of cases, however, it will be loss of income that will be the most significant loss for households affected, which is why the focus of this Bill is to modify that provision to make the payment of compensation discretionary. Alternative support arrangements through the current support for isolation offer remains focused on ensuring those on low incomes and who lose money as a result of isolation are able to access financial support. Any person who loses income as a result of a period of isolation is likely to be impacted through this modification. This includes children and young people who will either be impacted as they are in employment themselves and may suffer a loss of income as a result of self-isolation or because their parents or carers suffer a

	<p>loss of income as a result of self-isolation. This in turn could have impacts on children who are members of the household.</p>
	<p><b>Background</b></p> <p>The provisions of the 2008 Act were not designed with a global pandemic in mind but rather were prepared to deal with small scale outbreaks.</p> <p>Throughout the COVID-19 pandemic, the Scottish Government has sought to use self-isolation as a means of preventing further transmission of the virus. This has had impacts on children, young people and their families across Scotland, including time away from school, increased feelings of loneliness and mental health pressures, and the financial impacts of their parents or carers losing income.</p> <p>Sections 56 and 58 of the 2008 Act contain a duty for Health Boards to provide compensation to a person who receives a written request from the Board to be quarantined, be excluded from entering or remaining in a specified place or refrain from carrying on any activity or type of activity as a result of an infectious disease, and to carers of such people. This duty was modified when COVID-19 first emerged as a public health threat by provisions in the UK Act so that Health Boards could choose to provide compensation but there was no obligation for them to do so.</p> <p>This modification remains in place today but will come to an end when schedule 21 of the UK Act expires or when the statutory declaration made under that schedule is revoked. The declaration is to the effect that Scottish Ministers are of the view that: (a) the powers in schedule 21 of the UK Act remain a suitable means to reduce transmission of COVID-19; and (b) 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. Due to the uncertainty as to when the UK Act provisions will cease to have effect but the need to maintain this policy, this Bill is being brought forward to maintain the modifications to sections 56 and 58 of the 2008 Act for a limited period of time.</p> <p>It is acknowledged that there are groups of people, including children and young people, who are particularly affected by this modification. In order to mitigate this, the Scottish Government has put in place a suite of financial and practical support for those self-isolating. This includes the Self-Isolation Support Grant (“SISG”), a one-off payment of £500 to workers earning less than the equivalent of the real living wage or less and will lose income due to self-isolation, and the Local Self-Isolation Assistance</p>

	<p>Service, delivered through local authorities, which offers practical support such as food or essential medicine deliveries to people who are self-isolating; and the National Assistance Helpline, which anybody with enquiries relating to COVID-19 can call to receive advice and support. This support is intended to mitigate the impacts of the modification, including the impacts on the health and wellbeing of children and young people.</p> <p>For further information on the costs of full compensation, self-isolation support and the policy objectives related to this Bill, please refer in particular to the Equality Impact Assessment (“EQIA”); this Impact Assessment should be read alongside the EQIA for this Bill.</p> <p>In summary, the policy objective is to 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 quarantined, be excluded from entering or remaining in 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.</p> <p>The modifications would be put in place for a limited time only. (The proposed expiry date is discussed above.) The modification would apply to requests made by Health Boards in respect of COVID-19 only, and not any other infectious diseases.</p> <p>The Scottish Government’s view is that the modifications should remain in place where:</p> <ul style="list-style-type: none"> <li>• some people were still being asked, under public health guidance, to self-isolate in certain circumstances due to COVID-19;</li> <li>• alternative financial support for people self-isolating remains available either through the existing SISG or another mechanism;</li> <li>• the expiry of the provisions would present a significant resource burden on Health Boards beyond the scale of that envisaged in the development of the 2008 Act.</li> </ul> <p>Ministers will keep these factors under review and if they change, will consider whether the expiry date should be brought forward or extended.</p> <p>For further information on alternative options to the measures proposed in the Bill and the rationale for Government intervention, please refer to the EQIA. As discussed in that document, there are certain groups more likely to be affected by the modification of the compensation duty in the 2008 Act. This Impact Assessment considers the impacts on children and young people.</p>

**Scope of the CRWIA, identifying the children and young people affected by the policy, and summarising the evidence base**

The children and young people who will be impacted by this policy will include all children or young people required to isolate, especially those who are in work as they may lose income as a result of self-isolating or potentially incur other financial losses as well as the impact on their well-being and mental health which is discussed in the Key Finding section of this assessment. Children and young people may also be affected by others in their household being required to self-isolate, particularly parents or carers. If the other persons self-isolating lose income as a result, that could impact on the children and young people and their wellbeing and welfare, particularly in low income households. The current notification criteria for those aged 18 years and 4 months and under is that only those who have tested positive for coronavirus will be required to isolate. People under that age are exempt from the self-isolation requirements where they are identified as a close contact of someone who has tested positive and returned a negative PCR test.

On 7 July 2021, the Scottish Government published the paper “COVID-19 Mitigation Measures Among Children and Young People – Summary of the Evidence Base”.<sup>1</sup> This report presents the latest data (up to May 2021) on children’s and young people’s understanding of, and views on, COVID-19 mitigation measures. It also shows results on the impact of these measures on their wellbeing and mental health. The findings mostly focus on young people, as children have been exempt from many restrictions to date (and are currently exempted from the requirement to self-isolate unless they have tested positive for coronavirus.)

The COVID-19 Early Years Resilience and Impact Survey (CEYRIS)<sup>2</sup>, which surveyed parents or carers of young children during the substantive waves of the pandemic in 2020 and examined the wider impacts of the pandemic on the wellbeing of parents and carers. The Survey found that the score on the Warwick-Edinburgh Mental Wellbeing Scheme, a matrix used to determine the levels of wellbeing, was 20. In a nationally representative survey taken before lockdown, the wellbeing score was 27.

The reduction in the wellbeing levels of parents or carers has impacted young children with periods of self-isolation resulting in children and families not being able to rely on the support of friends and family outside the home. Existing mental health issues could have been exacerbated and the emergence of new mental health

<sup>1</sup> [Working Paper: Covid-19 Mitigation Measures Among Children and Young People - gov.scot \(www.gov.scot\)](https://www.gov.scot/working-paper/covid-19-mitigation-measures-among-children-and-young-people)

<sup>2</sup> [COVID-19 CEYRIS Report 3 \(publichealthscotland.scot\)](https://publichealthscotland.scot/covid-19-ceyris-report-3)

	<p>challenges due to feelings of anxiety regarding the future and the impact on education have been created for children and their parents or carers.</p> <p>In addition, in 3 out of 10 households, the status of the main household earner had changed as a result of economic changes post-lockdown, and 4 out of 10 households had seen their income reduce. This highlights the wider socio-economic impact that children face, as a result of the impact of isolation on their parents or carers and the related Four Harms impacts (these are the direct impact of COVID-19, other health impacts, societal impacts, and economic impacts).</p> <p>For this reason, ensuring that the current self-isolation support can continue for people on lower incomes is a priority.</p> <p>The current support for self-isolation is targeted at those on low incomes. Given the scale of the COVID-19 outbreak, the current financial assistance and support available has been put in place to support those who are on lowest incomes, including children and young people recognising that paying fully compensation to all people asked to isolate would not be an efficient use of public resources.</p>
	<p><b>Children and young people’s views and experiences</b></p> <p>This Bill went out for public consultation from 27 August until 24 September 2021. Scottish Government officials examined the consultation responses closely and no concerns were raised relating to children and young people and no concerns were raised by any organisation representing children and young people.</p> <p>Scottish Government officials discussed the Bill informally with stakeholders and will continue to engage with them as the Bill progresses through the Scottish Parliament.</p> <p>Given the focus of this Bill is to continue an ongoing modification, we did not undertake specific further engagement with children and young people.</p>
	<p><b>Key Findings, including an assessment of the impact on children’s rights, and how the measure will contribute to children’s wellbeing</b></p> <p>The Bill will affect children and young people to some extent. The modifications of the 2008 Act, which will be maintained by this Bill in respect of COVID-19, mean that the obligation on Health Boards to provide compensation will remain discretionary. This</p>

will mean that both young people who are employed and required to self-isolate and children who are cared for by parents or carers who are required to self-isolate will not have access to full compensation for self-isolation. This has the potential to affect children and young people in a number of ways, discussed below. However, the current support for isolation provides significant mitigation to the impacts which the modification to the 2008 Act might otherwise have had on children and young people.

### **Potential effects on children and young people**

Children and young people can be affected by self-isolation, and therefore the provisions of this Bill, in two ways. Firstly, the children and young people may themselves require to self-isolate if they test positive. The testing requirements and guidance for children and young people are summarised below. If children or young people are in employment, they may lose income as a result of self-isolation, or potentially incur other financial losses. Secondly, children and young people may be affected by others in their household having to self-isolate, for example, their parents or carers. If those other persons required to self-isolate lose income as a result, that could impact on the children and young people in a number of ways but could particularly impact upon their wellbeing and welfare especially in low income households.<sup>3</sup>

### **Self-isolation and testing requirements for children and young people**

The Scottish Government provides information and guidance on its [website](#) in relation to COVID-19 testing and self-isolation requirements for children and young people.

There is no blanket requirement for children aged under 5 who are close contacts of positive cases to self-isolate, provided they do not display any symptoms or test positive for COVID-19. This applies regardless of whether the close contact is with a case in an early learning and childcare services (“ELC”) setting, household or elsewhere. Children under 5 years are encouraged but not required to take a PCR test.

Children and young people aged over 5 but under the age of 18 years and 4 months who are identified as a close contact of a confirmed coronavirus case may end self-isolation as a close contact, provided that they have returned a negative PCR test result and provided that they do not display any COVID-19 symptoms.

---

<sup>3</sup> [COVID-19 CEYRIS Report 3 \(publichealthscotland.scot\)](#)

The impact of maintaining the current modifications, as this Bill maintains, is that the obligation on Health Boards to provide compensation will remain discretionary. This will mean that both young people in employment who have to self-isolate and children who are cared for by people who are self-isolating will not have access to full compensation. This means that those in employment may lose income or incur other financial losses as a result and those whose parents or carers are self-isolating could be impacted in a number of ways as a consequence. For those whose parents or carers are self-isolating, their wellbeing and welfare could be impacted, especially in low income households. For example, the children and young people may miss time at school or in other educational settings (including ELC settings) if their parent or carer is unable to take them to or from school or arrange alternative transportation if transportation is required. This could impact upon educational outcomes and attainment. In lower income households in particular, financial losses could disincentivise compliance with self-isolation. The children and young people, or those in their households, may be under pressure to continue working despite being asked to self-isolate, which risks the further spread of COVID-19 and additional impacts on the health of those in the household.

For young people, there is an argument that if they are working and have to self-isolate, or caring for someone who is self-isolating, they may lose out as a result of not being able to access full compensation, as they could be eligible for the SISG payment of £500 but this may not cover their loss of earnings.

The self-isolation period is a significant period of time for young people losing income and the impacts are serious and economic – difficulty paying bills, financial hardship and the resulting health impacts (for instance, not being able to afford food or having the same resources for household essentials) and a danger of falling behind with rent, utilities or other costs.

COVID-19 has had a disproportionate impact on those of working age. Younger adults aged 18-34 last year saw the largest proportional increases in financial vulnerability, rising by more than 40 per cent, according to the Financial Conduct Authority. Other data shows that those under 40 are more likely than older people to have lost work and income, tumbled into debt and arrears, drawn on their savings and been forced to duck out of pension contributions.<sup>4</sup>

According to the Office of National Statistics recent experimental statistics show that younger employees have less financial resilience compared to older people. Of those aged 70 years and

---

<sup>4</sup> [Financial Lives 2020 survey: the impact of coronavirus \(fca.org.uk\)](https://www.fca.org.uk/financial-lives-2020)

over, 94% have sufficient financial assets to cover a three-month reduction of 20% in employment income, as do 78% of those aged 50 to 69 years, compared with 66% of those aged 30 to 59 years and 56% of those aged 16 to 29 years. This may in part be because of the fact that older people are more likely to have savings than younger people.<sup>5</sup>

Full compensation for money lost would provide certainty for loss of income for young people in these circumstances and mitigate these challenges, and it is the case that, for some young people in employment, they may receive more money than currently offered through the £500 SISG. There is also a possible social detriment, owing to the nature of self-isolation, where young people may have to get through a ten-day isolation period on their own which could have an impact on their wellbeing and mental health.

According to the Mental Health Foundation<sup>6</sup> loneliness could be a factor of self-isolation and affect the mental health and well-being of children and young people. Worrying and concerns around their education, missing school, missing the transition from primary to secondary school, academic pressures, their career prospects and uncertainties about the future more generally could also affect their mental health and well-being.

These same impacts hold for the children whose parents or carers are notified to self-isolate. Whilst younger children will not lose out on compensation for loss of income or earnings, the impact on their household is significant – in terms of there being less money to spend on essential outgoings, and in terms of the impacts of anxiety on parents or carers and a diminishing of household resources (such as not being able to spend money on food) on their health. This in turn could have direct and indirect impacts on children. Children are also particularly vulnerable to the challenge of a lack of social support, as has been seen in lockdowns where they have attended school remotely; loss of peer group support could impact important developmental stages where peer interaction is important for brain development, self-concept construction, and ultimately mental health and wellbeing<sup>7</sup>.

For families where parents or carers who are able to work from home during an isolation period, either for their children or themselves, the impacts of a loss of compensation are less than for those whose roles require attendance at a specific location,

<sup>5</sup> [Coronavirus and the social impacts on older people in Great Britain - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/news-and-analysis/articles/2020/04/20/coronavirus-and-the-social-impacts-on-older-people-in-great-britain)

<sup>6</sup> [Impacts of lockdown on the mental health of children and young people | Mental Health Foundation](https://www.mentalhealth.org.uk/sites/default/files/MHF%20Scotland%20Impacts%20of%20Lockdown.pdf)

<sup>7</sup> <https://www.mentalhealth.org.uk/sites/default/files/MHF%20Scotland%20Impacts%20of%20Lockdown.pdf>

such as hospitality, retail or healthcare workers. Those who are able to work from home during periods of self-isolation are able to keep an income coming in (provided they are asymptomatic) and therefore may not face a financial detriment. The social support challenges will, of course remain. It is worth noting that many families with parents or carers working in roles that require attendance to specific locations will come from less affluent socio-economic backgrounds<sup>8</sup>, which may exacerbate inequalities faced as they will not be able to maintain their income through an isolation period.

This is supported through the regular research conducted by the Scottish Government into compliance with COVID-19 regulations, which in its May 2021 report found that index or contact cases living in the two most-deprived SIMD quintiles were more than twice as likely to have applied for a SISG, compared with those living in the other quintiles.<sup>9</sup> It is also worth noting that roles where there is a lot of contact with people who are working in people-facing professions, such as hospitality, retail or healthcare, are more likely to be identified that they need to self-isolate, owing to the nature of transmission from the virus.

The support available for self-isolation is fully detailed in the EQIA for this Bill. This support provides some mitigation for the impacts highlighted above, specifically through providing a £500 payment to those who are isolating and on low incomes, as well as access to support services which can mitigate the challenges that both young people who are unable to work, or children whose parents or carers cannot work, as a result of self-isolation, would face, outlined above. Whilst there will be some instances of a financial detriment to some individuals because compensation would pay more than the £500 grant, the most significant impacts of self-isolation are felt by those on lower incomes, and the current support for isolation mitigates these challenges in as equitable a way as possible.

In addition, it is worth noting that maintaining full compensation for those isolating would mean diverting funding equivalent to twenty times the current support for self-isolation budget to deliver this<sup>10</sup>. This would have a huge impact on Health Boards' ability to manage both essential care and their pandemic response, meaning that to maintain full compensation would not be without

<sup>8</sup> [Sector shutdowns during the coronavirus crisis: which workers are most exposed? - Institute For Fiscal Studies - IFS](#)

<sup>9</sup> <https://www.gov.scot/publications/covid-19-support-study-index-and-contact-case-research-findings-from-may-2021/>

<sup>10</sup> This figure is based on the cost of universal compensation for losses resulting from self-isolation, regardless which public authority made the request to self-isolate.

	<p>significant impacts – particularly on the health impacts of Health Boards having to process these claims whilst managing pandemic response. In addition, those on higher incomes would receive more compensation than those on lower incomes, which would exacerbate inequalities faced across different groups, further.</p> <p>For children and young people, whether they are in work and having to isolate, or their parents or carers are in that situation, the impacts of keeping the current modification in place are significant, meaning loss of income and the attendant impacts on health, welfare and wellbeing. The current support for self-isolation, including the SISG, mitigates these claims and does so at a twentieth of the cost of full compensation.</p>
	<p><b>Monitoring and review</b></p> <p>This document is an initial assessment of the impact of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill and the Scottish Government will continue to review and update this document if required. This impact assessment should be read in conjunction with impact assessments developed in parallel; which relate to the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill, including:</p> <ul style="list-style-type: none"> <li>• Equality Impact Assessment (EQIA) and,</li> <li>• Island Communities Impact Assessment (ICIA)</li> </ul>

<b>Bill - Clause</b>	<b>Aims of measure</b>	<b>Likely to impact on</b>	<b>Compliance with UNCRC requirements</b>	<b>Contribution to local duties to safeguard, support and promote child wellbeing</b>
Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill	To continue the effects of the modification of the compensation duty conferred on Health Boards in the 2008 Act, to change the duty so that the payment of compensation is discretionary	Children and young people from less affluent socio-economic backgrounds	<p><b>Article 2</b> (Non-discrimination)</p> <p><b>Article 4</b> (Protection of rights)</p> <p><b>Article 18</b> (Parental responsibilities and state assistance)</p> <p><b>Article 26</b> (Social security)</p> <p><b>Article 27</b> (Adequate standard of living )</p>	As long as mitigations are successful then this Bill should prevent negative impacts on children's rights which in turn protects children's wellbeing'

<b>CRWIA Declaration</b>	
<b>Authorisation</b>	
<b>Policy lead</b>	<b>Date</b>
Michael Tighe	9 November 2021
<b>Deputy Director or equivalent</b>	<b>Date</b>
Niamh O' Connor	9 November 2021



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

© Crown copyright 2021

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at

The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80201-627-7 (web only)

Published by The Scottish Government, November 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS964066 (11/21)

W W W . g o v . s c o t