

Coronavirus (Discretionary Compensation for Self-isolation) Bill

Island Communities Impact Assessment (ICIA)

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Scottish Government
Riaghaltas na h-Alba
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Island Communities Impact Assessment (ICIA) Screening

The Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill

Introduction

The importance of island-proofing was recognised in the "Empowering Scotland's Island Communities prospectus" published in June 2014. The principle of island-proofing is one of building a broad based awareness of islands into the decision making process of all parts of the public sector.

The Islands (Scotland) Act 2018¹ places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions, and for the Scottish Ministers this also includes the development of legislation. This duty is often referred to as 'island-proofing'.

If the Scottish Ministers are of the opinion that any piece of proposed legislation is likely to have an effect on an island community which is significantly different from its effect on other communities, then the duty to island-proof legislation requires the Scottish Ministers to:

- describe the likely significantly different effect of the legislation;
- assess the extent to which the Scottish Ministers consider that the legislation can be developed in such a manner as to improve or mitigate, for island communities, the outcomes resulting from the legislation; and
- set out the financial implications of steps taken under this subsection to mitigate, for island communities, the outcomes resulting from the legislation

Under section 8 of the Islands (Scotland) Act all relevant authorities are required to complete an Island Community Impact Assessment ("ICIA") for any new policy, strategy or service which is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

It is important to note that the impacts identified below are generally not exclusive to island communities, and accordingly do not fall directly within the scope and spirit of the Islands (Scotland) Act requirement for impact assessment.

However, as COVID-19 has impacted all parts of Scotland, including its numerous inhabited islands, there is merit in impact assessing how the provisions in the bill affects island communities.

For this reason, the Scottish Government has prepared this screening document which sets out how islands issues have been taken into consideration during the

¹ [Islands \(Scotland\) Act 2018 \(legislation.gov.uk\)](https://legislation.gov.uk)

development of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill (“the Bill”).

Executive Summary

This ICIA Screening considers the potential effects of the Bill and how they may impact on people living on island communities as compared to those living on the mainland and in other island communities. These are presented in the **Key Findings** section.

These findings are based on internal research and analysis and officials have supplemented these findings with feedback received from the public consultation. We have concluded that there are no new unique impacts on islands communities anticipated as a result of the provisions in this Bill.

Policy Background

This Bill seeks to continue the effects of the modification to the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”) made by the UK Coronavirus Act 2020 (“the UK Act”), in the light of the continuing scale of the pandemic. The 2008 Act was not designed with a global pandemic in mind but rather was drafted with a view to dealing with smaller scale outbreaks. The 2008 Act contains 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 so that Health Boards could choose to provide full compensation, but there was no obligation for them to do so.

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 of the 2008 Act for a limited period of time.

Policy Objective

The policy proposal 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.

The modifications would be put in place for a limited time only. The modification would apply to requests made by Health Boards in respect of COVID-19 only, and not any other infectious diseases. It is proposed that the provisional expiry date of the modification to the power would be 31 October 2022. This date of expiry could then be extended or brought forward, if necessary, through regulation-making powers.

The Scottish Government's view is that the modifications should remain in place where:

- some people were still being asked, under public health guidance, to self-isolate in certain circumstances due to Covid;
- alternative financial support for people self-isolating remained available either through the existing Self-Isolation Support Grant ("SISG") or another mechanism;
- the expiry of the provisions would present a significant resource burden on Health Boards at a scale not envisaged during the development of the 2008 Act.

Ministers will keep these factors under review and if they change, will consider whether the expiry date should be brought forward or extended.

If the Bill does not pass, all territorial Health Boards would return to being under a legal duty to pay full compensation to all people they ask to self-isolate through contact tracing services.

The Scottish Fiscal Commission's forecast² for expenditure on the SISG over 2021/22 is £19 million; the Scottish Government estimates that the costs of full compensation (£380 million) would be up to twenty times the costs of self-isolation support³.

Providing full compensation to those isolating would be to the detriment of other services and Health Boards operating on the front line of the pandemic. Delivering a targeted support for isolation offer towards lowest income groups ensures that funding is directed to where it is most needed, at an appropriate cost to the public purse.

Scope of the ICIA Screening

The scope of this ICIA Screening is the impact on people living in island communities compared to those living on the mainland and in other island communities as a result of the proposal to extend the existing modification, insofar as it applies to COVID-19.

Key Findings

² [Scotland's Economic and Fiscal Forecasts - January 2021 \(fiscalcommission.scot\)](https://www.fiscalcommission.scot.gov.uk/scotland-economic-and-fiscal-forecasts-january-2021)

³ This is the cost of universal compensation for losses resulting from self-isolation, regardless which public authority made the request to self-isolate.

The proportion of Index and Contact Case participants indicating that they had applied for a SISG was 8%, with no variation by case type.

ScotCen Social Research were commissioned by the Scottish Government to carry out a mixed mode study of adults asked to self-isolate by Test and Protect either because they tested positive for COVID-19, were in contact with someone that tested positive for COVID-19 or recently arrived into Scotland from outside the UK⁶.

When analysed by levels of area deprivation, those living in the two most deprived SIMD quintiles were more likely to indicate that they had/were struggling financially (21%) compared with those living in the other three deprivation quintiles (8%).

Respondents who were index or contact cases living in the two most deprived SIMD quintiles were more than twice as likely to have applied for a self-isolation support grant compared with those living in the other three quintiles (13% and 5% respectively).

Those with household incomes of less than or equal to £16,900 (17% across all three waves) and £16,901 to £30,700 (13% across all waves) were more likely than those with higher household incomes to have applied for a self-isolation support grant.

Full tables, broken down by local authority, are detailed on the next page. For those local authorities which represent both island communities and mainland communities our data represents the local authority as a whole – at this time it has not been possible to break it down so far as to distinguish between the mainland and island areas within those local authorities.

Taking into consideration the comparatively low uptake of the SISG in island communities compared to the rest of Scotland and the high level of self-isolation compliance and self-isolation knowledge nationally, the Scottish Ministers are not aware of any evidence to suggest that the effects of this Bill (as set out above) will be felt any differently by island communities compared to its effect on other communities in Scotland.

⁶ [COVID-19 support study: experiences of and compliance with self-isolation - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2020/12/COVID-19-support-study-experiences-of-and-compliance-with-self-isolation-2020-12-10.pdf)

Table 1: SISG award rate and the relation to SIMD

Local Authority	SISG Referrals	SISG Awards to May 2021	Population	SISG Referral rate per 1,000 population	SISG Award rate per 1,000 population	Proportion of DZ that are within 20% most deprived	Proportion of population with low income - SIMD
Total	30,833	11,331	5,466,000	5.6	2.1	20.0%	12.0%
Glasgow City	1,798	1,939	635,640	2.8	3.1	45.4%	18.8%
Inverclyde	377	140	77,060	4.9	1.8	44.7%	18.1%
North Ayrshire	571	288	134,250	4.3	2.1	39.8%	17.2%
West Dunbartonshire	1,499	248	88,340	17.0	2.8	39.7%	17.8%
Dundee City	1,840	334	148,820	12.4	2.2	37.2%	11.5%
North Lanarkshire	439	933	341,140	1.3	2.7	34.2%	14.9%
East Ayrshire	3,413	349	121,600	28.1	2.9	31.3%	16.4%
Clackmannanshire	582	228	51,290	11.3	4.4	25.0%	8.4%
Renfrewshire	3,223	616	179,390	18.0	3.4	24.9%	12.9%
South Lanarkshire	4,462	1,217	320,820	13.9	3.8	20.4%	12.7%
Fife	262	548	374,130	0.7	1.5	19.6%	11.9%
South Ayrshire	1,164	168	112,140	10.4	1.5	18.3%	12.3%
Falkirk	1,616	389	160,560	10.1	2.4	16.4%	11.2%
West Lothian	2,873	472	183,820	15.6	2.6	14.6%	11.4%
Stirling	421	167	94,080	4.5	1.8	12.4%	8.7%
Edinburgh City	460	916	527,620	0.9	1.7	11.9%	6.7%
Argyll and Bute	469	36	85,430	5.5	0.4	10.4%	9.9%
Aberdeen City	226	288	229,060	1.0	1.3	10.2%	8.6%
Highland	196	211	235,430	0.8	0.9	9.6%	9.7%
Dumfries and Galloway	1,234	304	148,290	8.3	2.1	9.5%	14.2%
Midlothian	Does not collect data	89	93,150	n/a	1.0	8.7%	10.4%
Angus	28	108	115,820	0.2	0.9	7.7%	10.1%
Scottish Borders	200	94	115,240	1.7	0.8	6.3%	9.4%

East Lothian	10	163	107,900	0.1	1.5	6.1%	7.1%
Perth and Kinross	927	295	151,910	6.1	1.9	5.9%	7.9%
East Renfrewshire	453	154	96,060	4.7	1.6	5.7%	9.9%
East Dunbartonshire	514	106	108,750	4.7	1.0	3.8%	15.2%
Moray	338	86	95,710	3.5	0.9	3.2%	8.5%
Aberdeenshire	1,177	434	260,780	4.5	1.7	2.6%	6.3%
Na h-Eileanan Siar	47	4	26,500	1.8	0.2	0.0%	10.0%
Orkney Islands	6	5	22,400	0.3	0.2	0.0%	6.7%
Shetland Islands	8	2	22,870	0.3	0.1	0.0%	5.6%

Local Authority	National share of deprived DZs	Proportion of total awards	National share of population with low income
Total	100.0%	100.0%	100.0%
Glasgow City	24.3%	17.1%	18.3%
North Lanarkshire	11.0%	1.2%	7.8%
Fife	7.0%	2.5%	6.8%
South Lanarkshire	6.3%	2.2%	6.2%
North Ayrshire	5.3%	2.9%	3.5%
Edinburgh City	5.1%	8.2%	6.8%
Dundee City	5.0%	3.1%	3.7%
Renfrewshire	4.0%	2.0%	3.5%
East Ayrshire	3.7%	5.4%	2.8%
Inverclyde	3.7%	10.7%	2.1%
West Dunbartonshire	3.4%	4.8%	2.4%
Falkirk	2.5%	1.5%	2.8%
West Lothian	2.5%	3.4%	3.2%
Highland	2.2%	4.2%	3.5%
Aberdeen City	2.1%	1.5%	3.0%
South Ayrshire	2.0%	8.1%	2.1%
Dumfries and Galloway	1.4%	0.3%	2.6%
Clackmannanshire	1.3%	2.5%	1.1%
Stirling	1.1%	1.9%	1.2%
Argyll and Bute	0.9%	2.7%	1.3%
Angus	0.9%	0.8%	1.8%
Perth and Kinross	0.8%	1.0%	1.8%
Midlothian	0.7%	0.8%	1.5%
Aberdeenshire	0.6%	1.4%	2.5%
Scottish Borders	0.6%	2.6%	1.7%
East Lothian	0.6%	1.4%	1.6%
East Renfrewshire	0.5%	0.9%	1.0%

East Dunbartonshire	0.4%	0.8%	1.2%
Moray	0.3%	3.8%	1.2%
Na h-Eileanan Siar	0.0%	0.0%	0.4%
Orkney Islands	0.0%	0.0%	0.2%
Shetland Islands	0.0%	0.0%	0.2%

Deprivation and Income

There is a reasonable correlation between awards and deprivation/income, although it is by no means a perfectly established relationship. There may be issues of multiple confounding factors. For example, deprivation may be, on average, higher in more remote and rural areas (and less well accounted for), but remote and rural areas may be less likely to see large numbers of COVID-19 cases and therefore comparatively fewer people will have to self-isolate as an index case or a close contact. SISG Referral and Award rates per 1,000 population in the island communities are amongst the lowest in the country. This would indicate that the impact of this Bill would be felt less in island communities than the rest of the country. The national share of population with low income is also amongst the lowest in the country in the island communities

Implementation

- The Deputy First Minister wrote to inform the Convenor, COVID-19 Recovery Committee that the Scottish Government would launch a consultation focusing on ensuring that provisions in the UK Coronavirus Act 2020 continue to have effect in Scotland, notably in protecting Health Boards from compensation claims in relation to self-isolation requirements.
- The Scottish Government undertook a targeted consultation to understand the impact of this change on stakeholders and the general public.
- The targeted consultation included Directors of Public Health, and the Chief Executives of Health Boards who were emailed at the start of the consultation. They bear responsibility both for compensation payments under the 2008 power and the wider COVID-19 response on a regional basis.

The consultation ran for four weeks from 27 August to 24 September 2021. [Analysis](#) of the consultation and [responses](#) were published on the Scottish Government website on 21 October 2021.

Summary and Conclusion

- For the reasons set out in this ICIA Screening, the provisions in this Bill are not deemed likely to have effects on island communities that are significantly different from their effects on other island communities or mainland communities in Scotland.
- The Scottish Government is committed to on-going engagement with stakeholders and advisory groups to ensure that the impact of the Bill remains under continuous review.
- The Scottish Government has concluded that no further changes to the policy are necessary as a result of the ICIA Screening.

Authorisation

<p>Name and job title of Policy Lead: Mike Tighe Team Leader, COVID-19 Legislation and Daily Contact Testing</p> <p>Name and job title of a Deputy Director or equivalent: John Nicholson Deputy Director for COVID Testing and Contact Tracing Policy</p>	<p>Date this version authorised: 9 November 2021</p>
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