

POLICY NOTE

THE SOCIAL CARE STAFF SUPPORT FUND (CORONAVIRUS) (SCOTLAND) AMENDMENT REGULATIONS 2020

SSI 2020/469

The Social Care Staff Support Fund (Coronavirus) (Scotland) Amendment Regulations 2020 (“amending regulations”) were made in exercise of the powers conferred by sections 2, 7 and paragraph 7(3) of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 (“the 2020 Act”). The instrument is subject to made-affirmative procedure.

The purpose of this Instrument is to amend the Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020 (“principal Regulations”) which made provision for the establishment, maintenance and administration of the Social Care Staff Support Fund (“the Fund”) in accordance with paragraph 7 of Schedule 1 to the Coronavirus (Scotland) (No.2) Act 2020. The amending regulations widen the eligibility criteria for the Fund and increase the ability of Scottish Ministers to appoint a person to manage the Fund on their behalf.

Policy Objectives

The Social Care Staff Support Fund was created in order to ensure that relevant social care workers who meet the eligibility criteria do not experience financial hardship during the coronavirus pandemic. The Fund currently provides financial support to relevant social care workers who have their ability to work restricted for a reason relating to coronavirus and are therefore suffering a reduction in income, and resulting financial hardship, on or after Part 1 of that Act came into force, due to any of the following reasons:

- They are ill with coronavirus; or
- They are self-isolating in line with the latest Scottish NHS guidance, or specific social care infection prevention and control guidance where this exists.

Provided all the other eligibility criteria in regulations 3(2) to (4) of the principal Regulations are met, the amending Regulations provide that relevant social care workers who meet the following conditions are eligible to receive financial assistance from the Fund:

- They have or had a condition or are receiving treatment for a condition which is listed in Schedule 1 and have been advised to shield themselves from the public; or
- They have or had a condition or status listed in Schedule 2 and following a risk assessment undertaken with their employer, both the worker and employer have agreed that they cannot work with suitable protection from coronavirus.

The new conditions are designed to catch relevant social care workers who were shielding during the period March-October 2020, or who were assessed by NHS Inform as being “higher risk” and agreed with their employer that they could not safely carry out their duties, whose employers did not apply to the coronavirus job retention scheme (JRS). Schedule 1 reflects the “extremely high risk” NHS inform category, while Schedule 2 reflects the “higher

risk” category. The amount the newly eligible categories of workers can claim is capped at 80% of their expected income – this is intended to restore parity with workers who were paid in line with the JRS.

This amendment to the eligibility criteria of the Fund will ensure that relevant social care workers will receive 80% of their expected income in these circumstances. All payments will be made before the end of March 2021.

The other main change to the principal Regulations and the Fund is the Scottish Ministers may appoint any person to administer the Fund, or any particular parts of the Fund for different purposes, on their behalf. The previous position was that Ministers could only appoint a local authority or integration authority to do this.

Those who are eligible to access the Social Care Staff Support Fund must still be workers in the relevant categories of the social care sector. Workers in the following categories are eligible:

- (a) a support service,
- (b) a care home service,
- (c) an offender accommodation service,
- (d) a housing support service.

Consultation

The following bodies have been consulted:

The Convention of Scottish Local Authorities (COSLA)
GMB Union
UNISON Union
Unite Union
The Scottish Trades Union Congress
The Coalition of Care and Support Providers in Scotland
Scottish Care

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed for both iterations of the regulations and is attached. The BRIA concluded that the policy will be beneficial to the social care workforce and social care providers, therefore justifies the costs. The policy will support infection prevention and control policies in response to the coronavirus pandemic and contribute to our overall commitment to fair work in the Social Care sector.

Scottish Government
Mental Health and Social Care Directorate
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