

POLICY NOTE

THE ETHICAL STANDARDS IN PUBLIC LIFE ETC. (SCOTLAND) ACT 2000 (ILF SCOTLAND) ORDER 2018

SSI 2018/148

The above instrument was made in exercise of the powers conferred sections 3(2) and 28(2)(a) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (“the 2000 Act”). The instrument is subject to negative procedure.

Policy Objectives

The UK Government closed the UK Independent Living Fund (ILF) on 30 June 2015. Scottish Ministers announced their commitment to a new Scottish ILF to safeguard the rights of society’s most severely disabled people to live independent lives and to ensure the fund’s long term future.

On 1 July 2015, Independent Living Fund Scotland (ILF Scotland) was established by Ministers, as a Company limited by guarantee, to administer Independent Living Fund (ILF) financial support packages for disabled people in Scotland. All existing Scottish users of ILF transferred to ILF Scotland from this date. The approach taken to the establishment of ILF Scotland was to meet the tight time frame for delivery and to ensure that payments were protected. At the time of establishment there was insufficient time to list ILF Scotland in various pieces of legislation as a public body.

The purpose of this instrument is (i) to list ILF Scotland in schedule 2 of the 2000 Act and therefore require ILF Scotland to submit a draft code of conduct for its members to the Scottish Ministers for approval; and (ii) to stipulate the time limit within which ILF Scotland is required to submit this draft code of conduct. The instrument stipulates that ILF Scotland must submit the draft code by 1 October 2018.

Consultation

Officials have consulted with ILF Scotland and with the appropriate policy officials within Scottish Government. Both support the policy.

Impact Assessments

No Privacy Impact Assessment (PIA) was required for this instrument because there is no change in how personal data is managed as a result of it.

An Equality Impact Assessment (EQIA) has not been completed as the policy approach to impose duties as a public body is consistent with the current ILF UK policies, which have already previously been impact assessed, with no identified negative impact.

In assessing the Children Rights and Wellbeing Impact Assessment (CRWIA) requirements, officials have concluded that the legislative proposals are largely procedural and administrative, they are part of a decision making process that will affect ILF Scotland only

and as such that they have been deemed to have no effect, either direct or indirect on Child Rights and Wellbeing.

Due to the technical aspect of this instrument there is no requirement for a Strategic Environmental Assessment.

Financial Effects

A Business Regulatory Impact Assessment (BRIA) has not been completed in relation to this instrument. The Minister for Health and Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Health and Social Care Integration

May 2018