

# **Winter Heating Assistance (Low Income) (Scotland) Regulations 2023**

**Equality Impact Assessment (EQIA)**

November 2022



<b>Title of Policy</b>	The Winter Heating Assistance (Low Income) (Scotland) Regulations
<b>Summary of aims and desired outcomes of Policy</b>	<p>The Scottish Government have committed to replacing Cold Weather Payments (CWP), delivered by DWP, with a new £50 Winter Heating Payment (WHP) (previously named Low Income Winter Heating Assistance), as part of the SNP manifesto and then Programme for Government in 2021.</p> <p>The key policy aim of this new benefit is to mitigate some of the impact of additional domestic heating costs in winter by providing targeted, reliable financial support to households with low incomes, who have a greater need for heat, including disabled people, older people and young children under five.</p> <p>This new form of assistance will support around 400,000 people each winter with a payment of £50, an investment of approximately £20 million per year.</p> <p>The first payments of WHP will be made in February 2023.</p>
<b>Directorate:</b> <b>Division:</b> <b>Team:</b>	Social Security Directorate Social Security Policy Division Winter Heating Benefits Policy Team

## Executive Summary

1. This EQIA has considered the potential effects of the introduction of a Winter Heating Payment (WHP) benefit in replacing Cold Weather Payments (CWP), previously delivered by DWP, and how the policy might impact people with protected characteristics as defined in Section 4 of the Equality Act 2010. The findings here are based on desk research, engagement with stakeholders, engagement with and feedback from people on low incomes with lived experience of the current social security system<sup>1</sup>, and the Consultation on Low Income Winter Heating Assistance<sup>2</sup>.

2. This new benefit will provide targeted, reliable financial support to those most in need of help with their energy costs every winter. It targets the support at particular groups that might need additional help with heating costs including people who are on a low income and who are also:

<sup>1</sup> [Social Security Experience Panels: publications](#)

<sup>2</sup> [Low Income Winter Heating Assistance: consultation analysis - gov.scot \(www.gov.scot\)](#)

- of pension age; or
- a disabled adult; or
- a family who have responsibility for either a child under the age of 5 or a disabled child.

3. The rationale for providing WHP to this group is to mitigate some of the increased costs that occur during the winter and to recognise that these households may be less able to afford the associated costs due to their level of income. In addition, these households are likely to have a higher need to keep their home warm due to disability, having a young child or being older and therefore spending more time indoors.

## **Background**

4. In July 2016 the Scottish Government launched a public consultation to support the development of a framework that would become the Social Security (Scotland) Bill. Winter Fuel Payments (WFP) and CWP were incorporated into this consultation. We asked 'Do you have any comments about the Scottish Government's proposals for Winter Fuel and Cold Weather Payments?' 164 respondents answered this question (82 individuals and 82 organisations).

5. Overall, a large number of respondents felt that WFP and CWP were necessary to help tackle fuel poverty and inequality and they generally welcomed the approach. This also highlighted that the difference in weather conditions between some areas and the location of the weather stations which would trigger a CWP is a source of frustration to some people. Similarly the exclusive reliance on temperature rather than other factors such as wind chill can make some people feel that they are not being treated fairly under the current scheme. Some respondents were concerned about the need to improve fuel efficiency and concerns were raised about promoting awareness of these payments.

6. A Social Security Experience Panel survey<sup>3</sup> undertaken in February 2020 showed that many felt that the requirement for seven consecutive days of low temperature was prohibitive, and left people feeling unable to heat their homes even in very cold weather. By removing the link between additional support and weather we will provide certainty for low income households about the extra help they will get, regardless of the actual temperature each day. It will also enable us to provide assistance to more households that are at risk of fuel poverty.

7. We considered the additional complexity that would be required in order to improve the system, for example by creating more weather stations or adding more ways of determining cold weather. We now consider the best way to address this is to remove the dependence on cold weather and acknowledge that, regardless of temperature, it is more likely to be difficult for people on low income benefits to spend more money to heat their homes in the winter.

8. The Scottish Governments Programme for Government 2021-22 included a commitment to replace CWPs of £25 with a new £50 Winter Heating Payment paid

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<sup>3</sup> [Social Security Experience Panels: publications - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/social-security-experience-panels/)

annually to those low-income households currently eligible for the UK Government's CWP.

9. Prior to now, an individual who was in receipt of these qualifying benefits would have received a CWP for each cold weather event where the temperature recorded (or was forecasted to be) below zero degrees for seven days in a row. This approach offered no certainty to people. In 4 of the last 9 years (between winter 2013/14 and 2021/22), low income households received less than £1 million from Cold Weather Payments to help with their fuel bills. DWP estimates show that in 2021/22, there were only 6 cold weather triggers from 4 of the 27 weather stations in Scotland with a total of £325,000 of support paid out. This resulted in only 11,000 people receiving at least one payment out of the 394,000 eligible recipients<sup>4</sup>.

*Cold Weather Payment Annual Expenditure (£million)*

	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020/21	2021/22 (estimates)	Average
<b>Scotland<sup>5</sup></b>	0.9	7.3	3.4	0.7	21.5	10.2	0.2	23.0	0.3	7.5
<b>GB<sup>6</sup></b>	8.4	11.0	3.8	3.2	114.3	27.0	0.2	98.7	0.3	29.7

## The scope of the Equality Impact Assessment

10. The scope of this EQIA is to look at the impact of the regulations on those with protected characteristics.

11. A variety of information sources were used in compiling this EQIA, including:

- Scottish Health Survey 2019 and 2020<sup>7</sup>;
- Scottish Household Survey and Scottish House Condition Survey<sup>8</sup>;
- Scotland's Census 2011<sup>9</sup>;
- Equality Evidence Finder<sup>10</sup>;
- Social Security Experience Panel findings<sup>11</sup>; and
- Low Income Winter Heating Assistance Consultation<sup>12</sup>.

<sup>4</sup> [Cold Weather Payment estimates: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/cold-weather-payment-estimates-2021-to-2022)

<sup>5</sup> [Benefit expenditure and caseload tables 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/benefit-expenditure-and-caseload-tables-2021)

<sup>6</sup> [Benefit expenditure and caseload tables 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/benefit-expenditure-and-caseload-tables-2022)

<sup>7</sup> [Scottish Health Survey - gov.scot \(www.gov.scot\)](https://www.gov.scot/government/statistics/scottish-health-survey)

<sup>8</sup> [Scottish House Condition Survey - gov.scot \(www.gov.scot\)](https://www.gov.scot/government/statistics/scottish-house-condition-survey)

<sup>9</sup> [Scotland's Census 2011](https://www.gov.scot/government/statistics/scotland-census-2011)

<sup>10</sup> [Equality Evidence](https://www.gov.uk/government/collections/equality-evidence-finder)

<sup>11</sup> [Social Security Experience Panels - Low Income Winter Heating Assistance: survey findings](https://www.gov.uk/government/statistics/social-security-experience-panels-low-income-winter-heating-assistance-survey-findings)

<sup>12</sup> [Low Income Winter Heating Assistance \(LIWHA\): consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/government/statistics/low-income-winter-heating-assistance-liwha-consultation)

12. Due to the Covid-19 pandemic, some annual surveys such as Scottish Health Survey, Scottish Household Survey and Scottish House Condition Survey have been unable to take place or the method of data collection has changed in comparison to previous years. For example, in 2020 a shorter telephone survey was completed instead. Where updated statistics are available, these have been used.

13. As part of this engagement process the Scottish Government also ran an extended workshop with a wide range of organisations representing various sectors.

## Key Findings

### Consultation

14. The purpose of the Consultation on Low Income Winter Heating Assistance (LIWHA) and associated stakeholder engagement at the end of 2021 and the beginning of 2022 was to gather views on the key eligibility criteria and the proposed payment format, and to identify any unintended consequences of introducing the new payment including the impact of the new benefit on those people who share protected characteristics.

15. The consultation analysis report<sup>13</sup> and responses<sup>14</sup> have now been published.

16. The consultation received 119 responses; 36 submitted by organisations and 83 responses were from private individuals. 70% of all respondents (83% of organisations vs 64% of individuals) agreed with our proposal to remove the cold weather dependence and base entitlement on receipt of certain low income benefits.

17. At the same time a separate piece of research was carried out to ask members of our Social Security Experience Panels for their views on the key policy options for this new benefit. In total, 288 members chose to complete the survey<sup>15</sup> exploring this topic. Of those Panel members that responded;

- 82% agreed with the plan to replace Cold Weather Payment with a new benefit in Scotland;
- 87% agreed that a new benefit replacing Cold Weather Payment is a good way to help towards winter heating costs for people on low incomes;
- 90% agreed with the plan to remove the need for a 'cold spell', a component of the eligibility for Cold Weather Payment, in order for people to receive the new benefit.

18. Respondents to the consultation raised concerns in some areas, including:

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<sup>13</sup> [Low Income Winter Heating Assistance \(LIWHA\): Analysis of Consultation Responses: Final Report \(www.gov.scot\)](http://www.gov.scot)

<sup>14</sup> [Published responses for Winter heating benefits: low income winter heating assistance - Scottish Government - Citizen Space \(consult.gov.scot\)](http://consult.gov.scot)

<sup>15</sup> [Social Security Experience Panels - Low Income Winter Heating Assistance: survey findings - gov.scot \(www.gov.scot\)](http://www.gov.scot)

- Value of payment
- Potential for people in historically colder areas to receive less support
- Use of a qualifying week resulting in some people missing out
- The time between assessing entitlement (qualifying week) and making a payment was considered too long

19. As part of our policy development we have considered these issues and alternative options alongside their affordability and feasibility for delivery in winter 2022-23. These considerations are set out below:

### **Value of the Payment**

20. The consultation proposed a single annual payment of £50, equivalent to the value of two CWPs. Many consultation respondents thought this should be higher; suggestions tended to range between £75 and £100. However, this would increase the forecasted annual expenditure from £20 million to between £30 million and £40 million, assuming the same number of recipients of qualifying benefits.

21. Any increase in value of the payment would affect the annual expenditure and such an increase at this time would not be affordable. We have therefore not made any changes to the value of the payment.

### **Single Payment**

22. Respondents' views were mixed on the proposal for a single annual payment. Some suggested payments be split to ensure coverage across the winter and increase the chance of coinciding with cold weather spells. Others suggested additional payments targeted to areas that have historically seen more frequent cold weather events.

23. Making more than a single payment each winter would increase the complexity and cost of delivering the benefit risking the safe and secure delivery of WHP in 2023 and we have therefore decided not to split payments at this stage. However, we retain in the underpinning legislation the ability to legislate for additional payments to be made should the need arise and the funding be made available.

### **Qualifying Week**

24. Removing the need for a period of cold weather to trigger a payment requires us to specify the point or points in time at which eligibility will be determined. We have proposed establishing a 'qualifying week' for which we would receive data from DWP identifying households in receipt of the specified qualifying benefits. A qualifying week is a way of identifying eligible clients in a proportionate way taking into consideration our understanding that the group eligible for WHP can fluctuate across periods of time. Some respondents suggested a longer qualifying period or multiple periods in which to identify eligible clients throughout the winter.

25. Changes in the qualifying week, including the introduction of multiple qualifying weeks or a longer period for assessing eligibility would involve greater complexity to the current design of the service and would not be able to be delivered by launch in winter 2022-23.

26. We have, however, removed the exclusions (as seen in the previous draft regulation 4(4)<sup>16</sup>) to address a difference in treatment of people residing in alternative accommodation during the qualifying week. We have removed the exclusions to ensure that if someone is in alternative accommodation such as a private hospital, care home or an establishment run by the Abbeyfield Society or by a body affiliated to that Society, during the qualifying week they will continue to receive the WHP. This acknowledges that their situation could change during the winter months, resulting in their return home but also acknowledges that, despite their location during the qualifying week, this group, who are likely to be very vulnerable, may still be responsible for energy costs and therefore are likely to require the additional support.

### **Timing of a Qualifying Week**

27. We consulted on a proposed single qualifying week in September. Concerns were raised that this was too early in the year when considering the payment wasn't due until February. We drafted our regulations with the intention of this falling on the week running from the third Monday in November. However, we now consider the optimal date for the qualifying week to be the week beginning on the first Monday in November. This is because we have committed to exploring the feasibility of moving the February payment date forward following the delivery of WHP to address some of the concerns raised during our consultation. Whilst this change does increase the gap between the qualifying week and payment for delivery, it is essential in order to future proof our regulations for a potential earlier payment in later years. This continues to address some of the concerns raised by respondents about the length of time between assessing entitlement and making payments.

### **Payment in February**

28. Most consultation respondents consider that a payment in February would be too late. A payment before February 2023 would add risk to the proposed delivery of other benefits being delivered through Social Security Scotland. Social Security Scotland also need to ensure there is capacity to process the 400,000 WHP cases requiring payment and essential system testing being completed prior to commencing payments. Whilst we are unable to change the payment date ahead of launch, we will explore the feasibility of bringing forward payment date in future years.

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<sup>16</sup> [Draft Winter Heating Assistance \(Low Income\) \(Scotland\) regulations](#)

29. We have published the independent analysis<sup>17</sup> of our consultation, along with the Scottish Government's response to the consultation and the draft regulations which will be scrutinised by the Scottish Commission on Social Security.

### **Extending eligibility**

30. Respondents suggested a number of ways to extend eligibility to other groups who may require additional help with heating costs during the winter. This included extending eligibility to include other qualifying benefits; broadening the scope of the current benefits by removing the requirement for receipt of premiums and widening to include those in receipt of Universal Credit who were in work, and extending eligibility to individuals on low incomes who do not receive any benefits. The rationale being that this would capture certain groups that could be considered as being most at risk of the impact of increases in energy prices and the overall cost of living, such as carers and people receiving disability benefits.

31. We concluded that these alternatives would introduce a number of challenges, not least the need to define a low income, and also place a burden on the client to make an application and to provide any supporting evidence of their eligibility. Extending the eligibility to include those who are in receipt of Universal Credit and who are in work (over and above the entitlement to those who have a disabled child whose UC award includes an amount under section 10(2) of the Welfare Reform Act 2012) would extend the scope of the group we were supporting to a group who are likely to have a higher level of income than their counterparts on legacy benefits who are in-work or those who are unemployed on UC. It is clear that any addition of further qualifying benefits would increase annual caseload, cost and, in most cases, complexity and through extension would no longer be targeting those most in need, as is our intention.

### **Alternative approach for those who have previously received more than 2 CWPs**

32. Some respondents raised concerns about the proposal to remove the cold spell criteria, highlighting the possibility that individuals living in areas where there are normally more than two cold spells per winter, or prolonged cold spells, would receive less money than they typically do under the current system.

33. As of 2021/22, the data showing the average number of CWPs in Scotland over the last 7 years indicates that there are 5 areas identified through weather stations that had an average of more than two payments per year since winter of 2015/16 (Aboyne, Aviemore, Braemar, Loch Glascarnoch, Tulloch Bridge). In contrast, there has been significant variability across Scotland in payment numbers in recent years. In the majority of locations, no eligible recipients have received a payment due to the restrictive criteria for 7 days of prolonged low temperature being applied. CWP has therefore failed to offer certainty that any payment will be provided. WHP guarantees an annual payment to eligible low income households,

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<sup>17</sup> [Low Income Winter Heating Assistance \(LIWHA\): Analysis of Consultation Responses: Final Report \(www.gov.scot\)](http://www.gov.scot)



including those in Braemar who, while they have had at least 3 CWP payments in each of the past 6 years, cannot be sure that they will receive any in future years. We cannot forecast the weather conditions for future years in order to establish who would be better or worse off under CWP. We can measure the comparative value of the payment only in retrospect when we know how many contingent payments have actually been triggered. However, CWP does not offer certainty that any payment will be provided and it sets extremely restrictive conditions (7 consecutive days below zero degrees centigrade) for a single payment to be triggered. WHP removes this barrier altogether and guarantees an annual payment to low income households, including those in traditionally colder areas who have benefited from previous support, and for the first time, it provides guaranteed support to people on low-incomes who live in areas that experience marginally warmer Scottish weather conditions, but would not have had a payment under the CWP system.

34. In addition to this, maintaining any cold-weather dependency aspect would require further agreements with DWP and the Met Office and further design work would have to be carried out and a system built that would allow for weekly updates from DWP on the affected postcodes and the transfer of client data for those specific areas in order for the Scottish Government to make any associated payments to a local authority. This would be much more technically complex to develop and test and would be a more administratively burdensome scheme for Social Security Scotland to deliver. We have therefore concluded that we will not proceed with any changes in this regard.

## Protected Characteristics

35. In consulting on the proposed introduction of WHP the following question was specifically posed to respondents: *“Please set out any information you wish to share on the impact of LIWHA on groups who share protected characteristics.”* A total of 41 respondents provided an answer to this question which have been reflected in the sections on specific protected characteristics below.

### Age

36. We know that a lower proportion of older households (36%) live in dwellings with the highest energy efficiency bands (EPC C or better, SAP 2012) than families (55%) or other households (46%)<sup>18</sup>. In addition to this, older households (27%) and other households (27%) have a higher fuel poverty rate than families (17%)<sup>19</sup>.

37. Older households are less likely than families and other household types to report that their heating system doesn't always keep them warm in winter; 12%, compared to 16% of families and 21% of other households<sup>20</sup>.

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<sup>18</sup> Table 21: Scottish House Condition Survey 2019 [Scottish house condition survey: 2019 key findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-petitions/html/2020/Scottish-house-condition-survey-2019-key-findings)

<sup>19</sup>Section 198: [Scottish house condition survey: 2019 key findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-petitions/html/2020/Scottish-house-condition-survey-2019-key-findings)

<sup>20</sup> [5 Energy Perceptions - Scottish house condition survey: 2019 key findings - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/consultations-petitions/html/2020/5-energy-perceptions)

38. In winter 2021/22 there was an estimated 124,000 pensioners in Scotland eligible for a CWP through receipt of Pension Credit, and this group would have received a payment should the weather conditions have been met in their area. However, only 5,000 payments were made to this group<sup>21</sup>. Going forward, WHP will provide every pensioner in receipt of Pension Credit in Scotland a £50 payment each winter.

39. Some responses to the consultation highlighted concerns that older people may be more likely to be digitally excluded or illiterate. By paying WHP automatically to those who are eligible it will reduce the burden on individuals to know what they are entitled to in order to receive support.

40. Other responses to the consultation noted this would not expand eligibility to others on low wages or those who were in gig employment, typically younger people. However, any addition of further qualifying benefits or widening of eligibility rules would increase annual caseload, cost and, in most cases, operational complexity. We do not, therefore, intend to change the eligibility criteria.

41. We anticipate the removal of weather dependency as part of the new WHP will benefit older people who are in receipt of Pension Credit as well as young people (children under 5 and children with a disability).

## ***Disability***

42. In 2017-2020, as in previous years, the poverty rate was higher for individuals in households with a disabled person (23%) than a non-disabled person (17%), when disability related benefits are not included in the household income<sup>22</sup>.

43. Fuel poor households with low levels of energy efficiency are more likely to have at least one member who has a long-term illness or disability (56%) when compared to non-fuel poor households in similarly inefficient homes (41%)<sup>23</sup>.

44. Children in families with at least one disabled adult or child account for over two-fifths (42%) of all children in relative poverty<sup>24</sup>. Children in households with a person with disabilities are more likely to live in poverty, and being in work sometimes does not prevent poverty<sup>25</sup>.

45. 37% of children in households with a disabled adult or child were also in a lone parent household, and 36% were in a household with 3 or more children (2011-18)<sup>26</sup>.

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<sup>21</sup> [Cold Weather Payment estimates: 2021 to 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>22</sup> [Poverty and Income Inequality in Scotland 2018-21 - analytical report \(data.gov.scot\)](https://data.gov.scot)

<sup>23</sup> Page 20 [Tackling Fuel Poverty in Scotland: A Strategic Approach \(www.gov.scot\)](https://www.gov.scot)

<sup>24</sup> [Additional child poverty analysis 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot)

<sup>25</sup> [Scotland's National Strategy for Economic Transformation: equality transition statement](https://www.gov.scot)

<sup>26</sup> [Children in poverty after housing costs who are in more than one priority group](https://www.gov.scot)

46. Parents with disabilities are less likely to be employed compared to non-disabled parents, with those in employment tending to work fewer hours. Mothers with disabilities are particularly unlikely to work full-time<sup>27</sup>.

47. Respondents to the consultation indicated they thought the introduction of this new benefit would positively impact recipients with disabilities. Family Fund supported this, noting that 51% of Scottish respondents in a recent survey indicated that they have to pay more for energy as a direct result of their disabled children's conditions or illnesses and they thought that WHP will provide a level of certainty to families on low incomes raising a disabled child, in particular, those who are not eligible for Child Winter Heating Assistance (CWhA)<sup>28</sup>.

48. Some respondents wanted eligibility to be expanded to include those in receipt of PIP and DLA. However, due to the overlap between the current eligibility for CWP and those households who have need for an enhanced heating regime, it is considered that the present proposals are appropriate to ensure that the new payment is targeted to individuals who are most in need. We will consider eligibility as part of the ongoing evaluation and monitoring following the launch of WHP.

49. The WHP is targeted at low income households including those with a disabled child or young person or disabled adult present in the household. We therefore anticipate that the introduction of a £50 payment to low income households will have a positive impact. Those who meet the eligibility criteria will be certain of the support they will receive and will receive additional support towards paying their fuel bills each year.

## **Sex**

50. Men were employed predominantly full-time (58%) or self-employed (11%) with 6% working part-time, while the employment of women showed greater variation; 41% were employed full-time, and 22% were employed part-time<sup>29</sup>.

51. 67% of men reported that they managed well financially in comparison to 61% of women. More women reported 'getting by' or not managing well financially (32% and 8% respectively) than men (27% and 6% respectively)<sup>30</sup>.

52. A higher proportion of women with no children in the household were in full-time employment (47% without children, 30% with children), and a higher proportion of women with children were in part-time employment (31% with children, and 16% without children)<sup>31</sup>.

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<sup>27</sup> [7. NSET and the Protected Characteristics - Scotland's National Strategy for Economic Transformation: equality position statement - gov.scot \(www.gov.scot\)](#)

<sup>28</sup> [Published responses for Winter heating benefits: low income winter heating assistance - Scottish Government - Citizen Space \(consult.gov.scot\)](#)

<sup>29</sup> Economic Activity: [Scottish Household Survey 2019](#)

<sup>30</sup> Finance tables: [Scottish Household Survey 2020](#)

<sup>31</sup> Economic Activity: [Scottish household Survey 2019](#)

53. In 2017-20, the relative poverty rate after housing costs was higher for lone mothers (38%) than for single working-age adults (male and female) without children<sup>32</sup>.

54. Some respondents to the LIWHA consultation raised concerns around the higher likelihood of women having fluctuating incomes and therefore the use of a single qualifying week could have a negative impact on them in particular. We have considered alternative approaches to mitigate this risk including a longer qualifying period or multiple periods in which to identify eligible clients throughout the winter. However, we do not feel that there is an alternative that would be achievable before the launch of the benefit in February 2023 due to the substantial design and delivery work that would be required.

55. Despite the concerns around people missing out due to using a qualifying week to assess entitlement, we think that overall, the introduction of WHP could have a positive impact, regardless of a person's sex.

### ***Gender reassignment and sexual orientation***

56. There is no robust data relating to the proportion of people of any age in Scotland to whom the gender reassignment protected characteristic would apply. However, we recognise that a potential barrier to trans people and those who identify as non-binary accessing support can be a requirement for individuals to provide their gender if they were to make an application. Non-binary people in particular can be excluded if individuals are asked to tick a box to indicate their gender and only binary options are available.

57. This was reiterated by LGBTI youths throughout previous Scottish Government consultation engagement for CWA. Those who had undergone gender reassignment discussed feelings of being 'outed' by this process as they had to reiterate that they had changed gender.

58. WHP will be an automated payment and therefore very few people will need to make an application. Where applications are required, a person will not be required to provide their gender. The design of our systems and the training of our staff will ensure that regardless of who the applicant or client is, they will be treated respectfully. Agency staff will be recruited and trained to embody values of dignity and respect and all training for new staff will include LGBTI awareness and be underpinned by human rights principles.

59. We do not anticipate anyone to be negatively impacted by the introduction of WHP on the basis of gender re-assignment or sexual orientation.

60. We anticipate everyone to receive positive benefits from the introduction of WHP irrespective of gender reassignment and sexual orientation.

### ***Religion or belief***

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<sup>32</sup> [Poverty and Income Inequality in Scotland 2018-21 - analytical report \(data.gov.scot\)](#)

61. We have not identified any particular barriers resulting from our policy approach which may affect people with the protected characteristic of religion or belief.

### ***Pregnancy and maternity***

62. Pregnancy brings a period of sudden increased financial pressure and sustained money worries have been reported following a birth of a baby<sup>33</sup>. This can increase the risk of entering poverty, especially for families who are living just above the poverty line prior to the birth of their child<sup>34</sup>.

63. Households with children aged 0-4 are at high risk of poverty. The risk, is much higher when the youngest child is aged less than one year old<sup>35</sup>.

64. A household which is in receipt of one of the qualifying benefits and who has a child under the age of 5 at the time of the qualifying week will automatically receive WHP.

65. We have identified this group as one who may be affected by the use of a single qualifying week and considered alternative options in order to mitigate this risk including a longer qualifying period or multiple periods in which to identify eligible clients throughout the winter. However, as set out previously, we do not feel that there is an alternative that would be achievable before the launch of the benefit in February 2023 due to the substantial design and delivery work that would be required. Despite this, we think that the introduction of WHP will have an overall positive impact on people who have a baby or young child as it will provide £50 of reliable support towards heating bills at a time where finances may be strained.

### ***Race***

66. Poverty rates for people in minority ethnic households are higher than for the general population in Scotland and minority ethnic people are more likely to be in relative poverty after housing costs<sup>36</sup>.

67. At the time of the 2011 census<sup>37</sup>, 96% of Scotland's population identified as "White", while 4% identified as belonging to another ethnic group. In 2011, 7% of Scotland's population communicated in languages other than English at home with Polish and Urdu as the most commonly spoken language at home after English, Scots and Gaelic<sup>38</sup>.

68. As WHP is an automatic payment that usually requires no application form this should avoid any additional challenges to accessing this benefit. We are

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<sup>33</sup> [Exploring the Cost of the Pregnancy Pathway - September 2020](#)

<sup>34</sup> [Exploring the Cost of the Pregnancy Pathway - September 2020](#)

<sup>35</sup> [Scotland's National Strategy for Economic Transformation: equality position statement](#)

<sup>36</sup> [Poverty and Income Inequality in Scotland 2017-20 \(data.gov.scot\)](#)

<sup>37</sup> [Search | Scotland's Census \(scotlandscensus.gov.uk\)](#)

<sup>38</sup> [Languages | Scotland's Census \(scotlandscensus.gov.uk\)](#)

working with DWP to try and minimise the number of people who will be required to contact Social Security Scotland to provide the required additional information which will enable a determination to be made on their entitlement for WHP .

69. Furthermore, Social Security Scotland will create a bank of WHP stakeholder resources and content in accessible formats that will be available to stakeholder organisations through the National Stakeholder Engagement team, for organisations to distribute to people in local communities. The languages we proactively translate materials into were selected through stakeholder consultation. These are: BSL, Farsi, Mandarin, Cantonese, Urdu, Gaelic, Polish, Arabic, Ukrainian, braille and easy read formats. Social Security Scotland will produce communications materials in other languages on request. In some circumstances printed marketing materials may not be the right way to engage with these communities and where this is the case we will provide an engagement approach through work carried out by the National Stakeholder Engagement and Local Delivery functions.

70. Gypsy/Traveller households were more likely to have no central heating (5%) than all households (2%). They were also more likely to have “Electric Central Heating” and “2 or more types of Central Heating”. Only 62% of Gypsy/Traveller households had gas central heating compared to 74% of the population<sup>39</sup>. Citizens Advice Scotland also highlighted in their response to the consultation that Gypsy/Traveller communities often live in homes with lower levels of energy efficiency and so those communities in colder areas may receive less support from WHP than the previous CWP. However, we know that CWP offered no certainty and that regardless of the temperature it is likely low income households would require additional support with their heating bills throughout the winter. WHP offers certainty and all individuals that meet the criteria are guaranteed support towards these costs, regardless of the weather conditions.

71. We recognise that the payment method will be important for some people and in particular Gypsy/Traveller communities. Payments can be made in a range of ways: into a UK bank account, into a building society account, into someone else’s account that they can access or through using i-Movo (New Payment Exception Service) which is a secure digital voucher system that can be delivered to individuals in several media (SMS, email). These can be redeemed at one of 2850 PayPoint outlets in Scotland. This has also been found to be useful for young adults who have not yet opened a bank account.

### ***Marriage and Civil Partnership***

72. We have not identified any particular barriers resulting from our policy approach which may affect people with the protected characteristic of marriage or civil partnership.

### **Monitoring and review**

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<sup>39</sup> [7. Housing - Gypsy/Travellers in Scotland - A Comprehensive Analysis of the 2011 Census - gov.scot \(www.gov.scot\)](http://www.gov.scot)

73. The Winter Benefits Stakeholder Reference Group will continue to play a vital role in the development of WHP policy and practice. The group membership is comprised of key stakeholders supporting and representing the needs of WHP recipients. The group will provide a forum for dialogue and will monitor the implementation of the benefit, raising any issues voiced by eligible recipients and organisations.

74. The Scottish Government has put in place a monitoring and evaluation plan for WHP which takes account of the issues identified within this impact assessment. Monitoring the impact of the WHP will be a continuous process and where any unintended consequences are identified, we will consider what steps can be made to minimise any negative impact.

75. The Social Security (Scotland) Act 2018 places a duty on the Scottish Ministers to report annually to the Scottish Parliament on the performance of the Scottish social security system during the previous financial year. The report is to describe what the Scottish Ministers have done in that year to meet the expectations on them set out in the charter and will include information on the impact on protected characteristics.

76. Once payments are being made we will, as with other benefits, seek to make ongoing improvements based on the feedback of applicants. We will collate management information to monitor the characteristics of recipients and will undertake qualitative research to test whether WHP is meeting its policy intentions. This will inform any future consideration of variations to policy or delivery arrangements.

## **Conclusion**

77. This EQIA process has identified that the introduction of WHP regulations has the potential to have positive impacts for those who share protected characteristics. In particular, those who are disabled, are older or those who have a disabled or young child will benefit from this new form of support each year.

78. Although it is difficult to quantify the impact the introduction a new benefit like this would have on reducing the fuel poverty rate in Scottish households, data from the Scottish House Condition Survey 2019 showed that, 37% of households receiving CWP were fuel poor. If the weather dependent criterion is removed this would rise to 45%<sup>40</sup>.

79. The new WHP policy will ensure more people on low incomes who are in receipt of low income benefits will receive support towards increased heating costs in winter.

## **Authorisation**

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<sup>40</sup> Source: SHCS 2019

I confirm that the impact of the Winter Heating Payment policy has been sufficiently assessed against the needs of the equality duty:

Name and job title of policy lead:	Owen Allen – Team Leader, Winter Heating Benefits Policy
Name and job title of a Deputy Director or equivalent:	Ian Davidson – Deputy Director, Social Security Policy
	November 2022