

# Report

Report to:	<b>Social Work Resources Committee</b>
Date of Meeting:	<b>20 February 2019</b>
Report by:	<b>Director, Health and Social Care</b>

Subject:	<b>Charging Policy for Non-Residential Services</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide the Committee with the Charging Policy for Non-Residential Services

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the updated Social Work Charging Policy for the charging of non-residential social care services, attached as an appendix to the report, be noted;
- (2) that the Director of Health and Social Care is authorised to update the policy annually in line with Cosla guidance: and
- (3) that further legislative changes, effective from 1 April 2019, in respect of the extension of free personal care to those under the age of 65 years will be noted in the charging policy for 2019/2020.

## 3. Background

- 3.1. The Council-wide Charging Policy for 2019/2020 was approved by the Executive Committee on 21 November 2018. The Social Work Charging Policy is an extension to this policy.
- 3.2. The Social Work Charging Policy for Non-Residential Services was revised in 2010/2011 to take account of the principles of Cosla's national strategy and guidance on Charging for Non-Residential Social Care Services.
- 3.3. The Cosla guidance provides a framework that aims to maintain local accountability and discretion while encouraging councils to demonstrate that in developing their charging policies they have followed best practice. It also aims to create an enabling environment for local authorities to work together to achieve greater consistency across Scotland in terms of the charges levied on people who use services.
- 3.4. The Charging Policy is up-rated annually in line with Cosla guidance and the Council-wide Charging Policy.

## 4. Legislative Changes

- 4.1. The Charging Policy document has been updated to take account of the Social Care (Self-directed Support) (Scotland) Act 2013 and the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014.

- 4.2. The Social Care (Self-directed Support) (Scotland) Act 2013 requires local authorities to provide personalisation through a range of options with varying levels of choice and control to people with eligible support needs. The provisions of the Act came into force on 1 April 2014 and applies to all new Social Care clients from that date and to existing clients at the point of their next review. It describes how people can exercise choice and control over the support or services that allow them to live independently. This includes a new duty on the authority to provide four options to all adults, children and carers eligible for support or provided with services. It is a major culture shift in the way Health and Social Care Services are delivered towards a more person-centred and outcomes-focused assessment of needs and delivery of support.
- 4.3. The four options are:-  
Option 1 - direct payment  
Option 2 - individual service fund  
Option 3 - local authority managed  
Option 4 - a mix of the three options
- 4.4. The charging policy has been updated to take account of this legislation and the fact that, subsequent to a financial assessment, those individuals with the ability to pay may be required to fund a proportion of their overall budget, which has been calculated as appropriate to their needs and to achieve their outcomes. The contribution or 'charge' will therefore be linked to the personal budget and ability to pay rather than the services they ultimately utilise to meet their needs.
- 4.5. Where individuals are entitled to an element of free services, that is, free personal care, Cosla suggest that there is some retrospective attribution of 'service hours' to an individual's support plan. This means that the free personal care element can only be identified once the support plan is approved. The Policy has been updated to reflect this practice so that the actual contribution to be collected will be finalised once the support plan has been approved and any free budget elements identified.
- 4.6. Section 3 of the Social Care (Self-directed Support) (Scotland) Act 2013 gave local authorities the power to provide carers with support to help them continue in their caring role and, where the authority has decided to provide support, confers a duty on the local authority to offer the self-directed support options. The Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 was introduced to prevent authorities from imposing any charges to the carer. The Regulations state that a local authority must waive charges where services are provided to adult carers under Section 3(4) of the 2013 and where services are provided to children who are in need under Section 22 of the 1995 Act because they are young carers.
- 4.7. The updated Policy document confirms the Council's Charging Policy for Non-Residential Social Care Services and will ensure transparency for staff and the public by being available via the internet and intranet.

## **5. Employee Implications**

- 5.1. There are no employee implications associated with this report.

## **6. Financial Implications**

6.1. There are no financial implications associated with this report.

## **7. Other Implications**

7.1. There are no risk implications associated with this report.

7.2. There are no sustainable development issues associated with this report.

7.3. There are no other issues associated with this report.

## **8. Equality Impact Assessment and Consultation Arrangements**

8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

8.2. We have engaged with the Self Directed Support (SDS) Implementation Board, Legal Services and have adopted Cosla guidance.

**Val de Souza**

**Director, Health and Social Care**

7 January 2019

## **Link(s) to Council Values/Ambitions/Objectives**

- ♦ achieve results through leadership, good governance and organisational effectiveness

## **Previous References**

- ♦ Executive Committee of 21 November 2018

## **List of Background Papers**

- ♦ Charging Policy for Non-Residential Services

## **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Marie McHugh, SDS Finance Officer

Ext: 3907 (Phone: 01698 453907)

Email: [marie.mchugh@southlanarkshire.gov.uk](mailto:marie.mchugh@southlanarkshire.gov.uk)