



**PE1480/C**

COSLA RESPONSE TO PETITION [PE1480](#)

*Calling on the Scottish Parliament to urge the Scottish Government to raise awareness of the daily issues suffered by people with Alzheimer's and dementia and to ensure that free personal care is made available for all sufferers of this illness regardless of age.*

**Please provide details about your work on the review of the Charging Guidance for Non-residential Social Care Services, consistency in charging policies for community care services and improvements to charging guidance.**

### Background

1. The 2002 Community Care and Health (Scotland) Act introduced Free Personal Care for older people and included powers for the then Scottish Executive to regulate home care charges in order to achieve a greater level of consistency across Scotland. It was agreed that self-regulation through COSLA would be permitted if that would achieve the policy objective on the understanding that the guidance is the subject of regular review. COSLA therefore developed its guidance covering charging for non-residential care services.
2. COSLA Charging Guidance provides a framework that aims to maintain local accountability and discretion while encouraging councils to demonstrate that in arriving at charges they have followed best practice. It improves transparency around charging policies but does not set charges, require councils to charge, or prevent councils from waiving charges.

### Charging

3. Each local authority designs and delivers non-residential social care services within different geographic, demographic and socio-economic circumstances. Naturally this results in differences in cost and service specification across different councils. Individuals are also unique in terms of social and care need, circumstances and financial means. Therefore it is difficult to make a fair comparison of services received and charges made across different council areas.
4. There are three elements to this:
  - i. the cost to the council of offering the service
  - ii. the financial means of the person who uses the service, and
  - iii. the charge or contribution required.
5. Councils establish the specification, cost and charge for the services they provide and determine the charge or contribution to be made toward the cost of the service based on the service user's financial circumstances,.

6. Data shows that charges are broadly similar across Scotland but there are some instances of variation. The amount charged may be much lower than set out in the tariff of charges – depending on the financial means of the service user.

#### Reviews - various

7. During the last few years there have been significant developments in the social care policy context to which the guidance has needed to respond including the following.
  - Personalisation, Self-directed Support, Direct Payments
  - Welfare Reform (including Personal Independence Payment)
  - Veterans Guaranteed Income Payments
  - Introduction of the Scottish Welfare Fund
8. In addition to the above and since 2002, the guidance has been reviewed and amended on several occasions to accommodate changes in certain DWP benefits which are used to determine a minimum income level. This is used to ensure that people whose income falls below the minimum do not need to pay for their non-residential social care services. In addition an income buffer ensures that no-one who uses non-residential social care services is required to use all their available income to pay for the care services they need. The guidance also includes reference to provision in local policies which allow for local authorities to abate or waive care charges in cases of financial hardship. This may be done in conjunction with local authority welfare rights and income maximisation teams.
9. Various other reviews have resulted in several amendments to charges for community alarms, treatment of compensation claims, the temporary waiving of charges following discharge from hospital and treatment of higher rate DLA.

#### Review – consistency

10. In 2011 COSLA Leaders agreed to a more fundamental review of the guidance with a strong focus on consistency and this started with a public consultation in late summer of 2011. A key element of this was a 'listening' event during which a panel of elected members and COSLA officials met with various stakeholder groups, service users and carers to discuss the key themes and issues. Responses to the consultation were received from a range of stakeholder organisations and formed the basis of an outcomes driven work plan to guide the review going forward.
11. COSLA is delivering this outcomes focused review by working in co-production with a wide range of stakeholder organisations including Age Scotland, Capability Scotland, Alzheimer Scotland, Independent Living in Scotland, Coalition of Carers, Scottish Consortium for Learning Disabilities, Scottish local authorities and the Scottish Government. The overarching aims of the review include looking at facilitating greater consistency in the development of charging policies and reducing unwarranted or inexplicable variation while protecting some local differences where these are justified and appropriate. This has included considering improvements that could be made in relation to specific areas described below.

#### Improvements

12. Specifically the review has focused on areas in relation to:

- Partners' income
- Understanding information
- Facilitating movement
- Benchmarking
- Financial assessment
- Disability-related expenditure

13. In considering those issues, COSLA has worked co-productively with stakeholders and have made progress on:

- National Public Consultation
- Establishment of Stakeholder Working Group – Coproduction
- Agreement of Outcomes
- Annual Charging Survey - Summary
- Publication of local charging policies on COSLA website & survey data
- Council Nominated Officers – Charging Policies / Benchmarking Network / Community of Practice
- Public Information Template
- Guidance on SDS

14. In addition we plan to include further guidance on the following areas.

- Disability Related Expenditure – Principle (pending endorsement)
- Partners' Income – Legal Basis (pending endorsement)

#### Further Work / Challenges

15. The priority areas outlined at paragraph 12 above relate to complex issues. Work to consider them often encounters various challenges and leads to further questions being identified, for example in relation to:

- Commitment to Standard Financial Assessment Template – cost implications
- Cost of Care Calculator – Care Information Scotland
- Annual Consistency Report
- Charging Thresholds
- Portability protocol
- Basis of the minimum charge threshold (DWP Benefit rates)
- Tapers

16. COSLA will work with stakeholders to agree how we can address these challenges and take work forward appropriately.

**COSLA**

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