

# West Dunbartonshire Health and Social Care Partnership

## Charging Policy for Non-Residential Care Services 2022/2023

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## **1 Introduction**

West Dunbartonshire Health and Social Care Partnership (hereafter referred to as HSCP) in partnership with West Dunbartonshire Council aims to support all of our citizens to live at home or in a homely setting independently, safely and for as long as possible. The Council's Non-Residential Charging Policy sets out the legislative background to charges for non-residential social care services, and describes the services for which charges may apply. This charging policy complies with the [COSLA \(Convention of Scottish Local Authorities\) National Strategy and Guidance on Charges Applying to Non-Residential Social Care Services](#)<sup>1</sup> and the [Social Work \(Scotland\) Act 1968 Section 87](#)<sup>2</sup>, which sets out the powers local authorities, can use to charge for a range of non-residential services.

## **2 Purpose of Document**

This document sets out the Council's Social Work Services (as delivered by the HSCP) Charging Policy. Due to the complexities of Residential care charging, this document will concentrate on Non-Residential Charging. However, some signposting relating to information on Residential Care charging can be found in the appendix.

## **3 Background**

The Charging Policy complies with the COSLA guidance to help the HSCP determine whether to charge a person for social care support and in calculating how much this charge may be. The COSLA guidance describes a number of best practice steps that should be taken when developing a local charging policy, taking into consideration the full range of legal, financial and policy drivers and these have all been considered when this Charging Policy has been written.

This policy will apply equally to all service users regardless of the delivery mechanism(s) deployed, with the principles of [Self Directed Support \(The Social Care \(Self-Directed Support\) \(Scotland\) Act 2013\)](#) at the centre of the assessment process to ensure choice and control of people with eligible support needs.

The SDS options are:

1. Direct payments to service users to enable them to arrange their own care in line with agreed personal outcomes;
2. Indirect service delivery through services commissioned from the private and voluntary sectors by the HSCP on the service user's behalf;
3. Direct service delivery by HSCP staff; or
4. A mix of the above options for different types of support.

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<sup>1</sup> [https://www.cosla.gov.uk/\\_\\_data/assets/pdf\\_file/0016/17521/2020-21-COSLA-Charging-Policy-for-Social-Care-Support.pdf](https://www.cosla.gov.uk/__data/assets/pdf_file/0016/17521/2020-21-COSLA-Charging-Policy-for-Social-Care-Support.pdf)

<sup>2</sup> Social Work (Scotland) Act 1968 Section 87

All charges will be reviewed annually and reflect any changes to a service users income through the Financial Assessment and Income Maximisation process.

### **3.1 Aims of the Charging Policy**

The main aims of the charging policy are:

- Provide a consistent, fair and transparent framework for charging;
- Recover appropriate costs of service provision;
- Maintain essential services; and
- Maximise the income of service users and their carers.

## **4 Links to other Policy and Guidance**

The charging policy links to a number of other policies, strategies and guidance including:

### **4.1 Self-Directed Support (The Social Care (Self-Directed Support) (Scotland) Act 2013)<sup>3</sup>**

The principles of Self Directed Support are at the centre of the assessment process to ensure the choice and control of people with eligible support needs. This policy applies to all service users regardless of the delivery mechanism(s) deployed.

### **4.2 Carers (Scotland) Act 2016**

The Carers (Scotland) Act 2016 is designed to support carers' health and wellbeing and help make caring more sustainable.<sup>4</sup>

### **4.3 Equality Act 2010**

The Equality Act 2010 places both a general duty and a specific duty on the HSCP. Both of which are relevant to the development of the charging policy. The general duty requires a HSCP to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity; and

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<sup>3</sup> <http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

<sup>4</sup> <http://www.legislation.gov.uk/asp/2016/9/contents/enacted>

- Promote good relations between persons who share a relevant protected characteristic and persons who do not share it.

The HSCP alongside the council will continue to ensure that the charging policy minimises any disadvantage experienced by any people of a protected characteristic.

#### **4.4 Human Rights Act 1988**

The HSCP continues to ensure that it does not act in ways, which are incompatible with the European Convention on Human Rights (ECHR) under section 6 of the Human Rights Act 1998. Article 8 (right to private and family life, including autonomy in decision making, the right to work and the right to live with dignity) and Article 14 (non-discrimination on a number of grounds, including “any other status”) connect to this Charging Policy in relation to equality across the totality of the range of services being charged for, and issues around Income Maximisation.

#### **4.5 The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 (Franks Law)**

Free Personal Care has been available in Scotland for adults aged 65 or over since 2002<sup>5</sup>. The Scottish Government has legislated to ensure that by 1 April 2019 adults of any age, no matter their condition, capital or income, who are assessed by their local authority as needing this service, are entitled to receive this without charge<sup>6</sup>. The expansion of free personal care – which was previously only available to those aged over 65 - comes into force on April 1 2019 and is often referred to as ‘Frank’s Law’.

### **5 Non Residential Care**

The legal basis for charging for non-residential services can be found in the [Social Work \(Scotland\) Act 1968](#)<sup>7</sup>, the [Community Care and Health \(Scotland\) Act 2002](#)<sup>8</sup> and the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#).<sup>9</sup> With regard to the initial guidance on charging, as set out in the Social Work (Scotland) Act 1968 Section 87<sup>i</sup>, and with regard to subsequent development of COSLA guidance, councils have the power to charge for a range of non-residential social care services.

<sup>5</sup> <https://www.legislation.gov.uk/ssi/2002/303/made>

<sup>6</sup> <https://www.gov.scot/publications/free-personal-nursing-care-qa/>

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/1968/49/contents>

<sup>8</sup> <https://www.legislation.gov.uk/asp/2002/5/contents>

<sup>9</sup> <http://www.legislation.gov.uk/asp/2003/13/contents>

## 6 Guiding Principles of Charging Policy

The main principles of the policy are:

- Income Maximisation to the service user:
  - All service users will be offered an Income Maximisation service at the point of assessment. This allows service users to be made aware of the range of benefits they may be entitled to; and
  - Prior to taking up services, all service users will be supported and expected to optimise their access to income and entitlements, for example, Independent Living Fund income and personal/injury compensation payments.
  - Service users in receipt of benefits for specific purposes such as mobility component will utilise these to support their access to services.
- Financial assessments take into account of the cost of any fixed charges applied;
  - Where a service user receives more than one service, a consolidated assessment will be undertaken to ensure they are not charged more than they can afford for the package of care services they receive;
- The impact on the well-being of carers and service users is considered when charges are applied;
- Charges are set at a level whereby the charge rarely covers the full economic cost of the service provided and will never exceed the full cost of service; and
- Free Personal Care will apply to all service users regardless of age, sex, disability or any other protected characteristic.

## 7 Exemptions from Charging

The Charging Policy will not be applied to anyone facing the following circumstances:

- Service users presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation;
- Services directly attributable to Carers are not chargeable;
- People who are subject to a [Compulsion Order](#)<sup>10</sup>;
- Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services;
- People who are terminally ill (see [section 8.3](#) below);
- A service user who is in receipt of the Independent Living Fund and makes a contribution to their weekly award will be exempt from non residential means tested charges and fixed charges for day opportunities.

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<sup>10</sup> [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](#)

## 8 Charging Guidance

### 8.1 Chargeable services

Councils have the power to charge for the following adult non-residential care services. The exceptions to charge are notes above in relation to free personal care and some elements of respite. The definition of Respite can be found [here](#) and further information on the WDC Carers Strategy can be found [here](#).

The list below is not exhaustive:

- Care at home for non-personal care
- Housing Support
- Community Support (including social support)
- Building based day opportunities
- Lunch clubs
- Meals at home
- Wardens in sheltered housing
- Community alarms and telecare
- Laundry services
- Blue Badge Administration Scheme. Local Authorities administer the Blue Badge Scheme on behalf of the Scottish Government
- Transport

**Note:** If a service user is in hospital for more than four weeks then a credit can be requested by the service user notifying their social worker or point of contact within HSCP.

Note: if a service user is brought into a service under emergency care, charging won't begin until week six of utilising the service.

### 8.2 Non Chargeable services

The following services are non-chargeable:

- Services provided where the primary reason for service provision is to monitor children under "supervision" or children and families in crisis;
- Services provided to anyone with a compulsory order under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- Services provided to adults subject to measures under the Adult Support and Protection (Scotland) Act 2007;
- Charges cannot be made for criminal justice social work services, advice and information about the availability of services, and assessment of care needs or care management;
- Nursing Care and Personal Care for people of all ages;
- Services directly attributable to [Carers](#) are not chargeable, example [respite](#) and short breaks;



- Preparation of or the provision of assistance with the preparation of food is not chargeable;
- Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services;
- Clients presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation;
- Home Care services for 42 days on discharge from hospital;
- Support for people who are subject to Compulsion Orders under the Criminal Procedure (Scotland) Act 2003; and
- Support for unpaid carers which has been identified and documented within their adult carers support plan.

[Appendix 1](#) has a detailed list of Personal Care tasks, which are exempt from charging.

### **8.3 Terminal Illness**

The Charging Policy exempts service users who are terminally ill. If an individual is terminally ill then the HSCP can waive or abate charges for services that are chargeable. This means that for all devolved disability benefits (when Social Security Scotland begin delivery) whether a person is eligible will depend on the clinical judgement of a medical practitioner (having paid regard to Chief Medical Officer guidance) that the individual has a progressive disease that can reasonably be expected to cause the individual's death. If this is the case, charges for social care will be waived. This prognosis should be evidenced through a benefits assessment under special rules in Benefits Assistance under Special Rules in Scotland (BASRiS) form or a letter from the individual's General Practitioner or hospital consultant confirming the individual has already been awarded a BASRiS. In situations where a client has a DS1500, which confirms a service user's diagnosis and treatment plan, this can also be accepted to confirm prognosis.

## **9 Non Means Tested Fixed Charges and Means Tested Charges**

Charges fall into two categories:

- Non Means Tested Fixed Charges; and
- Means Tested (or Financially Assessed) Charges.

### **9.1 Non Means Tested (Fixed) Charges**

All non-means tested charges are charged at a flat rate and are applicable to all service users who receive the services below:

- Meals – Provided at Home
- Meals – Lunch Clubs
- Blue Badges Administration Scheme

- Transport (Taxi or Bus)
- Community Alarms
- Centre Based Day Opportunities

Any fixed charges will be included as an expense within the financial assessment. Fixed charges are an additional charge on top of the means tested charge.

While an active community alarm is in the house then there will be a charge regardless of activity of alarm. If a service user is in hospital for more than four weeks, then a credit can be requested.

## **9.2 Means Tested Charges**

The following are means tested charges:

- Care at Home (non personal care tasks);
- Social Support;
- Housing and Community Support Supported Living; and
- Practical Support.

These charges are financially assessed for each individual based upon their ability to pay. The individual will need to disclose all relevant financial details. Non-disclosure of required financial details will result in the maximum charge being applied.

## **10 Appeals against a charge**

If an individual wants to appeal against a charge, the individual can issue an appeal in writing and provide the appeal to their relevant social worker or point of contact. The applicable Head of Service will be notified of this appeal and will provide a decision on the individual case.

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the HSCP's normal complaints procedure. The procedure and related information can be found at the following link: <http://www.wdhscp.org.uk/complaints/>. Those who don't have access to the internet, can contact their social worker or point of contact who can facilitate with the process.

## **11 The Financial Assessment Process**

West Dunbartonshire HSCP aims to ensure that people in receipt of support and care services are not placed in financial hardship because of the way in which the services are charged. All service users in receipt of chargeable community care service undergo a financial assessment to determine how much the HSCP considers a service user can afford to pay towards the cost of the services they receive.

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount an individual will be charged will be set according to their ability to pay. In the first instance, this requires an assessment of the person's income and capital.

This requires the service user or their representative to provide supporting documentation including bank statements and benefit letters. The supporting documentation will inform the calculation of the service user's charge and the individual will receive notification of the charge in writing. Service users or their representative with appropriate legal powers who choose not to provide financial information and relevant supporting documentation will be charged the full chargeable cost of their care, subject to the current maximum charge.

If a full financial assessment has been completed within the last twelve months, information previously collected will be used to calculate the service user's charge. Charges will be reviewed in April each year to coincide with increases to pensions and benefits.

Charges are payable from the date that support services start and will be backdated to the date the person first received support if the financial assessment is completed after this date. Where an individual's service is suspended, there will not be a charge for the service. Once services are reinstated, charging will recommence. Community Alarm charging will continue during service breaks unless the alarm is removed from the property. If an individual has paid in advance, for example, they have made an annual payment, and then the HSCP will raise the credits at the end of the financial year.

If an individual has received a financial assessment and has been assessed as having the means to pay, the HSCP has the legal right to pursue all charges. This would be via the Council Corporate Debt Recovery procedure. If an incorrect financial assessment has led to an individual receiving a charge which is too much or too little, a new financial assessment will be undertaken and the correct charge will be applied from date of the revised assessment.

If there are changes to an individual's financial situation, such as an increase or decrease in their benefits it is essential the service user or their representative notify the HSCP and request a reassessment. Failure to do so may result in an individual being liable to pay a backdated charge or could be overcharged for a service.

Invoicing for charging is sent out with an annual figure, much like the current council tax invoicing system. Service users can choose how to pay the annual figure via a lump sum or in instalments.

## **12 Deprivation of Capital**

If the HSCP has evidence that an individual has not declared a capital asset in order to avoid or reduce a charge then it may treat the individual as still possessing that asset when assessing ability to pay.

## **13 Charge Tapers**

Residual income is the income, which the individual is left over after deducting housing costs, income and weekly living costs (including any other fixed charges applied for HSCP services). The maximum charge that the service user can afford to pay is thereafter calculated based on 50% of their residual income up to a maximum of £71.30 per week (excluding the fixed charges). This is achieved by the application of a taper. The level of taper applied is at the Council's discretion and will be reviewed on an annual basis to ensure that a balance between cost recovery and fair charging is maintained.

The income thresholds are found in section Appendix 2 Minimum Income Thresholds 2022/23.

## **14 Income to be disregarded**

### **14.1 [HSCP principles on income which can be disregarded](#)**

The HSCP will not include the following areas of income when working out the charge for an individual:

- Mobility Component of Personal Independence Payments, Housing Benefit, Council Tax Reduction and War Pensions;
- The assessable income should be net of housing and council tax costs (where applicable.) This includes rent, mortgage payments, Council Tax, water and sewerage costs;
- Income derived from benefits paid for or on behalf of a dependent child will be disregarded;
- Kinship Care payments will be disregarded;
- Where a service user or their partner is in receipt of earned income, only net earnings are considered, and a minimum earnings disregard of £20 is applied. For example if someone earns £100 after tax then the council would take £80 into consideration when undertaking a Financial Assessment;
- All service users with capital of £10,000 or less to be disregarded and tariff income applied of £1 for each unit of £500 over £10,000;

- Statutory re-dress scheme for survivors of historical child abuse;
- Child Disability Payment (CDP) and Short-Term Assistance (STA);
- Scottish Infected Blood Scheme (SIBSS) (and equivalent UK schemes e.g. England Infected Blood Support Scheme);
- Victims Payment Regulations 2020;
- Redress Board (Northern Ireland);
- Payment Scheme for Former British Child Migrants;
- Thalidomide payments; and
- Future Pathways discretionary fund.

#### **14.2 Income which will be disregarded**

The HSCP will disregard the following:

- Adoption (Scotland) Act 1978 (section 51A) Payments
- Age-Related payments Act 2004 Payments
- Backdated Benefits
- Bereavement Payment
- Budgeting Loan
- Capital – various different levels of disregard
- Carers Allowance (previously Invalid Care Allowance)
- Carers Premium
- Certain payments made to trainees
- Charitable and special funds
- Child Benefit
- Child related premiums paid to pre April 2003
- Income Support Claimant
- Child Support Maintenance Payments
- Child Tax Credits
- Children's Benefits
- Christmas bonus
- Christmas Bonus paid with benefits
- Cold Weather Payments
- Concessionary Coal payments
- Council Tax Benefit / Council Tax Reduction
- Dependency increases paid with certain benefits
- Difference between higher and lower rate of Attendance Allowance and higher and middle rate of DLA care when the person is not receiving night-time services
- Difference between enhanced and standard rate of Personal Independence Payment (Daily Living Component) when the person is not receiving night-time services
- Direct Payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to Individuals in respect of a care service that they or a dependent child have been assessed as requiring

- Disability benefits paid to client's partners where the partner is not a service user  
Disability Living Allowance or Disability Assistance (Mobility component)
- Disability payment in respect of child
- Discretionary Housing Payments
- Far East Prisoner of War payment Gallantry Awards (e.g. GC, VC, similar from abroad)
- Future Pathways – Discretionary Fund
- Guarantee Credit Guardian's Allowance Housing Benefit Income from a "home income plan" annuity
- Income from a mortgage protection policy
- Income frozen abroad
- Income in kind
- Income Support
- Independent Living Fund Scotland Payments
- Industrial Disablement Benefit
- Industrial Injuries Benefit
- Industrial Injury Disability Benefit
- Kinship Care payments
- Personal Independence Payment (Mobility Component)
- MOD Pension
- Non-dependent child payments
- Non-therapeutic Earnings
- Partner's earnings
- Personal property, such as household goods, family car etc.
- Scottish Welfare Fund – Community Care Grants
- Scottish Welfare Fund – Crisis Grants
- Social Fund payments
- Statutory Redress Scheme and Advance Payment Scheme– Survivors of Historical Child Abuse
- Student Loan Repayment
- Sure Start Maternity Grant
- Tax Credits The Macfarlane Trust
- Thalidomide Trust
- The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products
- Therapeutic Earnings
- Trainees' training premium and travelling expenses
- Victoria Cross/Japanese Prisoner of War Payments
- Victoria or George Cross payments
- War Pensioner's Mobility Supplement
- War Widow(er)'s supplementary pension
- War Widow's Pension (but not War Widows' Special Payments)
- War Widows Pension (pre 1973)
- War widows special victims awards

- War Widows/Widowers Pension
- War Widows' Special Payments
- Where the Service User is a student, any grant payment for a public source intended for the childcare costs of a child dependent
- Winter Fuel Payments Work expenses paid by employer, and expenses paid to voluntary workers
- Child Disability Payment (CDP) and Short-Term Assistance (STA);
- Scottish Infected Blood Scheme (SIBSS) (and equivalent UK schemes e.g. England Infected Blood Support Scheme);
- Victims Payment Regulations 2020;
- Redress Board (Northern Ireland);
- Payment Scheme for Former British Child Migrants;
- Earnings disregard of £20.00 per week.

## 15 Disability Related Expenditure

The Social Work (Scotland) Act provides the legal basis for charging for social care support at home. Under s87 of the Act charges must be both “reasonable and practicable” for an individual to pay. Understanding the associated additional daily living costs of living with an illness or impairment is essential to ensure charging levels meet this test. Failure to consider Disability Related Expenditure (DRE) as part of the financial assessment could result in charging levels, which cause financial hardship and undermine the right of people living with an illness or impairment to live independently.

It is also important to ensure people undertaking the financial assessment process are aware to provide information relating to disability related expenditure.

Additional costs may relate to, but will not be restricted to:

- additional heating requirements;
- purchase, maintenance and repair of disability related equipment;
- specialist dietary requirement;
- specialist clothing;
- help with cleaning and other domestic tasks including gardening (if that is something the person would have undertaken themselves);
- extra washing; and
- additional bedding.

## 16 Financial Hardship

Where a service user has difficulty in meeting the approved charges due to their financial circumstances, the HSCP will consider how best to support people on a case-by-case basis.

## 17 [Respite](#)

The statutory guidance on the [Carers \(Scotland\) Act 2016](#) includes updated guidance on the requirement to waive charges for carer support and how it interacts with the carers' rights to support under the Act. [Appendix 7](#) provides some examples to help carers, service users and services with decision-making.

The examples were developed by a task group involving representatives from COSLA, Shared Care Scotland, Social Work Scotland and Integration Authority Chief Finance Officers, plus social care practitioners from Integration Authorities/Local Authorities.



### **Personal Care Services exempt from charging (service user and/or partner combined)**

- Assistance with laundry associated with medical condition e.g. bed changing
- Special preparation of food associated with dietary requirements
- Assistance with eating/drinking
- Getting out of bed
- Going to bed
- Assistance with dressing / undressing
- Assistance with washing and bathing
- Assistance with personal grooming/dental Hygiene e.g. shaving and nail care
- Assistance with continence care
- Assistance with toileting
- Assistance with medication supervising/reminding
- Assistance with mobility
- Assistance with specialist feeding
- Assistance with stoma care
- Assistance with catheter care
- Assistance with skin care
- Administering of medication (including administering of oxygen)
- Rehabilitation work (under support of professional)
- Food preparation

**Minimum Income Thresholds 2022/2023**

Minimum income thresholds mean that service users whose income falls below the charging threshold do not need to pay a charge for their service. These rates are based on COSLA guidance and DWP rates of benefit and are not determined by WDC.

A buffer is applied to recognise that not all of a person’s income should be taken into account when calculating charges for people on low incomes or who may incur additional living costs due to their impairment or to support frailty. This buffer is currently set at 25% as per COSLA guidance. All thresholds are rounded up.

For people below state pension qualifying age, the Income Support Personal Allowance and the Disability Premium are added together with the buffer added to the sum of these two rates.

From 1<sup>st</sup> April 2022 WDC will no longer distinguish between over and under 60 threshold rates and will use the over 60 rates for all clients based upon COSLA recommendation and the Equality Act 2010 and the on-going DWP alignment of state pension qualifying age for men and women.

The thresholds for 2022/2023 are in the below box

	<b>Threshold (Rounded)</b>
<b>Single Person</b>	£228
<b>Couple</b>	£348

**Fixed Charges for HSCP services**

These fixed charges will increase annually by 4% in line with inflation. If there are any other changes to the charges out with of the annual % increase then the consultation process will begin.

<b>Fixed Charge</b>	<b>Frequency</b>	<b>2020/2021</b>	<b>2021/2022</b>	<b>2022/2023</b>
		<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Day Care charge to other Councils	Per day	98.50	102.40	102.40
Community Alarms	Weekly	5.20	5.40	5.40
Respite Care (18-24 yrs.)	Per day	12.50	13.00	13.00
Respite Care (25-64 yrs.)	Per day	15.35	16.00	16.00
Respite Care (65+ yrs.)	Per day	23.55	24.50	24.50
Building Based Day Centre charge for Meals	Per meal	3.00	3.10	3.10
Meals on Wheels - sandwiches	Per meal	1.40	1.50	1.50
Meals on Wheels - Fresh Meals (including dessert)	Per meal	2.20	2.30	2.30
Care at Home Meal	Per meal	2.20	2.30	2.30
Benview Lunch Club	Per meal	2.80	2.90	2.90
Manse Gardens Lunch Club	Per meal	2.80	2.90	2.90
Charge for Transport - Round Trip	Per trip	3.50	3.60	3.60
Charge for Transport - Single Journey	Per trip	1.75	1.80	1.80
Blue Badge	Every three years	20.00	20.00	20.00
Building based Day Centre support	Per day/session	10.40	10.80	4.00

**Charge Tapers**

The charge tapers will be 50% (excluding personal care) for all service users.

**The maximum weekly means tested charge levied by the Council**

WDHSCP have taken the decision to apply a maximum weekly charge for means tested services. This is currently £71.30 per week. Fixed flat rate charges will be over and above this charge, however, the Financial Assessment will take account of any fixed charges as an outgoing expenditure.

**Worked Examples to explain how charges are calculated****Example 1**

A 90-year-old woman lives in a local authority house with full Council Tax and Housing Benefit, receiving 9.25 hours of personal care and 1.5 hours domestic care per week. None of these services is provided overnight.

Her weekly income is £310.00. The total cost of her chargeable services is £25.73. This charge does not include personal care, as personal care is a free service.

The charge applied to this service user will be £25.73 per week, being the lower of the actual cost of provision and the tapered available income.

**Example 2**

Mr and Mrs A (aged 55 and 57) live in rented accommodation. They receive 14 hours of housing support, 3 hours of personal care and 2 hours of social support in the community. Their income is £428.30. They also receive full housing and council tax benefit.

The total cost of their chargeable services is £274.40. This charge does not include personal care, as personal care is a free service. Their financial assessments indicated that they could afford to pay £150.30 per week towards the cost of their care. In this example, the service users will pay the maximum charge payable of £71.30 per week.

**Example 3**

A 30-year-old man with learning disabilities lives in a local authority house. He receives 5 hours personal care, 6 hours of domestic care, 6 hours social support and 20 hours housing support per week, which costs £634.55.

He receives Personal Independence Payment of £151.40. He also earns £65 a week from a part time job however qualifies for the higher earnings disregard of £20 because he is in receipt of DLA component; therefore, his earnings are noted as £45.00.

His financial assessment indicated that his income was below the charging threshold and no charge would be levied.

## Worked Examples of Non-Residential Social Care Service Charges 2022/23

Description	Example 1	Example 2	Example 3
Service Cost:	£184.36	£325.85	£634.55
<b>Support Hours</b>			
Personal Care	9.25	3.00	5.00
Domestic Care	1.50	0.00	6.00
Social Support in the Community	Nil	2.00	6.00
Housing Support	Nil	14.00	20.00
Total Hours	10.75	19.00	37.00
<b>Chargeable Hours</b>			
Personal Care	Nil	Nil	Nil
Domestic Care	1.50	0.00	6.00
Housing Support	Nil	14.00	20.00
Social Support in the Community	Nil	2.00	6.00
Total Hours	1.50	16.00	32.00
<b>Cost of Chargeable Hours:</b>	<b>£25.73</b>	<b>£274.40</b>	<b>£548.80</b>
<b>Income</b>			
State Pension	£175.00	Nil	Nil
DWP Benefits	Nil	£320.00	£151.40
Occupational Pension	Nil	Nil	Nil
Pension Credit (over 60)	£45.85	Nil	Nil
AA/DLA Care Component	£89.15	£178.30	£0
Earnings	Nil	Nil	£65.00
Less Earnings Disregard			-£20.00
Gross Income	£310.00	£498.30	£196.40
Less: Threshold	£228.00	£348.00	£228.00
Less: Housing Costs for Water & Sewerage charges	£10.00	£10.00	£13.00
= Available Income	£72.00	£150.30	(£38.60)
x Taper (50p in £)	£36.00	£75.15	(£19.30)
Actual Charge Applied	£25.73 (Cost of Service Lower Than Charge)	£71.30 (Maximum Charge Applied)	NIL (Income Below charging Threshold)

**Residential Care**

Two sets of regulations made to the National Assistance Act 1948 came into force on 9 April 2018:

- The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2019 (SSI 2019 No. 13); and
- The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2019 (SSI 2019 No. 12).

These regulate charges for residential care and provide local authorities with the means to assess service user charges when entering into temporary or permanent residential care. The Scottish Government provides detailed Guidance on the regulations and details can be found at the link below:

[https://www.sehd.scot.nhs.uk/publications/CC2019\\_02.pdf](https://www.sehd.scot.nhs.uk/publications/CC2019_02.pdf)

**Additional Information and Resources**

<b>Website Name</b>	<b><u>Link</u></b>
NHS Inform	<a href="https://www.nhsinform">https://www.nhsinform</a> <a href="https://www.nhsinform.scot/scotlands-service-directory/health-and-wellbeing-services?locpt=55.94509249999999%2c-4.5646259&amp;q=.scot/">https://www.nhsinform.scot/scotlands-service-directory/health-and-wellbeing-services?locpt=55.94509249999999%2c-4.5646259&amp;q=.scot/</a>
West Dunbartonshire CVS Link Up	<a href="https://www.linkupwestdunbartonshire.org/">https://www.linkupwestdunbartonshire.org/</a> <a href="https://www.wdcvs.com/wellbeing/link-up/">https://www.wdcvs.com/wellbeing/link-up/</a>
Scottish Government Benefits Page	<a href="https://www.mygov.scot/benefits/">https://www.mygov.scot/benefits/</a>
HSCP Services	<a href="http://www.wdhscp.org.uk/">http://www.wdhscp.org.uk/</a>

**Service Definitions**

The service definitions are on the HSCP website: <http://www.wdhscp.org.uk/adults-with-disabilities/service-definitions/> and <http://www.wdhscp.org.uk/adults-and-older-people/service-definitions/>.

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