

<b>Meeting of South Ayrshire Health and Social Care Partnership</b>	<b>Integration Joint Board</b>	
<b>Held on:</b>	<b>11<sup>th</sup> December 2024</b>	
<b>Agenda Item:</b>	<b>8</b>	
<b>Title:</b>	<b>Social Care Charging Policy Consultation</b>	
<b>Summary:</b>		
The purpose of this report is to seek approval to consult with stakeholders on revising the IJB social care charging policy.		
<b>Author:</b>	<b>Lisa Duncan, Chief Finance Officer</b>	
<b>Recommendations:</b>		
It is recommended that the Integration Joint Board		
i. Note the background information on the legislative framework for charging of social care services		
ii. Approve request to consult with stakeholders on revising the IJB social care charging policy		
<b>Route to meeting:</b>		
<b>Directions:</b>		
1. No Directions Required	<input type="checkbox"/>	
2. Directions to NHS Ayrshire & Arran	<input type="checkbox"/>	
3. Directions to South Ayrshire Council	<input type="checkbox"/>	
4. Directions to both SAC & NHS	<input type="checkbox"/>	
<b>Implications:</b>		
	Financial	<input type="checkbox"/>
	HR	<input type="checkbox"/>
	Legal	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>
	Sustainability	<input type="checkbox"/>
	Policy	<input type="checkbox"/>
	ICT	<input type="checkbox"/>

## SOCIAL CARE CHARGING CONSULTATION

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to consult with stakeholders on revising the IJB social care charging policy.

### 2. RECOMMENDATION

#### **2.1 It is recommended that the Integration Joint Board**

- i. Note the background information on the legislative framework for charging of social care services.**
- ii. Approve request to consult with stakeholders on revising the IJB social care charging policy.**

### 3. BACKGROUND INFORMATION

- 3.1 Local Authorities have the power to charge for a range of social care support at home. The current legislative framework for charging includes services provided under the Social Work (Scotland) Act 1968 Section 87.
- 3.2 Section 87 of the Social Work (Scotland) Act 1968 has been updated to reflect the integration of health and social care. The legal basis for setting charges remains with the Local Authority, however Integration Authorities can agree charges as part of their financial planning and budget setting process.
- 3.3 The Convention of Scottish Local Authorities (COSLA) is a membership organisation for Local Government in Scotland. Since the introduction of the Community Care & Health (Scotland) Act 2022, COLSA has produced annual guidance which defines a set of principles to underpin the development of local charging policies for social care support for people at home.
- 3.4 The national guidance is intended to assist Local Authorities and Integration Authorities to determine whether to charge a person for social care support at home and calculate how much through a financial assessment process. The policy needs to be accessible, transparent, fair and equitable.
- 3.5 This includes ensuring that charging policies have been subject to an Equality Impact Assessment. Charging policies should demonstrate that they have taken account of the circumstances of the people who are subject to it, including where a person may experience financial hardship.
- 3.6 There are exemptions to social care charging this includes: -
- Support for people who are subject to Compulsion Orders under the Criminal Procedure (Scotland) Act 2023
  - Nursing Care and Personal Care
  - Support for unpaid carers
  - Support for people who are subject to Compulsory Treatment Orders introduced under the Mental Health (Care and Treatment) (Scotland) Act 2003.
  - children are not charged for any social care up to the point they transition from children's social work services to adult social work services.

- 3.7 The SAHSCP Budget for 2019-20 included implementation of day care charging within community care for adult and older people day care services. To date this has not been implemented initially due to the Covid pandemic in March 2020, when all day care attendance temporarily ceased. Then paused following an Independent [Review of Adult Social Care in Scotland](#) published in Feb 2021, Scottish Government made a commitment to explore the removal of charges for non-residential social care.
- 3.8 To date the Scottish Government have not removed charges for non-residential care. Any change would result in lost income to IJB budgets, that would need to be funded by Scottish Government.

#### **4. REPORT**

- 4.1 As part of the 2025-26 budget planning process request is being made for a full review of the IJB's social care charging policy. The delivery of day care opportunities has evolved since the pandemic along with an increase in Self Directed Support options where service users or their representatives have more control over the social care support they receive. The revised charging policy needs to take cognisance of these changes.
- 4.2 Approval is requested to consult and engage with relevant stakeholders to co-produce a new revised charging policy. Engagement will follow Scottish Government and COSLA's [Planning with People – Community Engagement and participation guidance](#).
- 4.3 COSLA's Social Care Charging Guidance notes that Integration Authorities should have regard to the following principles when developing their local charging policies: -
- Policies should be co-produced with people using the services.
  - Any additional charging income to improve quality or scope of social care support services should be balanced against the impact on the quality of life for those who are charged.
  - People who use the social care support must understand the reasons for charging and its contribution to enabling the support they access.
  - Transparency over how charges are calculated.
  - Policies should define the financial decision-making processes that ensure the personal, social and economic circumstances of individuals are given due regard in determining whether charges should apply.
- 4.4 Engagement will take the form of questionnaires, face to face meetings sharing information on costs of services and discussing charging opportunities and financial assessment rules.
- 4.5 Engagement with the following established groups that include service users, carers, providers, and staff working in services will take place during January and February: -
- Learning Disabilities Champions Board
  - Mental Health Strategy engagement
  - Ageing Well Champions Board

#### **5. STRATEGIC CONTEXT**

- 5.1 Social Care Charging Consultation meets the strategic objective of “We are transparent and listen to you”.

## **6. IMPLICATIONS**

### **6.1 Financial Implications**

6.1.1 There are no specific financial implications within this report. Future financial implications will be included in the Budget for 2025-26.

### **6.2 Human Resource Implications**

6.2.1 There are no specific human resource implications within this report.

### **6.3 Legal Implications**

6.3.1 There are no specific legal implications within this report.

### **6.4 Equalities implications**

6.4.1 There are no equalities implications within the content of this report. Following consultation and recommendation of the new revised Charging Policy a full equalities impact assessment will be required.

### **6.5 Sustainability implications**

6.5.1 There are no sustainability implications arising from the contents and recommendations of the report.

### **6.6 Clinical/professional assessment**

6.6.1 This report had been prepared by the Chief Finance Officer.

## **7. CONSULTATION AND PARTNERSHIP WORKING**

7.1 The report is seeking approval to consult with key stakeholders to co-produce a revised charging policy.

## **8. RISK ASSESSMENT**

8.1. There is no risk identified with the contents of this report.

### **APPENDICES**

N/A

### **BACKGROUND PAPERS**

N/A

### **REPORT AUTHOR AND PERSON TO CONTACT**

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18<sup>th</sup> November 2024