



AGENDA ITEM NO 16

REPORT NO. IJB 59/20

ANGUS HEALTH AND SOCIAL CARE

INTEGRATION JOINT BOARD – 26 AUGUST 2020

POLICY ON CHARGES APPLYING TO NON-RESIDENTIAL SOCIAL CARE SERVICES

REPORT BY GAIL SMITH, INTERIM CHIEF OFFICER

ABSTRACT

The purpose of this report is to consider recommending to Angus Council that it adopt two policies in relation to charges applying to non-residential social care services.

1. RECOMMENDATIONS

It is recommended that the Integration Joint Board recommend to Angus Council that the Council:-

- (i) Agree the recommendations contained within, and adopt as policy, the [COSLA National Strategy and Guidance on Charges Applying to Social Care Support for people at home 2020/2021](#).
- (ii) Agree to adopt as policy the Contributions Policy attached as an Appendix to this report which implements and supplements locally the Strategy and Guidance referred to in (i) above.

2. BACKGROUND

- 2.1 Section 87 of the Social Work (Scotland) Act 1968 permits a local authority providing social care services under that Act or under other defined legislation to recover such charges as they consider reasonable. Charges for relevant residential accommodation are regulated by the National Assistance Act 1948.
- 2.2 Given the above, a local authority has a degree of discretion in the way it charges for non-residential social care services. Scottish Government Guidance has been issued to local authorities to assist them in determining charging policies. In addition, and since 2002, COSLA has regularly produced and updated a National Strategy and Guidance in relation to Charges Applying to Non-residential Social Care Services. A copy of the COSLA National Strategy and Guidance on Charges Applying to Social Care Support for people at home 2020/2021.
- 2.3 The Public Bodies (Joint Working) (Scotland) Act 2014 required local authorities to delegate their social care functions to their local IJB. However, the function of determining charges for non-residential accommodation services was not delegated to the IJB and remains with Angus Council. Staff of the Angus Health and Social Care Partnership are responsible for implementing charging policies in practice.
- 2.4 Angus Council have always charged for non-residential social care services. It's policies have not been consolidated but have been closely based on the COSLA Strategy and Guidance referred to above. Work has been undertaken to consolidate the Council's local policies which implement and supplement the COSLA Strategy and Guidance. A copy of the consolidated draft Contributions Policy is attached as an Appendix to this report.

3. ENGAGEMENT AND CONSULTATION

It should be noted that the Policy referred to reflects current practise, as experienced by stakeholders; it does not introduce new ways of working. The policy formalises that practise and ensures compliance with the requirements set out in it.

Prior to publication of the Policy, the AHSCP was required to carry out a consultation exercise to ensure that the policy is co-produced with those affected by the charging regime and to ensure transparency.

Table 1 provides details of who was asked for feedback and the number of respondents. As the policy describes what we already do, and have done for many years, the number of people who were asked for feedback was considered to be proportionate to the scale of the change.

Table 1 Details of who was asked for feedback and the number of respondents.

Description	Number of individuals requested to provide feedback	Number of respondents
LIG Public members	16	3
IJB/SPG Public Member	1	1
Angus Carers Strategic Partnership Group	17	2
Total	34	6

People were asked to read the draft policy and were informed that the Contribution Policy explains how we work out the amount a person may have to pay towards the cost of their support package. They were requested to answer seven questions:

1. The purpose of the policy is clear. Yes/No
2. The policy clearly explains who the policy has been written for. Yes/No
3. You understand the principles on which the contribution policy is based. Yes/No
4. The policy clearly describes the supports or services which are non-chargeable. Yes/ No
5. Contributions and how they are determined is clear to understand. Yes/No
6. The example is easy to follow Yes/No
7. The policy is easy to understand. Yes/No
8. Please provide any additional comments

Whilst the return rate was very small, the majority of people thought the policy was easy to read and understandable. Areas for improvement were shared with the policy authors for consideration and inclusion as appropriate, for example the inclusion of unpaid carers, and how a partner's income is treated in the calculations.

4. PROPOSALS

4.1 Given the above, it is recommended that the Board recommend to Angus Council that the Council:-

- (i) Agree the recommendations contained within, and adopt as policy, the current COSLA National Strategy and Guidance on Charges Applying to Non-residential Social Care Services; and
- (ii) Agree to adopt as policy the Contributions Policy annexed as an Appendix to this report which implements and supplements locally the Strategy and Guidance referred to in (i) above and annexed as an Appendix to this report.

4.2 If the Board agrees the recommendations and Angus Council agrees to adopt the policies referred to above then these policies will be reviewed regularly to ensure that they remain consistent with legislative requirements, national developments and related local policy. In

addition, these documents will be made available to the public on the Council's and the Health and Social Care Partnership's websites.

5. DIRECTIONS

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in Section 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Angus Council and NHS Tayside.

Direction Required to Angus Council, NHS Tayside or Both	Direction to:	
	No Direction Required	
	Angus Council	X
	NHS Tayside	
	Angus Council and NHS Tayside	

6. CONCLUSION

It is submitted that the adopting the proposed policies will make the Council's policies more coherent and transparent and provide clarity to service users, their carers and families, care managers and other staff involved in the provision of social care services.

**REPORT AUTHOR: George Bowie, Head of Community Health and Care Services (South)
David Thompson, Manager – Legal Team 1**

EMAIL DETAILS:

BowieGS@angus.gov.uk

ThompsonD@angus.gov.uk

List of Appendices:- Appendix 1– Contributions Policy