

**NORTH LANARKSHIRE COUNCIL**  
**REPORT**

TO: Social Work Committee	Subject:  Scottish Office Circular SWS/G1/97: Charging For Adult Non-Residential Sector Care
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE: 11th March 1997	
REF: DM/JD	

**1. PURPOSE OF REPORT**

- 1.1 This report summarises the contents of the recently issued Scottish Office circular on local authorities' discretionary powers to charge for adult non-residential sector care and advises of the position in North Lanarkshire.

**2. CONTENTS OF CIRCULAR**

- 2.1 Local authorities may legally charge users of adult non-residential care, taking account of the individual's ability to pay. Services for which charges may be made include day care, lunch clubs, home care, community alarms, and equipment and adaptations for people with disabilities. The powers to charge are discretionary, unlike those relating to residential or nursing home care which are mandatory.
- 2.2 The context for the circular is the expectation that future levels of Scottish Office funding will be made on the assumption that local authorities are generating certain levels of income through charging.
- 2.3 There are, by exception, some circumstances identified where local authorities should not seek payment for services, notably from:
- ◆ people with mental illness who are discharged from NHS hospital care and receive after-care services;
  - ◆ people who are terminally ill and who receive social care services, as well as health care.
- 2.4 Charges may not be made for:
- ◆ criminal justice social work services;
  - ◆ advice and guidance about the availability of services;
  - ◆ assessment of community care needs or care management arrangements.
- 2.5 Legislation requires charges to be "reasonable" and it is for each authority to determine what this means. The circular advises that:
- ◆ when setting the charge, local authorities should take into account the full cost of providing the service;

- ♦ charges should be set at a consistent level throughout the authority;
- charging policies should be consistent with the objectives of community care.

- 2.6 Any service user who considers that he or she cannot pay the set amount can ask the local authority to reduce or waive the charge. In these situations the local authority must take into account that person's financial circumstances. The circular advises that "sympathetic consideration" be given to people on welfare benefits and very low incomes who make such representations, and identifies income which may not be taken into account.
- 2.7 Where a person has been assessed as having the financial means to pay for a service but refuses to do so, the guidance states that "the service should not be withheld or withdrawn where it is clear that the service is essential to that person's wellbeing." It goes on to state that it is open to authorities to pursue the debt while continuing to provide the service, but that the cost-benefit of doing so should be considered. The ambivalence of this statement is considered to be less than helpful to local authorities.
- 2.8 The guidance emphasises the responsibility of authorities to make information public about charging policies and procedures.

### 3. THE NORTH LANARKSHIRE POSITION

- 3.1 The Joseph Rowntree Foundation has highlighted the many anomalies in charging arrangements for services that occur on a nationwide basis. Locally, means-tested charging applies to certain domiciliary services but not others. People are charged for home help services but not for home help received through Home from Hospital schemes, or for other forms of domiciliary support. People are not charged for day care services but do pay for meals received on day care premises. People with learning disabilities are paid a small amount when attending adult resource centres run by the Department.
- 3.2 The Department is currently reviewing its rates for domiciliary services in respect of making inflationary adjustments and addressing present inconsistencies in charging.
- 3.3 An overall review of charging policies by the Department is required so that a rational and equitable approach to the matter can be adopted across the authority.

### 4. RECOMMENDATIONS

- 4.1 Committee is asked to note the contents of this report and that the Director of Social Work will bring forward an early report to a future Committee on charging policies within North Lanarkshire.



**Jim Dickie**  
**Director of Social Work**  
**19th February 1997**

*For further information on this report please contact Duncan Mackay, Principal Officer (Planning & Development TEL: 01698 332067)*