

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer – Health and Social Care Partnership (HSCP)**

**Council: 9 March 2022**

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**Subject: Charging Policy for Non-Residential Care Services 2022/2023**

**1. Purpose**

- 1.1** To present the revised Charging Policy for Non-Residential Care Services for approval and implementation from the 1 April 2022 with a summary of proposed changes and recommendations.

**2. Recommendation**

**2.1** It is recommended that Council:

- a) Note the proposed amendments to the Charging Policy for Non-Residential Care Services to take effect from 2022/23;
- b) Approve the proposal to disaggregate the current “Building-based Day Opportunities Charges” into its original component parts;
- c) Approve the proposal to align with the COSLA recommendation and include an exemption within the revised Charging Policy not to levy means-tested charges to those service users in receipt of Independent Living Fund (ILF) and note that any financial risk will be managed by the HSCP; and
- d) Approve the 2022/23 Charging Policy for Non-Residential Care Services.

**3. Background**

**3.1** Levying charges for some non-residential social care services is common practice across Councils and forms part of the delegated budget to the HSCP Board. While the income derived from charging forms part of the delegated net budget, the legal authority to levy and set charges remains with the local authority.

**3.2** Since the introduction of the Community Care & Health (Scotland) Act 2002, COSLA 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.

- 3.3 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 in calculating how much - which is usually done through a financial assessment process.
- 3.4 A 2019 Internal Audit report on the current Non-Residential Charging Policy identified that the policy had not been fully reviewed for a number of years, other than for annual inflationary up rating of charges and benefits. It recommended that this was rectified and any required changes be considered by the HSCP Board before remitting to Council for approval.
- 3.5 As the HSCP continued to respond to the COVID-19 pandemic, a report on the review of the Charging Policy was deferred by the HSCP Board until November 2021.
- 3.6 The report's recommendations were considered by the voting members and the following motion was agreed:

*“to note that the Charging Policy will be reviewed and recommended for approval by West Dunbartonshire Council on 22nd December 2021, and the HSCP Board asks the Council to consider providing the additional funding to mitigate the costs of these recommendations.”*

- 3.7 The levying of non-residential charges was addressed within “The Independent Review of Adult Social Care” report (IRASC) published in February 2021. In March 2021 the Scottish Government and COSLA published a [Joint Statement of Intent](#) on how they would work together to deliver on the IRASC recommendations. This included agreement on: **“an end to charging for non-residential services as soon as possible”**.
- 3.8 No confirmed timescales have been agreed but engagement work is already underway across a range of stakeholders.

#### 4. Main Issues

- 4.1 In response to the Internal Audit recommendation to review the current policy, a Charging Review Group was set-up with representatives across the HSCP and third sector colleagues.
- 4.2 The revised draft policy (attached at Appendix 1) has been subject to consultation across a range of stakeholders and service user groups (attached at Appendix 2a), including WD Carers, SDS Ideas, Learning Disability service users and CVS. A summary of the consultation feedback, undertaken during June 2020 to August 2020, is attached at Appendix 2b. The revised policy has been drafted taking into account the feedback and the two main proposed revisions are covered in more detail below.

**4.3** The revised Charging Policy complies with the COSLA Non-Residential Charging Guidance. The main aims of the Charging Policy are to:

- 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.

### **Proposed Revisions**

#### **Building-based Day Opportunities Charges**

**4.4** A wraparound building-based day centre charge of £10/day was approved by Council on 27 March 2019. This introduced a single, fixed charge for those attending day centres, covering a contribution towards the cost of transport to and from the centres, day centre activities and a meal.

**4.5** The implementation of the day opportunities charge commenced on 1 April 2019. In the intervening period since (pre COVID-19 pandemic), there had been unfavourable feedback from some service users, families of the services users and carers on the building based day centre charge. This was predicated on the fact that a number of service users utilised one or two aspects of provision, such as activities or meals rather than all elements covered by the charge. The structure of this charge has been considered in the review of the charging policy.

**4.6** Going forward it is proposed that the consolidated day opportunities charge for 2022/23 of £11.25/day (up-rated by 4% each year in line with the Long Term Financial Strategy recommendations) is replaced by separate charges for activities within the day centre, for meals and for transportation, with service users paying for the elements they utilise (see Table 1 below). This would offer the service user greater flexibility in accessing the support they require.

**4.7** For 2021/22 the budgeted income from day centre service users is £0.310m. The annual direct cost for running the building based day centres in West Dunbartonshire is £3.643m.

**4.8** As a direct consequence of the COVID-19 pandemic, day centres remained closed (other than for some exceptions) for all of 2020/21 and the first half of 2021/22, therefore no charges were levied. Where re-opening has been possible, capacity and demand is much reduced. All identifiable loss of income has been included within the HSCP's Local Mobilisation Plan COVID-19 Financial Tracker and has been funded to date by the Scottish Government.

**4.9** The impact the pandemic has had on health and social care services and their remobilisation is covered within the HSCP's Recovery and Renewal Plan. As

part of this work it has been agreed to review the current shape of day care services. The review has commenced but is not yet concluded.

- 4.10** The proposal to disaggregate the charge into 3 component parts as described in section 4.4 above is set out below in Table 1 using the 2022/23 charge of £11.25/day. The cost of transport and a meal are based on the 2019 levels up-rated by 4% and the “activities” charge makes up the remainder.

**Table 1: Day Centre Charges as per component parts**

Fixed Charge	Frequency	2021/2022	Proposed 2022/2023	Delivery cost based on Average Occupancy
Building Based Day Centre charge for Meals	Per meal	N/A	3.25	£8.95 (LD) £7.91 (Older People)
Charge for Transport - Round Trip	Per round trip	N/A	4.00	£26.58 (LD) £19.82 (Older People)
Building based Day Centre Activities Charge	Per day	£10.82	4.00	£105.57 (LD) £66.92 (Older People)

- 4.11** Considering the current review on the future shape of day centres and the uncertainty around how quickly service users may wish to return to this building based resource, it is difficult to project with any certainty whether the budgeted income target will be achieved. Section 7 of the report highlights the ongoing risks of reduced numbers attending day centres due to COVID-19 restrictions. This will be monitored and reported through the HSCP Board along with any required mitigating action.

### **Independent Living Fund (ILF)**

- 4.12** ILF Scotland provides financial awards to eligible disabled people to allow them to purchase services to support them to live independently. There are approximately 80 recipients of ILF within West Dunbartonshire who receive an average award of £342 per week and the recipient will also make a contribution to this to “top up” the weekly amount. The average contribution made across the 80 current recipients is £38 per week (capped at £43 per week). The overall service packages of those awarded ILF includes a significant element of local authority funded support; i.e. the local authority must fund a minimum of £200 per week towards a service package to qualify for an ILF award.

- 4.13** The current charging policy allows for ILF clients to be levied with an additional means tested charge for non-personal care support. The current maximum means tested charge levied for non-residential services is £71.30 per week (2021/22 value).
- 4.14** While the COSLA Guidance does not prohibit charging service users in receipt of an ILF award, it does require that the value of the award is disregarded as income under the financial assessment process. It also recommends that councils should consider not applying a further non-residential charge (i.e. making them exempt) to those ILF clients who pay a contribution towards their ILF award see section 4.12 above.
- 4.15** On comparing the current West Dunbartonshire charging policy to other neighbouring local authority areas it was noted that a number of them have included this exemption e.g.
- “People already required to pay charges to ILF for their support will not be asked to go through the financial assessment process for non-residential care services, but may still be charged for respite or services which have flat rate charges”.
- 4.16** While all (100%) current ILF recipients pay a contribution to their ILF package; only a proportion (approx 25%) of them pays a non-residential means tested charge. These charges amount to approximately £0.045m of income per annum.
- 4.17** It is proposed that to align with the COSLA recommendation that the revised 2022/23 Charging Policy includes an exemption on means-tested charges to this group of service users.
- 4.18** The projected loss of income referenced in 4.16 above, could be mitigated in full by:
- Application of the refreshed Eligibility Criteria in both the assessment of new support packages and annual reviews of existing packages; and
  - Ensuring equity of charging across all non-residential care services, including charging for social support regardless of how it is delivered e.g. building based day care or part of a more complex care package (refer to Appendix 1 section 8.1 Chargeable Services).

## **5. People Implications**

- 5.1** There are no staffing implications arising from the recommendations within this report.

## **6. Financial and Procurement Implications**

**6.1** The financial implementations of the proposed revised Charging Policy from 2022/23 are detailed throughout the report.

**6.2** There are no procurement implications arising from this report.

## **7. Risk Analysis**

**7.1** Failure to implement a revised Charging Policy could leave the HSCP exposed to audit and reputational risk.

**7.2** There is a risk that social distancing, COVID-19 restrictions and inflation will result in an increase in the unit cost for transport, meals and day centre provision.

**7.3** There is a risk the number of service users able to attend day centre will fluctuate and the approved budget will not be achieved.

**7.4** There is a risk that when agreement is reached regarding the abolition of non-residential charges, the funding from the Scottish Government will not be sufficient to cover the loss of income, therefore having a detrimental impact on the HSCP's delegated net budget.

## **8. Impact Assessments**

**8.1** An equalities impact assessment has been undertaken and is provided within Appendix 3. The EIA includes a number of actions, which have now been implemented.

## **9. Consultation**

**9.1** Details of the consultation undertaken are provided within Appendix 2a, 2b and section 4.2 above.

## **10. Strategic Assessment**

**10.1** The Charging Policy will provide a consistent, fair and transparent framework for charging and does not inhibit any of the key strategic priorities of the Council or the HSCP Board.

**Beth Culshaw**  
**Chief Officer - HSCP**  
**Date: 09 March 2022**

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**Person to Contact:** Julie Slavin - Chief Financial Officer  
West Dunbartonshire Health & Social Care Partnership.

**Appendices:** Appendix 1: Revised Charging Policy for Non-Residential  
Care Services 2022/2023

Appendix 2a: List of organisations who provided feedback or  
were asked to provide feedback on the Charging Policy

Appendix 2b: Summary of feedback or were asked to  
provide feedback on the Charging Policy

Appendix 3: West Dunbartonshire Health and Social Care  
Partnership Equality Impact Assessment on the Charging  
Policy 2022/2023

**Background Papers:** COSLA Non-Residential Charging Guidance

**Wards Affected** All

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