



PE1466/B

COSLA RESPONSE TO PETITION [PE1466](#)

Calling on the Scottish Parliament to urge the Scottish Government to review the implementation and regulation of local authority charges for non-residential services.

What is COSLA's stance on the issues raised in the petition and during the discussion on the petition at the meeting on 19 February 2013?

The 2002 Community Care and Health (S) Act introduced Free Personal Care for older people and included powers for the then Scottish Executive powers to regulate home care charges in order to achieve a greater level of consistency across Scotland. It was agreed that self-regulation through COSLA would be permitted if that would achieve the policy objective on the understanding that the guidance is the subject of regular review. COSLA therefore developed its guidance covering charging for non-residential care services.

The COSLA Charging Guidance is reviewed periodically in order to keep pace of developments in social care policy. Annual revisions are also made to accommodate changes in certain DWP benefits which are used to determine a minimum income level. This is used to ensure that people whose income falls below the minimum do not need to pay for their non-residential social care services. In addition an income buffer ensures that no-one who uses non-residential social care services is required to use all their available income to pay for the care services they need.

The guidance also includes reference to provision in local policies which allow for local authorities to abate or waive care charges in cases of financial hardship. This may be done in conjunction with local authority welfare rights and income maximisation teams. At this time local authorities are responsible for their own mechanisms for handling complaints and appeals arising from social care through either a specific social work complaints/appeals procedure or a corporate complaints process or both. Social work complaints procedures are currently being reviewed by the Scottish Government and the role provided by local authority Complaints Review Committees is being examined.

In addition a fundamental review of the Charging Guidance for Non-residential Social Care Services is in progress. This is being done in co-production with a wide range of stakeholder organisations including Age Scotland, Capability Scotland, Alzheimer Scotland, Independent Living in Scotland, Coalition of Carers, Scottish Consortium for Learning Disabilities, Scottish local authorities and the Scottish Government. It is looking at facilitating greater consistency in the development of charging policies, reducing unwarranted or inexplicable variation while protecting some local differences where these are justified and appropriate.

A number of improvements have already been made to the charging guidance, including the establishment of a national benchmarking group, the publication of councils' charging

policies on the COSLA website and the development of a rights based approach to charging policies. In addition, a working group is exploring standard financial assessment processes and policies to assist with portability of care.

COSLA
March 2013