



Community Services

Executive Director: Cleland Sneddon

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Ask For: Cleland Sneddon

Our Ref: CS/JM

Your Ref:

Date: 10 December 2014

Dear Mr Howlett

CONSIDERATION OF PUBLIC PETITION PE1533

Thank you for your communication of the 17th November in relation to the above.

Argyll and Bute Council welcome the opportunity to respond to the questions as set out, namely:-

What are our views on what the petition seeks and the discussions that took place at the meeting on 11 November 2014?

What are the reasons for the non-residential social care charges in our local authority being relatively high compared to other local authorities?

In relation to the first question, we would appreciate if you would kindly note the following:

Local Authorities including our own have had discretionary power to charge for non-residential services for a considerable number of years. The Argyll and Bute Community Based Care Charging Scheme is consistent with COSLA guidance It is founded upon the following principles; that:

- i. In accordance with the Community Care and Health (Scotland) Act 2002, personal care shall be provided free to service users aged 65 and over who have been assessed as needing it
- ii. All individuals in receipt of community based care services will undergo a financial assessment and will be charged according to their ability to pay
- iii. Individuals will not be charged more than it costs to provide the service(s) for which their contribution has been assessed
- iv. Individuals will not be charged more than £100 per week for their care and support services, which includes all of the below



community based services except for meals on wheels, lunch clubs, community alarm and telecare services and Transport to Care services

- v. Services will, at all times, be provided in accordance with service user assessed needs and not their ability to pay
- vi. No charges will be levied where:
 - The primary reason for service provision is to monitor children under "supervision" or children and families in crisis
 - Services are provided to adults under the Mental Health (Care and Treatment) (Scotland) Act
 - Services fall within the scope of Criminal Justice Services
 - Services are provided to adults subject to measures under the Adult Support and Protection Act
 - Nursing Care and Personal care for people over 65 years

The Petition is well argued and structured. It sets out what are well established concerns, recognised by COSLA. We recognise that service users may be confused on charging systems that may be difficult to understand, especially in relation to the variation in levels and methods of charging across Councils. The adoption of national agreed rates for care homes fees, as established for a good number of years, exists against a backcloth of a plethora of community based charges. Individuals on leaving hospital may be charged for homecare services but not for ongoing support by the NHS. The arguments of the petitioners and through the other submissions set out the case from an equality and human rights perspective and have at the core, the right of all to be full and equal members of our communities. This, the Petitioner argues is lessened through the application of community based charges. This is at the centre of the dilemma, is it appropriate to charge individuals for services which are organised or delivered based on assessed need? As charging policies have developed, Councils have developed or commissioned services in line with needs assessments of local populations and have invested the income from charges to service users, in those same services. The question is whether the application of charges are unjust and unfair. If they are deemed unfair then as Councils, we may find ourselves, without compensatory arrangements being in place, reducing levels and quality of support that we are required to organise. This is the catch 22.

In relation to the second question that Argyll and Bute has been highlighted as relatively a "high" charger of community based services in comparison with some other local authorities. Such charges are constructed based on the real cost of service arrangement whether this is a flat rate costs for meals/ community alarms or the range of means tested charges for care at home or housing support. In constructing means tested charges, these are obviously in line with COSLA guidance and as with flat rate charges reviewed annually. The remote and rural nature of Argyll and Bute will obviously have an impact on costs and therefore charges.

In summary we view that our charges, are consistent with COSLA guidance, reflect the cost of delivery in our area (rurality is a key issue when delivering services in Argyll & Bute) and there are greater costs incurred in delivering the services, with less ability to achieve economies of scale in service provision than may be the case for more urban Councils Further, there are less favourable conditions for creating a competitive market in rural areas.

We look forward with interest to the ongoing debate on this important matter.

Yours sincerely

Cleland Sneddon
Executive Director of Community Services

Footnote

- Argyll and Bute Council has the second largest local authority area in Scotland.
- Argyll and Bute Council has the third sparsest population.
- 52% of the population live in rural areas and 45% in remote rural, according to Scottish Government classification.
- There are 23 inhabited islands, more than any other local authority.
- 17.4% of the population live on islands.
- Argyll and Bute recorded a reduction in population between 2001 and 2011 of 3.4% according to the 2011 census.