



# **Social Work Services Social Care Charging Policy**

Updated March 2022

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## **1. Purpose of Document**

- 1.1 This document sets out the Glasgow City Council's Social Work Services Charging Policy.

## **2. Background and Legislation**

### **2.1 Residential Care**

- 2.1.1 Two sets of regulations made under the National Assistance Act 1948 will come into force on 11 April 2022; The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2022 (SSI 2022 No. 70); and The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2022 (SSI 2022 No. 72)
- 2.1.2 These regulate charges for residential care and provide Local Authorities with the means to assess service user charges when entering into temporary or permanent residential care.
- 2.1.3 The Scottish Government provides detailed Guidance on the regulations and the Council's policy conforms with the details of this.
- 2.1.4 From April 2020, under The Carers (Scotland) Act 2016, Glasgow City Council will no longer charge for residential respite where this service is accessed in line with eligibility criteria and Carers assessment. This is in compliance with the legislation which seeks to ensure that Carers are offered the support which they require, and charges are waived where this is appropriate.

### **2.2 Non-Residential Care**

- 2.2.1 Glasgow City Councils' Non-Residential Charging Policy has been developed within the parameters of community care legislation and guidance. This includes services provided under the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984.
- 2.2.2 Guidance on charging is set out in the Scottish Office Circular SWSG1/1997, and latterly with COSLA's National Strategy and Guidance on Charges Applying to Non-Residential Social Care Services.
- 2.2.3 Glasgow City Council Non-Residential Charging Policy complies with this guidance, and includes local discretion where appropriate.

## **3. Summary of Revisions**

- 3.1 From April 2022, there are updates to Minimum Income Thresholds and Interim Charging in line with DWP changes.
- 3.2 A number of Local Authority rates have been uplifted in line with the rate of inflation, the uprating of DWP benefit increases, or in order to achieve full cost recovery of the service.

- 3.3 The Scottish Government are in the process of taking over responsibility for disability benefits that were being delivered by the Department for Work and Pensions (DWP). The new Scottish Benefits will be delivered by the Scottish Government agency Social Security Scotland. The level of these benefits and most eligibility rules will match those they are replacing. The table below details these benefits, and the proposed timetable set out by the Scottish Government for new claimants. Existing disability benefit claimants will be migrated in due course. The full transfer process is intended to be completed by 2025. implementation in 2022/23

<b>Existing Benefit</b>	<b>Replaced with</b>	<b>Planned Implementation</b>
Child Disability Living Allowance	Child Disability Payment	National roll out took place in Autumn 2021
Attendance Allowance	Pension Age Disability Payment	Timetable still to be announced
Personal Independence Allowance	Adult Disability Payment	Pilots to commence in March 2022. Glasgow will be part of the nationwide roll out from August 2022.

Appendix 3 provides detailed examples of charges - where DWP benefits have migrated, these should be substituted with the new Social Security Scotland benefits.

#### **4. Guiding Principles of the Non-Residential Charging Policy**

The guiding principles of the Non-Residential Charging Policy are as follows:

- 4.1 Income maximisation to the client is at the heart of the charging policy and reflects on ability to pay.
- 4.2 Charges are set at a reasonable level – the charge rarely covers the full economic cost of the service provided. The charge will never exceed the full cost of service.
- 4.3 Service users will not be charged for services for which they have been assessed but do not utilise.
- 4.4 Financial assessments take account of the cost of the range of services each service user receives compared to disposable income, rather than performing separate calculations for each service, thus ensuring that no-one pays more than they can afford.
- 4.5 Free Personal Care will apply to all clients.

- 4.6 Charges can be abated/waived in cases of hardship or exceptional need in line with the council's Scheme of Delegated Authority.
- 4.7 The impact of charges on the well-being of Carers is considered.
- 4.8 It is the Councils' expectation that service users will optimise other income resources prior to taking up services, e.g. Independent Living Fund income & personal/injury compensation payments etc. The cost of service packages to the council would be net of such income sources.
- 4.9 It is the Council's expectation that service users in receipt of benefits for specific purposes such as mobility allowance will utilise these to support their access to services.

## **5. Non-Residential - Chargeable Services**

The following services are chargeable or recommended by COSLA as chargeable. The current rates or details of other values used for calculations are listed in **Appendix 2**:

- 5.1 **Care at Home**  
Care at Home services provide a range of supports to allow people to remain in their own home. These include Homecare and Supported Living Services.
- 5.2 **Care on Discharge from Hospital**  
Current guidelines state that the first four weeks of care for people over 65 should be free upon discharge from hospital.  
  
Only new or additional services provided after a person comes out of hospital will be free, and services in place pre-admission which continue after discharge will be chargeable from the first day the services resume. Any free service will only last for the first 4 weeks.
- 5.3 **Free Personal Care – Meals Preparation**  
The supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for the person, or the preparation of food prior to the point of supply to the person, remains chargeable. However, in line with Free Personal Care legislation, the preparation of or the provision of assistance with the preparation of food is not chargeable.
- 5.4 **Charges for Meals at Home**  
A non-means tested charge per frozen meal delivered to a service user's address is levied on the recipient. Current charges are in Appendix 2.
- 5.5 **Charges for Meals**  
Clients currently receiving meals whilst attending day services, lunch clubs and other meals provision services are charged for a two-course meal. The current charges are in Appendix 2.

- 5.6 Day Care Services  
Day services, including Day Opportunities and Building Based services are chargeable.
- 5.7 Charging of Alarms  
A flat rate per week will be applied to all recipients of alarms. The current rate is in Appendix 2.
- 5.8 Blue Badge Administration  
Local Authorities administer the Blue Badge Scheme on behalf of the Scottish Government, which has set the maximum administration fee at £20. The current administration fee applied by Glasgow is shown at Appendix 2.
- 5.9 Residency Cases Reports  
Where a court is considering residence and contact disputes relating to the care and upbringing of a child, it may, under Section 11 of the Matrimonial Proceedings (Children) Act 1958, appoint an appropriate local authority to investigate and report to the court on all the circumstances of the child and on the proposed arrangements for the care and upbringing of that child. The appropriate Local Authority will not be the one directly involved in the case.  
The Act also allows for the appointed Local Authority to recover any expenses incurred in connection with the preparation of the Residence Report. A charge for the provision of such report will be applied. The current charge is in Appendix 2.
- 5.10 Charging for Transport  
COSLA recommends that Councils should be free to apply discretion on whether to charge for client transport costs.  
Transport costs are included where appropriate within the Local Authority rates for services (Appendix 2).
- 5.11 Aids and Adaptations  
While the Council does not charge for aids and adaptations for disabled people, it will not provide equipment below an agreed value and expects these to be paid for by the service user. The current value can be found in Appendix 2.
- 5.12 Contributions towards Personal Budgets  
The Non-Residential charging policy will apply to Personal Budgets awarded through The Social Care (Self Directed Support) (Scotland) Act 2013. Where the Personal Budget is awarded on an annual basis, the service user will be advised of their annual contribution to this. We will divide this annual contribution into a regular weekly charge. Where the Personal Budget is awarded to purchase short term support, the charge will be limited to the duration of the award.

## **6. Non-Residential – Services Exempt from Charges**

The following services are exempt from charges, or recommended by COSLA as exempt from charges:

- 6.1 Clients presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation. It should be noted that a high volume of homeless clients would be exempt from charges due to the minimum benefits they receive.
- 6.2 Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services. However, if a family is receiving a home care service which is directly attributable to the parents, then the service would be chargeable dependent on the family personal/financial circumstances.
- 6.3 Services directly attributable to Carers are not chargeable.
- 6.4 People with a mental illness who are subject to a Compulsion Order.
- 6.5 Criminal Justice Social Work services.
- 6.6 Advice and information about the availability of services, assessment of care needs or care management.
- 6.7 Nursing Care and Personal Care for people of all ages. The Free Personal Care tasks that are currently not chargeable can be found in Appendix 1 attached.
- 6.8 In accordance with Free Personal Care legislation the preparation of, or the provision of assistance with the preparation of food, is not chargeable.

## **7. Considerations to Waive or Abate Charges**

- 7.1 In Glasgow, local discretion ensures that charges are disregarded appropriately for the following situations:
  - 7.1.1 Where a service user is terminally ill, which is evidenced through a DS1500 form or a Benefits Assessment for Special Rules (BASRiS) form (from August 2022 for Adults aged 16 - State Pension Age).
  - 7.1.2 Cases of hardship or exceptional need.

## **8 Other Considerations**

- 8.1 Independent Living Fund & Other Awards  
It is the Council's expectation that the service users will optimise other income sources prior to taking up services e.g. Independent Living Fund income and Personal Injury compensation payments etc. The cost of service packages to the Council would be net of such income source where individuals are eligible to claim. This would apply whether or not

service users choose to make such a claim and the Council would not apply its charging policy where an individual is subject to a charge from another funder.

#### 8.2 Compensation Claims

COSLA recommends that Councils should establish the breakdown of any compensation claims (including those held in trust) and consider the inclusion of any monies awarded for care costs when assessing a service user's ability to pay. Glasgow City Council has adopted this approach.

#### 8.3 Liable Relatives Rule

In considering the Liable Relatives Rule, COSLA recommends that Councils should make decisions on a case-by-case basis and give due consideration to leaving clients and their relatives with sufficient access to resources. Glasgow City Council has adopted this approach.

### 9 Minimum Income Threshold, Buffer and Taper

9.1 Minimum Income Threshold is the minimum level of income a service user is in receipt of before being considered to contribute towards non-residential services.

9.2 The Threshold is based on certain benefits, and the application of a percentage increase in recognition of low income, known as a **buffer**.

9.3 Based on benefit awards, there are four Threshold levels detailed in Appendix 2.

9.4 This policy applies a buffer of 25%, as recommended by COSLA.

9.5 Individual local authorities determine the amount of disposable income in excess of the Minimum Income Threshold (including the buffer) which will be taken into account when determining the level of service user charge. This is achieved by the application of a percentage, known as a **taper**.

9.6 Details of the Thresholds and taper are in Appendix 2 and examples of charges are outlined in Appendix 3.

### 10 Service User Income to be Disregarded when Calculating a Charge

10.1 COSLA recommends that local authorities should adopt a common approach to the treatment of Service User income, which will establish the threshold figure. There is, however, an acknowledgement of the requirement for local authority discretion to reflect local needs.

10.2 Glasgow City Council apply the following principles:

10.2.1 Take into account net earnings and all social security benefits with the exception of the Mobility Component of Personal Independence Payments, Housing Benefit, Universal Credit Housing Element, Council Tax Reduction and War Pensions



- 10.2.2 Recent case law dictates that where night-time services are not provided, that as part of the overall financial assessment, only the middle rate of Disability Living Allowance and lower rate of Attendance allowance should be considered when assessing clients' income.
- 10.2.3 The assessable income should be net of housing and council tax costs (where applicable). This includes rent, mortgage payments, Council Tax, water and sewerage costs and household insurance premiums.
- 10.2.4 Consideration will be given to representations to take into account other specific costs of living e.g. in relation to disability related expenditure.
- 10.2.5 Income derived from benefits paid for or on behalf of a dependent child is disregarded. (This removes the requirement to apply the current £50 disregard for each dependent child.)
- 10.2.6 Kinship Care payments are disregarded in relation to all Council charging policies.
- 10.2.7 Where a service user or their partner is in receipt of earned income, only net earnings are considered, and a minimum earnings disregard of £20 is applied.
- 10.2.8 Capital of £6,000 or less to be disregarded and tariff income applied of £1 for each unit of £250 over £6,000. (People under 60 years of age)
- 10.2.9 Capital of £10,000 or less to be disregarded and tariff income applied of £1 for each unit of £500 over £10,000. (People over 60 years of age)
- 10.2.10 Payments made to a Service User in respect of the Scottish Government Advance Payment Scheme (for cases of historical child abuse in care) are to be disregarded in the financial assessment of the Service User's resources.

## **11 Interim Charges**

- 11.1 Client contributions are calculated based on ability to pay. This is determined using the Financial Assessment Form, which includes client and partner's details of income and capital. If, however, this information is not immediately available, the Council will apply an interim charge.

- 11.2 The interim charge is set at 50% of the lower rate of Attendance Allowance, or the cost of the service, whichever is the lower (the lower rate of Attendance Allowance is paid at the same rate as the middle rate care component of Disability Living Allowance and the standard rate of the daily living component of Personal Independence Payment). This calculation is applied whether the disability benefits are received or not. The final charge is set after income maximisation and any subsequent over-charging is refunded to the client. Any undercharging would not be retrospectively claimed.
- 11.3 Where the required financial details to calculate the charge are not disclosed, then the charge will be the cost of the service.

Details of the interim charge calculation are shown at Appendix 2.

## **12 Version**

- 12.1 This policy as outlined above supersedes all previous amendments, and will remain extant until updated as required.

## **Appendix 1 – Personal Care (service user and/or partner combined)**

1. Assistance with laundry associated with medical condition e.g. bed changing
2. Special preparation of food associated with dietary requirements
3. Assistance with eating/drinking
4. Getting out of bed
5. Going to bed
6. Assistance with dressing / undressing
7. Assistance with washing and bathing
8. Assistance with personal grooming/dental Hygiene e.g. shaving and nail care
9. Assistance with continence care
10. Assistance with toileting
11. Assistance with medication supervising/reminding
12. Assistance with mobility
13. Assistance with specialist feeding
14. Assistance with stoma care
15. Assistance with catheter care
16. Assistance with skin care
17. Administering of medication (including administering of oxygen)
18. Rehab work (under support of professional)
19. Food preparation

## Appendix 2 – 2022/23 Values

Values to be used in conjunction with the Charging Policy

### 1. Minimum Income Thresholds

The thresholds for 2022/23 are based on certain benefit levels together with a 25% buffer applied.

	2021/22	2022/23
Single Person below 60	£138	£142
Single Person above 60	£222	£229
Couple below 60	£210	£216
Couple above 60	£338	£349

### 2. Tapers Applied to Income

From April 2022 the tapers will be:

Adults 50%

Older People 50%

### 3. Local Authority (Non-Residential) Service Rates

The revised rates for those services outlined in Section 5 (Chargeable Services) and directly provided by the Council are as follows:

		2022/23
a	Home Care Services (per hour)	£18.93
b	Home Care Overnight Services (per hour)	£31.50
c	Homecare – CAPA (per hour)	£28.67
d	Supported Living (per hour)	£22.21
e	Community Alarms Service (per week)	£3.60
f	Telecare - Digital (per week)	£1.60
g	Meals Service (Day Care – per 2 course meal)	£3.54
h	Meals Service (Lunch clubs – per 2 course meal)	£3.54
i	Hot Meals	£1.64
j	Older People's Day Care Services	£46.60
k	Day Care Services – Learning Disability	£131.93
l	LD Transport – single journey	£12.32
m	Private Help at Home (up to ½ hour visit)	£11.12
n	Private Help at Home	£18.16
o	Private Help at Home (Public Holiday)	£28.90
p	Private Help at Home (Overnight)	£33.17
q	Private Help at Home (hour awake)	£18.23
r	Private Help at home (shared sleepover)	£59.27
s	Private Help at home (up to ½ hour public holiday)	£14.51

t	Blue Badge Administration	£20 for 3 years
u	Residency Cases Reports	£395
v	Aids and Adaptations – minimum value	£25

#### 4 Interim Charge

The interim charge for 2022/23 is **£30.92 per week**. This figure is calculated at 50% of the lower rate Attendance Allowance. The value of lower rate Attendance Allowance is the same as the standard rate of PIP (Daily Living) and middle rate DLA (Care component).

## Appendix 3 – Charges at Different Levels of Income

Benefit Rates and thresholds used correct as at April 2022

### Appendix 3a

#### Examples of maximum charges for people under 60

**1. Single Person aged 55 receiving Standard Rate PIP (daily living component), Universal Credit that includes the Limited Capability for Work related Activity element component receiving only 2 hours Home Care (non-personal care).**

Income (Weekly)

UC (Less any housing element)	£159.04
PIP (Daily Living component)	£ 61.85
<b>Total Chargeable Income</b>	<b>£220.89</b>

Threshold = £142 - Income above threshold = £78.89

Applying the taper of 50% the max charge that could be applied for this level of income for a single person under 60 would be £39.44

However as the actual cost of the home care service is £37.86 (2 hours at £18.93/h) they would only pay £37.86.

**2. Non Pensioner couple one getting Standard Rate PIP (daily living component) the other is a carer. They also get Universal Credit which includes a carer's element and the Limited Capability for Work Related Activity element (LCWRA). They Receive 3 hours personal care and 3 hours non personal care.**

Income (Weekly)

UC (Less any housing element)	£242.03
PIP (Daily Living component)	£ 61.85
Total Chargeable Income	£303.88

Threshold=£216 - Income above threshold = £87.88

Their maximum contribution based on their available income is £43.94/week. This is the amount that they will pay as it is less than the cost of the home care service they are receiving. Note although personal care is no longer chargeable the cost of the non-personal care exceeds their maximum contribution so they will pay £43.94/week.

**3. Non Pensioner Couple in receipt of Contribution based ESA Employment & Support Allowance and a small works pensions. One gets Standard Rate PIP (daily living component) and the other has carers allowance. He or She is receiving home care 10 hours per week.**

Income

ESA	£121.05
Carers Allowance	£ 69.70

Works Pension £ 90.00  
 PIP £ 61.85  
**Total Chargeable Income £342.60**

Threshold = £216 - Income above threshold = £126.60. 50% =£63.30  
 Full charge for the service = 10h x £18.93 = £189.30. However their maximum contribution based on their income is £63.30. They would pay the lower amount

**Appendix 3b**  
**Weekly charges for those under age 60 arising from income**

Weekly thresholds for people under age 60 below which there is no charge.  
 Single Person: £142, Couple: £216

<b>50% Taper</b>	<b>Single</b>	<b>Couple</b>
Weekly Income	Weekly Charge	Weekly Charge
£100.00	£0.00	£0.00
£110.00	£0.00	£0.00
£120.00	£0.00	£0.00
£130.00	£0.00	£0.00
£140.00	£0.00	£0.00
£150.00	£4.00	£0.00
£160.00	£9.00	£0.00
£170.00	£14.00	£0.00
£180.00	£19.00	£0.00
£190.00	£24.00	£0.00
£200.00	£29.00	£0.00
£210.00	£34.00	£0.00
£220.00	£39.00	£2.00
£230.00	£44.00	£7.00
<b>£240.00</b>	<b>£49.00</b>	£12.00
£250.00	£54.00	£17.00
£260.00	£59.00	£22.00
<b>£270.00</b>	£64.00	<b>£27.00</b>
£280.00	£69.00	£32.00
£290.00	£74.00	£37.00
£300.00	£79.00	£42.00
£310.00	£84.00	£47.00
£320.00	£89.00	£52.00
£330.00	£94.00	£57.00
£340.00	£99.00	£62.00
£350.00	£104.00	£67.00
£360.00	£109.00	£72.00
£370.00	£114.00	£77.00
£380.00	£119.00	£82.00
£390.00	£124.00	£87.00
£400.00	£129.00	£92.00

Income support with disability premium for Single under 60 = £113.20  
 (with SDP = £182.60 + PIP of £61.85 = **£244.45**)

**Approximate figure highlighted in red in chart above**

Income support for couple under 60 with disability premium = £172.65  
(with carers premium of £38.85 = £211.50 = PIP of £61.85 = £273.35

**Approximate figure highlighted in blue in chart above**



### Appendix 3c Examples of maximum charges for people over 60

#### 1. Single Person age 67 in receipt of Attendance Allowance and Pension Credit including SDP receiving only Personal Care at home for 5 hours per week.

Income

•Pension Credit	£252.00
•Attendance Allowance	£ 61.85
•Total Income	£313.85 Threshold £229 income over threshold= £84.85

Maximum Charge (50%) = £42.42

**The actual charge will be zero** as they are only getting Personal Care which is free. (Had they been getting non personal care instead it would not be free and they would pay up to £42.42)

#### 2. Couple both age 69 – One getting Higher Rate Attendance Allowance the other is a carer and they also get Pension credit top up. They are receiving both Personal Care and 4 hours non personal care.

Income

•Pension Credit	£317.55
•Attendance Allowance	£ 61.85 (note only lower rate taken into consideration)
•Total Income	£379.40 Threshold = £349 income above threshold = £30.40

Maximum charge = £15.20

They currently pay this as they are receiving chargeable non personal care They would pay £15.20 as it is less than the cost of the service.

#### 3. Couple both in their 70s and in receipt of two Retirement Pensions and a works pensions. One gets Lower Rate Attendance Allowance and the other has status as a carer. He or she is receiving chargeable home care 3 hours per week plus a further 10 hours personal care.

Income

•Retirement Pension	£141.85
•Retirement Pension	£141.85
•Works Pension	£150.00
•Attendance Allowance	£ 61.85
•Total Income	£495.55

Threshold = £349 income over threshold= £146.55

Current Max Charge £73.27 which is 50% of the income above their threshold

However they would only pay £56.79 the actual cost of three hours care. This is because the personal care would be free of charge.

(Hourly rate for Home Care = £18.93. 3hours x £18.93 = £56.79)

### Appendix 3d

#### Weekly charges for those over age 60 arising from different income levels.

Weekly thresholds for people over age 60. For Income below the threshold there is no charge. Thresholds over aged over 60: Single Person: £229, Couple: £349

50% Taper	Single	Couple
Weekly Income	Weekly Charge	Weekly Charge
£200.00	£0.00	£0.00
£210.00	£0.00	£0.00
£220.00	£0.00	£0.00
£230.00	£0.50	£0.00
£240.00	£5.50	£0.00
£250.00	£10.50	£0.00
£260.00	£15.50	£0.00
£270.00	£20.50	£0.00
£280.00	£25.50	£0.00
£290.00	£30.50	£0.00
£300.00	£35.50	£0.00
<b>£310.00</b>	<b>£40.50</b>	£0.00
£320.00	£45.50	£0.00
£330.00	£50.50	£0.00
£340.00	£55.50	£0.00
£350.00	£60.50	£0.50
£360.00	£65.50	£5.50
£370.00	£70.50	£10.50
<b>£380.00</b>	£75.50	<b>£15.50</b>
£390.00	£80.50	£20.50
£400.00	£85.50	£25.50
£410.00	£90.50	£30.50
£420.00	£95.50	£35.50
£430.00	£100.50	£40.50
£440.00	£105.50	£45.50
£450.00	£110.50	£50.50
£460.00	£115.50	£55.50
£470.00	£120.50	£60.50
£480.00	£125.50	£65.50
£490.00	£130.50	£70.50
£500.00	£135.50	£75.50

Pension Credit for single pensioner = £182.60 (With SDP = £252.00 +AA of £61.85)  
= **£313.85**

**Approximate figure highlighted in red in chart above**

Pensioner Credit for a couple = £278.70

(With carers premium of £38.85 = £317.55 +AA of £61.85) = **£379.40**

**Approximate Figure highlighted in blue in chart above**

## **Appendix 4**

### **Charging Policy Housekeeping Revisions from 2021**

#### **Section 2**

2.1.1 Updated to reflect Regulations coming into force on 11<sup>th</sup> April 2022.

#### **Section 3**

3.3 Table of devolved benefits updated for revised timescales.

#### **Section 7**

7.1.1 Updated to include the introduction of the BASRiS form for Adults from August 2022.

#### **Appendices**

All Updated to replace DLA with PIP