



## **A – Z Introductory Guide to Health and Social Care in Scotland**

### **Home Care Charging**

#### **Brief description**

Other than personal care for over 65s, which cannot be charged for, local authorities have discretionary powers under section 87 of the Social Work (Scotland) Act 1968 to charge for non-personal services they provide to people in their own homes. Charges should be reasonable, take account of the ability to pay, and be no more than the cost of providing the service.

#### **National Policy and Key Developments**

- Local authorities have a duty under the Social Work (Scotland) Act 1968 to assess the community care needs of people who appear to need them and decide, in the light of the assessment, whether they should arrange any services and, if so, which services.
- In 1997 the Scottish Office issued guidance circular SWSG 1/97 to local authorities on their discretionary powers to charge for services provided to people in their own homes.
- The Scottish Executive took powers in the Community Care and Health (Scotland) Act 2002 to regulate charges to achieve greater consistency across Scotland.
- COSLA, in consultation with the Executive, issued guidance in May 2002 to address variations in levels and methods of charging for non-residential care services across Scotland.
- Since July 2002, people aged 65 or over who live at home can no longer be charged for the personal care element of a care package agreed by local authorities. All eligibility must be subject to an assessment of needs and implementing this policy has had to dovetail in with local authorities' existing arrangements for assessments. 41,000 people at home currently receive personal care without charge
- The Executive made clear it would support self-regulation by COSLA if this achieved consistency and stated it would hold in reserve its power to regulate; at least until implementation of the COSLA guidance was evaluated.

- In February 2004 COSLA updated its guidance and, jointly with the Executive, surveyed local authorities on home care charging policies.

## **Relevant legislation and statutory guidance**

### **Social Work (Scotland) Act 1968**

Information about what is classified as personal care can be read on

[www.scotland.gov.uk/health/freepersonalcare](http://www.scotland.gov.uk/health/freepersonalcare)

Circular SWSG 1/97 gives general guidance on local authorities' discretionary powers on charging for adult non-residential care which they arrange under the Social Work (Scotland) Act 1968.

[www.scotland.gov.uk/library/swsg/index-f/c172.htm](http://www.scotland.gov.uk/library/swsg/index-f/c172.htm)

Circular CCD 5/2003 gives consolidated guidance on Free Personal and Nursing Care

[http://www.show.scot.nhs.uk/sehd/publications/CC2003\\_05.pdf](http://www.show.scot.nhs.uk/sehd/publications/CC2003_05.pdf)

### **Link to CoSLA Guidance**

<http://www.cosla.gov.uk/attachments/execgroups/sh/shjun02item56c.doc>

<http://www.cosla.gov.uk/attachments/execgroups/sh/shlettersep03.doc>

### **How can I find out more?**

Sylvia Murray at COSLA will answer queries on COSLA guidance. The number is 0131 474 9251

For further information please contact John Stirling on 0131 244 3742.

Or write to John Stirling  
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