

Report To: Health and Social Care Committee **Date:** 25 April 2019

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Partnership (HSCP) **Report No:** SW/27/2019/AS

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Subject: CARERS (SCOTLAND) ACT 2016 – APRIL 2019 UPDATE

1.0 PURPOSE

- 1.1 This report provides the Committee with an overview of the progress to date in implementing the Carers (Scotland) Act 2016, with specific focus on waiving of charges for residential respite and short breaks.

2.0 SUMMARY

- 2.1 The Carers (Scotland) Act 2016 gives a clear duty to local authorities to waive charges for short breaks and respite where this is of benefit to the carer and allows for a continuation of that caring role.
- 2.2 There is no timescale attached to this; the view is it should be implemented as soon as is practically possible. The Scottish Government has recently released guidance around how the waiving of charges could be implemented and it is now reasonable to consider the waiving of charges.
- 2.3 The Scottish Government has allocated recurring funding to cover the roll out of the Act and this money can be used to cover the costs of waiving charges.

3.0 RECOMMENDATIONS

- 3.1 The Health and Social Care Committee is asked to approve the waiving of charges for all eligible carers for respite and short breaks from April 1st 2019.

Louise Long
Corporate Director (Chief Officer)
Inverclyde HSCP

4.0 BACKGROUND

4.1 Implementation of the Carers (Scotland) Act 2016 continues to progress with roll out of the Adult Carer Support Plan and Young Carer Statement and final development of associated processes and backroom systems near completion.

4.2 This will support the good collaborative work between the HSCP, Inverclyde Carers Centre and other partners and provide evidence that we are meeting our statutory duties and ensure carers are receiving the right level of support from the most appropriate agency.

4.3 The Short Breaks Services Statement has been drafted in consultation with carers. It is designed to advise carers of the different range and types of short breaks and residential respite available to them.

4.4 Legislative Framework

The Children (Scotland) Act 1995, the Self-directed Support (Scotland) Act 2013 and the Carers (Waiving of Charges for Support) (Scotland) Regulations 2014 give local authorities the power to provide all carers with support to help them continue in their caring role and to waive any charges associated with provision of such support.

The Carers (Scotland) Act 2016 requires local authorities to consider a break from caring as an option if carers are willing and able to continue in their caring role.

4.5 Breaks From Caring

A break from caring can be any form of support that helps a carer to have time away from their caring responsibilities. This can be within or away from their home, for a few hours, days or longer and can be taken on their own or with the person they care for, with or without additional help. Where a break from care is agreed as meeting eligible carer needs then charges must be waived.

The current HSCP position is that Alternative Short Breaks are attributed to meet the needs of the carer so no means testing or client contribution are made.

With regard to accessing residential respite, this is currently attributed to meet the needs of the service user therefore the Charging Policy currently applies.

It can be clearly evidenced that service users access residential respite as a result of critical or substantial carer needs within the existing service user support plan, therefore this report recommends that charges should be waived in line with the statutory guidance.

4.6 Client Contributions

The client contribution is detailed below:

Client Group	Weekly Contribution	Cost per Night
Children in receipt of Middle Rate DLA	£57.30	£ 8.19
Children in receipt of Higher Rate DLA	£85.60	£12.23
Adults 18 - 24	£ 64.45	£ 9.21
Adults 25 - 59	£ 79.65	£11.37
Adults 60 +	£136.00	£19.43

Around 200 older people and 45 people with a learning disability have accessed

residential respite in 2017/18. It is clear that waiving of charges will be of direct benefit to carers and service users in terms of their disposable income.

4.7 **Total Client Contributions received from 2017/2018:**

Older People-Hillend-Respite	£ 33,028.58
Older People-Nursing-Respite	£ 39,068.31
Older People-Residential-Respite	£ 2,260.15
Adult-Learning Disability-Respite	£ 23,163.64
Older People-Nursing-Respite	£ 246.91
Total Client Contributions for Year	£ 97,767.59

4.8 **Total Client Contributions anticipated for 2018/2019:**

Older People-Hillend-Respite	£ 34,058.28
Older People-Nursing-Respite	£ 63,920.00
Older People-Residential-Respite	£ 3,380.57
Adult-Learning Disability-Respite	£ 14,462.17
Adult Physical Disability Respite	£ 963.61
Total Client Contributions	£ 116,784.63

Total client contributions for Children's Services is approximately £4,000.

If Waiving of Charges for Residential Respite is approved by the committee then the financial commitment to the HSCP in the financial year 2019-2020 is anticipated to be at least £120,000.

4.9 **Anticipated Future Costs**

This will be a recurring cost dependent on future demand from identified eligible carer needs following completion of an Adult Carer Support Plan.

The Scottish Government funded £323,000 in 2018/19 and a further £181,000 in 2019/20 to meet the obligations of implementing the Carers Act. It is anticipated all costs will be met from this funding.

4.10 **Decision Panel**

A national short life working group was formed to provide additional information to Local Authorities to support decision-making on whether charges are waived in particular circumstances. A number of case studies have been released by the working group to further verify application of the guidance.

The Scottish Government has provided case examples to support decision-making. Some cases may pose potential challenges for assessors to determine whether charges should be waived or where the local charging policy applies. This includes instances where carers are also Service Users; Replacement Care; and Equal Benefit to both carer and service user. It is proposed that a Decision Panel is set up to review and provide governance over such cases.

This panel will comprise:

- Alan Brown, Service Manager, Assessment and Care Management
- Jane Cantley, Service Manager, Children's Services
- Gail Kilbane, Learning Disability Review, Implementation & Carers Act Lead
- Lorna MacDonald, Manager, Inverclyde Carers Centre

4.11 The role of the panel is to ensure that all relevant facts have been obtained to allow a decision to be made, ensure the relevant legislation, policy and process have been appropriately applied and to ensure transparent methodology to evidence the decision

made in each case.

Summary

Carers Leads across the country report that no authority has waived charges for all residential respite for the current financial year. Other authorities are considering this but if approved, Inverclyde will be the first local authority in Scotland to deliver this commitment.

Inverclyde HSCP already spends a minimum of £1.2 million which can be directly attributed to supporting carers. Current provision of residential respite can be evidenced as clearly meeting the needs of carers by enabling them to have a break from their caring role.

As a result, waiving charges from April 2019 evidences our commitment to carers by ensuring they are not financially disadvantaged as a result of their caring role. However, we need to also make sure that the additional cost is manageable within the carers financial envelope.

It is the intention to provide the Health and Social Care Committee with an update on implementation of Waiving of Charges in early 2020.

5.0 IMPLICATIONS

FINANCE

5.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
Various	Income	01/04/2019	120	N/A	Loss of income will be contained with Scottish Government Funding.

LEGAL

5.2 There are no legal issues within this report.

HUMAN RESOURCES

5.3 There are no human resources issues within this report.

EQUALITIES

5.4 There are no equality issues within this report.

Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO

6.0 CONSULTATION

6.1 This report has been prepared by the Chief Officer, Inverclyde Health and Social Care Partnership (HSCP) after due consultation with relevant senior officers in the HSCP and partners, and a full programme of ongoing engagement and consultation with service users, carers, the public, staff and providers.

7.0 LIST OF BACKGROUND PAPERS

7.1 None.