

## SAMH'S VIEW:

# SOCIAL CARE CHARGING

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### POLICY LEAD

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### ABOUT THE SAMH'S VIEW SERIES

SAMH's View statements set out SAMH's position on a particular policy topic. They are produced by the Public Affairs team.

## Context

In Scotland, people can be charged by local authorities for the social care they receive. This includes services such as housing support, supported accommodation, laundry, shopping and cleaning, as well as self-directed support services.<sup>1</sup> The amount they pay, and the level of income they need to have before they become liable for charges, varies a great deal between different local authorities.<sup>2</sup>

From April 12019, personal and nursing care in Scotland became free for all adults who have been assessed by the local authority as needing these services.<sup>3</sup>

## Key points

- Social care is essential to many people in supporting their independence, management and recovery from a wider range of disabilities including mental health problems.
- Health care remains free at the point of access. Health and social care are now integrated in Scotland.
- The Scottish Government has powers from the Community Care and Health (Scotland) Act 2002 to set national limits to the amount people can be charged. This power has not been used to date, with local authorities able to set their own charging rates.
- COSLA produces annual guidance to local authorities on setting social care charges. COSLA recommends that the minimum income threshold - the level of income needed before a person becomes liable for charges - should be the Department of Work and Pensions (DWP) Income Support Personal Allowance level plus 25% - currently £135 a week for a single person.<sup>4</sup> But not all local authorities follow this. For example North Lanarkshire have a more generous income threshold of £204 for a single person with charges limited to 50% of excess income above the threshold.<sup>5</sup>
- In some local authorities, social care providers such as SAMH are



required to directly invoice clients on behalf of the council.

- Some people decide to stop using their social care when they receive an invoice, because they feel they cannot afford to pay.<sup>6</sup>
- COSLA's guidance advises Local Authorities that no-one receiving compulsory treatment under the Mental Health (Scotland) Act 2003 should be charged for social care.<sup>7</sup> This guidance is not legally binding.

### SAMH calls for:

#### ● Long term

- Social Care charges to be abolished as part of a wider review and reform of social care funding and commissioning

#### ● Short term

- Guidance on income thresholds and charging rates to be put into law through regulations to section 1 of the Community Care and Health (Scotland) Act 2002.
- The Scottish Government to use their powers under the Community Care and Health (Scotland) Act 2002 to set national limits to the amount people can be charged
- These national limits to take into account the costs of disability related expenditure
- The Community Care and Health (Scotland) Act 2002 should be amended so people receiving social care on a compulsory basis under the Mental Health (Scotland) Act 2013 are not charged for their care.
- Local Authorities to directly collect social care charges, instead of requiring providers to collect them

### Further detail:

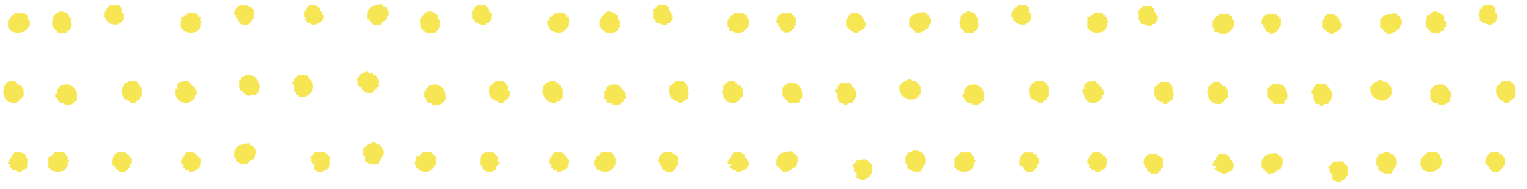
#### FURTHER GUIDANCE

- COSLA: [National Strategy & Guidance Charges Applying to Non-residential Social Care Services 2019/20](#)

### Notes

<sup>1</sup> CCPS [Extending Free Personal Care to people under 65 years of age – Briefing](#) 2019

<sup>2</sup> Citizens Advice Scotland [Social care and support](#) [accessed May 2019]



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<sup>3</sup> Scottish Government [Free Personal and Nursing Care](#) 2019

<sup>4</sup> COSLA: [National Strategy & Guidance Charges Applying to Non-residential Social Care Services 2019/20](#) (2019)

<sup>5</sup> North Lanarkshire [Council Social work charging 2018-19](#) [accessed May 2019]

<sup>6</sup> Scottish Parliament [Proposed Abolition of Social Care Charges \(Scotland\) Bill Consultation Summary](#) 2016

<sup>7</sup> COSLA: [National Strategy & Guidance Charges Applying to Non-residential Social Care Services 2019/20](#) (2019)