EXECUTIVE NOTE

Draft SSI: The Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2008

The above instrument is to be made in exercise of the powers conferred by sections 1(2)(a), 2 and 23(4) of the Community Care and Health (Scotland) Act 2002. The instrument is subject to draft affirmative resolution procedure. It is intended that it will come into force on 1st April 2008.

Legal Background

Section 1(1) of the Community Care and Health (Scotland) Act 2002 provides that local authorities are not to charge for certain types of social care provided or secured by them. Regulation 2 of the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002 qualifies that by modifying, for the purpose of charging, the meaning of accommodation provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.

These Regulations amend regulation 2 of the 2002 regulations to increase the thresholds below which certain care is not to be charged for.

Policy objectives

The purpose of the instrument is to update the free personal and nursing care flat rate payments in care homes in line with inflation from 1 April 2008.

Payments for personal and nursing have remained static at £145 per week for personal care and £65 per week for nursing care since the policy was introduced in 2002.

Scottish Ministers have given a commitment to increase these payments in line with inflation from April 2008. This is pending the outcome of a wider review of free personal and nursing care funding which Scottish Ministers have asked Lord Sutherland to chair. The independent review is due to report in March 2008.

A GDP deflator of 2.7% is applied to reflect growth in the costs of care services. This would mean that the current payment levels of £145 and £65 would rise to £149 and £67 respectively.

COSLA have been fully consulted on this proposal and agreed to the proposed increase.

Financial effect

Increasing the payments for personal and nursing care in line with inflation will result in additional costs of £2.5m per annum. Local authorities have agreed to deliver this commitment from within the agreed local government settlement allocations provided for 2008-09 to 2010-11.

No Regulatory Impact Assessment has been prepared in respect of these Regulations as the changes have no impact on the cost of business.

Scottish Government
Primary and Community Care Directorate
Community Care Division