

EXECUTIVE NOTE

DRAFT : THE COMMUNITY CARE (PERSONAL CARE AND NURSING CARE) (SCOTLAND) AMENDMENT REGULATIONS 2009

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 will come into force the day after the date on which the Regulations are made. The intention is that the Regulations will come into force on 1st April 2009.

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 purposes 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 1st April 2009.

Scottish Ministers gave a commitment to increase the flat rate payments in line with inflation in 2008-09 and in the two subsequent years. Payments for personal and nursing care increased in line with inflation from 1 April 2008 from £145 to £149 per week for personal care and from £65 to £67 per week for nursing care. A further inflationary uplift is applied for 2009-10 to reflect growth in the costs of care services. This would mean that the current payment levels of £149 and £67 would rise to £153 and £69 respectively.

COSLA has been consulted on this proposal.

Financial effect

Increasing the payments for personal and nursing care in line with inflation will result in additional costs for local authorities of £2.5 million per annum. Local authorities will deliver this commitment from within the agreed local government settlement allocations provided for 2009-10.

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

Scottish Government
Primary and Community Care Directorate
Community Care Division