

EXECUTIVE NOTE

THE COMMUNITY CARE (PERSONAL CARE AND NURSING CARE) (SCOTLAND) AMENDMENT REGULATIONS 2010 (SSI 2010/DRAFT)

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 2010.

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 2010.

Scottish Ministers gave a commitment to increase the flat rate payments in line with inflation in 2008-09 and in the two subsequent years to reflect growth in the costs of care. In April 2008 the payments increased from £145 to £149 per week for personal care and from £65 to £67 per week for nursing care. In April 2009 a further inflationary uplift was applied increasing the payments from £149 to £153 for personal care and from £67 to £69 for nursing care. April 2010 will see a further increase in line with inflation. This will mean that the payments increase to £156 per week for personal care and £71 per week for nursing care.

COSLA has been consulted on this proposal and agreement has been reached.

Financial effect

Increasing the payments for personal and nursing care in line with inflation will result in additional costs for local authorities of £2.1 million per annum. Local authorities will deliver this commitment from within the agreed local government settlement allocations provided for 2010-11.

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