

**REPORT TO: POLICY & RESOURCES COMMITTEE ON 30 MARCH 2010**

**SUBJECT: COMMUNITY CARE CHARGING APPEALS**

**BY: DIRECTOR OF COMMUNITY SERVICES**

**1. REASON FOR REPORT**

- 1.1 The report sets out a revised constitution for The Moray Council Community Care Charging Appeals Group and asks Committee to approve the amended Charging Appeal Group Constitution.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme in relation to the function of the Council as a Social Work Authority under the Social Work (Scotland) Act 1968.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Policy & Resources Committee approves the amended remit for the Moray Council Community Care Charging Appeals Group and consequential amendments to the Social Work Complaints Procedure (see APPENDIX 1).**

**3. BACKGROUND**

- 3.1 Local authorities have a duty to assess the need which exists for care services and to make arrangements to provide them.
- 3.2 Section 87 of the Social Work (Scotland) Act 1968 allows local authorities to recover the cost from the service user of certain services provided to them under this Act. The Council has adopted a Charging Policy for Non-Residential Care which is revised annually and which sets out the basis on which charges will be recovered in Moray.
- 3.3 In applying its Charging Policy, the Authority should act consistently and transparently, and remain mindful of the ability of service users to pay the costs of the service which they receive.
- 3.4 In relation to Residential and Nursing Care the local authority is required to apply charges for Residential or Nursing Care that it has provided or arranged which exceeds a period of 8 weeks.
- 3.5 The regulations that direct local authority charges for Residential and Nursing Care are explained within the National Assistance (Assessment of Resources) Regulations 1992.

- 3.6 Through this guidance the local authority is empowered in certain circumstances to vary certain charging costs, for example during the first 8 weeks of stay to increase personal allowance.
- 3.7 The Charging Appeals Group was established in 2001. A revised constitution for the group was approved by Community Services Committee on 10 August 2005 (para 29 of the minute refers). The remit of the charging appeals group from 2005 is available on the members portal.
- 3.8 The aim of a Charging Appeals Group is to ensure a consistent and transparent approach when considering all appeals in respect of charging for social care services.
- 3.9 The establishment and implementation of the social work complaints process has necessitated a reconsideration of the appeals process.
- 3.10 Clarity between the procedures for complaints and charging appeals has been established within the new constitution for the appeals group.
- 3.11 The Social Work Complaints Procedures will be revised to incorporate the changes approved at this Committee.

#### **4. DETAILED SUMMARY**

- 4.1 The amended constitution specifically links the Charging Appeal process to the Social Work Complaints process.
- 4.2 The Charging Appeal Group will act as the first stage in the formal complaint process.
- 4.3 In response to requests by services users and their representatives, and following a complaint lodged under the Social Work Complaint process the amended constitution clarifies the attendance of service users and/or their representative at the Charging Appeal Group.
- 4.4 The scope of the Charging Appeal Group has been broadened to allow consideration of debt to the Community Care department.

#### **5. SUMMARY OF IMPLICATIONS**

##### **(a) Single Outcome Agreement/Service Improvement Plan**

This relates to National Outcome 15 – Our Public Services are High Quality, Continually Improving, Efficient and Responsive to Local People’s Needs.

##### **(b) Policy and Legal**

This committee paper links to the Social Work Complaints Policy.

**(c) Resources (Financial, Risks, Staffing and Property)**

Any financial implications of this revised procedure will be met within existing budgets.

**(d) Consultations**

R Gunn, Acting Principal Solicitor (Litigation and Licensing);  
Community Care Finance Officer; I Augustus, PPR & Communication  
Officer; Director of Community Services; Chief Financial Officer.

**6. CONCLUSION**

- 6.1 It is recommended that the Policy & Resources Committee approves the amended remit for the Moray Council Community Care Charging Appeals Group.**

Author of Report: Jane Mackie, Acting Head of Community Care  
Background Papers:  
Ref: