

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK COMMITTEE - 18 March 2002**

**REPORT ON: COMMUNITY CARE AND HEALTH (SCOTLAND) ACT 2002**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 230-2002**

### **1.0 PURPOSE OF THE REPORT**

The purpose of this report is to advise members of the Social Work Committee of a new piece of legislation, the Community Care and Health (Scotland) Act 2002, that will have an impact on the provision of certain social care services; makes provision for arrangements and payments between local authorities and National Health Service bodies for certain functions; makes other changes to the law relating to health; and contains other miscellaneous changes.

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work Committee:-

- 2.1 Notes the contents of this report: in particular, the areas of change that are explained in paragraph 6 of this report.
- 2.2 Instructs the Director of Social Work to ensure preparations are in place for revised joint working arrangements with NHS bodies and to bring forward appropriate partnership arrangements for the consideration of the Social Work Committee.
- 2.3 Instructs the Director of Social Work to make arrangements for the introduction of free social care and to advise the members of the Social Work Committee on the implications for service criteria, charging and other systems.
- 2.4 Instructs the Director of Social Work to ensure that arrangements are in place to meet the requirements of the legislation as it affects carers.
- 2.5 Instructs the Director of Social Work to make arrangements to comply with the with the supporting regulations to the legislation as they are introduced and to report to the Social Work Committee any matters which may have an impact on the policy of the Council.

### **3.0 FINANCIAL IMPLICATIONS**

The financial implications of the implementation of this Bill and the regulations will be contained within the more detailed reports that will follow.

### **4.0 LOCAL AGENDA 21 IMPLICATIONS**

- 4.1 There are no local agenda 21 implications.

### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

This legislation will extend the right of access to community care assessment to carers and make some services to vulnerable people free.

## 6.0 MAIN TEXT

6.1 The Community Care and Health (Scotland) Bill was first laid before the Scottish Parliament in September 2001. The Bill was enacted as the Community Care and Health (Scotland) Act 2002 in February 2002.

The legislation makes provision in the following areas:

- a in respect of **charging**, it allows for the introduction of free social care and for the standardisation of charging;
- b in respect of **accommodation** it allows the Scottish Ministers to require local authorities to provide accommodation irrespective of a person's means and makes provision for residents and others to make additional payments to enable residents to live in accommodation which is more expensive than would normally be provided by an authority;
- c it clarifies local authorities' powers to provide **accommodation outwith Scotland**;
- d in respect of **payments for accommodation costs** it makes provision for the deferral of these payments until the death of a resident;
- e it clarifies local authorities' current powers to make **direct payments**, and allows the Scottish ministers to require local authorities to make direct payments in certain cases;
- f in respect of **carers**, it clarifies local authorities' duties to assess carers' needs and allows the Scottish Ministers to require Health Boards to prepare carer information strategies;
- g in respect of **joint working**, provision is made to allow local authority and National Health Service bodies to make payments in respect of each others' functions and to delegate to each other the exercise of certain of their functions.  
  
Such delegation is not to affect the liability of the local authority or an NHS body in relation to the exercise of their functions;
- h In respect of **staff**, provision is made to allow staff to be transferred from local authorities to NHS bodies and *vice versa* ;
- l gives Scottish Ministers powers to require local authority and NHS body to work together ; and
- j makes miscellaneous changes to health legislation.

The regulations which provide the details of what is expected are not yet available, however, there is considerable background information about certain key aspects of the legislation that make it possible to anticipate what may be required.

6.2 The policy position of the Scottish Executive on free personal care and charging was outlined in the Care Development Group's report 'Fair Care for Older People'. This report re-iterates much of the Scottish Executive's policy position on joint working along with the kinds of care it believes should be free.

It is important to note that not all forms of social care are to be provided free. The Act indicates that personal care, personal support, certain forms of care specifically listed in the Act and nursing care are not to be charged for, but full details will not be known until regulations are made by the Scottish Ministers. Non personal care such as cleaning, shopping, laundry and meals will remain subject to charging as will the "hotel costs" of providing accommodation.

The Care Development Group is still working on guidance to support the implementation of free personal care. The previous implementation date of 1 April has been moved to 1 July to allow proper arrangements to be put in place. The Director of Social Work has initiated work within the Social Work Department to ensure the Council is in a position to comply with the requirements and will bring a report to the Social Work Committee advising of the implications of the policy for service criteria, charging and other systems prior to the July implementation date.

6.3 The joint working arrangements have their policy origins in the November 2000 report (Community Care - Joint Future) of the Joint Futures Group. The report was accepted by the Scottish Executive who moved in September 2001 to issue detailed guidance on Joint Resourcing and Joint Management (Scottish Executive Circular CCD7/2001). In January 2002, the Scottish Executive issued a letter outlining what they expected agencies to achieve by April 2002. The Director of Social Work established a co-ordinating group in co-operation with other partners in September 2001 to ensure that we were in a position to respond. The Director of Social Work will bring forward a report for the consideration of the Council which outlines appropriate partnership arrangements to take joint working forward to benefit people in Dundee.

6.4 The Council anticipated the introduction of the new duty in respect of direct payments and members of the Social Work Committee give the Director of Social Work permission to proceed with arrangements for this (Report No 811 Direct Payments - 17 December 2001 refers).

6.5 The changes in respect of carers will have implications for assessment procedures and access to services. Any implications for the Council will be brought forward for the consideration of elected members by the Director of Social Work.

6.6 The other changes introduced will be examined by officers of the Council as regulations are issued. Officers will report to the Council as the circumstance and content of these regulations determine.

## **7.0 CONCLUSION**

7.1 The Act is a significant piece of legislation that will have considerable implications for the working of this Council and its interface with other agencies and organisations.

## **8.0 CONSULTATION**

The Chief Executive, Director of Support Services, Director of Finance, and Director of Personnel and Management Services have been consulted on the content of this report.

## **9.0 BACKGROUND PAPERS**

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

## **10.0 SIGNATURE**

Director of Social Work

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Date

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8 March 2002