

Adult Social Work Services Social Care Contribution Policy

Updated February 2025

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1. Purpose of Document

- 1.1 This document sets out the Clackmannanshire/Stirling Councils' Social Care Services Charging Policy.

2. Background and Legislation

2.1 Residential Care

- 2.1.1 It is a legal requirement that everyone who is permanently admitted by the Council to residential care is required to pay a client contribution towards their care and accommodation. The contribution is applied in line with The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2024 (SSI 2024 No. 22); and The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2024 (SSI 2024 No. 21)
- 2.1.2 These regulate charges for residential care and provide Local Authorities with the means to financially assess a service user's weekly contribution when entering into temporary or permanent residential care. Further information on financial assessment for residential care can be found in on the partnership website.
- 2.1.3 The Scottish Government provides detailed Charging for Residential Accommodation Guidance and details can be found in the following link: <https://www.gov.scot/policies/social-care/social-care-support/>
- 2.1.4 From April 2020, under The Carers (Scotland) Act 2016, The Council will no longer charge for residential respite where this service is accessed in line with eligibility criteria and Carers assessment. This is in compliance with the legislation which seeks to ensure that Carers are offered the support which they require, and charges are waived where this is appropriate.

2.2 Non-Residential Care

- 2.2.1 The Councils' Non-Residential Charging Policy has been developed within the parameters of community care legislation and guidance. This includes services provided under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 2.2.2 Guidance on charging is set out in the Scottish Office Circular SWSG1/1997, and latterly with COSLA's National Strategy and Guidance on Charges Applying to Non-Residential Social Care Services.
- 2.2.3 The Council Non-Residential Charging Policy complies with this guidance and includes local discretion where appropriate.

3. Summary

- 3.1 From April 2025, there are updates to Minimum Income Thresholds and Interim Charging in line with Department for Work and Pensions (DWP) changes. Details of these are included in Appendix 2 and reflect those referenced within the COSLA guidance for non-residential charging.
- 3.2 A number of charges have been uplifted to reflect the increased cost of service delivery.
- 3.3 The Scottish Government are in the process of taking over responsibility for disability benefits that were being delivered by the DWP. The new Scottish Benefits will be delivered by the Scottish Government agency Social Security Scotland. The level of these benefits and most eligibility rules will match those they are replacing. The table below details these benefits, and the proposed timetable set out by the Scottish Government for new claimants. Existing disability benefit claimants will be migrated in due course. The full transfer process is intended to be completed by 2025.

Existing Benefit	Replaced with	Planned Implementation
Child Disability Living Allowance	Child Disability Payment	National roll out took place in Autumn 2021
Attendance Allowance	Pension Age Disability Payment	Pilot to be launched from Autumn 2024, national roll out early 2025
Personal Independence Allowance	Adult Disability Payment	National roll out took place in August 2022

Appendix 3 provides detailed examples of charges - where DWP benefits have migrated, these should be substituted with the new Social Security Scotland benefits.

4. Guiding Principles of the Non-Residential Contribution and Charging Policy

The guiding principles of the Non-Residential Contribution Policy are as follows:

- 4.1 Income maximisation to the client is at the heart of the charging policy and reflects on ability to pay. A referral will be made as part of the financial assessment process to ensure a service user and their partner are in receipt of all benefits they may be entitled to.
- 4.2 Charges are set at a reasonable level – the charge rarely covers the full economic cost of the service provided. The charge will never exceed the full cost of service.

- 4.3 Service users will not be charged for services for which they have been assessed but do not utilise.
- 4.4 Financial assessments take account of the cost of the range of services each service user receives compared to disposable income, rather than performing separate calculations for each service, thus ensuring that no-one pays more than they can afford.
- 4.5 Free Personal Care will apply to all clients.
- 4.6 Charges can be abated/waived in cases of hardship, or other exceptional circumstances in line with the council's Scheme of Delegated Authority.
- 4.7 The impact of charges on the well-being of Carers is considered.
- 4.8 It is the Councils' expectation that service users will optimise other income resources prior to taking up services, e.g., Independent Living Fund income & personal/injury compensation payments etc. The cost of service packages to the council would be net of such income sources.
- 4.9 It is the Council's expectation that service users in receipt of benefits for specific purposes such as mobility allowance will utilise these to support their access to services.

5. Non-Residential - Chargeable Services

The following services are chargeable. The current rates or details of other values used for calculations are listed in **Appendix 2**:

- 5.1 Care at Home (Non personal care)
Care at Home services provide a range of supports to allow people to remain in their own home. These include Homecare and Supported Living Services.
- 5.2 Care on Discharge from Hospital
The first four weeks of care for people over 65 should be free upon discharge from hospital.

Only new or additional services provided after a person comes out of hospital will be free, and services in place pre-admission which continue after discharge will be chargeable from the first day the services resume. Any free service will only last for the first 4 weeks.
- 5.3 Short-stay assessment beds
Clients admitted to short-stay assessment beds will not be charged during the assessment period however charges will apply when the assessment period finishes. In any case charges will apply from 6 weeks from date of admission.

5.4 Free Personal Care – Meals Preparation

The supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for the person, or the preparation of food prior to the point of supply to the person, remains chargeable. However, in line with Free Personal Care legislation, the preparation of or the provision of assistance with the preparation of food is not chargeable.

- 5.5 Charges for Meals at Home
A non-means tested charge per frozen meal delivered to a service user's address is levied on the recipient. -
- 5.6 Day Care Services
Day services, including Day Opportunities and Building Based services are chargeable.
- 5.7 Charging for Technology Enabled Care(TEC) and Mobile Emergency Care Service (MECS) (including Alarms)
A flat rate per week will be applied to all recipients of technology enabled care and MECS including alarms.
- 5.8 Charging for Transport
COSLA recommends that Councils should be free to apply discretion on whether to charge for client transport costs.
Transport costs are included where appropriate within the Local Authority rates for services -
- 5.9 Aids and Adaptations
While the Council does not charge for aids and adaptations for disabled people, it will not provide equipment below a value of £25 and expects these to be paid for by the service user.
- 5.10 Keysafe Purchase/Installation
Where service users require a keysafe to facilitate provision of care a flat rate charge will apply for purchase and installation.

- 5.11 Contributions towards Personal Budgets
The Non-Residential charging policy will apply to Personal Budgets awarded through The Social Care (Self Directed Support) (Scotland) Act 2013 for all options. Where the Personal Budget is awarded on an annual basis, the service user will be advised of their annual contribution to this. We will divide this annual contribution into a regular weekly contribution/charge. Where the Personal Budget is awarded to purchase short term support, the charge will be limited to the duration of the award.

6. Non-Residential – Services Exempt from Charges

The following services are exempt from charges, or recommended by COSLA as exempt from charges:

- 6.1 Clients presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation. It should be noted that a high volume of homeless clients would be exempt from charges due to the minimum benefits they receive.
- 6.2 Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services. However, if a family is receiving a home care service which is directly attributable to the parents, then the service would be chargeable dependent on the family personal/financial circumstances.
- 6.3 Services directly attributable to Carers are not chargeable.
- 6.4 People with a mental illness who are subject to a Compulsion Order, Compulsory Treatment Order or Compulsion Order and a Restriction Order.
- 6.5 Advice and information about the availability of services, assessment of care needs or care management.
- 6.6 Nursing Care and Personal Care for people of all ages. The Free Personal Care tasks that are currently not chargeable can be found in Appendix 1 attached.

7. Considerations to Waive or Abate Charges

- 7.1 Local discretion ensures that charges are waived or abated appropriately for the following situations:

- 7.1.1 Where a service user is terminally ill, which is evidenced through a DS1500 form, an SR1 form or a Benefits Assessment for Special Rules (BASRIS) form. These charges will be waived.
- 7.1.2 Cases of hardship or other exceptional circumstances. This may result in charges being waived or abated and will be assessed on a case-by-case basis by the Council.
- 7.1.3 To apply for a waiver or abatement service users should contact their Care Manager in the first instance.
- 7.1.4 In addition, if a service user's financial circumstances change they can request a financial re-assessment at any time.

8 Other Considerations

- 8.1 **Independent Living Fund & Other Awards**
It is the Council's expectation that service users will optimise other income sources prior to taking up services e.g., Independent Living Fund income and Personal Injury compensation payments etc. The cost of service packages to the Council would be net of such income source where individuals are eligible to claim. This would apply whether or not service users choose to make such a claim and the Council would not apply this Contribution Policy where an individual is subject to a charge from another funder.
- 8.2 **Compensation Claims**
COSLA recommends that Councils should establish the breakdown of any compensation claims (including those held in trust) and consider the inclusion of any monies awarded for care costs when assessing a service user's ability to pay. The Council have adopted this approach.
- 8.3 **Liable Relatives Rule**
In considering the Liable Relatives Rule, COSLA recommends that Councils should make decisions on a case-by-case basis and give due consideration to leaving clients and their relatives with sufficient access to resources. Clackmannanshire/Stirling Council has adopted this approach.

9 Minimum Income Threshold, Buffer, and Taper

- 9.1 Minimum Income Threshold is the minimum level of income a service user is in receipt of before being considered to contribute towards non-residential services.
- 9.2 The Threshold is based on DWP benefit rates as recommended by COSLA, and the application of a percentage increase in recognition of low income, known as a **buffer**.
- 9.3 Based on benefit awards, there are four Threshold levels detailed in Appendix 2.

- 9.4 This policy applies a buffer of 25%, as recommended by COSLA.
- 9.5 Individual local authorities determine the amount of disposable income in excess of the Minimum Income Threshold (including the buffer) which will be taken into account when determining the level of service user charge. This is achieved by the application of a percentage, known as a **taper**. The Council applies a 75% taper which results in only 75% of disposable income in excess of the Minimum Income threshold from being taken into account.
- 9.6 Details of the Thresholds and taper are in Appendix 2 and examples of charges are outlined in Appendix 3.

10 Disability Related Expenditure

- 10.1 The Social Work (Scotland) Act provides the legal basis for charging for social care support at home. Under s.87 of the Act charges must be both “reasonable and practicable” for an individual to pay.
- 10.2 To ensure the extra costs of being disabled are taken into account, a further disregard of income will apply where additional expenditure is incurred by a supported person as a result of living as a disabled person.
- 10.3 Additional costs may relate to, but will not be restricted to:
- Additional heating requirements;
 - Purchase, maintenance, and repair of disability related equipment;
 - Specialist dietary requirements;
 - Specialist clothing;
 - Help with cleaning and other domestic tasks including gardening (if that is something the person would have undertaken themselves);
 - Extra washing;
 - Additional bedding.
- 10.4 Costs taken into account will vary on a person-by-person basis.
- 10.5 Disability related expenditure will be taken into account by the Financial Assessment Team at the time of your initial financial assessment. A financial re-assessment can be requested at any time.

11 Service User Income to be Disregarded when Calculating a Charge

- 11.1 COSLA recommends that local authorities should adopt a common approach to the treatment of Service User income, which will establish the threshold figure. There is, however, an acknowledgement of the requirement for local authority discretion to reflect local needs.
- 11.2 The Council will apply the following principles:

- 11.2.1 Take into account net earnings and all social security benefits with the exception of the Mobility Component of Personal Independence Payments, Housing Benefit, Universal Credit Housing Element, Council Tax Reduction and War Pensions.
- 11.2.2 Recent case law dictates that where night-time supports are not provided, that as part of the overall financial assessment, only the middle rate of Disability Living Allowance and lower rate of Attendance allowance should be considered when assessing clients' income. Similarly, for people who receive the enhanced rate of Personal Independence Payment or Disability Assistance and who do not receive night-time support, only the standard rate should be taken into account.
- 11.2.3 The assessable income should be net of housing and council tax costs (where applicable). This includes rent, mortgage payments, Council Tax, water and sewerage costs and household insurance premiums.
- 11.2.4 Consideration will be given to representations to take into account other specific costs of living e.g., in relation to disability related expenditure detailed in section 10.
- 11.2.5 Income derived from benefits paid for or on behalf of a dependent child is disregarded.
- 11.2.6 Kinship Care payments are disregarded in relation to all Council charging policies.
- 11.2.7 Where a service user or their partner is in receipt of earned income, only net earnings are considered, and a minimum earnings disregard of £20 is applied.
- 11.2.8 Payments from the Independent Living Fund Scotland (ILF) are disregarded in a financial assessment.
- 11.2.9 Capital of £6,000 or less to be disregarded and tariff income applied of £1 for each unit of £250 over £6,000. (People under 60 years of age)
- 11.2.10 Capital of £10,000 or less to be disregarded and tariff income applied of £1 for each unit of £500 over £10,000. (People over 60 years of age)
- 11.2.11 Payments made to a Service User in respect of the Scottish Government Advance Payment Scheme (for cases of historical child abuse in care) are to be disregarded in the financial assessment of the Service User's resources.

12 Interim Charges

- 12.1 Client contributions are calculated based on ability to pay. This is determined using the Financial Assessment Form, which includes client

and partner's details of income and capital. If, however, this information is not immediately available, the Council will apply an interim charge.

- 12.2 The interim charge is set at 50% of the lower rate of Attendance Allowance, or the cost of the service, whichever is the lower (the lower rate of Attendance Allowance is paid at the same rate as the middle rate care component of Disability Living Allowance and the standard rate of the daily living component of Personal Independence Payment). This calculation is applied whether the disability benefits are received or not. The final charge is set after income maximisation and any subsequent over-charging is refunded to the client. Any undercharging would not be retrospectively claimed.
- 12.3 Where the required financial details to calculate the charge are not disclosed, then the charge will be the cost of the service. Details of the interim charge calculation are shown at Appendix 2.

13 Version

- 13.1 This policy as outlined above supersedes all previous amendments and will remain extant until updated as required.

Appendix 1 – Personal Care (service user and/or partner combined)

1. Assistance with laundry associated with medical condition e.g., bed changing
2. Special preparation of food associated with dietary requirements
3. Assistance with eating/drinking
4. Getting out of bed
5. Going to bed
6. Assistance with dressing / undressing
7. Assistance with washing and bathing
8. Assistance with personal grooming/dental Hygiene e.g., shaving and nail care
9. Assistance with continence care
10. Assistance with toileting
11. Assistance with medication supervising/reminding
12. Assistance with mobility
13. Assistance with specialist feeding
14. Assistance with stoma care
15. Assistance with catheter care
16. Assistance with skin care
17. Administering of medication (including administering of oxygen)
18. Rehab work (under support of professional)
19. Food preparation

Appendix 2 – 2025/26 Values

Values to be used in conjunction with the Charging Policy

1. Minimum Income Thresholds

The thresholds for 2025/26 are based on DWP benefit rates as recommended by COSLA together with a 25% buffer applied.

	2024/25	2025/26
Single Person below pension qualifying age	£167	£170
Single Person above pension qualifying age	£273	£284
Couple below pension qualifying age	£254	£258
Couple above pension qualifying age	£417	£434

2. Tapers Applied to Income

From April 2024 the tapers will be:

Adults	75%
Older People	75%

3. Local Authority (Non-Residential) Service Rates

The revised rates for those services outlined in Section 5 (Chargeable Services) and directly provided by the Council are as follows:

[illegible]

4 Interim Charge

The interim charge for 2025/26 is **£36.95 per week**. This figure is calculated at 50% of the lower rate Attendance Allowance. The value of lower rate Attendance Allowance is the same as the standard rate of PIP (Daily Living) and middle rate DLA (Care component).

Appendix 3 – Charges at Different Levels of Income

Benefit Rates and thresholds used correct as at April 2024

Appendix 3a

Examples of maximum charges for people under 60

1. Single Person aged 55 receiving Standard Rate PIP (daily living component), Universal Credit that includes the Limited Capability for Work related Activity element component receiving only 2 hours Home Care (non-personal care).

Income (Weekly)

UC (Less any housing element) £186.84

PIP (Daily Living component) £ 72.65

Total Chargeable Income £259.49

Threshold = £167 - Income above threshold = £92.49

Applying the taper of 75% the max charge that could be applied for this level of income for a single person under 60 would be £69.36

However as the actual cost of the home care service is £41.72 (2 hours at £20.86/h) they would only pay £41.72

2. Non Pensioner couple one getting Standard Rate PIP (daily living component) the other is a carer. They also get Universal Credit which includes a carer's element and the Limited Capability for Work Related Activity element (LCWRA). They Receive 3 hours personal care and 5 hours non personal care.

Income (Weekly)

UC (Less any housing element) £284.33

PIP (Daily Living component) £ 72.65 Total

Chargeable Income £356.98

Threshold=£254 - Income above threshold = £102.98

Their maximum contribution based on their available income is 75% of £102.98 = £77.23/week. This is the amount that they will pay as it is less than the cost of the home care service they are receiving (5 hours x £20.86 = £104.30). Note although personal care is no longer chargeable the cost of the non-personal care exceeds their maximum contribution so they will pay £77.23/week.

3. Non Pensioner Couple in receipt of Contribution based ESA Employment & Support Allowance and a small works pensions. One gets Standard Rate PIP (daily living component) and the other has carers allowance. He or She is receiving home care 10 hours per week.

Income	
ESA	£142.25
Carers Allowance	£ 81.90
Works Pension	£ 90.00

PIP £ 72.65
Total Chargeable Income £386.80

Threshold = £254 - Income above threshold = £132.80. 75% = £99.60

Full charge for the service = 10h x £20.86 = £208.60. However, their maximum contribution based on their income is £99.60. They would pay the lower amount.

Appendix 3b

Weekly charges for those under age 60 arising from income

Weekly thresholds for people under age 60 below which there is no charge.

Single Person: £167, Couple: £254

75% Taper	Single	Couple
Weekly Income	Weekly Charge	Weekly Charge
£100.00	£0.00	£0.00
£110.00	£0.00	£0.00
£120.00	£0.00	£0.00
£130.00	£0.00	£0.00
£140.00	£0.00	£0.00
£150.00	£0.00	£0.00
£160.00	£3.00	£0.00
£170.00	£10.50	£0.00
£180.00	£18.00	£0.00
£190.00	£25.50	£0.00
£200.00	£33.00	£0.00
£210.00	£40.50	£0.00
£220.00	£48.00	£0.00
£230.00	£55.50	£0.00
£240.00	£63.00	£1.50
£250.00	£70.50	£9.00
£260.00	£78.00	£16.50
£270.00	£85.50	£24.00
£280.00	£93.00	£31.50
£290.00	£100.50	£39.00
£300.00	£108.00	£46.50
£310.00	£115.50	£54.00
£320.00	£123.00	£61.50
£330.00	£130.50	£69.00
£340.00	£138.00	£76.50
£350.00	£145.50	£84.00
£360.00	£153.00	£91.50
£370.00	£160.50	£99.00
£380.00	£168.00	£106.50
£390.00	£175.50	£114.00
£400.00	£183.00	£121.50

Income support with disability premium for Single under 60 = £133.00

(with SDP of £81.50 = £214.50 + PIP of £72.65 = **£287.15**)

Approximate figure highlighted in red in chart above

Income support for couple under 60 with disability premium = £202.85

(with carers premium of £45.60 = £248.45 + PIP of £72.65 = **£321.10**)

Approximate figure highlighted in blue in chart above

Appendix 3c

Examples of maximum charges for people over 60

1. Single Person age 67 in receipt of Attendance Allowance and Pension Credit including SDP receiving only Personal Care at home for 5 hours per week.

Income

•Pension Credit	£299.65
•Attendance Allowance	£ 72.65
•Total Income	£372.30 Threshold £273 income over threshold= £99.30

Maximum Charge (75%) = £74.47

The actual charge will be zero as they are only getting Personal Care which is free. (Had they been getting non personal care instead it would not be free and they would pay up to £74.47)

2. Couple both age 69 – One getting Higher Rate Attendance Allowance the other is a carer and they also get Pension credit top up. They are receiving both Personal Care and 4 hours non personal care.

Income

•Pension Credit	£378.55
•Attendance Allowance	£ 72.65 (note only lower rate taken into consideration)
•Total Income	£451.20 Threshold = £417 income above threshold = £34.20

Maximum charge 75%= £25.65

They currently pay this as they are receiving chargeable non personal care
They would only however pay £25.65 as it is less than the cost of the service.

3. Couple both in their 70s and in receipt of two Retirement Pensions and a works pensions. One gets Lower Rate Attendance Allowance and the other has status as a carer. He or she is receiving chargeable home care 3 hours per week plus a further 10 hours personal care.

Income

•Retirement Pension	£169.50
•Retirement Pension	£169.50
•Works Pension	£150.00
•Attendance Allowance	£ 72.65
•Total Income	£561.65

Threshold = £417. income over threshold= £144.65

Current Max Charge £108.48 which is 75% of the income above their threshold

However they would only pay £62.58 the actual cost of three hours care. This is because the personal care would be free of charge.
(Hourly rate for Home Care = £20.86 3 hours x £20.86 = £62.58)

Appendix 3d

Weekly charges for those over age 60 arising from different income levels.

Weekly thresholds for people over age 60. For Income below the threshold there is no charge. Thresholds over aged over 60: Single Person: £273, Couple: £417

75% Taper	Single	Couple
Weekly Income	Weekly Charge	Weekly Charge
£200.00	£0.00	£0.00
£210.00	£0.00	£0.00
£220.00	£0.00	£0.00
£230.00	£0.00	£0.00
£240.00	£0.00	£0.00
£250.00	£0.00	£0.00
£260.00	£6.00	£0.00
£270.00	£13.50	£0.00
£280.00	£21.00	£0.00
£290.00	£28.50	£0.00
£300.00	£36.00	£0.00
£310.00	£43.50	£0.00
£320.00	£51.00	£0.00
£330.00	£58.50	£0.00
£340.00	£66.00	£0.00
£350.00	£73.50	£0.00
£360.00	£81.00	£0.00
£370.00	£88.50	£0.00
£380.00	£96.00	£0.00
£390.00	£103.50	£4.50
£400.00	£111.00	£12.00
£410.00	£118.50	£19.50
£420.00	£126.00	£27.00
£430.00	£133.50	£34.50
£440.00	£141.00	£42.00
£450.00	£148.50	£49.50
£460.00	£156.00	£57.00
£470.00	£163.50	£64.50
£480.00	£171.00	£72.00
£490.00	£178.50	£79.50
£500.00	£186.00	£87.00

Pension Credit for single pensioner = £218.15 (With SDP of £81.50 = £299.65 +AA of £72.65) = **£372.30**

Approximate figures highlighted in red in chart above

Pensioner Credit for a couple = £332.95

(With carers premium of £45.60 = £378.55 +AA of £72.65) = **£451.20**

Approximate Figures highlighted in blue in chart above

