



## INTEGRATION JOINT BOARD

<b>Date of Meeting</b>	28 <sup>th</sup> August 2018
<b>Report Title</b>	Local Guidelines on the Waiving of Charges for Services to Carers
<b>Report Number</b>	HSCP.18.054
<b>Lead Officer</b>	Sally Shaw, Interim Chief Officer
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<b>Consultation Checklist Completed</b>	Yes
<b>Directions Required</b>	No
<b>Appendices</b>	a. Local Guidelines on the Waiving of Charges for Services to Carers

### 1. Purpose of the Report

- 1.1. The purpose of this report is to seek the IJB's approval of the Local Guidelines on the Waiving of Charges for Services to Carers. Following IJB approval, the guidelines will be published for the information of carers and for use by staff.

### 2. Recommendations

- 2.1. It is recommended that the Integration Joint Board approve the Local Guidelines on the Waiving of Charges for Services to Carers.

### 3. Summary of Key Information

- 3.1. On 1st April 2018 The Carers (Scotland) Act 2016 (the "2016 Act") came into effect. The 2016 Act extends and enhances the rights of carers in



## INTEGRATION JOINT BOARD

Scotland to help improve their health and wellbeing so that they can continue to care, if they so wish, and have a life alongside caring.

- 3.2. On 27<sup>th</sup> March 2018 the IJB approved the Aberdeen City Carers Strategy and on 22<sup>nd</sup> May 2018 the IJB approved the Adult Carer Support Planning and Eligibility Criteria for Carers, both of which are a requirement of the 2016 Act.
- 3.3. The Carers (Waiving of Charges for Support) (Scotland) Amendment Regulations 2018 came into effect on 1st April 2018 as a result of the 2016 Act. Regulation 2 of these requires Aberdeen City Health and Social Care Partnership to waive charges for services provided to carers under section 24 of the 2016 Act. Section 24 of the 2016 Act applies where a carer has identified personal needs/outcomes, which cannot be met by services or assistance provided to the cared-for person or by those services that are already provided generally.
- 3.4. In preparation for the 2016 Act and the subsequent Regulations, Statutory Guidance was provided in December 2017. Part 3, Chapter 3 of this guidance covers the Waiving of Charges and Replacement Care.
- 3.5. At its meeting on 27<sup>th</sup> March 2018 the IJB were advised that, although the statutory guidance was clear, there were concerns across Scotland as to the how this would be implemented locally particularly in relation to existing arrangements where respite, or replacement care was already being provided. The concern was so great that a national group had been set up to consider the implications and report its findings to the wider Carers Leads Network.
- 3.6. It is important that as an IJB and a partnership we get Waiving of Charges for Carers right, in order that we not only fulfil our legal obligations but also that we consider the needs of carers consistently and equitably.
- 3.7. As a result of the discussion at the March meeting, the IJB requested the Chief Officer to develop local guidelines with regards to waiving charges for respite care in order for carers to meet personal outcomes under the legislation.
- 3.8. The draft Local Guidelines on the Waiving of Charges for Services to Carers for approval are attached as an appendix to this report.



## INTEGRATION JOINT BOARD

- 3.9.** These guidelines were developed with cognisance to the 2016 Act, the 2018 Regulations, the Statutory Guidance and the guidance provided by the national group. To date, guidance from the national group has been limited as they are continuing to meet and consider new case studies as they arise.
- 3.10.** Consultation has also been undertaken with the national Carers Leads Network, Aberdeen City Legal Services, and the Carers Strategy Steering Group including the IJB Carers representatives and the local Carers Support commissioned service.

### 4. Implications for IJB

- 4.1. Equalities** - the waiving of charges is a requirement of the 2016 Act. Charges are waived for all carers regardless of their equality status. An Equality and Human Rights Impact Assessment (EHRIA) was completed for the Carers Strategy which showed no negative impact. It is considered that an EHRIA is not required for this local guidance.
- 4.2. Fairer Scotland** – the recommendations in this report have no direct implications on the Fairer Scotland Duty. All carers are treated equally dependant on need and eligibility and the waiving of charges is intended to reduce the financial burden on unpaid carers undertaking their caring role.
- 4.3. Financial** - currently a nominal charge of £10 per night is made for Respite. This currently brings in an annual income of around £156,000. If all of this respite is deemed to be replacement care to meet the identified personal and eligible needs/outcomes of carers then there is the potential for this income stream to reduce to nil. In addition, if there is increased demand either for replacement care or for other services for carers for which no charge can be made, there could be an increased financial burden on the IJB budget although, as yet, this is unquantifiable. Total funding of £725,000 was received for 2018/19 for the implementation of the Carers Act. £150,000 was allocated to Aberdeen City Council Integrated Children's Services for supporting Young Carers leaving a balance of £575,000 for use in supporting Adult Carers. It is proposed that £156,000 is ring-fenced held this funding to offset the impact of this potential lost income and any additional costs resulting from the waiving of charges for services to carers.
- 4.4. Workforce** - the local guidance will assist the workforce in their decision making and bring consistency and equity to the decisions made around waiving of charges for services provided to carers.



## INTEGRATION JOINT BOARD

**4.5. Legal** - were we not to implement the waiving of charges for services provided to carers we are at risk of not meeting our legal obligations under the 2016 Act which would disadvantage carers and cared for people.

**4.6. Other** – none.

### 5. Links to ACHSCP Strategic Plan

**5.1** This report links to strategic priority 4 in the Strategic Plan i.e. “Value and support those who are unpaid carers to become equal partners in the planning and delivery of services, to look after their own health and to have a quality of life outside the caring role if so desired.”

### 6. Management of Risk

#### 6.1. Identified risks(s)

There is a risk that if we do not have local guidelines for the waiving of charges, there is the opportunity that the IJB could be in breach of the 2016 Act, that waiving of charges could be implemented inconsistently and that carers and cared for people could be disadvantaged.

#### 6.2. Link to risks on strategic or operational risk register:

These local guidelines are linked to Risk 5 on the Strategic Risk Register *“There is a risk that the IJB, and the services that it directs and has operational oversight, of fail to meet performance standards or outcomes as set by regulatory bodies.”*

#### 6.3. How might the content of this report impact or mitigate these risks:

Approval of the Local Guidelines on the Waiving of Charges for Services to Carers will ensure that the workforce have guidance on which to base their decision making. This should ensure a compliant, consistent and informed approach to the waiving of charges to carers.



## INTEGRATION JOINT BOARD

Approvals	
	Sally Shaw (Interim Chief Officer)
	Alex Stephen (Chief Finance Officer)