Contributing to Care for Non residential Social Care services



Charging Policy 2018/19



Clackmannanshire Comhairle Siorr<u>achd</u> Chlach Mhanann

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Council

CONTENTS

1.	Why is there a Charge?	1
2.	Services that we do not charge for	2
3.	Services that we charge for	2
4.	Charges for these Care Services as at date required	3
5.	Service Users who are exempt from charges	3
6.	How we will assess ability to pay	3
7.	Financial Assessment	3
8.	Failure to Respond	3
9.	Income and Capital considered	3
10.	Tariff Income	4
11.	Income and capital not taken into account when calculating contribution	.4
12.	Allowable Expenses	4
13.	Personal Allowance	5
14.	How we will calculate charges	5
15.	When the Contribution to the Charge for care will start	5
16.	Re-ablement	5
17.	Couples	6
18.	Children	6
19.	Disability Related Expenditure	6
20.	Transport	6
21.	Non disclosure of Income	.6

Page

	Page
22. Deliberate deprivation of Capital/Disposing of an asset	6
23. Joint Beneficial Ownership of Capital	7
24. Adults with Incapacity	7
25. Service Users leaving hospital	7
26. Service User in Hospital or on holiday	7
27. Carer that visits the Service User in their own home is on holiday	8
28. Planned and Actual Hours	8
29. Actual Hours	8
30. Requiring an additional Carer at home	8
31. Service User moving between local authority areas	8
32. Self Directed Support (Direct Payments)	8
33. Information that a Service User provides	8
34. Invoicing and payment arrangements	8
35. Incorrect financial assessments	9
36. Review of this policy	9
37. Care and Financial Assessment Review	9
38. Changes in Circumstance	9
39. Waiving of charges (Chief Social Work Officer's Discretion)	9
40. Contact Details	10
41. Glossary	11
APPENDIX 1 - Example of Financial Assessment document	
APPENDIX 2 - Tasks	

Charging Policy

Clackmannanshire Council wants to help people live at home independently, safely and for as long as possible. To help us to continue to provide services to Service Users with a range of needs, we may need to charge for some care and support services.

This charging policy explains how Clackmannanshire Council considers and calculates the contribution to care that adult Service Users will be expected to pay towards non-residential services they receive from Social Services.

These charges affect Service Users who are getting services from Clackmannanshire Council at the moment or if they are needed in the future. Charges apply whether the service is provided by Clackmannanshire Council or is purchased from an external provider.

The charges have been set in line with principles of Convention of Scottish Local Authorities (COSLA) guidance, best value framework, private sector charges, income generation and other local authority charges.

Charges made for services are an important part of the Council's income, and income generated is reinvested into Social Services to maintain and develop services.

The policy is based on:

- Fairness and equality
- Consistent decision making
- Transparency of cost of charge
- COSLA National guidance

This policy is founded upon the following list of principles;

- Services Users will only be charged for the hours of care and support that they receive. This could be in their own home, in a day support setting or in their local community.
- Service Users will not be charged more than it costs to provide the services for which their contribution has been assessed.
- Service Users will be charged a fixed, hourly rate reviewed annually regardless of delivery model e.g. location or provider.
- Services will, at all times, be provided in accordance with Service Users' assessed care needs and not their ability to pay.
- Service Users will only be asked to contribute towards the cost of a service based on the outcome of their financial assessment.
- All Service Users are offered a financial wellbeing check to provide them with information, advice and support to maximise and manage their income.
- This policy is based on Service Users claiming their full benefit entitlement. Service Users who do not wish to claim benefits to which they have an entitlement may be financially assessed as if they were in receipt of these benefits.

1. Why is there a Charge?

The legal basis for charging for residential services is governed by the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992. Clackmannanshire Council's charging policy is based on the Scottish Government's guidance on the above legislation and the Department of Health's Charging for Residential Accommodation Guide (CRAG).

Social Work (Scotland) Act 1968 Section 12 (1) states that Social Services must promote social welfare by making available advice, guidance and assistance on such scale as may be appropriate for their area and provide such facilities as they may consider suitable and adequate. Councils may provide facilities themselves or arrange for other organisations to do so.

In accordance with the Community Care and Health (Scotland) Act 2002, personal care shall be provided free of charge to Service Users aged 65 and over who been assessed as needing it.

The Scottish Executive through published guidance (Assessment and Care Management SW11/1991) sets out the framework for charging for services but does not give specific rates for different services. The Government leaves this to individual Councils to decide. Furthermore, in deciding what packages of care should be provided account should be taken for the service option and budget information. In terms of the guidance on charging set out in the Scottish Office Circular SWSG1/1997, councils have the power to charge for a range of adult non-residential social care services, including:

- Day care
- Lunch clubs
- Domiciliary service, including meals on wheels
- Wardens in sheltered housing
- Community alarms
- Laundry services
- Aids and adaptations

This legislation also sets out what services cannot be charged for and these include:-

- Service Users who are subject to Compulsory Treatment Orders under the Mental Health (Care and Treatment) (Scotland) Act 2003 and Compulsion Orders under the Criminal Procedure (Scotland) Act 2003
- Nursing Care and Personal Care for people aged over 65

All Service Users will be offered a financial assessment to determine their ability to pay.

You can find out more about financial assessments below.

2. Services that we do not charge for

- Care Management
- Criminal Justice Social Work Services
- Home Care services on immediate discharge from hospital
- Information and Advice
- Needs Assessment
- Personal and Nursing Care for Older People
- Personal Care for Service Users aged over 65
- Re-ablement

3. Services that we charge for

- Accommodation Based Housing Support
- Care & Support : Non Personal Care
- Care & Support : Personal Care for under 65s
- Lunch Clubs
- MECS (Mobile Emergency Care alarm System)

Note that Care and Support includes Care at home Services and Day Support in whatever setting.



4. Charges for these Care Services as at 1st April, 2017.

Day Care (5 hours per day)	£62.40
Care at home (per hour)	£12.40
Meals on wheels (per meal)	£3.50
Deli bag (per bag)	£2.70
MECS (per week)	£2.90
Nursing, Adult Respite & Residential Care	Financially Assessed
Respite Care (Children)	Free

5. Service Users who are exempt from charges

- Service Users aged over 65 receiving Personal Care
- Service Users who are receiving 'Re-ablement' (likely for a period of 6 weeks)
- Service Users who are receiving End of Life care
- Service Users with mental health illness who are subject to measures under the Mental Health (Care and Treatment) (Scotland) Act 2003
- Services which are provided to adults subject to measures under the Adult Support and Protection (Scotland) Act 2007
- Services which fall within the scope of Criminal Justice Social Work Services

6. How we will assess ability to pay

A Financial assessment will be posted. A Council Officer wll visit if required.

7. Financial Assessment

A Financial Assessment will take account of income, savings and other capital to work out how much a Service User can afford to pay toward the cost of the services they receive.

The officer will verify up-to-date documentation relating to income and capital. An example of the Financial Assessment document that is completed is shown at Appendix 1 on page 12.



8. Failure to Respond

Where the Service User fails to respond to requests to carry out a financial assessment they may be required to meet the actual charge for their care.

9. Income and Capital considered

We will assess the ability to pay by looking at the following income based on a weekly amount, for example:-

- Attendance Allowance (lowest rate)
- Bereavement Pension
- Capital, savings & investments
- Carers Allowance
- Disability Living Allowance (care component low and middle rate)
- Employment and Support Allowance/Incapacity Benefit/Severe Disablement Allowance
- Income Support
- Net Earnings
- Occupational Pension net of tax
- Other property/land
- Pension Credit Guarantee Credit
- Pension Credit Savings Credit
- Regular Charitable Payments
- Rental income
- Retirement Pension
- Working Tax Credits

10. Tariff Income

The first £6,000 for a Service User under 60 years of age and the first £10,000 for a Service User over 60 years of age of total capital is disregarded in full. There is an assumed income derived from capital over these amounts which will be calculated at:-

- £1 per every £500 for Service Users aged 60 years and over
- £1 per every £250 for Service Users under 60 years of age.

11. Income and capital not taken into account when calculating contribution

The following types of income are fully disregarded, for example:

- Any payment from
 - ♦ The Eileen Trust
 - The Fund (payments to haemophiliacs infected with HIV)
 - The Independent Living (1993) Fund (8.042)
 - The Independent Living (Extension Fund)
 - The Macfarlane (Special Payments) (No 2) Trust
 - The Macfarlane (Special Payments) Trust
 - The Macfarlane Trust
 - The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products
 - Any payment made section 51A of the Adoption (Scotland) Act 1978

- Any payment made under the Age-Related payments Act 2004
- Certain payments made to trainees
- Child Benefit
- Child Support Maintenance Payments
- Child Tax Credit
- Christmas bonus
- Council Tax Benefit
- Dependency increases paid with certain benefits
- Direct Payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to individuals in respect of a care service that they or a dependent child have been assessed as requiring
- Disability Living Allowance (Mobility component)
- Far East Prisoner of War payment
- ♦ Gallantry awards
- Guardian's Allowance
- Housing Benefit
- Income frozen abroad
- Income in kind
- Kinship Care payments
- Personal property, such as household goods, family car etc.
- Social Fund Community Care Grant
- Social Fund payments
- Student Loan Repayment
- Therapeutic Earnings
- Value of a Services Users main residence
- War pension mobility supplement
- War widows and widowers special payments

- War Widows Pension (pre 1973)
- Where the Service User is a student, any grant payment for a public source intended for the childcare costs of a child dependent
- Winter fuel payments
- Work expenses paid by employer, and expenses paid to voluntary workers

12. Allowable Expenses

Deductions will be made from the Service User's assessed income for the following allowable expenses:-

- Buildings insurance
- Council tax
- Interest payable on loans that have been taken out to improve, extend or adapt the Service User's home, if they are related to the Service User's disability
- Life assurance
- Lodging Allowance
- Mortgage/Mortgage interest
- Rent
- Water and Sewerage

13. Personal Allowance

To ensure that Service Users are not forced below recognised subsistence levels, a common age related income protection/threshold exists, which means that a certain set amount of weekly income is ignored for charging purposes. This threshold is set at income support/pension credit levels plus a buffer of approximately 25%. The use of a common threshold provides Clackmannanshire Council with discretion to set the level of a charge based on the disposable income, which the Service User has in excess of the threshold.

The amounts are set considering the age of the Service User and whether the Service User is one of a couple or an individual.

When assessing a couple, the threshold selection is determined by the circumstances of the elder member of the couple.



Details of the Personal Allowance are as follows:-

Personal Allowance for People Aged 18 to 59 years (correct at 8th April 2017)

- £134 per week where only one person in the household receiving services.
- £204 per week for a couple both receiving services.

Personal Allowance for People Aged 60 years and over (correct at 8th April 2017)

- £204 per week where only one person in the household receiving services.
- £311 per week for a couple both receiving services.

14. How we will calculate charges

To determine the maximum amount you can afford to contribute towards your care package, the following calculation will be completed:

Total Assessed Income	(A)
Less Applicable Housing Costs	(B)

Less Applicable Disregards _____(C)

Less Relevant Personal Allowance _____(D)

Equals residual income _____(E)

Maximum charge (F) is equal to residual income (E) multiplied by a taper of 75%

Any disregards and personal allowance allowed will be deducted and the amount remaining is considered the residual income. The maximum charge that Clackmannanshrie Council will ask the Service User to contribute is the residual income multiplied by a taper rate of 75%

The level of taper applied is at the Council's discretion and will be reviewed on an annual basis to ensure that a balance between cost recovery and fair charging is maintained.

15. When the Contribution to the Charge for care will start

The contribution of charge calculated via the Financial Assessment will take effect from the date the service started.

16. Re-ablement

Whilst Service Users are receiving the 6 week programme of short-term support, they will not be expected to contribute to the cost of their care.

When the Service User is no longer receiving Reablement, and is receiving a chargeable service they will be expected to contribute.

If Re-ablement has to be extended, the Service User will not be charged during this period.

17. Couples

Recognising the right of individuals to maintain dignity and independence in financial matters, Service Users who live as part of a couple, have a choice to be treated as a single person for the purposes of a financial assessment.

18. Children

Any income directly related to children is not taken into account e.g. Child Benefit etc.



19. Disability Related Expenditure

A weekly allowance of \pounds 15.15 is included as a deductable expense to those Service Users in receipt of Disability Living Allowance care component at the highest rate to recognise the extra costs associated with being disabled.

As the heating requirements for people is a significant factor for good health, and to recognise that fuel poverty is relative to deteriorating health, Clackmannanshire Council will consider a weekly allowance, based on the Winter Fuel Allowance (currently £200 and £300 per annum for people aged 80+)as a deductable expense within the financial assessment.

Therefore Service Users in receipt of Disability Living Allowance Middle Rate care component will be allowed a weekly deductable expense equivalent to £200 per annum and Service Users in receipt of Disability Living Allowance High Rate care component will be allowed a weekly deductable expense equivalent to £300 per annum.

20. Transport

Clackmannanshire Council does not currently charge for transport to Day Support, and is continuing to review their transport policy based on an assessment of transport needs and ability for contribution.

21. Non disclosure of Income

Where the Service User refuses to fully disclose their income, they will be required to meet the actual charge for their care.

22. Deliberate deprivation of Capital/ Disposing of an asset

Clackmannanshire Council may feel that a Service User has deprived themselves of a capital asset in order to reduce their service contribution. If this is the case, Clackmannanshire Council may treat the Service User as still possessing the asset. Clackmannanshire Council will only consider the question of deprivation when the Service User ceases to possess capital which would have otherwise been taken into account.

The following factors will need to be considered:-

Income/Capital

- Was it the Service User's capital?
- Income, from the asset, which the Service User has been receiving, or was due to receive, and would have continued to receive had they not relinquished or transferred it.
- Timing of the disposal of the capital
- Outcome of the conversion of income to a capital asset
- Conversion of capital to personal possessions

Examples of acceptable evidence of the disposal of capital that the Service User could use to prove that they no longer have the resource are:-

- A trust deed
- Deed of gift
- Receipts for expenditure
- Proof that debts had been repaid

23. Joint Beneficial Ownership of Capital

Where a Service User has joint beneficial ownership of capital, unless it is an interest in land with someone else, the total value will be divided equally between the joint owners, and the Service User treated as owning an equal share. If the Service User is in sole possession of their actual share, they will be treated as owning that actual amount.



24. Adults with Incapacity

Where a Service User is unable to deal with their own financial affairs due to incapacity, Clackmannanshire Council will liaise with another appropriate person, or persons, in order to gather information about the Service User's financial affairs and to arrange for the collection of charges. Appropriate persons would include:-

- Power of Attorney
- Financial guardian, appointed in accordance with the Adults with Incapacity (Scotland) Act 2000
- An individual permitted to act on the Service User's behalf under an intervention order granted by a Sheriff Court under the Adults with Incapacity (Scotland) Act 2000
- Department for Work and Pensions (DWP)benefits appointee
- A relative or friend of the Service User who assists the Service Users, with the Service User's knowledge and agreement, to manage their financial affairs.

Incapacitated adults will be charged for the chargeable elements of their services in accordance with this policy.

Where the Council is unable to collect a Service User's charges because they have no one to manage their financial affair and it is not financially viable to pursue a financial guardianship through the courts, a claim will be lodged against the Service User's estate following their death to recover the accrued unpaid care charges.

25. Service Users leaving hospital

People aged 65 years and over leaving hospital who are assessed as requiring new, intermediate, or additional home care services will receive these free for a period of up to 42 days (increased from 28 days) if they are aged 65 or over on the day of discharge and have been in NHS in-patient care for more than one day (24 hours) for treatment, assessment or rehabilitation, or had surgery as an NHS day case. This brings it into line with current policies on re-ablement.

26. Service User in Hospital or on holiday

Service Users only pay for actual hours of care received, so will not have to pay for care or support service, when they are in hospital or on holiday.

In order to ensure that the administration of actual hours is correct, Service Users should advise Clackmannanshire Council of any planned hospital stay or holiday.

27. Carer that visits the Service User in their own home is on holiday

If a carer is on holiday, and the Service User is not receiving their usual care or support service, they will not have to pay.

28. Planned and Actual Hours

When a care assessment is carried out, the officer will determine the number of care hours that the Service User is assessed to require – this is known as the 'planned hours'.

The number of care hours that the Service User receives is known as the 'actual hours'.

29. Actual Hours

If a Service User only receives part of an hour of care or support, rather than a full hour, then they will only be charged for what they have received.

30. Requiring an additional Carer at home

If a Service User requires more than one Carer at home, they will be charged for the number of hours of care multiplied by the number of carers.

31. Service User moving between local authority areas

Any individual user of services who is looking to move between local authority areas is entitled to a description of any charges which would apply to them as an individual in advance of the move. The current and receiving local authority will work together to facilitate this.

32. Self Directed Support (Direct Payments)

Self Directed Support allows the Services User to manage their own care; this provides an opportunity for the Service User to exercise choice and control on how their needs are met.

The Service User will be financially assessed in the normal way and invoiced where appropriate.

A gross or net amount will be paid to the Service User to allow them to arrange and purchase the relevant care services themselves.

If you would like to consider receiving direct payments and managing your own care, please get in touch and ask to discuss with the Community Care Team / Self Direct Support Advisers.

33. Information that a Service User provides

Information provided by the service user will be used for the purposes of conducting the financial assessment; any information will be processed in line with the Councils Data Protection Policy and the Data Protection Act 1998. We may share your data with other organisations for the purposes of the financial assessment, for example, the Department of Work & Pensions (DWP), or to identify or prevent potential fraud.

This Standard applies to anyone working with paper records and electronic records containing personal or sensitive data.

Personal or sensitive personal data will not be left unsupervised and will be locked in a drawer, pedestal or cabinet when a staff member has finished working with it.

If personal data is to be destroyed it will be in accordance with the Council's confidential waste destruction procedure.

34. Invoicing and payment arrangements

Clackmannanshire Council will issue an invoice to the Service User every 4 weeks in arrears.

Service Users receiving only a Mobile Emergency Care System (MECS) community alarm will be invoiced every 13 weeks in arrears.

Invoices will be based on actual services received by the Service User taking account of the outcome of the financial assessment.

Where the Service User has been assessed as requiring a service and are expected to contribute to their charge, but are finding this financial obligation difficult to meet, a financial wellbeing check will be carried out.

If, however, following this financial wellbeing check, it is established that the Service User has the financial means to contribute but refuses to do so, Clackmannanshire Council will pursue such debt through the council's normal debt recovery process.

During this process, the service will not be withheld where it is clear that the service is essential to the Service User's well-being.

35. Incorrect financial assessments

Where a Service User (or their representative) has given Clackmannanshire Council the correct financial information and we have calculated the charge wrongly, the full amount of any overcharge will be reimbursed. The correct charge will apply from the date of the new financial assessment.

Where Clackmannanshire Council has been given incorrect financial information by a Service User (or their representative), and this results in an under charge, we may seek to recover the amount by which they have been undercharged.

36. Review of this policy

This Charging Policy will be reviewed annually ensuring that Clackmannanshire Council's aim to continually improve services and best value is maintained.



All charges will be reviewed annually as part of the Council's budget setting process and will be subject to approval by Council Members.

The Financial Assessment process used by the council to determine Service Users' contribution will be reviewed as appropriate to ensure that it reflects any changes in:

- Government legislation or regulation relevant to charging for the services
- The guidance issued by COSLA upon which the financial assessment process is based
- The allowances and premiums calculated by the Department for Work and Pensions which underpin the affordability test

37. Care and Financial Assessment Review

A care re-assessment will be carried out on an approximately six monthly interval to consider the care needs of the Service User.

A financial re-assessment will be scheduled to be reviewed on an annual basis to reflect any changes to charging and Service User's income and capital.

If a Service User's circumstances change they may request either a care and/or a financial re-assessment.

38. Changes in Circumstance

If a Service User's income or savings changes, then they should notify Clackmannanshire Council. Another financial assessment will be carried out.

39. Waiving of charges (Chief Social Work Officer's Discretion)

In line with CoSLA Guidance, any Service Users experiencing hardship as a result of these changes can be referred to Assessment and Care Management and if necessary, thereafter to the Service Manager and Income Maximisation Officers who review cases and provide recommendations to the Chief Social Work Officer (CSWO) who has the discretionary power to reduce or waive charges in such situations of financial hardship and/or if there is a risk to service users.

Any contentious decisions are subject to review at the discretion of the CSWO.



In these circumstances, the Chief Social Work Officer will consider a reduction to a weekly charge where the Service User meets all of the following criteria: -

- Their circumstances are exceptional
- The application of charges would cause financial hardship
- There is a evidence of income and expenditure supplied to support the financial circumstances
- There is evidence that an application has been made for all benefits they may be entitled to receive
- Criteria for achieving discretion will be rational, fair and consistent

Cases where discretion is exercised shall be subject to periodic review.



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Credit Card or telephone or Online Banking.
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payments01259 727010To discuss your care, care package or cost of careEmail: adultcare@clacks.gov.uk01259 727010

40. Contact Details

41. Glossary

Best value framework	The principle of 'Best Value' is one which establishes a duty to deliver services to clear standards – covering both cost and quality – by a balance of the most effective, efficient and economic means available, taking full account of equalities and sustainability factors. It is a requirement, which needs to be demonstrated by all Councils, and in due course, by all public bodies.	Notiona Re-able
COSLA National Guidance	Convention of Scottish Local Authorities provides guidance to councils on Charging Policies for Non Residential Services.	
DWP	Department for Work and Pensions	
Deprivation	Where a Service User disposes of capital in an effort to avoid paying charges for services. This will be deliberate deprivation and notional capital calculated will apply.	
Financial Assessment	Financial information about a Service User's income is assessed to see how much they could contribute.	
	A financial assessment will be carried out if a Service User receives a chargeable service. An officer from the council may come and visit the Service User at home to undertake a financial assessment. The officer is required to have proof of all income and capital held.	
Financial Wellbeing Check	This is where an officer will provide a Service User with advice and support on money related issues e.g. unclaimed benefits, fuel bills etc. This ensures that the Service User is in receipt of all benefits to which they are entitled.	
Mobile Emergency Care Service (MECS)	MECS is a community alarm service which provides a prompt and appropriate response to alarm calls from Service Users through either pull-cord systems or individual dispersed alarms in peoples' homes.	

al capital	The assumed level of capital that has been disposed of by a Service User to avoid paying charges.
ement	Re-ablement is a 6 week programme of short-term support designed to give older people or people with disabilities the confidence to manage as many daily living tasks as possible on their own. For example, help may be required initially with personal care or to prepare meals. The aim of the Re-ablement service is to enable Service Users to manage these tasks on their own whenever possible, rather than having other people doing them on their behalf.
	This can include tasks like:
	 preparing snacks and meals
	◆ bathing
	 getting dressed
	 taking care of their health, and taking part in social activities

APPENDIX 1 - Example of Financial Assessment document

Page 1/2

	CLACKMANNANSHIRE COUNCIL - SOCIAL SERVICES						
	FINANCIAL INFORMATION GATHERING FORM						
COMMUNITY CARE							
			OMMON	TTCA	16		
	Services Received:	FOR OF	FICIAL USE (ONLY	FOR OF	FICIAL USE ONLY	
		Service Rec	ceived	Hours	Client Ref		
		MECS					
		Daycare					
		Non Person	nal Care				
		Personal C	are				
		Free Person	nal Care				
	Name: MR/MRS/	MISS					
	Address:						
	Post Code:			Tel N			
				Terr	10:		
			_ .				
	Date of Birth:	1 1		lational Ins	surance No:		
N	ame						
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Тс	own						
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ld	entify Status			Appointee	POA Guardian	Curator Bonis None	
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	obile Number						
	mail Address						
	nun Audress						
_	CAPITAL		ACC	OUNT NO	SELF	PARTNER	
3.					2	2	
	BANK ACCOUNT (1)		+		:	1	
_	BANK ACCOUNT (2)		-		:	:	
	BUILDING SOCIETY ACC	OUNTS			:	1	
_	POST OFFICE ACCOUNT	S			:	;	
	PREMIUM BONDS				:	:	
_	NATIONAL SAVINGS CEP	RTIFICATES			:	;	
	STOCKS AND SHARES				:	;	
	UNIT TRUSTS				<i>2</i>	:	
_	OTHER				:	;	
_				TOTAL	:	:	
	INCOME (weekly amount))			SELF	PARTNER	
C.	DEVICE HEAT DEVICE				2	3	
	RETIREMENT PENSION				1	;	
	WORKS PENSION (1)				:	:	
	WORKS PENSION (2)				1		
	WORKS PENSION (2) WORKS PENSION (3) WIDOWS PENSION				:	:	

Page 2/2

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APPENDIX 2 - Tasks

Since Clackmannanshire Council is required under the Community Care and Health (Scotland) Act 2002 to ensure that Service Users aged 65 and over are not charged for personal care, it is essential to define which tasks would be considered to be personal care and subsequently excluded from charging. The following definitions provide a model to be used to classify the tasks required to meet Service User needs into personal or non personal care.

Non Personal Care

Meals	Plating and/or serving of meals and drinks
Housework	Domestic laundry/ironing service
	Firelighting/dishwashing/hovering/polishing
	Use of domestic equipment/repairs
Shopping	Domestic shopping/pension service/bill paying
Assistance with daily	General counselling and support
living	Maintain security of home & possessions
	Maintain security of their finances
	Maintain their personal safety
	Lifeskills
	Engaging with professionals
	Advice on aids & adaptations
	Advice on budgeting & debt, welfare benefits/
	official correspondence
	Managing relationship with neighbours/disputes

Personal Care

Bathing/Showering
Continence Management
Toileting
Incontinence Laundry
Bed changing
Hair washing
Shaving
Oral Hygiene
Nail Care
Skin Care
Medication administration – including eye drops
Medication prompts – including eye drops
Medication remind devices
Application of creams or lotions
Catheter care
Stoma care
Simple dressings
Oxygen therapy
Going to and getting up from bed
Dressing and undressing
Behaviour management
Psychological support
Preparation of food
Fulfilment of special dietary needs
Prompt/assist with feeding
Transfers including use of a hoist

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