

Statutory Document No. 2015/0038



*Social Services Act 2011*

## **ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2015**

*Approved by Tynwald: 18 February 2015*  
*Coming into Operation: 6 April 2015*

The Department of Health and Social Care makes the following Regulations under sections 15(1) and 30(1)<sup>1</sup> of the Social Services Act 2011.

### **1 Title**

These Regulations are the Adult Social Care Services (Charges) Regulations 2015.

### **2 Commencement**

If approved by Tynwald, these Regulations come into operation on 6 April 2015<sup>2</sup>.

### **3 Interpretation and application**

(1) In these Regulations —

“**the Act**” means the Social Services Act 2011 and a reference to a numbered Part or section is to the Part or section of the Act so numbered;

“**adult**” means a person who is aged 18 years or older;

“**liable person**” means an eligible person to whom social care services are provided following an assessment under section 7; and

“**respite**”, in relation to social care services, means a service which is pre-planned and for a finite period.

(2) These Regulations relate only to social care services provided directly by the Department<sup>3</sup>.

<sup>1</sup> Section 30(1) is cited because of the meaning it ascribes to “prescribed”.

<sup>2</sup> Tynwald approval is required by section 29.

<sup>3</sup> The Department referred to is the Department of Health and Social Care (see section 30(1)).

#### 4 Non-residential social care services

- (1) A liable person who is provided with a non-residential social care service at —
- (a) Eastcliffe Resource Centre;
  - (b) Eastcliffe Resource Industrial Centre (ERIC);
  - (c) Gansey Day Centre;
  - (d) Mooragh View;
  - (e) Reayrt Skyal Day Centre; or
  - (f) Thie Meanagh Day Centre,

must pay to the Department the charge for that service as specified in Table 1 for the social care service provided.

**Table 1**

Social care service	Charge
(a) Non-residential services including lunch	(a) £5 per day
(b) Non-residential services not including lunch	(b) £2 per day

- (2) A liable person residing in a property specified in the Table in the Schedule (residential services – properties) who is also provided with a non-residential social care service at premises mentioned in paragraph (1)(a), (b) or (d) must pay to the Department the charge of £2 for each day the social care service is provided.
- (3) A liable person who is provided with a non-residential social care service in a private dwelling must pay to the Department the charge specified in Table 2.

**Table 2**

Day when social care service provided	Charge
(a) Monday to Friday	(a) £18.81 per hour
(b) Saturday	(b) £28.21 per hour
(c) Sunday and Public Holidays	(c) £37.72 per hour

This paragraph is subject to paragraphs (4) and (5).

- (4) The charge specified in paragraph (3) is subject to a maximum of £131.67 per week.
- (5) The charge in paragraph (3) does not apply if the liable person is entitled to income support for any day falling in the week in which the service is provided.
- (6) In this regulation —

“income support” means income support under section 124 of the Social Security Contributions and Benefits Act 1992<sup>4</sup> (income support) as it has effect in the Island<sup>5</sup>;

“private dwelling” means a dwelling, together with any garage, garden and outbuildings enjoyed with it, which the liable person normally occupies as his or her home; and

“week” means a period of 7 days commencing on a Monday.

## 5 Residential social care services

- (1) A liable person residing at Cummal Mooar, Reayrt ny Baie or Southlands must pay to the Department a weekly charge of £441 for the social care service provided.

But, this paragraph does not apply to Langness or Gansey Units in Southlands.

- (2) A liable person residing in the premises specified in Column 1 of Table 3 must pay to the Department –
- (a) in a case where the liable person commenced his or her residence in the premises on or before 7 April 2013, the weekly charge specified for those premises in Column 2 of Table 3; or
- (b) in all other cases, the weekly charge specified for those premises in Column 3 of that Table,

for the social care service provided.

**Table 3**

	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<b>Premises</b>	<b>Charge</b>	<b>Charge</b>
(a)	Gansey Unit of Southlands	(a) £658.28	(a) £711.20
(b)	Langness Unit of Southlands	(b) £584.43	(b) £614.74
(c)	Reayrt Skyal	(c) £658.28	(c) £711.20
(d)	Sweetbriar Unit of Thie Meanagh	(d) £584.43	(d) £614.74
(e)	Unit 1 of Thie Meanagh	(e) £658.28	(e) £711.20

- (3) A liable person who is residing at a property specified in the Table in the Schedule (residential services – properties) must pay to the Department the weekly charge of £70 for the social care service provided.

<sup>4</sup> 1992 c.4 (of Parliament).

<sup>5</sup> See SD 505/94 (relevant amendments to s.124 made by SD 150/99, SD 539/99, SD 600/00, SD 880/02 and SD 645/05).

## 6 Respite social care services

- (1) A liable person who is provided with a respite social care service at –
- (a) Hollydene, Radcliffe Villas, Glencrutchery Road, Douglas; or
  - (b) 14, The Laurels, Governors Hill, Douglas,
- must pay to the Department the charge specified for that service in Table 4.

**Table 4**

<b>Social care service</b>	<b>Charge</b>
(a) overnight stay, daytime respite and all meals	(a) £10 per night
(b) overnight stay including breakfast only	(b) £7 per night
(c) evening meal only	(c) £3 per meal

- (2) In the case of a liable person who is provided with a respite social care service to which paragraph (1) would apply but the respite social care service –
- (a) occurs at premises on the Island other than those specified in paragraph (1)(a) or (b); and
  - (b) is organised by the Department,
- the liable person must pay to the Department £10 for each overnight stay.
- (3) A liable person who is provided with a respite social care service at –
- (a) Cummal Mooar, Reayrt ny Baie or Southlands, must pay to the Department the charge specified in regulation 5(1) (residential social care services); or
  - (b) premises listed in Column 1 of Table 3 in regulation 5(2), must pay to the Department the corresponding charge for those premises specified in Column 3 of that Table,
- divided by 7 and multiplied by the number of nights that the liable person has stayed in the accommodation.
- But, sub-paragraph (a) does not apply to Langness or Gansey Units in Southlands.
- (4) If the charge calculated in accordance with paragraph (3) results in a fraction of a penny, that fraction is to be disregarded.

## 7 Revocation

The Adult Social Care Services (Charges) Regulations 2014<sup>6</sup> are revoked.

<sup>6</sup> SD 2014/0304.

**MADE 19<sup>TH</sup> JANUARY 2015**

**R H QUAYLE**

*Minister for Health and Social Care*



## SCHEDULE

[Regulation 5(3)]

## RESIDENTIAL SERVICES – PROPERTIES

1. Aingeville 93 Woodbourne Road Douglas IM2 3AW	2. Appledene and Thie Ain Radcliffe Villas Glencrutchery Road Douglas IM2 6BG
3. Bungalows 1, 2, 3 (Cooileen) and 4 (Thie Grianagh) Cronk Grianagh The Strang IM4 4QR	4. Cushag House Castletown Road Pt St Mary IM9 5LS
5. 24 Farmhill Meadows Farmhill Braddan IM2 2LJ	6. Glendale 15 Brunswick Road Douglas IM2 3LH
7. Griffindale House Brunswick Road Douglas IM2 3LG	8. 11 Hutchinson Square Douglas IM2 4HT
9. 17 Kensington Road Douglas IM1 3EP	10. 3 and 4 Rosebank Vicarage Road Farmhill Braddan IM2 2QW
11. Thie Milan 4 Derby Road Douglas IM2 3ET	12. Thie My Chree 9 Meadow View Second Avenue Onchan IM3 4LU
13. Thie Ushtey Greenfield Road Douglas IM2 6ED	

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations provide for the charging structure for social care services provided by the Department under section 15(1) of the Social Services Act 2011.

Regulation 1 provides for the title of the Regulations and regulation 2 provides for their commencement date from 6 April 2015.

Regulation 3(1) provides for the interpretation of terms used throughout the Regulations and paragraph (2) provides for the application of the Regulations, which are limited to social care services provided directly by the Department and do include any services which are contracted out.

Regulation 4 provides for the charges for non-residential services. Paragraph (1) specifies the facilities where non-residential services are provided by the Department and the fees for those social care services. Paragraph (2) provides for the charge for persons who are resident in one of the properties specified in the Table in the Schedule and who are also provided with a non-residential service to which paragraph (1) applies. Paragraph (3) provides for the hourly charge for a non-residential social care service at a liable person's own home. Paragraph (4) provides that the charge in paragraph (3) is subject to a maximum of £131.67 per week. Paragraph (5) provides that the charge in paragraph (3) does not apply in any week during which the liable person is entitled to income support.

Regulation 5 provides for weekly charges for residential services provided by the Department. Paragraph (1) provides for charges at its Resource Centres, Cummal Mooar, Reayrt ny Baie and Southlands, and clarifies that paragraph (1) does not apply to the Langness or Gansey units in Southlands. Paragraph (2) provides for the charges for persons residing at Unit 1 and Sweetbriar Unit of Thie Meanagh, Gansey and Langness Units of Southlands, and Reayrt Skyal. Paragraph (3) provides for the weekly charge for persons resident in properties specified in the Table in the Schedule.

Regulation 6 provides for charges for respite services. Paragraph (1) provides for the respite charges for persons provided with the services listed in Table 4 at either Hollydene or 14, the Laurels. Paragraph (2) provides for the charge for overnight respite for persons to whom paragraph (1) would apply, except the person is staying in premises on the Island, other than those specified in paragraph (1)(a) or (b) (Hollydene or 14, the Laurels), and which is also arranged by the Department as a short break. Paragraph (3) provides for the calculation of an overnight respite charge for persons staying at Cummal Mooar, Reayrt ny Baie, Southlands, Thie Meanagh and Reayrt Skyal. Paragraph (4) provides that if the calculation under paragraph (3) results in a fraction of a penny, that fraction is ignored.

Regulation 7 revokes the Adult Social Care Services (Charges) Regulations 2014 relating to charges applied from 1 December 2014.



Services provided by the Department which will not be subject to charges include -

- The provision of transport to attend a day service where the transport is provided by or arranged by the Department;
- The provision of reablement support which is provided to persons who have been assessed as having care needs and which is delivered to maximise their level of independence by learning or relearning the skills necessary for daily living; and
- Assessment of need, advice and information about relevant social care services provided by an independent or third sector provider.