

Statutory Document No. 2019/0085

*Social Services Act 2011*

ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2019

Approved by Tynwald: 20 March 2019
Coming into Operation: 8 April 2019

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

1 Title

These Regulations are the Adult Social Care Services (Charges) Regulations 2019.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 8 April 2019².

3 Interpretation

In these Regulations—

“**the Social Services Act**” means the Social Services Act 2011;

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

“**adult care home**” has the same meaning given in section 16 of the Care Act;

“**adult day care centre**” has the same meaning given in section 17 of the Care Act;

“**the Care Act**” means the Regulation of Care Act 2013;

“**independent care accommodation**” means an adult care home—

- (a) which the Department has secured the provision of under section 10(1) of the Social Services Act from an independent care service; and
- (b) the cost of the provision of which is being met by the Department;

¹ section 30(1) is cited because of the meaning it ascribes to “prescribed”

² Tynwald approval is required by section 29 of the Social Services Act

“**independent care service**” has the same meaning given in section 10 of the Care Act;

“**liable person**” means an eligible person—

- (a) to whom social care services are provided by the Department; or
- (b) for whom the Department has secured independent care accommodation,

following an assessment under section 7 of the Social Services Act; and

“**nursing home**” means an adult care home, substantially for adults with complex needs, where care is either provided directly by a registered nurse or is supervised by a registered nurse.

4 Application

These Regulations apply only to the provision of social care services to adults.

5 Non-residential social care services

- (1) A liable person who is provided with a non-residential social care service at an adult day care centre must pay to the Department the charge for that service as specified in Table 1.

Table 1

Social care service	Charge
(a) Non-residential service including lunch	(a) £5.28 per day
(b) Non-residential service not including lunch	(b) £2.11 per day

- (2) A liable person who is—
 - (a) residing in a property specified in the Table in the Schedule (residential services – properties); and
 - (b) provided with a non-residential social care service at an adult day care centre,

must pay to the Department the charge of £2.11 for each day the non-residential social care service is provided.

- (3) A liable person who is provided with a non-residential social care service in a private dwelling on a day specified in Table 2 must pay to the Department the corresponding charge.

Table 2

Day when social care service provided	Charge
(a) Monday to Friday (excluding public holidays)	(a) £19.90 per hour
(b) Saturday	(b) £29.84 per hour
(c) Sunday and public holidays	(c) £39.89 per hour

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

(4) In the case of a liable person who was receiving Home Support Dementia Care in the week up to and including the 9 April 2017, subject to paragraph (5) the charge specified in paragraph (3) is subject to a maximum of £139.30 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—

“**Home Support Dementia Care**” means a social care service provided in a private dwelling for liable persons diagnosed with dementia and who need a high level of support with daily living tasks;

“**income support**” means income support under section 124 of the Social Security Contributions and Benefits Act 1992³ as it has effect in the Island⁴;

“**private dwelling**” means premises, or any part of premises, used wholly or mainly used as a place of residence; and

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

6 Residential social care services

(1) Paragraphs (2) to (4) are subject to regulation 7 (temporary absence from an adult care home).

(2) A liable person residing in a nursing home must pay to the Department a weekly charge of £873.04 for the social care service provided.

(3) Subject to paragraphs (4) and (5), a liable person residing in an adult care home which is not a nursing home must pay to the Department a weekly charge of £475.79 for the social care service provided.

(4) A liable person residing in the premises specified in Table 3 must pay to the Department the corresponding weekly charge specified for those premises in that Table for the social care service provided.

³ 1992 c.4 (of Parliament)

⁴ See SD 505/94 (relevant amendments to s.124 made by SD 150/99, SD 539/99, SD 600/00, SD 654/00, SD 02/01, SD 880/02 and SD 2018/0098)

Table 3

Premises		Charge	
(a)	Bradda Unit of Southlands	(a)	£663.32
(b)	Ganseay Unit of Southlands	(b)	£663.32
(c)	Langness Unit of Southlands	(c)	£663.32
(d)	Reayrt Skyal	(d)	£663.32
(e)	Sweetbriar Unit of Thie Meanagh	(e)	£663.32
(f)	Unit 1 of Thie Meanagh	(f)	£767.34

- (5) 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 £74.06 for the social care service provided.

7 Temporary absence from an adult care home

- (1) Where a liable person to whom regulation 6(2), (3) or (4) (residential social care services) applies –
- is temporarily absent from an adult care home on becoming a patient; and
 - during the period of absence he or she remains liable to pay a weekly charge in respect of that adult care home,
- the liable person must pay to the Department the applicable charge specified in paragraph (2).
- (2) If the liable person is a patient –
- for 6 weeks or less, the weekly charge that person must pay to the Department is the corresponding weekly charge specified for those premises in Table 4 for the social care service provided; or
 - for more than 6 weeks, there is no weekly charge.

Table 4

Premises		Charge	
(a)	An adult care home to which regulation 6(2) applies	(a)	£714.56
(b)	An adult care home to which regulation 6(3) applies	(b)	£380.59
(c)	Bradda Unit of Southlands	(c)	£530.67
(d)	Ganseay Unit of Southlands	(d)	£530.67
(e)	Langness Unit of Southlands	(e)	£530.67
(f)	Reayrt Skyal	(f)	£530.67
(g)	Sweetbriar Unit of Thie Meanagh	(g)	£530.67
(h)	Unit 1 of Thie Meanagh	(h)	£613.90

- (3) For the purposes of paragraph (2), the period a liable person is deemed to be a patient begins on the day after the day on which the liable person enters a hospital or similar institution, and ends on the day on which he or she leaves such a hospital or similar institution.
- (4) In this regulation—
- “**patient**” means a person who is regarded as having free in-patient treatment;
- a person is to be regarded as receiving “**free in-patient treatment**” for any period for which he or she is maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution; and
- “**hospital or similar institution**” means accommodation provided under section 27 of the National Health Service Act 2001.

8 Respite social care services

- (1) A liable person who is provided with a respite social care service specified in Table 5 at Appledene Unit or Hollydene Unit, Radcliffe Villas, Glencrutchery Road, Douglas must pay to the Department the charge specified for that service in that Table.

Table 5

Respite social care service	Charge
(a) overnight stay, daytime respite and all meals	(a) £15.62 per night
(b) overnight stay including only breakfast	(b) £7.17 per night
(c) daytime respite and lunch	(c) £5.28 per day
(d) daytime respite	(d) £2.11 per day
(e) evening meal	(f) £3.17 per meal

- (2) Subject to paragraphs (3) and (4), a liable person who is provided with a respite social care service specified in Table 5 which is—
- (a) arranged by the Department; and
- (b) provided at premises on the Island other than those premises specified in paragraph (1),
- must pay to the Department the charge specified for that service in Table 5.
- (3) A liable person who is provided with a respite social care service at an adult care home to which regulation 6(2) or (3) (residential social care services) applies must pay to the Department the applicable charge

specified in regulation 6(2) or (3), divided by 7 and multiplied by the number of nights that the liable person has stayed in the premises.

- (4) A liable person who is provided with a respite social care service at any premises listed in Table 3 in regulation 6(4) must pay to the Department the corresponding charge for those premises specified in that Table, divided by 7 and multiplied by the number of nights that the liable person has stayed in the premises.
- (5) If the charge calculated in accordance with paragraph (2) or (3) results in a fraction of a penny, that fraction is to be disregarded.
- (6) In this regulation “**respite**”, in relation to a social care service, means a service which is pre-planned and for a finite period.

9 Revocation

The Adult Social Care Services (Charges) Regulations 2018⁵ are revoked.

MADE 15 FEBRUARY 2019

DAVID ASHFORD

Minister for Health and Social Care

⁵ SD 2018/0079

SCHEDULE

[Regulation 6(5)]

RESIDENTIAL SERVICES – PROPERTIES

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

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

These Regulations provide the charging structure for social care services provided by the Department under the Social Services Act 2011.

Regulation 1 provides for the title of the Regulations and regulation 2 provides for their commencement on 8th April 2019.

Regulation 3 provides for the interpretation of terms used within the Regulations.

Regulation 4 limits the application of the Regulations to social care services provided by adults.

Regulation 5 prescribes the charges for non-residential social care services. Paragraph (1) provides for the charges for non-residential services provided by the Department at an adult day care centre. Paragraph (2) provides for the charge for a person who is resident in one of the properties specified in the Schedule to the Regulations and who is provided with a non-residential service at an adult day care centre. Regulation 5(3) sets out the hourly charge for a non-residential social care service provided at a private dwelling. Paragraph (4) provides that the charge in paragraph (3) is subject to a maximum of £139.30 per week in the case of a person receiving Home Support Dementia Care immediately prior to 9th April 2017.

Regulation 6 provides for weekly charges for residential social care services. Paragraph (2) specifies the charge for nursing home residence and paragraph (3) prescribes the weekly charge for residing in a nursing home. Paragraph (4) sets out the weekly charge for residing in the Department's EMI or Dementia Units listed in Table 3. Paragraph (5) provides for the weekly charge for residents in properties specified in the Table in the Schedule to the Regulations.

Regulation 7 specifies the weekly charge for a person who becomes a hospital patient and who remains liable to pay the charge for an adult care home. At present, the applicable amount of income support payable to a person in respect of fees for an adult care home is reduced by 20% immediately if that person goes into hospital and then reduces to nil after 6 weeks. Table 4 in regulation 7 specifies a corresponding reduction in the weekly charge for a residential home, nursing home, EMI and Dementia Unit in such circumstances.

Regulation 8 provides for charges for respite services. Paragraph (1) prescribes charges for a person provided with a respite service specified in Table 5 at either Appledene or Hollydene Care Home. Paragraph (2) provides for charges for respite services which are arranged by the Department and provided at premises on the Island other than Appledene or Hollydene Care Home. Paragraph (3) provides for the calculation of an overnight respite charge for a person staying in an adult residential or nursing care home specified in regulation 6(2) or (3); paragraph (4) provides for the calculation of

such a charge for a person residing in premises specified in regulation 6(4). Paragraph (5) provides that if the calculation under paragraph (2) or (3) results in a fraction of a penny, that fraction is ignored.

Regulation 9 revokes the Adult Social Care Services (Charges) Regulations 2018 which provided for adult social care charges from 9th April 2018.