

	<b>July 2005 Scotland</b>
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**Key Points:**

- Replaces previous version dated December 2003

## **Disability and ageing: your rights to social work services**

This factsheet helps you to find out if you have a right to social services because you are an older or disabled person. It describes who has rights, and what services you may have a right to receive from your local authority social work department. (It does not cover rights to health services).

For anyone living in England, Wales and Northern Ireland, a similar Factsheet 32, *Disability and ageing: your rights to social services* is available by telephoning: 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ.

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## **1. Local authority duties and powers**

This factsheet explains which social services you have a *right* to receive from your local authority. Where there is a right the local authority *must* do something. This is because an Act of Parliament has put a *duty* on it to provide something under certain circumstances. For example, a local authority has a duty to provide practical assistance in the home where a person is assessed as needing it. In other cases Acts of Parliament say that the local authority *may* provide services generally for people in its area. This is the *power* to provide and it does not give you a right to a service.

For instance, your local authority has the power to provide laundry facilities to homes qualifying for home help services, but it is not required by law to provide laundry facilities.

This factsheet shows where the local authority must provide and where it may do so. At the end there is a checklist which shows all the services mentioned.

## **2. Services for people who are disabled with a disability which a local authority must provide**

Two Acts of Parliament give people who have a disability the right to social services - the *Chronically Sick and Disabled Persons Act 1970* which applies to Scotland under the *CSDP (Scotland) Act 1972* and the *Disabled Persons Act 1986*. There are also duties under the *Social Work (Scotland) Act 1968* section 12.

### **2.1 The Chronically Sick and Disabled Persons (CSDP) Act 1970**

The *CSDP Act 1970* requires local authorities to make arrangements for the provision of certain services to individual chronically sick and disabled people, who are ordinarily resident in their area. A local authority only has to provide services if it is satisfied that they are necessary to meet the needs of the person. The services are:

- provision of practical assistance within the home;

- provision of disability aids and equipment;
- assistance with adaptations to the home;
- provision of meals at home or elsewhere;
- provision of, or assistance in, getting a telephone or any special equipment necessary to use a telephone;
- provision of, or assistance in, taking advantage of education or recreational facilities both inside and outside the home, including provision of, or assistance with, transport to and from the facilities;
- provision of holidays.

Age Concern Factsheet 42s, *Disability equipment and how to get it*, may also be useful.

## **Definition of disability**

The definition of disability contained in the *CSDP Act 1970* dates back to 1948 and is couched in terms that carry negative and emotive connotations and which many people may now find offensive. The exact definition is 'person's blind, deaf or dumb and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or who are suffering from a mental disorder within the meaning of the *Mental Health Act (National Assistance Act 1948, section 29)*'.

You will have a right to services under the *CSDP Act 1970* if you are over 16 and are disabled by:

- physical or sensory impairment;
- learning difficulties;
- mental health problems;
- illness (eg HIV/AIDS or cancer, arthritis, a heart condition etc).

These terms are not defined in the Act. The social work department may keep a register of disabled people. If you want to register and the local authority says that you do not have a disability, you may need a letter from your GP.

## **2.2 Disabled Persons (Services, Consultation & Representation) Act 1986**

If you have a disability you can ask your local authority social work department for your needs to be assessed under the Act. You must be provided with services under the *CSDP Act 1970* if the local authority decides that you need them.

## **2.3 Social Work (Scotland) Act 1968 Section 12**

The social work department has a duty to give help to 'persons in need' under this Act. This includes people who need care and attention because of infirmity or age who suffer from illness or a mental health problem or a disability. Help can be in the form of practical help or cash, however, cash can only be given in circumstances which amount to an emergency.

This power is used widely to make one off cash payments to buy items or pay bills however; the social work department can only give help to adults if this would prevent them from having to spend money later on. For example if paying the money or giving the help, would stop someone having to go into a care home, the department could do this.

The social work department has discretion to decide what assistance is appropriate.

## **2.4 Community Care and Health (Scotland) Act 2002**

The Act, introduced in July 2002 extended the range of duties placed on local authorities and gave new powers to local authorities and NHS Scotland.

The *Community Care and Health (Scotland) Act (CCHA)* legislated to:

- provide free nursing and personal care from July 2002 (see section 9 '*Providing money for services*');
- expand local joint working and pooled budget arrangements between NHS Scotland and local authorities from November 2002;
- broaden access to direct payments for home care services (see section 9 '*Providing money for services*');

- extend the right to assessment for informal carers, from September 2002, including young carers, and ensure that carers are made aware of this right; (see section 4.5 '*Can carers seek help?*');
- enable the contribution of carers and their views, as well as the views of the cared person, to be taken into account by local authorities before deciding which services to provide (see section 4.5 '*Can carers seek help?*');
- allow 'deferred payments' from July 2002, where residents can have part of their care home fees paid by their local authority so that they do not need to sell their home (money is eventually repaid to the local authority (LA)) - See Age Concern Factsheet 10s, *Local authority charging procedures for care homes (including free personal care)*.

### **3. Do I need to be registered as disabled to receive services under these Acts?**

No. You may be told that the local authority can only provide services to those who are registered as having a disability. This is incorrect. No one has to be registered to receive services under the *CSDP Act 1970*. They simply have to fit the definition of disability set out above.

Although the prime responsibility for ensuring the provision of community care services lies with social work departments, some social services functions may be taken on by NHS Scotland bodies. (see 4.2 'What rights do I have in an assessment?')

## **4. Applying for a service**

### **4.1 What should I do if I would like help?**

You should get in touch with your local authority social work department. You can find out if there is a local office near to you from the Citizens Advice Bureau or your town hall, or local authority offices. If you have a disability the local authority must assess your needs for services. The assessment should be fully comprehensive and include not only social work services but assessment for other services provided by local authorities such as education and housing (*Disabled Persons Act* section 4).

Since April 1993 the local authority has had a duty to *any* person whom it considers may be in need of community care services to carry out an assessment of need for these services; and to decide after assessment whether the need calls for the provision of such services (Section 55 *National Health Service and Community Care Act 1990* which amended the *Social Work (Scotland) Act 1968*).

If during the assessment, it becomes clear that you are disabled, the local authority must assess your need for services under the *CSDP Act 1970*. You do not have to ask for this to be done but it would be advisable for you to state that you consider yourself to be disabled.

The local authority must also tell you that it must provide you with services if it is satisfied that you need them (*Disabled Persons Act 1986* section 4).

When the local authority assesses your needs, it will do so against 'eligibility criteria' which you can ask to see. Each local authority sets its own criteria but they can have regard to its resources in deciding which needs it will meet, as case law has previously established.

Age Concern Factsheet 41s, *Local authority assessments for community care services* has further information.

## **4.2 What rights do I have in an assessment?**

Below you will find references to English case law in our examples about community care decision-making. Whilst English High Court cases are not binding in Scotland, where legislation is similar or identical they are persuasive in a Scottish court. House of Lords decisions, however, are binding.

**Duty to assess:** Where a local authority has a duty to provide a service for people who are disabled, each person's needs must be determined on his/her merits. This means the local authority must do an assessment of their needs. The local authority cannot refuse a request for a service on the grounds that it has a policy which decides in advance that it will not meet some community care needs.

This was confirmed in an appeal to the High Court because a local authority had made a general decision not to arrange holidays for people who were disabled (*R v Ealing Borough Council ex parte Leaman 1984*).

Provision of services: Although a local authority can have regard to its likely resources in settling eligibility criteria for what needs services will be provided to meet, once it is satisfied that a service is required under those criteria a lack of resources at that stage is not a valid reason for failing to provide it (*R v Gloucestershire County Council and the Secretary of State for Health ex parte Barry 1997*, *R v Sefton MBC ex parte Help The Aged, 1997*).

The local authority should not put you on a waiting list resulting in excessive delay waiting for a service. Excessive delay is not defined but one case suggested that the authority should provide services 'as soon as possible' (*R v Kirklees MBC ex parte Daykin, 1998*). A delay caused by genuine shortage of physical or human resources, such as specialised staff, may be treated more sympathetically by the courts than one arising from financial shortages. The *Fair Access* guidance says that, 'local authorities should provide services promptly once they have agreed to do so, but where waiting is unavoidable they should ensure alternative services are in place to meet eligible needs'.

Where a person requires a large amount of assistance, the local authority may suggest that the person's needs could best be met by moving into a care home.

**Withdrawal of a service:** A local authority cannot withdraw a service provided under the *CSDP Act 1970* from a disabled person unless either: (i) it can show that the need for the service no longer exists because of a significant change in the social, physical or mental condition of the person receiving the service, or (ii) it can show that the need can be met another way, or (iii) it can show that assessed needs no longer meet revised eligibility criteria for a service(s).

Before any withdrawal of service can occur the local authority must:

- undertake a full re-assessment of the disabled person's needs for community care services; **and**

- establish that, as a result of this re-assessment, the disabled person's needs are such that s/he no longer qualifies for this service; **and**
- be satisfied that whatever happens the withdrawal of the service will not place the disabled person in serious physical risk; **and**
- advise the disabled person of his/her right to appeal the re-assessment decision by using the complaints procedure.

These processes have been confirmed in a legal judgement given by the House of Lords (*R v Gloucestershire County Council and the Secretary of State for Health ex parte Barry 1997*). In another case it was ruled that where care was provided in order to provide security as well as support any reassessment would have to show, before reducing services, that the need for security had decreased (*R v Birmingham City Council ex parte Killigrew 1999*).

### **Joint assessment by health and social services**

The Scottish Parliament enabled a 'Single Shared' Assessment Process (SSA) within the *Community Care and Health (Scotland) Act 2002* that can combine an assessment for social services with an assessment of health needs. The 'Joint Future' agenda was introduced to improve older people's services, and local authorities and their health partners have now applied the single shared assessment. The SSA does not cancel local authorities' existing responsibilities and legal entitlements so assistance from social work services will remain unchanged.

These initiatives mean that your assessment might be done on behalf of the social work department by someone from another organisation, such as a community health partnership, or by a hospital. However, the Government has not changed the law, so social work departments are still responsible for ensuring that their statutory duties to assess people and to provide services, if necessary, are complied with. The assessment must therefore comply with the statutory requirements set out above.

### **4.3 How do I find out about services in my area?**

The local authority social work department must provide you with relevant information about all its services and about other services provided by

departments of the local authority. It must give you information about services provided by others if it knows about them (*Disabled Persons Act 1986* section 9). The social work department should have prepared such information for anyone who needs it - ask to see it.

#### **4.4 Can I see the assessment?**

Local authorities have been told that 'a copy of the assessment of needs should normally be shared with the potential user'. This record will normally be combined with a written care plan (Assessment and Care management, circular SW/11/91). Disabled persons have a right to have a copy of their social work file (Access to Person Files (Social Work) (Scotland) Regulations 1989).

Social Work departments can withhold information if it would breach the confidentiality of any person other than the subject of the file, or if it might cause the applicant or another person serious harm. Other people cannot see information filed about the person without their consent, but where a person is unable to give consent, another person, who has been granted "welfare power of attorney" to manage their affairs for personal welfare can ask on their behalf.

#### **4.5 Can carers seek help?**

A local authority must assess a disabled person's needs (with their agreement) if asked to do so by their carer; and it must take into account the abilities of the carer to continue caring. (*Disabled Persons Act 1986* sections 4 & 8, and also *Carers (Recognition and Services) Act 1995* section 1).

Under the *Community Care and Health (Scotland) Act 2002* 'substantial and regular adult carers are entitled to an assessment of their ability to care, independent of any assessment of the person they care for. In addition, local authorities have to ensure that carers are made aware of this right. This right does not apply to paid carers. Those carrying out the assessment for the local authority should not assume that carers are willing to continue to care, or to continue to provide the same level of care, when looking at the sorts of services to provide for the person being cared for. Under the *CC&H(S) Act 2002* local authorities are required to take account of the contribution of carers, and the views of the person in need and their carer, before deciding

on services to provide to a cared-for person (*Community Care and Health (Scotland) Act 2002*, sections 8-11).

#### **4.6 What happens to people who are not able to decide that they want to be assessed?**

Their carers can ask for an assessment (*Disabled Person's Act 1986* section 4). The local authority can also make an assessment if it appears that a person may need community care services (*s12A Social Work (Scotland) Act 1968*); or if, in the local authority's view, a person's condition requires the urgent provision of community care services, the local authority can temporarily provide services *before* carrying out a needs assessment, as long as it subsequently assesses needs as soon as is practicable.

### **5. Duty to provide other services**

If you consider yourself to have a disability, you should press the local authority to assess you as such and to arrange the services appropriate to meet your needs under the *CSDP Act 1970*. Other services which you may need do not have to be provided by the local authority (see section 7). For more information about other sources of help see Age Concern Factsheet 6, *Finding help at home*.

#### **5.1 Care home accommodation**

Care home accommodation is not covered by the *CSDP Act 1970*. Local authorities have a duty to arrange such care home accommodation as may be necessary for the needs of their area (*s12, s59 Social Work (Scotland) Act 1968*).

Local authorities may find an older person a place in one of their own homes, or may purchase care in a voluntary or private sector care home. They can also purchase care for people in both voluntary and private care homes that provide nursing care. If the local authority arranges for a person to live permanently in a care home, it is obliged to carry out a means-test in order to calculate how much the person should pay towards the cost of care from his or her income and capital.

When a local authority has assessed a person and decided to provide a place in a care home, it must offer the person a chance to have a place in a home of the person's choice (the 'preferred accommodation'), subject to certain conditions. These include that the home is suitable for the assessed need and that a place is available, and that the local authority would not have to pay more than it would usually expect to pay. A place in a more expensive home can be arranged if someone is willing to make up the difference.

The system of paying for care is complicated. See Age Concern Factsheet 10s, *Local authority charging procedures for care homes (including free personal care)*, and Factsheet 29, *Finding care home accommodation* may also be helpful.

## **5.2 Home Care**

If you qualify as disabled under the *CSDP Act 1970* you should receive a help at home service, if the local authority is satisfied you need it, because that Act provides for provision of 'practical assistance in the home'.

The local authority also has a duty to provide help at home for people in need. The duty is 'to provide adequate domiciliary services' (*Social Work (Scotland) Act 1968, as amended by NHS and Community Care Act 1990*). Its application has not been tested by an individual in the courts.

The service can be provided by the local authority or the local authority can arrange for help from a voluntary or private agency. For information on local authority charges for home help services see section 8.

## **5.3 People who use mental health services**

People who use mental health services have the same rights to care home accommodation and home care services as all other disabled people (see above). In addition local authorities have a duty to arrange 'after care' for those suffering from 'mental disorder'. 'Mental disorder' means a mental illness or a learning disability. It includes someone with dementia. The term 'after care' is not defined in the Act and anyone who feels that they are not receiving adequate aftercare should seek advice.

## **Mental Health (Care and Treatment (Scotland) Act 2003**

A new law, the *Mental Health (Care and Treatment) (Scotland) Act 2003* was passed by the Scottish Parliament in March 2003. The main provisions of the Act will be implemented in October 2005.

The new Act covers issues such as:

- when can you be taken into hospital against your will
- when you can be given treatment against your will
- what your rights are
- safeguards to make sure your rights are protected

### **6. Challenging a decision**

What happens if you do not agree with the assessment or do not like the service you are offered?

#### **6.1 Local authority complaints procedure**

You have a right to complain to the local authority which must have a formal complaints procedure which is explained to you (Social Work (Representations Procedure) (Scotland) Directions 1990). This can include complaining where the local authority has not assessed you as needing a service, but you believe you need it, as well as complaining about the service it offers.

#### **6.2 Scottish Public Services Ombudsman**

If no satisfaction has been obtained through the complaints procedure you can approach the Scottish Public Services Ombudsman if you feel there has been a case of maladministration by the local authority. Maladministration covers faults in the way something has been done. It could be neglect, unjustified delay, unfair discrimination, or failure to abide by agreed procedures or to have proper procedures. You can make the complaint direct or through a councillor.

You must complain within 12 months of the date you became aware of the events which are now the subject of your complaint. Investigation by the

Scottish Public Services Ombudsman can take a long time. However, the report is made public and although the recommendations are not binding local authorities do generally follow them. The Scottish Public Services Ombudsman can be contacted at: 23 Walker Street, Edinburgh EH3 7HX. tel: 0870 011 5378 (local call rate), or email: enquiries@scottishombudsman.org.uk.

### **6.3 The Local Government Monitoring Officer**

Local authorities must, under section 5 of the *Local Government and Housing Act 1989*, appoint someone to act as a Monitoring Officer. Often, the Chief Executive or Head of Legal Services at the local authority is also the Monitoring Officer.

The Monitoring Officer has a duty to report any of the local authority's proposals or decisions which are, or could be, in contravention of existing law and therefore illegal. The Monitoring Officer must also report if any proposal or decision either is, or could be, a matter of maladministration or injustice which the Scottish Public Services Ombudsman would investigate.

Once prepared, the report must be sent to all the local authority members (the elected councillors) who have responsibility for the decision or proposal. For social work matters, for example, this would include all the councillors who sit on the local authority's social work committee. Once the Monitoring Officer has reported, local authority members must call a meeting to consider the report within 21 days. In the meantime, before the Monitoring Officer's report has been considered by local authority members, the local authority must not proceed with the proposal or decision in question.

People who think that any decision or proposal by the local authority is, or could be, illegal, or a matter of maladministration or injustice, can contact the Monitoring Officer themselves to set out their view. It is not necessary to use a solicitor to do this, although some people might find this helpful. The local authority's legal department or unit should be able to tell you how to contact the Monitoring Officer.

## **6.4 The Mental Welfare Commission for Scotland**

If you need community care help because of mental health problems, learning disability or dementia, you can contact the MWC if you do not get the help you need. You or someone acting on your behalf, can contact the MWC to investigate if you are not receiving 'adequate care or treatment' either in hospital or in the community.

The commission will usually expect you to use the local authority's complaints procedures, but may be able to help you to make a complaint. The MWC cannot force changes but can put pressure on the local authority and can tell the Secretary of State who does have powers to order changes. The Mental Welfare Commission is at Argyle House, 3 Lady Lawson Street, Edinburgh EH3 9SH.

tel: 0131 222 6111. [www.mwcscot.org.uk](http://www.mwcscot.org.uk)

## **6.5 Appeal to the Scottish Ministers**

If you think the local authority has a duty to provide you with a service it will not provide, or that it unfairly withdrew that service, you, or someone acting on your behalf, can report the local authority to the Scottish Ministers acting on behalf of the Scottish Executive. You should not do this until after going through the local authority's own complaints procedure and you may wish to consult a solicitor before doing so.

Scottish Ministers can order the local authority to carry out its legal duties, if necessary using a court order. (*s65A Social Work (Scotland) Act 1968*).

These decisions do not have to be made public but the local authority and the complainant will be informed.

## **6.6 Appeal through the courts**

Another route would be to proceed through the courts when you would need to consult a solicitor. If your income is low it may be possible to get legal aid. You can sue the local authority for a breach of its statutory duty which can be difficult to prove. This involves you in showing:

- a specific need for which you think services should be provided;
- which service(s) is/are required to satisfy the need;
- that you have expressed a request for the service; and
- that the local authority has failed to satisfy the need.

You can also seek judicial review of the local authority's actions in the Court of Session. In this case the court can be asked to examine whether the local authority's action has been legal, rational and reasonable.

The main grounds of challenge are:

- illegality - that the authority got the law wrong;
- irrationality - that it acted unreasonably in making the decision; or
- procedural impropriety - that it failed to follow correct procedures and take into account all relevant considerations including representation from the affected person.

The court cannot substitute its own views for those of the decision-making authority. It has the power to set aside a decision on the grounds that the local authority acted improperly in reaching a decision. The matter is then referred back to the local authority to make a fresh decision.

The procedure is in two stages: application is made to leave (or permission) to apply for judicial review and if this is granted, then the case will be heard. There is evidence that local authorities have reversed decisions on threat of legal action particularly after leave to apply has been granted.

## **6.7 Further advice**

If you want more information about the various forms of complaint contact:

**Scottish Association for Mental Health**, 15 Carlton Court, Glasgow G5 9JP.  
tel: 0141 568 7000. [www.samh.org.uk](http://www.samh.org.uk)

**Alzheimer's Scotland - Action on Dementia**, 22 Drumsheugh Gardens,  
Edinburgh. tel: 0131 243 1453. [www.alzscot.org](http://www.alzscot.org)

You could also ask for advice at your local **Citizens Advice Bureau**.

## **7. Services which a local authority *may* provide**

Social work departments have a great deal of discretion on how to allocate their resources and this will influence what services are provided. There are services which a local authority has the power to provide though it does not have a duty to do so (for example advice on welfare benefits: see table at the end of this factsheet). You may feel that you need one of these services. If after assessment the local authority decides you do not need it, you can appeal through the complaints procedures and, if this does not satisfy you, to the Public Services Ombudsman and the Mental Welfare Commission (see section 6).

## **8. Charging for services**

For services other than personal care at home (see section 5.1), the local authority can make a charge providing this is 'reasonable'. The level of charge which the service user will pay will be determined by individual local authorities. The Confederation of Scottish Local Authorities (CoSLA) Charging Guidance on Home Helps (May 2002) states: "where a service user has difficulty in meeting the approved cost of the service, due to their financial circumstances, it is recommended that Councils use their powers to abate or waive charges. Local Authorities should provide adequate information on their policies for waiving and abating charges."

If you feel you cannot afford any proposed charge, make representations to the social work department of the local authority. Your need for services should be assessed separately from any financial assessment. Local authorities may charge only the person receiving the service and should have regard only to that individual's means in assessing his or her ability to pay (*s87(1A) Social Work (Scotland) Act 1968*).

In assessing income local authorities are not allowed to take the mobility component of the Disability Living Allowance into account (Section 73 (14) *Social Security Benefits and Contributions Act 1992*). Guidance states that other benefits such as Income Support or Attendance Allowance (or care component of the Disability Living Allowance) can be taken into consideration.

Guidance states that if you have been assessed as requiring a service, but refuse to pay it, 'the service should not be withdrawn where it is clear that the service is essential to the person's well-being'. The local authority may pursue the debt through the courts.

Age Concerns Factsheet 34, *Attendance Allowance and Disability Living Allowance*, explains the detail of these benefits. Factsheet 6, *Finding help at home*, also has information about local authority charges.

## **9. Providing money for services**

### **Personal and nursing care**

With the introduction of the *Community Care and Health (Scotland) Act 2002* there have been a number of significant changes to community care law. The major change, with effect from 1 July 2002, was the introduction of free personal and nursing care. Under the Act changes were made to charging procedures for personal care services at home and residents of care homes. The Act provides that aspects of personal care services are to be delivered free to people over 65 and living in their own homes that are assessed as needing them.

#### **Personal Care**

Guidance issued by the Scottish Executive states that **personal care** includes help with a variety of tasks such as: bathing, **personal** hygiene, dressing, getting in and out of bed, continence management, assistance with eating and special diets.

**Personal care became a free service from 1 July 2002 to all people 65 and over.** The National Health Service provides nursing care for those living at home free of charge.

#### **Domestic Assistance**

Domestic assistance includes tasks such as housework, shopping, collecting pensions, making beds and preparing foods. **Domestic assistance continues to be chargeable.**

## **People living in care homes on 31 March 2002**

People over 65 living in care homes who previously funded their own care home fees in full became eligible to receive £145 per week for personal care and those requiring personal and nursing care to receive £210.

People whose care home fees were funded by the local authority are not affected as to how the care is paid for.

For people who were paying part of their care home fees and receiving a top up from the local authority that was less than £145 a week for personal care the amount was increased to £145 (or to £210 if nursing care is required).

## **People moving into a care home after 31 March 2002**

Those paying all their own fees will need to be assessed if they wish to claim free personal and nursing care. People over 65 who need personal care will receive £145 per week and, if nursing care is also required an extra £65 will be paid (total £210).

Those paying some of their fees and receiving a local authority top up will be assessed to see if personal or nursing care is required. If the amount paid by the local authority is more than £145/£210 they will not be affected but if the local authority pays less the top up will rise to £145/£210 dependent on whether they need personal or personal *and* nursing care.

## **Attendance Allowance**

People over the age of 65 who receive the payment for free personal care will lose their entitlement to Attendance Allowance.

People who receive the payment for nursing care but not personal care *and* who pay all their own fees can still receive Attendance Allowance or the care component of Disability Living Allowance if they are under 65. Eligibility for Attendance Allowance and Disability Living Allowance for people living at home is not affected by the introduction of free personal care.

## **Direct Payments**

If you have been assessed by the local social work department as needing community care services to help you remain at home, you may be able to choose to receive cash from them. The payments are instead of having your services provided or arranged for you by social services work and are known as Direct Payments. Direct Payments are a way of giving you more control over the way your care needs are met. Direct payments were made available to people aged under 65 in April 1997. During 2000, this was extended to those over 65 and requiring community care services. From April 2005 Direct Payments are available to people over 65 who are not disabled.

Direct payments could be used to make your own arrangements for your personal care, instead of going to a day centre. You can choose to have some of your services provided or arranged by social services work, and use a direct payment to arrange the rest for yourself. Services can also include equipment such as aids to help you get around or to assist you with daily activities in the home. Within certain constraints laid down by law, you can use the direct payment in the way you want to meet your needs.

Age Concern Factsheet 24s, *Direct Payments from Social Work*, explains how to get direct payments and how to use them to arrange services. Age Concern Factsheet 6, *Finding help at home*, explains other ways in which money may be found to pay for care.

### **10. Further information from Age Concern**

We will send a maximum of five factsheets free of charge. For a full list of factsheets and/or a book catalogue, phone 0800 00 99 66 (free call) or write to Age Concern FREEPOST (SWB 30375), Ashburton, Devon TQ13 7ZZ.

If you have questions arising from this factsheet, or it does not cover the information you require, please contact The Scottish Helpline for Older People on 0845 125 9732 (textphone 0845 226 5851).

This factsheet is based on one of the same title produced by the Information Unit - Communications Division at Age Concern England and is adapted for Scottish use.

Age Concern's series of over 40 factsheets is available as a subscription service to those whose work involves older people; for details of this service please call us on 0990 00 99 66 and ask for our factsheet subscription leaflet.

Age Concern provides factsheets free to older people, their families and people who work with them. If you would like to make a donation towards the work of Age Concern Scotland, you can send a cheque or postal order (made payable to Age Concern Scotland) to Age Concern Scotland, Causewayside House, 160 Causewayside, Edinburgh EH9 1PR.

Find out more about Age Concern online at [www.ageconcernscotland.org.uk](http://www.ageconcernscotland.org.uk).

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