

Statutory Document No. 2020/0037

*Social Services Act 2011*

ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2020¹

Approved by Tynwald: 17 March 2020
Coming into Operation: 6 April 2020

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

1 Title

These Regulations are the Adult Social Care Services (Charges) Regulations 2020.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 6 April 2020¹.

3 Interpretation

In these Regulations —

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

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

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

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

“**independent care accommodation**” means accommodation provided by an independent care service at an adult care home secured and paid for by the Department under section 10(1) of the Social Services Act 2011;

“**independent care service**” has the meaning given by 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,

¹ Tynwald approval is required by section 29 of the Social Services Act 2011

- (c) following an assessment under section 7 of the Social Services Act 2011;

“**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; and

“**registered**” has the meaning given by the Schedule to the Interpretation Act 2015.

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 specified in Table 1.

TABLE 1

| Social care service | Charge |
|-------------------------------------------------|-------------------|
| (a) Non-residential service including lunch | (a) £5.33 per day |
| (b) Non-residential service not including lunch | (b) £2.13 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 £2.13 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 specified for those days in that Table.

TABLE 2

| Day on which social care service provided | | Charge | |
|-------------------------------------------|----------------------------------------------|--------|-----------------|
| (a) | Monday to Friday (excluding public holidays) | (a) | £20.12 per hour |
| (b) | Saturday | (b) | £30.17 per hour |
| (c) | Sunday and public holidays | (c) | £40.33 per hour |

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

- (4) 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.
- (5) If a liable person was receiving Home Support Dementia Care in the week up to and including 9 April 2017, the charge specified in paragraph (3) is subject to a maximum of £140.84 per week.
- (6) In this regulation —

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

“**income support**” means income support provided for by section 124 of the Social Security Contributions and Benefits Act 1992 (Act of Parliament) as it has effect in the Island²;

“**private dwelling**” means premises, or any part of premises, used wholly or mainly 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 £909.23.²
- (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 £481.04.
- (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.

² The Social Security Contributions and Benefits Act 1992 is applied to the Island by SD 505/94 (amendments to section 124 have been made by SD 338/98, SD 150/99, SD 539/99, SD 600/00, SD 654/00, SD 02/01, SD 880/02, SD 987/11 and SD 2018/0098)

TABLE 3

| Premises | | Charge | |
|----------|---------------------------------|--------|---------|
| (a) | Bradda Unit of Southlands | (a) | £670.60 |
| (b) | Ganseay Unit of Southlands | (b) | £670.60 |
| (c) | Langness Unit of Southlands | (c) | £670.60 |
| (d) | Reayrt Skyal | (d) | £670.60 |
| (e) | Sweetbriar Unit of Thie Meanagh | (e) | £670.60 |
| (f) | Unit 1 of Thie Meanagh | (f) | £775.74 |

- (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 £74.83.

7 Temporary absence from an adult care home

- (1) If a liable person to whom regulation 6(2), (3) or (4) (residential social care services) applies, –
- (a) becomes a patient and as a result is temporarily absent from an adult care home; and
 - (b) during the period of absence he or she remains liable to pay a weekly charge in respect of that adult care home,
- that person must pay to the Department the applicable charge specified in paragraph (2).
- (2) If the liable person is a patient –
- (a) 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; or
 - (b) 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) | £727.37 ³ |
| (b) | An adult care home to which regulation 6(3) applies | (b) | £384.79 |
| (c) | Bradda Unit of Southlands | (c) | £536.55 |
| (d) | Ganseay Unit of Southlands | (d) | £536.55 |
| (e) | Langness Unit of Southlands | (e) | £536.55 |
| (f) | Reayrt Skyal | (f) | £536.55 |
| (g) | Sweetbriar Unit of Thie Meanagh | (g) | £536.55 |
| (h) | Unit 1 of Thie Meanagh | (h) | £620.62 |

- (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 maintained free of charge by a hospital or similar institution for the period during which that person is undergoing medical or other treatment as an in-patient in that 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) | £15.79 per night |
| (b) | overnight stay including only breakfast | (b) | £7.25 per night |
| (c) | daytime respite and lunch | (c) | £5.33 per day |
| (d) | daytime respite | (d) | £2.13 per day |
| (e) | evening meal | (e) | £3.20 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) 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 2019³ are revoked.

MADE 27 JANUARY 2020

³ SD 2019/0085

SCHEDULE

[Regulation 6(5)]

RESIDENTIAL SERVICES – PROPERTIES⁴

| | |
|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| 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 |
| 13. Kane Ellan House Jurby Coast Road Lezayre IM7 3AS | |

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Para (2) amended by SD2021/0181.

³ Entry substituted by SD2021/0181.

⁴ Table substituted by SD2020/0426.