

Statutory Document No. 2022/0031

*Social Services Act 2011*

ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2022¹

Approved by Tynwald: 15 March 2022
Coming into Operation: 11 April 2022

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 2022.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 11 April 2022¹.

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,

following an assessment under section 7 of the Social Services Act 2011;

¹ Tynwald approval is required by section 29 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;

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

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

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 provided with a non-residential social care service at an adult day care centre must pay to the Department for that service the charge of —

- (a) £5.60 for each day on which lunch was provided;
- (b) £2.24 for each day on which lunch was not provided.

(2) A liable person who is —

- (a) residing in a property specified in the Table in the Schedule (properties charging for residential services only); and
- (b) provided with a non-residential social care service at an adult day care centre,

must pay to the Department the charge of £2.24 for each day the non-residential social care service is provided.

(3) A liable person provided with a non-residential social care service in a private dwelling must pay to the Department a charge for the service at the rate of —

- (a) £21.14 per hour, for service provided on any day from Monday to Friday (excluding public holidays);
- (b) £31.64 per hour, for service provided on a Saturday;
- (c) £42.35 per hour, for service provided on —
 - (i) a Sunday;
 - (ii) a public holiday.

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

(4) 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 cumulative charge payable pursuant to paragraph (3) is subject to a maximum of £140.84 per week, whether or not a given week contains one or more public holidays.

(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)² as it has effect in the Island³;

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

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 £954.66.
- (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 £505.12.
- (4) A liable person residing in —
 - (a) Bradda Unit of Southlands;
 - (b) Gansey Unit of Southlands;
 - (c) Langness Unit of Southlands;
 - (d) Reayrt Skyal; or
 - (e) Sweetbriar Unit of Thie Meanagh,must pay to the Department the charge of £704.13 per week.
- (5) A liable person residing in Unit 1 of Thie Meanagh must pay to the Department the charge of £814.52 per week.
- (6) A liable person residing at a property specified in the Table in the Schedule (properties charging for residential services only) must pay to the Department the charge of £78.54 per week.

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 —

² 1992 c. 4.

³ 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 897/11 and SD 2018/0098)

- (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 absent for 6 weeks or less from —
 - (a) an adult care home to which regulation 6(2) applies, the charge is £763.70 per week;
 - (b) an adult care home to which regulation 6(3) applies, the charge is £404.11 per week;
 - (c) any of the following adult care homes —
 - (i) Bradda Unit of Southlands;
 - (ii) Gansey Unit of Southlands;
 - (iii) Langness Unit of Southlands;
 - (iv) Reayrt Skyal;
 - (v) Sweetbriar Unit of Thie Meanagh,the charge is £563.29 per week;
 - (d) Unit 1 of Thie Meanagh, the charge is £651.63 per week.
 - (3) If the liable person was a patient absent from the adult care home for more than 6 weeks, there is no charge.
 - (4) For the purposes of paragraphs (2) and (3), 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.
 - (5) 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 provided with a respite social care service at premises specified in paragraph (2) must pay to the Department —
 - (a) £16.59 per day, for an overnight stay, daytime respite and all meals;
 - (b) £7.63 per day, for an overnight stay including breakfast only;
 - (c) £5.60 per day, for daytime respite and lunch;

- (d) £2.24 per day, for daytime respite only;
 - (e) £3.36 per day for an evening meal only.
- (2) The premises specified for the purpose of paragraph (1) are –
- (a) Appledene Unit or Hollydene Unit, Radcliffe Villas, Glencrutchery Road, Douglas;
 - (b) other premises on the Island as arranged by the Department, other than an adult care home to which regulation 6(2), (3), (4) or (5) applies.
- (3) A liable person provided with a respite social care service at an adult care home to which regulation 6(2), (3), (4) or (5) applies must pay to the Department the corresponding charge for those premises, divided by 7 and multiplied by the number of nights that the liable person has stayed in the premises.
- (4) 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 following Regulations are revoked –

- (a) the Adult Social Care Services (Charges) Regulations 2020⁴;
- (b) the Adult Social Care Services (Charges) (Amendment) Regulations 2020⁵; and
- (c) the Adult Social Care Services (Charges) (Amendment) Regulations 2021⁶.

MADE 22 FEBRUARY 2022

⁴ SD 2020/0036

⁵ SD 2020/0426

⁶ SD 2021/0181

SCHEDULE

[Regulation 6(6)]

PROPERTIES CHARGING FOR RESIDENTIAL SERVICES ONLY

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 Douglas IM2 2LJ	4. Glendale 15 Brunswick Road Douglas IM2 3LH
5. Greenacres and Spring Meadows Braddan Road The Strang IM4 4QN	6. Griffindale House and Flats Brunswick Road Douglas IM2 3NW
7. 11 Hutchinson Square Douglas IM2 4HT	8. 17 Kensington Road Douglas IM1 3EP
9. 3 and 4 Rosebank Vicarage Road Farmhill Douglas 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 Jurby IM7 3AS	14. 17 Queens Valley Ramsey IM8 1NG

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.