

Supplementary Agenda

West Dunbartonshire Health & Social Care Partnership Board

Date: Monday, 22 November 2021

Time: 10:00

Format: Hybrid Meeting

Contact: Lynn Straker, Committee Officer
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Dear Member

ITEMS TO FOLLOW

I refer to the agenda for the above meeting which was issued on 15 November and now enclose copies of Items 7 and 12 which were not available for issue at that time.

Yours faithfully

BETH CULSHAW

Chief Officer of the Health &
Social Care Partnership

Note referred to:-

7 CHARGING POLICY FOR NON-RESIDENTIAL CARE SERVICES 2022-2023 315 - 346

Submit report by Chief Financial Officer presenting a summary of changes and recommendations on the Charging Policy for Non-Residential Care Services 2022/2023.

12 DO NOT ATTEMPT CARDIOPULMONARY RESUSCITATION (DNACPR) – REVIEW OF EXISTING POLICY IN WEST DUNBARTONSHIRE 347 - 349

Submit report by Clinical Director providing an update on the approach to DNACPR taken in West Dunbartonshire.

Distribution:-

Voting Members

Denis Agnew (Chair)
Rona Sweeney (Vice Chair)
Jonathan McColl
John Mooney
Lesley Rousellet
Michelle Wailes

Non-Voting Members

Barbara Barnes
Beth Culshaw
John Kerr
Helen Little
Diana McCrone
Anne MacDougall
Kim McNab
Peter O'Neill
Saied Pourghazi
Selina Ross
Julie Slavin
Val Tierney

Senior Management Team – Health & Social Care Partnership

Date of issue: 17 November 2021

WEST DUNBARTONSHIRE HEALTH & SOCIAL CARE PARTNERSHIP BOARD**Report by Chief Financial Officer****22 November 2021**

Subject: Charging Policy for Non-Residential Care Services 2022/2023**1. Purpose**

- 1.1** To present a summary of changes and recommendations on the Charging Policy for Non-Residential Care Services 2022/2023 to the West Dunbartonshire Health and Social Care Partnership Board.

2. Recommendation

- 2.1** The Partnership Board is recommended to:

- Note and provide feedback on the Charging Policy for Non-Residential Care Services 2022/23;
- Note the proposed recommendation to split the current consolidated building based day centre charge for activities, transport and meals to offer greater flexibility to service users;
- Note the options for the building based day centre charge for activities;
- Note the proposed recommendation to extend the list of exemptions for means tested, non-residential services to those service users who already contribute to their ILF funded element of their care package; and
- Note that the Charging Policy will be reviewed and recommended for approval by West Dunbartonshire Council on 22nd December 2021, subject to any proposed changes by the HSCP Board.

3. Background

- 3.1** Levying charges for some non-residential social care services is common practice across Councils and forms part of the delegated budget to the HSCP Board. While the income derived from charging forms part of the delegated net budget, the legal authority to levy and set charges remains with the local authority.
- 3.2** Since the introduction of the Community Care & Health (Scotland) Act 2002, COSLA has produced annual guidance which defines a set of principles to underpin the development of local charging policies for social care support for people at home.
- 3.3** The National Guidance is intended to assist Local Authorities and Integration Authorities to determine whether to charge a person for social care support at

home and in calculating how much - which is usually done through a financial assessment process.

- 3.4 A 2019 internal audit on the current Non-Residential Charging Policy identified that the policy had not been fully reviewed for a number of years, other than for annual inflationary up rating of charges and benefits. It recommended that this was rectified and any required changes be considered by the HSCP Board before remitting to West Dunbartonshire Council for their approval.
- 3.5 A Charging Review Group was set-up with representatives across the HSCP and third sector colleagues. It considered current practices, COSLA Guidance and other local authority charging policies. There was also a period of consultation with service users groups regarding their views on the “Day Centres Opportunities” fixed wraparound charge, which is explored in more detail in Section 4 below.
- 3.6 A report on a revised charging policy was considered by the Chair and Vice Chair in September 2020, however during this period the main focus was on responding to the COVID-19 pandemic, embedding the refreshed Eligibility Criteria Policy and the My Life Assessment process and the report was removed from the agenda.
- 3.7 In the intervening period the Independent Review of Adult Social Care report (IRASC) was published in February 2021. One of the 53 recommendations was:

“People must be able to access support at the point they feel they need it, including for advice and signposting to local community-based resources and help, and for barriers to this, such as the current eligibility criteria and charging regime, to be fundamentally reformed and removed, to allow a greater emphasis on prevention and early intervention.”
- 3.8 While the IRASC report recommendations were accepted by the Scottish Government, including the proposal for a new National Care Service, there has been no timescales provided around the possible removal of non-residential charging. Therefore the internal audit recommendation remains outstanding and requires to be closed off before the start of the 2022/23 financial year.

4. Main Issues

- 4.1 This revised draft Charging Policy (Appendix 1) will support social workers undertaking eligibility assessments to determine that the services provided to a service user and/or carer meet their outcomes and provides the framework to determine whether a charge should be levied. The appropriate benefits are provided to the service users via Benefits Maximisation and form part of the Financial Assessment.

- 4.2** It has been revised with the support of several stakeholders (see Appendix 2) including WD Carers, SDS Ideas, Learning Disability service users and CVS, and will provide services users, carers, families and the West Dunbartonshire citizens a document which can be referred to for guidance. The response from stakeholders has been valuable and welcome. The feedback has been reviewed, and many of the changes, which have been asked for, have been included in this revised draft and questions on the Charging Policy have been answered.
- 4.3** The revised Charging Policy complies with the COSLA Non-Residential Charging Guidance. The COSLA guidance describes a number of best practice steps that should be taken when developing a local Charging Policy, taking into consideration the full range of legal, financial and policy drivers and these have been considered and applied as appropriate.
- 4.4** The main aims of the Charging Policy are to:
- Provide a consistent, fair and transparent framework for charging;
 - Recover appropriate costs of service provision;
 - Maintain essential services; and
 - Maximise the income of service users and their carers.
- 4.5** In line with COSLA Guidance this policy also reflects what personal income and/or benefit payments should be disregarded within a financial assessment and may have the impact of no charges being levied. Further details on Charge Exemptions can be found [in Section 7 of the revised policy](#).
- 4.6** Non-residential charges can be categorised as either non-means tested, (also known as fixed charges) and means tested charges, these are set out within [Section 9 of the revised policy](#). One of the main income generating charges is the fixed charge for day care opportunities.
- 4.7** The current building based day centre charge of £10/day was approved by Council on 27 March 2019 and introduced a single charge incorporating a payment towards the cost of transport to and from the centres, day centre activities and a meal. The approved charge was part of the Council's Commercialisation Strategy as laid out in its long term financial strategy. The HSCP Board noted and accepted this charge on the 28 March 2019 as part of the 2019/20 Budget Setting paper.
- 4.8** The Council's Commercialisation Strategy recommended that full cost recovery of chargeable services should be considered, however for day care services for both Older People and Disabled Groups this would have been prohibitive and it was agreed to apply a nominal charge of £10/day as a contribution to support the cost of the service and a budget was set on this basis.

- 4.9** The implementation of the day opportunities charge commenced on 1 April 2019. In the intervening period since (pre COVID-19 pandemic), there had been unfavourable feedback from service users, families of the services users and carers on the building based day centre charge. This was predicated on the fact that a number of service users utilised one or two aspects of provision, such as activities or meals rather than all elements covered by the charge. The approach to charging has been considered in the development of the charging policy and in light of this and the feedback received (see section 4.2 above and Appendix 2); the single charge has been reviewed.
- 4.10** Going forward it is proposed to recommend to West Dunbartonshire Council to replace the consolidated day opportunities charge of £10.82/day (up-rated by 4% inflation as part of 2020/21 and 2021/22 budget setting) with singular charges for activities, within the day centre, for meals and for transportation, with service users paying for the elements they utilise. While this would offer the service user greater flexibility there is also an accompanying financial risk that the income generated will be reduced and could result in a budget gap.
- 4.11** The HSCP finance team have analysed a number of options to assess what levels of transport, meals and activities charges are required to cover the current approved income budget for day care services. For 2021/22 the current approved budget for income is £309,758. The annual cost for running the building based day centres in West Dunbartonshire is £3,642,707. This annual cost is based on direct costs from the day centre but does not include any indirect costs i.e. Finance, Human Resources.
- 4.12** It should be noted that as a direct consequence of the COVID-19 pandemic, day centres supporting a range of service users remained closed (other than for some exceptions) for all of 2020/21 and the first half of 2021/22, therefore no charges were levied. Where re-opening has been possible, capacity and demand is much reduced. All identifiable loss of income has been included within the HSCP's Local Mobilisation Plan COVID-19 Financial Tracker and funded by the Scottish Government.
- 4.13** The impact the pandemic has had on health and social care services and their remobilisation is covered within the HSCP's Recovery and Renewal Plan. As part of this work it has been agreed to review the current shape of day care services. The review has commenced but is not yet concluded. It will consider the potential legacy impacts of COVID-19 and how to minimise future risks by working with employees, those who attend day centres and carers to agree on day centre services going forward.
- 4.14** The HSCP Board is asked to note the following options which will be presented to West Dunbartonshire Council on the 22 December as part of the 2022/23 budget setting process. The current £10.82/day charge has been split into 3 component parts as described in section 4.10 above. The cost of transport and a

meal were determined using the original nominal charge as a starting point and are £3.60 (round trip) and £2.90 (per meal), see table 1 below. The options on the level of the “activities” charge element are also set out below.

Table 1: Day Centre Charges as per component parts

Fixed Charge	Frequency	2019/2020 (£)	2021/2022 (£)	Cost to the HSCP based on Average Occupancy (£)
Building Based Day Centre charge for Meals	Per meal	N/A	2.90	8.95(LD) 7.91(Older People)
Charge for Transport - Round Trip	Per trip	N/A	3.60	26.58(LD) 19.82(Older People)
Building based Day Centre Activities Charge	Per day	10.00	Options are provided in the main issues section of the report.	£105.57 (LD) £66.92 (Older People)

Options on Level of Activities Charge

1. Maintain the original activities charge of **£4.32** i.e. total charge remains at £10.82 if all 3 component parts are applied. Based on high level assumptions on uptake of meals and transport this could result is a shortfall of income against budget of £52,823;
 2. Set the activities charge to be **£6.54**, which based on the same assumptions, would equate projected income equalling the current budget of £309,798. Total charge for all 3 components would be £13.04;
 3. Introduce the activities charge to be **£7.00** and provide £10,925 additional income a year. Total charge for all 3 components would be £13.50;
- 4.15** Section 9.0 – 9.4 of this report details the risks of achieving the budgeted income target due to closure of Day Care Centres due to COVID-19 restrictions and the limitations on numbers due to social distancing when centres are safe to re-open. The calculations are based on capacity pre COVID-19.

Independent Living Fund (ILF)

- 4.16** Following the closure of the UK Independent Living Fund (ILF), in 2015 ILF Scotland was established to administer the fund for existing recipients. ILF Scotland provides financial awards to eligible disabled people to support them to live independently within their local authority area.
- 4.17** There are approximately 80 recipients of ILF within West Dunbartonshire who receive an average award of £342/wk and top this up with an average contribution of £38/wk (capped at £43/wk), to purchase care or support from an agency or employ a personal assistant. Given that those awarded ILF are assessed as requiring a high level of support their total social care package includes a significant element of local authority funded support; i.e.
- The local authority must pay a minimum of £200/wk towards a service package to qualify for an ILF award.
- 4.18** The current charging policy allows for ILF clients to be levied with an additional means tested charge for the local authority element of non-personal care support. It should be noted that the maximum means tested charge levied for non-residential services is £71.30/wk. This is a complex area and requires careful consideration that any charge levied by the council does not result in the service user falling below a minimum threshold of local authority contribution which could result in the withdrawal of ILF funding and require the full cost of the service package to be covered by the social care budget.
- 4.19** While the COSLA Guidance does not prohibit charging service users in receipt of an ILF award, it does require that the value of the award is disregarded as income under the financial assessment process. It also recommends that council's should consider not applying a further non-residential charge (i.e. making them exempt) to those ILF clients who pay a contribution towards their ILF award see section 4.17 above.
- 4.20** On comparing the current West Dunbartonshire charging policy to other local authority areas it could be evidenced that a number of them have included this exemption e.g.
- “People already required to pay charges to ILF for their support will not be asked to go through the financial assessment process for non-residential care services, but may still be charged for respite or services which have flat rate charges”.
- 4.21** While all current WD ILF recipients pay a contribution to their ILF package only a proportion (approx 25%) of them pay a non-residential means tested charge. These charges amount to approximately £0.045m of income per annum. It is proposed that the HSCP Board recommend to West Dunbartonshire Council to apply an exemption to this group of service users.

4.22 It is proposed that the loss of income could be re-couped by:

- Robust application of Eligibility Criteria in both the assessment of new support packages and annual reviews of existing packages; and
- Ensuring equity of charging across all non-residential care services, including charging for social support regardless of how it is delivered e.g. building based day care or part of a more complex care package (refer to Appendix 1 section 8.1 Chargeable Services).

5. People Implications

5.1 There are no staffing implications arising from the recommendations within this report

6. Financial Implications

6.1 The implementation of this Charging Policy and the income derived is dependent on HSCP services ensuring all service users are charged appropriately through the annual undertaking of a financial assessment or revised in line with service package review.

7. Professional Implications

7.1 There are no professional implications associated with this report.

8. Locality Implications

8.1 There are no locality implications associated with this report.

9. Risk Analysis

9.1 Failure to implement a Charging Policy could leave the HSCP exposed to audit and reputational risk.

9.2 There is a risk that social distancing and COVID-19 restrictions will result in an increase in the unit cost for transport, meals and day centre provision.

9.3 There is a risk the number of service users able to attend day centre will fluctuate and the approved budget will not be achieved.

9.4 There is a risk that the Scottish Government will discontinue charging for services.

10. Impact Assessments

10.1 An equalities impact assessment has been undertaken and is provided below as part of this report. The EIA includes a number of actions, which have now been implemented.

11. Consultation

11.1 An equalities impact assessment has been undertaken and is provided below as part of this report. The EIA includes a number of actions, which have now been implemented.

12. Strategic Assessment

12.1 This work is in line with the HSCP Board's 5 key strategic priorities: early intervention; access; resilience; assets and inequalities.

12.2 Each of these priorities requires a view of how the Council plans to charge or not charge for its services and who should receive a charge.

12.3 The Charging Policy allows the services to ensure the implementation of Non-Residential Charging does not inhibit any of the key strategic priorities.

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Date: 16 November 2021

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Appendices: Appendix 1: List of organisations who provided feedback or were asked to provide feedback on the Charging Policy
Appendix 2: Charging Policy for Non-Residential Care Services 2021/2022

Background Papers: West Dunbartonshire Health and Social Care Partnership
Equality Impact Assessment on the Charging Policy
2020/2021

Localities Affected **All**



West Dunbartonshire Health and Social Care Partnership

Charging Policy for Non-Residential Care Services 2022/2023

Document Title:	Charging Policy for Non-Residential Care Services	Owner:	Julie Slavin
Version No.	0.19 DRAFT	Superseded Version:	N/A
Date Effective:	1 st April 2022	Review Date:	April 2023

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1 Introduction

West Dunbartonshire Health and Social Care Partnership (hereafter referred to as HSCP) in partnership with West Dunbartonshire Council aims to support all of our citizens to live at home or in a homely setting independently, safely and for as long as possible. The Council's Non-Residential Charging Policy sets out the legislative background to charges for non-residential social care services, and describes the services for which charges may apply. This charging policy complies with the [COSLA \(Convention of Scottish Local Authorities\) National Strategy and Guidance on Charges Applying to Non-Residential Social Care Services](#)¹ and the [Social Work \(Scotland\) Act 1968 Section 87](#)², which sets out the powers local authorities, can use to charge for a range of non-residential services.

2 Purpose of Document

This document sets out the Council's Social Work Services (as delivered by the HSCP) Charging Policy. Due to the complexities of Residential care charging, this document will concentrate on Non-Residential Charging. However, some signposting relating to information on Residential Care charging can be found in the appendix.

3 Background

The Charging Policy complies with the COSLA guidance to help the HSCP determine whether to charge a person for social care support and in calculating how much this charge may be. The COSLA guidance describes a number of best practice steps that should be taken when developing a local charging policy, taking into consideration the full range of legal, financial and policy drivers and these have all been considered when this Charging Policy has been written.

This policy will apply equally to all service users regardless of the delivery mechanism(s) deployed, with the principles of [Self Directed Support \(The Social Care \(Self-Directed Support\) \(Scotland\) Act 2013\)](#) at the centre of the assessment process to ensure choice and control of people with eligible support needs.

The SDS options are:

1. Direct service delivery by HSCP staff;
2. Indirect service delivery through services commissioned from the private and voluntary sectors by the HSCP on the service user's behalf;
3. Direct payments to service users to enable them to arrange their own care in line with agreed personal outcomes; or
4. A mix of the above options for different types of support.

¹ https://www.cosla.gov.uk/__data/assets/pdf_file/0016/17521/2020-21-COSLA-Charging-Policy-for-Social-Care-Support.pdf

² Social Work (Scotland) Act 1968 Section 87

All charges will be reviewed annually and reflect any changes to a service users income through the Financial Assessment and Income Maximisation process.

3.1 Aims of the Charging Policy

The main aims of the charging policy are:

- Provide a consistent, fair and transparent framework for charging;
- Recover appropriate costs of service provision;
- Maintain essential services; and
- Maximise the income of service users and their carers.

4 Links to other Policy and Guidance

The charging policy links to a number of other policies, strategies and guidance including:

[4.1 Self-Directed Support \(The Social Care \(Self-Directed Support\) \(Scotland\) Act 2013\)](#)³

The principles of Self Directed Support are at the centre of the assessment process to ensure the choice and control of people with eligible support needs. This policy applies to all service users regardless of the delivery mechanism(s) deployed.

[4.2 Carers \(Scotland\) Act 2016](#)

The Carers (Scotland) Act 2016 is designed to support carers' health and wellbeing and help make caring more sustainable.⁴

[4.3 Equality Act 2010](#)

The Equality Act 2010 places both a general duty and a specific duty on the HSCP. Both of which are relevant to the development of the charging policy. The general duty requires a HSCP to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity; and

³ <http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

⁴ <http://www.legislation.gov.uk/asp/2016/9/contents/enacted>

- Promote good relations between persons who share a relevant protected characteristic and persons who do not share it.

The HSCP alongside the council will continue to ensure that the charging policy minimises any disadvantage experienced by any people of a protected characteristic.

4.4 Human Rights Act 1988

The HSCP continues to ensure that it does not act in ways, which are incompatible with the European Convention on Human Rights (ECHR) under section 6 of the Human Rights Act 1998. Article 8 (right to private and family life, including autonomy in decision making, the right to work and the right to live with dignity) and Article 14 (non-discrimination on a number of grounds, including “any other status”) connect to this Charging Policy in relation to equality across the totality of the range of services being charged for, and issues around Income Maximisation.

4.5 The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 (Franks Law)

Free Personal Care has been available in Scotland for adults aged 65 or over since 2002⁵. The Scottish Government has legislated to ensure that by 1 April 2019 adults of any age, no matter their condition, capital or income, who are assessed by their local authority as needing this service, are entitled to receive this without charge⁶. The expansion of free personal care – which was previously only available to those aged over 65 - comes into force on April 1 2019 and is often referred to as ‘Frank’s Law’.

5 Non Residential Care

The legal basis for charging for non-residential services can be found in the [Social Work \(Scotland\) Act 1968](#)⁷, the [Community Care and Health \(Scotland\) Act 2002](#)⁸ and the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#).⁹ With regard to the initial guidance on charging, as set out in the Social Work (Scotland) Act 1968 Section 87ⁱ, and with regard to subsequent development of COSLA guidance, councils have the power to charge for a range of non-residential social care services.

⁵ <https://www.legislation.gov.uk/ssi/2002/303/made>

⁶ <https://www.gov.scot/publications/free-personal-nursing-care-qa/>

⁷ <http://www.legislation.gov.uk/ukpga/1968/49/contents>

⁸ <https://www.legislation.gov.uk/asp/2002/5/contents>

⁹ <http://www.legislation.gov.uk/asp/2003/13/contents>

6 Guiding Principles of Charging Policy

The main principles of the policy are:

- Income Maximisation to the service user:
 - All service users will be offered an Income Maximisation service at the point of assessment. This allows service users to be made aware of the range of benefits they may be entitled to; and
 - Prior to taking up services, all service users will be supported and expected to optimise their access to income and entitlements, for example, Independent Living Fund income and personal/injury compensation payments.
 - Service users in receipt of benefits for specific purposes such as mobility component will utilise these to support their access to services.
- Financial assessments take into account of the cost of any fixed charges applied;
 - Where a service user receives more than one service, a consolidated assessment will be undertaken to ensure they are not charged more than they can afford for the package of care services they receive;
- The impact on the well-being of carers and service users is considered when charges are applied;
- Charges are set at a level whereby the charge rarely covers the full economic cost of the service provided and will never exceed the full cost of service; and
- Free Personal Care will apply to all service users regardless of age, sex, disability or any other protected characteristic.

7 Exemptions from Charging

The Charging Policy will not be applied to anyone facing the following circumstances:

- Service users presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation;
- Services directly attributable to Carers are not chargeable;
- People who are subject to a [Compulsion Order](#)¹⁰;
- Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services;
- People who are terminally ill (see [section 8.3](#) below);
- A service user who is in receipt of the Independent Living Fund and makes a contribution to their weekly award.

¹⁰ [Criminal Justice \(Scotland\) Act 2003 \(legislation.gov.uk\)](#)

8 Charging Guidance

8.1 Chargeable services

Councils have the power to charge for the following adult non-residential care services. The exceptions to charge are notes above in relation to free personal care and some elements of respite. The definition of Respite can be found [here](#) and further information on the WDC Carers Strategy can be found [here](#).

The list below is not exhaustive:

- Care at home for non-personal care
- Housing Support
- Community Support (including social support)
- Building based day opportunities
- Lunch clubs
- Meals at home
- Wardens in sheltered housing
- Community alarms and telecare
- Laundry services
- Blue Badge Administration Scheme. Local Authorities administer the Blue Badge Scheme on behalf of the Scottish Government
- Transport

Note: If a service user is in hospital for more than four weeks then a credit can be requested by the service user notifying their social worker or point of contact within HSCP.

Note: if a service user is brought into a service under emergency care, charging won't begin until week six of utilising the service.

8.2 Non Chargeable services

The following services are non-chargeable:

- Services provided where the primary reason for service provision is to monitor children under "supervision" or children and families in crisis;
- Services provided to anyone with a compulsory order under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- Services provided to adults subject to measures under the Adult Support and Protection (Scotland) Act 2007;
- Charges cannot be made for criminal justice social work services, advice and information about the availability of services, and assessment of care needs or care management;
- Nursing Care and Personal Care for people of all ages;
- Services directly attributable to [Carers](#) are not chargeable, example [respite](#) and short breaks;

- Preparation of or the provision of assistance with the preparation of food is not chargeable;
- Services for children (under 19 years of age) will continue to be exempt from charging for non-residential services;
- Clients presenting as homeless are exempt from charging for a period of up to 2 years or until the point that they are resettled into their accommodation;
- Support for people who are subject to Compulsion Orders under the Criminal Procedure (Scotland) Act 2003; and
- Support for unpaid carers which has been identified and documented within their adult carers support plan.

[Appendix 1](#) has a detailed list of Personal Care tasks, which are exempt from charging.

8.3 Terminal Illness

The Charging Policy exempts service users who are terminally ill. If an individual is terminally ill then the HSCP can waive or abate charges for services that are chargeable. This means that for all devolved disability benefits (when Social Security Scotland begin delivery) whether a person is eligible will depend on the clinical judgement of a medical practitioner (having paid regard to Chief Medical Officer guidance) that the individual has a progressive disease that can reasonably be expected to cause the individual's death. If this is the case, charges for social care will be waived. This prognosis should be evidenced through a benefits assessment under special rules in Benefits Assistance under Special Rules in Scotland (BASRiS) form or a letter from the individual's General Practitioner or hospital consultant confirming the individual has already been awarded a BASRiS. In situations where a client has a DS1500, which confirms a service user's diagnosis and treatment plan, this can also be accepted to confirm prognosis.

9 Non Means Tested Fixed Charges and Means Tested Charges

Charges fall into two categories:

- Non Means Tested Fixed Charges; and
- Means Tested (or Financially Assessed) Charges.

9.1 Non Means Tested (Fixed) Charges

All non-means tested charges are charged at a flat rate and are applicable to all service users who receive the services below:

- Meals – Provided at Home
- Meals – Lunch Clubs
- Blue Badges Administration Scheme

- Transport (Taxi or Bus)
- Community Alarms
- Centre Based Day Opportunities

Any fixed charges will be included as an expense within the financial assessment. Fixed charges are an additional charge on top of the means tested charge.

While an active community alarm is in the house then there will be a charge regardless of activity of alarm. If a service user is in hospital for more than four weeks, then a credit can be requested.

9.2 Means Tested Charges

The following are means tested charges:

- Care at Home (non personal care tasks);
- Social Support;
- Housing and Community Support Supported Living; and
- Practical Support.

These charges are financially assessed for each individual based upon their ability to pay. The individual will need to disclose all relevant financial details. Non-disclosure of required financial details will result in the maximum charge being applied.

10 Appeals against a charge

If an individual wants to appeal against a charge, the individual can issue an appeal in writing and provide the appeal to their relevant social worker or point of contact. The applicable Head of Service will be notified of this appeal and will provide a decision on the individual case.

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the HSCP's normal complaints procedure. The procedure and related information can be found at the following link: <http://www.wdhscp.org.uk/complaints/>. Those who don't have access to the internet, can contact their social worker or point of contact who can facilitate with the process.

11 The Financial Assessment Process

West Dunbartonshire HSCP aims to ensure that people in receipt of support and care services are not placed in financial hardship because of the way in which the services are charged. All service users in receipt of chargeable community care service undergo

a financial assessment to determine how much the HSCP considers a service user can afford to pay towards the cost of the services they receive.

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount an individual will be charge will be set according to their ability to pay. In the first instance, this requires an assessment of the person's income and capital.

This requires the service user or their representative to provide supporting documentation including bank statements and benefit letters. The supporting documentation will inform the calculation of the service users charge and the individual will receive notification of the charge in writing. Service users or their representative with appropriate legal powers who choose not to provide financial information and relevant supporting documentation will be charged the full chargeable cost of their care, subject to the current maximum charge.

If a full financial assessment has been completed within the last twelve months, information previously collected will be used to calculate the service user's charge. Charges will be reviewed in April each year to coincide with increases to pensions and benefits.

Charges are payable from the date that support services start and will be backdated to the date the person first received support if the financial assessment is completed after this date. Where an individual's service is suspended, there will not be a charge for the service. Once services are reinstated, charging will recommence. Community Alarm charging will continue during service breaks unless the alarm is removed from the property. If an individual has paid in advance, for example, they have made an annual payment, and then the HSCP will raise the credits at the end of the financial year.

If an individual has received a financial assessment and has been assessed as having the means to pay, the HSCP has the legal right to pursue all charges. This would be via the Council Corporate Debt Recovery procedure. If an incorrect financial assessment has led to an individual receiving a charge which is too much or too little, a new financial assessment will be undertaken and the correct charge will be applied from date of the revised assessment.

If there are changes to an individual's financial situation, such as an increase or decrease in their benefits it is essential the service user or their representative notify the HSCP and request a reassessment. Failure to do so may result in an individual being liable to pay a backdated charge or could be overcharged for a service.

Invoicing for charging is sent out with an annual figure, much like the current council tax invoicing system. Service users can choose how to pay the annual figure via a lump sum or in instalments.

12 Deprivation of Capital

If the HSCP has evidence that an individual has not declared a capital asset in order to avoid or reduce a charge then it may treat the individual as still possessing that asset when assessing ability to pay.

13 Charge Tapers

Residual income is the income, which the individual is left over after deducting housing costs, income and weekly living costs (including any other fixed charges applied for HSCP services). The maximum charge that the service user can afford to pay is thereafter calculated based on 50% of their residual income up to a maximum of £71.30 per week (excluding the fixed charges). This is achieved by the application of a taper. The level of taper applied is at the Council's discretion and will be reviewed on an annual basis to ensure that a balance between cost recovery and fair charging is maintained.

The income thresholds are found in section [Appendix 2 Minimum Income Thresholds 2020/21](#).

14 Income to be disregarded

14.1 [HSCP principles on income which can be disregarded](#)

The HSCP will not include the following areas of income when working out the charge for an individual:

- Mobility Component of Personal Independence Payments, Housing Benefit, Council Tax Reduction and War Pensions;
- The assessable income should be net of housing and council tax costs (where applicable.) This includes rent, mortgage payments, Council Tax, water and sewerage costs;
- Income derived from benefits paid for or on behalf of a dependent child will be disregarded;
- Kinship Care payments will be disregarded;
- Where a service user or their partner is in receipt of earned income, only net earnings are considered, and a minimum earnings disregard of £20 is applied. For example if someone earns £100 after tax then the council would take £80 into consideration when undertaking a Financial Assessment;
- All service users with capital of £10,000 or less to be disregarded and tariff income applied of £1 for each unit of £500 over £10,000;

- Statutory re-dress scheme for survivors of historical child abuse;
- Thalidomide payments; and
- Future Pathways discretionary fund.

14.2 Income which will be disregarded

The HSCP will disregard the following:

- Adoption (Scotland) Act 1978 (section 51A) Payments
- Age-Related payments Act 2004 Payments
- Backdated Benefits
- Bereavement Payment
- Budgeting Loan
- Capital – various different levels of disregard
- Carers Allowance (previously Invalid Care Allowance)
- Carers Premium
- Certain payments made to trainees
- Charitable and special funds
- Child Benefit
- Child related premiums paid to pre April 2003
- Income Support Claimant
- Child Support Maintenance Payments
- Child Tax Credits
- Children's Benefits
- Christmas bonus
- Christmas Bonus paid with benefits
- Cold Weather Payments
- Concessionary Coal payments
- Council Tax Benefit / Council Tax Reduction
- Dependency increases paid with certain benefits
- Difference between higher and lower rate of Attendance Allowance and higher and middle rate of DLA care when the person is not receiving night-time services
- Difference between enhanced and standard rate of Personal Independence Payment (Daily Living Component) when the person is not receiving night-time services
- Direct Payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to Individuals in respect of a care service that they or a dependent child have been assessed as requiring
- Disability benefits paid to client's partners where the partner is not a service user Disability Living Allowance or Disability Assistance (Mobility component)
- Disability payment in respect of child
- Discretionary Housing Payments
- Far East Prisoner of War payment Gallantry Awards (e.g. GC, VC, similar from abroad)

- Future Pathways – Discretionary Fund
- Guarantee Credit Guardian’s Allowance Housing Benefit Income from a “home income plan” annuity
- Income from a mortgage protection policy
- Income frozen abroad
- Income in kind
- Income Support
- Independent Living Fund Scotland Payments
- Industrial Disablement Benefit
- Industrial Injuries Benefit
- Industrial Injury Disability Benefit
- Kinship Care payments
- Personal Independence Payment (Mobility Component)
- MOD Pension
- Non-dependent child payments
- Non-therapeutic Earnings
- Partner's earnings
- Personal property, such as household goods, family car etc.
- Scottish Welfare Fund – Community Care Grants
- Scottish Welfare Fund – Crisis Grants
- Social Fund payments
- Statutory Redress Scheme and Advance Payment Scheme– Survivors of Historical Child Abuse
- Student Loan Repayment
- Sure Start Maternity Grant
- Tax Credits The Macfarlane Trust
- Thalidomide Trust
- The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products
- Therapeutic Earnings
- Trainees’ training premium and travelling expenses
- Victoria Cross/Japanese Prisoner of War Payments
- Victoria or George Cross payments
- War Pensioner’s Mobility Supplement
- War Widow(er)'s supplementary pension
- War Widow’s Pension (but not War Widows’ Special Payments)
- War Widows Pension (pre 1973)
- War widows special victims awards
- War Widows/Widowers Pension
- War Widows’ Special Payments
- Where the Service User is a student, any grant payment for a public source intended for the childcare costs of a child dependent
- Winter Fuel Payments Work expenses paid by employer, and expenses paid to voluntary workers

- Earnings disregard of £20.00 per week.

15 [Disability Related Expenditure](#)

The Social Work (Scotland) Act provides the legal basis for charging for social care support at home. Under s87 of the Act charges must be both “reasonable and practicable” for an individual to pay. Understanding the associated additional daily living costs of living with an illness or an impairment is essential to ensure charging levels meet this test. Failure to consider Disability Related Expenditure (DRE) as part of the financial assessment could result in charging levels, which cause financial hardship and undermine the right of people living with an illness or impairment to live independently.

It is also important to ensure people undertaking the financial assessment process are aware to provide information relating to disability related expenditure.

Additional costs may relate to, but will not be restricted to:

- additional heating requirements;
- purchase, maintenance and repair of disability related equipment;
- specialist dietary requirement;
- specialist clothing;
- help with cleaning and other domestic tasks including gardening (if that is something the person would have undertaken themselves);
- extra washing; and
- additional bedding.

16 Financial Hardship

Where a service user has difficulty in meeting the approved charges due to their financial circumstances, the HSCP will consider how best to support people on a case-by-case basis.

17 [Respite](#)

The statutory guidance on the [Carers \(Scotland\) Act 2016](#) includes updated guidance on the requirement to waive charges for carer support and how it interacts with the carers’ rights to support under the Act. [Appendix 7](#) provides some examples to help carers, service users and services with decision-making.

The examples were developed by a task group involving representatives from COSLA, Shared Care Scotland, Social Work Scotland and Integration Authority Chief Finance Officers, plus social care practitioners from Integration Authorities/Local Authorities.

Personal Care Services exempt from charging (service user and/or partner combined)

- Assistance with laundry associated with medical condition e.g. bed changing
- Special preparation of food associated with dietary requirements
- Assistance with eating/drinking
- Getting out of bed
- Going to bed
- Assistance with dressing / undressing
- Assistance with washing and bathing
- Assistance with personal grooming/dental Hygiene e.g. shaving and nail care
- Assistance with continence care
- Assistance with toileting
- Assistance with medication supervising/reminding
- Assistance with mobility
- Assistance with specialist feeding
- Assistance with stoma care
- Assistance with catheter care
- Assistance with skin care
- Administering of medication (including administering of oxygen)
- Rehabilitation work (under support of professional)
- Food preparation

Minimum Income Thresholds 2021/2022

Minimum income thresholds mean that service users whose income falls below the charging threshold do not need to pay a charge for their service. These rates are based on COSLA guidance and DWP rates of benefit and are not determined by WDC.

A buffer is applied to recognise that not all of a person's income should be taken into account when calculating charges for people on low incomes or who may incur additional living costs due to their impairment or to support frailty. This buffer is currently set at 25% as per COSLA guidance. All thresholds are rounded up.

For people below state pension qualifying age, the Income Support Personal Allowance and the Disability Premium are added together with the buffer added to the sum of these two rates.

From 1st April 2122 WDC will no longer distinguish between over and under 60 threshold rates and will use the over 60 rates for all clients based upon COSLA recommendation and the Equality Act 2010 and the on-going DWP alignment of state pension qualifying age for men and women.

The thresholds for 2021/2022 are in the below box.

	Pension Credit – Guaranteed Credit	Buffer 25%	Threshold (Rounded)
Single Person	£177.10	£44.28	£222
Couple	£270.30	£67.58	£338

Fixed Charges for HSCP services

These fixed charges will increase annually by 4% in line with inflation. If there are any other changes to the charges out with of the annual % increase then the consultation process will begin.

Fixed Charge	Frequency	2019/2020 (£)	2020/2021 (£)	2021/2022 (£)
Day Care charge to other Councils	Per day	94.64	98.50	102.40
Community Alarms	Weekly	5.00	5.20	5.40
Respite Care (18-24 yrs.)	Per day	11.98	12.50	13.00
Respite Care (25-64 yrs.)	Per day	14.78	15.35	16.00
Respite Care (65+ yrs.)	Per day	22.63	23.55	24.50
Building Based Day Centre charge for Meals	Per meal	N/A	2.80	2.90
Meals on Wheels - sandwiches	Per meal	1.33	1.40	1.50
Meals on Wheels - Fresh Meals (including dessert)	Per meal	2.12	2.20	2.30
Care at Home Meal	Per meal	2.12	2.20	2.30
Benview Lunch Club	Per meal	2.72	2.80	2.90
Manse Gardens Lunch Club	Per meal	2.72	2.80	2.90
Charge for Transport - Round Trip	Per trip	3.39	3.50	3.60
Charge for Transport - Single Journey	Per trip	1.70	1.75	1.80
Blue Badge	Every three years	20.00	20.00	20.00
Building based Day Centre support	Per day	10.00	TBC	
Social Support	Per day	N/A	Will come into effect in 2022	

Charge Tapers

The charge tapers will be 50% (excluding personal care) for all service users.

The maximum weekly means tested charge levied by the Council

WDHSCP have taken the decision to apply a maximum weekly charge for means tested services. This is currently £71.30 per week. Fixed flat rate charges will be over and above this charge, however, the Financial Assessment will take account of any fixed charges as an outgoing expenditure.

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Worked Examples to explain how charges are calculated

Example 1

A 90-year-old woman lives in a local authority house with full Council Tax and Housing Benefit, receiving 9.25 hours of personal care and 1.5 hours domestic care per week. None of these services is provided overnight.

Her weekly income is £275.00. The total cost of her chargeable services is £23.75. This charge does not include personal care, as personal care is a free service.

The charge applied to this service user will be £25.73 per week, being the lower of the actual cost of provision and the tapered available income.

Example 2

Mr and Mrs A (aged 55 and 57) live in rented accommodation. They receive 14 hours of personal care, delivered overnight, and 2 hours of domestic care. Their income is £428.30. They also receive full housing and council tax benefit.

The total cost of their chargeable services is £274.40. This charge does not include personal care, as personal care is a free service. Their financial assessments indicated that they could afford to pay £219.30 per week towards the cost of their care. In this example, the service users will pay the maximum charge payable of £68.60 per week.

Example 3

A 30-year-old man with learning disabilities lives in a local authority house. He receives 5 hours personal care, 6 hours of domestic care, and 26 hours housing support per week, which costs £634.55.

He receives Personal Independence Payment of £151.40. He also earns £65 a week from a part time job however qualifies for the higher earnings disregard of £20 because he is in receipt of DLA component; therefore, his earnings are noted as £45.00.

His financial assessment indicated that he could afford to pay £46.40 per week towards the cost of his care. In this example, the service user will be charged £23.20 per week, which is 50% of the 'residual income' calculated within the financial assessment. This charge does not include personal care, as personal care is a free service.

Worked Examples of Non-Residential Social Care Service Charges 2022/23

Description	Example 1	Example 2	Example 3
Service Cost:	£184.36	£274.40	£634.55
Support Hours			
Personal Care	9.25	4.00	5.00
Domestic Care	1.50	0.00	6.00
Housing Support	Nil	12.00	26.00
Total Hours	10.75	16.00	37.00
Chargeable Hours			
Personal Care	Nil	Nil	Nil
Domestic Care	1.50	0.00	6.00
Housing Support	Nil	12.00	26.00
Total Hours	1.50	12.00	32.00
Cost of Chargeable Hours:	£25.73	£205.80	£548.80
Income			
State Pension	£150.00	Nil	Nil
DWP Benefits	Nil	£320.00	£151.40
Occupational Pension	Nil	Nil	Nil
Pension Credit (over 60)	£45.85	Nil	Nil
AA/DLA Care Component	£89.15	£178.30	£0
Earnings	Nil	Nil	£65.00
Less Earnings Disregard			-£20.00
Gross Income	£285.00	£498.30	£196.40
Less: Threshold	£222.00	£338.00	£222.00
Less: Housing Costs for Water and Sewerage charges	£10.00	£10.00	£13.00
= Available Income	£53.00	£150.30	(£38.60)
x Taper (50p in £)	£26.50	£75.15	(£19.30)
Actual Charge Applied	£25.73 (Cost of Service Lower Than Charge)	£71.30 (Maximum Charge Applied)	NIL (Income Below charging Threshold)

Residential Care

Two sets of regulations made to the National Assistance Act 1948 came into force on 9 April 2018:

- The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2019 (SSI 2019 No. 13); and
- The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2019 (SSI 2019 No. 12).

These regulate charges for residential care and provide local authorities with the means to assess service user charges when entering into temporary or permanent residential care. The Scottish Government provides detailed Guidance on the regulations and details can be found at the link below:

https://www.sehd.scot.nhs.uk/publications/CC2019_02.pdf

Additional Information and Resources

Website Name	Link
NHS Inform	https://www.nhsinform https://www.nhsinform.scot/scotlands-service-directory/health-and-wellbeing-services?locpt=55.94509249999999%2c-4.5646259&q=.scot/
West Dunbartonshire CVS Link Up	https://www.linkupwestdunbartonshire.org/ https://www.wdcvs.com/wellbeing/link-up/
Scottish Government Benefits Page	https://www.mygov.scot/benefits/
HSCP Services	http://www.wdhscp.org.uk/

Appendix 10

Service Definitions

The service definitions are on the HSCP website: <http://www.wdhscp.org.uk/adults-with-disabilities/service-definitions/> and <http://www.wdhscp.org.uk/adults-and-older-people/service-definitions/>.

Item 7

Appendix 2

List of organisations who provided feedback or were asked to provide feedback on the Charging Policy.

Organisation	Provided feedback (Y/N)
Dumbarton CAB	No
Dumbarton Women's Aid	No
Clydebank Women's aid	No
Muslim Education Assoc.	No
ISARO WDCVS	Yes
Community Links	No
Rape Crisis	No
Visual Voices	No
Shop mobility	Yes
Golden Friendship	No
Y Sort it	No
Step Stones	No
Syrian support service at the Council	No
LGBT contacts	No
BSL using and hard of hearing contacts	No
Ethnic Minority Assoc.	No
WD Carers	Yes
Access Panel	Yes
Lomond and Argyll Advocacy services	Yes
SDS Ideas	Yes
Local Engagement Networks	Yes
LD service users and carers	Yes
Clydebank Seniors Forum	Yes
HSCP Addictions service	Yes
HSCP Mental Health Service	Yes
HSCP Children and Families Service	Yes
HSCP Learning Disability Service	Yes
HSCP Care at Home service	Yes
HSCP Residential service	Yes
HSCP Adult Day Centre	Yes
HSCP Learning Disability Day Centre	Yes
HSCP Community Adult Service	Yes

WEST DUNBARTONSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP BOARD

Report by Clinical Director

22 November 2021

**Subject: Do Not Attempt Cardiopulmonary Resuscitation (DNACPR)
Update**

1. Purpose

- 1.1** This is a document relating to DNACPR (do not attempt cardiopulmonary resuscitation) forms in the community. It is put together to help address concerns that might exist around communication between our clinicians and patients who may have this document as part of their care plan.
- 1.2** The paper aims to achieve a level of shared understanding as to the expected standards around it and how West Dunbartonshire HSCP can promote and encourage these standards.
- 1.3** The paper also tries to explain anticipatory care planning. DNACPR is usually discussed as a part of anticipatory care planning (ACP).

2. Recommendations

- 2.1** The Author recommends that the Committee debate this paper and decide if any further action is needed

3. Background

- 3.1** CPR (cardiopulmonary resuscitation) is the procedure that is deployed by doctors and health care professionals when a patient's heart has stopped. Typically it involves chest compressions and a number of other interventions which may include artificial ventilation for the patient using mouth to mouth or other equipment, electric shock to the heart known as defibrillation or administration of drugs into a blood vessel.
- 3.2** It is known that success of CPR is variable depending on the individual patient. Success is largely dependent on the general health of the individual and is reduced by existing disease processes which may have affected the heart or any of the other vital organs prior to the cardiac arrest.
- 3.3** There are well established health bodies that promote early and effective use of CPR for patients. They also recommend regular training of health care professionals to ensure this treatment is delivered in a timely manner and in the most effective way in order to achieve best possible outcomes.
- 3.4** The UK Resuscitation Council and the General Medical Council are two of such bodies who have clear guidance focusing both on the technical

side as well as the ethics around this treatment.

- 3.5** There is well established research, demonstrating poor success of CPR in patients with advanced frailty or multiple illnesses. In such individuals the chance of restoring life is minimal and an attempt at resuscitation is likely to inflict suffering with little gain for the patient.
- 3.6** These organizations also promote the view that careful consideration needs to be given to avoid performing CPR in patients who are unlikely to benefit from it and may come to direct harm if administered.
- 3.7** It is common for patients with advanced and/or incurable disease or multi-morbidity to discuss their overall care and wishes with their GP. We commonly call this ACP (anticipatory care planning). As part of this discussion sometimes they can discuss if a CPR is likely to be successful or not. If a doctor feels that a future or imminent CPR is likely to be harmful to a patient, it is their duty to explain this to the patient and recommend an advanced decision on this issue as part of this discussion. The DNACPR form should merely be a reflection of this discussion, so no one attempts a harmful procedure in an emergency.
- 3.8** The DNACPR form is a standard form used throughout the country. It only has a place for a doctor to sign. Patients or relatives would not be asked to sign a DNACPR form.
- 3.9** The doctor needs to write an explanation as to why this has been put in place and the date of the conversation with the patient. In the situation where a patient lacks capacity the conversation should be had with their legal proxy such as their guardian or power of attorney.
- 3.10** In very unusual circumstances when a doctor is unable to discuss this decision with a patient or a relative, they also need to explain this within the form.

4. Main Issues

- 4.1** There are existing national standards for a DNACPR form which our residents in West Dunbartonshire can expect to apply to them:
 - The decision for DNACPR should clearly focus on patient's best interest and that alone.
 - The decisions to DNACPR should never be based on a patient's age alone. This would be discriminatory and if a patient suspects that this is the case there are clear mechanisms that the HSCP have in order to allow patients to escalate this concern.
 - No patient (or their legal representative in cases where there is lack of capacity) should be unaware of a DNACPR form being in place unless there is compelling and unusual circumstances. Such cases should be rare exceptions and the reason should be abundantly clear in the patient's health records.
- 4.2** We, like any other HSCP abide by the above standards and if any member of the IJB or the public have any concerns we would recommend they

report this to senior medical members to investigate this further.

5. Options Appraisal

5.1 Not Applicable

6. People Implications

6.1 As outlined, use of a DNACPR has implications for patients and their families and must be used in line with the context described in Section 3 above.

7. Financial and Procurement Implications

7.1 There are no financial and procurement implications identified

8. Risk Analysis

8.1 Not Applicable

9. Equalities Impact Assessment (EIA)

9.1 There are no issues identified

10. Environmental Sustainability

10.1 There are no issues identified

11. Consultation

11.1 Not Applicable

12. Strategic Assessment

12.1 Not Applicable

13. Directions

Not Applicable

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Appendices: None