

Free personal & nursing care



**Alzheimer
Scotland**
Action on Dementia

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Introduction

Free personal and nursing care arrangements in Scotland came into effect on 1 July 2002 under the Community Care and Health (Scotland) Act 2002.

- Initially, personal care was provided free for people over 65, provided they were assessed as needing it. Personal care was, and remains, free both for older people living in their own home and for those living in care homes.
- Personal care in care homes and at home became free to people under 65 in April 2019 under the expansion of personal care, often known as Frank's Law, and is also provided if an individual is assessed as needing this.
- This means that no matter what age you are, personal care is free for all, either living at home or living in a care home in Scotland, as long as you are assessed as needing it.
- Nursing care is free for people of any age living in care homes, provided they are assessed as needing it. It is possible to be assessed as only needing free personal care at first, so this may need to be reviewed as the person's needs can change over time. If nursing care needs become apparent, then social work should be contacted to review the situation.

Alzheimer Scotland will continue to campaign for equal treatment for people with dementia of all ages. This information sheet is a brief guide to what this will mean for people with dementia who need personal or nursing care. The first part looks at what is meant by personal care, the second covers people in their own home, and the third covers people living in a care home.

What counts as personal care?



Personal care includes help with:

- Personal assistance - e.g. help with dressing, surgical appliances, getting up & going to bed, using a hoist.
- Personal hygiene - e.g. bathing, washing hair, shaving, oral hygiene, nail care.
- Continence management - e.g. toileting, catheter/stoma care, skin care, extra laundry, bed changing.
- Food and diet - e.g. help with eating, special diets, meal services, preparing specialist meals such as pureed food.
- Problems of immobility as they affect personal care, and help with moving about indoors.
- Behaviour management and psychological support, including reminding and safety devices.
- Simple treatments e.g. help with eye drops, creams and lotions, simple dressings, oxygen therapy.

Free personal care for people living at home

The social work department will assess each person's individual needs and agree what level of personal care, or other care they need to be able to live independently with support at home. This assessment is carried out with individuals so that they can discuss their needs, and they can be supported by a family member or a carer if they wish. People do not need to pay for any personal care services provided by their local authority but may need to pay for other services which do not fall under the definition of personal care. For example, only part of someone's care support package may be considered to be personal care, and is free, whilst other parts of the package which are not classed as personal care can still be charged for. Some of these services are listed below under **Other Services**. Putting a package of care in place does not mean that you have to accept the services offered by the local authority, as you may already have private arrangements in place or may wish to consider alternative ways to meet someone's needs. This may lead you to consider Self-Directed Support and the other options it can offer. You can find out more about Self-Directed Support in **Further Information**.

People who have a private arrangements for personal care services can ask for an assessment from the social work department. If the social work department agree that they need personal care, the social work department can arrange appropriate services in the same way as they normally would, and the personal care element of these services will be free. For some people, the social work department's assessment may say that they need fewer services they currently pay for. If this happens, the person (or their carer) can ask for a review, or agree to pay for the extra services privately.

People whose situation changes should be reassessed to see if they need changes made to their package of care.

Local authorities will prioritise providing any services to people are assessed as needing, on the basis of their care needs. People leaving hospital are entitled to a maximum of six weeks of free temporary care, which includes both personal and non-personal care. This can be called intermediate care, re-ablement or aftercare. If you need non-personal care after this six-week period, you may have to pay for it.

Other services

Social work departments will still charge for other, non-personal care services, such as day care, lunch clubs, meals on wheels and community alarms. They will financially assess service users to work out how much they can afford to pay.



How benefits are affected by free personal care

Eligibility for, and payment of, Attendance Allowance, Disability Living Allowance (DLA) and Personal Independence Payment (PIP) for people living at home are not affected by accessing free personal care.

From 2022, disability benefits for people under state retirement age will become the responsibility of the Scottish Government. Both DLA and PIP will be replaced by Adult Disability Payment (ADP), with new claims being made directly to Social Security Scotland and arrangements being made to transfer existing DLA and PIP claimants to the new benefit. Steps are currently being taken to introduce Pension Age Disability Payment (PADP) which will replace Attendance Allowance in Scotland, although the timescale for this change is yet to be announced. The new devolved disability benefits will not affect entitlement to free personal care.

Respite and other short-term arrangements

The local authority will contribute towards the cost of the personal and nursing care elements of a respite break in a care home, or other short-term arrangements such as emergency support if a carer is ill, or a trial stay in a care home. The local authority will decide how much they will pay based on an assessment of the individual's needs, or by consulting their records or the care home's records about the individual. They may still charge for the 'board and lodgings' element.

Free personal care for people living in long stay care homes

The local authority will pay any contribution for personal or nursing care directly to the care home, not to the resident. Residential and nursing homes are both known as care homes, and are registered and inspected by the Care Inspectorate.

- People moving into a care home and paying all their own fees (known as self-funding) will need to be assessed if they want to claim free personal or nursing care. If they need personal care, they will receive a contribution of £212.85 per week (2022/23), and if they need nursing care, an additional £95.80 (2022/23), making a total of £308.65 per week.
- People who pay some of their own fees but receive a 'top-up' from the local authority will be assessed to determine if they need personal or nursing care.

All self-funders will continue to pay the rest of their fees, covering accommodation etc.

Attendance Allowance/Disability Living Allowance/Personal Independence Payment

Self-funders are eligible to continue claiming disability benefits while they are in residential care if they do not receive a contribution towards the cost of their personal care. Residents in receipt of a contribution to their personal care costs, whether self-funding or supported by the local authority, will not be eligible to continue claiming the care/daily living component of DLA or PIP, or Attendance Allowance (or the new devolved disability benefits) after their first four weeks in care. The mobility component of DLA or PIP (or ADP) can continue to be in payment. Disability benefit claimants are required to notify the Department for Work and Pensions (or Social Security Scotland) when they receive personal care payments from the local authority.

Further information

Information on free personal & nursing care is available on the Scottish Government website –

www.gov.scot/policies/social-care/social-care-support/#free%20care

Information on Self-directed Support –

www.sdsscotland.org.uk/

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