

Local Government & Housing Committee LGH-04-03(p.3)

Date: Wednesday 12 February 2003

Venue:

Title: Community Care (Delayed Discharges) Bill - implications for Local Authorities in Wales

Purpose

1. To inform the Committee of progress on the Community Care (Delayed Discharges etc) Bill and consider implications for Local Authorities in Wales. The lead responsibility lies with the Minister for Health and Social Services who has kept the Minister for Finance, Local Government and Communities informed.

Recommendation

2. The paper is presented at the request of the Committee and members are invited to note its contents.

Background

3. The Committee was informed in December 2002 of progress of the Bill (Annex 1). The intention of the Bill, introduced on 14 November 2002, is to tackle the delayed transfer of care between the NHS and community care settings through:

- requiring local authorities to reimburse the NHS where patients are delayed in hospital for social services reasons
- requiring that certain community care services where currently local authorities have a discretion to charge are provided free by local authorities for a limited period to assist

the process of safe timely discharge from hospital.

4. All the details will be set out in regulations. There are separate commencement and regulation provisions for England and Wales in the Bill.

5. The Welsh Assembly Government has no immediate intention of using the reimbursement provisions of the Bill. By retaining access to the powers in the Bill Wales can benefit from experience elsewhere if that proves to be necessary without having to secure fresh primary legislation.

6. There is already in place a voluntary 6 weeks' free home care scheme and one possible use of the new regulation-making power would be to help to bring greater clarity and consistency in the way those arrangements operate. Local government, users, carers and others would be consulted on any proposals to bring forward regulations under these new powers. If regulations would have the effect of extending free provision, the loss of charging income to local authorities would be considered under the "new burdens" procedure in the usual way.

Financial Implications

7. The Bill provides for regulations to prescribe the amount of the charge which will apply per day of the delayed discharge period. A figure in the region of £100 has been suggested in England for reimbursements outside the London area. If we do not operate the reimbursement provisions in Wales, there would be no effect on local government finances. The agreement is that there will be no cross-border charging introduced unless and until we implement reimbursement arrangements in Wales. The Bill provides for joint regulations to be made by the Secretary of State (for Health) and the Assembly setting out the detail for how any cross border charging would operate in that event.

8. Provision for the 6 weeks' free home care scheme is already included in the local government revenue settlement. If we were to use the powers in the Bill to extend free provision, local authorities would need to be reimbursed under the "new burdens" arrangements for the charging income they will have foregone. There are no other financial implications for the Assembly.

9. As the Minister for Health and Social Services had already advised local government that she had no current plans to implement the reimbursement proposals, Welsh local government has not been consulted on the content of the Bill. However, local government will be fully consulted about regulations to be made under any part of the Bill. The Health and Social Services Committee has been kept up to date on developments.

Action for Subject Committee

The Committee is asked to note.

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