

Gwenda Thomas AC/AM  
Y Dirprwy Weinidog dros Wasanaethau Cymdeithasol  
Deputy Minister for Social Services



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref  
Ein cyf/Our ref: MB/GT/00029/08

Joyce Watson AM  
Chair, Charging for Non-Residential  
Social Care LCO Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

25 January 2008

Dear Joyce

**The Proposed Legislative Competence Order (LCO) on Charging for Non-Residential Social Care**

At the recent meeting of the joint Welsh Affairs and Assembly Committees on the proposed LCO on charging for non-residential social care I undertook to write to you to clarify the circumstances in which non-residential social care for individuals residing in border areas in Wales would be provided by local authorities in England.

The circumstances in which the above situation might arise are quite limited given that the vast majority of non-residential social services are received in an individual's home. However, it might be possible, for example, to have a scenario where an individual living in the border regions of Wales attended day care in England. In this situation, while the service would be provided by an English local authority or private care provider, it would be provided on behalf of the Welsh local authority. Therefore any charge for that service to the service user would be levied by the Welsh local authority. As such it would be subject to any changes introduced by the Welsh Assembly Government as a result of a subsequent Measure in this area. The Welsh service user would not be subject to English charging arrangements even though they were receiving a service in England.

The issue of whether respite services would fall within the scope of the LCO was also raised and I would like to take this opportunity to clarify our discussion on this. The LCO covers charges and payments made by local authorities for non-residential social care. It would therefore cover respite services received in a person's own home such as 24 hour emergency care or sitting services. However it does not cover charges and direct payments for residential social care. Consequently charges or payments made in respect of securing temporary respite care in a care home would fall outside the scope of the Order.

In order to bring such respite care within this Order, the scope of the Order would need to be widened beyond what is required so as to include all charges made by local authorities for residential care.

Where concerns arise in relation to residential respite care we will look to use the existing primary and secondary legislation governing charging for residential care to address these concerns. In

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Ffacs \* Fax 029 2089 8635

Correspondence.Gwenda.Thomas@Wales.gsi.gov.uk

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doing so we will seek to ensure that the same principles of consistency and fairness apply to charging for residential respite care as those that will be applied by way of an Assembly Measure to charging for non-residential social care.

I would like to thank you and other Committee members for providing me with an opportunity to come and clarify issues on the LCO and look forward to attending future meetings if required. I am committed to ensuring that the process is transparent and helpful and appreciate member's thorough scrutiny and commitment to this very important agenda.

Yours sincerely

A handwritten signature in cursive script that reads "Gwenda Thomas".

**Gwenda Thomas AC/AM**