

Circular No. CCD 4/2009

Directors of Social Work
Chief Executives of Local Authorities
Directors of Finance of Local Authorities
Other Organisations – see Annex A

1 April 2009

Dear Colleague

The Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009

This circular provides information about amendments to the free personal and nursing care legislation to clarify the issue of non-charging for food preparation for eligible free personal care clients. The amendments will come into effect from 1 April 2009.

Schedule 1 to the Community Care and Health (Scotland) Act 2002 specifies certain types of social care that, when provided or secured by a local authority, are not to be charged for by that authority.

Schedule 1 to the 2002 Act is amended by the Community Care and Health (Scotland) Act 2002 (Amendment to schedule 1) Order 2009 to substitute paragraph 2 (food preparation). The new paragraph 2 contains more detailed provision than its predecessor. As well as making general provision as regards non-charging for the preparation of food or assistance with the preparation of food, it specifies a number of tasks that are not to be charged for, such as defrosting, heating or re-heating, serving food, etc. The new provision relates to preparation of, or assisting with the preparation of, the person's own food. It does not include shopping for food or supplying food.

The Order was jointly agreed by the Scottish Government, COSLA and the Association of Directors of Social Work, having been subject to consultation with all local authorities.

Copies of the Order referred to in this circular are available from the Stationery Office (telephone 0870 600 5522). They can be accessed on the Scottish Statutory Instruments section of the Office of Public Sector Information Website (**SSI 2009 No 137**) at:

<http://www.scotland-legislation.hms.o.gov.uk/legislation/scotland/s-stat.htm>

All enquiries relating to this circular should be addressed in writing to Jenny Stevenson at the above address or by telephone on 0131 244 5460 or by emailing jenny.stevenson@scotland.gsi.gov.uk.

This circular is also available on Scottish Health on the Web at:

<http://www.show.scot.nhs.uk/sehd/ccd.asp>

Yours sincerely



ADAM RENNIE
Deputy Director: Community Care

Circular Copied to:

Annex A

Age Concern Scotland
Alzheimer's Scotland
Association of Directors of Social Work
ARK Housing Association
Audit Scotland
Capability Scotland
Church of Scotland Board of Social Responsibility
Citizen's Advice Scotland
Commission for Racial Equality (Scotland)
Community Care Providers Scotland
COSLA
Direct Payments Scotland
ELCAP Ltd
ENABLE
Equal Opportunities Commission
Help the Aged
People First Scotland
RNIB Scotland
RNID Scotland
Scottish Care
Scottish Churches Parliamentary Office
Scottish Consortium for Learning Disabilities
Scottish Council for Voluntary Organisations
Scottish Council for Deafness
Scottish Federation of Housing Associations
Scottish Human Services Trust
Supporting People Enabling Unit
United Kingdom Home Care Association
Values into Action