

Argyll and Bute Council

Internal Audit Report

March 2021

FINAL

Charging for Non-Residential Care Services

Audit Opinion: Substantial

	High	Medium	Low	VFM
Number of Findings	0	2	1	1

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1. Executive Summary

Introduction

1. As part of the 2020/21 internal audit plan, approved by the Audit & Scrutiny Committee in March 2020, we have undertaken an audit of Argyll and Bute Council's (the Council) system of internal control and governance in relation to charging for non-residential care services.
2. The audit was conducted in accordance with the Public Sector Internal Audit Standards (PSIAS) with our conclusions based on discussions with council officers and the information available at the time the fieldwork was performed. The findings outlined in this report are only those which have come to our attention during the course of our normal audit work and are not necessarily all the issues which may exist. Appendix 1 to this report includes agreed actions to strengthen internal control however it is the responsibility of management to determine the extent of the internal control system appropriate to the Council.
3. The contents of this report have been agreed with the appropriate council officers to confirm factual accuracy and appreciation is due for the cooperation and assistance received from all officers over the course of the audit.

Background

4. The Council's charging scheme is reviewed annually as part of the Council's budget setting process and is approved by Council Members. It takes into consideration government legislation or regulation, COSLA guidance and Department for Work and Pensions allowances and premiums which form the basis of individual or couple's financial assessments. It applies to all adults who reside within the area who are assessed as requiring, and subsequently benefit from, community based care services provided, commissioned or funded by the Council on behalf of the Argyll and Bute Health and Social Care Partnership (HSCP).
5. Community based care services are deemed to comprise one or a combination of the services listed below:

Care at Home	Respite
Housing Support	Lunch clubs
Supported Living	Community Alarm and Telecare
Sleepover	Occupational Therapy
Employment Support	Progressive Care
Day Care Services	Transport
6. Services are provided in accordance with the service user's assessed needs. Personal care is provided free of charge to all eligible adults whilst clients in receipt of other non-residential care services are subject to a financial assessment and will be charged in accordance with their ability to pay. This is capped at £125 per week with the exception of lunch clubs, community alarm and telecare services and transport arrangements which are charged in full. No charges will be levied in certain circumstances.

7. Charges to service users are collected via 4-weekly direct debit unless there are extenuating circumstances and are reviewed in the event of any change in service provided and on an annual basis to reflect the annual changes in charges and service user's income and capital.

Scope

8. The scope of the audit was to assess the charging arrangements for non-residential care services as outlined in the Terms of Reference agreed with the Head of Finance and Transformation, A&B HSCP on 11 November 2020.

Risks

9. The risks considered throughout the audit were:
 - **SRR07:** HSCP – Failure to deliver strategic objectives and integrate Health and Social Care services in an efficient and effective manner exposes the Council, as a key partner, to unacceptable financial and reputational risk.
 - **Audit Risk 1:** Failure to comply with COSLA National Strategy and Guidance for Charges Applying to Social Care Support for people at home.
 - **Audit Risk 2:** Failure to comply with General Data Protection Regulations.
 - **Audit Risk 3:** HSCP charges are not comparable with other Local Authorities/HSCPs.
 - **Audit Risk 4:** HSCP charges are not applied consistently across all service user groups and adversely affects service up-take.

Audit Opinion

10. We provide an overall audit opinion for all the audits we conduct. This is based on our judgement on the level of assurance which we can take over the established internal controls, governance and management of risk as evidenced by our audit work. Full details of the five possible categories of audit opinion is provided in Appendix 2 to this report.
11. Our overall audit opinion for this audit is that we can take a substantial level of assurance. This means that internal control, governance and the management of risk is sound. However, there are minor areas of weakness which put some system objectives at risk and specific elements of residual risk that are slightly above an acceptable level and need to be addressed within a reasonable timescale.

Recommendations

12. We have highlighted two medium priority recommendations and one low priority recommendation where we believe there is scope to strengthen the control and governance environment. There is a further recommendation which is focused on value for money rather than any identified weaknesses in governance or controls. These are summarised below:
 - letters issued to service users notifying of charges should advise of their responsibility to inform the Council of any changes in their financial circumstances
 - action should be taken to eliminate, or minimise, the extent to which client documentation is held in hard copy format
 - service users paying by standing order should be further encouraged to move to direct debit payment and a review carried out of users paying by standing order to amend their payments so they are aligned to current fees

- data should be recorded on Carefirst which facilitates analysis of service uptake against assessed need.

13. Full details of the audit findings, recommendations and management responses can be found in Section 3 of this report and in the action plan at Appendix 1.

2. Objectives and Summary Assessment

14. Exhibit 1 sets out the control objectives identified during the planning phase of the audit and our assessment against each objective.

Exhibit 1 – Summary Assessment of Control Objectives

	Control Objective	Risk	Assessment	Summary Conclusion
1	The Council has appropriate policies, aligned to statutory guidance, in relation to user contributions towards services received.	Audit Risk 1 SRR07	High	Guidance is updated annually in line with national strategy and associated income thresholds, charges were appropriately agreed and published on the Council's website.
2	There is operational guidance to support the performance of financial assessments.	Audit Risk 1	Substantial	Annually updated operational guidance is readily available to relevant staff. No formal training available for social workers on the completion of the Community Based Charging (CBC) assessment forms however this task is transferring to Financial Services during the 2021/22 financial year. Letters issued to service users do not advise them of their responsibility to notify the Council of any changes in their financial circumstances.
3	Charges are collected in accordance with approved policies and procedures.	Audit Risk1 SRR07	Substantial	CBC reassessment forms were completed in accordance with the charging scheme and service users were correctly notified and charged for services received. Charges levied were appropriately authorised, processed and recorded in the general ledger. Direct debit is the preferred method of payment and this is in place for approximately 73% of service users, however, a small number are paying the incorrect charge for community alarms via standing order.
4	Personal and sensitive data is maintained and held securely in	Audit Risk 2	Substantial	Service user information is held either in hard copy or electronic format in line with General Data Protection Regulations (GDPR) and all CBC

	accordance with GDPR requirements.			reassessment forms requested were provided for review and found to have been appropriately completed within the current financial year.
5	Service charges are comparable with other Councils /HSCPs and applied consistently so as not to adversely affect uptake.	Audit Risk 3 Audit Risk 4	Reasonable	Desktop analysis indicates that the Council's charges are among the highest in Scotland, however, we were unable to establish if the level of charges was affecting service user uptake as the data was not structured in such a way as to make analysis possible. Charges were found to have been applied in a fair and equitable manner across service user groups.

15. Further details of our conclusions against each control objective can be found in Section 3 of this report.

3. Detailed Findings

The Council has appropriate policies, aligned to statutory guidance, in relation to user contributions towards services received.

16. The Council's Community Based Care Charging Scheme is updated annually in line with national strategy and guidance published by COSLA. The charges are populated on the Council's fees and charges schedule and published on the Council's website following approval by the Policy and Resources Committee and the Full Council.

17. There is no national scale of charges but reasonable charges are determined locally that do not exceed the cost of the service being provided. Income thresholds to be applied to the service user's financial assessment each year are decided nationally and these have been incorporated within the charging scheme.

There is operational guidance to support the performance of financial assessments.

18. The charging scheme outlines the basis of the Council's financial assessment (means testing) criteria, incorporating the annual adjustments to the charging thresholds and allowances as published in the COSLA guidance. The charging scheme and COSLA guidance are available for all relevant staff to access on a designated SharePoint site along with other relevant forms and documentation.

19. New financial assessments are completed by the service user's social worker and reassessments by the finance administration team. There is no formal training in place for social workers to complete the Community Based Charging (CBC) assessment forms, however, new staff are trained by their predecessor, existing workers or the team leader.

20. An agreement has recently been reached between the HSCP and the Council whereby officers in the Council's Financial Services team will carry out the financial assessments on behalf of the HSCP in exchange for an agreed annual fee. The transfer of this task is underway and has been implemented in two of the Council's administrative areas for residential care service users, the remaining areas will be added by the end of the 2020/21 financial year. Completion of the CBC

assessment forms for non-residential care service users will transfer to Financial Services during the 2021/22 financial year.

Charges are collected in accordance with approved policies and procedures.

21. CBC assessment forms must be completed for new service users and reassessed annually to account for increases in pensions, benefits and any other income received. Charging thresholds are also revised annually in line with this. Service users are requested to provide evidence to validate their declared income and savings, however, an inflationary uplift may be applied if evidence is not provided for the annual reassessment. This approach was universally applied last year due to COVID office closures and the requirement for people to stay at home. As the majority of service users receive benefits and pensions this was considered a reasonable approach. In normal times service users will go into their local office to provide the information and the inflationary uplift is by exception.
22. A random sample of 30 CBC reassessment forms from across the Council's four administrative were reviewed. This confirmed that for all 30:
 - they were completed during 2020/21 consistent with the requirement for an annual review
 - they were subject to a needs assessment carried out by Social Work officers
 - where relevant, income disregards and charging waivers were correctly applied
 - no service user was charged above the current cap of £125 per week or the actual cost of assessed services provided per week.
 - services provided at a fixed rate had been correctly charged at the rates published in the Council's fees and charges schedule.
23. Service users are required to disclose all of their income and capital to allow the financial assessment to take place. Social work finance officers advised that if there is any suspicion that the service user has not declared all of their income and capital they will contact the social worker to double check with the service user. Additionally, should the annual reassessment highlight a large reduction in a service user's capital, advice would be requested from the Council's Legal Services team regarding deprivation of assets, and recovery of any funds that are considered due.
24. Following completion of the financial assessment or reassessment, service users are notified by letter of the value of the contribution they must make towards the cost of their assessed care package. Charges for any fixed cost services provided are applied in addition to this at the full rate. The letter does not advise the service user of their responsibility to advise the Council of any change in financial circumstances which may impact upon their required contribution.

Action Plan 1

25. The details of all charges applied are included on invoices that are issued to the service user every four weeks in arrears.
26. Charges to be invoiced to service users are populated on a spreadsheet by the Social Work Finance Admin team every four weeks and passed to the debtors supervisor for automated upload to the debtors system. The Financial Services Income Maximisation team extract the information fed into the general ledger from the debtors system and prepare a journal to re-allocate the charges to the correct ledger codes. This process is largely automated with the resultant journal passed to the Financial Services support team for upload to the general ledger.

Spreadsheets used and calculations performed in relation to this process were reviewed and no issues were identified.

27. A summary of the four-weekly charging spreadsheet prepared by the Social Work Finance officers is sent to the Locality Managers for review and authorisation prior to upload to the debtors system. E-mail authorisations were reviewed and found to have been sent by appropriately authorised officers.
28. Reconciliations between the Debtors, Cash Receipting and the General Ledger systems take place on a daily basis, these were reviewed over a four week period and all variances between the systems were identified and appropriately reconciled.
29. Payment via direct debit is more efficient and reduces the risk of non-payment, therefore, the charging scheme states that “charges will be collected via 4 weekly direct debit unless there are extenuating circumstances which negate the client or the Council’s ability to collect payment in this manner”. The latest upload of charges to the debtors system highlighted that 73% of service users had a direct debit mandate in place. A number of clients use post office accounts that don’t have a direct debit facility and a trawl of those paying by direct debit was carried out approximately two years ago to encourage uptake further. It is not considered likely that a further exercise at the current time would yield a material increase in the number of clients paying by direct debit.
30. Service users were previously offered an option to make payments by standing order. This is no longer an option for new service users however 32 monthly standing order payments are still received for community alarms from users who opted for this method when it was available. The current monthly charge is £23.72. On review we identified that all but one standing order payment are for a lesser value with this being due to standing orders not being increased annually in line with inflationary fee increased. Furthermore there was one standing order payment for £35 per month.
31. Service users paying by standing order were contacted in March 2018 to ask if they would be willing to move to direct debit payment and cancel standing orders. A review of the debtors system highlighted that seven service users are paying for community alarms by standing order and direct debit therefore paying twice for one service. It would appear this is because they agreed to move to a direct debit payment but failed to cancel their standing order. There is no debtors account produced for service users paying by standing order as it is not processed through the debtors system and therefore no routine monitoring takes place which would have highlighted this discrepancy.

Action Plan 3

[Personal and sensitive data is maintained and held securely in accordance with GDPR requirements.](#)

32. Every service user has a confidential record on the CareFirst system, any documentation required to support this is held either in hard copy format in filing cabinets or electronically on Civica, the Council’s document management system. Information held on CareFirst and Civica is accessed by authorised users through robust logical access controls. We were not able to review hard copy files due to office closures in response to the COVID outbreak, however, discussions with staff regarding file management suggests that they are securely stored in locked filing cabinets in line with General Data Protection Regulations (GDPR).

Action Plan 2

33. Service users must be a UK citizen living in the council area. Team leaders advised that the allocated social worker visits the service user at home to verify their permanent residence and their National Insurance number is recorded on the CareFirst system.
34. All CBC reassessment forms requested were available and provided for review, they were found to have been fully completed within the current financial year to ensure that information held is accurate and up to date in line with GDPR requirements and reflect any changes in services provided and financial circumstances for charging purposes.
35. Access to the Council's debtors system is also restricted using logical access controls and Social Work finance officers are authorised to set up service users on this system using information provided on the original CBC financial assessment form. The correct details were present for all 27 of the service users within the sample of 30 reviewed that were subject to charging and all payments made were promptly recorded on their individual accounts.

Service charges are comparable with other Councils/HSCPs and applied consistently so as not to adversely affect uptake.

36. The Council, and other Scottish councils, provide details of charges imposed on service users to COSLA on an annual basis. A spreadsheet provided to internal audit detailed the charges for 20 councils. An attempt was made to further populate this with information available on the outstanding council's websites. However the information available on the websites was limited for 10 of the outstanding 12 so a comparison across all 32 Scottish councils was difficult to perform.
37. Furthermore the information collated was not provided in a consistent manner due to variances in provisions and methods of charging in each council area and this also made it difficult to compare like for like data. Where it was reasonable to do so, we converted data to provide a consistent basis to work with (e.g. annual or quarterly charges converted to weekly and averages used where multiple rates were provided).
38. The Council's charges were compared to those of other councils where possible and the results are summarised here with further details attached in Appendix 3.

Service	Lowest £	Highest £	Average £	ABC £	ABC Rank
Elderly Day Care (Hourly)	0.22	12.83	4.20	8.80	4 th highest of 19
Learning Disability Day Care (Hourly)	0.60	32.68	8.32	23.32	2 nd highest of 12
Housing Support (Hourly)	2.63	18.00	12.69	17.96	2 nd highest of 15
Community Alarms (Weekly)	1.45	5.80	3.81	5.30	2 nd highest of 22
Telecare (Weekly)	1.00	8.40	3.36	4.50 2.50 2.00	Care Assist 2 nd highest of 14 Mobile 4 th lowest of 14 Canary 3 rd lowest of 14
Lunch Club (Flat Fee)	2.00	6.10	3.60	4.40	2 nd highest of 8
Transport (Flat Fee)	0.50	5.00	2.85	2.78	4 th highest of 8

39. The table shows that, generally Argyll and Bute's charges are amongst the highest in Scotland across those services where some form of comparison could be made. However this conclusion needs to be heavily caveated as it is based on a desktop exercise and does not consider the level of service provided which would be required if the comparisons were to be genuinely like for like.
40. To assess whether this seemingly high level of charging was impacting on service uptake data was requested from CareFirst administrator to establish service uptake against numbers assessed as having a need. We were advised that the data held is not structured in such a way as to make that analysis possible. If this analysis could be performed it would help inform discussions and decisions in relation to service uptake, charges and other barriers to service uptake. CareFirst is scheduled to be replaced in April 2022. As such there is limited value in looking to change CareFirst at the current time. It would be more advisable to progress this issue in conjunction with the CareFirst replacement programme.

Action Point 4

41. The Council's charges were also reviewed for consistency of application across service user groups. Lunch Clubs, Telecare and Transport are not financially assessed and are charged to service users at a flat rate regardless of the user group. The remaining services provided are subject to financial assessment and include:
- Home help, housing support and employment support - charged at same hourly rate of £18.48 regardless of service user group
 - Sleepovers - charged at a nightly rate of £104.04 for any service user group
 - Day Care is provided for the elderly at a rate of £9.08 per hour and for service users with learning disabilities at a rate of £24 per hour to reflect the additional needs of this group.

Based on this desktop review we have concluded that the charges are applied in a fair and equitable manner.

Appendix 1 – Action Plan

	No	Finding	Risk	Agreed Action	Responsibility / Due Date
Medium	1	<p>Service User Change in Financial Circumstances</p> <p>Letters issued to service users advising of the weekly service charge does not advise that it is their responsibility to inform the Council of any change in financial circumstances which would require reassessment to take place.</p>	Service users may be incorrectly charged for services received.	Letter has been updated advising service user to inform the Council of any change in financial circumstances.	<p>Social Work Admin Manager</p> <p>Complete</p>
Medium	2	<p>Hard Copy Files</p> <p>Service users have a confidential record on the CareFirst system with documentation required to support this either held in hard copy format in filing cabinets or electronically on Civica. Having documentation in hard copy format means it is not readily accessible to officers during the COVID enforced office closures. With greater homeworking envisaged for the Council it is even more important that documents can be accessed electronically. Furthermore electronic records provide for greater security and reduced risk of loss.</p>	Documentation regarding service users is not readily accessible to officers.	The SW Admin Service is currently in the process of implementing Civica for all client records. Part of this project is to ensure that all records are scanned into an electronic format and held on shared drives until implementation of Civica is achieved. To be on file shares by end March 2022	<p>Social Work Admin Manager</p> <p>31 March 2022</p>

	No	Finding	Risk	Agreed Action	Responsibility / Due Date
LOW	3	<p>Standing Orders for Community Alarms</p> <p>We identified 31 service users paying for Community Alarms by standing order who are not paying the full charge of £23.72 per month due to standing orders not being increased annually in line with inflationary fee increases. Furthermore one service user is paying a standing order payment for £35 per month.</p> <p>We also identified seven service users who are paying for community alarms by standing order and direct debit as they agreed to move to a direct debit payment but failed to cancel their standing order. There is no debtors account produced for service users paying by standing order as it is not processed through the debtors system and therefore no routine monitoring takes place which would have highlighted this discrepancy.</p>	Service users may be paying the incorrect charge for community alarm service.	The admin team are dealing with the cases where users are paying by both standing order and direct debit. Users have been asked to cancel their standing orders in these cases, and in the meantime refunds are being processed. Where service users are underpaying, they will be contacted again and requested to move to direct debits and invoices raised for the underpayments.	TEC Hub Co-ordinator/ Revenue and Benefits Manager 30 June 2021
VFM	4	<p>Service Uptake Data</p> <p>Records held on Carefirst do not allow for an analysis of the level of service uptake compared to those assessed as having a need. If this analysis could be performed it would help inform discussions and decisions in relation to service uptake, charges and barriers to uptake.</p> <p>It would be advisable to progress this issue in conjunction with the CareFirst replacement programme which is scheduled to be complete by April 2022.</p>	Level of service uptake may not be accurately reported	Recommendation accepted. Further discussion will be held with supplier to include service uptake functionality and reporting capabilities on new system from April 2022.	Deputy Head of eHealth HSCP 31 March 2022

In order to assist management in using our reports a system of grading audit findings has been adopted to allow the significance of findings to be ascertained. The definitions of each classification are as follows:

Grading	Definition
High	A major observation on high level controls and other important internal controls or a significant matter relating to the critical success of the objectives of the system. The weakness may therefore give rise to loss or error.
Medium	Observations on less significant internal controls and/or improvements to the efficiency and effectiveness of controls which will assist in meeting the objectives of the system. The weakness is not necessarily substantial however the risk of error would be significantly reduced if corrective action was taken.
Low	Minor recommendations to improve the efficiency and effectiveness of controls or an isolated issue subsequently corrected. The weakness does not appear to significantly affect the ability of the system to meet its objectives.
VFM	An observation which does not highlight an issue relating to internal controls but represents a possible opportunity for the council to achieve better value for money (VFM).

Appendix 2 – Audit Opinion

Level of Assurance	Definition
High	Internal control, governance and the management of risk are at a high standard. Only marginal elements of residual risk have been identified with these either being accepted or dealt with. A sound system of control designed to achieve the system objectives is in place and being applied consistently.
Substantial	Internal control, governance and the management of risk is sound. However, there are minor areas of weakness which put some system objectives at risk and specific elements of residual risk that are slightly above an acceptable level and need to be addressed within a reasonable timescale.
Reasonable	Internal control, governance and the management of risk are broadly reliable. However, whilst not displaying a general trend, there are areas of concern which have been identified where elements of residual risk or weakness may put some of the system objectives at risk.
Limited	Internal control, governance and the management of risk are displaying a general trend of unacceptable residual risk above an acceptable level and placing system objectives are at risk. Weakness must be addressed with a reasonable timescale with management allocating appropriate resources to the issues raised.
No Assurance	Internal control, governance and the management of risk is poor. Significant residual risk and/or significant non-compliance with basic controls exists leaving the system open to error, loss or abuse. Residual risk must be addressed immediately with management allocating appropriate resources to the issues.

Appendix 3 – Argyll and Bute Community Based Care Charges Compared to other Councils

Using data provided for 2019-20 and additional internet research the following information could be gathered and compared:

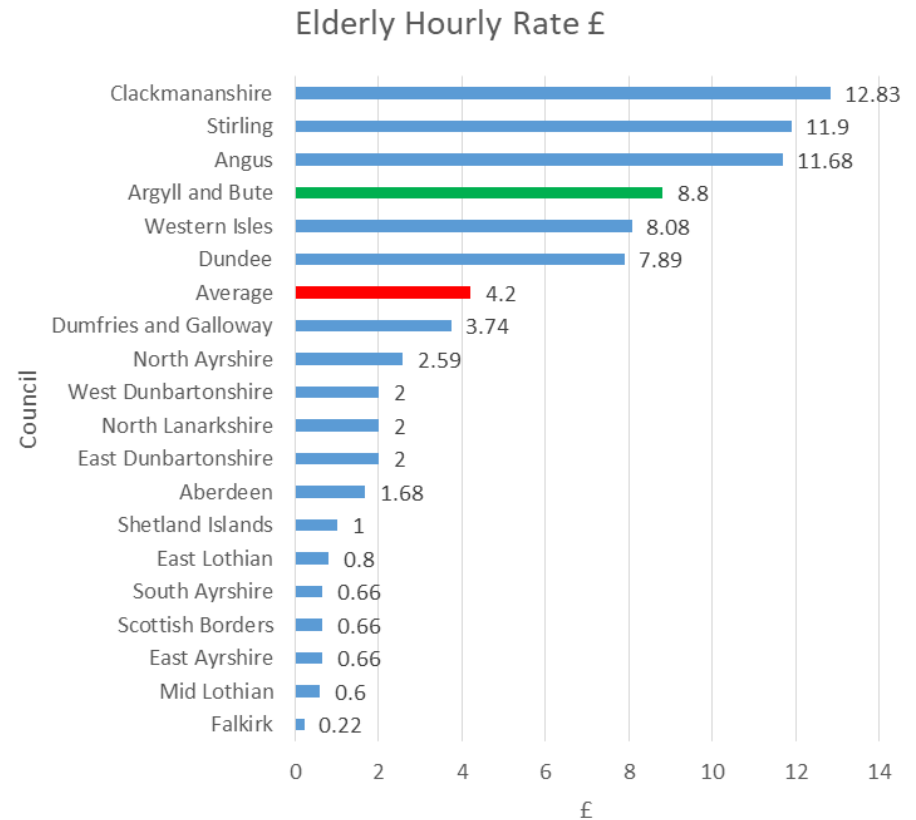
Day Care Services

A Day Care service is provided in 24 councils, 22 impose a charge of which 15 financially assess the client. Limited comparable data was available for the following:

Elderly Day Care

Four councils provided an hourly rate for comparison purposes, five did not provide any rate, the remaining 15 provided daily, half-day or other rates but did not specify how many hours this covered. Where possible we have made the assumption that a full day session is five hours and half day is two and a half hours and calculated an equivalent hourly rate.

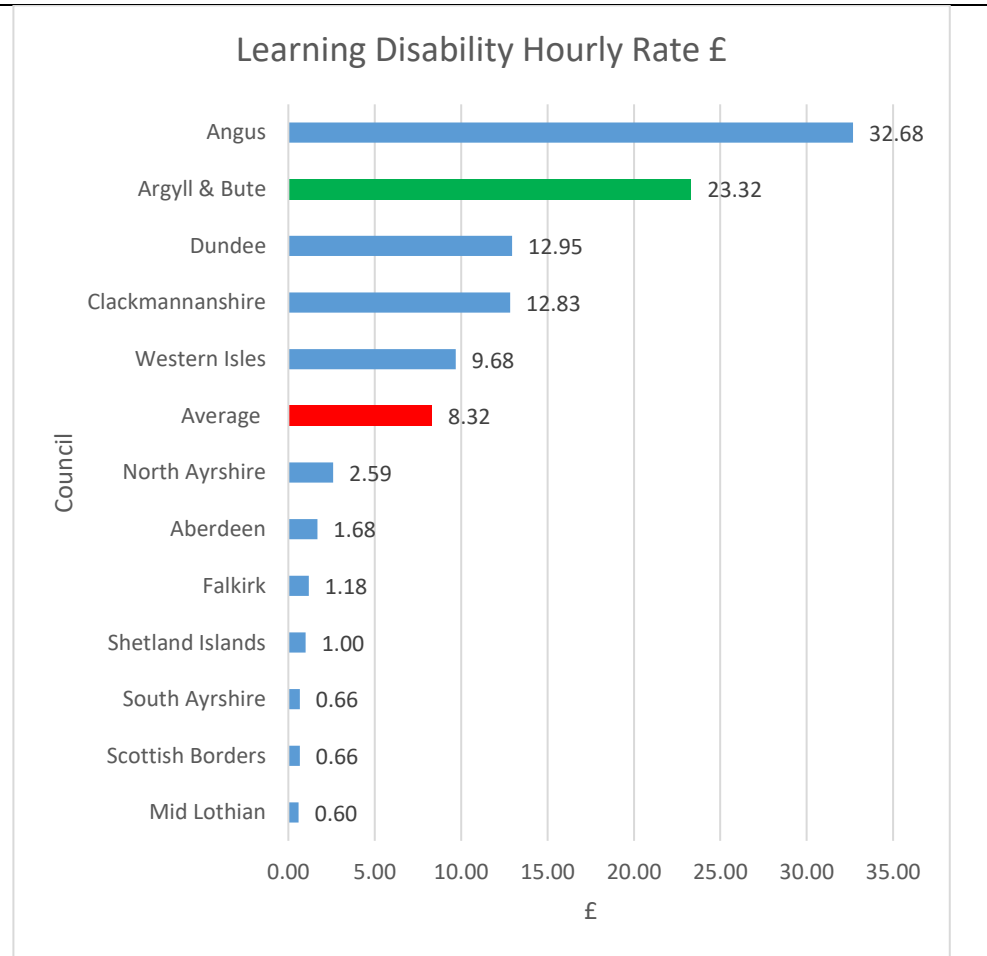
The hourly rate ranged from £0.22 to £12.83, the average was £4.20. Argyll and Bute Council was fourth highest charging £8.80.



Learning Disability Day Care

Three councils provided an hourly rate for comparison purposes, 12 did not provide any rate, the remaining nine provided daily, half-day or other rates but did not specify how many hours this covered, where possible we have made the assumption that a full day session is five hours and half day is two and a half hours and calculated an equivalent hourly rate.

The hourly rate ranged from £0.60 to £32.68, the average charge is £8.32. Argyll and Bute Council was the second highest charge with £23.32

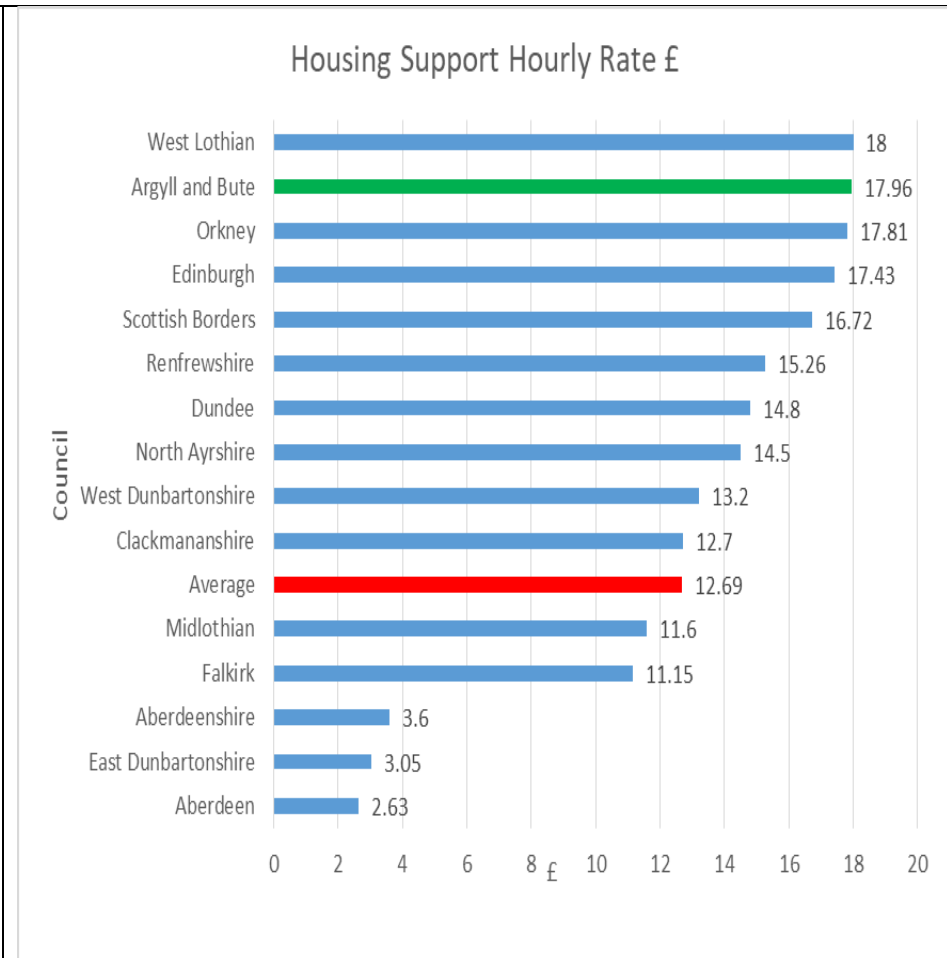


Housing Support Services

A housing support service is provided in 23 councils, 21 impose a charge that is financially assessed. Limited comparable data was available for the following:

Eleven Local Authorities provided an hourly rate for comparison purposes, six did not provide any rate, the remaining four provided weekly rates but did not specify how many hours this covered, we have made the assumption that this five hours.

The hourly rate ranged from £2.63 to £18.00, the average charge is £12.69. Argyll and Bute Council charge the second highest rate of £17.96.

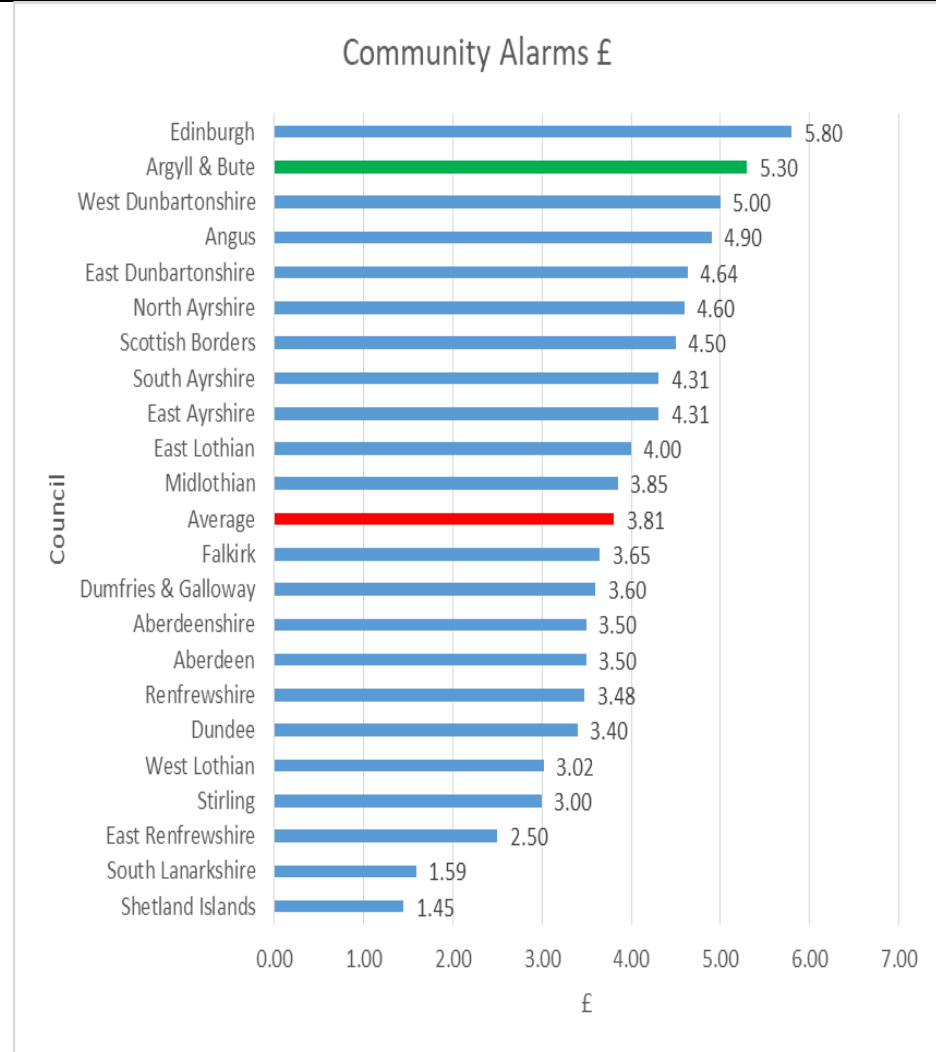


Community Alarm Services

A Community Alarm service is provided in 23 councils, 22 impose a charge of which 7 financially assess the client. Data was available for the following:

Twenty councils provided a weekly charge rate for comparison purposes, two others provided an annual charge value and these were converted to weekly values to provide an equivalent charge rate.

Weekly rates ranged from £1.45 to £5.80, the average charge is £3.81. Argyll and Bute Council charge the second highest rate of £5.30.

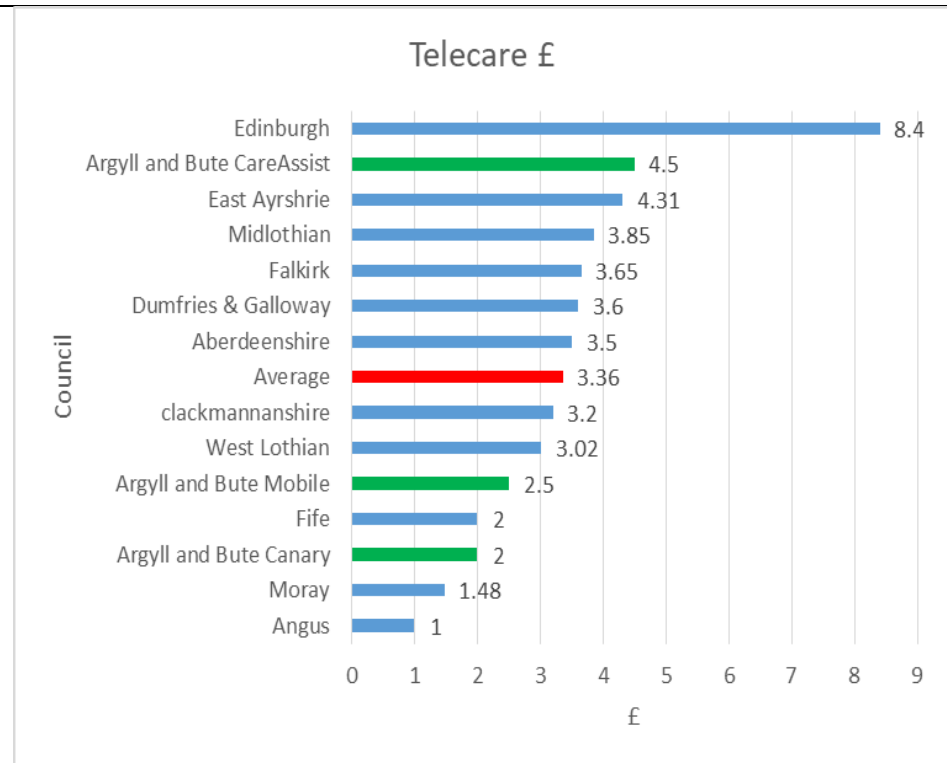


Telecare Services

A Telecare service is provided in 19 councils, 13 impose a charge, one did not provide a value, a financial assessment is undertaken by three. Data was available for the following:

Eleven councils provided a weekly charge rate for comparison purposes, one other provided a quarterly charge value and this was converted to a weekly value to provide an equivalent charge rate.

Weekly rates ranged from £1 to £8.40, the average charge is £3.36. Argyll and Bute Council has three different charges, the Canary system is joint third lowest, the mobile monitoring system is fourth lowest and the CareAssist system is second highest cost.

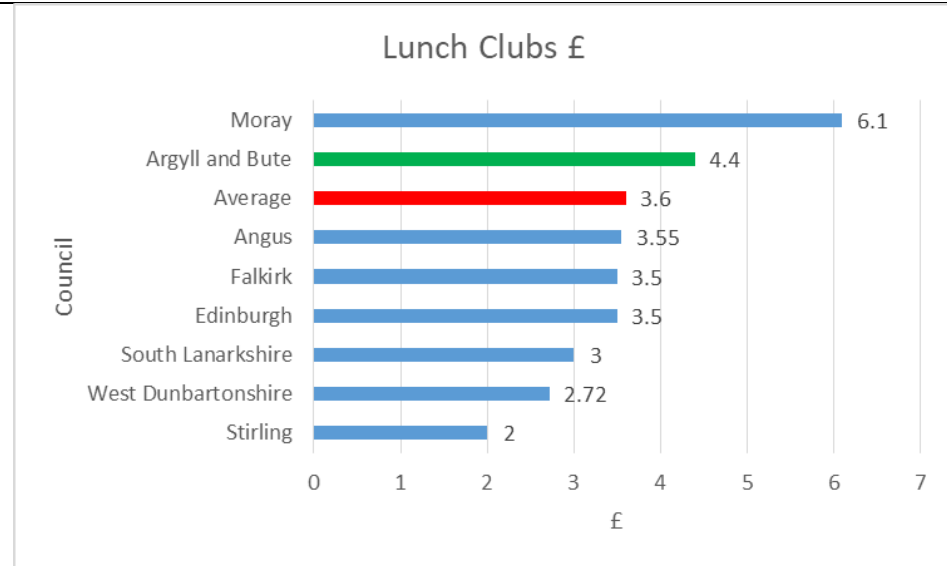


Lunch Club Services

A lunch club service is provided in nine councils, one does not impose a charge, the remaining eight impose a charge that is not financially assessed. Data was available for the following:

Eight councils provided a charge rate for comparison purposes.

Charge rates ranged from £2 to £6.10, the average charge is £3.60.
Argyll and Bute Council have the second highest charge of £4.40.

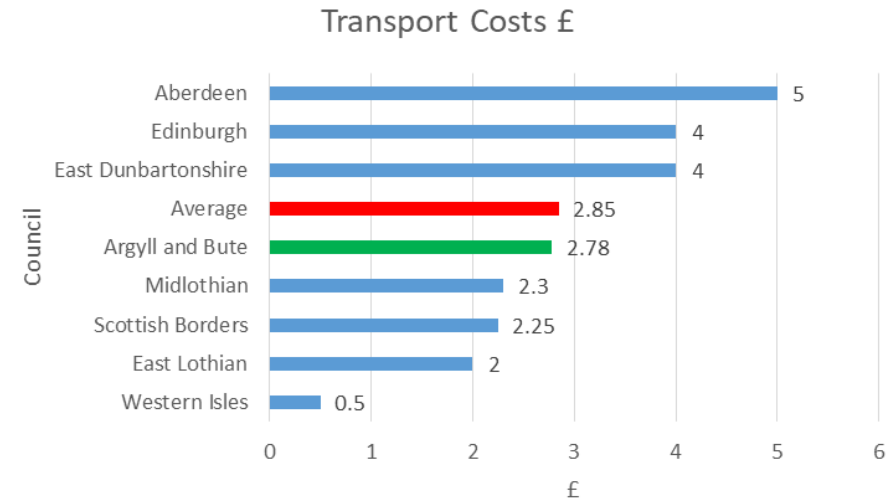


Transport Services

A transport service is provided in 18 councils, seven do not impose a charge and three impose a charge that is financially assessed. Data was available for the following:

Eight councils provided a charge rate for comparison purposes, the remaining three did not state a rate.

Charge rates ranged from £0.50 to £5, the average charge is £2.85. Argyll and Bute Council have a mid-range charge of £2.78.



Other Services

Various other services are provided by councils including Residential respite, Employment Support, Shared Lives, Sleepovers, Domestic Care, Home support, domiciliary care, supported accommodation and long term care however there is insufficient data to be able to accurately benchmark costs against these services.