

# Officer Decisions

## Office of the County Treasurer - Mary Davis and Tim Golby

### Summary of Matter or Issue Requiring Decision

Currently under Section 22 of the National Assistance Act 1948 local authorities have a duty to charge service users in receipt of residential care arranged by Devon County Council who meet statutory criteria following financial assessment.

Section 14 of the Care Act 2014 changes the basis of charging for residential care from a “Duty” to a “Power”.

The way in which Devon County Council assesses and charges service users is set out in the regulations and so this decision can only decide the principle of whether to charge or not. Consequently Devon County Council now needs to decide whether to charge service users who are in receipt of and who it assesses as able to pay for residential care from April 1st 2015.

### Decision Taken

Decision taken to continue charging service users in receipt of residential care i.e. – no change to the current position.

### Summary of Reason(s) for Decision Taken

### Summary of Alternatives or Options considered and rejected

This decision is to continue operating in the same way as statutorily obliged to under the National Assistance Act therefore no alternatives or options have been considered. The way in which Devon County Council charges service users, including the sums to be levied, is set out in statutory regulations. Devon County Council therefore has no discretion in deciding how much service users should be charged.

Details of any conflict of interest and dispensation granted to the Officer taking the decision or by any Member of the Council in delegating responsibility for any specific express delegation

Contact for enquiries/further information

Julian Partridge

Decision Date

31 March 2015

A copy of this decision and any supporting documentation considered by the Officer taking this decision may also be made available or inspection by the public at the Council's Offices or posted upon payment of any copying and postage charges. Any member of the public wishing to take up either of these options is asked to please ring 01392 382888 or email: [members.services@devon.gov.uk](mailto:members.services@devon.gov.uk)