



ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2023

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Statutory Document No. 2023/0097

*Social Services Act 2011*

ADULT SOCIAL CARE SERVICES (CHARGES) REGULATIONS 2023¹

Approved by Tynwald: 21 March 2023
Coming into Operation: 10 April 2023

The Department of Health and Social Care makes the following Regulations under section 15(1) of the Social Services Act 2011.

1 Title

These Regulations are the Adult Social Care Services (Charges) Regulations 2023.

2 Commencement

If approved by Tynwald, these Regulations come into operation on 10 April 2023¹.

3 Interpretation

In these Regulations —

“**adult**” means a person who is aged 18 years or older;

“**adult care home**” has the meaning given by section 16 of the Care Act;

“**adult day care centre**” has the meaning given by section 17 of the Care Act;

“**the Care Act**” means the Regulation of Care Act 2013;

“**independent care accommodation**” means accommodation provided by an independent care service at an adult care home secured and paid for by the Department under section 10(1) of the Social Services Act 2011;

“**independent care service**” has the meaning given by section 10 of the Care Act;

“**liable person**” means an eligible person —

- (a) to whom social care services are provided by the Department; or
- (b) for whom the Department has secured independent care accommodation,

¹ Tynwald approval is required by section 29 of the Social Services Act 2011.

following an assessment under section 7 of the Social Services Act 2011;

“nursing home” means an adult care home, substantially for adults with complex needs, where care is either provided directly by a registered nurse or is supervised by a registered nurse;

“registered” has the meaning given by the Schedule to the Interpretation Act 2015; and

“week” means a period of 7 days commencing on a Monday.

4 Application

These Regulations apply only to the provision of social care services to adults.

5 Non-residential social care services

(1) A liable person provided with a non-residential social care service at an adult day care centre must pay to the Department for that service the charge of —

(a) £6.65 for each day on which lunch was provided;²

(b) £2.65 for each day on which lunch was not provided.³

(2) A liable person who is —

(a) residing in an adult care home of a type described in regulation 6(6); and

(b) provided with a non-residential social care service at an adult day care centre,

must pay to the Department the charge of £2.65 for each day the non-residential social care service is provided.⁴

(3) A liable person provided with a non-residential social care service in a private dwelling must pay to the Department a charge for the service at the rate of —

(a) £25.04 per hour, for service provided on any day from Monday to Friday (excluding public holidays);⁵

(b) £37.49 per hour, for service provided on a Saturday;⁶

(c) £50.15 per hour, for service provided on —

(i) a Sunday;

(ii) a public holiday.⁷

This is subject to paragraphs (4) and (5).

(4) Paragraph (3) does not apply if the liable person is entitled to income support for any day falling in the week in which the service is provided.

(5) In this Regulation —

“income support” means income support provided for by section 124 of the Social Security Contributions and Benefits Act 1992 (Act of Parliament)² as it has effect in the Island³;

“private dwelling” means premises, or any part of premises, used wholly or mainly as a place of residence.

6 Residential social care services

- (1) Paragraphs (2) to (5) are subject to regulation 7 (temporary absence from an adult care home).
- (2) A liable person residing in a nursing home must pay to the Department a weekly charge of £1132.37.⁸
- (3) Subject to paragraphs (4), (5) and (6), a liable person residing in an adult care home which is not a nursing home must pay to the Department a charge of £599.13 per week.⁹
- (4) Subject to paragraph (5) a liable person residing in an adult care home that provides dementia care services must pay to the Department a charge of £835.24 per week.¹⁰
- (5) A liable person residing in Unit 1 of Thie Meanagh must pay to the Department the charge of £966.07 per week.¹¹
- (6) A liable person residing at an adult care home that provides care services for adults with learning disabilities must pay to the Department a charge of £93.15 per week.¹²

7 Temporary absence from an adult care home

- (1) If a liable person to whom regulation 6(2), (3), (4) or (5) (residential social care services) applies —
 - (a) becomes a patient and as a result is temporarily absent from an adult care home; and
 - (b) during the period of absence he or she remains liable to pay a weekly charge in respect of that adult care home,that person must pay to the Department the applicable charge specified in paragraph (2).
- (2) If the liable person is a patient absent for 6 weeks or less from —
 - (a) an adult care home to which regulation 6(2) applies, the charge is £905.91 per week;¹³

² 1992 c.4.

³ The Social Security Contributions and Benefits Act 1992 is applied to the Island by SD 505/94 (amendments to section 124 have been made by SD 338/98, SD 150/99, SD 539/99, SD 600/00, SD 654/00, SD 02/01, SD 880/02, SD 897/11 and SD 2018/0098).

- (b) an adult care home to which regulation 6(3) applies, the charge is £479.25 per week;¹⁴
- (c) an adult care home to which regulation 6(4) applies, the charge is £668.11 per week;¹⁵
- (d) Unit 1 of Thie Meanagh, the charge is £772.85 per week.¹⁶
- (3) If the liable person was a patient absent from the adult care home for more than 6 weeks, there is no charge.
- (4) For the purposes of paragraphs (2) and (3), the period a liable person is deemed to be a patient begins on the day after the day on which the liable person enters a hospital or similar institution, and ends on the day on which he or she leaves such a hospital or similar institution.
- (5) In this regulation —
“patient” means a person who is maintained free of charge by a hospital or similar institution for the period during which that person is undergoing medical or other treatment as an in-patient in that hospital or similar institution;
“hospital or similar institution” means accommodation provided under section 27 of the National Health Service Act 2001.

8 Respite social care services

- (1) A liable person provided with a respite social care service at premises specified in paragraph (2) must pay to the Department —
 - (a) £19.60 per day, for an overnight stay, daytime respite and all meals;¹⁷
 - (b) £9.01 per day, for an overnight stay including breakfast only;¹⁸
 - (c) £6.65 per day, for daytime respite and lunch;¹⁹
 - (d) £2.65 per day, for daytime respite only;²⁰
 - (e) £4.01 per day for an evening meal only.²¹
- (2) The premises specified for the purpose of paragraph (1) are —
 - (a) Appledene Unit or Hollydene Unit, Radcliffe Villas, Glencrutchery Road, Douglas;
 - (b) other premises on the Island as arranged by the Department, other than an adult care home to which regulation 6(2), (3), (4) or (5) applies.
- (3) A liable person provided with a respite social care service at an adult care home to which regulation 6(2), (3), (4) or (5) applies must pay to the Department the corresponding charge for those premises, divided by 7 and multiplied by the number of nights that the liable person has stayed in the premises.

- (4) In this regulation “**respite**”, in relation to a social care service, means a service which is pre-planned and for a finite period.

9 Revocation

The Adult Social Care Services (Charges) Regulations 2022⁴ are revoked.

MADE 22 FEBRUARY 2023

⁴ SD 2022/0031

SCHEDULE²²

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Subpara (a) amended by SD2024/0075 and by SD2025/0043.

³ Subpara (b) amended by SD2024/0075 and by SD2025/0043.

⁴ Para (2) substituted by SD2024/0075 and amended by SD2025/0043..

⁵ Subpara (a) amended by SD2024/0075 and by SD2025/0043.

⁶ Subpara (b) amended by SD2024/0075 and by SD2025/0043.

⁷ Subpara (c) amended by SD2024/0075 and by SD2025/0043.

⁸ Para (2) amended by SD2024/0075 and by SD2025/0043.

⁹ Para (3) substituted by SD2024/0075 and amended by SD2025/0043.

¹⁰ Para (4) substituted by SD2024/0075 and amended by SD2025/0043.

¹¹ Para (5) amended by SD2024/0075 and by SD2025/0043.

¹² Para (6) substituted by SD2024/0075 and amended by SD2025/0043.

¹³ Subpara (a) amended by SD2024/0075 and by SD2025/0043.

¹⁴ Subpara (b) amended by SD2024/0075 and by SD2025/0043.

¹⁵ Subpara (c) substituted by SD2024/0075 and amended by SD2025/0043.

¹⁶ Subpara (d) amended by SD2024/0075 and by SD2025/0043.

¹⁷ Subpara (a) amended by SD2024/0075 and by SD2025/0043.

¹⁸ Subpara (b) amended by SD2024/0075 and by SD2025/0043.

¹⁹ Subpara (c) amended by SD2024/0075 and by SD2025/0043.

²⁰ Subpara (d) amended by SD2024/0075 and by SD2025/0043.

²¹ Subpara (e) amended by SD2024/0075 and by SD2025/0043.

²² Sch revoked by SD2024/0075.