

REPORT

To: SOCIAL WORK COMMITTEE	Subject: BETTER CARE FOR ALL OUR FUTURES
From: DIRECTOR OF SOCIAL WORK	
Date: 23 August 2001	Ref: JD/RM/DH

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. The purpose of this report is to advise the Committee of the response which has been submitted by North Lanarkshire Council to the Scottish Executive in respect of the paper entitled Better Care - For All Our Futures. The proposals centred around some aspects of joint resourcing and management of community care services between health and local authority agencies, charging for residential care, promoting choice in residential care, cross border placements and promoting choice in non residential care.

2. BACKGROUND

- 2.1. The initial Better Care – For All Our Futures paper is part of a range of discussions and proposals centred around the Scottish Executive’s plans to modernise health and community care services and legislate on a number of issues which have been announced during the last nine months.
- 2.2. The general direction towards increasing choice and improved service provision, through joint working, is consistent with the North Lanarkshire Council Joint Community Care Plan which was agreed in its draft form by the Council and its partners and is currently subject to formal public consultation.
- 2.3. Some of the issues raised in the paper had been discussed at public consultation events with users and carers which took place across North Lanarkshire prior to the publication of the current draft Community Care Plan and these views along with others expressed by users and carers at a public consultation event concerning the Care Development Group proposals on long term care for older people, were also relevant to forming the North Lanarkshire Council response.

3. RESPONSE

- 3.1. The contents of the document were the subject of consultation with the Convenor of Social Work Committee, as agreed at the Social Work Committee on 24 May 2001 and the Council’s response was submitted to the Scottish Executive. A copy of the consultation paper has been placed in the Member’s Library. A copy of the response can be found in Appendix 1.

4. CORPORATE CONSIDERATIONS

- 4.1. There are no immediate implications for the Council in terms of finances or other considerations.

4.2. On 28 June 2001 the Minister for Finance and Local Government announced that £200 million in new funding and the realignment of £289 million was to be allocated to Scottish Executive priorities. Part of the funding is to meet community care costs, including the costs of free personal care for older people.

4.3. When further information becomes known this will be the subject of a further Committee report.

5. RECOMMENDATIONS

5.1. Social Work Committee is asked to homologate the content of the response as the Council's position.



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Director of Social Work
July 2001

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NORTH LANARKSHIRE COUNCIL

RESPONSE TO SCOTTISH EXECUTIVE

‘BETTER CARE - FOR ALL OUR FUTURES’

Legislative Proposals

1. Joint Resourcing and Management of Community Care Services

The proposals should remove barriers between Health Boards, Trusts and local authorities in joint working. The measures proposed complement the Scottish Executive’s proposals to legislate in respect of community planning and to provide local authorities with a power of community initiative.

This Council welcomes these proposals and also the Scottish Executive’s stated intention that a single model of joint working will not be imposed on local authorities and local Health bodies. This Council would be concerned to make certain that the respective functions, skills and responsibilities of each agency remained clear for all key stakeholders and most importantly for the general public.

With regard to the proposal to reserve powers of direction for Scottish Ministers, where joint working has failed, this Council would seek reassurance that there will be a very clear definition in respect of the proposed criteria of failure. This Council would hope that such powers would never need to be utilised.

2. Promoting Consistency in Charging for Non-residential Care

While this Council recognises the need for some consistency in charging policy for non-residential service provision across Scotland, there are a number of issues which require to be addressed when this proposal is implemented. These include the reduction in income to local authorities from existing charging policies with the introduction of free personal care; the contradiction in the use of certain Social Security benefits (such as Attendance Allowance, Care Component of DLA and Severe Disability Premium) to individuals to empower them to pay for support services when certain of these services are to be provided free; the affect on service development which are taking place, if Council resources are reduced.

We welcome the Executive’s proposal to refrain from exercising this power in respect of mandatory guidance on non-residential care charges until the work of COSLA in this area has been concluded. With regard to Housing Support Services provided under Supporting People, this Council views that it is consistent with the overall objective of the Executive to locate these services within the mandatory guidance on charging in order to avoid inconsistency in this area.

3. Promoting Choice - Residential Care

a) Local Authority Loans

With regard to the proposed provision to enable local authority loans to be made to fund residential care, this Council would seek further clarification in respect of the detail of such arrangements. While there is recognition that such provision would remove some of the current pressure for individuals and their carers in this respect, there is some concern with regard to how such arrangements would operate in the long term.

This Council has reservations that some time limit be set on these arrangements since these could become very long term indeed. This may result in serious implications in respect of the funding outlay from the local authority, interest rates, property value costs associated with property maintenance/improvements and in respect of potential legal complexities which may arise in long term situations regarding recouping the costs from the loan agreement.

We also believe that public opinion favours another action to the current policy of a person's "normal home of residence" (to an upper level of value) as part of their assessable resources in meeting their care costs.

b) Choice of Care Home

North Lanarkshire Council is keen to empower individuals to choose to stay in the residential or nursing home of their choice. At present only a third party (such as a relative) can make up the difference where "top-up" payments are required and the Executive's proposal is to afford the same right to individuals receiving care.

While this Council wishes to promote the choice of individuals, it is felt that some caution requires to be exercised with regard to this proposal. Firstly there requires to be a clear connection between the assessment of need and the service provided by the individual residential or nursing care home. Secondly a number of individuals already either self fund or pay "top-up" costs from their personal care allowance. With regard to the former there can be real issues when the individual is no longer able to self fund which may result in a change of residential home or a reduction in the service to which a resident has become accustomed. For the latter there is a clear view that this is an abuse of the personal care allowance. Some individuals may then not have the scope to purchase personal items as they need and wish to do. Thirdly it is envisaged that some limit would require to be set on such additional costs especially in light of the existing discussions between local authorities, Scottish Executive and the independent residential and nursing home sector about appropriate levels of funding.

This Council recommends that further consideration be given to this aspect of proposed legislation to ensure that the best interests of individuals are not prejudiced rather than empowered.

c) Cross Border Placements

This proposal seeks to enable local authorities to make arrangements for nursing home care elsewhere in the UK as appropriate. This Council very much welcomes this proposal which will promote the choice of individuals and remove the element of certain cross border disputes which have occurred in such instances.

4 Promoting Choice - Non-residential Care: Direct Payments for Care Services

This Council fully endorses the principle of making direct payments more widely available to increase the choice and control which service users from all community care groups would have over the non-residential care services they require. This Council has been particularly active in this area having undertaken a considerable level of work with both service users and providers to develop the use of direct payments. This Council also welcomes the proposal that local authorities be given equity in purchasing care from either local authorities and other providers.

While direct payments have been available to disabled people aged 18 years and over the proposal intends to broaden access across all community care groups to this scheme. There are some practical implications in this process which require to be considered and addressed prior to such a process being undertaken. These include clear guidance in respect of the assessment of need and services purchased, monitoring processes, conflict of interest between service user and paid carers, development of support services in terms of information and advice about employment, payrolls, financial arrangements, etc.

While this Council fully endorses the principle behind the broadening out of direct payments, there is concern that this is a very complex area in respect of which for the guidance is required. This Council is fully committed to this process however, and would welcome the opportunity to be included in any arrangements to develop such guidance around implementation of this proposal.

In a recent major consultation exercise with the full range of community care groups, it was clear that many older people in particular and their carers would not wish to pursue this option as they felt it would entail additional responsibilities on their part which they did not feel willing or able to have. This having been said some older people did express a desire for such an opportunity and it is recognised that once direct payments become more widely publicised and available older people and their carers may become much more confident and willing to consider such options.