

To: SOCIAL WORK (PLANNING & ADMIN) SUB COMMITTEE		Subject: COMMUNITY CARE & HEALTH (SCOTLAND) BILL CARE DEVELOPMENT GROUP REPORT: FAIR CARE FOR OLDER PEOPLE	
From: DIRECTOR OF SOCIAL WORK			
Date: 11 th Dec 2001	Ref: RP/MY		

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. The purpose of this report is to advise Committee on the contents of the Community Care & Health (Scotland) Bill and the report produced by the Care Development Group entitled "Fair Care for Older People" and on the implications for the Council.

2. BACKGROUND

- 2.1. The Bill takes forward a number of the Scottish Executive's policy commitments on the care of people in Scotland, made over the last year. In particular, these commitments were made in:
- the Scottish Executive's Response to the Royal Commission on Long Term Care (October 2000);
 - the Scottish Executive's Response to the Report of the Joint Future Group (January 2001);
 - the Response by the Scottish Executive to the Health and Community Care Committee's Inquiry into the Delivery of Community Care (January 2001); and
 - the Executive's acceptance of the findings of the Report of the Chief Nursing Officer for Scotland's Group on Free Nursing Care (December 2000).
- 2.2. The Bill also implements the Scottish Executive's commitment in the Strategy for Carers in Scotland, published in November 1999, to legislate to extend the rights of carers to assessment.
- 2.3. The Scottish Ministers have consulted on their proposals in a number of ways, feedback from which has informed the development of the provisions contained in the Bill. The Executive has published three separate documents for consultation:
- Better Care for all our futures (April 2000);
 - Carers' Legislation Consultation Paper (April 2001);
 - Supplementary Medical Lists for Non-principal General Practitioners (June 2001)
- 2.4. Ministers have established the Care Development Group, a group of experts in the care of older people, which has consulted as part of its remit to make recommendations on the implementation, costs and "cross-border" issues of providing free nursing and personal care for all Scotland's older people. The Group published its report, Fair Care for Older People, in September 2001.

3. CONTENTS OF THE BILL

3.1. A copy of the Community Care and Health (Scotland) Bill together with the Explanatory Notes is available in the Member's Library.

3.2. In summary, the Bill:

- enables implementation of free nursing care (in care homes which provide nursing);
- enables implementation of free personal care;
- enables regulation for charging for non-residential social care;
- enables both residents and third parties to make additional payments towards care home fees so that the resident can enter more expensive accommodation than that which the local authority would normally pay for;
- enables provision of care home places in other parts of the UK;
- enables deferred payment agreements so that residents may have their care home fees paid by the local authority so that they do not need to sell their home in their lifetime;
- provides for expansion of access to direct payments for non-residential service users, giving people the ability to purchase their own services;
- provides for an extended right to assessment for informal carers;
- enables expansion of joint resourcing and management of health and social care services between NHS Scotland and local authorities;
- enables extension of the medical list system to cover all GP's working in NHS Scotland;
- provides for extension of the jurisdiction of the NHS Tribunal to enable it to disqualify from the medical list, on the grounds of fraud, providers of personal medical services under pilot schemes seeking preferential consideration to return to that list;
- provides for extension of the provisions which enable the recovery from third party insurers of expenses incurred by the NHS in treating casualties of motor vehicle accidents which occur on a road to now include other public places such as a car park; and
- provides for inclusion of the Mental Welfare Commission as a member of the Clinical Negligence and Other Risks Indemnity Scheme.

4. CONTENTS OF FAIR CARE FOR OLDER PEOPLE REPORT

4.1. In October 2000, the Minister for Health and Community Care, Susan Deacon MSP, announced an additional £25m per annum to cover the costs of making nursing care provided by care homes free. This was one element of a care package amounting to almost £100m per year, announced as part of the Executive's response to the Royal Commission on Long Term Care. In January 2001, Susan Deacon announced the establishment of the Care Development Group, whose aim was "to ensure that older people in Scotland have access to high quality and responsive long term care, in the appropriate setting, and on a fair and equitable basis". The Group's remit included the requirement "to bring forward proposals for the implementation of free personal care for all, along with an analysis of the costs and implications of so doing". On 28 June 2001, the provision of an additional £100m per annum to enable the implementation of free personal care was announced by the Minister for Finance and Local Government, Angus MacKay MSP. The Care Development Group published its report, Fair Care for Older People, in September 2001.

4.2. The remit of the Care Development Group was as follows:

- to examine existing service provision and to identify gaps, deficiencies and duplication which may require to be addressed;
- to bring forward proposals for the implementation of free personal care for all, along with an analysis of the costs and implications of so doing;
- to provide a clear definition of what is meant by personal care;
- to examine the current deployment of resources from all funding streams for the care of older people and make any recommendations for change that are thought to be necessary;

- to work with the Chief Nursing Officer's Group to develop a person-centred, holistic needs assessment process;
- to consider the interrelationships with UK matters, notable the tax and social security benefits system and cross border movement; and
- to bring forward recommendations, together with costs and possible opportunity costs, of providing sustainable changes which will meet current and projected need and likely demand.

4.3. A copy of the Executive Summary of the Fair Care for Older People Report is contained in Appendix 1 and a copy of the full report is available in the Member's Library.

5. DEVELOPMENT AGENDA RESULTING FROM THE BILL

5.1. The intention of the Scottish Executive is that the proposals contained within the Community Care and Health (Scotland) Bill will be incorporated in an Act of the Scottish Parliament which will come into force on 1 April 2002.

5.2. The content of the proposed legislation is extensive as can be seen from sections 3 and 4 above, and in preparation for implementation the Council will require to develop the following areas of service.

5.2.1. Assessment Services

Increased assessment activity will arise both from the introduction of free personal and nursing care and from the expansion of carers' rights to receive a community care assessment.

Changes in the funding of community care services will also give rise to a substantial increase in the number of people requiring a re-assessment of their ability to contribute towards their own care costs.

The Department will require to:

- consider adequacy of existing staffing levels;
- develop new financial assessment process;
- train staff in new processes;
- amend IT systems;
- produce new Public Information

5.2.2. Direct Payments

The proposed legislation will greatly extend the client groups to whom Direct Payments will be available.

The proposed legislation will cover elderly people requiring care; disabled children; children aged 16 and 17; people fleeing domestic abuse; people recovering from drug or alcohol addiction.

The above list is not considered to be exhaustive but does illustrate the proposed expansion of the client group eligible for direct payments.

The legislation will also create a duty for Local Authorities to make direct payments whereas at present Local Authorities have a power to make payments.

The Department will require to:

- Develop a direct payments scheme capable of meeting the above expansion of service;
- Consider impact on staffing;
- Develop contractual framework;

- Amend IT systems;
- Train staff in processes;
- Produce public information

5.2.3. Joint Working

It is envisaged that the Act will allow the NHS in Scotland and Local Authorities to work together in new ways by enabling them to pool their resources and delegate functions and resources to one another so that a single body can provide both health and local authority services. In so doing it removes some of the legal barriers to joint working which currently exists.

Ministers are keen to see progress regarding joint working and it is intended that the Act will give Scottish Ministers power to require delegation etc. between local authorities and NHS bodies if in their opinion insufficient progress is being made.

Local Authorities together with their NHS partners are asked to draw up plans and implement change in the following areas:

- joint Resourcing and Management of Resources;
- implementation of a Single Shared Assessment;
- shift the balance of care;
- develop systems for information sharing;
- develop Intensive Care Management;
- develop joint Equipment and Adaptations and Rehabilitation Services

The implications of the above joint working requirements are for reaching and will require careful consideration by North Lanarkshire Council regarding the Council's response and implementation proposals.

5.2.4. Home Care Services

A number of the proposals within the Act will result in increased demands for home care services:

- the requirement to shift the balance of care;
- the shift from informal to formal care resulting from introduction of free personal care;
- the cost of meeting unmet need arising from the introduction of free personal care;
- the provision of free personal care to people who previously self funded their own home care

5.2.5. The Care Development Group in their report recognises that as well as expanding direct services, some of the money will need to go into infrastructure and administrative services and emphasis that in their view this is a justifiable use for a proportion of the resources.

6. FINANCE / PERSONNEL / LEGAL / POLICY IMPLICATIONS

6.1. Implementation of the legislation will clearly have major personnel implications for the Department. The detail of these are not known at present but will be the subject of future reports as the development agenda is progressed.

6.2. The Director of Administration will require to give consideration to the legal implications to the Council arising from the proposed legislation and this again will be subject to future reports.

6.3. The report Fair Care for Older People identifies the following resources available nationally to implement the Free Personal and Nursing Care proposals.

	Year 1	Year 2	Year 3
	£ m	£ m	£ m
Increased Funding Residential Care	14	14	14
Increased Funding Nursing Homes	38	38	38
Loss of Income in respect of personal free care at home	10	10	10
Personal Care costs currently met by Private Purchasers	10	10	10
Changes from informal to formal care	8	17	26
Unmet Need	8	17	27
Non Recurring Infrastructure	<u>37</u>	<u>19</u>	<u>-</u>
	<u>125</u>	<u>125</u>	<u>125</u>

6.4. Further work has been commissioned by Ministers to determine how the above monies should be allocated to local authorities.

6.5. Detailed proposals regarding the proposed use of the additional resources will be brought to future Committees.

7. RECOMMENDATIONS

7.1. Committee is asked to:

- (i) note the content of this report;
- (ii) note that more detailed reports will be brought forward to Committee as the agenda is developed;
- (iii) continue consideration of the report to the Social Work Committee of 20 December



Jim Dickie
Director of Social Work
14th November 2001

For further information on this report please contact Ronnie Paul, Head of Social Work Resources
TEL: (01698 332009)