

To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE	Subject: SCOTTISH EXECUTIVE GUIDANCE : CHOICE OF ACCOMMODATION - DISCHARGE FROM HOSPITAL
From: DIRECTOR OF SOCIAL WORK	
Date: 24 February 2004	Ref: JN/LMcA

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1. The purpose to this report is to advise Committee of guidance received from the Scottish Executive on the above subject and to seek approval from Committee to engage in a process of jointly reviewing existing protocols with health partners with a view to incorporating the Scottish Executive directions on the matter.
- 1.2. This guidance is for the attention of Local Authorities and NHS Boards and outlines how such agencies should actively manage choice of care home for people moving from hospital, in a way that is consistent, right and fair, and which minimises delays.

2. BACKGROUND

- 2.1. The Social Work (Scotland) Act 1968 (Choice of Accommodation) Directions 1993 places a duty on Local Authorities in Scotland to arrange places for persons in need in care homes of their choice, subject to certain conditions. If an individual expresses a preference for particular accommodation, the Local Authority has to arrange it provided
 - The accommodation is suitable to the person's assessed needs
 - It will not cost the Authority more than it would usually expect to pay
 - The accommodation will be available within a reasonable period; and
 - The person in charge of the accommodation is willing to meet the Authority's usual terms and conditions.
- 2.2. The Scottish Executive has become aware that these directions are being applied inconsistently, particularly in relation to differing interpretations of the term "reasonable period". In addition, present directions have had a negative impact on discharge from hospitals and are inconsistent with the aspirations of the Scottish Executive's Delayed Discharge Action Plan previously reported to Committee.

3. THE SCOTTISH EXECUTIVE GUIDANCE

- 3.1. The guidance clarifies the way in which the directions should be implemented. It explains that indefinite occupation of a hospital bed by a patient who is fit and ready for discharge while awaiting the care home of choice, is not appropriate. It explains that patients should be asked to make choices of care homes, and interim accommodation should be secured if none of these choices becomes available within the discharge planning period. It explains the right to move to a care home of choice at a later date, should one become available. The respective roles of Local Authorities and NHS Boards in the discharge process are also clarified.

- 3.2. The guidance is intended to ensure broad consistency across Scotland in terms of the approach and arrangements for meeting patient choice.
- 3.3. The guidance recognises the context of the national Delayed Discharge Action Plan and the Joint Future agenda in the process. The guidance also recognises the need for integrated professional assessments and co-ordination of care management in making hospital discharge a planned and co-ordinated process for those who continue to require services post discharge.
- 3.4. The arrangements being proposed by the Executive currently operate within Lanarkshire, the arrangements previously being developed across the two Local Authorities and NHS Lanarkshire.

4. FINANCIAL / POLICY / PERSONNEL / LEGAL CONSIDERATIONS

- 4.1. While there are no financial, policy or personnel considerations emanating from this guidance, the guidance does carry legislative weight.
- 4.2. The guidance is issued as statutory guidance to Local Authorities for the purpose of section 5(1) of the Social Work (Scotland) Act 1968. It supplements the guidance contained in Scottish Executive circular SWSG5/93, which accompanies the Social Work (Scotland) Act 1968 (Choice of Accommodation) Directions 1993. Paragraphs 22 and 23 of this guidance replace paragraph 26 of NHS MEL(1996)22, and paragraph 37 of SWSG 10/98 Community Care Needs of Frail Older People: Integrating Professional Assessments.

5. RECOMMENDATIONS

- 5.1. Committee is asked to:
 - i) Authorise the review of existing arrangements for meeting directions on choice of accommodation with a view to embracing the terms of the new directions from the Scottish Executive.
 - ii) Seek a further report in due course, updating existing arrangements following such a review.
 - iii) Otherwise note the content of this report.



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28 January 2004

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