

North Lanarkshire Council Report

Adult Health and Social Care Committee

approval noting

Ref

Date 07/11/19

Self Directed Support – Funding Arrangements

From Margaret French, Interim Head of Adult Social Work Services

Email FrenchM@northlan.gov.uk **Telephone** 01698 332164

Executive Summary

The Integrated Joint Board met on 26 March 2019 and agreed nine saving options relating to Council services that totalled £3.328m, including £422,000 relating specifically to Self-Directed Support (SDS) as noted in the Adult Health and Social Work Services Committee report dated 9.5.19

This report is brought to the committee to:

1. Update on the management actions on self-directed support saving following on from the report dated 9.5.19
2. Provide information in relation to Care Home Placements for Adults under 65yrs as an alternative to a SDS budget in the community.
3. Detail the impact of the introduction of Free Personal Care for persons under 65yrs from 1 April 2019.

Recommendations

It is recommended that the committee

1. Note the contents of the report and request a future report on savings and spend in relation to support.

The Plan for North Lanarkshire

Priority Enhance participation, capacity, and empowerment across our communities

Ambition statement (12) Ensure our residents are able to achieve, maintain, and recover their independence through appropriate supports at home and in their communities

1. Background

- 1.1 The National SDS Strategy 2010 – 2020 and the Social Care (Self Directed Support)(Scotland) Act 2013 sought to empower people with greater choice and

control over their own support through individual budgets along with the development of accessible and responsive services, supports and communities. Self-Directed Support (SDS) in North Lanarkshire is based on the principle of a whole systems approach and adopts an assets based approach to individual ability strengths and interests, recognising people's natural contacts including family, friends and relationships being one of the most important factors in people's lives. Also recognised is the important role of universal, 3rd and independent sector partners.

- 1.2 North Lanarkshire has the lowest percentage of Adults under the age of 65yrs in institutional care (The National Service of Scotland ISD division most recently available statistical information). Currently there are only 69 individuals aged 18 -65 years in a group living setting (mostly nursing homes) with 53 having been admitted prior to 2014. Admission to long term care establishment is assessed on risk and when no community alternative can be identified at the time of admission.
- 1.3 The extension to free personal care for Adults under 65yrs came into force on 1 April 2019, this is known as 'Frank's Law'. The Scottish Government awarded North Lanarkshire Council £1.885m per annum for the implementation of the Act. The main cost implications were viewed as the loss of income from charges and increased demand for service.

2. Report

- 2.1 This report will demonstrate how the service is currently managing the demands for service for Adults under 65yrs both in the community and group settings.

2.2 Management Actions for Self – Directed Support

- 2.2.1 For individuals to receive SDS they have to be assessed as priority 1 or 2 needs using the prioritisation framework (Appendix 1)
A formal outcome assessment is used alongside a Guided Self-Assessment (GSA) to identify an indicative budget to inform support planning. The Guided Self Assessment an open and transparent way of allocating resources equitably and consistently based on the impact of disability, has been used in North Lanarkshire since 2008. The experience of using the GSA continues to be reviewed and feedback from individuals, front line practitioners, provider organisations, family carers, interest groups and people who lived experience informed major redesign of the content and funding structure. Testing of the revised GSA has highlighted some further changes which are now being discussed with carers, 3rd sector organisations and independent providers on the final document before its full implementation across the council.

- 2.2.2 The number of individuals in receipt of an individual budget has steadily increased over the past 3 years:

2017/18: 1,410 individuals at a cost of £45.0M inclusive of 156 children at a cost of £1.0M

2018/19: 1,486 individuals at a cost of £50.8M inclusive of 159 children at a cost of £1.2M.

2019/20 the full year forecast is: 1,536 individuals with a cost of £57.7M inclusive of 159 children at a cost of £1.7M

2.2.3 Individualising funding brings benefits in respect to the outcomes service users want to achieve including the role of other family members. However, due to increasing demand and complexity of service user needs, the current year financial projection highlights an overspend of £1.7M within this budget area. Management have taken a number of steps to address this financial burden. These management actions include:

- Bi-monthly budget meetings with managers in localities
- Consideration of assistive technology in every case prior to every budget being agreed
- Every assessment will include an input from locality support service with a focus on re-ablement and wider capacity building.

2.3 **Care Home Placements for Adults under 65yrs**

2.3.1 Since 2014 North Lanarkshire has funded 53 new residential placements for adults under 65yrs, most of which were made between 2016/17 and 2018/19. In the current financial year a further 2 individuals were funded for placements. The current total placements is 69 individuals which is the lowest population ratio in Scotland. The estimated cost of under 65 placements in the current financial year is £3.3M.

2.3.2 Younger adults are not governed under the National Care Home Rate Agreement which is in place for those aged 65 and over.. This has led to inconsistencies with the charges associated with individual placements. For example in one care home you can have two individuals with the same level of care needs who are charged different rates simply because of their age.

2.3.3 Giving our continuing commitment to support younger adults to live in a community setting we have taken the following management actions:

- Supporting each locality to review the individuals for whom they are responsible.
- Arranging a joint review with health colleagues where there is a substantial health component in the care provision which should support the cost implication.
- Addressing the inconsistency in the placement costs.
- Explore how setting an upper limit for community rather than residential care would impact on numbers of individuals whose choice and control would be restricted and what resourcing this may release to meet future demographic demand.

2.4 **Extension of Free Personal Care for Adults under 65yrs**

2.4.1 Free Personal Care for Adults aged 65 and over has been available in Scotland since 2002. Since 1 April 2019 free personal care has been made available to all adults from the age of 16. This Act is known as 'Franks Law' and this new legislation has extended free personal care to all Adults 16yrs and over who have been assessed by the local authority as needing this service. The original 2002 Community Care and Health (Scotland) Act sets out a list of personal care tasks that may not be charged for, this includes support with personal hygiene.

- 2.4.2 In North Lanarkshire at the 31 March 2019 there were 1,118 Adults between 16yrs and 64years in receipt of personal care through an SDS package and the Service is anticipating an increase of 80 in this financial year. In relation to home support 343 individuals received this service at 31 March 2019 and in the current year this has increased by 11 to a total of 354. In aggregate this equates to an overall increase of 91 individuals in receipt of Free Personal Care.
- 2.4.3 It is too early in the process to fully determine the specific impact of this legislation across all the support activities/budgets provided by the Service. The Service is still undertaking this analysis and when complete a future budget realignment will be implemented which seeks to allocate funding on an equitable basis across relevant budget lines.
- 2.4.4 The income received from charges for personal care for under 65's in the previous financial year was £123K. With the introduction of Franks Law this income is no longer recoverable from service users.
- 2.4.5 North Lanarkshire is devising a communication plan to promote 'Frank's Law' via various third sector and carer support organisations for circulation through their networks and social media platforms. It is planned that the information will be published on the NLC website within Carer information Section.

3. Equality and Diversity

3.1 Fairer Scotland Duty

There are no specific proposals outlined in this report that are required to be considered under this duty

3.2 Equality Impact Assessment

The introduction of free personal care for the under 65yrs ensures greater equality of support for all Adults who have been assessed with a personal care need.

4. Implications

4.1 Financial Impact

There are no new financial implications linked to this report.

4.2 HR/Policy/Legislative Impact

There are no specific HR, policy or legislative impacts for staff of the Council

4.3 Environmental Impact

No implications

4.4 Risk Impact

Risk impacts are reflected through the service's risk register and managed as above.

5. Measures of success

- 5.1 Progress of achieving the financial savings is monitored monthly through the service's financial monitoring reports.
- 5.2 Continue to benchmark against the National figures for needs led community options (as opposed to institutional care) for under 65yrs.

6. Supporting documents

- 6.1 Appendix 1



Margaret French
Interim Head of Adult Social Work Services
Health and Social Care NL

HOUSING & SOCIAL WORK SERVICES PRIORITY FRAMEWORK

Appendix 1

Consideration may need to be given to the need to deploy staff within or across services subject to a risk assessment.

All decisions about the prioritisation of Housing & Social Work services must be taken in accordance with the Housing & Social Work Services priority framework. Decisions to temporarily discontinue services to a service user/ client, or reduce their frequency, should be recorded.

The priority framework is outlined in the following table:

Priority level				
	Critical (priority 1)	Significant (priority 2)	Moderate (priority 3)	Low (priority 4)
	Risk where serious harm or loss of life may occur	Risk where harm may occur now or in the near future	Risk where harm may occur if action is not taken in the longer term	Risk where a person may be disadvantaged, or their quality of life reduced, if needs are not met
Service Prioritisation Framework	Response to referral Same day	Response to referral within 48 hours	Response to referral within 28 days	Response to referral within 12 weeks
Protection	<ul style="list-style-type: none"> There is an immediate risk to the person's survival; There has been serious abuse to self or others, or this is suspected to the extent that protection measures are required; 	<ul style="list-style-type: none"> There has been abuse to self or others or this is at risk of occurring; 		
Health	<ul style="list-style-type: none"> There are extensive and constant care and support needs on an ongoing or time limited basis that, if not met, present an immediate risk to the person or others; or 	<ul style="list-style-type: none"> There are extensive care and support needs on an ongoing or time limited basis; 	<ul style="list-style-type: none"> There are some care and/or support needs that will, if not met, impair the person's longer term capacity to regain, maintain or sustain their independence or living arrangements; 	<ul style="list-style-type: none"> There are some care and/or support needs but the person can maintain their independence or living arrangements if these are not met, or can make other arrangements to have them met;
Personal and daily routines		<ul style="list-style-type: none"> Absence or inadequacy of care and support is causing the person significant distress and their health to deteriorate; or 	<ul style="list-style-type: none"> The person can make their needs known and ask for appropriate assistance when needed; or 	<ul style="list-style-type: none"> The person can make their needs known and ask for or arrange appropriate assistance;
Family Supports	<ul style="list-style-type: none"> The carer relationship(s) has collapsed and there is a need for immediate care and support. 	<ul style="list-style-type: none"> The carer relationship(s) is at risk of collapse and the person needs care and support. 	<ul style="list-style-type: none"> The carer relationship(s) is strained and unlikely to be sustainable in the longer term. 	<ul style="list-style-type: none"> The person has a support network; or The needs are such that they can be met by provision other than social care services.