

REPORT TO CABINET

Title: **PERSONALISATION WITHIN ADULT SOCIAL CARE**

Date: 24 September 2009

Member Reporting: Councillor Dudley

Contact Officer(s): Allan Brown – 01628 683701

Wards affected: ALL

1. SUMMARY

- 1.1 This report requests Cabinet to reconsider recommendations on the timing of implementing self-directed support and a new contribution policy. It follows a report to Cabinet on 25th June 2009, which requested approval to undertake a limited implementation of self-directed support, and consultation on a new council policy for contributions towards the cost of non-residential care. Since agreement to this was given by Cabinet, there have been further guidelines from the Department of Health entitled 'Fairer Contributions' July 2009.
- 1.2 In addition, a recent external consultants' review of progress on self-directed support recommended bringing forward implementation in order to maximise the benefits of the new approach for all new and existing users during 2010-11. There are also overall budget efficiencies that need addressing to ensure sufficient budget is available for prevention & re-ablement, eligible needs and personal budgets, through service subsidy and maximising income. Dept of Health (DoH) also issued in July a consultation paper on eligibility criteria, that reinforces determining 'Fair Access Criteria' in line with budget availability, currently critical and substantial in RBWM.
- 1.3 Bringing in a new contribution policy, involves changing from charging for specific services, to a fairer more equitable generic contribution policy based on a personal budget, and is fundamental to the overall success of delivering personal budgets for all service users. Revisions need to be made to the consultation and require further Cabinet approval. Currently, users receiving home care are financially assessed, older people using day services pay a flat rate charge, but mental health, disabled or learning disabled users pay no charge.
- 1.4 The outcome of the consultation and options for charging and mitigation will be reported for Cabinet for decision on 17 December 2009, as will progress on the implementation of self-directed support.

2. RECOMMENDATION: That:

- i) **The Director of Adult & Community Services be authorised to proceed with implementing self-directed support for all new users from January 2010 and to begin transferring existing users to personal budgets in June 2010.**

ii) The results of the consultation on the new council policy for contributions towards personal budgets costs of non-residential care to be reported back to cabinet in December 2009, with options for implementation.

What will be different for residents as a result of this decision?

Residents meeting the council's eligibility criteria for support will be able to express their desired outcomes and be given greater choice and control over their care arrangements through the award of a personal budget. Support and advice will be available to those who lack the capacity or the will to independently arrange their own care.

All service users will be assessed as to whether they would be liable to make a financial contribution when receiving a personal budget for self-directed support.

3. SUPPORTING INFORMATION

3.1 Background

3.1.1 The national context and the Council's Transforming Adult Social Care programme were described in some detail in the June report to Cabinet, and this information is still applicable.

3.1.2 Changes in Planned Implementation

The key difference between the recommendations within this report and the report to Cabinet on 25 June this year is in respect of the phasing of existing services users into self directed support. As the phasing proposals feature in the consultation documents for the new contribution policy then these consultation documents will also need to be updated. Under the current recommendation it is considered that the benefits of self directed support to both service users and the Council can be accelerated by bringing existing service users into the programme from April 2010 rather than delaying this for over a year. This change arises following an external review by a consultant of the RBWM transforming adult social care programme, following which the Programme Board have recommended bringing forward implementation.

3.1.3 Implementation Issues

There had been concerns about having appropriate processes in place for determining resource allocations. Since then several Berkshire and other authorities and PCTs have taken a DoH tested model called 'FACE' (Functional Analysis of Care Environments) which is a suite of computer-based tools that allocates needs to resources with a clear audit framework. FACE is the country's leading supplier of assessment tools to health and social care. Consideration will be given to procuring FACE or another suitable resource allocation tool. One benefit of such a procurement will be to lessen the risk that the failure to develop an "in-house" system would delay the implementation of self directed support and therefore give greater confidence that

an earlier implementation is achievable.

3.1.4 Changes to the contribution and charging policy

The proposed new contribution policy was given as an Appendix to the June report to Cabinet. The policy has not since changed, but following the issue of updated guidance on fairer charging by DoH, the draft policy has been assessed for conformity with the new guidelines with particular regard to meeting the needs of people with disabilities.

The new contribution policy involves changing from charging for specific services, to a fairer more equitable generic contribution policy based on a personal budget. This is fundamental to the overall success of delivering personal budgets for all service users. Currently, users receiving home care are financially assessed, older people using day services pay a flat rate charge, but mental health, disabled or learning disabled users pay no charge for daycare. Currently service users assessed under S117 of the Mental Health Act may not be charged to contribute towards their services, this will not change.

3.1.5 What will the changes in the contribution policy mean?

Councils have discretion as to whether to provide free or subsidised services. RBWM currently has charges for some, not all services, and not for all service users. The new policy will have a different impact on different users of services. The DoH guidance recognises councils will want to consider no longer providing free or subsidised services. It expects councils to ensure, where there is a charge, that individuals are not expected to make unreasonable contributions or contributions which are not reasonably practicable for them to pay. The current charging policy is based on this principle as will be the new contribution policy. A full Equality Impact Assessment will be completed to assess the impact, and what, if any, mitigation might be needed.

3.1.6 What will the charges be?

The Fairer Charging Guidance still applies whereby a users net income should not be reduced below levels set out in the guidance. This restates that regard should be paid to the effect of any charge on a users net income, which should not be reduced below basic Income Support or Pension Credit, plus 25%. Some users will continue to have no charge. Local policy on disability related expenditure should be consistent with the Fairer Charging Guidance, which requires taking account of additional expenditure because of an individual's expenditure.

3.1.7 What will the impact be?

Policy changes are required to take account of Disability Impact, Human Rights and Equality issues. An initial EQIA indicates there will be an impact on those who currently pay no charge for services. As part of the consultation, consideration will be given to what the impact might be on individuals or groups of individuals who do not currently make a contribution towards their service in order to ensure Disability Discrimination duties are addressed.

3.1.8 Fair Access to Care Eligibility

The development of Transforming Social Care has to be set alongside resources available. The DoH consultation paper July 2009 'Prioritising need in the context of Putting People First' reinforces the expectation that prevention and well-being are prioritised, as well as offering advice and support to those able to fund their own services, as is the case in the Council. The Transformation Programme Board is looking at ways of improving and maximising input from universal services such as Leisure and Libraries, as well as utilising the Social Care Reform Grant, and reshaping existing resources, such as increasing the capacity of reablement services to improve individuals functioning to prevent the need for high level and high cost services. This will form part of overall efficiency savings to ensure the overall budget for care is targeted at those in most need.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options

	Option	Comments	Financial Implications
1.	Maintain the planned progressive roll-out of personal budgets per June report to Cabinet on this subject, with an initial live implementation on 1 st December 2009.	The full benefits of personalisation are not available for all service users, or for the Council, for several years. This view is supported by the recommendations of an external consultant.	<u>Revenue</u> As anticipated efficiencies arising from improved commissioning arrangements under self directed support will occur over several years, potential savings of over £0.5m over the period may not be achieved. <u>Capital</u> – none.
2.	Commence live implementation on 1 st January 2010 with an accelerated roll-out programme during 2010-11.	This option enables officers to prepare adequately for the live implementation and delivers the benefits or personalisation more quickly than previously planned. This is the recommended option.	<u>Revenue</u> Under this option over £0.5m additional savings from more effective commissioning are anticipated. <u>Capital</u> - none

4.2 Risk assessment

4.2.1 There is a risk that the process of self-directed support will not enable citizens to achieve their outcomes and that they will therefore be dissatisfied with the Council's service to them. This risk will be managed by thorough preparation and testing, including learning from the experience of the 13 local authorities that were selected by government as early adopters in 2007, and by opting for a limited scale implementation in which any service shortfalls may be quickly remedied and procedures subsequently refined.

- 4.2.2 There is a risk that the process by which personal budgets are calculated could generate in aggregate a sum that exceeds the current Adult Services care budget, creating a financial pressure. This risk will be managed by allocating a sum of money to the Resource Allocation System (RAS - the pool of money available to be disbursed in personal budgets and the method of personal budget calculation within that) that represents the current Adult Services care budget *less* a sum that will enable incorrect individual allocations and any unforeseen contingencies to be dealt with.
- 4.2.3 There is a risk that citizens will spend their personal budgets on inappropriate services that will not meet their needs, with a consequent safeguarding risk, and which may also represent a misuse of public funds due to irresponsible or fraudulent behaviour. This risk will be managed by a number of checks and approval steps built into the self-directed support process, in which risk indicators may result in the council insisting that a person's budget be managed on his or her behalf rather than being issued as a cash payment. Regular reviews of outcomes, the frequency of which will be at the council's discretion, will enable care workers to identify inappropriate use of funds and take corrective action.
- 4.2.4 There is a risk that the price of some care services will increase as a result of individuals commissioning their own care, and therefore the authority no longer being in a position to enter into long-term block contracts with providers. New commissioning strategies focusing on, for example, framework agreements are being planned in order to mitigate this risk. In this way the council intends to lead the development of new services and associated markets.
- 4.2.5 There is a risk that the introduction of personal budgets, and the greater choice of service that these will offer, may result in an increase in the number of people coming forward to request assessment of need. Experience from early adopting authorities suggests that ethnic minority communities in particular will accept publicly funded care if enabled to direct their own package of support. The allocation of funds through the resource allocation system will be made in recognition of this risk.

5. CONSULTATIONS CARRIED OUT

- 5.1 This report requests approval to carry out consultation on a new contribution policy as described above, and in accordance with the DoH 'Fairer Charging' and 'Fairer Contribution' Guidance.

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 6.1.1 Overview and Scrutiny Panel met on September 7th. The Panel endorsed the recommendation to proceed with implementing self directed support for all new users from January 2010 and to begin transferring existing users to personal budgets in June 2010.

7. IMPLICATIONS

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓ or N/A	✓ or N/A	✓ or N/A	✓ or N/A	✓ or N/A	✓ or N/A

Background Papers: None