

Report to: ADULT SERVICES PANEL
CABINET

Date: 17TH MARCH 2009
19TH MARCH 2009

Subject: MEETING THE NEEDS OF PEOPLE ELIGIBLE FOR
SOCIAL CARE

Report of: EXECUTIVE DIRECTOR: HEALTH AND WELL BEING

Contact officer: LOUISE SUTTON EXT: 2798

Purpose / summary: In November 2003 Cabinet agreed a policy regarding how eligible needs should be met, which was that needs would be met through services which:

- Maximise independence.
- Are local
- Allow individual choice where resources permit.

This policy now needs to be amended in the light of the budgetary position for 2009-10, and the Council's Transforming Social Care Action Plan.

Alternative options considered and reason for selecting the one recommended: Having no policy on choice in place can lead to unrealistic expectations and inequitable or inappropriate use of resources.

Recommendation / decision: To approve changes to the policy, which will be that:

- Support needs will first be considered by the reablement service to ensure that maximum level of independence is achieved before resources are allocated, either through support package or Personal Budget.
- Support packages will reflect individual choice where resources permit.

Key Decision: This report does not involve a key decision.

The decision made as a result of this report will

be published within **48 hours** and cannot be actioned until **seven working days** have elapsed, i.e. before 31st March 2009

Risks / Implications:

Financial:	The application of the policy changes outlined in this Report aims to deliver the £313K savings in commissioning costs required as part of the budget settlement for 2009-10.
Staffing:	None
Policy:	Policy of how assessed eligible social care needs will be met.
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	The aim is to ensure equality of access to social care resources.
Wards affected:	All

Property Implications – Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?

No

If yes, have the property implications been agreed with the Corporate Property Officer?

Does this proposal have significant implications for the Council and the local population?

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

A diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.

Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?	Yes *
Has the Service Director - Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council’s budget?	Yes / No *
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No *

* delete which applicable

For Cabinet reports only :

Categorisation of the report:	X		X
Discussion leading to a decision		Discussion	
Monitoring		Decision	X
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
17.03.09.		19.03.09.	

There are no Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Proper Officer Bernard Walker

Date 2nd March 2009

1. **BACKGROUND**

- 1.1 In November 2003 Cabinet agreed a policy regarding how the needs of people eligible for social care should be met, which was that needs would be met through services which:
- Maximise independence.
 - Are local
 - Allow individual choice where resources permit.
- 1.2 In January 2009 Cabinet agreed the overarching plan for Transforming Social Care. This included the expansion of Reablement Services and plans to introduce Personal Budgets in line with the Putting People First concordat. It is now necessary to revise the above policy, in light of both the Transforming Social Care Report, and the 2009-10 budget settlement, because:
- In order to ensure resources are used in the most effective and efficient way, people will be required to undergo a period of re-ablement/enablement prior to allocation of Personal Budgets, and
 - Increasingly people will be using social care resources to access support other than traditional services.

2. **LEGISLATIVE FRAMEWORK**

- 2.1 Under the NHS and Community Care Act, Local Authorities have a duty to assess those who appear to be in need of social care services. Once assessed, if their needs are eligible under the Council's Fair Access to Care Policy then those needs must be met. The Council is failing to meet its statutory duties if eligible assessed needs are not met.
- 2.2 The legislative framework allows Councils to take resources into account when deciding how needs will be met, and this has been supported by Case law.

3. **CHOICE AND EFFICIENT USE OF RESOURCES**

- 3.1 In the revenue budget for 2009/10 a commitment has been given to reduce spend by £313K across Adult Services Commissioning budgets. The plan is to target savings towards services for people under 65 (people with a physical disability, learning disability and mental health needs) because whereas our spend per head on older people is significantly below national average, spend on the younger groups is above average. The main reason for this is a difference in public expectations and practice, which has been exacerbated by a structure which is based on client group specialisms. In the light of the financial climate increased scrutiny at a more senior level has been put in place to monitor spend on individual cases, through a resource panel process. This has already led to an increase in the number of legal challenges and appeals.

- 3.2 In January 2009 Cabinet agreed that everyone be considered for reablement or enablement. In some cases the term “reablement” may not be appropriate because the person is not ‘re-learning’ skills of independence. If someone has a Learning Disability, for example, they may have had a care package for some years which has not taken advantage of new technology to reduce support costs, or opportunity to learn new skills which mean they are in the longer term less dependent on the public purse.
- 3.3 Consultation already undertaken has highlighted the wish of users and carers to have a more equitable and transparent allocation of resources.

4. **CHOICE, EFFICIENCY AND PERSONALISATION**

- 4.1 As part of the lead-in to the introduction of Personal Budgets, Local Authorities have been set a target to inform all people who are eligible for social care support of the cost of their care package by April 2009 (or as soon as possible thereafter), so they can make choices as to how their support is delivered. It is imperative that before this information is given to people, the cost of their package is reviewed in the light of the impact of reablement/enablement, and reduced if appropriate.
- 4.2 As part of the implementation of Transforming Social Care, Personal Budgets will be introduced for all groups. Most Resource Allocation models currently being tested, including the one being piloted in Wigan, are based on a points system which is based on the envelope of current spend (with deductions for contingency, overheads etc).
- 4.3 If the Council is to make efficiency savings based on reducing current packages, then the efficiencies need to take place to reduce the “envelope” before the Resource Allocation is set. It would not be advisable to make efficiencies by top-slicing Resource Allocation budgets before re-ablement/enablement is considered because the Council has to demonstrate it can meet assessed needs through the allocation of funds given to the individual. It is anticipated that RAS allocations will reduce through applying this policy.
- 4.4 The approach is in line with Personalisation as it focuses on abilities not disabilities and outcomes not needs, but some people who use services and their carers will see this as a reduction in choice and control. It highlights the difference between ‘wishes’ and ‘assessed needs’, the latter being what Local Authorities are required to meet.

5. **POLICY REVISION**

- 5.1 The plan is, therefore, that as part of their statutory annual review, everyone receiving support either as part of a package of support or a Direct Payment will be assessed for their potential to achieve greater independence via reablement/enablement, and therefore reduced dependence on the public purse. This would be a 'condition' of receiving a social care package or Personal Budget. The same approach will be taken on people's initial assessment when they are first referred for support.
- 5.3 The policy now needs to reflect the requirement to be considered for re-ablement/enablement to maximise independence, as part of a social care assessment, prior to development of a care plan or allocation of a Personal Budget.
- 5.4 The Council's Policy to underpin the allocation of resources to eligible assessed need will be that:
- Support needs will first be considered by the reablement service to ensure that maximum level of independence is achieved before resources are allocated, either through support package or Personal Budget.
 - Support packages will reflect individual choice where resources permit.