

REPORT TO: Cabinet

MEETING DATE: 14 January 2014

BY: Head of Adult Wellbeing

SUBJECT: Service User Contributions for Adult Wellbeing Services

1 PURPOSE

- 1.1 To set out the arrangements for financial assessment of Adult Wellbeing service users for 2014/2015.
- 1.2 To set revised rates for client contributions within Adult Wellbeing for 2014/2015.

2 RECOMMENDATIONS

2.1 Members are asked to:-

- (i) Approve the recommended charges for 2014/2015, as summarised below in Table 1, and agree the introduction of charges as noted in Table 2;
- (ii) Approve Guidelines on Assistance with Transport for Users of Adult Wellbeing Services (Appendix 1);
- (iii) Note the progress of the information on Self Directed Support (Appendix 2); and
- (iv) Note that, if approved, all charges will be effective from 1 April 2014.

Table 1

Service	Change
Residential Care	Increase weekly rate for ELC managed homes from £525 to £535.
Emergency Respite Care	Waive charges for first night (reduced from first two nights).

Service	Change
Adult Carers	Retain nightly rate at £8.80.
Care at Home/ Home Care	Increase hourly rate from £11.50 to £12.00.
Meals/Lunch Clubs	Increase charges from £2.57 to £2.75.
Community Alarms	Increase charge from £1.65/week to £2.00.
Capital Threshold	Retain upper limit at £16,000 for self funding service users.
Charging Thresholds	Upated in line with revised DWP rates and national guidance.
Tapers	Taper retained at 40% (from 45%) for first £50. Increased to 55% for available income more than £50.

Table 2

Service	Proposed Change
Transport	Introduce a charge of 50p per journey (as per detail in Appendix 1).
Day Services	Introduce a charge for day service provision of £2.50 per session.
Telecare	Introduce a charge of £2.00 to people who receive a Telecare service.

3 BACKGROUND

- 3.1 Local authorities have the ability to generate income by charging for services subject to Financial Assessment and the Council has charged for the services highlighted in Table 1 for some time. The Council also has the potential to charge for the services detailed in Table 2.
- 3.2 The Financial Assessment process is designed to assess how much a service user should contribute towards the cost of their care. The process considers a service user's income and compares that against an income threshold has been calculated a given percentage of the available income, known as the taper, is taken into consideration to determine the upper limit on the level of contribution.

For any of the changes above there would be a financial assessment completed to ensure only those able to pay would be making a contribution to the cost of services.

3.3 Self Directed Support

On 10 January 2013 the Social Care (self directed Support) Scotland Act 2013 received Royal Assent. The Act places duties on local authorities to provide a spectrum of Self Directed Support options, to people with eligible support needs. Self Directed Support (SDS) is the term used to describe how people can exercise choice and control over the support or services that allows them to live independently.

3.4 An update on SDS is attached ([Appendix 2](#)).

3.5 Protection for Service Users

To avoid charging placing an unsustainable burden on service users and their families it is recommended that protection is built into the newly introduced charges so that existing service users would see any increase in their contribution limited to £25 per week per year.

This protection would run for 1 year. Service users will be informed of the revised level of contribution and the level of protection being provided to allow them to plan for the removal of protection after one year. There would be no protection provided to new service users, although all service users would be able to take advantage of the existing provisions within the charging policy to a waiving or writing off of charges in cases of hardship.

4 POLICY IMPLICATIONS

4.1 Service user contributions represent an important source of income to Adult Wellbeing and overall the measures in this report seek to rebalance the level of service users contributions whilst increasing the income to the service.

5 EQUALITIES IMPACT ASSESSMENT

5.1 An Equalities Impact Assessment has been completed in relation to the transport charging. It is recognised that there may also be negative impacts from the changes to service charges indicated in the report however the use of financial assessments should ensure that only those who can afford to pay will do so. Consideration of the impact on equality groups will be undertaken routinely as part of monitoring the implementation of the policy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The recommendations in this report will increase income to the Council by an amount to be determined as financial assessments are completed.
- 6.2 Personnel - None.
- 6.3 Other - None.

7 BACKGROUND PAPERS

- 7.1 None.

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Assistance with Transport for Users of Adult Wellbeing Services

1. Introduction

- 1.1 The provision of transport for adults in East Lothian has developed through custom and practice. This has resulted there being confusion and a lack of clarity about eligibility criteria for people requiring transport. At present access to transport can be inequitable, expensive and sometimes inflexible, failing to meet the needs of service users. In addition demand for transport under the current system outruns supply, resulting in longer bus journeys to attend services and supplementary taxi provision.
- 1.2 The lack of clarity outlined above has resulted in a perceived automatic right to transport services to and from a service, without an examination of the impact of the provision of that service in individual cases.
- 1.3 Adult Wellbeing services are provided in line with eligibility criteria at “substantial/critical” level. Transport is not assessed in this way and this policy intends to separate provision of service from provision of transport, but be part of a holistic assessment.
- 1.4 Current response to transport needs often reinforces dependent on services rather than promoting independence and emphasising on individual’s abilities
- 1.5 Continuing to provide transport in the same way is expensive, inequitable and unsustainable, given the demographic pressures in the area and increased demand.
- 1.6. The purpose of the changes proposed in this paper is to address the current concerns and inequalities to ensure that East Lothian Council has a transport framework for user of Adult Wellbeing services which is open, accountable, fair and affordable.

2. Strategic Content

- 2.1 The development of the criteria for transport funded by Adult Wellbeing needs to be set in the broader strategic context. This is essentially about promoting the independence of people, maximising choices available to them and developing services that improve the quality of their lives.

2.2 Transport needs to reflect Council objectives:-

- Outcome 6 *“In East Lothian we live healthier, more active and independent lives.”*
- Outcome 10 *“East Lothian has stronger, more resilient, supportive, influential and inclusive communities.”*

3. Underlying Principles

3.1 The policy and procedure is based on a set of explicit principles:-

- The Council will assess the service user’s need for assistance with transport as part of an overall outcome focussed assessment, ensuring that maintaining and encouraging personal independence is the prime objective.
- The Council will only provide assistance with transport where it is clear that such assistance is essential in enabling the service user to access a service or appropriate activity as outlined in the assessment or from April 2014 included in the Self Directed Support (SDS) *All About Me What I Need Assessment*.
- All assistance with transport will be provided in the most cost effective way possible.
- Where service users choose to attend a resource further than the recommended resource, the difference in transport cost will be met by the individual.
- Where service users are in receipt of state benefits (in service or kind) that are provided for the expressed purpose of aiding mobility, there is an expectation that the individual will utilise these to access community care services.
- The Council will be able to demonstrate that any assessment for assistance or actual assistance it provides is done fairly and transparently.

4. Scope of the Policy

- 4.1 This policy applies to adults who are assessed as requiring transport provision in line with substantial or critical need and have one or more of the following:-

- A learning disability.
- A physical; disability and/or infirmity due to old age or frailty.
- A sensory impairment.
- Mental health needs, including common illness such as depression or a severe and enduring mental illness. Older people with conditions, such as Alzheimer's disease or dementia.

5. Safety, Choice and Independence

5.1 Adult Wellbeing seeks to ensure that all service users are encouraged and assisted as far as possible to travel independently and to make optimum use of mainstream transport options, including public transport. This is consistent with national policies to promote independence and reablement such as "Same as you", "Reshaping Care for Older People" and "Self Directed Support". Furthermore it seeks to minimise any potential for discrimination and stigma which may result from the regular use of Council owned vehicles.

5.2 here are individuals for whom some degree of assistance is essential in order for them to access a service. Where this is the case, the wishes of the service user and carer will be taken into account, but the Council has a duty to ensure that any assistance that is provided or commissioned, is both safe and cost efficient.

5.3 Circumstances in which assistance with transport may be deemed essential (substantial/critical):-

- The service user has no-one who is in a position and is willing to assist with transport and all other transport options, including the use of public transport, have been fully explored and ruled out for specific reasons. Evidence that this has been done will be recorded/evidenced in individual service user records and the application for approval of funding for transport costs.
- There are no realistic/appropriate transport alternatives due to specific health and safety issues presented by a service user.
- A carer is caring for more than one dependent adult and their competing caring demands mean they are not in a position to provide assistance with transport.
- Statutory powers are in place to address risk issues and ensure compliance with the agreed support plan. Assistance will be provide if the service user who is subject to statutory powers is compliant with

the support plan but is not prepared to meet the cost of transport to attend the service.

- Where there are issues of risk and /or financial hardship and the giving of assistance would avoid the local authority being caused greater expense in the giving of assistance in another form, or where failure to provide transport would cause greater expense to the local authority on a later occasion.

6. Assessing the Need for Assistance with Transport

6.1 It does not automatically follow that an individual assessed as requiring an Adult Wellbeing service will also receive assistance with transport. Whether a service is directly provided or commissioned, any assessment for transport provision must always be undertaken separately. This includes transport to access respite care services.

6.2 An individual will only receive assistance with transport in the following circumstances:-

- The individual is in receipt of, or been assessed as eligible for a service in accordance with the relevant eligibility criteria.

And

- In determining whether to provide or commission assistance, the assessment must take into account whether an individual is in receipt of state benefits (in case or kind) that are provided for the express purpose of aiding mobility. Where an individual is not in receipt of benefits, a benefits check will be undertaken to establish whether the individual is eligible for Disability Living Allowance mobility component or for new claimants, the mobility component in the Personal Independence Payment (PIP).

And

- Where an assessment of need has demonstrated that assistance with transport is essential to enable the individual to access a service, it must be demonstrated that all other reasonable transport options have been explored and rejected. Where appropriate, the use of assistive technology/travel training must also be considered.

6.3 An assessment or review of an individual's need for assistance with transport will be undertaken at the same time as the assessment review of the Adult Wellbeing package or SDS assessment (from April 2014). If a reassessment of transport needs is required because of a change in

circumstances, this would not necessarily require a reassessment of the whole service

- 6.4 An assessment for assistance with transport will take full account of the needs and circumstances of the service user. It will look at all transport options for each individual journey, for example where a carer can deliver but not collect a service user from a service, assistance will only be provided for the return journey.

7. Assistance with Transport from Adult Wellbeing

- 7.1 Where it is established that an individual is eligible for assistance with transport, this will be provided either directly or through a contractor, using the most cost effective means available. Exceptionally, where the most cost effective solution is not the preferred option, use of the more expensive option must be approved by the Area Manager.
- 7.2 When organising review meetings, consideration should always be given to the venue and cost implications of travel to enable service users and carers ease of access.
- 7.3 Sharing transportation must always be explored following appropriate risk assessment.

8. Meeting the Cost of Assistance with Transport

- 8.1 Any assistance with transport for an individual in receipt of a long term residential or nursing care service commissioned by the Council will be the responsibility of the provider.
- 8.2 Where an individual service user is provided with a vehicle through the Motability scheme, the individual will be deemed to have no requirement for additional assistance with transport or associated costs.
- 8.3 Transport to and from any college/employment placement, after the service user leaves school, is the responsibility of the service user and costs will be met by the service user in full. It is recognised that mobility benefits may not cover all transportation costs and this is a matter for the service user and family to consider when initiating a service/agreeing a support plan.
- 8.4 Where assistance with transport has been agreed by Adult Wellbeing, the cost should be clearly detailed and budgeted for.
- 8.5 From time to time, recreational outings are organised for service users that either use Council owned transport or private hire. Where the trips are recreational, unit managers should seek to achieve full cost recovery.

- 8.6 Regular use of Council subsidised vehicles for transportation of service users will only be sanctioned when clearly demonstrated to be part of an individual's support plan. A worker who transports a service user where there has been no approval of the transport as part of the support plan will not be able to recover expenses for these costs.
- 8.7 Many Councils across Scotland have introduced a charge for transport and we are proposing a flat rate determined by Cabinet through the annual report on service user contributions for Adult Wellbeing.

9. Policy Implementation - Next Steps

- 9.1 It is recommended that all individuals accessing Adult Wellbeing services from the date of approval of this policy, will be assessed for transport in line with the above guidance.
- 9.2 Individuals currently accessing transport will be reassessed in accordance with the above recommendations when their support plan is reviewed.
- 9.3 Important ongoing work within Adult Wellbeing and the Council has to continue to achieve longer term efficiencies in relation to transport. The policy has to be revisited and updated on a more regular basis to reflect changes in need and transport provision.
- 9.4 The above policy is written in the context of the legislative framework:-
- Social Work (Scotland) Act 1968.
 - Community Care and Health (Scotland) Act 2002.
 - Mental Health (Care and Treatment) (Scotland) Act 2003.
 - Chronically Sick and Disabled Persons Act 1970.
 - Disability Discrimination Act 1996.
 - Human Rights Act 2000.
 - Equality Act 2010.
 - Adults with Incapacity (Scotland) Act 2000.
 - Welfare Reform Act (2012).
 - Social Care Self Directed Support (Scotland) Act (implementation April 2014).

Self Directed Support

1. Background

1.1 Self Directed Support (SDS) in East Lothian will become “part of the mainstream of social care delivery, targeted at empowering people and putting the principles of independent living into practice. It enables individuals to direct the care or support they need to live more independently at home and can be instead of, or in addition to, services that might be arranged by their local authority.” (Scottish Government 2012).

1.2 The Local authority have longstanding responsibilities from the Social Work Scotland Act 1968.

- To promote (adult) social welfare by providing advice, guidance and assistance.
- To assess individuals who have social care needs (and to conduct a lawful assessment).
- To meet eligible needs.
- To comply with requests for carers assessments.
- To promote the welfare of children in need.
- Equality of opportunity.

1.3 In addition to these responsibilities the SDS Act due to be implemented in April 2014 will give additional duties:-

- Duty to offer the choices and act on the person’s choice.
- Duty to explain nature and effect of options & to signpost people to information & support.
- Duty to promote the availability of the SDS.
- The act gives the local authority the power to offer support to carers and a duty to offer SDS options for that support Direct Payment – this is where the full amount of the indicative budget is paid directly to the individual (or their financial guardian) and they decide what service/goods/support etc to buy and when. This includes an indirect payment, trust fund and brokered fund.

- Individual Service Fund – this is where a service provider manages the funds on behalf of the individual and provides the service requested.
- Care Managed Fund – this is the traditional model of services in which East Lothian Council purchases the service on behalf of the individual.
- Combination – this includes a variation of the above option.
- In carrying out its functions under this Act in relation to a person who, is to choose (or has chosen) one of the options for self-directed support, a local authority must have regard to the following general principles.
 - That the dignity of the person is to be respected.
 - That the person's desire to participate in the life of the community in which the person lives is to be respected.

2. Assessment and Support Planning

- 2.1 Initial contact will signpost people to non statutory services or assessment. For those whose needs cannot be met in this way will be eligible for a community care assessment which includes a person centred, self supported assessment. This will identify eligible social care needs and the outcomes the individual wishes to achieve. This leads to an indicative budget being identified to enable the support to be planned.
- 2.2 We have a resource allocation system (RAS,) based on equivalence, has been developed to promote a fair, equitable and transparent initial allocation of resources based on ELC's eligibility criteria.
- 2.3 East Lothian Council approach is being viewed nationally as innovative and forward thinking and is being considered by other local authorities to assist them in their delivery of SDS.
- 2.4 The person who is being assessed will be supported to identify the outcomes they wish to achieve and how the budget can be used to provide the support in a way that their outcomes are met. The support plan will be agreed by the Council based on its ability to meet the desired outcomes ensuring the person's experience of risk is acceptable and within resources available. A personal budget is then agreed to allow the individual to progress their support plan.

3. Operational Implementation

- 3.1 The system wide changes that are required in order to successfully implement Self Directed Support within East Lothian have been

supported by a number of events. These events for service users, staff and external providers have assisted in planning for the changes that we will make over the next months.

- 3.2 We have developed a comprehensive learning and development plan and will continue to learn as we put Self Directed Support into practice. Staff have been trialling the assessment and support planning tools and methodologies and are considering modifications that may be necessary prior to further roll out of Self Directed Support.

4. Providing Choice

- 4.1 In order to provide voices for people following the agreement of personal budgets and individual support plans, we need to work closely with partners in the third and independent sector in order to deliver services throughout East Lothian.

- 4.2 We continue to work with local partners in order to develop approaches such as:-

- Local area co-ordination¹, to provide preventative support and ensure people appropriately access mainstream universal services in the community without having to be dependent directly on social work resources.
- Advising and supporting SDS recipients. This can start at a pre-assessment stage providing advice and information about the assessment process.
- Assisting in support planning which can help empower users and help shift people away from dependence on the local authority and more traditionally provided solutions.
- Helping recipients of SDS and in particular with direct payments, in a number of areas that are sometimes seen as an administrative burden and therefore are a disincentive to the uptake of direct payment within SDS. These include completing payroll returns, tax forms and recruitment and selection.
- A well supported third sector will help develop capacity in the community. There is a range of evidence that voluntary sector

¹– Local Area Co ordination (LAC) - Local area co-ordination (LAC) emerged in rural Australia in 1988 in response to long standing difficulties meeting the needs of people with learning disabilities and their families living in remote areas. Due to the lack of service infrastructure locally, individuals had to leave their families and communities to move into residential homes in cities many miles away. LAC was seen as an innovative way to support individuals and their families to build a 'good life' and to work with local communities to strengthen their capacity to include disabled people, based on the principles of user control, empowerment and self sufficiency. (Scottish Government)

schemes from befriending to shopping services and day centres for older people can promote involvement and independence for service users and are cost effectively.

4.3 In working with Partners to develop the above we are also considering how services can become more preventative in their outlook and in particular how we can work in local areas and communities to understand the needs of people who may require services and ensure that they have good local access to these services:-

- A tiered approach to care assists in understanding the focus of social work at Tier 3 and 4 (See Appendix 1).

5. Communication and Engagement

5.1. A key component of the delivery of Self Directed Support will be ensuring that service users, carers and all stakeholders are informed of the development of services and Self Directed Support.

5.2 A communication and engagement action plan will be set out and will include a formal launch of Self Directed Support in East Lothian.

6. Eligibility Criteria

6.1 The implementation of SDS does not require significant changes to the eligibility criteria. Importantly approach promotes alternative ways of meeting needs which previously would have been considered for social work funding.

6.2. A transition plan will be developed for each person who is currently in receipt of services who would wish to move to Self Directed Support.

7. Business Systems

7.1 Procurement

The roll out of SDS will have wide implications for business processes across Adult Wellbeing, including how we procure purchased services. Under SDS service users will be able to exercise more choice and control over the services they want to access and this will include purchasing services from new providers who offer services in alternative ways from a traditional “hours based” model. Specifications will be outcome focussed, based around the outcomes identified by service users in the support plan. Providers will be required to measure and report on achievement of outcomes. This transition is already under way in the procurement of an outcomes-focused Help to live at Home service.

7.2 Direct Payments

With the introduction of SDS there may be an increase in the take up of direct payments in respect of all or part of their individual budget. As more funds are allocated through this route we will continue to review the systems we have in place to ensure that financial risks are managed and that we have appropriate performance management information available to elected members, officers and service recipients.

8. **Funding SDS**

8.1 Setting a Personal Budget

Self Directed Support requires that a personal budget is set for people to allow them to progress their support plan. This personal budget requires to have every part of service that they receive to be costed. For example, people who receive day care services and currently have no cost set against that will need to know how much it costs to purchase day care from their personal budget.

8.2 The Challenge of SDS

East Lothian Council will provide a determination of the cost of services that are provided to that person as part of their personal support plan. This will include services that have not traditionally been charged for within East Lothian Councils. We therefore will develop an approach that considers how we detail and determine that cost. These issues are detailed in paragraph 149 of the draft statutory guidance on care and support issued by the Scottish Government in April 2013.

8.3 For these reasons a number of Councils across Scotland are developing contributions based approach where there is agreement on how the costs of care are shared between the service user and the Council. Once this is agreed the service user is able to make choices based on what will help them to achieve their outcomes, without being unduly influenced by the financial consequences.

9. **A Way Forward**

9.1 **There will be** a shift away from individual service charges for certain services. **The focus will be** on the total cost of a services user's care and the level of contribution they are expected to make. This approach will build on principles set out within COSLA national guidance:-

- *Source: National Strategy & Guidance for Charges Applying to Non-residential Social Care Services 2013/2014.*

9.2 The aim of the revised approach to contributions is that following the completion of the Self Directed Support Assessment the person will know:-

- What their eligible care needs are.
- The total level of resources that the Council will allocate towards meeting their outcomes.
- How much the Council will contribute.
- How much they are expected to contribute.

10. Resource Implications

- 10.1 **Financial** - It is not possible to anticipate the impact on commissioned services to Adult Wellbeing at this time, however this will be subject to further reports as the implementation of Self Directed Support develops.
- 10.2 **Personnel** – Service redesign will allocate duties roles and responsibilities with regard to Self Directed Support as appropriate.