



**REPORT TO:** HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –  
23 APRIL 2019

**REPORT ON:** FREE PERSONAL CARE FOR ADULTS AGED UNDER 65 YEARS

**REPORT BY:** CHIEF OFFICER

**REPORT NO:** DIJB22-2019

## **1.0 PURPOSE OF REPORT**

The purpose of this report is to update the Integrated Joint Board (IJB) on the progress to implement the new legislation to extend Free Personal Care to adults aged under 65 years of age from 1 April 2019.

## **2.0 RECOMMENDATIONS**

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the work to date to implement the Scottish Government's legislation to extend Free Personal Care to Adults aged under 65 years.
- 2.2 Notes that as responsibility for charging is not delegated to IJBs, approval to change the current charging policy to comply with the legislation will be sought through Dundee City Council's Policy and Resources Committee.

## **3.0 FINANCIAL IMPLICATIONS**

The extension of Free Personal Care and Free Nursing Care will result in reduction in chargeable income to Dundee Health and Social Care Partnership (DHSCP). The removal of charging for services also has the potential to increase the number of referrals for care and support provided through the partnership. The full financial impact of the loss of charging income and potential increased demand for services was assessed nationally and the Scottish Government has allocated £834k as part of the Local Government Finance Settlement through Dundee City Council to Dundee Integration Joint Board in 2019/20 to fund implementation of the legislation.

## **4.0 MAIN TEXT**

### **4.1 Background**

- 4.1.1 Free Personal Care (FPC) and Free Nursing Care (FNC) has been a feature of Scottish care provision since 2002, when the Scottish Parliament unanimously agreed to implement the policy for adults aged over 65 years of age. At the time of implementation, there were concerns raised as to the potential discrimination against adults aged under 65 years, however as younger adults were able to access a wider range of welfare benefits, the policy was not extended.
- 4.1.2 The campaign to extend FPC to under 65's was known as 'Frank's Law' and was initiated by Mrs Amanda Kopel, wife of Frank Kopel, a former football player with Dundee United Football Club. Mr Kopel was diagnosed with early onset Alzheimer's disease and Mrs Kopel gave evidence to the Public Petitions Committee in September 2013. The campaign gained wide political support and in December 2016, the Cabinet Secretary for Health and Sport announced that the Scottish Government would undertake a feasibility study into extending FPC to people aged under 65 which sought the views of stakeholders and the public.

4.1.3 In the Programme for Government (September 2017) parliament announced that they would seek to extend FPC to adults aged under 65. The instrument (SSI 2018/200) to extend FPC was approved and passed by Parliament on 13 June 2018 and came into force from 1 April 2019. This specifies that any adult who is eligible to receive personal care will do so free of charge, no matter condition, age or means of that person. The guidance issued confirmed that this would be Free Personal and Free Nursing Care (FP&NC) for those living in nursing care home settings.

#### **4.2 National Planning for the Implementation of FP&NC for those aged under 65**

4.2.1 To progress the policy change, the Scottish Government set up an Implementation Advisory Group (IAG) which consisted of members from Scottish Government, COSLA, Local Authorities, Integrated Authorities, service providers and people using services. The IAG was to provide advice on the impact on local authority systems, providers, related policy areas and the monitoring and review of the policy and its implementation.

4.2.2 Guidance on Free Personal and Nursing Care (FP&NC) in Scotland for Adults was issued to Health and Social care partnerships in December 2018 (Circular No. CCD3/2018). The guidance updated the previous guidance in place for the delivery of FPC&NC for older people to provide a single guidance. It set out the eligibility criteria, implementation, definitions of FP&NC and monitoring and reviewing arrangements of care needs.

4.2.3 The Scottish Government gave a commitment to work with COSLA to identify the estimated costs of the extension, including potential increased demand for services as experienced through the implementation of free personal and nursing care legislation for people aged over 65. Circular No. CCD3/2018 confirmed that £40 million had been included directly in the Local Government settlement to support the continued implementation of the Carers (Scotland) Act 2019 and to extend free personal care for those under the age of 65. The Scottish Government confirmed in March 2019 that £834k was allocated to Dundee City Council for the implementation of FP&NC for adults aged under 65.

#### **4.3 Local Planning for the Implementation of FP&NC for those aged under 65**

4.3.1 To prepare for the extension of FP&NC, a local working group was established. This group reviewed the systems, process and information required to ensure the policy would be implemented smoothly from 1 April 2019.

4.3.2 In order to record the changes to care packages and clearly identify the level of personal and nursing care, changes were required within the MOSAIC client recording system. These changes were confirmed as ready to be implemented at the end of March 2019 and staff training on the new system is currently ongoing.

4.3.3 Service users currently receiving services are being notified of the changes as part of the annual charging letter. We anticipate that it will take a short period to fully review and amend the relevant elements of the Council's charging policies and retrospective adjustments to charges will be made to the 1<sup>st</sup> April 2019 should these be required. A significant number of adults under the age of 65 already receive their personal care free of charge because of their level of income and assets in line with local charging policies which means they do not require to contribute. This is particularly relevant for adults living in care home settings where a minority of service users will see changes to their care costs.

4.3.4 Public information regarding the legislation has been made available on the Dundee Health and Social Care Partnership website.

4.3.5 Decisions on charging for adult social care services are not a delegated matter to the IJB, therefore Dundee City Council's charging policy will require to be changed to reflect the new legislation and a report for Dundee City Council Policy and Resources Committee is currently being prepared.

## 5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality Impact Assessment and Risk Management. The report will extend rights currently held by a discrete group, to all people requiring assistance who meet the criteria. There is therefore no identified equality risks.

## 6.0 RISK ASSESSMENT

<b>Risk 1 Description</b>	The Scottish Government have allocated additional finances to meet both the loss of income and a potential growth in demand. At this time we are unable to predict whether or not the policy change will result in a significant increase in both referrals and demand for services. If this occurs there is a potential that any arising financial pressures will be greater than the additional resources.
<b>Risk Category</b>	Financial
<b>Inherent Risk Level</b>	Likelihood 2 x Impact 4 = 8 - High
<b>Mitigating Actions</b> (including timescales and resources)	This will be monitored and reviewed as part of the budget controls. Application of the eligibility criteria will be monitored.
<b>Residual Risk Level</b>	Likelihood 2 x Impact 3 = 6 - Moderate
<b>Planned Risk Level</b>	Likelihood 2 x Impact 3 = 6 - Moderate
<b>Assessment of Risk Level</b>	Given the mitigating actions reduce the risk score with an ultimate expectation of a moderate risk level over time, the risk is deemed to be manageable.

## 7.0 CONSULTATIONS

The Chief Finance Officer and the Clerk were consulted in the preparation of this report.

## 8.0 DIRECTIONS

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

<b>Direction Required to Dundee City Council, NHS Tayside or Both</b>	<b>Direction to:</b>	
	1. No Direction Required	<b>X</b>
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

**9.0 BACKGROUND PAPERS**

None.

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Chief Officer

DATE: 11/04/2019

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