



**REPORT TO:** HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –  
30 OCTOBER 2018

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

**REPORT BY:** CHIEF OFFICER

**REPORT NO:** DIJB53-2018

## **1.0 PURPOSE OF REPORT**

The purpose of this report is to advise the Integrated Joint Board of new legislation to extend Free Personal Care to adults aged under 65 years of age from 1 April 2019. The paper sets out the information available to partners to date and the proposed actions Dundee Health and Social Care Partnership (DH&SCP) will take in preparation for the new legislation.

## **2.0 RECOMMENDATIONS**

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

- 2.1 Notes the Scottish Government's legislation to extend Free Personal Care to Adults aged under 65 years.
- 2.2 Notes that the Health and Social Care Partnership awaits receipt of further national guidance in respect of the extension of this policy in addition to the level of additional funding to support this policy change.
- 2.3 Notes the proposed planning in preparation for the policy change as detailed in Appendix 1.
- 2.4 Notes that as responsibility for charging is not delegated to IJBs, approval to change the current charging policy will be sought through Dundee City Council's Policy and Resources Committee.
- 2.5 Instructs the Chief Officer to provide an update report to the IJB setting out the progress to implement the policy change at both a national and local level in February 2019.

## **3.0 FINANCIAL IMPLICATIONS**

The extension of Free Personal Care and Free Nursing Care will result in reduction in chargeable income to the DH&SCP. 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 is being assessed nationally. It is anticipated that additional funding will be provided by the Scottish Government to fund 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 FPC/FNC applied to both services provided within communities and within care homes. In communities, contributions towards non-personal and non-nursing supports are considered under local charging frameworks. For those placed in a care home, the level of FPC/FNC contribution is agreed by the Scottish Government, with the remaining cost of care being attributed to hospitality costs and subject to means test charging. The policy has benefited many older people accessing services, particularly as the greater proportion of services accessed by older people tend to be of a personal care or nursing care nature, rather than support services. This is in contrast to the majority of adults aged under 65 years who are more likely to access more support services. Support services do not meet the criteria for FPC/FNC. Where adults aged under 65 years require personal care, regardless of the level of support required, this is currently subjected to a means tested charging framework.
- 4.1.3 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. The study also considered the costs of existing service users receiving their care. DH&SCP contributed to the study.

## **4.2 Current Position**

- 4.2.1 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 will come 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.
- 4.2.2 To progress the policy change, the Scottish Government has set up an Implementation Advisory Group (IAG) which consists of members from Scottish Government, COSLA, Local Authorities, Integrated Authorities, service providers and people using services. The IAG will provide advice on the impact on local authority systems, providers, related policy areas and the monitoring and review of the policy and its implementation. This group includes representation from the Chief Finance Officers Network. Updated national guidance for free personal care, including the extension of this policy is due to be released shortly.
- 4.2.3 The Scottish Government has given 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. The outcome of this will be reflected in the Scottish Government's 2019/20 budget settlement

## **4.3 Local Planning for the Policy Change**

- 4.3.1 To prepare for the extension of FPC, a local working group will be established. This group will review the systems, process and information required to ensure the policy can be implemented smoothly from 1 April 2019. The detail of the policy change is not yet available, however we would not expect the criteria to greatly deviate from that currently in place for people aged over 65. The working group will include carer and service user representatives. The draft action plan is attached at Appendix 1.
- 4.3.2 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.

## 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>	We are unable to predict whether or not the policy change will result in an increase in both referrals for services and therefore increase demand for services. The Scottish Government have committed to providing additional resources to address any financial impact of the change. Should there be an unpredictable rise in demand, this may be greater than the negotiated settlement.
<b>Risk Category</b>	Financial
<b>Inherent Risk Level</b>	Likelihood 3 x Impact 4 = 12 - High
<b>Mitigating Actions</b> (including timescales and resources)	Work closely with COSLA and Scottish Government to assess the most likely pattern of demand for services as against the potential funding levels available and include as part of IJB budget setting deliberations accordingly
<b>Residual Risk Level</b>	Likelihood 3 x Impact 3 = 9 - High
<b>Planned Risk Level</b>	Likelihood 3 x Impact 2 = 6 - Moderate
<b>Approval recommendation</b>	It is recommended that given the mitigating actions reduce the risk score with an ultimate expectation of a moderate risk level over time, the risk should be accepted.

## 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	x
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

## **9.0 BACKGROUND PAPERS**

None.

David Lynch  
Chief Officer

DATE: 22nd October 2018

Diane McCulloch  
Head of Health and Community Care Services

## EXTENSION OF FREE PERSONAL CARE – WORKING GROUP ACTION PLAN (DRAFT)

Priority	Action	Timescale	Comment
Policy and Procedures	Review current policy and procedures and amend in line with national guidance.	31.01.19	Timescales may change if there is a delay in receiving national guidance.
Eligibility Criteria	Review current criteria and amend in line with national guidance.	31.01.19	Timescales may change if there is a delay in receiving national guidance.
Electronic systems and processes	Review current MOSAIC Finance and recording systems to support the changes.	31.01.2019	
	Review any corporate financial systems to take into account the changes.	31.01.19	
	Agree and implement changes to workflows on MOSAIC.	28.02.19	
	Change and test all electronic systems in time for implementation (1 <sup>st</sup> April 2019)	31.03.19	
Public Information	Agree approaches to the distribution of public information.	31.01.19	Consider using national information
	Provide information through the H&SCP Website to publicise the change.	28.02.19	
	Update links and wider information as required.	Ongoing	
Front line practice	Develop a training programme for front line staff/Team Managers and Integrated Managers which takes into account policy, procedures and MOSAIC training.	Feb /March 2019	
Monitoring Arrangements	Agree processes for monitoring implementation and recording uptake.	31.01.19	
	Embed any national reporting arrangements within current electronic systems.	28.02.19	

<b>Priority</b>	<b>Action</b>	<b>Timescale</b>	<b>Comment</b>
Financial Modelling	<p>Model potential budget costs of the policy change and realign budgets to address this.</p> <p>Monitor and review budget spend, report and adjust as required.</p>	28.02.2019	
Charging Framework	<p>Review and amend current Charging Framework in line with the national guidance.</p> <p>Report to IJB for information</p> <p>Report to P&amp;R Committee, DCC for approval</p>	<p>31.01.19</p> <p>12<sup>th</sup> February 2019</p> <p>Feb/March 2019</p>	
Progress Reporting Arrangements	<p>Initial information report to IJB</p> <p>Progress reports to IJB</p>	<p>Oct 2018</p> <p>12<sup>th</sup> Feb 2019</p>	