



Integration Joint Board

30th January 2019

This Report relates to
Item 15 on the Agenda

Free Personal Care for People under Sixty Five

(Paper presented by Glen Graham)

For Discussion and Noting

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List of Background Papers	Not Applicable
Appendices	Not Applicable

SECTION 1: REPORT CONTENT

Title/Subject:	Free Personal Care for People Under Sixty Five
Meeting:	Integration Joint Board
Date:	30 th January 2019
Submitted By:	Glen Graham, Strategic Planning and Commissioning Manager and Sean Barrett Finance and Information Manager
Action:	For Discussion and Noting

1. Introduction

- 1.1 On 5th June 2018 the Scottish Government passed regulations entitled Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No.2) Regulations 2018 (otherwise known as 'Frank's Law'). This means that from April 2019 all adults who are assessed as needing personal care will be entitled to receive it without charge regardless of their age.
- 1.2 This removes the age inequality inherent in the current policy which has allowed for free personal care for people over sixty five years. The Health and Social Care Partnership has, in partnership with the Convention of Scottish Local Authorities, been assessing the likely financial impact of this policy change for Dumfries and Galloway. The Scottish Government has made allowance for this within the settlement aimed at Adults Social Care.

2. Recommendations

- 2.1 **The Integration Joint Board is asked to:**
 - **Note the introduction of free personal care for people under sixty-five years of age and the potential financial impact of this policy.**

3. Background

- 3.1 Prior to 2002, personal care was means tested and only those assessed as needing public funding received free personal care. In 1999 The Royal Commission on Long-Term Care recommended in its report (the Sutherland Report) that personal care should be available after an assessment, according to need and paid for from general taxation. In 2001 the then Scottish Executive responded to the Health and Community Care Committee's report and agreed to take forward the work that ultimately led to the introduction of free personal care for people aged sixty five and over.

3.2 All free personal care (FPC) for people aged sixty five years and over was introduced in 2002 by a combination of the enactment of the 2002 Act and the Community Care (Personal Care and Nursing Care) (Scotland) Regulations 2002. Section 1 and schedule 1 of the 2002 Act set out four types of social care that local authorities are not allowed charging for, including personal care. Under the Regulations (paragraph 3), the requirement in the 2002 Act not to charge for three of these types of social care (including personal care) applies only to people aged sixty five or over. Care Information Scotland describes personal care as ‘anything done for you that is of a personal nature’:

- Personal hygiene – bathing, showering, hair washing, shaving, oral hygiene and nail care;
- Continence management – toileting, catheter/stoma care, skin care, continence, laundry and bed changing;
- Food and diet – help with eating, special diets and food preparation;
- Immobility problems – dealing with being immobile or substantially immobile;
- Counselling and support – behaviour management, psychological support and
- Reminding devices;
- Simple treatments – assistance with medication (like eye drops), application of creams and lotions, simple dressings and oxygen therapy; and
- Personal assistance – help with dressing, surgical appliances, prostheses, mechanical and manual aids, help getting in and out of bed and using hoists.

3.4 Following a Members’ Debate on 6th December 2016, the Cabinet Secretary for Health and Sport announced that the Scottish Government would undertake a feasibility study looking at the general issue of charging for personal care for people under sixty five. That feasibility study examined the costs of existing clients receiving their care free, and took on board the views of stakeholders and the general public. On 5th September 2017, the First Minister announced in the Programme for Government that they would extend Free Personal Care to include people under sixty five. The Scottish Government have subsequently committed to that extension by 1st April 2019.

4. Main Body of the Report

Financial Impact

4.1 The Scottish Government has indicated that it will fully fund this change and has worked with Convention of Scottish Local Authorities (COSLA) and local authorities to assess the funding required. Indications are that implementation of this new policy will cost in the region of £30m nationally. (At this stage, neither the full details of the settlement for Health and Social Care for 2019/20 nor what impact this may have on increased demand are known but it should be noted that we have experienced significant growth in care for people aged under sixty five over the last year and have an existing integration budget shortfall in excess of £1m).

- 4.2 We currently spend £25m on care at home for people aged under sixty five and collect a 'service user income' of £1.6m (which equates to approx 6% of care costs). Approximately 54% of the £25m cost is attributed to the delivery of personal care (£13.5m). If we assume that we get 4% growth in new care for this service user group, then an estimate of the cost of personal care would be £560k. It should be noted that not all of this will be as a result of free personal care to people aged under sixty five. As noted in section 4.1 we have already experienced an increase in demand and costs for this group regardless of this policy change.
- 4.3 It is difficult to estimate how much of the anticipated increase will be due to this policy change. Only those who receive personal care only will no longer have to pay for free personal care. We currently have approx 600 people under sixty five who pay towards their care. Of this number only 175 have personal care only. This group would see their charges stop. Fifty would see a reduction in their charges due to having a low level of non personal care. The remaining 375 would see no reduction in their contribution due to the costs of their non-personal care being greater than the level of their charges. This is also the case with almost all residential and nursing placements. It is estimated that the lost income as a result of the policy change will be in the region of £400k
- 4.4 The Scottish Government on Friday 21st December provided guidance for Free Personal Care (CCD23/2018) for those both over and under the age of 65. The guidance does not prescribe how personal care should be calculated as it was found that each local authority's practices and procedures differ and it is intended to enable each local authority to follow and build on its own current local procedures and systems. As the extension is mandatory for all local authorities it will be necessary to set out our own local guidance which reflects the national guidance. This guidance should provide clarity on:
- The definition of personal care;
 - Funding of the extension of free personal care;
 - How personal care should be calculated;
 - How free personal care should work alongside the principle of enablement;
 - Clear communication within local authorities providing information relating to the changes in the extension of free personal care and having the opportunity to raise these concerns at a local level.

5. Conclusions

- 5.1 At this stage the full details of the settlement for Health and Social Care for 2019/20 is not known.
- 5.2 Based on the information available at this time, it is estimated that the financial impact of free personal care for under 65's will result in lost income and increased costs in the region of £450k-£850k.
- 5.3 The majority of people who use these services will see no reduction in their charges.

- 5.4 People who currently use services are not always aware that they have non-personal care as well and there is possibility that some people may have interpreted this new policy as meaning that all charges will be removed which may lead to having some unrealistic expectations as a result of this.
- 5.5 As the extension of free personal care is mandatory it will be necessary before 1st April 2019 to set out our own local guidance which reflects the national guidance.

SECTION 2: COMPLIANCE WITH GOVERNANCE STANDARDS

6. Resource Implications

6.1 Resources are outlined in the paper.

7. Impact on Integration Joint Boards Outcomes, Priorities and Policy

7.1 This is in line with the 9 national health and wellbeing outcomes and also the Dumfries and Galloway Integration Joint Board Health and Social Care Strategic Plan 2016-2019.

8. Legal & Risk Implications

8.1 There is a risk that there could be increased costs to providing free personal care to those under sixty five. The risk is that as well as waiving charges there may be an increase in people seeking assessment for a service.

9. Consultation

9.1 The Health and Social Care Partnership has through the Convention of Scottish Local Authorities contributed to the Scottish Government consultation on the development and introduction of this new policy.

10. Equality and Human Rights Impact Assessment

10.1 An Equality and Human Rights Impact Assessment is not required.

11. Glossary

COSLA	Convention of Scottish Local Authorities
HSCSMT	Health and Social Care Senior Management Team
IJB	Integration Joint Board