

ADULT SOCIAL CARE & HEALTH CABINET MEMBER MEETING

Agenda Item 11

Brighton & Hove City Council

Subject:	High Cost Care		
Date of Meeting:	13th June 2011		
Report of:	Director of Adult Social Services/Lead Commissioner People		
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Key Decision:	Yes:	ASC 21745	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In Brighton and Hove the net spend for Adult Social Care is £73 million per annum. People assessed as in need of care can have their needs met either by having a service package in their own home or through a care home placement. The council is moving towards a position where people who meet the eligibility criteria are assessed for an indicative budget using the Resource Allocation System (RAS) to meet their care outcomes. Currently a person can choose the service they prefer but there can be significant variations in costs to the council.
- 1.2 'Putting People First' advocates choice and control for users and local take up of personal budgets is a key performance indicator. At the same time under financial policy, the council has a fiduciary duty to secure value for money. Adult Social Care assessment teams, when assessing the needs of service users must take the above into account.

2. RECOMMENDATIONS:

- (1) To note that this formalises and reinforces good social work practice for all care groups. That the costs of care are set at a level that secures a package of care or care home placement that meets the needs of the individual and also represents value for money.

- (2) To note that a Framework Agreement for people with a Learning Disability with complex needs has been agreed and is being actioned.
- (3) That where there is a decision that an individual is seeking to be supported by public funds and that a home care package would not represent value for money, practitioners should discuss whether this individual could access third party support.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Assessed needs

Social Care legislation requires that a person's needs must be assessed (this includes a financial assessment) and where eligible for provision, the council must provide services or direct payments to meet those needs. People who meet the eligibility criteria are assessed for a personal budget using the Resource Allocation System. Care needs can be met by a home care service package, community services e.g. day care, direct payments or a placement in a care home.

3.2 Choice

National and local policy and strategy is to provide services that enable people to maintain independence in their own homes. 'Putting People First' guidance advocates choice and control for users and personal budgets are a key performance indicator.

3.3 Current process and arrangements

In 2010 Adult Social Care put in place a 'Scrutiny Panel' process. This was introduced to ensure equity and fairness and to monitor consistency of practice in securing care services. Panel Chairs have access to current information on:

- Costs,
- vacancies in residential care homes or day services and
- availability of wider services.

Panel Chairs take responsibility for authorising packages of care and care placements under delegated authority arrangements.

If the agreed package of care exceeds the cost of a residential placement the Head of Assessment Services, and in some cases the Director of Adult Social Services/Lead Commissioner provide additional scrutiny. The underlying principle being that whilst people should have:

- a package of care that meets their needs,
- have choice in how this care is delivered

this needs to be balanced against the need to ensure value for money and to deliver a balanced budget.

3.4 Other Authorities

Some Local Authorities have set out not only how they will manage the decision making process, but have also have agreed that where the costs of publicly funded home care is above residential care, residential care would be the considered first. For example, Somerset County Council have agreed that when the cost of home care reaches the equivalent of 23hrs a week, additional support will be sought outside the council e.g. funding from families or the community. Alternatively the council will provide an appropriate care home placement to meet a person's assessed needs. East Sussex County Council has agreed that home care costs for older people and older people with mental health problems should not be in excess of their nursing home rate, currently £532.68 per week.

3.5 Government proposals for Future Funding of Adult Social Care

Any change to local arrangements will have to be mindful of the Commission on the Funding of Care and Support. It is expected that they will begin to report in summer 2011 on the early considerations of how social care costs should be shared between individuals and the state. One of the specific issues to be explored will be the protection of assets of people needing support, such as the threshold at which someone might need to sell their home to fund their care.

4.0 PRACTICE ISSUES

4.1 Care that represents value for money

This paper reinforces and provides guidance to social care practitioners and budget holders on how to proceed when reassuring themselves that cost effective arrangements are being secured. Achieving the provision of care services that represent value for money for the council will be reliant on three key actions:

1. Accurate and timely assessment of need
2. Robust support planning
3. Effective negotiations with providers of care

In line with 'Putting People First' the assessment process will continue to promote choice and control. Costs will be agreed to a level which secures care services that meet the needs of the individual and represents value for money for the council.

It will:

- Provide long term services to meet need in a way that represents value – both in quality and cost
- Encourage Third Party support
- Exclude short term services from this position to allow people to improve their independence.

4.2 Specific service issues

Older people's services:

Practitioners will adhere to the rates secured for care homes and domiciliary care service packages as set out in Appendix One. This will apply to new cases and to other cases at review stage.

Due to the diverse nature of the needs of younger adults, people with a learning disability, people with mental health problems each package of care or placement will be subject to scrutiny and wherever possible comparative data will be sourced to ensure value for money options are identified and secured. This will apply to new cases and to other cases at review stage.

Where appropriate, Framework Agreements for people with complex needs will be used across all service areas.

4.3 Further Options

On occasion the council may identify a value for money option to support an individual (either through a care package or in a care home); that does not reflect the service users' aspirations. In these circumstances it will remain an option for services users, carers and third parties to consider making their own provision to secure this alternative.

5. **FINANCIAL & OTHER IMPLICATIONS:**

5.1 Financial Implications:

The proposed position will provide further challenge on value for money in the provision of care services whilst meeting assessed need and is expected to drive savings in 2011/12 and beyond. A monitoring system will be put in place to capture the impact of the new position and savings achieved will be included within budget monitoring reports.

Finance Officer consulted: Anne Silley

Date: 04 May 2011

5.2 Legal Implications:

As set out in the body of the report the Local Authority must adhere to its statutory duties to assess and provide care services, follow national guidance and ensure it meets its duty to the public purse. The proposals in this report seek to address all requirements and implement a fair, transparent and equitable process. In terms of the Human Rights Act 1998 ECHR Article 6 [Right to a Fair Hearing] considerations must be taken into account in terms of any arrangements for Appeals and Representations. Article 8 [Right to Family Life....] considerations must be taken into account in all decisions relating to the provision of individual care packages.

Lawyer consulted: Sandra O'Brien

Date: 10 May 2011

5.3 Equalities Implications:

The new position should make the reasons why specific services are provided more transparent and fairer across all client groups. A service user's cultural and

religious needs will be fully considered as part of the care planning process; where appropriate exceptions to the position will be considered. A separate Equalities Impact Assessment has been completed.

5.4 Sustainability Implications:

There are no specific sustainability implications set out in this report.

5.5 Crime & Disorder Implications:

There are no specific crime and disorder implications set out in this report.

5.6 Risk and Opportunity Management Implications:

There is a risk a more stringent compliance to value for money principles will be perceived as negative. The increased attachment to equality principles should help ameliorate this.

5.7 Corporate / Citywide Implications:

The recommendations of this report are in line with the council's Corporate Priority, 'Better Use of Public Money' and the need to keep the costs of delivering services under careful review.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S)

Other Options were considered, including the development of a policy that would formalise that where home care costs are over and above the costs of residential care this would be the recommended option. This was discounted as this would not enable the council to consider each assessment.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The report recommendation is set out in main report.

SUPPORTING DOCUMENTATION

Appendix 1

Residential Care Homes for Older People	2011/12 Weekly Rate for NON PREFERRED PROVIDERS	2011/12 Weekly Rate for PREFERRED PROVIDERS
Low Need - single room	£322	£325
Low Need – shared room	£288	£291
Medium Need - single room	£391	£394
Medium Need – shared room	£355	£358
High Need - single room	£434	£438
High Need – shared room	£399	£403

Residential Care Homes for OPMH	2011/12 Weekly Rate for NON PREFERRED PROVIDERS	2011/12 Weekly Rate for PREFERRED PROVIDERS
OPMH - single room	£476	£480
OPMH – shared room	£441	£445

Care Homes with Nursing for Older People	2011/12 Weekly Rate (inc Social Care Rate and Funded Nursing Care [FNC]) for NON PREFERRED PROVIDERS	2011/12 Weekly Rate (inc Social Care Rate and FNC) for PREFERRED PROVIDERS
Single Nursing Band Shared Room	£504.40	£509.40
Single Nursing Band Single Room	£539.40	£544.40

Care Homes with Nursing for Older People with Mental	2011/12 Weekly Rate (inc Social Care Rate and FNC) for NON PREFERRED	2011/12 Weekly Rate (inc Social Care Rate and FNC) for PREFERRED
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Health needs	PROVIDERS	PROVIDERS
Single Nursing Band Shared Room	£546.40	£552.40
Single Nursing Band Single Room	£581.40	£587.40

*The High Nursing Band rates relate to those service users who are already receiving the high level of FNC prior to 1st October 2007.

There are no set rates hourly rates or residential care rates for learning disability services.

Documents In Members' Rooms

None

Background Documents

None

