



Item No: 10

Meeting Date: Wednesday 27th March 2019

Glasgow City Integration Joint Board

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THE INTRODUCTION OF FREE PERSONAL CARE FOR UNDER 65s

Purpose of Report:	The purpose of this report is to update the IJB on the implementation and potential financial implications of Free Personal Care for under 65s.
Background/Engagement:	The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 revokes regulation 3 of the 2002 Regulations, removing the previous age qualification and thereby extending personal care entitlements to all adults who are assessed by the local authority as needing this service, free of charge.
Recommendations:	The Integration Joint Board is asked to: a) Note the introduction of Free Personal Care for under 65's from 1 st April 2019; and b) Allocate the £3.696m Scottish Government funding to support the implementation of Free Personal Care including the loss of income and potential expansion of demand.

Relevance to Integration Joint Board Strategic Plan:

Free Personal Care for people aged under 65 does not feature within the Strategic Plan 2016-19 as this is a new change not currently in place anywhere in Scotland. The Strategic Plan for 2019-22, which comes into effect on 1st April 2019, refers to the implementation of Free Personal Care for people aged under 65.

Implications for Health and Social Care Partnership:

Reference to National Health & Wellbeing Outcome:	Relates to all National Health and Wellbeing Outcomes.
Personnel:	The introduction of Free Personal Care for people aged under 65 could impact on demand for services. This could have staffing implications and will be monitored as part of implementation.
Carers:	None
Provider Organisations:	Most providers of services for under 65s collect client contributions for support directly from the service user. GHSCP requires to work closely with these providers to ensure that remaining charges from 1 April 2019 reflect the new legislation.
Equalities:	The legislation has been introduced to address current inequality concerns.
Fairer Scotland Compliance:	The introduction of free personal care for under 65's supports the delivery of a Fairer Scotland.
Financial:	Implementation of Free Personal Care for people aged under 65 may result in the reduction of current financial contributions to care. The Scottish Government have made available £30 million nationally in 2019-20 to support this implementation of which Glasgow's share is £3.696 million.
Legal:	The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 revokes regulation 3 of the 2002 Regulations, removing the previous age qualification and thereby extending personal care entitlements to all adults who are assessed by the local authority as needing this service, free of charge.
Economic Impact:	The introduction of Free Personal Care for people aged under 65 will have an economic benefit for some individuals who will become eligible to receive it, however non-personal care tasks remain chargeable which means for many their contribution to care will remain unaffected.
Sustainability:	None
Sustainable Procurement and Article 19:	None

Risk Implications:	<p>There are a number of risks associated with the implementation of this legislation:</p> <ul style="list-style-type: none"> - That there is an overall increase in demand for services - That there is a significant challenge to the division of support within current care plans between personal and non-personal care - Marginalisation of specific client groups who would not benefit from this policy - That the policy will not meet the expectations of service users who are in receipt of non-personal care, and where charges may remain unchanged.
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Implications for Glasgow City Council:	Glasgow City Council is responsible for implementing Free Personal Care for under 65's from 1 st April 2019.
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Implications for NHS Greater Glasgow & Clyde:	None
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Direction Required to Council, Health Board or Both	Direction to:	
	1. No Direction Required	
	2. Glasgow City Council	✓
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

1. Purpose

- 1.1 The purpose of this report is to update the IJB on the implementation and potential financial implications of Free Personal Care for under 65s.

2. Background

- 2.1. Free Personal Care for those ages 65 or over was introduced in Scotland in 2002 following the passing of the Community Care and Health (Scotland) Act 2002. In 2017 the Scottish Government published a feasibility study into extending free personal care to those under 65. The study showed this could have important benefits for individuals who are charged for this support including increased uptake of services and would ensure charging arrangements for personal care apply equally regardless of age, condition or means.
- 2.2. Following appropriate evaluation the Scottish Government has amended The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No. 2) Regulations 2018 to revoke regulation 3 of the 2002 Regulations, removing the previous age qualification and thereby extending personal care entitlements to all adults who are assessed by the local authority as needing this service, free of charge. This comes into effect on 1st April 2019.

3. Financial Implications of Free Personal Care for People Aged Under 65

- 3.1. As of the 1st April 2019 people currently aged under 65 receiving care for personal care tasks will no longer make a financial contribution towards the costs of that care. This means for some individuals the financial contribution they make towards the care they receive will decrease or cease altogether.
- 3.2. Schedule 1 of the 2002 Act in conjunction with section 20 of Schedule 12 of the Public Service Reform (Scotland) Act 2010 provides the definition of personal care. These definitions are attached as Appendix 1 and Appendix 2.
- 3.3. It is anticipated many people under 65 currently making a contribution towards their care will still make a contribution unaffected by the change in legislation. This is because most people under 65 currently receive a level of non-personal care which exceeds the level of their current contribution and as result will still be liable to contribute to their care in the same way they currently are.
- 3.4. Examples of potential ways this change could impact on a range of individuals both in receipt of residential and non-residential care is attached at Appendix 3.

4. Implications of the introduction of Free Personal Care for People Aged Under 65 for the HSCP

- 4.1. The extension of Free Personal Care to those aged under 65 will reduce the value of the financial contribution currently received from people receiving personal care. Work is currently underway to identify those who will be affected, to ensure their contribution where appropriate is amended and to quantify the financial impact this change will have for the HSCP.
- 4.2. In addition to those currently receiving personal care and known to the HSCP the introduction of free personal care could result in an increase in demand for services. At this time the extent of this increase in demand cannot be quantified, but will be closely monitored. The introduction of free personal care for over 65's in 2002 reported an increase in the provision of eligible services of 30%.
- 4.3. It has been announced that the Scottish Government would provide £30 million in 2019-20 to implement the commitment to extend Free Personal Care to Under 65s with Glasgow City's share being £3.696 million.
- 4.4. Out with potential financial risks, the implementation of Free Personal Care for under 65s requires all existing and new support services be categorised into personal and non-personal care. This requires change to the care records and a dedicated team in place to ensure this change is in place prior to the 1st April 2019 to ensure all individuals who are due an amended contribution have this in place.

Work is currently underway to ensure system requirements are in place and individual service agreements are updated as required.

5. Recommendations

5.1 The Integration Joint Board is asked to:

- a) Note the introduction of Free Personal Care for under 65's from 1st April 2019;
and
- b) Allocate the £3.696m Scottish Government funding to support the implementation of Free Personal Care including the loss of income and potential expansion of demand.



DIRECTION FROM THE GLASGOW CITY INTEGRATION JOINT BOARD

1	Reference number	270319-10-a
2	Date direction issued by Integration Joint Board	27 March 2019
3	Date from which direction takes effect	27 March 2019
4	Direction to:	Glasgow City Council only
5	Does this direction supersede, amend or cancel a previous direction – if yes, include the reference number(s)	No
6	Functions covered by direction	All services which include free personal care.
7	Full text of direction	Glasgow City Council is directed to utilise the £3.696 million allocated by the Scottish Government to support the implementation of Free Personal Care to Under 65's.
8	Budget allocated by Integration Joint Board to carry out direction	The introduction of Free Personal Care has been allocated £3.696 million from Scottish Government.
9	Performance monitoring arrangements	In line with the agreed Performance Management Framework of the Glasgow City Integration Joint Board and the Glasgow City Health and Social Care Partnership.
10	Date direction will be reviewed	April 2020

THE COMMUNITY CARE AND HEALTH (SCOTLAND) ACT 2002

Schedule 1

Social Care Not Ordinarily Charged For

[Whether or not personal care (see section 1(1)(a) or personal support (see 1(1)(b))]

- 1 As regards the personal hygiene of the person cared for -
 - (a) shaving;
 - (b) cleaning teeth (whether or not they are artificial) by means of a brush or dental floss and (in the case of artificial teeth) by means of soaking;
 - (c) providing assistance in rinsing the mouth;
 - (d) keeping finger nails and toe nails trimmed;
 - (e) assisting the person with going to the toilet or with using a bedpan or other receptacle;
 - (f) where the person is fitted with a catheter or stoma, providing such assistance as is requisite to ensure cleanliness and that the skin is kept in a favourable hygienic condition;
 - (g) where the person is incontinent -
 - (i) the consequential making of the person's bed and consequential and changing and laundering of the person's bedding and clothing; and
 - (ii) caring for the person's skin to ensure that it is not adversely affected.

- 2 As regards eating requirements, the preparation of, or the provision of any assistance with the preparation of, the person's food including (without prejudice to that generality) -
 - (a) defrosting, washing, peeling, cutting, chopping, pureeing, mixing or combining, cooking, heating or re-heating, or otherwise preparing food or ingredients;
 - (b) cooking, heating or re-heating pre-prepared fresh or frozen food;
 - (c) portioning or serving food;
 - (d) cutting up, pureeing or otherwise processing food to assist with eating it;
 - (e) advising on food preparation; and
 - (f) assisting in the fulfilment of special dietary needs.

But not the supply of food (whether in the form of a pre-prepared meal or ingredients for a meal) to, or the obtaining of food for, the person, or the preparation of food prior to the point of supply to the person.

- 3 If the person is immobile or substantially immobile, dealing with the problems of that immobility.

- 4 If the person requires medical treatment, assisting with medication, as for example by
 - (a) applying creams or lotions;
 - (b) administering eye drops;

- (c) applying dressings in cases where this can be done without the physical involvement of a registered nurse or of a medical practitioner;
- (d) assisting with the administration of oxygen as part of a course of therapy.

- 5 With regard to the person's general well-being -
- (a) assisting with getting dressed;
 - (b) assisting with surgical appliances, prosthesis and mechanical and manual equipment;
 - (c) assisting with getting up and with going to bed;
 - (d) the provision of devices to help memory and of safety devices;
 - (e) behaviour management and psychological support.

[Counselling, or other help, provided as part of a planned programme of care is explicitly included within the definition of personal support (see 1(1)(b)]

THE PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

Schedule 12, Section 20

Care Services: Definitions

In this schedule, unless the context otherwise requires –

“someone who cares for” (or “a person who cares for”) a person, means someone who, being an individual, provides on a regular basis a substantial amount of care for that person, not having contracted to do so and not doing so for payment or in the course of providing a care service;

“vulnerability or need”, in relation to a person, means vulnerability or need arising by reason of that person –

- (a) being affected by infirmity or ageing;
- (b) being, or having been, affected by disability, illness or mental disorder;
- (c) being, or having been, dependent on alcohol or drugs; or
- (d) being of a young age;

“personal care” means care which relates to the day to day physical tasks and needs of the person cared for (as for example, but without prejudice to that generality, to eating and washing) and to mental processes related to those tasks and needs (as for example, but without prejudice to that generality, to remembering to eat and wash); and

“personal support” means counselling, or other help, provided as part of a planned programme of care.

Implementation of Free Personal Care, extended to include those under 65 years of age from 1 April 2019.

Examples of how this will affect individual service users.

Residential Care – The national rate for free personal care in 2019/20 is £177.00

Example One

Mr A is a 29 year old gentleman with a diagnosed learning disability who resides in a care home which is registered to provide care for this care group. Due to a significant level of capital Mr A was deemed as being fully self-funding, and as he is under 65 has not been entitled to free personal care.

From 1 April 2019, Mr A will be entitled to the free personal care element.

Currently Mr A pays the gross fees of his care which are £876.00 Going forward, Mr A will pay on a weekly basis:

Gross fees	£876.00
Less entitlement to free personal care	£177.00
Mr A Payment	£699.00

Example Two

Mrs B is a 36 year old woman with a diagnosed mental health, who resides in a care home which is registered to provide care for this care group. At the time of her admission Mrs B was deemed as requiring funding assistance and as she is under 65 has not been entitled to free personal care.

Mrs B has been paying a financially assessed contribution towards the cost of her care home fees since the date of her admission. She uses her benefits to make this payment as noted below:

Gross fees	£450.00
Mrs B's financially assessed contribution	£130.00
Social Care's contribution	£320.00

From 1 April 2019, Mrs B will be entitled to the free personal care element.

Mrs B's contribution will not change:

Gross fees	£450.00
Less entitlement to free personal care	£177.00
Fee for Non Personal Care	£273.00
Mrs B's financially assessed contribution	£130.00

From 1 April 2019 Mrs B's contribution will be unaffected by the implementation of free personal care as the maximum she can contribute is more than her current contribution based on her financial assessment.

Non Residential Care - There is not a set rate, and the free amount will be equal to the cost of the service provided.

Example 3

Mrs C – 32 year old woman with a diagnosed learning disability, who receives a care at home service in her own home from a provider which are registered to provide care for this care group. Mrs C requires 10 hours of care at home in her own home. Of the 10 hours 8 of these are personal care and 2 are non-personal care.

Mrs C was financially assessed as being able to contribute £98.00 per week towards the cost of her package of care.

The provider who delivers the care package to Mrs C charge £22.00 per hour for her care:

Gross fees – 10 hours @£22.00 per hour	£220.00
Mrs C's contribution	£98.00
Social Care's contribution	£122.00

From 1 April 2019, Mrs C will be entitled to the free personal care element. Using the current amounts for 18/19, Mrs C's contribution will change:

Gross fees	£220.00
Less free personal care – 8 hours @ £22.00 per hour	£176.00
Non-personal care – 2 hours @ £22.00 per hour	£44.00

Her new contribution will be £44 per week as Mrs C will only contribute to the cost of her non-personal care support.

Example 4

Mrs D – 48 year old woman with a diagnosed physical disability, who receives a care at home service in her own home from a provider who are registered to provide care for this care group. Mrs D requires 60 hours of care. Of the 60 hours 20 of these are personal care and 40 are non-personal care.

Mrs D was financially assessed as being able to contribute £20.00 per week towards the cost of her package of care.

The provider who delivers the care package to Mrs D charge £20.00 per hour for her care:

Gross fees – 60 hours @ £20.00 per hour	£1,200.00
Mrs D's contribution	£20.00
Social Care's contribution	£1180.00

From 1 April 2019, Mrs D will be entitled to the free personal care element. Using the current amounts for 18/19, Mrs D's contribution will not change:

Gross fees – 60 hours @ £20.00 per hour	£1,200.00
Less personal care – 20 hours @ £20.00 per hour	£400.00
Non-personal care – 40 hours @ £20.00 per hour	£800.00

From 1 April 2019 Mrs D's contribution will be unaffected by the implementation of free personal care as the maximum she can contribute is more than her current contribution based on her financial assessment.