

Wiltshire Council

Cabinet

11 November 2014

Subject: Personalisation Policy

**Cabinet member: Keith Humphries
 Adult Social Care**

Key Decision: Yes

Executive Summary

Wiltshire Council requires a personalisation policy to set out how it will comply with the requirement to offer all Council funded support through a personal budget.

A new personalisation policy will set out how the Council will identify and discuss the outcomes a person wants to achieve.

A consultation exercise has established broad support for the policies, but highlighted the need for clear information for the public about how this would work for people, once the policy has been approved.

Proposal(s)

Agree to the personalisation policy setting out how the value of a personal budget will be calculated.

Agree to the Charging and Eligibility policies, granting portfolio holder permission to update with changes required for the Care Act 2014, due in April 2015.

Agree for Portfolio holder to agree variations required following Care Act implementation, if no major policy or financial implications.

Reason for Proposal

The Care Act requires all Councils to offer people a personal budget. The Council needs a policy to enable personal budgets to be offered when the Care Act come into force in April 2015.

Charging and Eligibility polices need to be updated

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Date of meeting 11th November 2014

Subject: Personalisation

**Cabinet member: Keith Humphries
Adult Social Care**

Key Decision: Yes

Purpose of Report

1. The purpose of this report is to update Cabinet on the outcome of the consultation period and seek agreement to the personalisation policy and two related policies on Charging and Eligibility.

Background

2. Personalisation means that every person receiving support, whether through Wiltshire Council or funded by themselves, has choice and control over the shape of that support.
3. Personal budgets are a central part of the personalisation agenda to give service users choice and control over their care and support.
4. Personal budgets can be defined as an allocation of funding given to users after an assessment which should be sufficient to meet their assessed needs.
5. Users can either take their personal budget as a direct payment, or – while still choosing how their care needs are met and by whom – leave councils with the responsibility to commission the services. Or they can have some combination of the two.
6. The Care Act makes personal budgets a mandatory part of all care plans, meaning they would apply to all council-funded users - including those in residential care from April 2015.
7. In order to fully adopt this requirement the Council needs to have a personalisation policy in place that sets out how personal budgets are calculated and given to people.

Personalisation policy

8. The personalisation policy (see Appendix A) will cover all adults over the age of 18. The policy needs to ensure that everyone in Wiltshire is treated in the same way.

9. The principles for the policy are about:
- a) Fairness
 - b) Transparency
 - c) Maximising customers' control of their care and support

Main Policy Areas

Maximising independence

10. The policy sets out that any support funded by the Council should maximise a person's independence and be offered on the basis of "just enough support". It will do this by.
- a. Ensuring all assessments focus on outcomes.
 - b. offering a time limited period of support that is focused on helping a person to regain independence to reduce or remove the need for long term support
 - c. initial support (intensive support focused on reablement) will be offered to all people who meet the eligibility criteria and will be non-means tested (free).
 - d. Support plans will promote flexibility and control for customers, to allow them to choose how they want to be supported.

Calculating the value of a personal budget

11. A number of Councils have adopted a Resource Allocation System (RAS) to help them calculate the value of personal budgets. They do this by inputting a person's assessment details into a system that turns that information into a financial value.
12. The policy sets out that Wiltshire does not intend to use a RAS as we do not believe it meets the first two principles of the policy of fairness and transparency.
13. The policy states that the Council will calculate a personal budget by establishing the 'reasonable' cost of the support a person needs to meet their eligible needs and outcomes, referred to as a person's support plan.
14. During consultation the large majority of people supported this approach and did not see the logic of being given a figure ahead of developing a support plan.

Rates used to calculate the cost of support

15. The rates used to calculate the costs of a person's support would be based on the rates it would cost the council to pay for those services through commissioned services.
16. This approach recognises that costs can vary across the County and that people will receive the same level of funding whether they manage their support themselves or ask the Council to manage it for them.

17. During consultation it was raised that this could lead to a postcode lottery and in some parts of the County customers could be offered different levels of funding based on their postcode.

Carers

18. The Care Act gives carers the same rights as people who are cared for. Carers will be entitled to an assessment, support plan and personal budget to meet their eligible needs, in the same way as people who are cared for.
19. The personalisation policy treats Carers and Cared for people equally and will adopt the full requirements set out in the Care Act.
20. Carers currently are only able to access sitting service or respite support. On implementation of the act, the policy will enable carers to have a support plan that is more aligned to their needs and have greater flexibility around what their support plan can include.

Consultation Feedback

21. The policy was open for consultation on the Council website for a 12 week period. During that time 22 people responded to the consultation questionnaire. The low numbers would mean no strong conclusions can be drawn from the questionnaire responses, but the general trend would appear to have been supportive.
22. Additionally, two workshops were held with a group of direct payment users and a group from the Customer Reference Group.
23. Feedback from the consultation suggested strong support for the basic principles and agreement with
 - a. Offering a time limited free period of support ahead of long term support options
 - b. Calculating support plan costs by working out the reasonable cost of a support plan
24. The workshops established that
 - a. further clarity was required published information around the flexibilities people would have around how they could be supported
 - b. some of the terminology needed changing to ensure people understood what was being said
 - c. a clearer explanation in published information was needed around assessment and support planning processes

Charging Policy

25. Following an assessment, Wiltshire Council agrees support plans to address individual's eligible needs. The cost of the care in the support plan forms the basis of an individual's personal budget which can be used either to pay for council commissioned services, or managed directly by

the individual themselves, in the form of a direct payment, or a combination of both.

26. As resources are limited, Wiltshire Council undertakes a financial assessment to determine the individual's (and the council's) contribution to their personal budget. This is undertaken in line with national guidance on charging.
27. The charging policy sets out the basis around how decisions are made about how much a person should contribute to their cost of their support.
28. The revised policy includes details on how people with a personal injury claim are assessed.
29. This policy will need to be reviewed once implications of the Care Act and the Care cap have been finalised in April 2015.

Eligibility Policy

30. When individuals approach, or are referred to Wiltshire Council seeking social care support, these are defined as “**presenting needs**”. The presenting needs which the council will support, because they fall within the council's eligibility criteria, are defined as “**eligible needs**”.
31. The decision as to whether someone has eligible needs, and how they will be met, is based on an assessment. Assessments focus on the factors which will help maintain an individual's independence over time and will consider possible future needs. Every assessment will determine what outcomes people wish to achieve in order to be as independent as possible.
32. The eligibility policy sets out how decisions on eligibility are made.
33. This policy will need to be reviewed again once the Care Act 2014 has been adopted and the new National eligibility criteria is introduced.

Public Health Implications

34. Implementation of the personalisation policy will help to ensure more people have access to appropriate information about the type of support they can access and so help them to live healthier more independent lives.
35. The policy promotes greater equality and fairness in allocation of Council resources. This should ensure some of the harder to reach groups across the County have increased levels of access to the support available and thus help to reduce health inequalities.
36. Careful monitoring of the scheme will be essential to mitigate the possibility of the financial abuse of persons and carers receiving a

personal budget. Financial abuse counted for 15% of all investigated alerts of over 65s in 2012/13.

Environmental and Climate Change Considerations

37. This paper includes no proposals that impact on environmental and climate change

Equalities Impact of the Proposal

38. Implementation of the personalisation policy would ensure everyone in Wiltshire with care and support needs is treated fairly and equitably.
39. Current operational practices try to ensure everyone is given an equal chance of accessing support, but this is not transparent to the people affected. Implementation of the policy will mean the Council can clearly state how the Council will make decisions around the support they are prepared to fund.
40. By adopting the same policy and procedures for Carers, the Council will ensure that it has systems in place in time for introduction of the Care Act 2014 and that it treats carers in the same way that it does cared for people.

Risk Assessment

41. Risks that may arise if the proposed decision and related work is not taken.
1. Reputational risk to the Council if it does not meet the requirements in the Care Act 2014 to offer all people a personal budget
 2. The Council has a legal challenge based on a lack of transparency about how it made decisions about the support made available to a person following an assessment
42. Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

	Risk	Action to mitigate the risk
1	Cared for people, Carers and stakeholder groups are upset by the policy change	Consult with stakeholder groups
2	The Councils adult social care costs increase due to raised awareness of what support can be provided	Monitor take-up and demand for support and adjust budget projections. Look at commissioning of prevention services.
3	Customers do not understand what having a	Work with Operational teams and WCIL to ensure

personal budget means

customers get good
information and advice

Financial Implications

43. The introduction of the new Care Act 2014 is expected to raise the profile of the support people can expect. The increased transparency may lead to increased numbers of people approaching the Council for support.
44. The Care Act will 2014 also have a significant impact on operational teams. Impact assessments are currently being developed to better understand the costs of implementing the Care Act.
45. Offering free initial support to people in a crisis is currently provided to new customers, but not people with an existing package of support. There would be a small budget pressure by extending this offer to people with existing support plans, who have been into hospital or change in their level of need. It would be expected that this cost would be off-set by reduced long term care costs as people would have been supported to regain independence.
46. The policy does not change the offer of free support to Carers. Additional funding through the Better Care Plan has been made available but work is on-going to understand the full financial impact from any increase in demand for Carers assessments and support.
47. Adoption of the broader principles of the personalisation policy do not have a direct financial impact, the principles simply describe how we should be working with people to help them find the most appropriate support.

Legal Implications

48. The personalisation policy is intended to give the public information on how the Council makes decisions on what support is offered and how the financial value of that support is calculated. This will reduce the likelihood of people challenging the decisions made by the Council about the support they can fund.
49. The Council has a statutory duty to support people who are assessed as having eligible needs. The personalisation policy clarifies how the Council will fulfil this duty
50. The Council has a duty to support Carers. The new Care Act 2014 will give carers the same rights as people who are cared for. The personalisation policy clarifies how the Council will meet this revised duty of care.
51. Councils will have a duty to offer people a personal budget. There is no legal requirement for Councils to have a RAS, although the Care Act does introduce a need to inform people of an indicative value. The

personalisation policy sets out how the Council will work out the value of a person's personal budget.

- 52. There has been no decision to charge for Carers support, but this could be done if agreed by Cabinet. A separate report is being prepared looking at support for Carers and what the Council will do as a result of the Care Act.
- 53. The Personalisation Policy will require updating in line with Regulations once they are published, plus the charging and eligibility policies.

Conclusions

- 54. The Personalisation policy will mean the Council is well placed to implement the new Care Act 2014 and will ensure the Council is fair and transparent about how it makes decisions about funding support.
- 55. Adopting the policies will help improve operational consistency and help ensure there is information advice available to people about how decisions on care and support are made.

Proposal

- 56. To agree to the personalisation policy
- 57. To agree the related policies on Charging and Eligibility
- 58. Agree for Portfolio holder to agree variations required following Care Act implementation, if no major policy or financial implications.
- 59. To agree for work to be done with a customer group to develop customer information on how the policy will apply to them.

Appendix A – Personalisation Policy

Appendix B – Charging Policy

Appendix C – Eligibility Policy