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**REPORT TO: MORAY INTEGRATION JOINT BOARD ON 28 MARCH 2019**

**SUBJECT: EXTENSION OF FREE PERSONAL CARE FOR PEOPLE UNDER 65**

**BY: HEAD OF ADULT SOCIAL CARE SERVICES**

**1. REASON FOR REPORT**

- 1.1. To inform the Board of the extension of free personal care (FPC) for people less than 65 years of age and the potential financial implication of this policy.

**2. RECOMMENDATION**

- 2.1. **It is recommended that the Moray Integration Joint Board (MIJB) consider and note the extension of free personal care guidance applicable from 1 April 2019 and the potential financial implication of the policy.**

**3. BACKGROUND**

- 3.1 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 65 and over.
- 3.2 In 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 65. That feasibility study examined the costs of existing service users receiving their care free, and took on board the views of stakeholders and the general public.
- 3.3 On 5 September 2017, the First Minister announced in the Programme for Government that they would extend FPC to include people under 65 and subsequently on 5 June 2018, regulations were passed entitled Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No.2) Regulations 2018 (otherwise known as 'Frank's Law'). The Scottish Government have now committed to that extension by 1 April 2019. This means all adults who are assessed as needing personal care will be entitled to receive it free of charge regardless of their age.

3.4 The Scottish Government on 21 December 2018 provided guidance for FPC [https://www.sehd.scot.nhs.uk/publications/CC2018\\_03.pdf](https://www.sehd.scot.nhs.uk/publications/CC2018_03.pdf) (CCD3/2018) 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 revise local charging guidance to reflect the national guidance.

3.5 Personal care is defined 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.

#### **4. KEY MATTERS RELEVANT TO RECOMMENDATION**

4.1 There are approximately 310 people under 65 who pay towards their care currently. Of this number, 40 people will see their charges cease from 1 April 2019. 68 people will see a reduction in their charges due to having a low level of non- personal care.

The remaining 202 people will not receive any reduction in their contribution due to the costs of their non-personal care being greater than the level of their charges. (A service user is required to contribute the lower of either their financially assessed available income or the actual cost of their chargeable care and support over a 52 week period). There will also be no reduction in contribution for any of the 37 people under 65 years of age, resident in a care home who are currently funded by Health & Social Care Moray.

In respect of those in residential placements who currently fund their own care the guidance states: "People who are self-funders may also decide at any time to apply to local authorities for an assessment of eligibility for free personal care". This will be measured as part of the ongoing monitoring arrangements being developed.

4.2 A short-term working group has been established to co-ordinate the change of policy and ensuring appropriate actions are instigated by 1 April 2019. As part of the group's actions, an implementation plan has been developed, see attached at **APPENDIX 1**.

4.3 People who currently use services are not always aware that they have non-personal care as well and there is a 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. The Community Care Finance Team will support service users with their enquiries and this will be outlined within the communication plan being developed.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integration Joint Board Strategic Commissioning Plan 2016 – 2019**

This is in line with the nine national health and wellbeing outcomes and also the Moray Integration Joint Board Health and Social Care Strategic Commissioning Plan 2016-2019.

### **(b) Policy and Legal**

Guidance for local authorities is set out in CCD3/2018 which extends free personal care to those under the age of 65, relating to The Community Care (Personal Care and Nursing Care) (Scotland) Amendment (No.2) Regulations 2018.

### **(c) Financial implications**

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.

Of the £30m identified nationally to meet this commitment, £0.501m has been allocated to Moray. Currently, service user income in the region of £1.0m is collected annually. It is estimated that lost income as a result of the policy change can be absorbed within the allocation and will be monitored closely throughout the year to ensure this remains the case, paying close attention to emerging applications.

### **(d) Risk Implications and Mitigation**

There is a risk that costs will increase beyond current levels for individuals under 65 years of age. There is an element of undetermined demand as people may seek services that were previously not assessed due to charges. Monitoring arrangements are being devised by the short-term working group.

### **(e) Staffing Implications**

Additional staff time has been arranged to ensure a review of all service users currently paying a contribution towards their personal care costs has been undertaken. These hours and ongoing short-term work is being managed within current staffing resource.

### **(f) Property**

There are no property implications arising from this report.

### **(g) Equalities/Socio Economic Impact**

An Equality Impact Assessment is not needed as the extension of free personal care to adults removes the age inequality inherent in the current policy.

### **(h) Consultations**

Consultations have taken place with the following and comments received have been considered in writing the report:-

Chief Officer, MIJB  
Chief Financial Officer, MIJB  
Corporate Manager, MIJB  
Caroline Howie, Committee Services Office, Moray Council  
Legal Services Manager, Moray Council

## **6. CONCLUSION**

- 6.1 The extension to FPC for the under 65's becomes effective on 1 April 2019. Appropriate resource has been allocated to ensure this change can be implemented efficiently and effectively.**
- 6.2 The majority of people who use these services will see no reduction in their charges. This is because the cost of their non-personal care is more than their available income.**

Author of Report: Catherine Quinn, Interim Community Care Finance Manager  
Background Papers: with author  
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