

Policy for Personal Budgets

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Context

Independence, Wellbeing and Choice 2005

Our Health, Our Care, Our Say 2006

Local Government and Public Involvement in Health Act 2007

Putting People First concordat 2007

LAC (DH) 2008(1) – Transforming Social Care

The Putting People First (PPF) concordat¹ provides a vision for truly personalised services (personalisation) where we promote health and wellbeing, and ensure proactive, planned, coordinated and integrated services.

The principles of PPF are reinforced by Supporting People with Long-term Conditions². This guide aims to provide commissioners of health and social care services the information and support that they need to be able to implement personalised care planning in their localities.

This policy has been agreed following PPF Service User & Carer Reference Group consultation in accordance with the Putting People First Programme Engagement Strategy.

Our Values

Personal Budgets in Devon will enable people to:

- live as independently as possible,
- stay healthy and recover quickly from illness,
- exercise maximum control over their own life,
- participate as active and equal citizens; both economically and socially,
- have the best possible quality of life, irrespective of illness or disability, and
- retain maximum dignity and respect.

1 Putting people first: a shared vision and commitment to the transformation of adult social care - http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndguidance/DH_081118

2 Supporting People with Long Term Conditions – Commissioning Personalised Care Planning – A guide for commissioners - http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_093354

Our Purpose

Health and Social Care services in Devon will need to change to respond to personalisation and meet the expectations of service users:

- People want more choice and control over the way they live their lives.
- People expect better quality services.
- Existing services are not flexible enough.
- People aren't helped early enough.
- More people will need help in the future.

Key Principles

We should apply the following principles when implementing the policy:

- Community care assessments are the basis of the needs assessment.
- Personal Budgets are only available for people who are eligible for Local Authority support under the existing Fair Access to Care Services (FACS) policy.
- There is not a fixed upper limit that DCC can allocate for a Personal Budget to meet assessed eligible Social Care needs (subject to the scheme of delegation).
- People who are offered a Personal Budget are subject to DCC's Fairer Charging Policy and other relevant charging policies.
- Individuals are able to challenge the process or their allocation at any time.
- We will give written information to individuals to outline how the Estimated Budget (an estimate of the funding available to support an individual's eligible social care needs) is calculated.
- The process of assessment and support planning takes full account of the situation of family carers and their willingness or ability to continue providing this support.
- We will offer carers their own assessment, which may result in them being eligible for a Personal Budget in their own right.

Definitions

We will estimate the funding available to support an individual's eligible social care needs. This estimate will be based upon the results of their assessment. This estimate will be called the **Estimated Budget**.

Following the assessment a plan will be drawn up, by the individual, care manager and those that support them, that describes the support the individual needs for their eligible social care needs and outcomes to be met. This plan is called a **Support Plan**.

Once we have agreed the Support Plan with the individual, we can allocate funds to implement it. We will then give a financial assessment before we confirm the **Personal Budget** as our allocation. This allocation doesn't include any contributions required under the Fairer Charging Policy.

If the individual currently receives services, the cost of their care package could be different to their Estimated Budget. Sometimes this may be higher and sometimes lower. This cost is called the **Current Cost of Care**.

Scope

Personal Budgets will be available to people who are receiving community care. They will not be available for individuals receiving:

- residential care unless they wish to explore other options for the delivery of their care and support,
- nursing home care, or
- specialist one-off equipment.

How will this work?

Who we will assess

For services for adults, it is our duty to assess people who, if they either appear to have an illness or are disabled, may benefit from receiving community care services. Carers also have a right to an assessment where they give substantial and regular care to a spouse, relative, friend or neighbour who, due to disability, frailty, illness or vulnerability, cannot manage alone.

FACS and eligibility

We will establish whether an individual is eligible for services under Fair Access to Care Services (FACS) early on in the assessment process. We will also check eligibility at assessment or review. At present, an individual is only eligible for social care services where – following an assessment of their needs – an adult falls into the 'Critical' or 'Substantial' categories, and there is no one else willing or able to help.

The decision on eligibility will be separate from the process to decide the Estimated Budget, although the information that we need to make both decisions will be collected as part of the overall assessment process.

We will meet an individual's FACS eligible needs to address Substantial or Critical risks to independence, safety and wellbeing. We will ensure fairness and equity through assessment, support planning, appeals, and final approval of a Personal Budget.

The assessment process

Our assessment and support planning process will be simple and led by the individual.

We will calculate the Estimated Budget as a part of the assessment process. We will gather supporting information for assessment and support planning.

Any assessment will focus on the important information needed to inform the Estimated Budget. We will also be able to record any additional observations or comments about the individual's situation that are not needed to inform the Estimated Budget. We will use this information to decide whether we need to carry out further specialist assessments.

We are responsible for signing off the assessment. The assessment and Support Plan documents will clearly record the views of the individual about their needs and show where the worker responsible for the assessment has a different view. We will record the reasons for any differences.

Wherever possible, we will avoid collecting the same information twice. We will hold the Support Plan and information from the assessment on our records system. We will also provide clear auditable evidence of how the assessed eligible needs are being met.

We will consider an individual's situation as a whole. We will take into account their views, the views of their family, and the views of professionals, looking at the individual's situation as a whole (including health and housing needs). We will also collect basic information, such as that needed to meet statutory equality duties. Individuals can use this as an opportunity to express their preferences about how their support is delivered.

By carrying out assessments, we are making sure that each individual receives a fair share of the total social care budget available for commissioning services, appropriate to their needs.

The Mental Capacity Act Policy describes the support that is available when the individual does not have the mental capacity to participate fully in the assessment. If other people are involved in an individual's assessment or ongoing management of their Personal Budget we will carry out a risk assessment in line with our Safeguarding Adults Policy.

The Estimated Budget will include any contributions required under the appropriate charging policy. We will calculate the Estimated Budget following assessment for a new user of services or a review for an existing user of services.

We will use a common method of assessment across all service areas, although the model we use to calculate the Estimated Budget may be different in each area to represent different market and geographical factors. We must be able to prove that any differences in the Estimated Budget between service areas are due to actual differences in the cost of support. We will make information available to the public showing how we calculate Estimated Budgets. We will have a strategy for reducing these geographical and market differences over a three year period.

The individual or someone chosen by them will put together their Support Plan. The Support Plan will describe how the individual wishes their assessed eligible social care needs to be met and how they will use a range of resources (including – if appropriate – unpaid support, as well as their Estimated Budget) to meet their outcomes. Individuals may wish to include other outcomes in their support plan, but, these will not be included when calculating the Personal Budget. The Personal Budget must be spent only on Critical and Substantial needs and outcomes.

We will support individuals to find other sources of income and benefits that may be available to support their care.

Within this policy DCC still has a statutory duty to carry out a care assessment before we allocate funds and is responsible for authorising the budget and Support Plan that it applies to.

Where unpaid support is identified it must be clear what proportions of the assessed needs are being met through informal support, and what the impact on informal carers will be of continuing to provide this support. We will also offer a carers assessment. Estimated Budgets should be adjusted to take into account both the level of informal care being provided and the impact on family members.

The Personal Budget may be different to the Estimated Budget. If the individual's eligible care needs cannot be covered within the Estimated Budget then the Personal Budget will be higher than the Estimated Budget. In such cases the support plan should include a strategy for reducing the cost of meeting the eligible care needs over a three year period. If the care package costs can be covered for less than the Estimated Budget then the Personal Budget will be equal to the care package costs.

Where an individual has an existing care package which is less than the Estimated Budget, the Estimated Budget will be reset to the 'Current Cost of Care'. If the Current Cost of Care is more than the Estimated Budget we will work with the individual, their nominated representatives and the care provider (as appropriate) to develop a plan to reduce the cost of meeting eligible care needs over three years.

We will work with an individual to reduce the costs of meeting their eligible care in a manner that maximises choice and control, while also ensuring that our social care resources are focused on safely managing Critical and Substantial risks to their independence and safety (see the Fair Access to Care Services Policy). Ultimately Devon County Council is responsible for ensuring that these principles have been addressed and balanced.

We have a legal duty to meet an individual's eligible care needs. Where we can show that eligible care needs can be safely met at a lower cost than that requested by the Personal Budget, we will seek to reduce the Personal Budget to meet that lower cost.

A Personal Budget can only be used to meet eligible social care needs as stated by the Fair Access to Care Services policy. A Personal Budget can only be used to buy support or legal services that have been identified in the Support Plan.

Delivery and support

One method of delivering the Personal Budget will be through a Direct Payment, but other options will be available. Rules governing Direct Payments can be found in the Devon County Council Adult and Community Services Direct Payments Policy.

We will make sure that individuals and carers have access to appropriate support throughout the Personal Budget process so that they are able to exercise choice and control when identifying, planning and securing services.

An individual may wish to challenge various decisions, such as:

- the accuracy of the assessment,
- the value of the Estimated Budget,
- the value of the offered Personal Budget,
- the contents of their Support Plan,

- decisions regarding community or residential care,
- the brokerage approach employed, and
- decisions made at the 4-week review.

We will provide a full and clear audit trail to explain why decisions were made in such cases. First of all, the individual should discuss and negotiate the decisions (as listed above) with their Care Manager while the decisions are still being made. If they are still unhappy their case will be referred to the Care Manager's line manager for further discussion and negotiation. In such cases the 4-week review may give everyone an opportunity to look at the evidence to resolve the conflict. If the issue is still unresolved then the individual may use our complaints procedure.

The greatest control over the financial sustainability of the Personal Budgets process is provided by the scheme of delegation. The scheme of delegation will be amended to incorporate the Estimated Budget. Cases where the requested Personal Budget exceeds either a worker's delegated limit or the Estimated Budget (whichever is lowest) must be referred to the worker's line manager.

To ensure ongoing financial sustainability **the model used to calculate the Estimated Budget will be altered at least every year** to take into account funds already allocated to Personal Budgets in the past year and any inflation or financial pressures.

An individual's Personal Budget is not a fixed or index-linked entitlement. The Estimated Budget will be recalculated upon review to take account of changes in an individual's needs at that time. This may mean that following a review of the Support Plan, the Personal Budget is either increased or decreased, although the resulting Personal Budget must be sufficient to meet all of an individual's eligible care needs.

Detailed procedural guidance

We will develop processes and procedures to provide clear 'ground rules' for how Personal Budgets will be applied to:

- new users of services,
- individuals already receiving services, and
- individuals already receiving a Personal Budget and subject to a review.

Processes and procedures will provide information on:

- who can have a Personal Budget,
- how Personal Budgets fit into the Care Pathway,
- how Personal Budgets can be used, and
- the services which can be bought using a Personal Budget.

When will this policy be reviewed? - Autumn 2011