



Isle of Man
Government

Reiltys Ellan Vannin



Adult Services - Fair Access and Charging

February 2013

Department of Social Care
Rhyenn Kiarail y Theay

CONTENTS

SECTION	PAGE NO
1. Introduction by Minister for Social Care	1
2. Executive Summary	2
3. About the consultation 3.1 List of persons and organisations to be consulted 3.2 Steps which will be taken following consultation 3.3 Government Code of Practice on consultation 3.4 Comments or complaints	3
4. Background	5
5. Fair Access to Care Services	6
6. Charging for Care Services	9
7. Summary of the proposed changes	12
8. Next steps	14

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1. INTRODUCTION

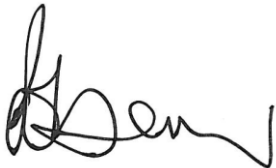
The Department of Social Care is bringing forward changes to the way people are assessed and charged for adult care services. The changes will promote greater fairness and transparency in the context of growing service demand and during a period of significant financial challenge.

The opportunity to review the way we assess and charge for services is supported by the introduction of the Social Services Act. The Act places a duty on the Department to be clear in the way that it assesses those eligible for support and enables charges to be made for the provision of social care services to meet assessed needs.

The proposed changes are part of my Department's broader Adult Services Rebalancing Programme which aims to provide the following:

- Modern services that will enable more vulnerable adults, especially older people, to receive the support they need to remain safely in their homes;
- Develop and improve services for people with learning disabilities to enable them to live as independently and self-sufficiently as possible;
- An approach to care provision that will be sustainable in the face of a growing and ageing population, in a period of significant financial challenge.

I welcome your comments on the proposals. You can submit any views you may have to the Department of Social Care until **Tuesday 2nd April 2013**.



Hon Chris Robertshaw MHK
Minister for Social Care
15th February 2013

2. EXECUTIVE SUMMARY

The Department of Social Care (DSC) is bringing forward proposals for the introduction of a Fair Access to Care Service (FACS) framework and changes to charging for adult care services.

The changes are intended to promote the following principles:

- People will have equal access to services regardless of their age or the nature of their needs;
- People with the greatest needs will have priority;
- The support people receive will help them maintain their choice, independence and inclusion in society;
- People using similar services will be charged more equitably.

The changes are required to enable a fairer and more equitable system of assessment and charging for adult social care services to be introduced and to assist in the implementation of the Social Services Act.

The DSC is proposing to introduce the changes from May 2013.

This consultation exercise is seeking views on the principles of Fair Access and Charging as well as specific aspects of their implementation in relation to adult care services.

3. ABOUT THE CONSULTATION

The purpose of this consultation exercise is to invite comments on the principles of a Fair Access framework and the concept of charging for adult social care services.

It is not a referendum but an information, views and evidence gathering exercise to allow the Department to take an informed decision on the final content of the proposals. In any consultation exercise the responses received do not guarantee that changes will be made to what has been proposed.

Comments should be submitted by **Tuesday 2nd April 2013** in writing, by post, email or via our online survey to:

Fair Access and Charging Consultation
Department of Social Care
3rd Floor,
Markwell House,
Market Street,
Douglas
IM1 2RZ

Telephone: (01624) 686182

Email: rebalancing@gov.im

Online survey: dscsurveys.gov.im/s/FACSandCharging

To ensure that the process is open, honest and in line with the Government's Code of Conduct on Consultation, responses can only be accepted if you provide your name with your response.

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety. Please mark your response clearly if you wish your response and name to be kept confidential. Confidential responses will be included in any statistical summary and numbers of comments received.

When submitting your views please can you indicate whether you are responding on behalf of an organisation.

Electronic copies of this document are also available at
www.gov.im/socialcare/consultations.gov

Paper copies of the consultation document are available at:

- The Department of Social Care, 3rd floor, Markwell House, Market Street, Douglas
- Tynwald Library, Legislative Buildings, Finch Road, Douglas

The consultation period ends on Tuesday 2nd April 2013

3.1 List of persons and organisations to be consulted

- Tynwald Members
- Attorney General
- Chief Officers of Government Departments, Statutory Boards and Offices
- Local Authorities
- Isle of Man Chamber of Commerce
- Isle of Man Trade Union Council
- Isle of Man Law Society
- Isle of Man Constabulary
- Isle of Man Fire and Rescue Service
- Relevant Professional Bodies
- Council of Voluntary Organisations

3.2 Steps which will be taken following consultation

Following consultation, the next steps in the process will be as follows:

- The Department will review comments received from consultees
- A summary of the responses received will be published within 3 months of the closing date for this consultation, and will be made available on the Department of Social Care and Government websites

3.3 Government Code of Practice on consultation

It is the intention to carry out this consultation in accordance with the Isle of Man Government Code of Practice on Consultation. The Code sets out the following six criteria:

- *Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy*
- *Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses*
- *Ensure your consultation is clear, concise and widely accessible*
- *Give feedback regarding the responses received and how the consultation process influenced the policy*
- *Monitor your Department's effectiveness at consultation*
- *Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate*

3.4 Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way the consultation has been carried out please write to:

Mrs Y. Mellor
Chief Executive
Department of Social Care
Markwell House
Market Street
Douglas
IM1 1RZ

4. BACKGROUND

In July 2012 the Department of Social Care launched a debate on Social policy.

The consultation made clear that as we move forward there are three fundamental principles which we must continually apply. These are:

- Protect the vulnerable;
- Aim for fairness of approach;
- Rebalance rights and responsibilities.

The consultation revealed strong support for further principles which we will also need to apply when developing specific reforms. These are:

- Better targeting of scarce public funds towards those in greatest need;
- End the assumption of universality in some benefits through the greater use of means and needs testing;
- Progressively dismantle benefits traps and reduce the "cliff edge";
- Encourage greater self-sufficiency;
- Seek alternative approaches to giving more assistance rather than financial support; and
- Create stricter controls.

This consultation represents the next step in bringing forward proposals for changes that move us closer towards the principles detailed above.

5. FAIR ACCESS TO CARE SERVICES

5.1 Background

The adult social work teams in the Department of Social Care provide specialist support to three main client groups:

- i. Older people living in the community
- ii. Older people within a hospital setting
- iii. Adults under the age of 65 with a recognised disability

In addition there are some areas for which the Department has a legal or professional duty to respond. These include Mental Health Act assessments, appropriate adult interviews and adult protection referrals. These are all currently coordinated by the Adult Service Access team.

Currently when taking a referral, the Adult Service Access Team aim to build up a picture of the person's situation from a range of sources, these include family members, carers and professionals. This information helps the access team to direct people to the most appropriate service.

The team respond to all requests for advice and assistance and use a screening process to progress cases. Requests either progress to the appropriate Social Work team to undertake a full assessment to determine a person's need for services, or if a full assessment is not required issues are addressed through the provision of signposting, information, or short term intervention.

The application of a screening process within the access team is very well established and is based on professional assessment ensuring that those with the greatest vulnerability receive a service. It is not however underpinned by a clear access criteria framework or screening guidance.

The Department did develop access criteria in 2008 which set out the process of how a person's needs are assessed to then find out what services they may require. The criterion was based on a three tier system of Low, Medium and High needs. However no cut off threshold was applied and no formal guidance was produced around its application; therefore it has had a negligible impact on the existing screening arrangements.

The introduction of new legislation, the Social Services Act 2011 more clearly sets out the requirements for DSC in this area which include:

- Providing a clear eligibility criteria for social care services and carer support;
- Promoting access to readily available and understandable information on the threshold of need for access to services;
- Assessing a person's need for social care services; and
- Following assessment, providing the assessed person or their representative with a written statement of identified need, and the arrangements the Department proposes to make to meet those needs.

The Department has therefore undertaken work to enable these requirements to be met through the implementation of a Fair Access to Care Framework. This supports the principles of aiming for fairness of approach and the greater use of needs testing.

5.2 Proposals

The Department of Social Care is proposing the following changes in relation to promoting fair access to adult care services. These are:

- 1. The Department introduces a Fair Access to Care Services (FACS) system in order to promote fairness, transparency and consistency in access to adult care services.**
- 2. A framework is established that applies four factors considered key to maintaining an individual's independence.**

These are:

- i. All aspects of health, both mental and physical, plus any concerns about behaviour which would threaten the safety of the individual or those caring for them
- ii. The ability an individual has to control their situation and how far they can make choices about their life
- iii. The ability to manage their personal care needs, domestic activities and look after their own dependants
- iv. The possibility of involvement in leisure and social activities, paid and unpaid work, learning and volunteering

3. An assessment of the level of impact faced by an individual is undertaken and the level of need recorded against four bands:

- Critical
- Substantial
- Moderate
- Low

These bands are detailed below.

CRITICAL BAND
You, or the person you are referring, is in a crisis situation where your life is or will be threatened or you may be at serious and immediate risk of losing your independence, or at risk of substantial harm without an immediate assessment of your needs.

SUBSTANTIAL BAND
You or your carer may be finding it increasingly difficult to cope with the majority of personal care tasks and you are likely to be at significant risk of harm or loss of independence.
MODERATE BAND
You or your carer may be finding it difficult to cope but there is no immediate risk of harm to your health or safety, or threat of loss of independence or breakdown in your current situation in the short term.
LOW BAND
You, or the person you are referring are experiencing some physical or emotional difficulties which affect your quality of life but there is no risk to your health and safety or your independence.

4. That the threshold for access to adult care services on the Island is set at those that assessed as having moderate need or above.

This will mean that those assessed as having a low need will be signposted to other services and/or given advice and information.

It is not anticipated that the implementation of a Fair Access to Care Services (FACS) system will have a significant impact on who will be eligible for support. A recent audit of referrals to the Adult Services Access Team demonstrated that presently 54% of the referrals to adult services are dealt with without onward referral to the three specialist Social Work teams.

The Department also concluded that the application of a higher threshold would not promote a preventative response nor would it save a significant amount of money.

This was based both on the audit of referrals detailed above and information from the application of a similar system in the UK. The UK Audit Commission report for the Commission for Social Care Inspection, 2008, "The Effect of Fair Access to Care Services Bands on Expenditure and Service Provision" stated the following;

Most authorities choose to adopt either a 'moderate' or a 'substantial' threshold to determine eligibility for publicly funded care services. The choice of band is associated with differences in the proportion of the elderly population receiving home care services. However, the effect on the overall social care budget is relatively small and so tightening of FACS bands is not a particularly powerful weapon for controlling costs.

Therefore the Department is proposing implementing a threshold of moderate need or above.

6. CHARGING

6.1 Background

Once a person has been assessed as needing adult care services there are certain charges that may apply for those services.

The amount of revenue realised by the Department of Social Care (DSC) in relation to existing charging for services is significant, amounting to £5,500,000 per annum (excluding grant-maintained or contracted services). This revenue is vital in allowing the DSC to continue to provide care services to the most vulnerable in our society.

There is currently inequality between the levels of charges applied to services for adults. For example within Learning Disabilities a charge to cover food and utilities is applied to those adults receiving permanent residential care, but not to adults receiving respite care.

Costs also differ between similar services dependent upon the person accessing the service. For example older people attending an Age IoM day centre pay £5.00 per day, whilst adults with a learning disability attending a day centre pay £3.00 per day.

There are also significant differences between the processes and systems that are used to determine, administer and collect charges for non-residential support across adult services. There are no clear policy guidelines that address or support a consistent and clear rationale for charging. For example currently different operational managers decide what the charge should be. Similarly each contracted service is responsible for setting its own charges which has led to differing levels of charging.

In considering next steps in relation to the application of further charges for social care services, the Department has taken the following factors into account:

- That any revisions to charging must take into account and run parallel to the review currently being undertaken across the DSC looking at the development and application of means testing. The DSC needs to ensure that any new systems are complementary as failure to do so could make the administrative cost of introducing broader means tested charges prohibitive.
- Where possible the DSC should seek to address the inequality of current systems across client groups – this is critical in terms of fairness and transparency.
- The recognition that as there is currently no coherent charging structure some client groups do not currently contribute to their care costs. There will therefore be a need to gradually introduce any increase in charges over a period of time across a range of service areas to ease the transitional process.
- The cumulative effect of charging needs to be considered when determining the extent and model of charge.

6.2 Proposals for Charging for Adult Services

Therefore it is recommended that a two stage process be undertaken in relation to proposed changes to Charging for Adult Services.

The proposed changes in the first stage create a fairer system for charging through the equalisation of current charges:

1. Food and utilities charges

- Equal charges will be applied to adults with a learning disability who use the Department's respite services to bring them in line with charges for permanent residential care.
- The proposed charge is a flat rate charge of £10.00 per overnight stay with a separate lower charge for shorter periods of support.

2. Non residential services

- The Department reviews the existing nominal flat rate charges and promotes their equalisation across client groups and services.
- It is proposed that charges should continue to be applied for the following non residential services: session/day at day centre (including meals), domiciliary care, housework, meals on wheels. The majority of these services already attract a charge. In some cases we are proposing to introduce or increase a charge in order to equalise charges across services.
- This will lead to harmonisation of these fees so that people receiving similar services pay similar fees regardless of age or disability.
- This will be done through current service provision and partnership negotiation with external providers.

The below table is not an exhaustive list but illustrates the proposed changes across service areas:

List of Services	Current level of Charging and Amount Paid	Proposed Charge under equalisation of Charging *
Residential / Respite services – Adults with Learning Disabilities		
DSC residential services	£61.50 per week for board and lodgings	£70.00 per week for board and lodgings
Contracted residential services	£61.50 per week for board and lodging	£70.00 for board and lodging
Residential / Respite services – Older People		
DSC residential / residential services	General - £432.32 per week Extra Care - £455.49/£524.72 per week EMI Services – £485.73/£583.31 per week	No Change*
Contracted respite services	£432.32 per week	No Change*
Supported Housing – Adults with Physical disabilities		
Contracted supported housing	£115 per week for rent and communal resources	No Change*
Day services – Adults with Learning Disabilities		
DSC Day Services	£3.00 per day (includes lunch,	£5.00 per day

	drinks)	
Contracted Day Services	£6 per day for lunch and extra activities, service itself is not charged for	No Change

Day Services – Older people		
DSC – EMI Day Services	£3.00 per day (includes lunch, drinks)	£5.00 per day
Contracted day services	£5.00 per day for lunch and session	No change*

Residential Services – Adults with Autism		
Contracted supported Housing	£61.50 per week for board and lodging.	£70.00 per week for board and lodging.

Day Services – Adults with Autism		
Contracted day services	Presently nil	£5.00 per day for full day. Reduction for ½ day session.

Domiciliary care		
DSC Home Care Service	90 clients receiving an average of between 2-12 hours a total of 197 hours per week. If people currently pay for service the hourly charge is £18.45.	No Change*

Outreach services		
Contracted outreach services – Adults with Autism	Service itself is not charged for; service users have the responsibility to pay for their own transport and activities	No Change*
Contracted outreach services – Adults Physical disabilities	Service itself is not charged for; service users have the responsibility to pay for their own transport and activities	No Change*
Contracted outreach services – Older People	Service itself is not charged for; service users have the responsibility to pay for their own transport and activities	No Change*

**This does not take into account usual increases in charging to due inflation.*

The second stage will look to create greater equality of charging for adult services through the potential application of means testing across both residential and non residential adult services. These options will be explored and informed by the outcome of the work taking place across the Department.

7. SUMMARY OF THE PROPOSED CHANGES TO ACCESS TO CARE SERVICES AND CHARGING

7.1 Who will be affected by Fair Access to Care Services (FACS)?

- Anyone who receives an assessment for care by the adult services team, either as a new client or with a view to reviewing an existing care package

7.2 Where will the threshold be set for access to care services?

- It is proposed that the threshold for access is set at those with **moderate need or above**

7.3 How will this affect carers?

- It is anticipated that these proposals will recognise the value of and support carers in their caring role by assessing their needs and where appropriate providing carer support

7.4 Under FACS will people lose services that they already receive?

- It is not proposed to retrospectively assess people currently in receipt of services. However if they apply for a review in services then their needs would be assessed using the proposed FACS access criteria

7.5 What will the framework of assessment consider when determining need?

- i. All aspects of health, both mental and physical, plus any concerns about behaviour which would threaten the safety of the individual or those caring for them
- ii. The ability an individual has to control their situation and how far they can make choices about their life
- iii. The ability to manage their personal care needs, domestic activities and look after their own dependants
- iv. The possibility of involvement in leisure and social activities, paid and unpaid work, learning and volunteering

7.6 Does FACS apply to all adults?

- Yes – everyone over the age of 18 who presents to adult services for an assessment of their need for adult care services or carer support

7.7 Who will be affected by Charging for care services ?

- It is proposed that people in receipt of non-residential services (session/day at day centre, domiciliary care, housework, meals on wheels) will continue to be charged for the service they receive. Also that those people with a Learning Disability who currently receive respite care will now have to pay a contribution towards food and utilities

- In the longer term all people in receipt of care services may be required to pay towards their care services following an assessment of their financial means

7.8 Will people need to pay more for their services?

- At present some people may have to pay more for their services, however the majority of people will continue to pay the same
- In future, if means testing is introduced then people will be expected to pay an affordable contribution to their care service costs

7.9 Does charging apply to all adults?

- Yes – everyone over the age of 18 who is in receipt of a chargeable adult care service

7.10 Which services will subject to charge?

- It is proposed that people in receipt of non-residential services (session/day at day centre, domiciliary care, housework, meals on wheels) will continue to be charged for the service they receive. The majority of these services already attract a charge. In some cases we are proposing to introduce or increase a charge in order to equalise charges across services
- This will be reviewed as part of the project to establish whether full means testing for care services is introduced

7.11 When will the changes take place?

- It is anticipated that FACS will be introduced in the first quarter of the next financial year (2013/14)
- It is anticipated that the learning disability food and utilities charges for respite services will be introduced in the first quarter of the next financial year (2013/14)
- It is expected that the equalisation of fees for non residential fees will start in the next financial year
- It is anticipated that means testing for care services would start following the completion of the Social Security Review

8. NEXT STEPS

Following the feedback from this consultation we will be seeking to implement the proposed changes from May 2013 onwards.

In relation to introducing a new framework and criteria for fair access to adult care services it is anticipated that this will be introduced from May 2013 onwards. This will tie in with the implementation of the Social Services Act 2011 which sets out the Department's duties in this area.

In relation to charging as detailed above the first steps will concentrate on an equalisation of current charges to create greater equity and transparency. It is anticipated that the changes to board and lodging fee for learning disability respite services and fees for non residential services will be introduced from June 2013 onwards.

This is the first step in moving towards the greater use of means testing in relation to charging for adult services which will begin following the completion of work being undertaken across the Department. This is because the DSC is keen to ensure that the greater use of means testing for services, to ensure resources are best targeted to those in greatest need, is done in a simple and consistent way.



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This document can be provided in large print on request

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Department of Social Care
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Email: rebalancing@gov.im
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