



INTEGRATION JOINT BOARD

Date of Meeting	26 th March 2019
Report Title	Free Personal Care for under 65s (Frank's Law)
Report Number	HSCP.18.149
Lead Officer	Sandra Ross, Chief Officer
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Consultation Checklist Completed	Yes
Directions Required	No
Appendices	A. Free Personal Care Guidance B. Action Plan

1. Purpose of the Report

- 1.1. The purpose of this report is to provide an update on ACHSCP's preparations for the introduction of Free Personal Care for under 65s (also known as Frank's Law) on 1st April 2019.

2. Recommendations

- 2.1. It is recommended that the IJB:

- a) Notes the introduction of Free Personal Care for under 65s on 1st April 2019 and the preparations ACHSCP have made for this.
- b) Endorses the Action Plan developed.



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3. Summary of Key Information

- 3.1. Free Personal Care for those aged 65 or over was introduced in Scotland in 2002, following the passing of the Community Care and Health (Scotland) Act 2002 (“the 2002 Act”). The Free Personal and Nursing Care payment rates for people who are self-funders residing in care homes have been updated periodically in line with inflation.
- 3.2. A feasibility study into extending free personal care to people under the age of 65 was conducted and the findings were published in September 2017. The study showed that extending free personal care was an option which could have important benefits for many of those who are currently charged for this support. The benefits included increased uptake of services and fairness in terms of charging arrangements. Many individuals under 65 who have, in the past, been assessed as requiring personal care, have declined to receive it due to the cost. The care has been provided by family, increasing the pressure on them as unpaid and informal carers. Extending free personal care would mean that everyone who required this support would have access to it equally, regardless of age, condition or means.
- 3.3. As a result of the study, the existing arrangements for free personal care are being extended to those under 65 as of 1st April 2019. This extension has become known as Frank’s Law, after Frank Kopel, a footballer who was diagnosed with, and later died from, early onset dementia and whose family campaigned for a change in the arrangements. It extends free personal care to those aged under 65 who are assessed as needing this service, regardless of age, condition or means.
- 3.4. A significant number of adults under the age of 65 already receive their personal care free of charge because the level of their income and assets takes them out of the charging threshold as per the charging policy. The new arrangements, however, ensure that we are required to provide free personal care to all eligible adults by 1 April 2019.
- 3.5. The Scottish Government established an Implementation Advisory Group who prepared guidance on the extension of free personal care to under 65s and also established a Finance Sub Group who were tasked with estimating the costs. The financial estimates were based on the approach taken for predicting demand when free personal care was introduced for the over 65s.
- 3.6. Guidance was produced in December 2018 and this is attached at Appendix A. Additional funding was built into the local government settlements for



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2019/10. It is estimated that ACHSCP should have approximately £1.3 million available to implement Frank's Law.

- 3.7. Following receipt of the guidance and indication of funding available, a small working group was set up to ensure ACHSCP was prepared for the introduction of Frank's Law. Appendix B details the main issues for the IJB and the Action Plan that was devised in response, which also contains the progress made to date. The group has met a number of times and is in the final stages of implementation. Although some of the changes cannot be implemented until 1st April, preparations are well in hand for the changeover and the working group will continue to monitor progress up to and beyond 1st April.

4. Implications for IJB

- 4.1. Equalities – this report has no negative implications for people with protected characteristics.
- 4.2. Fairer Scotland Duty – this report has positive implications in relation to the Fairer Scotland duty.
- 4.3. Financial – additional finance has been provided for the extension of free personal care to the under 65s and initial estimates indicate that this will be sufficient in the short term.
- 4.4. Workforce – all staff will need to be informed of the introduction of the new arrangements and key staff will require specific training. This is all in hand as per the Action Plan.
- 4.5. Legal – the report details our preparations for the implementation of the new arrangements in relation to free personal care.
- 4.6. Other – none.

5. Links to ACHSCP Strategic Plan

- 5.1. By extending free personal care to under 65s we are ensuring we are providing the right care at the right time and also removing the inequality of those under 65 having to pay for this. This is in line with the aims in our Strategic Plan.



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6. Management of Risk

6.1. Identified risks(s)

There is a risk of legal challenge if we do not make the necessary arrangements for the introduction of free personal care to under 65s and inadvertently charge for this care when we are not entitled to.

6.2. Link to risks on strategic or operational risk register:

This report links to Strategic Risk 5.: -

There is a risk that the IJB, and the services that it directs and has operational oversight, of fail to meet performance standards or outcomes as set by regulatory bodies

6.3. How might the content of this report impact or mitigate these risks:

By making sufficient preparations for the introduction of the extension to free personal care we are ensuring that we are meeting the outcomes set by Scottish Government.

Approvals	
	Sandra Ross (Chief Officer)
	Alex Stephen (Chief Finance Officer)