

Free Personal Care (FPC) for Under 65s (Frank's Law) – Implemented from 1st April 2019

Key elements of guidance: -

- From 1st April 2019 charging arrangements for personal care apply equally regardless of age, condition or means.
- It is the supported person's responsibility to approach the Local Authority if they want to seek public sector support for their care costs.
- Eligibility Criteria applies
- For those under 65 already receiving personal care and being charged for it, the Partnership will arrange to cease making these charges - effective from 1st April 2019.
- Young people are entitled to FPC anytime between their 16th and 18th birthday
- For Care at Home, a decision on eligibility for FPC is made irrespective of income, capital assets, marital status or the care contribution currently provided by an unpaid carer.
- For Residential Care, FPC is separate from the living/accommodation costs – the former is paid by ACHSCP, the latter by the individual.
- Current rules in relation to Ordinary Residence still apply i.e. the cost of providing FPC to a supported person who is ordinarily resident in another local authority area can be recovered from that local authority.
- Current rules in relation to Cross Border Placements apply i.e. if an individual is placed by a Scottish Authority personal care is free, if they are placed by an English, Welsh or Northern Irish Authority personal care is chargeable.
- Individual's personal care payment is payable for 2 weeks after hospital admission.
- If an individual is temporarily absent, payments for personal care continue for 14 days.
- Individuals can "top-up" their care if they wish.
- Payments for personal care start from when the service is provided (not the date of assessment).
- Timescales for assessments will be the same as for over 65s currently
- Where a supported person receives funding towards the cost of their care in a care home from a public source, payment of Attendance Allowance, and the care components of Disability Living Allowance and Universal Credit, must cease 4 weeks after the funding starts. It is the responsibility of the person or person's family who has moved to a care home to report receipt of personal care payments to the Department for Work and Pensions as soon as they start to receive FPC.

Action Plan

	Action	Person Responsible	Timescale	Progress Update
1	All policy, procedures and practice notes need to be reviewed and if necessary updated to reflect the new legislation relating to free personal care.	MA/TM	31 st March 2019	Policies, procedures and practice notes have been reviewed and other than the Charging Policy there are no specific references to charging for personal care for the under 65s. (See item 12 for Charging Policy action). The existing leaflets are outdated and need to be redesigned anyway. TM will link with KF. JM has been tasked with checking website and Intranet content. TM will discuss with the BAC Information and Training Officers whether any material they have needs to be revised.
2	Link to charging for personal care for under 65s in CareFirst needs to be removed	AW	31 st March 2019	A simple process has been identified that will break the link and this will be done on or just before 1 st April. NB: The 1 st is a Monday so AW will probably do it on the Sunday.
3	Care Plans to be reviewed to ensure no reference to charging for personal care for under 65s is made	TM KP LO	31 st March 2019	The current Care Plan template does not refer to FPC. A new outcomes focused template is being introduced across all adult services soon. Individual Care Plans will refer to chargeable personal care where relevant however that reference is accurate as of now. Care Plans will be updated as and when the packages are reviewed.
4	Accurate estimate of current and future demand and cost pressure in each client group needs to be made including early identification of children transitioning to adult services.	AW (report) Service Mangers and AM	4 th March 2019 (deadline for IJB Pre-Agenda papers)	<p>Approx. £1.3 million has been allocated to Aberdeen City for the introduction of free personal care to under 65s. A "Care Search" Report can be run to identify how many under 65 packages are currently being delivered.</p> <p>327 non-residential clients have been identified and one self-funder in residential. The breakdown across client groups is - 158 (LD), 32</p>

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				(MH), 1 (SM) & 137 (PD) The initial estimated "cost" to Aberdeen City to introduce free personal care to under 65s is currently £182,000 which is the difference between the income we currently get and what we would "lose" post April 2019. NB: the data is not 100% accurate (see action 8 below).
5	Communication – general and to staff	AM/GL	31 st March 2019	AM to link with GL to ensure comms goes out prior to 1 st April. Out with the partnership and ACC, comms can be distributed via Scottish Care, ACVO, Carers Centre, CAH Providers, Care Home Providers, Financial Inclusion Team, CAB, Cash in Your Pocket, Link Workers, Advocacy Services etc. Although it is an individual's responsibility to come forward and request a funded service, we feel we have a moral responsibility to let people know about it.
6	Communication with Commissioned Services including preparation for additional demand and discussion on market capacity to meet this	AM	31 st March 2019	CAH Providers have been asking how this will affect them. They are keen to understand anticipated demand and whether any additional training will be required to deal with the younger client group. It is not thought additional training would be required. From 1 st April we can monitor demand through the Care Search report and analyse any spike in terms of the age of the client to give us an indication of increased demand which we can share with providers. There needs to be specific communication relevant to CAH providers and Care Homes. This will be distributed via the Contracts Team and Scottish Care.

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7	Revision of contracts with Commissioned Services	JS-C	31 st March 2019	MR will liaise with the Contracts Team in relation to current contract wording and identification of any amendments required.
8	Ensure accurate differentiation between care and non-care elements of Housing Support.	KP	31 st March 2019	The figures are not accurate as, on Care First, care packages have a notional split of 60% Housing Support, 40% Personal Care. Only the personal care element is free. If this notional split is not accurate there is a risk that we may still be charging for a proportion of the personal care element when it should be free. The only way to get an accurate split is to reassess the packages. Most cases are in LD but there are capacity issues in terms of getting reviews done. We can consider sampling to check how far out the notional split. LO will discuss with KP – need to consider a risk-based approach.
9	Staff Training – specific sessions/comms for existing staff but also core training needs to be revised.	TM	31 st March 2019	An information session will be delivered in advance of 1 st April for the Duty Team and Response Team in preparation for queries from the public. The Old Age Psychiatry Team at Cornhill will also be involved. TM & LO will deal with this. TM will also revise core training.
10	Consider implications for Finance Team	SC	31 st March 2019	There are minimal implications initially. Information for charging is taken from CareFirst so if the update goes through this will be OK. Invoices are sent 3 months in arrears, so the team have time to prepare. The main impact will be capacity to undertake Finance Assessments for re-assessments. AW also met with PH to discuss changing the report they receive that informs invoicing.

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11	Ensure SG Monitoring and Analysis requirements are met	AW		Amendments to CareFirst will ensure this is done.
12	Ensure revised Charging Policy takes cognisance of new legislation	AM	31 st March 2019	Complete
13	Prepare report to IJB on implementation	AM	4 th March 2019	Added to tracker