

## **ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 NOVEMBER 2021**

### **COUNCIL'S APPROACH TO SELF FUNDERS AND RESIDENTS WITH DEPLETING FUNDS**

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#### **Summary**

1. The Adult Care and Well Being Overview and Scrutiny Panel is to be briefed on the Council's approach when people who have been self-funding their own care in residential/nursing care homes, reach the threshold for financial support.
2. The Strategic Director for People and Cabinet Member with responsibility for Adult Social Care have been invited to the meeting.

#### **Background**

3. The term 'self-funder' is used to describe a person who pays for their own care and support. The current threshold set by the Government is £23,250. If the person has over £23,250 in capital and savings (or share of joint capital is over £23,250) the person is expected to pay in full for their care.
4. The Care Act 2014 (CA) states that self-funders are entitled to receive a needs assessment and a financial assessment (means tested) by the Council to determine the support required and to check if the person qualifies for any financial support. The Act also places a duty on councils to provide advice and information, therefore, self-funders should receive this if required in advance of arranging independent care and support. They are then able to choose a care home and enter into a private arrangement which can mean they have a wider choice of provision to choose from. It should be noted that many self-funders make such decisions without any input from the Council and choose homes which are more expensive than the rates set by the Council.
5. It is worth noting that under certain circumstances, self-funders may be able to get help from the NHS towards paying for their nursing home fees, through Continuing Health Care (CHC), or NHS-Funded Nursing Care (FNC). These are routes of funding to meet health needs via the Clinical Commissioning Group.
6. Self-funders that are looking to move to a care home, may be eligible for a twelve-week property disregard and/or Deferred Payment Agreement. These are arrangements that the person makes with the Council which allow the value of the person's home to pay for care home fees.
7. Under these types of arrangements, the Council pay care home fees and recover the cost at the point where the property is sold or from the estate.

8. Under the CA, the Council has a duty to provide services to people that help to prevent, reduce, or delay them developing a need for formal support. These duties must consider the importance of identifying adults whose needs are not being met and to arrange the provision of local preventative services, facilities, and resources for its residents.

9. Worcestershire County Council's vision is to ensure Worcestershire residents are healthier, live longer, have a better quality of life and remain independent for as long as possible. The People Strategy aims to ensure people are well, able to live a good quality of life, have a sense of belonging, positive relationships and contributing to community life. All these factors are important to good health and wellbeing and evidence shows that in supporting people at an early stage to build connections and local networks of support, including supporting carers, the Council can make a real difference to people's lives and prevent, reduce or delay the need for care home provision. Effective conversations with people can result in better outcomes as people then understand more about the types of care and support available to them that can delay the need for long term care – which is another duty set out in the CA (costed and universal services).

10. There are several avenues of support in providing information and advice and alternative options:

- Residents can complete their own searches by using the Council's website, Worcester Care Choice directory (Appendix 1) or the Here 2 Help Community Services Directory ([SearchForHelp \(worcestershire.gov.uk\)](https://www.worcestershire.gov.uk/searchforhelp))
- Through conversations with local Social Work Teams and Access Service
- Promotion of Extra Care, Shared Lives, Supported Living and live-in care at home
- Increased carer support
- Access to the Council's brokerage services (at a cost) to support with Domiciliary searches to meet the needs at home (only the Council's contracted services searched)
- Residents can be signposted to independent brokerage providers that are able to search the independent market (more options)
- Council support by purchasing care and invoicing the resident.

### **National context and process for people who already reside in Care Homes and their funds are depleting**

11. The Care Act (2014) sets out the legal context that Local Authorities need to adhere to at the point where a self-funding resident's funds are depleting (in paragraph 8.36 and 8.37 together with Annex A: Choice of accommodation and additional payment).

12. The above sections outline that the local authority must provide the person's preferred choice of accommodation, subject to certain conditions, as well as ensuring that the person has a genuine choice of accommodation.

13. Furthermore, a person must also be able to choose alternative options, including a more expensive setting, where a third party or the resident is willing and able to pay the

additional cost ('top-up'). However, an additional payment must always be optional and never as a result of commissioning failures leading to a lack of choice.

14. The term 'self-funding pick up' (SFPU) is used when a resident's savings decrease near or below the upper capital limit of £23,250, making them eligible for local authority funding following a review of care and support needs and also completion of a financial assessment.

15. If the person is eligible to receive support from the Council, a best value provider is identified and presented to the resident. If the person decides to use an alternative provider at a higher cost, then a third party needs to be able to make an additional payment for the resident. This additional payment is called a 'third party top-up' and represents the difference between the cost of the best value placement and the amount the chosen home charges.

16. It is important to note that councils have a duty to offer a provider that accepts the agreed funding rates and if no such provider is available, the additional cost should not be charged to the individual.

17. Residents/families will often express a clear view that they do not wish to move to an alternative, better value, provider but are often unable to fund the difference as a Third Party Top Up. The difference in cost will fall on Adult Social Care's budget if the placement continues at a higher cost. The Council needs to balance its responsibilities as well as ensure equity of price to operate within the allocated budget. This responsibility of ensuring that the funding available to the Local Authority is sufficient to meet the needs of the entire local population is also recognised in the Care Act (2014) in paragraph 10.27.

18. To mitigate these circumstances the Local Authority completes a risk assessment (Appendix 2) to consider any risk factors and the potential impact that a move would have on the resident. Where potential risks are identified, full consideration is given as to how the risk can be reduced and Adult Services work together with the person and their family to agree on realistic mitigation. Where a risk assessment concludes the person can safely be moved to a better value home that can meet the person's needs, this will be the recommendation and meets the Council's CA duties.

## **Data reporting and Monitoring**

19. The number of long-term admissions to care homes are a key performance indicator. It is important to monitor overall admissions and the number of SFPU cases as well as admission sources (Appendix 3 & Appendix 4).

20. This data shows that the Council has an admission rate to long term residential and nursing care home placements (per 100,000 population) per rolling year to end of Aug 2021 of 646.10 which equates to 888 admissions giving this an amber rating. The target rate is set at 574 per 100,000 which equates to 789 admissions.

21. To put this in perspective for the last 4 months, there have been more admissions year to date (this year than last) – and the difference is rising (year to Aug-21 has seen 256 more admissions than year to Aug-20) (Appendix 4).

22. Current data suggests that on average 15% of monthly placements are SFPU case

(Avg. Oct 2015- Jun 2021) (Appendix 5).

23. There are a variety of reasons why admission rates have risen, including post Covid activity as a result of hospital discharges, people who are already in care homes but are no longer funded by CHC and become the responsibility of the Council, increased complexity of need and impact of covid on need and on carers.

## **Adult Social Care Reform announced by the Prime Minister on 7 September 2021**

24. Following the Prime Minister's announcement around Adult Social Care reform the Council is keen to receive further detail and clarity from the white paper on how the additional funding and reform will enable Adult Services to continue to support Worcestershire residents; in particular:

- What proportion of the new levy will come to social care, including when and how the funding will be distributed
- How will the lifetime cap and reduction in funding thresholds impact on the local authority's income and ability to fund the additional requirements
- What support will be available to local authorities to administer the changes in policy, process, procedure and possibly the system
- How will the planned reform impact on the spending review – is this still expected to set out how immediate and short-term pressures, within Adults Social Care, will be addressed – along with funding to improve the quality, quantity and accessibility of care and support.
- Impact of the new lifetime cap on the overall cost of care in the care home sector due to greater access to LA funding rates

25. Particular concerns are around the direct impact on the Council's budget due to the upcoming reform.

26. Care providers in Worcestershire (Approx. 177) are reporting that on an average the occupancy rate of self-funders is approximately 20% of total capacity 5505 beds. Practically this means that the local authority would receive referrals from 1101 residents that have reached the new threshold which will have a direct impact on the budget and service delivery.

## **Purpose of the meeting**

27. Members are invited to consider and comment on the information within this report and agree:

- whether any further information or scrutiny work is required at this time
- whether there are any comments to highlight to Cabinet Members

## **Supporting Information**

Appendix 1 – Worcestershire Care Directory – available online [weblink: Worcestershire Care Services Directory | Publications | Care Choices](#)

Appendix 2 – Risk Assessment for transfer to alternative accommodation

Appendix 3 – Admission trends

Appendix 4 – Admissions by route of admission

Appendix 5 – Self-funding pick ups

## Contact Points

### Specific Contact Points for this report

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## Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

Minutes and Agendas are available on the Council's website: [weblink to agendas and minutes](#)