

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**21 JANUARY 2014**

**REPORT OF THE STRATEGIC DIRECTOR - ADULT CARE**

**DIRECT CARE TRADING POLICY WITHIN ADULT CARE**

**ADULT SOCIAL CARE**

**1. Purpose of the Report**

This report considers the proposal to allow citizens of Derbyshire who wish to privately purchase day services, home care or other services from DCC Adult Care Direct Care Division to do so.

**2. Information and Analysis**

**Background**

Feedback from Adult Care clients and their carers has indicated that some individuals wish to privately purchase care services from the authority to supplement their provision that is funded by Adult Care.

At present any client wishing to buy additional services needs to purchase these from the independent sector. Not only does this place our in-house provision at a disadvantage, it also causes disruption for clients who would prefer to supplement their services using the provider they are familiar with.

In addition, we are aware that some services provided in-house are not being fully utilised. As staff are already employed to provide these, it would be of financial benefit for the authority to sell any unused capacity.

Finally, going forward there is some evidence that clients would be interested in purchasing services that may not be currently offered by the Department. This report raises the possibility that this new provision could be developed and made available. It is particularly relevant in Extra Care schemes where staff are located on site but potentially could also be considered for people living independently in the community.

In the past the authority has not developed a trading policy however, given the fact that legal advice recently received confirms that such a service can be legitimately provided by the Department, and the fact that it could offer significant benefits to both Derbyshire citizens and the County Council, it is recommended that this is considered.

It is proposed that this service would cover the provision of Derbyshire County Council Direct Care Day Services and Home Care services. It also considers the possibility of new 'Household Services' being made available.

## **2.1 Eligibility for the service**

To receive services under a Trading Policy, recipients in the vast majority of cases will need to be Derbyshire citizens. On occasion we have been approached by non-Derbyshire residents to provide services. This would be considered on a case by case basis.

They will also need to have received a Community Care Assessment from Derbyshire Adult Care within the last eight weeks and fall into one of the following categories-

- Be determined as having some FACs eligible needs for which a personal budget is provided but wish to privately buy additional services that go above and beyond the meeting of their assessed outcomes
- Are assessed as not meeting the FACs criteria but who wish to purchase some home care or day care services or other services directly from DCC.

It is considered important that "Household Services" for non-personal care are offered to meet ineligible needs rather than eligible needs. As a person's circumstances will change over time, the Department will need to ensure, through regular review that their ineligible needs have not subsequently become eligible needs.

## **2.2. New services**

People living in Extra Care housing in particular, have expressed an interest in buying services from Adult Care that are not currently on offer. These would include domestic cleaning services, assistance with laundry, assistance with shopping and other errands. It is proposed that these 'Household Services' be offered by DCC staff working in Extra Care schemes where they have capacity. A charge for this new service will be dealt with on the same basis as other services covered by this proposed policy.

### **2.3. Day Care**

Initially the service provided by this Trading Policy relates to current older persons' day care where there is additional capacity to provide for extra self – funding customers. Services will be purchased on a sessional basis enabling customers to buy half a day or more. Transport will be arranged as per the Derbyshire County Council transport policy or with individuals making their own transport arrangements.

### **2.4. Home Care**

Although there may be some slight unused capacity in home care, defining the precise level is difficult as it will fluctuate as the needs of our eligible clients change. It will be necessary to calculate what level of service needs to be reserved for eligible clients so that spare capacity can be determined.

Currently, to meet variable demand, the Department is able to flex up to 10% extra home care resource in order to be assured that there is sufficient capacity without putting existing client services at risk. Supplementary services will only be available, and will only be offered, where doing so will not lead to any loss of service or any deterioration in service quality for FACS eligible clients who require the service as part of their support plan. To ensure this, supplementary home care will only be offered for tasks that are not time sensitive.

### **2.5. Information for citizens about supplementary services**

Guidance will be developed for clients considering supplementing their care to ensure that the distinction between their eligible needs and their ineligible ones is clearly described. In addition, clients will be reminded of their right to make a complaint if they feel their needs have not been accurately assessed.

### **2.6. Brokerage**

If a customer indicates that they would like to purchase additional services, over and above any identified in their support plan, they will be advised that the DCC brokerage service can provide them with impartial information about the options available. This will include giving them details of the DCC Direct Care services.

### **2.7. Growing the service**

Although a key premise of this Trading Policy is that it will be built using unused capacity within existing services, going forward it may be that demand leads to a decision to expand services.

At present however, it is essential that current statutory responsibilities can be met before any additional ones are offered. To do this it is necessary to calculate what level of service needs to be reserved for eligible clients so that spare capacity can be determined.

## **2.8. Cost**

The cost of the service purchased will be calculated by the Adult Care Department and will be based upon the actual average cost of providing the service. For home care in Extra Care settings this currently stands at £13.68 per hour, the rate for community based clients would be higher at £20.76 due to the additional costs such as travel. For day care the charge will be based on the average daily day care rate across all Council provision. This currently stands at £36.26 in Older People's Services and in LD Services £47.52.

A charge for the hourly provision of a 'Household Service' will be determined if a decision is made to proceed to offer this.

## **2.9. Charging policy**

There are a number of ways in which customers could be charged for services under this policy. One proposal is that those purchasing supplementary day care or supplementary home care in an Extra Care setting could be charged for their service on a 4 weekly basis in arrears, in line with other collection policies. This will be done by the County Council's preferred collection method of Direct Debit. A new and specific financial ledger code for services purchased under this Trading Policy will be created to ensure accurate monitoring and reporting of this proposed new income stream.

It will not normally be possible to refund a customer if during the month they fail to utilise all of the supplementary service purchased, due to the administrative burden and associated costs that this would require. Any policy devised would take account of instances where it would not be reasonable to request payment for services not delivered and would have regard to existing charging regimes exception and refund rules.

For customers receiving supplementary home care outside an Extra Care housing scheme, charging could be dealt with as above or alternatively the Telephone Timesheets system could be used. Further work will need to be done to identify the best option.

An integral aspect of agreeing to provide supplementary services will be the requirement to ensure that a client affordability assessment is undertaken. Where clients have an eligible need and services are being provided they are required to have a financial assessment to determine if they are liable to make a contribution towards their personal budget under the current Co-funding policy. The Co-funding contribution must remain the primary contribution that is made by clients and this should not be reduced or waived in order to allow clients' additional income to be used to purchase supplementary Direct Care Services. The advancement of this proposal will require current charging and contribution policies to be reviewed to take account of these points.

## **2.10. Notice period**

Customers will be required to provide the Department with a period of four weeks' notice should they wish to change or terminate the service provided under this Trading Policy. Any policy developed will also need to allow Direct Care to give notice in instances where the client fails to meet their part of the service delivery agreement, such as by non-payment of charges.

## **2.11. Communication**

It is important that the DCC Trading Policy does not have any adverse effects on either clients or independent care sector providers. Full dialogue is planned with representatives of the independent sector. DCC will ensure that competition with private sector providers will not be unfair or abusive and will not unduly distort the market.

## **3. Legal Considerations**

Legal advice has been sought from Leading Counsel and his advice has confirmed the legality of this proposal. The Care and Support Bill, clauses 14, 18 and 19 would allow local authorities to provide ineligible services and charge for the same. The Department must ensure that any traded services provided are over and above the assessed eligible needs of the client.

## **4. Financial Considerations**

By maximising staffing capacity, unit costs will be reduced. The exact amount will depend upon take-up which is likely to be quite low in the first year.

## **5. HR Considerations**

By being able to trade, the Department will be able to utilise any unused staffing capacity across its Direct Care services. This will act as both an efficiency and assist the Department in maintaining its position as a key provider of services across the County.

## **6. Officer Recommendations:**

### **That Cabinet:**

1. Approves the proposal to pilot a Trading Policy for an initial period of 6 months facilitating Derbyshire citizens to purchase DCC Adult Care Direct Care services.
2. Notes that it is proposed that this service would cover the provision of Derbyshire County Council Direct Care Day Services and Home Care Services.
3. Notes that following a 6 month pilot Cabinet will receive an evaluation report prior to any potential roll out of the Policy.

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