

Personal Budgets Strategic Plan 2016 – 2018 DRAFT V2.2

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What is this Plan for?

The Council has a statutory duty to assess any adult, child or carer who appears to have needs for care and support and then to ensure that their eligible assessed unmet needs are met.

Under the Care Act, everyone whose eligible assessed unmet needs are met by the Council must receive a Personal Budget as part of their support plan. In relation to a child's Personal Budget is an amount of money identified by the local authority to deliver parts of the provision set out in an Education, Health and Care (EHC) Plan.

Families can request a Personal Budget as part of the planning process (in drawing up an EHC Plan or at Annual Review).

The Personal Budget represents the public money that the Council would have to spend in order to meet the person's assessed, eligible needs, where those needs cannot be met from the person's own assets, informal sources of support or from within the community. The Personal Budget, in conjunction with the support plan, enables the person to exercise greater choice and take control over how their care and support needs are met. It means:

- Knowing how much money will be available to meet a person's eligible assessed unmet needs, both before support planning begins and after the support plan is agreed. This includes how much the local authority will pay and how much the person will contribute.
- Being able to choose from a range of options for how the budget is managed, including direct payments.
- Having a choice over who is involved in developing the plan for how the budget will be spent.
- Having greater choice and control over how the budget is used to purchase care and support.

Registered social work professionals have a professional duty to maintain a sound understanding of current legislation applicable to social care and to take account of relevant policy and guidance in their practice.

Taking the plan (annex A) forward will include ongoing engagement and consultation with service users, families and their carers to ensure that developments incorporate and recognise their contribution.

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Helping People to Help Themselves by making Personalisation Real

Sefton Council is committed to delivering Social Care in accordance with the Personalisation Strategy. Its approach will always be based on helping people to help themselves and in so doing to promote progression and maximise independence.

Sefton's Personalisation Strategy is focused on six key objectives aligned to the borough's Health and Wellbeing Strategy:

1. Ensure all children have a positive start in life
2. Support people early to prevent and treat avoidable illnesses and reduce inequalities in health
3. Support older people and those with long term conditions and disabilities to remain independent and in their own homes
4. Promote positive mental health and wellbeing
5. Seek to address the wider social, environmental and economic issues that contribute to poor health and wellbeing
6. Build capacity and resilience to empower and strengthen communities

Sefton has also signed up to Making it Real, demonstrating its commitment to personalisation and community-based support. Our goal is that people with eligible assessed unmet needs for care and support in Sefton can say:



1. **Information and Advice:** - having the information I need when I need it:

- *"I have the information and support I need in order to remain as independent as possible."*
- *"I have access to easy-to-understand information about care and support which is consistent, accurate, accessible and up to date."*
- *"I can speak to people who know something about care and support and can make things happen."*
- *"I have help to make informed choices if I need and want it."*
- *"I know where to get information about what is going on in my community."*



2 **Active and supportive communities** - keeping friends, family and place

- *“I have access to a range of support that helps me to live the life I want and remain a contributing member of my community.”*
- *“I have a network of people who support me – carers, family, friends, community and if needed paid support staff.”*
- *“I have opportunities to train, study, work or engage in activities that match my interests, skills, abilities.”*
- *“I feel welcomed and included in my local community.”*
- *“I feel valued for the contribution that I can make to my community.”*



3. **Flexible integrated care and support** - my support, my own way:

- *“I am in control of planning my care and support.”*
- *“I have care and support that is directed by me and responsive to my needs.”*
- *“My support is coordinated, co-operative and works well together and I know who to contact to get things changed.”*
- *“I have a clear line of communication, action and follow up.”*



4. **Workforce** - my support staff

- *“I have good information and advice on the range of options for choosing my support staff.”*
- *“I have considerate support delivered by competent people.”*
- *“I have access to a pool of people, advice on how to employ them and the opportunity to get advice from my peers.”*
- *“I am supported by people who help me to make links in my local community.”*



5. Risk enablement - feeling in control and safe

- *“I can plan ahead and keep control in a crisis.”*
- *“I feel safe, I can live the life I want and I am supported to manage any risks.”*
- *“I feel that my community is a safe place to live and local people look out for me and each other.”*
- *“I have systems in place so that I can get help at an early stage to avoid a crisis.”*



6. Personal Budgets and self-funding - my money

- *“I can decide the kind of support I need and when, where and how to receive it”.*
- *“I know the amount of money available to me for care and support needs, and I can determine how this is used (whether it’s my own money, direct payment, or a Council managed Personal Budget).”*
- *“I can get access to the money quickly without having to go through over-complicated procedures.”*
- *“I am able to get skilled advice to plan my care and support, and also be given help to understand costs and make best use of the money involved where I want and need this.”*

The Personal Budget

The Personal Budget for an adult must be an amount equivalent to the cost to the local authority of meeting the person's eligible unmet needs. The Personal Budget must reflect local market intelligence and the costs of local quality provision to ensure that care appropriate to meet people's needs can be obtained for the amount specified in the budget. Where someone wishes to use a service or type of support to meet an eligible need that costs more than the Council would normally pay to meet that type of need, they are free to do so but will be expected to cover the difference themselves.

A Personal Budget for a child is an allocation of funding identified by the Local Authority (and, if appropriate, the CCG) to provide support to meet all or some of the outcomes identified in an EHC Plan. A Personal Budget can be provided in circumstances where it is assessed that the child or young person is eligible for additional funding and it is agreed that the parent or young person is to be involved in securing that provision, taking into account the legal duties on the Council and the CCG to ensure that the funding is spent appropriately.

The scope of the Personal Budget will vary depending on the needs of the individual and local eligibility criteria, the EHC Plan will clearly state which outcomes can be met by a Personal Budget. Some services cannot be purchased using a Personal Budget and these are discussed in more detail below.

Everyone whose eligible unmet needs are met by the Council will receive a **Personal Budget** as part of their support plan. The Personal Budget represents the public money that the Council would have to spend in order to meet the person's assessed, eligible needs, where those needs cannot be met from the person's own assets, informal sources of support or from within the community. The amount is based upon the cost that the Council would have to pay to secure that support. If individuals wish to purchase services or types of support to meet an eligible need that cost more than the Council would normally pay to meet that type of need, the person is free to do so but will be expected to cover the difference themselves.

The Personal Budget is the money that is allocated to meet the eligible unmet needs identified in the assessment and recorded in the plan. An indicative amount is shared with the person at the start of the support planning process. The detail of how the budget will be used is

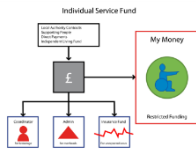
set out in the support plan and the final amount is refined and confirmed through development and sign off of the plan.

Through the development of this Strategic Plan, Sefton will aim to enhance its delivery of Personal Budgets. The Action Plan will include the scoping and exploration of the following methods:



Managed Accounts

The Personal Budget which is held by the Council with support provided in line with the person's wishes.



Individual Service Fund (ISF)

The Personal Budget is held by a third party who manages it on the person's behalf and arranges support in line with the person's wishes. e.g. A trust fund, or a nominated lead provider



Direct Payment

The person takes the Personal Budget as a cash payment and arranges their support in line with the agreed support plan.

Where a person chooses to have a **Direct Payment** but is unable to make the necessary support arrangements for themselves an authorised person may take the responsibility for the direct payment on their behalf.

Direct Payments are already available across the Sefton borough (see Sefton's Direct Payments Guidelines) and during 2016/17 Sefton Council will develop an approach to delivering more options to service users and carers to enable control and choice over their Personal Budget.

Elements of the Personal Budget

The Personal Budget must be an amount sufficient to meet the person's assessed eligible unmet care and support needs and must reflect the cost to the Council of meeting the needs that the Council is under a duty to meet. As stated above, the amount is based upon the cost that the Council would have to pay to secure support that would meet the eligible need. The Council is not obliged to pay more than that rate.



Financial Contribution

The Personal Budget must show the amount that the person must pay, following financial assessment. The remainder of the budget will be paid by the Council.



Other Sources of Funding

The Personal Budget may also set out other public funds or benefits that the person is receiving, such as a personal health budget, if the person wants to present their budget this way.



Brokerage Fee

The Council may charge a brokerage fee when arranging services for a person whose financial resources are above the financial threshold, but who has asked the Council to arrange services for them.

This fee is not part of the Personal Budget but may be presented alongside it to help the person to understand the total charges to be paid.



Top Ups

A “top-up” is where a person or a third party on their behalf makes an additional payment to secure a service of their choice. If this costs more than the Council would pay for such care, the top up does not form part of the Personal Budget. The sufficiency top up will be recorded on the person’s Care and Support plan.

Intermediate Care

Intermediate care services, including reablement, must be excluded from the Personal Budget.



The Personal Budgets Process



Assessment

A robust assessment of the individual's eligible assessed unmet needs for care and support from the Council provides the evidence for calculating the individual's Personal Budget.



Support Plan

During the support planning process, individuals will be given an indicative Personal Budget – an estimated amount - to assist them in planning their support. Once the support plan is validated, the amount of the Personal Budget will be confirmed and the individual can use the money to meet their eligible assessed unmet care and support needs.



Personal Budget

The amount of money required to meet the individual's eligible assessed unmet needs. People who have been offered a Personal Budget and have a validated support plan in place will be able to take the Personal Budget as a direct payment – either payable to themselves or to an authorised third party – or as a managed service. Sefton will also allow a combination of these options.



Audit and monitoring requirements

Arrangements for auditing and monitoring of Personal Budgets will be proportionate and risk-based. These will provide assurance both to the Council and to the individual that funds are being used effectively in accordance with approved support plans.

Calculating the Personal Budget

It is vital that the process used to establish the Personal Budget is transparent so that people are clear how their budget was calculated, and the method used is robust, so that people have confidence that the Personal Budget allocation is correct and sufficient to meet their eligible unmet care and support needs.

Key principles



Transparency

Sefton will make its allocation process publicly available as part of its general information offer and on request. This will ensure that people understand how the Personal Budget has been calculated.

In line with national guidance, the cost assumptions on which the allocation is based should also be shared with the person so that they know how their Personal Budget was established.



Timeliness

People will be provided with an indicative Personal Budget – an estimate of the amount required – at the start of the support planning process. This will enable the person to plan how their eligible needs are met.

This indicative amount will be adjusted based on decisions made during the development of the support plan to be the final amount of the Personal Budget recorded in the plan. It may go down as well as up.



Sufficiency

Under the Care Act, the Personal Budget must be sufficient to meet the person's needs that have been assessed as eligible and are not being met by a carer or other source of support.

Use of the Personal Budget

A Personal Budget represents the funds required by an individual to meet their assessed eligible needs in line with an approved support plan. People can choose for the Personal Budget allocation to remain with the Council to arrange care and support on their behalf in line with their wishes. With future developments outlined in this plan, the service user may also be able to place the Personal Budget with a third party provider on the same basis (individual service fund).

When someone has a Personal Budget they can take some or all of the budget as a direct payment. The decision on how the budget will be used must be recorded in the support plan.

Carer's Personal Budget

The carer's Personal Budget must be an amount that enables the carer to meet their eligible assessed unmet needs to continue to fulfil their caring role and takes into account the outcomes that the carer wishes to achieve in their daily life. This includes their wishes or aspirations in relation to employment, education, training or recreation. This includes funding for replacement care to allow the carer to take a break to maintain their physical, mental or emotional wellbeing.

Under the Care Act, a carer's need for support can be met by providing care to the person they care for. Decisions on which services are provided for the carer and which services are provided for the person they care for will have implications for whether a service is chargeable and who has to pay. Decisions will also have an impact on whose Personal Budget includes the cost of meeting those eligible unmet needs.

The Council will consider a joint support plan and Personal Budget for an adult and their carer where their eligible unmet needs can be met concurrently, if both parties agree.

Where the person being cared for does not have eligible assessed unmet needs, the carer will receive a support plan specifying how the carer's eligible unmet needs will be met and including a Personal Budget. In this case, replacement care costs have to be met by the carer. However, if the replacement care is chargeable, it is the adult needing care who would be charged because they are the direct recipient of the service. They therefore need to consent to the arrangement. If they do not consent, the Council must seek to identify any alternative way of supporting the carer.

Disputes

Any disputes in relation to the allocation or provision of Personal Budgets will be subject to Sefton Council's statutory complaints procedure.

If the recipient of a Personal Budget or direct payment has a complaint about services they have purchased independently, they should address this with the service provider or employee concerned.

Links to other Policies and Plans

This Strategic Plan is aligned with, a number of National and Local Strategies and Policies:-

- Sefton's Personalisation Strategy
- Local Offer
- Personalisation & Personal Budgets Policy *Special Educational Needs and Disability (SEND)*

Further Information

If you would like more information about this Policy, or if you have questions about it, please contact:-

Add Contact details

Personal Budgets Action Plan 2016-18

Objectives	Actions	Outcomes	Lead Service Area
Review Sefton's Direct Payment processes – whole system approach	<p>Direct Payment rates agreed and implemented across all service users.</p> <p>Direct Payment recipient agreements to be confirmed and agreed.</p> <p>Direct Payment process articulated and documentation created.</p> <p>Direct Payment guidance for frontline staff revised to ensure clarity.</p>	<p>Clearly defined processes and associated documentation</p> <p>A reviewed direct payments process that is sustainable and more efficient.</p> <p>Direct Payments developed in the context of the Council's refreshed approach to personalisation.</p>	<ul style="list-style-type: none"> • Adult Social Care • Commissioning Support, • Children's Social Care • Schools and Families
Provide enhanced and expanded choice for Personal Budgets for Sefton citizens	Run Pre-Paid Card pilot, assess and implement if appropriate	A successful pilot surrounding pre-paid cards and a subsequent implementation giving	<ul style="list-style-type: none"> • Adult Social Care • Commissioning Support, • Children's Social Care • Schools and Families

	Scope the delivery of Managed Accounts and Individual Service Fund (ISF)	efficiencies and ease of use by the customer. An accessible range of mechanisms for the delivery of Personal Budgets	
Monitoring and audit of Personal Budgets is delivered to a high standard	Review of the Direct Payments Team in delivery of Direct Payment services Review monitoring and quality assurance requirements	The role and function of the Direct Payments Team is clear A clear quality assurance framework for the delivery of Personal Budgets	<ul style="list-style-type: none"> • Adult Social Care • Commissioning Support, • Children's Social Care • Schools and Families
Provide whole system approach to Personal Budgets and Personal Health Budgets for both adults and children	Investigate and develop Personal Health Budgets with Health Align Children's Personal Budgets Policy to whole life process development	Clearly defined processes and associated documentation	<ul style="list-style-type: none"> • Adult Social Care • Commissioning Support, • Children's Social Care • Schools and Families • CCG's
The calculation of the Personal Budget is clear	Review and publish the method for the calculation	A clear and transparent process for the calculation	<ul style="list-style-type: none"> • Adult Social Care

and transparent	of Personal Budgets. Explore alternatives to the calculation of Personal Budgets	of the Personal Budget Frontline staff fully informed about how to calculate a Personal Budget	<ul style="list-style-type: none">• Commissioning Support,• Children's Social Care• Schools and Families
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Wellbeing

Under the Care Act, the general duty of the Council is to promote the wellbeing of the individual. The wellbeing principle underpins the whole of the Care Act and its associated regulations and guidance. Specifically, it applies in all cases where the Council is carrying out a care and support function or making a decision in relation to a person. It applies to adults, carers and, in some circumstances, to children in transition, their carers and to young carers. The wellbeing principle applies equally to people who do not have eligible needs if they come into contact with the care system.

Definition of Wellbeing



The dictionary definition of “wellbeing” is “the state of being comfortable, healthy or happy”. It is necessarily a broad concept and in relation to Care Act functions is described as relating to the following nine areas in particular:

- Personal dignity (including treatment of the individual with respect);
- Physical and mental health and emotional wellbeing;
- Protection from abuse and neglect;
- Control by the individual over day to day life (including over care and support provided and the way it is provided);
- Participation in work, education, training or recreation;
- Social and economic wellbeing;
- Domestic, family and personal;
- Suitability of living accommodation;
- The individual’s contribution to society.

Promoting wellbeing

Promoting wellbeing means actively seeking improvement in the aspects of wellbeing described above when carrying out a care and support function in relation to an individual. This applies at any stage of the process from providing information and advice to reviewing a support plan.

There is no set approach. Promoting wellbeing will depend on the individual's needs, goals and wishes. The Council should consider each person's case on its own merits, based upon what the person wants to achieve and how the Council's actions will affect their wellbeing.

All the nine aspects of wellbeing are of equal importance. However it is likely that some aspects will be more relevant to one person than another. The Council should adopt a flexible approach that focuses on those aspects that matter most to the person concerned.

In addition to the wellbeing principle, the Care Act sets out a number of other key principles which local authorities must have regard to when carrying out the same activities or functions:

- a) The importance of beginning with the assumption that the individual is best placed to judge the individual's wellbeing;
- b) The individual's views, wishes, feelings and beliefs;
- c) The importance of preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist.
- d) The need to ensure that decisions are made having regard to all the individual's circumstances;
- e) The importance of the individual participating as fully as possible;
- f) The importance of achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual;
- g) The need to protect people from abuse and neglect;

The need to ensure that any restriction on the individual's rights or freedom of action that is involved in the exercise of the function is kept to the minimum necessary for achieving the purpose for which the function is being exercised.

Neither these principles nor the wellbeing principle require the Council to make a specific decision or undertake a particular action. The steps the Council should take will depend entirely on the circumstances.

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Statutory duties and national policy

This appendix briefly explains the current legal and policy context for delivery of adult social care services. This is an overview of the main requirements and should not be taken as a comprehensive summary of all the Council's legal duties.

<p>Assessment of needs for care and support and Carer's assessments</p>	<p>Local authorities have a statutory duty to carry out an assessment of need for any adult or carer who appears to have any level of care and support services and determine whether any of those needs are eligible for support from the local authority. (Care Act 2014, sections 9 & 10).</p> <p>The Care and Support (Assessment) Regulations 2014 and Department of Health Care and Support Statutory Guidance (2014) impose further requirements in relation to the Assessment</p>
<p>Eligibility</p>	<p>Eligibility for a service provided by the local authority must be determined following an assessment of need in line with the national eligibility framework. This is prescribed by the Care and Support (Eligibility Criteria) Regulations 2014 and subject to the Care and Support Statutory Guidance (2014) (Chapter 6)</p>
<p>Prevention duty</p>	<p>Under Section 2 of the Care Act, the local authority has a duty to take action to prevent or reduce an adult's or carer's needs for care and support.</p>

<p>Ordinary Residence</p>	<p>Sections 39 to 41 of the Care Act and the associated Care and Support (Ordinary Residence) (Specified Accommodation) Regulations 2014 provide the legal framework for determining where an adult is ordinarily resident for the purpose of identifying where responsibility lies between different local authorities for the funding and / or provision of care for adults with eligible assessed needs. There is additional guidance in the Care and Support Statutory Guidance (Chapter 19)</p> <p>The Care and Support (Ordinary Residence Disputes etc.) Regulations 2014 provide the framework for resolving disputes between local authorities.</p>
<p>Duty and powers to meet needs</p>	<p>Once a local authority has undertaken an assessment and concluded that a person has needs that meet the national eligibility criteria, then the authority must meet those needs (Care Act section 18)</p> <p>The local authority has a <i>power</i> to meet needs without carrying out an assessment if those needs are urgent. It also has a <i>power</i> to meet needs that are not eligible under the national eligibility criteria if it chooses to do so. (Care Act section 19)</p>
<p>Mental Capacity</p>	<p>The Mental Capacity Act 2005 (MCA) applies to anyone over 16 who is unable to make all or some decisions for themselves. The MCA should be considered by everyone involved in the assessment or provision of care, treatment and support for people who may lack capacity.</p> <p>The MCA provides the framework for best interests decisions, lasting powers of attorney, court appointed deputies, deprivation of liberty safeguards, the Court of Protection</p>