



Social Policy, Policy Development and Scrutiny Panel

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

30 August 2018

A meeting of the **Social Policy, Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Friday 7 September 2018** at **12:00pm**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Confirm Draft Minute of Meeting of the Social Policy, Policy Development and Scrutiny Panel held on Friday 22 June 2018 (herewith).
5. Eligibility for Non-Residential Adult Social Care - report by Head of Social Policy (herewith).
6. Contributions Policy for Non-Residential Social Care Services - report by Head of Social Policy (herewith).
7. Electronic Inter-Agency Referral Discussion Recording System - report by Head of Social Policy (herewith).
8. West Lothian Public Protection Committee 2016-2018 Adult Protection Biennial Report - report by Head of Social Policy (herewith).

DATA LABEL: Public

9. Workplan (herewith).

NOTE **For further information please contact Elaine Dow on 01506 281594
or email elaine.dow@westlothian.gov.uk**

MINUTE of MEETING of the SOCIAL POLICY, POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 22 JUNE 2018.

Present – Councillors Angela Doran (Chair), George Paul, Alison Adamson (substituting for Charles Kennedy), Dave King, Sarah King, Dom McGuire and Damian Timson

Apologies – Councillors Charles Kennedy and George Paul and Ms Maureen Findlay

1. DECLARATIONS OF INTEREST

No declarations of interest were made

2. MINUTE

The Panel approved the Minute of its meeting held on 26 April 2018 subject to including Maureen Findlay in the sederunt. The Minute was thereafter signed by the Chair.

3. 2017/18 FINANCIAL PERFORMANCE – MONTH 12 MONITORING REPORT

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial performance of the Social Policy General Fund Revenue budget.

The report advised that the council's revenue budget was operationally managed at a Head of Service level, and the financial position included within the current report was part of the overall council forecast upon which decisions had been approved by Council Executive. The report included the position with the delivery of approved budget reduction measures relevant to Social Policy for 2017/18. The report focussed on the financial performance of Social Policy and further enhanced the information presented to elected members to allow scrutiny of service and financial performance.

A table within the report summarised the position in relation to service expenditure and an update on the draft outturn. The revenue forecast for Social Policy was a break even position. As part of the monitoring exercise, a number of key risks and service pressures had been identified and were noted in the narratives within the report.

The Panel noted from the report that whilst the budget was forecast to break even for 2017/18, there had been a number of pressures within the service that had been offset by underspends elsewhere, full details of which were given in the report. The report concluded with information on the future budget issues and risks pertinent to Social Policy.

In response to a questions about LGBF data referred to the in the report, Financial Management undernoted to consider whether it was appropriate to include in future reports as variations in the way information was recorded by each local authority meant direct comparisons could not be made.

It was recommended that the Panel:

1. Note the financial performance of the Social Policy portfolio for 2017/18;
2. Note that the Social Policy 2017/18 draft outturn position for revenue was part of the overall council budget positions reported to the Council Executive;
3. Note any actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

Decision

To note the terms of the report.

4. NATIONAL STATISTICS PUBLICATION: CHILDREN'S SOCIAL WORK STATISTICS SCOTLAND 2016-17

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy advising of the National Statistics Publication, Children's Social Work Statistics Scotland 2016-17 which presented information collected on children and young people who were formally looked after under child protection measures or in secure care at some point between 1st August 2016 and 31st July 2017, a copy of which was provided as an appendix to the report.

The report explained that local authorities had a responsibility to provide support to certain vulnerable young people, known as looked after children and detailed the various placements that could be offered. It also provided an overview of the national picture for looked after children and young people alongside the figures for West Lothian.

The report advised that as at July 2017, there were 511 Looked After Children and Young People in West Lothian, an increase on the previous year when the figure was 449. In West Lothian, 1.3% of the total 0-17 years' population were looked after compared with a Scottish average of 1.4%. As at May 2018, the number of Looked After Children had reduced from 511 to 459, part of a downward trend over the past 6 months.

The Panel noted a statistical overview of the number of children on the child protection register in Scotland which had fluctuated regularly until 2014 but over the last 3 years, had seen a slight decrease which it was hoped was the start of a longer term decline. The number of children in West Lothian on the child protection register mirrored national trends with 70 children on the register in July 2017 which equated to 2 children in

every 1000 and was slightly lower than the national rate of 2.9 in every 1000 of the child population aged 0-15 years.

The report concluded with information on secure care that was put in place as an outcome of the criminal justice system or through a referral to the Children's Report and an overview of the national statistics and figures for West Lothian. West Lothian generally followed the national trend of reversing the number of young people placed in care as a result of a range measure in place to support young people within West Lothian to prevent their escalation to secure care.

It was recommended the Panel:-

1. Notes the Scottish national statistics in relation to:-

- Looked after children and young people
- Child protection
- Young people in secure care

2. Notes the performance of West Lothian Council in comparison to National figures.

Decision

To note the terms of the report.

5. WEST LOTHIAN CHILDREN'S SERVICES PLAN ANNUAL REPORT 2017/18

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on the work that had been undertaken with regards to ensuring compliance with the requirements of Part 2 of the Children and Young People (Scotland) Act 2014.

The report recalled that the 2014 Act sought to improve outcomes for all children and young people by ensuring that local planning and delivery of services were integrated, focussed on securing quality and value through preventative approaches and dedicated to safeguarding, supporting and promoting child wellbeing.

In order to comply with the requirements of the Act, the West Lothian Children's Services Plan 2017-2020 outlined the work of the West Lothian Children and Families Strategic Planning Group and followed an outcome based approach to planning as led by the West Lothian Community Planning Partnership. The principles encompassed by the plan and a list of the key priorities were outlined within the report.

Local authorities were required to keep strategic plans under review to ensure their relevance and to report progress on an annual basis. The Children and Families Strategic Planning Group had reviewed the progress made during the period 2018/18 which was provided as an appendix to the report.

In response to a question, the Senior Manager undertook to arrange for a detailed report to be presented to the Panel on the work being done to tackle childhood obesity across the council and partners agencies.

It was recommended that the Panel:

Notes the contents of the West Lothian Children's Services Plan – Annual Report 2017-19 and the progress that had been made in taking forward the priorities detailed in the West Lothian Children's Services Plan 2017/20.

Decision

(a) To note the terms of the report.

(b) To receive a report on childhood obesity to a future meeting of the Panel.

6. SCOTTISH GOVERNMENT CONSULTATION – ESTABLISHING A STATUTORY APPROPRIATE ADULT SERVICE IN SCOTLAND.

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy advising of the Scottish Government's consultation Establishing a Statutory Appropriate Adult Service in Scotland and seeking views on plans to place existing non-statutory Appropriate Adult Services on a statutory footing.

The report explained the background to the Scottish Government Consultation which proposed placing Appropriate Adult services on a statutory footing to ensure that vulnerable people who came into contact with the justice system received the same high quality of support across Scotland. The consultation document noted that the Scottish Government proposed using regulation-making powers in the Criminal Justice (Scotland) Act 2016 to establish the statutory service.

The report explained that due to Appropriate Adult Services being delivered on a non-statutory basis, services delivered varied across the country. In some areas services were provided by local authorities whilst in others they were provided by Health/Social Care and Justice partnerships or contracted out to third parties. The report provided the Panel with an overview of the significant amount of work had been undertaken to develop a model for establishing a statutory Appropriate Adult Service and of the discussions with COSLA to ensure a level of funding that would ensure delivery of the service was sustainable for local authorities.

Members noted that the Appropriate Adult model that currently operated in West Lothian met the majority of the proposed statutory arrangements. No issues had been identified with the proposal to involve the Care Inspectorate and Mental Welfare Commission as oversight bodies and once national guidance was available, processes would be reviewed to ensure they were compliant and that necessary performance indicators

were developed. It was important that resources remained available within the Lead Officer for Adult Protection role to develop and implement training initiatives and to undertake quality assurance exercises.

It was recommended that the Panel consider the proposed West Lothian Council response to the Scottish Government's consultation in relation to establishing a statutory Appropriate Adult Service in Scotland that would be submitted to the Council Executive for approval.

Decision

To note the terms of the report and endorse the draft consultation response being submitted to the Council Executive for approval.

7. COMMUNITY JUSTICE OUTCOME IMPROVEMENT PLAN 2018-19

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing an update on the progress of the Community Justice Outcome Improvement Plan (CJOIP) and consulting on an updated version of the plan for 2018-19.

The Panel recalled that Community Planning Partnerships had assumed statutory duties for community justice in line with the Community Justice (Scotland) Act 2016 on a transitional basis in April 2016 and in full from April 2017. The CJOIP was the mechanism by which community justice activity was reported to Community Justice Scotland, the national body overseeing developments across Scotland.

The report explained that the plan originally submitted in March 2017 had been revised and feedback from Community Justice Scotland had been overwhelmingly possible.

Members noted that during 2017-18 most activity had focussed on establishing infrastructures and ensuring core provision around Criminal and Youth Justice was robust. A Community Justice Strategy for West Lothian would be consulted upon during the summer of 2018 and brought to the CPP Board for consideration and approval in September 2018. The report concluded by highlighting some of the core challenges for 2018-19.

It was recommended that the Panel note the update on Community Justice Activity as contained in the CJOIP.

Decision

To note the terms of the report.

8. HOLMESVIEW NURSING HOME – REMOVAL OF ENHANCEMENT

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy advising of the removal of the enhanced fee element of the National Care Home Contract fee to Holmesview Nursing Home who had been awarded a Grade 2 by the Care Inspectorate in the

category "Quality of Care and Support". The Care Inspection report for Holmesview Nursing Home dated 13th March 2018 was attached as an appendix to the report.

The report recalled that in April 2007 the National Care Home Contract for Older People Care Home was implemented in West Lothian and across Scotland. The aim of the contract was to provide a consistent approach to the quality of care and a national fee for the provision of Older People Care Home beds in the private sector.

A key performance indicator in the 2018/19 contract was the continued use of the quality assurance framework currently in use by The Care Inspectorate whose officers undertook inspections of Older People Care Homes and awarded grades on their findings across 4 categories. The report provided the Panel with an understanding of the enhanced rates that were paid to care homes who achieved

The report advised that in December 2016 Holmesview Nursing Home was awarded QAF Grade 5 in the category 'Quality of Care and Support'. An enhanced fee was applied as per the National Care Home Contract when the inspection report was finalised. Following their latest inspection carried out on 13th March 2018, Holmesview Nursing Home was awarded a Grade 2 in the category of 'Quality of Care and Support' which resulted in the removal of the quality enhancement backdated to the date of the inspection. An action plan had been put in place and would be monitored by the Care Inspectorate.

In conclusion, it was reported that the enhanced quality fee was implemented in order to create additional incentives to improve the quality of care. The latest inspection of Holmesview Nursing Home has resulted in the removal of the quality fee.

The Panel was asked to note the contents of the report.

Decision

To note the terms of the report.

9. TIMETABLE OF MEETINGS 2018-19

The Panel was invited to approve the timetable of meetings for the period September 2018-June 2019 (copies of which had been circulated).

Decision

To approve the timetable of meetings.

10. WORKPLAN

A copy of the workplan was circulated and which formed the basis of the panel's work over the coming months.

Decision

To note the content of the workplan.



SOCIAL POLICY POLICY DEVELOPMENT AND SCRUTINY PANEL

ELIGIBILITY FOR NON-RESIDENTIAL ADULT SOCIAL CARE

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to provide the Panel with details of the council's draft Policy on Eligibility for Non-Residential Adult Social Care Services.

B. RECOMMENDATION

It is recommended that the PDSP:

1. Note that on 13 February 2018 the Council agreed that a Policy on Eligibility for Non-Residential Adult Social Care Services would be developed and brought to Health and Care and Social Policy PDSPs for consideration, and Council Executive thereafter for approval;
2. Note and consider the following recommendations which are intended to be submitted to the Council Executive for approval on 11 September 2018:
 - I. Notes that at the budget setting meeting of 13 February 2018, the council agreed to the introduction of a policy on Eligibility Criteria for Non-residential Adult Social Care Services
 - II. Notes that the Council Executive recommended officers on 26 June 2018 to undertake engagement with affected stakeholder groups over the summer period prior to taking the Policy to PDSPs and Council Executive for approval
 - III. Notes that officers have undertaken engagement activity and that the Policy and Integrated Impact Assessment Action Plan has been updated to reflect the feedback received
 - IV. Agrees the Policy on Eligibility for Non-Residential Adult Social Care Services as set out in Appendix 1 of the report
 - V. Agrees the policy implementation date of 1 October 2018

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Social Work (Scotland) Act 1968 Scottish Government Guidance on the National Standard Eligibility Criteria 2009 Social Care (Self-directed Support)(Scotland) Act 2013

III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	The measure is predicated on maintaining performance wherever possible, focussing delivery of services to meet the council's priorities and statutory duties
V	Relevance to Single Outcome Agreement	Effective prioritisation of resources is essential to achieving the targets contained in the Local Outcomes Improvement Plan
VI	Resources - (Financial, Staffing and Property)	The council agreed the revenue budget for 2018/19 to 2022/23 on 13 February 2018 which contained measures relating to the eligibility threshold for non-residential adult social care
VII	Consideration at PDSP	Feedback from the proposal as part of the Transforming Your Council (TYC) consultation was discussed at the Health and Care PDSP on 18 December 2017 and the Social Policy PDSP on 21 December 2017
VIII	Other consultations	<p>The proposal formed part of the TYC consultation in 2017.</p> <p>Legal Services, Financial Management Unit</p> <p>West Lothian Integration Joint Board on 23 January 2018 set the threshold for direct funded support for non-residential adult social care at substantial and above.</p> <p>Council Executive on 26 June 2018 agreed to additional business efficiency measures as part of the overall saving for social care to reduce the direct impact on individuals through the eligibility criteria.</p> <p>Stakeholder engagement during July 2018 with representative groups; Learning Disability Forum, Adults Services Parents Group, Senior People's Forum, Carers of West Lothian, Ability Centre Service User Group, Older People's Day Care Representatives, Care Providers, NHS Lothian</p>

D. TERMS OF REPORT

D.1 BACKGROUND

The council at their meeting of 13 February 2018 agreed the revenue budget strategy for the five years 2018/19 to 2022/23 which included measures relating to the assessment and eligibility for non-residential adult social care services. The decision in respect of the measures directed officers to develop a policy and revised assessment guidance to be brought back to Social Policy and Health and Care PDSPs and Council Executive thereafter.

The council faces a revenue budget gap of £65.3 million over the five years 2018/19 to 2022/23 as a result of Scottish Government grant funding not being sufficient to meet the increased cost faced by the council. Social care is experiencing unprecedented growth in demand and resources require to be targeted towards the most vulnerable. The application of eligibility criteria assists the Council to achieve fairness, consistency and transparency in how decisions are taken.

It was agreed as part of the budget setting that an eligibility policy would be developed by officers and brought back to Social Policy and Health and Care PDSPs and the Council Executive thereafter. A policy for the application of eligibility criteria for non-residential adult social care services has been developed, and engagement with representative stakeholder groups has been undertaken.

D.2 POLICY CONTEXT

The Social Work (Scotland) Act 1968 places a duty on the council to assess any adult (person over 18 years of age) for potential needs, to determine if the needs assessed call for the provision of services and decide how these should be provided.

The mechanism for taking account of resource availability to meet assessed needs is through the application of eligibility criteria in accordance with the Scottish Government Guidance on the National Standard Eligibility Criteria. The national eligibility criteria, agreed by the Scottish Government and COSLA in 2009 is an established framework used across all Scottish local authorities. The aim of the guidance is to ensure a fairer and more consistent framework for the allocation of available resources.

D.2.1 Eligibility Criteria

There are four levels of risk prescribed in the National Guidance and which are used in the social care assessment of needs:

- Critical – major risk, support required within 1-2 weeks; where health or care problems are life threatening, or serious abuse or neglect has occurred or is suspected, and there is an absence of any alternative supports
- Substantial – significant risk, support required within 6 weeks; where serious impairment relating to health results in an inability to consistently manage care, and there is an absence of any alternative supports
- Moderate – potential for risk within the next six months, where some problems in relation to personal care or domestic routines are starting to become evident, but alternative supports are available
- Low – some quality of life issues where there may be difficulties starting to affect one of two aspects of personal care or social life but where advice and guidance can alleviate any concerns

The Integration Joint Board agreed on 23 January 2018 to set the threshold for non-residential adult social care at substantial and above.

D.3 POLICY DEVELOPMENT AND ENGAGEMENT ACTIVITY

Officers have developed the policy at Appendix 1 which complies with social care legislation, Scottish Government guidance and the National Eligibility Criteria Framework.

Representatives from the Senior People's Forum, Older People Day Care, Adults Services Parents / Carers, Learning Disability Forum, Ability Centre Service User Group, Carers of West Lothian and care providers have had the opportunity to review the policy during engagement sessions held in July 2018. Amendments to the policy have been made to reflect the feedback, and a Frequently Asked Questions (FAQs) has been developed (at Appendix 2) as an additional document which will be available on-line.

Feedback from the engagement events has also informed the Integrated Impact Assessment which is at Appendix 3.

D.4 CONTRIBUTIONS POLICY FOR NON-RESIDENTIAL CARE

The introduction of a Contributions Policy for adult non-residential social care is being developed for implementation within the same timescale as the increase in eligibility criteria. The Contributions Policy will be presented to the Council Executive for approval on 11 September 2018.

D.5 IMPLEMENTATION

Feedback from the engagement activity highlighted that the policy required clearer information about how the new eligibility threshold would apply to existing service users. The policy has been amended at section 7 (Existing care packages) to highlight that, at point of review, if a care package requires to change any transition plan will be agreed between the social care worker, the service user and their family / carer.

The policy will be effective from 1 October 2018 for new assessments and at the point of review for existing service users.

E. CONCLUSION

The implementation of a policy on the assessment and eligibility for adult non-residential social care with eligibility set at substantial will ensure that resources are targeted towards people who are in greatest need to allow them to maintain their independence and live safely.

F. BACKGROUND REFERENCES

West Lothian Council Revenue Budget 2018/19 to 2022/23

West Lothian Integration Joint Board 23 January 2018

Appendices/Attachments:

Appendix 1 – Eligibility policy

Appendix 2 – FAQs from engagement sessions

Appendix 3 – Integrated Impact Assessment (IIA)

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**INTERIM HEAD OF SOCIAL POLICY
7 SEPTEMBER 2018**

ADULT SOCIAL CARE

**DRAFT POLICY ON ASSESSMENT
AND THE APPLICATION OF ELIGIBILITY CRITERIA
for
NON RESIDENTIAL CARE**

Developed	August 2018
Approved	September 2018 (TBC)
Review date	September 2019

1. INTRODUCTION

- 1.1 The Social Work (Scotland) Act 1968 requires the Council to ensure resources are available to meet assessed eligible needs to a standard which will satisfy the Council that the person's eligible needs are being met.
- 1.2 Under Section 12A of the Social Work (Scotland) Act 1968 the Council has a duty to assess any adult (person over 18 years of age) who they believe may need community care services. The assessment of needs is used to determine whether a social care service is required to be put in place to meet those needs in line with eligibility for services.
- 1.3 Our duty is to promote social welfare and make available advice, guidance or assistance as appropriate and adequate. To do this we will work in partnership with individuals and their families / carers to assess needs.
- 1.4 The Council applies the National Standard Eligibility Criteria and waiting times for the Free Personal and Nursing Care of older people consistently across both adults and older people services.
- 1.5 Eligibility criteria assist the Council to achieve fairness, consistency and transparency in how decisions are taken.

2. GENERAL PRINCIPLES

- 2.1 The Council supports people to retain or regain as much independence as possible. Our assessment process focusses on the assessed person's capabilities, informal networks, and community capacity to achieve personal goals and outcomes before considering paid care.
- 2.2 In carrying out its functions the Council will have regard to the principles of involvement, informed choice, collaboration, dignity and participation
- 2.3 Not everyone who asks for social care or support is assessed as eligible to receive it. The application of eligibility criteria ensures that services and support are provided equitably, prioritised to those with the greatest needs, within the resources available
- 2.4 This policy applies to all community care services across adults and older people including occupational therapy assessments for aids and adaptations across all tenures
- 2.5 This policy does not apply to Carer's eligibility or Adult Carer Support Plans.
- 2.6 The assessment process and the eligibility criteria focus entirely on risk to independent living and wellbeing and does not discriminate between people's needs on the basis of any protected characteristic.

3. ASSESSMENT

- 3.1 The assessment process starts from the first time contact is made with social work services about the assessed person. Information will be gathered from the outset to enable us to properly consider the person's needs and outcomes.
- 3.2 The Council takes an outcomes based approach to assessment which focuses on what matters to the individual, what goals an individual has and what they want to achieve. The assessment may identify needs, outcomes and goals which do not meet the eligibility criteria for social care funding, and it should be recognised that the local authority has no statutory responsibility to pay for this.
- 3.3 If the assessment identifies that the individual is not eligible to receive paid care the Council will provide information and advice, and will offer to signpost to another service that can help the assessed person maintain their independence.
- 3.4 If care needs are urgent, or are to support hospital discharge, the Council may be able to provide some support based on an initial assessment. Provision of support in these situations may initially be for around six weeks, during which time we will continue to gather information and assess an individual's needs to determine eligibility for ongoing support.
- 3.5 From the information gathered at our initial contact it may be determined that a social work or occupational therapy assessment is required. This will usually be carried out within the individual's own home to allow the assessment team to observe the individual in their own environment. This may take more than one visit and dates will be arranged in agreement with the individual and their family / carer. The assessor(s) may come from a range of services and may be a;
- reablement worker;
 - occupational therapist or occupational therapy assistant;
 - district or community nurse; or / and
 - social worker or community care assistant
- 3.6 The assessment will be carried out in partnership and can involve relatives, carers or friends of the individual. If the individual needs help to make their views known then it may be helpful to think about also having an advocate or an interpreter in attendance. It is helpful for the assessment that the Council is informed of any specific requirements and who is going to be present during the assessment visits.
- 3.7 We will carry out this assessment as quickly as we can and provide updates on any waiting times for assessment. The individual, or their family / carer will be required to provide any additional information requested to enable the assessment to be completed. This may require us, with consent, to contact a GP or other third party professional.
- 3.8 The assessed person is entitled to a copy of the completed assessment subject to appropriate Data Protection law which may apply at the time and in the circumstances.
- 3.9 Once the assessment is completed a decision will be taken on whether the individual meets the eligibility criteria for the provision of any paid community care services. The decision will be made in line with any published service standards and individuals will be kept informed on progress throughout.

4. ELIGIBILITY

The assessment of needs and outcomes considers what risks there are to the individual, how severe these are and how urgently any intervention may be required to minimise or remove any risk. This indicates how critical an individual's needs are, and informs the Council if any assessed needs;

- can be met through informal supports, information, advice or universal services OR
- meet the eligibility criteria for paid social care support.

In emergency situations or post hospital discharge it may be that initial support and / or services are put in place for to minimise risk until a full assessment can be completed.

5. WEST LoTHIAN COUNCIL'S ELIGIBILITY CRITERIA

- 5.1 The use of eligibility criteria informs us whether assessed needs require the provision of services and the level at which those should be provided. Our resources are an important consideration in the setting of eligibility criteria and provision of services within West Lothian.
- 5.2 The threshold for paid care being provided in West Lothian is set at **substantial risk**. This means that people who have been assessed as having **any substantial or critical risks** are eligible for social care support.

Critical Risk – indicates that there are major risks to independent living or health and wellbeing. Health or care problems may be life threatening, or serious abuse or neglect has occurred or is suspected. There is an absence of any alternative support. Support required within 1-2 weeks.

Substantial Risk – indicates that there are significant risks to independent living or health and wellbeing. Serious impairment relating to health is resulting in an ability to consistently manage care. There is an absence of any alternative support. Support required within 6 weeks.

Moderate Risk – there may be some risks to independence or health and wellbeing. With support and advice risks can be managed for the foreseeable future with appropriate arrangements agreed for further review if necessary.

Low Risk – there may be some quality of life issues or be in need of advice and information.

Detailed definitions for each criteria are available on request from a social work centre or social care worker or online at www.westlothian.gov.uk

- 5.3 Our assessment considers all needs but primarily;
- Physical and mental health
 - Personal care and home environment
 - Participation in community life

Individuals who have critical or substantial needs within any of the above categories will meet the criteria for social care and support.

- 5.4 Eligible social care needs are those which the assessment has identified as not already being met through existing supports including family, friends and carers, and that require external support or services to be put in place.
- 5.5 The assessment also considers assistance for adaptations and equipment which may be eligible to be funded by the Council. Further information may be obtained from the Council's Scheme of Assistance.
- 5.6 The assessment process may consider other aspects of an individual's life, health and wellbeing and support for these may not be provided or may be limited. Assistance and guidance will still be provided where appropriate to signpost or provide information on other services which may be available.
- 5.7 If the individual is eligible for social care support then the council will also offer to undertake a financial assessment. The financial assessment will include a benefits check to ensure that the individual is in receipt of their full entitlements. The financial assessment may result in the individual being asked to make a contribution towards meeting the cost of any eligible social care.
- 5.8 If the individual has assessed eligible needs, the Council's policy on Self-directed Support (SDS) will be followed. SDS gives individuals informed choice about how they wish assessed eligible needs and outcomes to be met.
- 5.9 High cost care cannot be directly authorised by an assessor and is subject to an internal review process. This process includes a review of the assessment by senior managers and final approval by the Chief Social Work Officer, a Depute Chief Executive and the Head of Finance. This process shall be completed before final arrangements are put in place but interim care and / or support may be arranged whilst this review is being finalised. The Council has this review process to provide additional quality assurance and ensure that resources are appropriately allocated.

6 WHAT IF AN INDIVIDUAL IS NOT ELIGIBLE FOR SOCIAL CARE SERVICES

Resources are targeted to people who are in the greatest need and to allow them to maintain their independence and live safely. The Council does not have the resources and is not required to provide social care to everyone, or provide people with specific services as requested. Not everyone who approaches social work needs or is eligible for formal social care.

We will work with individuals and their relatives / carers to provide advice, guidance and assistance as alternatives to financial support e.g. housing, transport, welfare benefits.

7 EXISTING CARE PACKAGES

A change in circumstances, policy decisions, and the availability of resources may mean that a current care package no longer meets the eligibility threshold. If a care package needs to change at the point of review the individual will be supported to transition to any appropriate new model of care. Care and support will be continued during the review period while the social care worker, the individual and their family agree a transition plan.

8 ENQUIRIES AND COMPLAINTS

West Lothian Council seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. The first point of contact should be the assessor who has undertaken the assessment.

If an individual feels that the outcome of their enquiry is unsatisfactory, then the individual is entitled to pursue this through the West Lothian Council social work complaints procedure. Details are available on request and on the Council's website www.westlothian.gov.uk

The provision of care and support will continue during the period of any enquiry or complaint.

9 RELATED LEGISLATION AND WEST LOTHIAN COUNCIL POLICIES

This policy complies with the following core legislation which continues to be the legal basis for assessment in West Lothian Council;

- The Social Work (Scotland) Act 1968
- Chronically Sick and Disabled Persons Act 1970
- The NHS and Community Care Act 1990
- The Human Rights Act 1998
- Data Protection Act 1998
- Adults with Incapacity (Scotland) Act 2000
- The Regulation of Care (Scotland) Act 2001
- Community Health and Care (Scotland) Act 2002
- Mental Health (Care and Treatment) (Scotland) Act 2003
- The Adult Support and Protection (Scotland) Act 2007
- Social Care (Self-directed Support)(Scotland) Act 2013
- The Carer's (Scotland) Act 2016
- West Lothian Council Policy on the application of hourly rates for the purchase of registered agency services under Self-directed Support Option 2 ('SDS Option 2 Policy')
- West Lothian Council Policy on Self-directed Support ('SDS Policy')
- West Lothian Council Eligibility Criteria for Carer Support ('Carer's eligibility')
- West Lothian Council Policy on Contributions for non-residential adult social care ('Contributions Policy')

10 UPDATES

This policy will be updated annually. Up to date information will be published on the council's website www.westlothian.gov.uk.

DOCUMENT ENDS

Eligibility for Non-residential adult social care Frequently Asked Questions (FAQs)

Appendix 2

Q.	Will the policies be available on line?
A.	Yes.
Q.	What percentage of the Social Policy budget is spent on children with special needs and what percentage is spent on older people?
A.	In 2018/19 the council's total budget for Social Policy is £106 million. Children and Families expenditure is budgeted to be £34.1 million (32.2% of the total Social Policy budget) and Older People's expenditure is budgeted to be £39.9 million (37.6% of the total Social Policy budget)
Q.	How many people (estimate) will be impacted by this change?
A.	There are approximately 2,000 people in receipt of formal social care services although it is individuals whose needs are assessed as low or moderate who will be impacted by this change. It is anticipated that this may be around 300 people but this will not be known until an assessment of need has been undertaken.
Q.	What definitions does the council use for critical and substantial?
A.	The council uses the definitions outlined in the national eligibility guidance which are based on level of risk.
Q.	What about the risks that can be generated by social exclusion and not just those to life and limb?
A.	The eligibility criteria outlined in the policy include this under consideration of 'participation in community life'.
Q.	There are a lot of people identified as able to undertake assessments – it seems anyone can do this important task?
A.	No – it is not any staff member who can do this but only those who are appropriately qualified or registered.
Q.	How does eligibility get applied to someone with problems managing day to day activities, e.g. keeping a job, – do they miss out on vital support because their needs may be viewed as moderate rather than substantial or critical like someone with a disability?
A.	No – a full exploration of someone's needs would be taken into account as part of the assessment process.
Q.	If, for example, a group of 50 disabled adults meet at a group every week and then, as people are reviewed and some are no longer eligible for support, the group dwindles – would the group have to be stopped?
A.	There is no direct answer to this as the policy does not cover this type of situation explicitly – however, we have had experience of this, i.e. services no longer being sustainable due to reduced usage. In such cases we try to work in partnership with providers to see what might be done to continue to meet the needs of people who are eligible. The policy on eligibility is not the only factor involved. Self-directed support options provide people with choice about how they want to have any assessed eligible needs met and this has seen a decrease in the use of some traditional services.

Q.	Will the policy create more of these situations, i.e. have an adverse impact on organisations due to a reduction in their use?
A.	It is not possible to say but the policies are not the only factors involved. Self-directed support options provide people with choice about how they want to have any assessed eligible needs met and this has seen a decrease in the use of some traditional services.
Q	Is there an appeals process if someone is told they are not eligible for a service?
A	There is no appeal against the assessment of need. If the social care worker and the individual are not agreed on the outcome of the assessment and this cannot be resolved then the social work complaints process should be followed.
Q	If someone is assessed as moderate and they want to pay for a council run service privately will this be an option?
A	<p>Services, including in-house services, are commissioned by the council based on need. The council may be able to consider attendance by people who wish to 'self fund' but this could only be determined on a case by case basis depending on what space was available.</p> <p>It should be noted that even if this was granted, anyone with low or moderate needs, even if 'self funding', would not be able to continue attending if people with critical or substantial needs then required a space.</p>

Integrated Relevance Assessment Form

1. Details of proposal			
Policy Title (include budget reference number if applicable)		New policy on Eligibility for Non-Residential Adult Social Care (Revenue Budget References SJ2a, SJ2d, SJ2f, SJ2g, SJ4c, SJ1d, SJ2b, SJ2c, SJ4c, SJ4a)	
Service Area (detail which service area and section this relates to)		Social Policy - IJB	
Lead Officer (Name and job title)		Jane Kellock, Head of Social Policy	
Other Officers/Partners involved (list names, job titles and organisations if applicable)		Alan Bell, Senior Manager Community Care and Support Services, Pamela Main, Senior Manager Community Care Assessment and Care Management	
Date relevance assessed		July 2018	
2. Does the council have control over how this policy will be implemented?			
YES	X	NO	
3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non-Discrimination, Empowerment and Legality) principles of Human Rights – (further detail on what these are, are provided in the guidance document)			
Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (Please tick below as appropriate)			
Age - Older people, young people and children			✓
Disability - people with disabilities/long standing conditions			✓
Gender reassignment - Trans/Transgender Identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth			
Marriage or Civil Partnership – people who are married or in a civil partnership			
Pregnancy and Maternity – woman who are pregnant and/or on maternity leave			
Race - people from black, Asian and minority ethnic communities and different racial backgrounds			
Religion or Belief – people with different religions and beliefs including those with no beliefs			
Sex - Gender Identity - women and men (girls and boys) and those who self-identify their gender			
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight			

4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities? Consideration must be given particularly to children and families				
Socio-economic Disadvantage				Impact – please tick below as appropriate)
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing				
Low and/or no wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future				✓
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies				
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)				
Socioeconomic Background – social class i.e. parents education, employment and income				
5. Integrated impact assessment required? (Two ticks (✓) above = full assessment necessary)				
YES	✓	NO		
6. Decision rationale – if you have ticked no above, use this section to evidence why a full IIA is not required				
Based on the information and evidence gathered, it is recommended that a full Integrated Impact assessment is undertaken.				
Signed by Lead Officer				
Designation			Senior Manager, Assessment and Care Management	
Date			21 August 2018	
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)				
Date			21 August 2018	

- **No assessment required – process ends**
- **Include** a detailed summary of the decision rationale in any council reports and include a copy of the IRA with the background papers.
- **Full Assessment required – continue to Full Assessment Form**

Full Integrated Impact Assessment Form

1. Details of proposal: Eligibility for Non-Residential Adult Social Care (Revenue Budget References SJ2a, SJ2d, SJ2f, SJ2g, SJ4c, SJ1d, SJ2b, SJ2c, SJ4c, SJ4a)	
Details of others involved	Head of Social Policy, Corporate Transformation Team, Social Work Practice Teams, Social Policy Development Officers, Financial Management Unit
Date assessment conducted	July 2018
2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes) including the context within which it will operate.	
<p>The Social Work (Scotland) Act 1968 places a duty on the council to assess any adult (person over 18 years of age) for potential needs to determine if the needs assessed call for the provision of services and decide how these should be provided.</p> <p>The mechanism for taking account of resource availability to meet assessed needs is through the application of eligibility criteria in accordance with Scottish Government Guidance on the National Standard Eligibility Criteria. The national eligibility criteria, agreed by the Scottish Government and COSLA in 2009 is an established framework used across all Scottish local authorities the aim of which is to ensure a fairer and more consistent framework for the allocation of available resources (financial or non-financial).</p> <p>There are four levels of risk prescribed in the national guidance and which are used in the social work assessment:</p> <ul style="list-style-type: none"> • Critical – major risk, support required within 1-2 weeks; where health or care problems are life threatening, or serious abuse or neglect has occurred or is suspected, and there is an absence of any available supports • Substantial – significant risk, support required within 6 weeks; where serious impairment relating to health results in an inability to consistently manage care, and there is an absence of any available supports • Moderate – potential for risk within the next six months, where some problems in relation to personal care or domestic routines are starting to become evident, but alternative supports are available • Low – some quality of life issues where there may be difficulties starting to affect one or two aspects of personal care or social life but where advice and guidance can alleviate any concerns. <p>One of the main differences between moderate (the current level of eligibility in West Lothian) and substantial is one of frequency. People assessed as having moderate needs are able to maintain their health and independence but there are some problems starting to manifest on an occasional basis. At substantial level of risk the frequency of problems with maintaining independence is more acute and will be happening daily.</p> <p>The assessment of needs follows a strengths based approach which considers what the individual can do independently as well as how any assessed needs can be met through informal and family supports.</p>	

The council supports the principle which allows people to retain or regain as much independence as possible and recognises both protection and positive risk taking as part of the assessment process.

Models of care aiming to eliminate all risk only generate dependency on services which is harmful in the longer term. Encouraging people to make best use of their own resources is at the heart of good social work practice.

Regardless of the eligibility threshold in place, not everyone who asks for social care or support is entitled to receive it. The Social Work (Scotland) Act 1968 places a further duty on the council to make available advice, guidance and assistance and this will continue to be provided to anyone who approaches social work services, regardless of their eligibility status.

3. Please outline any needs and/or barriers which equality groups (People with Protected Characteristics) may have in relation to this policy

Age	<p>What effect/difference will the policy have on people</p> <p>The policy will apply to all adults (people over the age of 18). The social care assessment is based on an individual's needs and does not discriminate between needs on the basis of any protected characteristic.</p> <p>How do you know that</p> <p>The same process of assessment is used for all people over the age of 18. Social Policy practice teams are organised into adults (18-64) and older people (65+) to ensure that specialist information, advice and guidance can be provided in relation to specific situations or conditions.</p>
Disability	<p>What effect/difference will the policy have on people</p> <p>For many people it is the provision of social care supports that provides meaningful activity and the opportunity for social relationships. In addition, this provision of social care and support can allow parents / carers to continue their own employment. It is not uncommon for people to only approach social care when their condition starts to deteriorate or families / carers are unable to cope however, not everyone who has a disability is known to social care and many families never receive any social care support.</p> <p>How do you know that</p> <p>The Keys to Life 2013 explains that people with learning disabilities have 'a significant, lifelong condition that started before adulthood, which affected their development and which means they need help to understand information; learn skills and cope independently'.</p> <p>The Equality Act (2010) defines disability as: 'a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities'.</p>
	<p>Local consultation highlighted that for many adults, needs in relation to running and maintaining their household, social relationships and community activities and employability / volunteering opportunities are the ones which are more difficult to have met through informal supports and / or which increase as parents / carers grow older themselves.</p>

Gender Reassignment – Trans /Transgender Identity	What effect/difference will the policy have on people The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.
	How do you know that No evidence was found through local consultation that there may be hidden needs relating to this protected characteristic however reports such as Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identity when accessing services so any specific issues or impact may be hidden.
Marriage or Civil Partnership	What effect/difference will the policy have on people The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.
	How do you know that No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.
Pregnancy and Maternity	What effect/difference will the policy have on people The policy as a whole is only applicable to adults and older people who have been assessed as having eligible care and support needs and therefore does not apply to this protected characteristic. The transition from children and family services to adult services is part of the work being undertaken within another project.
	How do you know that The policy relates to adults services only.
Race	What effect/difference will the policy have on people The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.
	How do you know that No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.
Religion or Belief	What effect/difference will the policy have on people The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.

	<p>How do you know that</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p>
Sex - Gender Identity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic.</p> <p>Based on current West Lothian clients in receipt of a care and support plan for non-residential social care, approximately 55% are female and 45% male. This largely reflects the demographic nature of West Lothian's population which according to National Records of Scotland data for 2016 shows West Lothian's gender split as 52% female, 48% male.</p>
Sexual Orientation	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p>
	<p>How do you know that</p> <p>No evidence was found through research or local consultation, that there may be hidden needs relating to this protected characteristic. Gender reassignment has been acknowledged in the separate section.</p>
<p>4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy</p> <p>Vulnerable groups may include the following;</p>	
<ul style="list-style-type: none"> • Unemployed • Single parents and vulnerable families • People on benefits • Those involved in the criminal justice system • People in the most deprived communities (bottom 20 SIMD areas) • People who live in rural areas • pensioners • Looked After Children • Carers including young carers • People misusing services • Others e.g. veterans, students • Single adult households • People who have experienced the asylum system • Those leaving the care setting including children and young people and those with illness • Homeless people • People with low literacy/numeracy • People with lower educational qualifications • People in low paid work • People with one or more Protected Characteristic 	

What effect/difference will the policy have on people

The new policy on assessment and eligibility for adult non-residential social care details the duties under the Social Work (Scotland) Act 1968 that are placed on the local authority to assess any adult (Section 12A of the Act) who they believe may need community care services.

People with any of the vulnerabilities mentioned in section 4 above are all be eligible to ask for a social care assessment and the policy makes this clear at sections 1.1 and 1.2. The consideration for social care services does not require someone to recognise a need themselves and referrals to social care services can be made by other council services (e.g. housing), partner agencies (e.g. Police Scotland, NHS Lothian), partner care providers, families, or the general public (normally through adult support and protection referrals).

The guidance issued for the Social Care (Self-directed Support)(Scotland) Act 2013 makes it clear that it is not necessary for the local authority to provide services in response to assessed need and that it remains the case that local authorities should operate eligibility criteria to determine whether or not an individual assessed as having a social care need can access formal support and if so, which of their needs are to be met by that support (<http://www.gov.scot/Publications/2014/08/5212/6>).

A further duty is placed on the local authority under Section 12 (1) of the Social Work (Scotland) Act 1968 to promote social welfare and make available advice, guidance or assistance on such a scale as may be appropriate for their area, and to make arrangements and to provide or secure the provision of such facilities as they may consider suitable and adequate.

The referral routes into social care are being simplified as part of the introduction of the new policy and a Single Point of Access is currently being developed which will result in one telephone number and one email address for contacting adult social services. Social care workers will receive the referral, obtain as much information as possible and route direct to the most appropriate team. Critically, the assessment process will start from this initial contact to ensure that people receive information, advice or assistance from the first contact. This is contained in point 3.1 of the policy.

How do you know that

Feedback from the engagement events indicates that Self-directed Support (SDS) is being viewed by many as a mechanism to provide parents and carers with an entitlement to funding, which should in turn require less involvement from social care workers to be involved in assessing needs. Scottish Government guidance on SDS is very clear (<http://www.gov.scot/Publications/2014/08/5212/6>) in that SDS as an approach does not negate the need for the application of eligibility criteria and it remains linked to a sound assessment of need. This applies to adults at all ages and stages of their entry to social care and is applied irrespective of any protected characteristic.

Of particular note are individuals who have been in receipt of social care within children's services, particularly for children with a disability who transition to adult services. The criteria used to promote the welfare of children in need under the Children (Scotland) Act 1995 (Section 22) is very different to the criteria described in the National Eligibility Criteria for adults services. The dependence on services for younger adults is to allow parents and carers to have their young adult meaningfully engaged or help gain employment once they are passed school age and permit the parents and carers to continue in their own employment. Many parents asked during the engagement events about how the local authority ensures that the assessment of need is undertaken in a consistent manner, noting that the new policy will provide that framework.

5. Action Plan	
What action/s will be taken, by whom and what is the timescale for completion	
Actioner Name Jane Kellock	Action Date 1 October 2018
<p>What is the issue The application of eligibility criteria requires to be undertaken in a consistent manner to ensure equity for all regardless of which social care worker has undertaken the assessment.</p>	
<p>What action will be taken A new Supervision policy and Quality Assurance process are in development.</p> <p>Social Policy's supervision policy has been developed to set out:</p> <ul style="list-style-type: none"> • The standards of practice and behaviour expected of social work/social care practitioners and supervisors in relation to the delivery of and, participation in, effective supervision. • The critical position that supervision occupies in relation to the operational delivery of professional social work/social care practice and services. • How supervision is the cornerstone of continuous learning and improvement in critical practice. Supervision is of key importance for front line practitioners in supporting effective practice and in safeguarding those who receive social work/social care services. <p>Social Policy's Quality Assurance process</p> <p>Measuring the impact of the service delivery in Social Policy is crucial to achieving improved outcomes for service users and their families. A strong Quality Assurance Framework is required to monitor and evaluate that services are delivered effectively, to consistently high standards that enable service users to live independently, safeguard their wellbeing and assist in ensuring their needs are met appropriately.</p> <p>The purpose of the Quality Assurance Framework is to:</p> <ul style="list-style-type: none"> • Set practice standards against which the quality of services and their impact can be measured • Ensure that services provided are of consistently high standards through regular evaluation of them • Support the continuous improvement and development of practice • Improve outcomes for service users and their families • Be both proactive and reflective through the measure of quality and impact of service delivery • Influence revision and development of procedures to support staff in delivering best practice 	
<p>Progress against action A new Supervision process, common across Children and Adult Services has been approved by the Social Policy Management Team and all Team Managers are undergoing training between July and October 2018.</p> <p>The Quality Assurance process, common across Children and Adult Services is in a final draft ready for approval by the Social Policy Management Team ready for implementation by October 2018.</p>	
Action completed	Date completed

Actioner Name Jane Kellock	Action Date 1 October 2018
What is the issue Engagement sessions highlighted that the process for enquiring /complaining against decisions needs to be clearer. Parents and carers often have to speak on behalf of the supported person, and in many cases have legal guardianship for the individual but do not want to have to fight against a complex or lengthy process to reach conclusion on any dispute.	
What action will be taken The policy has been amended to make it clearer that the published social work complaints process is the route that would require to be followed if any issue cannot be resolved between the worker and the individual / family.	
Progress against action Complete.	
Action completed Complete.	Date completed 2/8/18
Actioner Name Jane Kellock	Action Date 1 October 2018
What is the issue Details of information and advice for people who are no longer eligible for social care will need to be available in formats that are accessible to people with disabilities. Supported people need to have timely information that informs them of what services are available to them in the absence of formal support.	
What action will be taken The independent strategic needs assessments undertaken for the West Lothian Integration Joint Board in 2016 highlighted that despite the many opportunities for people in West Lothian the information about services is not readily available or accessible. The three commissioning plans for adults with physical disabilities, learning disabilities and mental health all have actions to improve how information and advice is provided to people with a disability. This was recognised in a tender for a new service that was awarded from 1 April 2018 with the following aims; <ul style="list-style-type: none"> • To promote independence and social inclusion and to improve the quality of life of people with disabilities in West Lothian through the provision of a range of person-centred, coordinated and outcome-focused information, advice and support services; • To deliver information, advice and support services for people with a disabilities; • To promote and raise awareness of the needs of and issues experienced by people with disabilities. This newly commissioned service will be a key element in ensuring that people who do not meet the threshold for directly funded care packages are provided with appropriate assistance.	
Progress against action The contract was awarded from 1 April 2018 and an implementation plan to develop information and advice for people with disabilities is in progress. Specifically, the provider will;	

- Expand referral processes to include people with disabilities
- Develop online referral routes through email and/or website or other platform
- Finalise the gathering and management of client based information in line with achievement and reporting of targets and outcomes
- Develop Customer Management System
- Develop management information to assist H&SCP in monitoring the impact of the new eligibility criteria

Action completed

Date completed

6. Details of consultation and involvement

Who will be or has been involved in the consultation process

- a. State which groups are involved in this process and describe their involvement.**
- b. Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.**
- c. Describe the results of the involvement and how you have taken this into account.**

The general principles relevant to this assessment have been subject to previous scrutiny by representatives of the equality community forums through a specific focus on proposals first put forward in Delivering Better Outcomes and agreed by the council's Corporate Working Group on Equality in 2014 and then again in a public consultation Transforming Your Council (TYC) in November / December 2017.

Proposals to review the eligibility for services received 998 comments in the TYC consultation of which 296 (30%) were not in agreement. Respondents and user representative groups in both consultations recognised the severe budget constraints the council was facing, but were concerned for the individuals who will fall below the new threshold as many of these individuals may also be impacted by other proposed budget savings and the impact of Welfare Reforms and Universal Credit.

As part of the policy development, during July 2018, further engagement has been undertaken with representative groups around the proposed policies on Eligibility (and Contributions). A total of 136 people took part in the engagement as follows:

- Learning Disability Forum (9)
- Adults Services Parents Group (44)
- Senior People's Forum (14)
- Carers of West Lothian (17)
- Ability Centre Service User Group (47)
- Older People's Day Care Representatives (5)

In addition, discussions took place with Care Providers and NHS Lothian.

Feedback from the engagement meetings has been reflected as part of the policy development or are contained within the IIA action plan. Frequently Asked Questions (FAQs) and a detailed information leaflet have also been developed to supplement the policy. These documents will be available in Easy Read before the policy implementation date.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

(Information can include, for example, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic publications and consultants' reports)

- a. What information or other evidence has been used in the development of the policy?**
- b. What does research, consultation and other data or information tell you about the impact of the policy? (Describe the information and the conclusions, and state where the information can be found).**
 - (i) Quantitative (numbers, percentages, statistical data)**
 - (ii) Qualitative – (written/spoken words, opinions, surveys)**
- c. Describe any gaps in the available information, and record within section five (Action Plan Section), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.**
- d. Give details of any existing local or national evidence which has been used to inform the development of your policy.**

There is substantial evidence to suggest that those with a disability or living with a person with a disability are significantly more at risk of poverty, less likely to be in employment and more likely to be low paid. As at September 2017, the employment rate for disabled people in Scotland was 45.9% compared to an overall employment rate of 75% (16-64 year olds) (Annual Population Survey, Labour Market Briefing released 24/1/18).

The Scottish Government's statistical analyses of income and poverty found that between 2002/03 and 2015/16, the proportion of individuals in relative poverty (before housing costs) was higher in families containing a disabled adult than in families with no disabled adults. Similarly, in 2015/16, 19% of individuals in families containing a disabled adult were in relative poverty. For families with no disabled adults the figure was 15%.

Disabled people have also been found to be less likely to be coping financially. Households that contained at least one person with a long-term illness or a disability were more likely to be 'not coping' (15%) than those that did not (10%). The survey also found marked age differences in how well people manage financially; adults aged 16-24 were the least likely to be coping financially and least likely to have savings. Conversely, with increasing age, people were more likely to be coping financially and more likely to have savings.

Higher Cost of Living

Several studies have found that people with disabilities face a higher cost of living.

In February 2018, Disability charity Scope UK published a report on the additional costs of living with a disability. The key findings from their report were:

- On average, disabled people face extra costs of £570 a month related to their impairment or condition. This is on top of welfare payments designed to help meet these costs.
- One in five disabled people face extra costs of more than £1,000 a month.
- After housing costs, disabled people spend 49 per cent of their income on disability-related costs

They reported that it was vital that disabled people have adequate support from extra cost payments – Personal Independence Payment and Disability Living Allowance – to help meet some of these additional costs, and further action was required to drive down these costs.

Discrimination can also be seen as contributing to increased costs for disabled people. Indirect discrimination will include, for example, insufficient or lack of access to transport, services or public venues. Additional costs are incurred whenever a disabled person has to use private, rather than public, transport; has to provide a sign language interpreter in order to use a bank; or cannot 'shop around' for the cheapest goods because shops are inaccessible. Direct discrimination is seen when, for example, disabled people are charged extra premiums for life insurance, content and motor insurance, and mortgage facilities (Lamb and Layzell, 1994).

As a result, disabled people can face severe social isolation. For example, the Disability in Great Britain report (Grundy et al., 1999) found that more than 40 per cent of the most severely disabled people had not been out shopping, to visit family or friends, or on any kind of excursion in the four weeks prior to interview. Although for many this will be the result of inaccessibility of social venues, it is likely that insufficient income is also a primary cause social exclusion.

Financial Abuse (access to joint funds)

Vulnerable adults including older people and people with learning disabilities are more at risk from financial abuse. Some people with mental health issues may also be at a higher risk.

Financial exclusion, low levels of financial capability, and cognitive impairment can mean that older people become dependent upon others to manage their finances or to access their income or savings. A 'Centre For Policy On Ageing (CPA)' Briefing on the Financial Abuse of Older People (2009) states that "new opportunities for financial exploitation arise from government policy such as direct payments/individual budgets where people are expected to manage large sums of money; financial assessments for long term care involving property".

Social exclusion can increase the potential for financial abuse. Strong local communities and the effective delivery of services are crucial to the well-being and quality of life of all older people. Engagement of older people in local decision-making is important, in particular for those at risk of social exclusion (*The Financial Abuse of Older People*, Help the Aged, 2007).

Case Law example

A literature review commissioned by the Department of Health (England and Wales) concluded that "the way local authorities are using eligibility criteria to ration services and allocate limited resources indirectly discriminates against older people. Low level support has become equated with less effective or worthwhile support, but for older people it can be particularly important in maintaining independence, dignity and control of their lives within their own home. Care packages are restricted to traditional services and not always tailored to older people's individual needs, including their psychological, emotional, social and spiritual needs" (*Ageism and age discrimination in social care in the United Kingdom*, 2009). The authors claim that low level support has become equated with less effective or worthwhile support, but for older people it can be particularly important in maintaining independence and control. "Failure to provide this not only discriminates against older people, but increases the risks they face in the home" (Help the Aged 2002, study; Levenson 2003, study; Henwood and Harding 2002; Clough et al 2007, study; LGA 2008, 2009, policy document; Raynes et al 2006, study).

Furthermore, it is argued that younger people receive more substantial care packages to remain within the community, while older people, who would most benefit from 'low level' and preventive support, are excluded from receiving it through tightening of eligibility criteria and can be obliged to go into residential care as a result (Raynes et al 2006, study).

However, in the case of McDonald v. The United Kingdom - 4241/12 - Chamber Judgment [2014] ECHR 492 (20 May 2014) (see <http://www.bailii.org/eu/cases/ECHR/2014/492.html>), the European Court of Human Rights found that the local authority was legally entitled to take its own resources into account when deciding the level of care it could provide Elaine McDonald with, despite the impact to her dignity. The court found that her Human Rights were only breached for a period of time where her care plan had not been followed properly, but not for refusing a level of care that they simply couldn't afford to provide.

Guidance on the application of the Self-Directed Support Act 2013 requires transparency in decisions on the allocation of resources. It further states that “should a person fall below the threshold of eligible need (and therefore access to an individual budget) this does not mean that they don’t have needs that can be met in other ways e.g. by the provision of information and advice; signposting to community resources”.

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.

- a. How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.**
- b. How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.**
- c. Describe any modifications which you can make without further delay (for example, easy, few resource implications).**
- d. If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.**
- e. Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.**

During the course of undertaking the original Equality Impact Assessment of the proposal to introduce a Policy on Eligibility for Adult Social Care, a number of considerations were made that could help address concerns. Taking account of these concerns, and further concerns raised during engagement with representative groups in July 2018, the following mitigating actions have been progressed in the policy:

- The policy document includes details on how individuals who are currently in receipt of social care supports will transition from existing arrangements if they are no longer eligible
- Details about how individuals will be supported through the provision of information and advice.
- The policy gives individuals the right to escalate concerns if they feel the assessed eligibility status has been analysed incorrectly. Details of the social work complaints process has been referenced and information added to confirm that care will continue to be delivered whilst any escalation process is ongoing.

9. Monitoring and Review

- a. How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
- b. What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
- c. How will results of monitoring be used to develop future policies?
- d. When is the policy due to be reviewed?
- e. Who is responsible for ensuring this happens?

Please detail below

The council will put into place arrangements to monitor the impact of the new policy. Systems development work will be undertaken to allow for key management reports to be developed which will allow scrutiny of the policy impact on individuals and collectively for all clients. This will include details of number of complaints and appeals and any change in decisions as a result of these processes, which will in turn be used to further develop quality assurance processes.

The monitoring of the impact of the new policy will be undertaken by assessment care managers in Social Policy with updates provided to the Social Policy Senior Management Team for inclusion in the existing established performance framework.

10. Recommendation and Reasoning

- ☐ Implement proposal with no amendments
x ☒ Implement proposal taking account of mitigating actions (as outlined above)
☐ Reject proposal due to disproportionate impact on equality, poverty and socioeconomic disadvantage

Reason for Recommendation

A number of recommendations for mitigating action have been captured as a result of the engagement with representative groups and arrangements will be put in place to ensure that the impact of the new policy is closely monitored.

Signed by Lead Officer	Jane Kellock
Designation	Head of Social Policy
Date	
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	
Date	

- Equality impact assessment completed
- Final assessment must be published on the council website once the decision to implement has been agreed:
[Council EQIA Publication Page](#)
- Link must be included in “Background References” section of committee/management reports



SOCIAL POLICY POLICY DEVELOPMENT AND SCRUTINY PANEL

CONTRIBUTIONS POLICY FOR NON-RESIDENTIAL SOCIAL CARE SERVICES

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to provide the Panel with details of the council's draft Contributions Policy for Non-Residential Care Services.

B. RECOMMENDATION

It is recommended that the PDSP:

1. Note that on 13 February 2018, the Council agreed that a Contributions Policy for Non Residential Care Services would be developed and brought to Health and Care and Social Policy PDSP's for consideration, and Council Executive thereafter for approval;
2. Note and consider the following recommendations which are intended to be submitted to the Council Executive for approval on 11 September 2018:
 - I. Notes that at the budget setting meeting of 13 February 2018, the council agreed to the introduction of a Contributions Policy for Non-Residential Social Care services, which is estimated to raise income of £1.2 million.
 - II. Notes that currently West Lothian has one of the lowest levels of income per head of population from non-residential social care contributions or charging.
 - III. Agrees the Draft Policy on Contributions for Non-Residential Social Care Services, as set out in Appendix 1 of the report.
 - IV. Agrees the policy implementation dates of 1 October 2018 for new user assessments and 1 April 2019 for existing services users with a needs based assessment.
 - V. Agrees to the procurement of an additional module for the Revenues and Benefits application software system, Civica, to allow the collation of information for financial assessments.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; making best use of our resources and working in partnership |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | Relevant legislation includes: <ul style="list-style-type: none">• Social Work (Scotland) Act 1968• Mental Health (Care and Treatment) (Scotland) Act 2003• Social Care (Self-directed Support)(Scotland) Act 2013• The National Assistance (Sums for Personal Requirements) (Scotland) Regulations 2018• Community Care and Health (Scotland) Act 2002• COSLA National Strategy and Guidance – Charges applying to Non-Residential Social Care Services 2018/19 |

III	Implications of Scheme Delegations to Officers	for of to	The Scheme of Delegation to Officers and Financial Regulations will be amended to reflect this new policy.
IV	Impact on performance and performance Indicators		The measure is predicated on maintaining performance wherever possible, focussing delivery of services to meet the council's priorities and statutory duties
V	Relevance to Single Outcome Agreement		Effective prioritisation of resources is essential to achieving the targets contained in the Local Outcomes Improvement Plan
VI	Resources - (Financial, Staffing and Property)		<p>The revenue budget for 2018/19 to 2022/23, agreed by Council on 13 February 2018 contained additional net income of £1.2 million from the introduction of a contributions policy for non-residential social care services.</p> <p>Capital resources of £50,000 for systems development software, and one off resources to undertake initial financial assessments and personal income checks will be funded from the Modernisation Fund. Recurring systems maintenance costs of £10,000 are incorporated within the overall net project savings.</p>
VII	Consideration at PDSP		<p>Feedback from the proposal as part of the Transforming Your Council (TYC) consultation was discussed at the Health and Care PDSP on 18 December 2017 and the Social Policy PDSP on 21 December 2017.</p> <p>The draft Contributions Policy will also be discussed at the Social Policy PDSP on 7 September 2018.</p>
VIII	Other consultations		<p>The proposal formed part of the TYC consultation in 2017.</p> <p>Engagement with the following groups was undertaken in July 2018:</p> <ul style="list-style-type: none"> • Learning Disability Forum • Adult Services Parent Group • Senior People's Forum • Carers of West Lothian • Ability Centre Service Users Group • Equalities Group <p>Legal Services, Financial Management Unit, Revenues and Benefits, Advice Shop</p>

D. TERMS OF REPORT

D.1 BACKGROUND

Following the Transforming Your Council consultation, at its meeting of 13 February 2018, Council agreed the revenue budget 2018/19 to 2022/23. The revenue budget report noted that the council faced an estimated budget gap of £65.3 million over the five years 2018/19 to 2022/23 as a result of Scottish Government funding not being sufficient to meet the increased costs faced by the council. Council agreed budget reduction measures of £60.102 million to help balance the budget over the next five years. As part of the budget reduction measures agreed, measures totalling £8.412 million are in relation to changing the eligibility criteria for non-residential social care services, and additional net income of £1.2 million has

been agreed from the introduction of a contributions policy for non-residential social care services.

It was agreed as part of the budget setting that eligibility and contributions policies and guidance would be developed by officers and brought back to Social Policy and Health and Care PDSPs and Council Executive thereafter.

This report sets out the draft Contributions Policy for Non-Residential Social Care services. It is intended that the policy is presented to the Council Executive on 11 September 2018 for approval, with an implementation date of 1 October 2018 for new assessments and 1 April 2019 for existing service users.

D.2 POLICY CONTEXT

The way that non-residential care and support services are provided to service users changed following the introduction of the Social Care (Self-Directed Support) (Scotland) Act 2013. Self-Directed Support (SDS) enables individuals to have the right to make informed choices about the way support is provided to them and means developing plans for individuals based on outcomes and a selection of support to meet their individual needs, within an identified budget. Some non-residential social care services have been chargeable but this is no longer deemed equitable for individuals. As more personalised choices are being made by individuals, the council needs to move towards a contribution for the overall cost of care rather than charging for some services.

Traditional non-residential social care services include care at home, respite, day care, housing with care, housing support, socialisation and group work. Whilst many of these services are commissioned from the private or third sector, some services are provided by in house teams.

Non-residential social care services currently charged for include Housing Support, Day Care, Domestic Care at Home and Telecare. With the exception of Telecare, which has a fixed weekly charge of £3.02, as agreed by Council in 13 February 2018, other charges will be removed, replaced by a contribution towards the overall cost of the service care plan regardless of the SDS option selected by the individual and the type of care and support that is provided to meet assessed eligible needs.

Whilst this is a significant shift from current practice and will see people who are not currently charged for services included in the proposed new arrangements, the Contributions Policy will ensure that service users only pay a contribution based on their ability to pay following a full financial assessment.

It is proposed that the Contributions Policy will be implemented for all new clients from 1 October 2018, and thereafter will be introduced for all existing clients from 1 April 2019. The care review process will also incorporate a review of the financial assessment to ensure that any change in a client care plan that impacts on the level of client contributions is taken account of through an updated financial assessment.

D.3 PROPOSED CONTRIBUTIONS POLICY

Local authorities are permitted to charge for non-residential services which are provided or arranged under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges (or contributions) must be reasonable, having regard to the care and support being provided and a person's ability to meet any costs.

The proposed policy complies with social care legislation, Scottish Government guidance and reflects COSLA's National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services 2018/19. COSLA upholds the principle of charging for some social care services on the basis that those who can afford to pay a contribution towards the cost of the care they receive, do so. The COSLA guidance provides a

framework for councils to demonstrate that in developing their policies, they have followed best practice.

The value of an individual's care and support plan will be based on assessed eligible need, taking into account revisions to eligibility criteria, and any contributions will be calculated after the needs assessment process has been undertaken.

Any contribution due will be only be determined following a financial assessment. Individuals will also be supported in maximising their income through a personal income check. These processes will link in with existing financial assessment and personal income work and teams already existing within the council. Should an individual refuse a financial assessment they will be deemed liable for the full cost of their care and support plan, less any free personal care elements. In terms of the Social Work Act s87 the council cannot require a service user to pay more for any service than it appears to the council it is practicable for the service user to pay.

It is anticipated that this approach will generate additional net annual income of £1.2 million over the period 2018/19 to 2022/23.

The draft policy including examples of how it will operate is set out in Appendix 1 to this report.

D.4 BENCHMARKING

The introduction of the proposed Contributions Policy will bring West Lothian into line with the majority of arrangements in place in other Scottish local authorities. Appendix 2 sets out a comparison of Scottish local authority income for non-residential care based on the Chartered Institute for Public Finance and Accountancy (CIPFA) Rating Review return 2016/17. This shows West Lothian as currently receiving one of the lowest levels of income compared to expenditure from non-residential social care services and represents a very significant lower income than the Scottish average. The table highlights the following:

- Based on the latest published 2016/17 figures, West Lothian Council has one of the lowest levels of income as a percentage of expenditure on non-residential social care services (0.6% compared to the Scottish average of 7.1%)
- 27 out of 32 local authorities have a contributions-based policy for non-residential social care charges in place.
- It is anticipated that in 2018/19, WLC will spend £29.6m on non-residential social care services. The increased income target of £1.2m would be achieved by raising non-residential care and support income equivalent to 4.4% of expenditure on non-residential social care services.
- Based on these figures, even after implementation of the Contributions Policy, West Lothian will still have one of the lowest levels of income from Non Residential Social Care services amongst Scottish councils, and it is anticipated that total income received will remain significantly below the Scottish average. (4.4% compared to a 2016/17 average of 7.1%)

D.5 PROVISION OF SOCIAL CARE AND SUPPORT

The self-directed support approach means developing plans for individuals based on outcomes and selection of support to meet their needs, within an identified budget. A care and support contribution will be linked to an individuals' personal budget and their ability to pay rather than the services that may be used to meet their needs. These services may include day care, domestic care at home, laundry services, aids and adaptations and housing with care services.

D.6 SERVICES FREE OR EXEMPT FROM CONTRIBUTION

The following services are free and not subject to a financial contribution:

- Criminal Justice Social Work Services
- Information and Advice
- Needs Assessment
- Care Management
- Personal Care for Older People
- Home Care services for 42 days on discharge from hospital, including Reablement
- Adaptations for disabled persons in owner occupier or privately rented housing which attract a mandatory grant in line with the council's Scheme of Assistance. The Scheme of Assistance will be updated accordingly to take account of this policy.

The following people cannot be charged for care services and are exempt from contributions:

- People who are terminally ill (in receipt of a DS1500 form)
- People aged over 65 receiving Personal Care only
- People who are subject to a Compulsion Order

D.6.1 FREE PERSONAL CARE FOR UNDER 65'S

Currently personal care is only exempt from charging in Scotland for individuals over the age of 65; however the Scottish Government has committed to extending Free Personal Care to all under 65s who require it regardless of condition. (known as Frank's Law). Ministers have committed to the extension by 1 April 2019.

COSLA supports the Scottish Government proposal to extend free personal care to adults under the age of 65 so long as it is fully funded, and the Scottish Government have committed to working with COSLA to agree the resources that will be required to fully implement the policy from 1 April 2019.

It is therefore proposed that West Lothian Council continues to maintain free personal care for all adults assessed as requiring personal care, regardless of age. It is assumed that Scottish Government funding will contribute to the loss of income the council would generate if introducing contributions for under 65's personal care.

D.7 FINANCIAL ASSESSMENT PROCESS

COSLA Guidance notes that the amount a service user has to contribute towards their assessed eligible care and support needs should be set according to their ability to pay. A person's ability to contribute toward their individual care is based upon their assessed available weekly income.

Section 4 of the draft Contributions Policy sets out the income that will be assessed when an individual undertakes a financial assessment. In summary, it is as follows:

- Net earnings
- Benefits / Tax Credits
- Pension Income
- Other income, including income from a non-dependant living at home
- Capital Income

Disregarded Income and Expenditure

Certain income and expenditure will be disregarded when making an assessment of an individual's income to contribute towards their eligible care and support. Section 4.7 of the policy provides details of income that will be disregarded when taking account of an individual's income. In addition, housing costs for rent, mortgage payments, Council Tax and water and sewerage charges will also be deducted from the income calculation.

Personal Allowance thresholds

Personal allowance minimum thresholds have also been set, in line with the COSLA Guidance. This is a minimum income below which an individual will not be required to make a financial contribution. The thresholds proposed are linked to rates set by the Department of Work and Pensions (DWP) for income support personal allowances, disability premiums and pension credit. As per the COSLA guidance, an additional buffer of 25% is incorporated within these thresholds to provide help and recognise that not all of someone's income above these rates should be taken as a contribution. This is set out in more detail in section 4.10 of the policy.

This buffer is equivalent to £26.66 per week for an individual under state pension qualifying age and £40.75 per week for an individual over state pension qualifying age. COSLA will update the personal allowance rates annually in line with the DWP's published income support personal allowances, disability premiums and pension credit rates.

Additional Discretionary Taper

It is proposed the council applies an additional taper of 65% to the excess income calculation. (meaning a reduction of 35% applied to the level of assessed income a service user can contribute towards the cost of their care and support). This taper will support all individuals affected by the policy, and will assist those in financial hardship, or who have other household expenditure such as additional disability related costs. The majority of councils (29 of 32) apply a taper to income when calculating non-residential social care contributions or charges.

It is proposed that financial assessments are undertaken by the council's Revenues and Benefits service.

D.8 PERSONAL INCOME CHECK

It is estimated that for tax credits and the main income related benefits, there are over 500,000 cases of individuals or families in Scotland not claiming benefits that they are entitled to, with around a third of pensioners entitled to Pension Credit but not claiming it.

Claiming the benefits that people are entitled helps to maximise family incomes and can reduce poverty levels.

It is proposed that a personal income check will be provided to every individual who is required to undertake a needs assessment and financial assessment. This will be a full holistic personal income check which will encompass advice and support in Income Maximisation, Debt, Money Management, and Energy and Housing options. The service will be provided by the council's Advice Shop. Carers and/or other members of the household will also be offered the opportunity to have a personal income check completed. Individuals can opt out of this check if they wish to do so.

D.9 PAYMENT OF CONTRIBUTIONS

Individuals will be invoiced for their contribution from the date their eligible care and support services commence to the end of the financial year, and thereafter will be invoiced annually in advance. A direct debit will be set up to collect the contribution in monthly instalments. If payment by Direct Debit is not possible then alternative methods of payment will be offered as with other council debts.

Individuals in receipt of a Self-Directed Support Direct Payment will be paid net of any contribution to remove the need for collection of their contribution. Service users may request the direct payment to be made gross. In this circumstance, the council will give the request full consideration, taking into account the direct payment user's reasons and circumstances behind this request prior to a decision being made.

Non-payment of contributions by a service user may result in the council taking appropriate recovery action in line with its Service Accounts invoicing and collection process and Corporate Debt policy. If a service user does not pay their contribution after this support is provided their personal circumstances will be considered by a Social Policy Panel which looks at non-paying service users.

D.10 CONSULTATION AND ENGAGEMENT

The council's Transforming Your Council (TYC) consultation took place between 16 October and 12 November 2017 and consulted on proposals to meet the estimated funding gap faced by the council over the five years 2018/19 to 2022/23. The number of responses received by the close of the consultation period was 7,026 which generated over 45,000 comments from all respondents.

Proposals to review income and concessions, including the introduction of a contributions policy for non-residential social care received 1,626 responses, of which 849 agreed with the proposals set out in the consultation document.

There were many comments indicating support for prioritising social care services for the most in need where resources were scarce, and comments supporting charging for non-residential social care services, subject to means testing. There were also comments raising concern about charging up front for social care and about charging causing financial hardship for service users.

Previous engagement with representative groups of service users likely to be most impacted by the contribution policy proposals highlighted that a move from the current system of charging for some services to the proposed system of a contribution being made towards the cost of the care plan will be more equitable but acknowledged that there will be some people who will pay more than they previously did and some who will pay less. Engagement highlighted the risk of people with disabilities falling into relative poverty. The proposed policy will seek to address this through the personal allowances, disregarded income and expenditure set out in the policy and by the introduction of an additional 65% taper that would be applied to excess income calculations, which will assist service user's from falling into financial hardship.

Feedback from the engagement undertaken with representative groups in July 2018 highlighted the need for officers to reconsider how the introduction of a contribution, based on a financial assessment, should be introduced for existing service users. As a direct result of the feedback provided, officers propose that the period from approval of the policy to 31 March 2019 is used to undertake financial assessments for existing users and that any contribution for existing service users would be effective from 1 April 2019. Wherever possible, the care needs will be reviewed in tandem but where this is not possible or where a service user has recently had a care review undertaken the contribution will be calculated based on the existing care plan.

Based on a collation of questions raised in the representative groups engagement visits, a Frequently Asked Questions (FAQs) has been developed to support the policy and is included at Appendix 4.

D.11 INTEGRATED IMPACT ASSESSMENT

The Equality Act 2010 places both a general duty and a specific duty on local authorities, both of which are relevant to the development of charging / contribution policies. The general duty requires local authorities to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation,
- Advance equality of opportunity,
- Promote good relations between persons who share a relevant characteristic and persons who do not share it.

An initial Equality Impact Assessment (EQIA) was undertaken on the proposal to introduce a contributions policy for non-residential community care services, and included in the Revenue Budget 2018/19 to 2022/23 report, agreed by Council on 13 February 2018.

The initial EQIA highlighted a number of considerations that could help mitigate against the risk of people with disabilities falling into relative poverty including gathering information around additional disability related expenditure and consideration of further income disregards.

The draft policy has therefore taken account of these considerations and the feedback in the recent engagement events as follows:

- The policy proposes to adopt the personal allowance thresholds set out in the COSLA National Guidance, which includes a buffer of 25% to provide support to those on low incomes. This buffer is equivalent to £26.66 per week for an individual under state pension qualifying age and £40.75 per week for an individual over state pension qualifying age.
- The policy proposes to disregard certain types of income from the financial assessment process, including the Disability Living Allowance (DLA) or Personal Independence Payment (PIP) mobility components (£22.65 or £59.75 per week), and the higher rates of DLA, PIP and Attendance Allowance when the person is not receiving night time services. (£28.30 per week)
- The draft policy is based on the council restricting contributions to 65% of the level of excess income calculated. This taper will support all individuals affected by the policy, and will assist those in financial hardship, or who have other household expenditure such as additional disability related costs. As an example, an individual assessed as having income of £100 per week in excess of the personal allowance and disregards would have their maximum weekly contribution reduced by £35 per week by the application of the taper.
- The introduction of a Personal Income Check to all individuals and their carers or other household members will help support family incomes, and minimise poverty levels.
- The introduction of a review process will ensure that if an individual feels their contribution may result in financial hardship, they will be able to apply to the council for their circumstances to be further considered.
- Existing service users will have a financial assessment undertaken prior to 31 March 2019 with financial contributions commencing from 1 April 2019.

D.12 SYSTEM REQUIREMENTS

In preparation for the implementation of the Contributions Policy an interim database solution has been developed. However, there is a requirement to develop the current Revenues and Benefits application software system to provide a permanent integrated software solution from 1 April 2019.

Civica who maintain and support the system will develop a module which will allow the collation of information required as part of a customer's financial assessment, the calculation of any contribution towards the cost of their assessed eligible care, and any resulting payment collection. In order to meet the timescales approval is required for the procurement of the software module which has a one-off cost of £50,000 with annual recurring costs of £10,000.

There may be similar integrated modules required in future due to ongoing changes in legislation, integrated service delivery and the introduction of more efficient working practices.

E. CONCLUSION

A contributions policy is a necessary measure to ensure key services are in place to meet future demand requirements for non-residential social care services. Current methods of charging for non-residential social care services are inequitable for services users and can vary depending on the SDS option chosen. Service users assessed as eligible for services will be subject to a financial assessment and regardless of the care package selected and agreed, the contributions policy will be applied consistently and fairly, in line with relevant COSLA Guidance.

The proposed policy includes a number of allowances and disregards that will be taken into account in the financial assessment process to ensure that not all of an individual's assessed income should be taken in contributions. Individuals will be supported to ensure they are maximising their income and managing their money effectively through provision of personal income checks.

It is proposed that the policy will take effect for new client assessments from 1 October 2018 and for existing service users from 1 April 2019.

Appendices/Attachments:

- Appendix 1 – Draft Contributions Policy for Non-Residential Social Care
- Appendix 2 - Benchmarking of Income from Charging for Community-Based Services 2016/17 for Adults and Older People (excludes Free Personal Care for 65+)
- Appendix 3 – Integrated Impact Assessment
- Appendix 4 – Frequently Asked Questions (FAQs)

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INTERIM HEAD OF SOCIAL POLICY

DONALD FORREST
HEAD OF FINANCE AND PROPERTY SERVICE

7 SEPTEMBER 2018

ADULT SOCIAL CARE

DRAFT POLICY ON CONTRIBUTIONS FOR NON-RESIDENTIAL SOCIAL CARE SERVICES

Developed: July 2018
Approved xxxxxx
Review date xxxxx plus 1 year

1. INTRODUCTION

- 1.1 West Lothian Council supports individuals to live at home independently, safely and for as long as possible. To help us continue providing social care to as wide a range of individuals as possible everyone who undertakes an outcome based assessment of needs will be financially assessed to determine whether they should make a financial contribution towards the cost of their assessed non-residential care and support services. Contributions towards the cost of an individual's eligible non-residential care and support will be an important part of the council's income and will help to maintain and develop social care services.
- 1.2 A contribution towards the cost of an eligible care and support plan may apply if someone receives services from the council now or in the future. A contribution will apply whether the service is provided by the council or purchased /arranged from an external provider.
- 1.3 Local Authorities are permitted to charge for non-residential services which are provided or arranged under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges must be reasonable, having regard to the care and support being provided and a person's ability to meet any costs. Any charge for services should not exceed the cost of providing the service.
- 1.4 A financial assessment will be undertaken for an individual where they are assessed as requiring eligible care and support services, which there could be a contribution due for.
- 1.5 The contributions policy explains how the council will work out how much a service user should pay towards the cost of their assessed eligible care and support services. The policy approved by the council on [] is effective from 1 October 2018 for new service users and 1 April 2019 for existing service users.
- 1.6 The policy complies with social care legislation, Scottish Government guidance and reflects COSLA's National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services 2018/19 which provides a framework for councils to demonstrate that in developing their charging policies, they have followed best practice.
- 1.7 The policy is based on:
 - Fairness and equality
 - Consistent decision making
 - Transparency of cost of contribution
 - COSLA National Guidance and relevant social work legislation
- 1.8 The council will adhere to the following principles that an individual will be:
 - Entitled to be assessed for eligible care and support needs and services provided on that basis;
 - Asked to contribute towards the cost of their eligible care and support where it is practicable for them to pay;
 - Required to contribute no more than the cost of providing their eligible care and support;
 - Provided with a financial assessment before any determination is made about the level of contribution they should make to their eligible care and support services;
 - Provided with an personal income check to provide them with information, advice and support to maximise and manage their income;
 - Treated in a transparent, fair and equitable manner;
 - Provided with information and assistance when they need it; and

- Able to complain or request a review of any decision which is made about them, their care or financial contribution.
- 1.9 Figures in this policy are correct for the financial year 1 April 2018 to 31 March 2019. As reference to COSLA guidance is made throughout this policy and this guidance is subject to annual updates, reference should be made to the latest COSLA guidance for up to date minimum income thresholds.
<http://www.cosla.gov.uk/social-care-charging-information>

2. PROVISION OF SOCIAL CARE AND SUPPORT

- 2.1 The self-directed support approach means developing plans for individuals based on outcomes and selection of support to meet their needs, within an identified budget. A care and support contribution will be linked to an individual's personal budget and their ability to pay rather than the services that may be used to meet their needs.
- 2.2 A financial assessment will be carried out to determine the overall contribution due by an individual.
- 2.3 A financial contribution towards a care and support package is not required for the following:
- Criminal Justice Social Work Services
 - Information and Advice
 - Needs Assessment
 - Care Management
 - Personal Care, see Section 3 below for further details.
 - Home Care services for 42 days on discharge from hospital, including Reablement
 - Adaptations for disabled persons in owner occupier or privately rented housing, which attract a mandatory grant (in line with the council's Scheme of Assistance) as they are being funded by the council through a grant process to meet the cost of that work.
- 2.4 Individuals residing in Residential, Assisted Living or Housing with Care may be assessed for additional social care needs, in terms of the council's Eligibility for Non Residential Adult Social Care Policy. If this identifies a need for additional care and support they may be subject to a financial assessment and contribution. Other care and support provided and charged independently through Housing Support Charges or Telecare charges do not fall within the terms of this policy.

3. WHO IS EXEMPT FROM MAKING FINANCIAL CONTRIBUTIONS?

- 3.1 Individuals who:
- are terminally ill (in receipt of a DS1500 form)
 - are over the age of 65 receiving Personal Care only; or
 - are subject to a Compulsory Treatment Order,
- will not be required to make a contribution.
- 3.2 Currently personal and nursing care is only exempt from charging for individuals over the age of 65; however the Scottish Government has committed to provide this to individuals under 65, regardless of condition, from April 2019. On this basis, the council's policy will be to exempt the cost of personal and nursing care for everyone from its effective date of 1 October 2018.
- 3.3 Appendix 1 contains details of what is covered under free personal and nursing care and also includes details of what services are treated as "chargeable".

4. THE FINANCIAL ASSESSMENT PROCESS

- 4.1 Anyone who receives a “chargeable service” will be assessed to determine how much they can afford to pay towards the cost of those services they receive; this is called a financial assessment. The care and support provided will always be based on assessed eligible need and a contribution towards the cost of care and support based on the practicality of an individual’s ability to pay that contribution.
- 4.2 A financial assessment will be carried out along with a social care assessment. Where care and support needs have been identified, eligible services will be delivered to meet those needs from an agreed commencement date on the care and support plan. Any contribution which is determined as being due will be backdated to the commencement of any care or support services being provided.
- 4.3 The council will ensure, as part of the financial assessment process, that an individual is receiving maximum entitlement to any benefits / income. If the financial assessment process is refused, an individual may be liable for the full cost of their care and support, less any free personal care element.
- 4.4 An individual’s ability to contribute toward the cost of their care will be based on their available weekly income, and capital held. An officer from the council may be required to visit an individual at home to undertake a financial assessment. The officer is required to have proof of all income and capital held, therefore any Pension or Benefit statements, and bank or savings books relating to financial affairs should be made available for inspection.

4.5 Total Assessed Income

An individual’s ability to contribute to the cost of eligible care and support will take account of following income, based on a weekly amount:

- Net earnings
- Benefits / Tax Credits
- Pension Income
- Other income, including income from a non-dependant living at home
- Capital income

4.6 Partner’s Income

Where someone is part of a couple, this being their spouse or civil partner, only their income and capital, along with 50% of any jointly awarded/held income and capital will be taken into account when calculating their contribution. This ensures that partners are left with their own income and capital.

Jointly held capital is split equally between the couple unless he/she can demonstrate that they have no legal entitlement to the capital. Capital income (see paragraph 4.8) will be calculated on the basis of the apportioned share of capital.

4.7 Disregarded Income

Certain types of income will not be taken into account in the financial assessment process. This is known as disregarded income. These may include the following:

- Disability Living Allowance (DLA) Mobility Component
- Personal Independence Payment (Mobility Component)
- Enhanced rate of Personal Independence Payment (Daily Living Component) when the person is not receiving night time services. Therefore only including the standard rate as income

- The higher rate element of Disability Living Allowance (Care Component) when the person is not receiving night time services. Therefore only including the middle rate as income
- The enhanced rate of Attendance Allowance when the person is not receiving night time services. Therefore only including the lower rate as income
- £20 of net earned income
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children including Child Benefit
- Child Tax Credits
- War Disablement Pension and compensation payments made through the Armed Forces Compensation Scheme

4.8 Capital

Capital such as savings, bonds, stocks and shares, ISAs etc. will be considered as a source of income.

The approach set out below disregards income received against capital held up to a level of £6,000 for individuals below state pension qualifying age; or £10,000 for individuals of state pension qualifying age or above. For any capital held above those levels a weekly income is assumed and this is added as income in the financial assessment; as per the rates set out in the table below:

	Disregard Capital Below	Weekly Capital Income
Below State Pension Qualifying Age	£6,000	£1 per £250, or part thereof
State Pension Qualifying Age or Above	£10,000	£1 per £500, or part thereof

The value of a person's home is not counted as capital.

4.9 Applicable Housing Costs

The assessable income calculation will be net of applicable housing and council tax costs. Housing costs include rent and mortgage payments and costs for Council Tax and Water and Sewerage will also be deducted. If an individual is part of a couple this will be a 50% deduction.

For non-dependants living at home an allowance for rent paid to family / parents will be disregarded in line with DWP guidance on non-dependant deductions.

4.10 Personal Allowance

For users of non-residential services the policy reflects the COSLA Guidance, which suggests a level of weekly income below which someone cannot be asked to pay care and support charges. These are known as personal allowances (or minimum income thresholds) and are set at the following levels for 2018/19:

Single person under pension qualifying age	£134
Couple under pension qualifying age	£204
Single person over pension qualifying age	£204
Couple over pension qualifying age	£311

The basis of the personal allowance is linked to rates set by the DWP for income support personal allowances, disability premiums and pension credit. In order to provide more help to those on low incomes and to recognise that not all of someone's income above these rates should be taken in contributions, a buffer of 25% is included in the personal allowance threshold levels set out above.

5. HOW WILL CONTRIBUTIONS BE CALCULATED?

- 5.1 To determine the amount someone can afford to contribute towards their eligible care and support, the following will be completed:

Total Assessed Income (A)
Less Applicable Housing Costs (B)
Less Disregarded Income (C)
Less Personal Allowance (D)
Equals Excess Income (E)
Apply WLC Taper of 65% if (E) > Nil
Equals Maximum Weekly Contribution

- 5.2 If the assessable weekly income is calculated at less than the personal allowance figure, an individual will not be charged for their care and support service.
- 5.3 A decision to apply taper rates to contributions or charges is at the discretion of individual local authorities. The council has decided that the maximum weekly contribution that someone will be required to contribute to their eligible care and support costs is 65% of any excess income. This is in addition to the 25% buffer rate included in the personal allowance and other income and expenditure disregards.
- 5.4 Individuals will be required to contribute the maximum weekly contribution that has been assessed, or the actual cost of their care and support plan, whichever is the lesser amount.
- 5.5 Individuals with an assessed contribution of less than £1 per week will not be asked to contribute.
- 5.6 Appendix 3 provides some examples of how a contribution will be calculated.

6. DISABILITY RELATED EXPENDITURE

- 6.1 Disability related expenditure will vary for each individual and what may or may not be included in a financial assessment will depend on the disability and individual's needs.
- 6.2 The council will consider whether to disregard more of a person's income or capital, over and above any existing disregards, to take account of any additional disability related expenditure. This process will be undertaken on a case by case basis by request.
- 6.3 Should someone have additional disability related expenditure, which they feel is not taken account of in the additional 65% income taper applied to all financial assessments, they should request a review of the charge in line with the process detailed in Paragraph 11 providing evidence of all additional disability related expenditure.

7. PERSONAL INCOME CHECK

- 7.1 To fully assess an individual's circumstances it is important that help, support and advice are provided at the right time. To support an individual's needs a full holistic personal income check will be carried out encompassing advice and support in Income Maximisation, Debt, Money Management, and Energy & Housing options.
- 7.2 All individuals who undertake a financial assessment will be given the opportunity to undertake a full personal income check. Individuals can opt out of this.

- 7.3 The service is provided by West Lothian Advice Shop, who will carry out an impartial, confidential and a holistic income check. Carers and/or other members of the household can also have a personal income check completed.

8. OTHER CHARGES

- 8.1 The contribution which is to be made towards care and support will be based on assessed eligible care needs regardless of what Self Directed Support option is chosen or whether care is provided by the council or another provider.
- 8.2 Access to the Home Safety Service ("Telecare") will not be part of an individuals assessed needs if this has been chosen as a service. The current charge for the Telecare service is £3.02 per week. This will remain as a separate chargeable service, if required as part of any care and support plan.

9. DIRECT PAYMENTS

- 9.1 Self-Directed Support allows everyone with a care and support package to manage their own care and provides them with opportunity to exercise choice and control on how those needs are met. Where a person has been assessed as being able to contribute towards their care and support, and chooses a direct payment (Self-Directed Support option 1), their assessed contribution will be deducted prior to the provision of the monthly direct payment i.e. the direct payment will be paid 'net'.
- 9.2 A direct payment will be paid net of any assessed financial contribution, unless a request is made for the payment to be paid gross.
- 9.3 The council will give any request to pay a direct payment gross its full consideration. The council will consider the reasons and circumstances behind any request before making a decision. It will inform the person in writing of their decision.

10. PAYMENT OF CONTRIBUTIONS

- 10.1 Individuals will be invoiced on completion of the financial assessment for their annual contribution from the date their eligible care and support services commence to end of the financial year, and thereafter will be billed annually in advance.
- 10.2 A direct debit will be set up to collect the contribution in instalments on a monthly basis. If individuals are unable to use the Direct Debit Scheme then the council will discuss alternative methods of collection with them.
- 10.3 Failure to make payment of any contribution may result in the council taking appropriate recovery action in line its Service Accounts invoicing and collection process and Corporate Debt policy.

11. ENQUIRIES, REVIEWS, COMPLAINTS

- 11.1 West Lothian Council seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. The first point of contact should be the assessor who has undertaken the needs assessment.
- 11.2 If there are concerns the financial contribution has been miscalculated or income, capital or disregards used in the calculation are incorrect the Financial Assessment Team can be asked to review their decision. Reconsideration of the financial assessment is the first step in the review process.

- 11.3 If an individual feels their financial contribution will cause undue financial hardship they can request a social work review to determine if further disregards should be applied, or a reduction of the contribution or waiver of it should be applied.
- 11.4 If the individual has a complaint about the service they receive they are entitled to make a complaint at any time. The West Lothian Council Complaints Processes will apply.
- 11.5 The provision of care and support will continue during the period of any review or complaint.
- 11.6 Details of the review and complaints processes are available on request and on the Council's website.

12 RELATED LEGISLATION AND WEST LOTHIAN COUNCIL POLICIES

This policy complies with the following core legislation which continues to be the legal basis for assessment in West Lothian Council:

- The Social Work (Scotland) Act 1968
- Chronically Sick and Disabled Persons Act 1970
- The NHS and Community Care Act 1990
- The Human Rights Act 1998
- Data Protection Act 1998
- Adults with Incapacity (Scotland) Act 2000
- The Regulation of Care (Scotland) Act 2001
- Community Health and Care (Scotland) Act 2002
- Mental Health (Care and Treatment) (Scotland) Act 2003
- The Adult Support and Protection (Scotland) Act 2007
- Social Care (Self-directed Support)(Scotland) Act 2013
- The Carer's (Scotland) Act 2016
- West Lothian Council Policy on the application of hourly rates for the purchase of registered agency services under Self-directed Support Option 2 ('SDS Option 2 Policy')
- West Lothian Council Policy on Self-directed Support ('SDS Policy')
- West Lothian Council Eligibility Criteria for Carer Support ('Carer's eligibility')
- West Lothian Council Policy on Assessment and the Application of Eligibility Criteria for Non-Residential Care ("Eligibility Policy")

13 UPDATES

This policy will be reviewed annually. Up to date information will be published on the council's website www.westlothian.gov.uk and paper copies will be made available through our Social Work offices.

Appendix 1

Definition of personal care

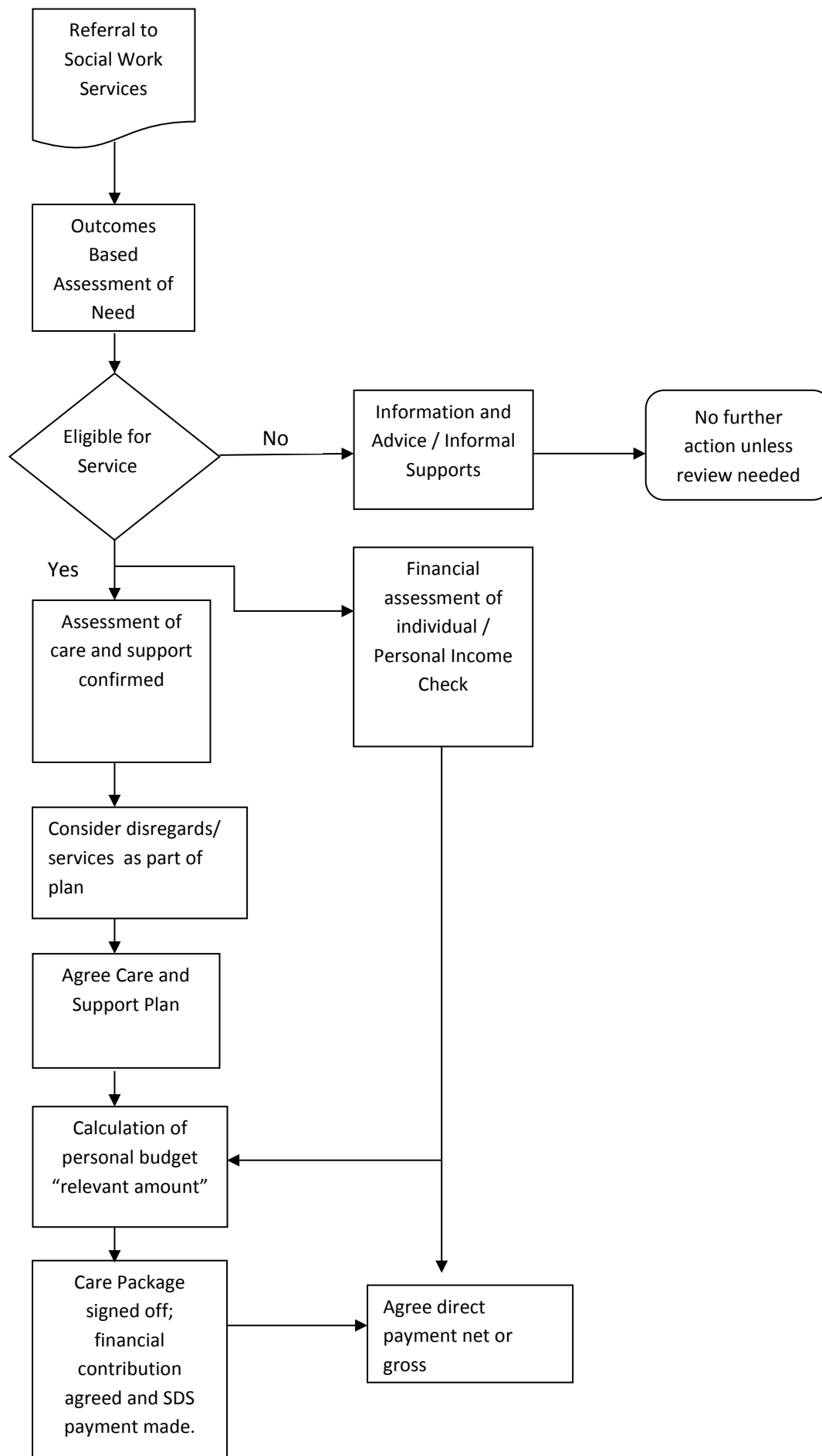
- Personal Hygiene- Bathing, Showering, hair washing, shaving etc.
- Personal Assistance – Dressing, surgical appliances, prosthesis etc.
- Continence Management, Toileting, skin care, bed changing etc.
- Simple Medical Treatments – Assistance with medication, including eye/ear drops, application of creams, simple dressings etc.
- Food and Diet – Food and drink provision, feeding, assistance with special diets, assistance to manage different meals services etc.
- Moving and handling – Assistance to get up/go to bed, Transfers, including the use of hoists.

Examples of Non-residential care services

- Day Care
- Care at Home – supported accommodation, supported living, housing support services
- Lunch Clubs
- Wardens in Sheltered Housing
- Laundry Services
- Aids and Adaptations
- Transport
- After Care services for people with a mental illness
- Care and support services for those who have, or have had a mental illness, (in or not in hospital)

Appendix 2

Assessment of Needs and Financial Assessment Process



Appendix 3

Non Residential Social Care Examples

Client A: This client is a single person under pension age. They have been assessed as requiring 8 hours of non-personal care per week, costing £128.00 per week.

Total Assessed Income	£
Employment and Support Allowance (Income Related) - including disability premiums	191.45
Capital	0.00
Total Assessed Income (A)	£191.45
Applicable Housing Costs (B)	
Council Tax (inc Water and Sewerage)	4.90
Rent (net of Housing Benefit)	0.00
Disregarded Income (C)	
N/A	0.00
Personal Allowance (D)	
Single Person Allowance – under pension age	134.00
Total Housing Costs, Disregards and Personal Allowances	£138.90
Excess Income (E)	£52.55
Maximum Weekly Contribution (65% of excess income)	£34.16
Actual Weekly Contribution	£34.16

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £52.55 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £34.16 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £128.00 per week, and they have therefore been assessed as requiring to contribute £34.16 per week towards the cost of their non-personal care.

Contd/.

Client B: This client is a single person under pension age. They receive 27 hours of non-personal care a week, at a cost of £547.15 per week.

Total Assessed Income	£
Employment and Support Allowance (Income Related)	127.15
PIP Mobility Enhanced Rate	59.75
PIP Daily Living Enhanced Rate	85.60
Capital	0.00
Total Assessed Income (A)	272.50
Applicable Housing Costs (B)	
Council Tax (inc Water and Sewerage)	4.90
Rent (net of Housing Benefit)	0.00
Disregarded Income (C)	
PIP Mobility Enhanced Rate	59.75
PIP Daily Living Enhanced Rate – only the difference between the enhanced rate and standard rate is taken into account)	28.30
Personal Allowance (D)	
Single Person Allowance – under pension age	134.00
Total Housing Costs, Disregards and Personal Allowances	226.95
Excess Income (E)	£45.55
Maximum Weekly Contribution (65% of excess income)	£29.60
Actual Weekly Contribution	£29.60

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £45.55 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £29.60 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £547.15 per week, and they have therefore been assessed as requiring to contribute £29.60 per week towards the cost of their non-personal care.

Contd/.

Client C: This client is a single person over 65. They receive 2 hours of non- personal care a week at a costs of £ 42.10 a week

Total Assessed Income	£
War Disablement Pension	51.34
State Pension	125.97
Additional Pension	56.76
DLA Mobility low rate	22.65
DLA Care middle rate	57.30
Private Pension	39.99
Capital	0.00
Total Assessed Income (A)	354.01
Applicable Housing Costs (B)	
Council Tax	4.21
Rent	2.00
Disregarded Income (C)	
PIP Mobility Low Rate	22.65
War Disablement Pension	51.34
Personal Allowance (D)	
Single Person Allowance – over pension age	204.00
Total Housing Costs, Disregards and Personal Allowances	284.20
Excess Income	£69.81
Maximum Weekly Contribution (65% of excess income)	£45.37
Actual Weekly Contribution	£42.10

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £69.81 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £45.37 per week.

On this occasion, as a result of the client's maximum weekly contribution of £45.37, being greater than the actual cost of care, £42.10, they are required to pay the lesser of the two calculations, £42.10

Contd/.

Client D: This client is a single person over 65. They receive 9 hours of non- personal care a week at a costs of £189.47 a week

Total Assessed Income	£
War Disablement Pension	51.34
State Pension	125.97
Additional Pension	56.76
DLA Mobility low rate	22.65
DLA Care middle rate	57.30
Private Pension	39.99
Capital	0.00
Total Assessed Income (A)	354.01
Applicable Housing Costs (B)	
Council Tax (inc Water and Sewerage)	4.21
Rent (net of Housing Benefit)	0.00
Disregarded Income (C)	
PIP Mobility Low Rate	22.65
War Disablement Pension	51.34
Personal Allowance (D)	
Single Person Allowance – over pension age	204.00
Total Housing Costs, Disregards and Personal Allowances	282.20
Excess Income (E)	£71.81
Maximum Weekly Contribution (65% of excess income)	£46.67
Actual Weekly Contribution	£46.67

In this example, because the clients applicable housing costs, disregarded income and personal allowance is lower than their total assessed income, they have been assessed as having excess income of £71.81 per week. Because WLC apply an additional taper of 65%, their maximum weekly contribution will reduce to £46.67 per week.

The client's maximum weekly contribution is lower than the weekly cost of their care and support package which is £189.47 per week, and they have therefore been assessed as requiring to contribute £46.67 per week towards the cost of their non-personal care.

Contd/.

Appendix 3 continued

Client E: This client is part of a couple and is over pension age. WLC will assume income solely received by the person receiving care and only 50% of any income or capital jointly received or held by the couple. In this example, the couple do not receive any joint income or hold any capital over £10,000. The client currently receives 12 hours of non-personal care a week at a cost of £197.52 per week.

Total Assessed Income	£
Basic State Pension	91.96
Additional Pension	0.41
DLA mobility high rate	59.75
DLA Care middle rate	57.30
Partner's Income	0.00
Total Assessed Income (A)	209.42
Applicable Housing Costs (B)	
Council Tax (inc Water and Sewerage) – 50%	2.10
Rent (net of Housing Benefit) – 50%	6.75
Disregarded Income (C)	
DLA mobility high rate	59.75
Personal Allowance (D)	
Single Person Allowance – over pension age	204.00
Total Housing Costs, Disregards and Personal Allowances	272.60
Excess Income (E)	0.00
Maximum Weekly Contribution (65% of excess income)	0.00
Actual Weekly Contribution	0.00

In this example, because the clients applicable housing costs, disregarded income and personal allowance is higher than their total assessed weekly income, it has been assessed that they do not have any excess income to contribute towards their non-personal care package.

Appendix 2 – Benchmarking of Income from Charging for Community-Based Services 2016/17 for Adults and Older People (excludes Free Personal Care for 65+)

	Expenditure (before income)	Expenditure (net of income)	Total Community- Based Income	% Income/ Expenditure	Contributions Based Charging Policy	Taper % applied to income above minimum thresholds
	£'000	£'000	£'000	%		%
Aberdeen City	33,752	31,364	-2,388	7.1%	Yes	67%
Aberdeenshire	11,805	11,449	-356	3.0%	Yes	100%
Angus	13,186	10,908	-2,278	17.3%	Yes	66%
Argyll and Bute	14,074	12,524	-1,550	11.0%	Yes	75%
Clackmannanshire	6,623	6,035	-588	8.9%	Yes	75%
Dumfries & Galloway	21,276	20,814	-462	2.2%	Yes	65%
Dundee City	11,909	9,588	-2,321	19.5%	Yes	65%
East Ayrshire	11,091	9,793	-1,298	11.7%	Yes	60%
East Dunbartonshire	13,126	12,515	-611	4.7%	Yes	50%
East Lothian	14,948	14,174	-774	5.2%	Yes	55%
East Renfrewshire	5,671	5,587	-84	1.5%	No	60%
Edinburgh	55,555	52,188	-3,367	6.1%	Yes	50%
Eilean Siar	5,003	5,002	-1	0.0%	No	70%
Falkirk	26,750	25,025	-1,725	6.4%	Yes	100%
Fife	33,266	33,225	-41	0.1%	No	not published
Glasgow City	75,576	67,082	-8,494	11.2%	Yes	50%
Highland	87	87	0	0.0%	No	50%
Inverclyde	5,469	5,224	-245	4.5%	Yes	55%
Midlothian	9,405	7,916	-1,489	15.8%	Yes	70%
Moray	8,304	7,551	-753	9.1%	Yes	30%
North Ayrshire	11,841	10,532	-1,309	11.1%	Yes	50%
North Lanarkshire	49,166	48,041	-1,125	2.3%	Yes	50%
Orkney Islands	2,521	2,469	-52	2.1%	Yes	15%
Perth & Kinross	7,707	6,056	-1,651	21.4%	Yes	100%
Renfrewshire	25,936	23,312	-2,624	10.1%	Yes	60%
Scottish Borders	22,232	20,835	-1,397	6.3%	Yes	65%
Shetland Islands	5,667	5,331	-336	5.9%	Yes	30%
South Ayrshire	20,040	19,045	-995	5.0%	Yes	50%
South Lanarkshire	26,595	24,359	-2,236	8.4%	Yes	60%
Stirling	6,592	6,070	-522	7.9%	Yes	75%
West Dunbartonshire	10,900	10,265	-635	5.8%	Yes	50%
West Lothian	20,330	20,215	-115	0.6%	Proposed	65%
TOTAL	586,403	544,581	-41,822	7.1%		61%

Source: Cipfa Rating Review 2016/17

Integrated Relevance Assessment Form

1. Details of proposal	
Policy Title (include budget reference number if applicable)	Introduction of a Contributions Policy for Non-Residential Social Care Services (Revenue Budget Reference SJ3b)
Service Area (detail which service area and section this relates to)	Social Policy - IJB
Lead Officer (Name and job title)	Jane Kellock, Head of Social Policy
Other Officers/Partners involved (list names, job titles and organisations if applicable)	David Maule, Corporate Programme Manager, Nicola Reid, Benefits Team Leader, Sandra Malloy, Revenues Manager, Nahid Hanif, Income Advisor, Nicola Hogg, Legal Services, Bill Smith, Senior Finance Manager, Robert Barr, Group Manager Adults Services, Pamela Main, Senior Manager Assessment and Care Management, Alan Bell Senior Manager Community Care Support Services
Date relevance assessed	July 2018
2. Does the council have control over how this policy will be implemented?	
YES	X NO
3. The General Duty of the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to: <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct • Advance equality of opportunity between those who share a protected characteristic and those who do not; and • Foster good relations between those who share a protected characteristic and those who do not <p>NB: In this section you must also consider the Human Rights Act and the key PANEL (Participation, Accountability, Non-Discrimination, Empowerment and Legality) principles of Human Rights – (further detail on what these are, are provided in the guidance document)</p>	
Which groups of people do you think will be, or potentially could be, impacted upon by the implementation of this policy? You should consider employees, clients, customers and service users (Please tick below as appropriate)	
Age - Older people, young people and children	✓
Disability - people with disabilities/long standing conditions	✓
Gender reassignment - Trans/Transgender Identity – anybody who's gender identity or gender expression is different to the sex assigned to them at birth	
Marriage or Civil Partnership – people who are married or in a civil partnership	

Pregnancy and Maternity – woman who are pregnant and/or on maternity leave		
Race - people from black, Asian and minority ethnic communities and different racial backgrounds		
Religion or Belief – people with different religions and beliefs including those with no beliefs		
Sex - Gender Identity - women and men (girls and boys) and those who self-identify their gender		
Sexual Orientation – lesbian, gay, bisexual, heterosexual/straight		
4. Do you have evidence or reason to believe that this policy will or may impact on socio-economic inequalities? Consideration must be given particularly to children and families		
Socio-economic Disadvantage	Impact – please tick below as appropriate)	
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing		
Low and/or no wealth – enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	✓	
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure and hobbies		
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)		
Socioeconomic Background – social class i.e. parents education, employment and income		
5. Integrated impact assessment required? (Two ticks (✓) above = full assessment necessary)		
YES	✓	NO
6. Decision rationale – if you have ticked no above, use this section to evidence why a full IIA is not required		
Based on the information and evidence gathered, it is recommended that a full Integrated Impact assessment is undertaken.		
Signed by Lead Officer	JANE KELLOCK	
Designation	HEAD OF SOCIAL POLICY	
Date	23 AUGUST 2018	
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	JANE KELLOCK	
Date	23 AUGUST 2018	

- **No assessment required – process ends**
- **Include** a detailed summary of the decision rationale in any council reports and include a copy of the IRA with the background papers.
- **Full Assessment required – continue to Full Assessment Form**

Full Integrated Impact Assessment Form

1. Details of proposal: Contributions Policy for Non-Residential Social Care Services (Revenue Budget Reference SJ3b)	
Details of others involved	Head of Social Policy, Corporate Transformation Team, Advice Shop, Revenue and Benefits, Social Work Assessment and Care Management
Date assessment conducted	July 2018
2. Set out a clear understanding of the purpose of the policy being developed or reviewed (what are the aims, objectives and intended outcomes) including the context within which it will operate.	
<p>Local authorities are allowed by law to charge adult users of non-residential care and support services provided under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges must be reasonable to pay having regard to the type of care and support provided and a person's ability to meet the cost. Any charges should not exceed the cost of providing the service. A person's ability to meet the cost of paid for non-residential care and support will be determined through a financial assessment, undertaken by the council's Revenues and Benefits unit.</p> <p>The draft Contributions Policy complies with social care legislation, Scottish Government guidance and reflects COSLA's National Strategy and Guidance for Charges applying to Non-Residential Social Care Services, which provides a framework for councils to demonstrate that in developing their charging policies, they have followed best practice.</p> <p>In terms of the guidance on charging set out in the Scottish Office Circular SWSG1/1997 and with regard to subsequent development of this COSLA guidance, councils have the power to charge for a range of adult non-residential social care services, including:</p> <ul style="list-style-type: none"> • care at home • day care • lunch clubs • meals on wheels • domiciliary services • wardens in sheltered housing • community alarms and telecare • laundry services • aids and adaptations • care and support services for those who have or have had a mental illness • transport <p>The way that non-residential care and support services are provided to individuals changed following the introduction of the Social Care (Self-Directed Support) (Scotland) Act 2013. Self-Directed Support (SDS) enables individuals to have the right to make informed choices about the way support is provided to them and means developing plans for individuals based on outcomes and a selection of support to meet their individual needs, within an identifiable budget.</p> <p>In West Lothian, certain non-residential social care services have been chargeable to client groups, but this is longer deemed equitable to individuals and does not fit well with personalised choices.</p> <p>As more personalised choices are made with individuals moving away from traditional service delivery, recognition must be made of the need to move away from chargeable services towards a contribution towards the overall cost of care. The proposed Contributions Policy is based on an individual's ability to pay and is consistent with COSLA and Scottish Government guidance. The value of the care plan will</p>	

still be based on assessed eligible need, and any contribution will be calculated after the needs assessment has been undertaken.

The principle of moving towards a contributions policy is supported by COSLA on the basis that those who can afford to pay do so. COSLA has also stated that co-payment (the term COSLA uses for contributions) empowers an individual's ability to make choices with regard to the care they receive and any income raised through charging is invested back into social care. As reported in the council's Revenue Budget 2018/19 to 2022/23 report, agreed by the Council on 13 February 2018, the council's Social Policy Integration Joint Board budget, which includes social care expenditure on Adults and Elderly services is forecast to increase in cash terms from £69.098 million in 2017/18 to £76.044 million in 2020/21.

The introduction of a Contributions Policy for Non Residential Social Care services has the potential to impact those who currently use social care services and new users, namely older people and people with disabilities. We know that people with disabilities in particular are at a higher risk of poverty than those without a disability.

The introduction of the policy will result in more people in West Lothian being required to pay for their eligible care and support; however the proposed council policy does include a number ways in which the council will ensure that not all of an individual's income will be taken into account when determining how much they are being requested to contribute towards their care and support. These are referred to in the policy as personal allowances, disregards and tapers. Section 8 of this IIA provides more detail on how these will be applied before we determine an individual's contribution.

3. Please outline any needs and/or barriers which equality groups (People with Protected Characteristics) may have in relation to this policy

Age	<p>What effect/difference will the policy have on people</p> <p>The policy will apply to adults (18-64 year olds) and older people (65+). Some of our current clients receiving non-residential care and support services pay a charge for their services currently. These charges will be removed and replaced by a contribution towards their care and support services, subject to a financial assessment which will determine the level of contribution that is able to be made. In some cases, individuals will pay more than they currently pay through non-means tested charging. In other cases, individuals may be assessed as not being required to contribute anything towards the costs of their care and support plan, or they may be assessed as being able to contribute less than they already pay by direct charging.</p> <p>In all cases, an individual's ability to contribute towards their care and support plans will be based upon their own individual financial circumstances.</p> <p>How do you know that</p> <p>The policy specifically relates to adults and older people. Benchmarking evidence from other Scottish councils who have introduced contributions based policies for non-residential social care services suggests that a greater number of clients are impacted by the introduction of such policies, and overall income has increased for these councils. The increase in income generated by the Contributions Policy will help to maintain and develop social care services, for which overall council resources will increase.</p>
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Disability	<p>What effect/difference will the policy have on people</p> <p>The policy will impact on adults and elderly people with disabilities who will be subject to a financial assessment to determine if they can contribute towards their eligible care and support needs. It is likely that an increased number of adults with disabilities will be required to pay towards the cost of their care and support. Free personal care for under 65's will however be maintained for adults with disabilities.</p> <p>Some of our current clients receiving non-residential care and support services pay a charge for their services currently. These charges will be removed and replaced by a contribution towards their care and support services, subject to a financial assessment which will determine the level of contribution that is able to be made. In some cases, individuals will pay more than they currently pay through non-means tested charging. In other cases, individuals may be assessed as not being required to contribute anything towards the costs of their care and support plan, or they may be assessed as being able to contribute less than they already pay by direct charging.</p> <p>In all cases, an individual's ability to contribute towards their care and support plans will be based upon their own individual financial circumstances.</p> <p>Presently, West Lothian is one of only two Scottish local authorities who do not charge clients under 65 for personal care. The Scottish Government is working with COSLA to implement free personal care for under 65's from 1 April 2019. Providing Scottish Government funding is made available for this commitment, the council will continue to deliver free personal care to adults with disabilities.</p> <p>How do you know that</p> <p>Benchmarking evidence from other Scottish councils who have introduced contributions based policies for non-residential social care services suggests that a greater number of adults aged under 65 with a disability are impacted by the introduction of such policies, and overall income has increased for these councils. The increase in income generated by the Contributions Policy will help to maintain and develop social care services, for which overall council resources will increase.</p> <p>Evidence at national level tells us that disabled people are at greater risk of experiencing poverty. (See section 7 for evidence of how we know that)</p>
Gender Reassignment – Trans /Transgender Identity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>There is little evidence either at national or local level to indicate particular issues relating to gender identity and poverty, however reports such as Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identity when accessing services so any specific issues or impact may be hidden.</p>

Marriage or Civil Partnership	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p>
Pregnancy and Maternity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>All children's tax credits will be fully disregarded as part of the financial assessment of an individual's income.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p> <p>The policy will allow for the full disregard of benefit income on behalf of dependent children including Child Benefit and Child Tax Credits.</p>
Race	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic. The service will utilise the development of more online resources in translatable formats which may help break down barriers.</p> <p>How do you know that</p> <p>Evidence at a national level shows that black and minority ethnic people are more likely to experience poverty. The main issue identified locally is access to information and advice, particularly where a language barrier exists. In the 2011 national census, 6.3% of West Lothian's population were categorised as being Non White Scottish/British, compared to a national average of 8.2%.</p>
Religion or Belief	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p>

Sex - Gender Identity	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic.</p> <p>Based on current West Lothian clients in receipt of a care and support plan for non-residential social care, approximately 55% are female and 45% male. This largely reflects the demographic nature of West Lothian's population of people aged over 16, which according to National Records of Scotland data for 2016 shows West Lothian's gender split as 52% female, 48% male.</p>
Sexual Orientation	<p>What effect/difference will the policy have on people</p> <p>The policy as a whole is applicable to adults and older people who have been assessed as having eligible care and support needs and is therefore based on an individual's personal needs, irrespective of this protected characteristic.</p> <p>How do you know that</p> <p>No relevant evidence was found through research or consultation, that there may be hidden needs relating to this protected characteristic however as already acknowledged in the Gender Reassignment – Trans /Transgender Identity section Stonewall Scotland and 'Your Services, Your Say' indicate that a number of individuals who identify as trans may feel uncomfortable being open about their gender identify when accessing services so any specific issues or impact may be hidden.</p>
<p>4. Please outline any needs and/or barriers which may affect vulnerable groups falling into poverty and disadvantage in relation to this policy</p> <p>Vulnerable groups may include the following;</p> <ul style="list-style-type: none"> • Unemployed • Single parents and vulnerable families • People on benefits • Those involved in the criminal justice system • People in the most deprived communities (bottom 20 SIMD areas) • People who live in rural areas • pensioners • Looked After Children • Carers including young carers • People misusing services • Others e.g. veterans, students • Single adult households • People who have experienced the asylum system • Those leaving the care setting including children and young people and those with illness • Homeless people • People with low literacy/numeracy • People with lower educational qualifications • People in low paid work • People with one or more Protected Characteristic 	

What effect/difference will the policy have on people

The new Contributions policy as a whole aims to introduce a paid for social care policy that enables individuals with eligible non-residential social care needs to be treated equally. Under the new policy, all individuals under the scope of Self-Directed Support will be financially assessed using the same means-tested approach. This will ensure an equitable approach is applied across the full client base as well as the policy being developed around fairness, consistency and transparency.

If approved, the new policy will bring more people into the scope of paid for care. Dependent on individual circumstances and the outcome of individual financial assessments, this may leave some individuals worse off than they would be under the council's current charging regime for non-residential social care services. In order to address concerns around financial hardship, the policy proposes a number of personal income thresholds, income and expenditure disregards, and a further taper, to ensure individuals are left with a level of income that officers believe will allow individuals to participate socially and economically.

Officers recognise the importance of individuals and families claiming the benefits that they are entitled to, and how this helps to maximise family incomes and can reduce poverty levels. All individuals who undertake a needs assessment and financial assessment will be entitled to receive a Personal Income Check, through the Council's Advice Shop. As well as providing an income maximisation review, this service will also offer advice and support on debt, money management, energy and other housing options. The service will also be offered to carers and/or other members of the individual's household. In some cases, this service is likely to result in individuals increasing their household income if it enables individuals to access entitled benefits that they were previously not claiming for.

Officers have considered concerns that were raised in the original Equality Impact Assessment on the proposal to implement a Contributions Policy for Non Residential Care, which was included as part of the Revenue Budget 2018/19 to 2022/23 report, approved by Council on 13 February 2018.

How do you know that

The engagement events held with representative groups during July 2018 raised questions about how the council could determine that people living with a disability could afford to contribute to having assessed eligible care needs met. The proposed council policy will treat every client as an individual and does not propose to set fixed contributions from service users. Every individual who has been assessed as having eligible social care needs and who has a care and support plan agreed to meet those needs will have an individual financial assessment undertaken to establish if a contribution will apply. Every individual will also be offered a personal income check, but may opt out of receiving this service if they wish.

The engagement events also highlighted that people who are living with a disability and who are currently in receipt of social care services would find any backdating of a contribution to the proposed start date of 1 October 2018 difficult to budget for. This has been considered as part of the policy development and a proposal made in the action plan to alleviate this concern, by postponing the introduction of contributions for existing clients until 1 April 2019.

Affected service users were also concerned about the income of others in the household being taken into account and whether the 'informal' rent ('dig money') paid to parents would be treated under applicable housing costs. This has been acknowledged and the policy has been amended to allow for this as an additional housing expenditure deduction in the financial assessment process.

5. Action Plan**What action/s will be taken, by whom and what is the timescale for completion****Actioner Name Jane Kellock****Action Date 3 August 2018**

What is the issue

Existing service users were concerned about whether contributions for existing users would be backdated to 1 October 2018, once a financial assessment had been undertaken.

What action will be taken

Officers have fully considered the concern outlined above and propose that the policy is implemented from 1 October 2018 for new services users but that for existing service users this will be 1 April 2019. The period between policy approval and 31 March 2019 will be used to undertake financial assessments for existing service users with any contribution starting on 1 April 2019.

Progress against action

Pending Council Executive approval of the implementation date for existing service users.

Action completed**Date completed**

Actioner Name Jane Kellock

Action Date 11 September 2018

What is the issue

The policy did not provide sufficient information about what the review process would be.

What action will be taken

The policy has been updated and a detailed review process will be provided as a link from the policy document and available on line or on request. This information will also be converted to easy read.

Progress against action

Pending Council Executive approval of the policy.

Action completed**Date completed****6. Details of consultation and involvement****Who will be or has been involved in the consultation process**

- a. State which groups are involved in this process and describe their involvement.
- b. Describe any planned involvement saying when this will take place and who is responsible for managing the involvement process.
- c. Describe the results of the involvement and how you have taken this into account.

The general principles relevant to this assessment have been subject to previous scrutiny by representatives of the equality community forums through a specific focus on proposals first put forward in Delivering Better Outcomes and agreed by the council's Corporate Working Group on Equality in 2014 and then again in a public consultation Transforming Your Council (TYC) in November / December 2017.

Proposals to review income and concessions, including the introduction of a contributions policy for non-residential social care received 1,626 responses in the TYC consultation, of which 849 agreed with the proposals set out in the consultation document.

Respondents and user representative groups in both consultations recognised the severe budget constraints the council was facing, but were concerned for the individuals who will fall below the new threshold as many of these individuals may also be impacted by other proposed budget savings and the impact of Welfare Reforms and Universal Credit.

In the TYC consultation, there were many comments indicating support for prioritising social care services for those most in need where resources were scarce, and comments supporting charging for non-residential social care services, subject to means testing of income. There were also comments raising concern about charging up front for social care and about charging causing financial hardship for clients.

As part of the policy development, during July 2018, further engagement has been undertaken with representative groups around the proposed policies on Eligibility and Contributions. Those who took part in the engagement were as follows:

- Learning Disability Forum
- Adult Services Parents Group
- Senior People's Forum
- Carers of West Lothian
- Ability Centre Service Users Group
- Equalities Group

In addition, discussions took place with Care Providers and NHS Lothian.

Feedback from these engagement meetings have informed the final version of the policy document and questions have been summarised in the Frequently Asked Questions (FAQs) and in the action plan.

7. Data and Information

What equality data, poverty data, research, information or other evidence has been used to inform this assessment?

(Information can include, for example, surveys, databases, focus groups, in-depth interviews, pilot projects, reviews of complaints made, user feedback, academic publications and consultants' reports)

- a. **What information or other evidence has been used in the development of the policy?**
- b. **What does research, consultation and other data or information tell you about the impact of the policy? (Describe the information and the conclusions, and state where the information can be found).**
 - (i) Quantitative (numbers, percentages, statistical data)
 - (ii) Qualitative – (written/spoken words, opinions, surveys)
- c. **Describe any gaps in the available information, and record within section five (Action Plan Section), action you are taking in relation to this (e.g. new research, further analysis) and when this is planned.**
- d. **Give details of any existing local or national evidence which has been used to inform the development of your policy.**

There is substantial evidence to suggest that those with a disability or living with a person with a disability are significantly more at risk of poverty, less likely to be in employment and more likely to be low paid. As at September 2017, the employment rate for disabled people in Scotland was 45.9% compared to an overall employment rate of 75% (16-64 year olds) (Annual Population Survey, Labour Market Briefing released 24/1/18).

The Scottish Government's statistical analyses of income and poverty found that between 2002/03 and 2015/16, the proportion of individuals in relative poverty (before housing costs) was higher in families containing a disabled adult than in families with no disabled adults. Similarly, in 2015/16, 19% of individuals in families containing a disabled adult were in relative poverty. For families with no disabled adults the figure was 15%.

Disabled people have also been found to be less likely to be coping financially. Households that contained at least one person with a long-term illness or a disability were more likely to be 'not coping' (15%) than those that did not (10%). The survey also found marked age differences in how well people manage financially; adults aged 16-24 were the least likely to be coping financially and least likely to have savings. Conversely, with increasing age, people were more likely to be coping financially and more likely to have savings.

Campaigners, Scotland against the Care Tax (SACT), suggest that social care in any form is an equality and human right issue, and that a society which pursues a policy of charging those who are entitled to non-residential care services does not do this. SACT have set out in their petition to the Scottish Parliament (PE01533) that having separate income disregards based on age is potentially discriminatory and have identified seven different human rights that are breached by charging for care.

In their response to the SACT petition, COSLA stated that for disabled people and frail older people, they would agree that access to care can be important to the realisation of human rights. However, COSLA did not find the evidence submitted by the petitioners to be compelling, and in COSLA's view, co-payment (COSLA'S term for contributions) is therefore not inconsistent with a socially just system of accessing health and social care.

COSLA recommends that councils should not base the contribution required from the supported person on all the remaining income but rather a percentage of this income from 0% up to any percentage the local authority can justify. Given that any disregarded benefit allowance is to provide for costs over and above what a person without a disability would need to spend, those whose chargeable care costs are more or the same than the amount over which their disposable income exceeds the COSLA minimum threshold, will be in relative poverty if asked to contribute 100% of that amount. Those who do not meet the threshold for making a contribution would already be considered to be living in relative poverty (as defined by the Joseph Rowntree Foundation). The council's proposed policy is to apply a taper, which restricts the maximum contribution an individual will be required to contribute to 65% of the income they have remaining after disregarded income, expenditure and personal allowances have been applied.

Higher Cost of Living

Several studies have found that people with disabilities face a higher cost of living.

In February 2018, Disability charity Scope UK published a report on the additional costs of living with a disability. The key findings from their report were:

- On average, disabled people face extra costs of £570 a month related to their impairment or condition. This is on top of welfare payments designed to help meet these costs.
- One in five disabled people face extra costs of more than £1,000 a month.
- After housing costs, disabled people spend 49 per cent of their income on disability-related costs

They reported that it was vital that disabled people have adequate support from extra cost payments – Personal Independence Payment and Disability Living Allowance – to help meet some of these additional costs, and further action was required to drive down these costs.

Discrimination can also be seen as contributing to increased costs for disabled people. Indirect discrimination will include, for example, insufficient or lack of access to transport, services or public venues. Additional costs are incurred whenever a disabled person has to use private, rather than public, transport; has to provide a sign language interpreter in order to use a bank; or cannot 'shop around' for the cheapest goods because shops are inaccessible. Direct discrimination is seen when, for example,

disabled people are charged extra premiums for life insurance, content and motor insurance, and mortgage facilities (Lamb and Layzell, 1994).

As a result, disabled people can face severe social isolation. For example, the Disability in Great Britain report (Grundy et al., 1999) found that more than 40 per cent of the most severely disabled people had not been out shopping, to visit family or friends, or on any kind of excursion in the four weeks prior to interview. Although for many this will be the result of inaccessibility of social venues, it is likely that insufficient income is also a primary cause of social exclusion.

Financial Abuse (access to joint funds)

Vulnerable adults including older people and people with learning disabilities are more at risk from financial abuse. Some people with mental health issues may also be at a higher risk.

Financial exclusion, low levels of financial capability, and cognitive impairment can mean that older people become dependent upon others to manage their finances or to access their income or savings. A 'Centre For Policy On Ageing (CPA)' Briefing on the Financial Abuse of Older People (2009) states that "new opportunities for financial exploitation arise from government policy such as direct payments/individual budgets where people are expected to manage large sums of money; financial assessments for long term care involving property".

Social exclusion can increase the potential for financial abuse. Strong local communities and the effective delivery of services are crucial to the well-being and quality of life of all older people. Engagement of older people in local decision-making is important, in particular for those at risk of social exclusion (*The Financial Abuse of Older People*, Help the Aged, 2007).

When assessing joint income, the Scottish Office Circular SWSG1/97 states that "Local authorities may, in individual cases, wish to consider whether a client has sufficient, reliable access to resources, other than his or her own resources, for them also to constitute his or her means for the purpose of Section 87(1A)". The Scottish Government recommends that Local Authorities consider each case in light of their own legal advice but COSLA suggests this statement is ambiguous.

8. Mitigating Actions

If the policy has a negative/adverse impact on a particular group/s, but is still to be implemented, please provide justification for this.

Note: If the policy is unlawfully discriminatory under the Equality Act 2010 and/or is having a negative impact on poverty and socioeconomic disadvantage under the Fairer Scotland Duty, you MUST identify, how the policy can be amended or justified so the Council acts lawfully.

- a. **How could you modify the policy to eliminate discrimination or to reduce any identified negative impacts? If necessary, consider other ways in which you could meet the aims and objectives.**
- b. **How could you modify the policy to create or maximise the positive aspects of the proposals and to increase equality and reduce poverty and socioeconomic disadvantage.**
- c. **Describe any modifications which you can make without further delay (for example, easy, few resource implications).**
- d. **If you propose to make any of the modifications shown above, describe any potential new negative impacts on other groups in society or on the ability to achieve the aims and how you will minimise these.**
- e. **Please describe the resource implications of any proposed modifications taking into account financial, people and property issues.**

During the course of undertaking the original Equality Impact Assessment of the proposal to introduce a Contributions Policy for Non-Residential Social Care, a number of considerations were made that could

help address concerns around in particular, the risk of people with disabilities falling into relative poverty.

Taking account of these concerns, and further concerns raised during engagement with representative groups in July 2018, the following mitigating actions have been proposed in the draft policy:

- The policy applies a personal allowance threshold, to ensure individuals who have income below this threshold are not required to make a financial contribution for their care and support needs.
- The personal allowance is linked to rates set by the DWP for income support, disability premiums and pension credit. In order to provide more help to those on low incomes and to recognise that not all of someone's income above these rates should be taken in contributions, a buffer of 25% is added to these rates, as recommended in the COSLA National Guidance.
- As recommended in the COSLA guidance, the council will amend these personal allowance thresholds annually, in line with any DWP changes to income support, disability premiums and pension credit levels.
- The council will use benchmarking to monitor how its personal allowance thresholds compare with other Scottish council's. The council will keep the COSLA National Guidance under review, in particular for any changes that look at standardising charging thresholds across the different age groups.
- Councils can apply additional discretion to the level of residual income that individuals will have calculated in their financial assessment. The draft policy is based on the council restricting contributions to 65% of the level of excess income calculated. This taper will be applied to all individuals affected by the policy, and will assist those in financial hardship, or who have other household expenditure such as additional disability related costs.
- All individuals who undertake a needs assessment and financial assessment will be entitled to receive a Personal Income Check, through the Council's Advice Shop. As well as providing an income maximisation review, this service will also offer advice and support on debt, money management, energy and other housing options. The service will also be offered to carers and/or other members of the individual's household. In some cases, this service is likely to result in individuals increasing their household income.
- The policy gives individuals the right to request a review of their level of contributions, if they feel the level of contribution has been calculated incorrectly, or if they provide additional evidence that it will leave them in financial hardship. These will be considered on a case by case basis, and the Head of Social Policy will have delegated powers to consider the outcome of the review, which could result in a reduction or waiving the level of contribution.
- Recognition has been taken of the concerns raised by existing services users of any delay between the implementation date and the date of their financial assessment and how a backdated contribution would then apply. Officers have proposed that the implementation date for existing service users is delayed to 1 April 2019 and that financial assessments are undertaken between approval of the policy and 31 March 2019.

9. Monitoring and Review

- a. How will the implementation and impact of the policy be monitored, including implementation of any amendments? For example, what type of monitoring will there be? How frequent?
 - b. What are the practical arrangements for monitoring? For example, who will put this in place? When will it start?
 - c. How will results of monitoring be used to develop future policies?
 - d. When is the policy due to be reviewed?
 - e. Who is responsible for ensuring this happens?
- Please detail below

The council will put into place arrangements to monitor the impact of the new policy. Systems development work will be undertaken to monitor the level of contributions individuals are asked to make, and this will allow for updates to personal allowance thresholds and benefit disregard rates to be automatically built in to the financial assessment process to ensure it is accurate and up to date. This will also allow for key management reports to be developed which will allow scrutiny of the policy impact on individuals and collectively for all clients.

The policy will be kept under review by Social Policy in light of any key changes proposed in the annual COSLA updates to the National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services.

10. Recommendation and Reasoning

- ☐ Implement proposal with no amendments
- ☒ **Implement proposal taking account of mitigating actions (as outlined above)**
- ☐ Reject proposal due to disproportionate impact on equality, poverty and socioeconomic disadvantage

Reason for Recommendation

A number of recommendations for mitigating action have been incorporated into the policy, based around previous concerns raised in the Equality Impact Assessment published in February 2018 and further engagement with service users during July 2018.

Signed by Lead Officer	JANE KELLOCK
Designation	HEAD OF SOCIAL POLICY
Date	23 AUGUST 2018
Counter Signature (Head of Service or Depute Chief Executive responsible for the policy)	JANE KELLOCK
Date	23 AUGUST 2018

Contributions Policy for Non Residential Social Care Services
Frequency Asked Questions (FAQs)

Q.	Is it only the supported person's income, not the family's, which is taken into account?
A.	Yes for a single person / adult living at home. If part of a couple then 50% share of any income is also taken into account.
Q.	What services / support will be charged for?
A.	All non- residential social care services included within the needs assessment, with the exception of free personal care and the Home Safety Service (Telecare) will come under the contributions policy.
Q.	How will we know how much we will have to pay?
A.	The amount an individual will be asked to contribute will vary from person to person as it will be based on an individual financial assessment and ability to pay. You will be advised of the cost of your care and also of the calculation of any contribution.
Q.	For those people currently receiving support but who may not continue to be in the future – what does 'signposting' mean and who does it – is this to the third sector?
A.	Yes – this is done by the social care assessor and may include referral to third sector organisations. Work is currently being undertaken to ensure the provision of good, comprehensive information on what's available to assessors / public.
Q.	If the council cannot provide services in-house, is it not more expensive to have to do so externally?
A.	No – not necessarily and so we commission a range of provision externally taking both financial and quality considerations into account when doing so.
Q.	How will the council stop third sector providers applying additional charges or higher unit costs to people who may wish to arrange support themselves?
A.	This is partly addressed by contractual / framework agreement arrangements and, even with the introduction of Self-Directed Support (SDS), the market tends to find a balance or providers run the risk of pricing themselves out.
Q.	Will supported people / families / carers be given notice of when their review or re-assessment will take place?
A.	Yes – this will be agreed with the social care assessor.
Q.	If an review against the outcome of a financial assessment is successful, will this then be applied to everyone?
A.	All financial assessments are individual assessments based on individual circumstances and so reviews will be considered on a case by case basis and will not set precedents for all.



SOCIAL POLICY POLICY DEVELOPMENT AND SCRUTINY PANEL

ELECTRONIC INTER-AGENCY REFERRAL DISCUSSION RECORDING SYSTEM

HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

To advise members of the electronic recording system for Inter-agency Referral Discussions (IRDs).

B. RECOMMENDATION

It is recommended that Panel members note the contents of the report and the progress made in the implementation of the Electronic Inter-agency Referral Discussion recording system.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources; Working in partnership
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	N/A
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	None
VII	Consideration at PDSP	None
VIII	Other consultations	Members of the West Lothian Public Protection Committee and its sub-committees.

D. TERMS OF REPORT

An Edinburgh and Lothian wide electronic IRD system for Children and Adults was implemented locally in May 2018. This system, unlike the previous one, enables all three core agencies' (Police, Social Work and NHS) considerations and decisions about how to progress each Child Protection referral and Adult Protection referral to be visible and read by each agency. This enhances clear communication and understanding within and between each agency about what was agreed and why. If this is misunderstood by any partner, it enables a discussion to be undertaken to confirm agencies' expectations and record this update on the system.

Progression to a Child Protection Case Conference and Adult Protection Case Conference can be one of the outcomes from the multi-agency IRD decision-making process.

Key aim of this system is to formalise information sharing between partners to ensure risks are identified and appropriate plans put in place to manage these. This directly relates to vulnerable adults and children subject to either Child or Adult Protection arrangements

E. CONCLUSION

Whilst still at an early stage of implementation, initial feedback on the new system from multi-agency staff is extremely positive, with reports of enhanced and improved communication between professionals investigating Child Protection and Adult Protection concerns.

F. BACKGROUND REFERENCES

Appendices/Attachments: None

Contact Person(s): Tim Ward

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Interim Head of Social Policy

Date of meeting: 7th September 2018



SOCIAL POLICY POLICY DEVELOPMENT AND SCRUTINY PANEL

WEST LOTHIAN PUBLIC PROTECTION COMMITTEE 2016-2018 ADULT PROTECTION BIENNIAL REPORT

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

The purpose of this report is to note the DRAFT West Lothian Public Protection Committee's 2016–2018 Adult Protection Biennial report and support its submission to the Council Executive for their information.

B. RECOMMENDATION

The Panel is asked to consider the content of the West Lothian Public Protection Committee 2016-2018 Adult Protection Biennial Report which is intended to be submitted to the Council Executive for Information.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none"> • focusing on our customers' needs; • being honest, open and accountable; • developing employees; • making best use of our resources; • working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The Adult Support and Protection (Scotland) Act 2007.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	There is a suite of indicators that relate to Adult Protection that are overseen by the PPC and COG.
V Relevance to Single Outcome Agreement	People most at risk are protected and supported to achieve improved life chances.
VI Resources - (Financial, Staffing and Property)	None
VII Consideration at PDSP	None
VIII Other consultations	Members of the West Lothian Public Protection Committee and its sub-committees.

D. TERMS OF REPORT

The Adult, Support and Protection (Scotland) Act 2007 states that the appointed Independent Convenor of the Public Protection Committee must prepare a general Adult Protection Biennial report on the exercise of the Committee's functions.

Members of the West Lothian Public Protection Committee and its sub-committees were sent a copy of the DRAFT West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial report on Thursday 16th August 2018, as part of a two week consultation with them about it. Feedback received will be incorporated ahead of the final version of the Report being submitted to the Scottish Government on 31st October 2018.

The DRAFT West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial report addresses the two years of local activity to consider, progress and manage risk for Adults at risk and vulnerable people. It emphasises local operational practices, key challenges and areas for ongoing continuous improvement whilst supporting and training staff on existing, new and emerging National themes.

The West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial Report outlines the strong strategic governance structure and operational practices which enables agencies to work together effectively and in partnership to progress complex issues for adults at risk and other vulnerable people.

E. CONCLUSION

This report informs the Panel about the purpose of and the content of the DRAFT West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial Report including its submission time-line to the Scottish Government.

F. BACKGROUND REFERENCES

Appendices/Attachments: West Lothian Public Protection Committee 2016-2018 Adult Protection Biennial Report.

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Date of meeting: 7th September 2018

Adult Support and Protection

2016-2018 | Biennial Report



2016-2018 Adult Support and Protection Biennial Report

Preface

The Chief Officers' Group (COG) endorses this Adult Protection (AP) Biennial Report which reflects the work of the West Lothian Public Protection Committee (WLPPC) during the period 1st November 2016-31st October 2018.

The Adult Support and Protection (Scotland) Act 2007 introduced a legal requirement for all local authorities to establish a Committee and appoint an Independent Chair to progress Adult Protection. The Independent Chair is independent of the three statutory agencies (Council, NHS and Police) and all other partners, therefore satisfying the requirements in the Adult Support and Protection (Scotland) Act 2007.

The function of the West Lothian Public Protection Committee - Adult Protection arrangements is to:

- Keep under review the procedures and practices of the public bodies and office holders.
- Give information or advice, or make proposals, to any public body and office holder which relate to the safeguarding of adults at risk in the council's area.
- To make, or assist in or encourage the making of, arrangements for improving the skills and knowledge of officers or employees of the public bodies and office holders.
- Any other function as directed by Scottish Ministers.

West Lothian continues to see a commitment to the duty of cooperation from public bodies, office holders and partners to work together in the most effective and efficient way to respond to the needs of adults at risk and other vulnerable people. This has offered adults at risk and other vulnerable people proportionate support and protection by taking account of their views and wishes, as appropriate to their assessed needs.

West Lothian's Public Protection Committee is now embedded and a review of this is being planned to evaluate the benefits of this Public Protection structure and areas for continuous improvement and development. The timing for undertaking this review is helpful given the recent appointment of West Lothian Public Protection Committee-Adult Protection arrangements 3rd Independent Chair, Jeanette McDiarmid, in January 2018.

The Independent Chair is accountable to the Chief Officer Group consisting of the Chief Executive of West Lothian Council, Chief Superintendent Police Scotland and a senior representative from NHS Lothian. It is the responsibility of the Independent Chair to provide regular briefings and updates on the progress of the West Lothian Public Protection Committee in meeting the priorities set-out in the Public Protection Performance Improvement plan to the Chief Officers' Group (COG).

This governance structure is understood locally and the West Lothian Public Protection Committee makes recommendations to COG for ratification on key decisions.

West Lothian in Context

The population of West Lothian is 180,130, accounting for 3.3% of Scotland's total population. The overall population has increased by over 2,000 residents (0.88%) since 2015.

West Lothian has undergone significant change over the last ten years in demography, physical environment and its economy. These changes have presented opportunities and challenges for West Lothian's communities and the organisations that deliver services in the area.

West Lothian has been one of the fastest growing areas of Scotland and is predicted to continue this trend. By 2037 the population of West Lothian is projected to be 196,664, an increase of 11.7% compared to the 2012 population. The rise in population in Scotland as a whole is projected to increase by 8.8% over the same period, comparatively slower than in West Lothian.

Increases will not be seen across all age groups, in the 25 year period there will be an overall net reduction of 11.9% in persons aged 25-64, whilst there will be increases in the number of younger residents aged 0-15 (7.7%) and 16-24 (1.8%). However, the growth in the older age groups will be the most significant with the 65-74 age groups increasing by 57%, and the over 75 age group increasing by 140%.

The projected increase in the over 65 age group is likely to place particular strain on services. Alongside the projected reduction in the working age population, and in particular the 50-64 age group who provide most of the unpaid care, these demographic changes will present a significant challenge for the provision of health and social care services in the future.

West Lothian Public Protection Committee

The West Lothian Public Protection Committee (WLPPC) was formed on 1st April 2016, bringing together the separate committee structures for Adult Protection, Child Protection, Violence against Women and Girls and Reducing Re-offending into a single public protection committee structure. The benefits from this are:

- Strong leadership, management and accountability.
- Decisive decision-making and deployment of resources to improve outcomes for children and adults.
- Identifying multi-agency working groups to develop and progress new pieces of work and improve areas identified for continuous improvement.
- Representation from specialist services including the West Lothian Alcohol and Drugs partnership (WLADP) and Fire and Rescue service.
- More effective and coordinated interagency working.

The WLPPC's governance structure and supporting sub-committees provides the opportunity for ownership and accountability of adult protection practices and processes at

all levels across the partnership. It also affords the opportunity for information to be promulgated at both operational and strategic levels ensuring issues raised by staff are brought to the attention of the committee.

The membership of the WLPPC has been extended to represent key service areas who work in partnership to support, assist and help West Lothian residents. This has enabled the WLPPC to continue to progress cross cutting multi-agency matters whilst identifying future training opportunities and developments.

Extending the membership has also led to improvements in:

- Information sharing.
- Performance in adult protection processes.
- Outcomes for the public including adults at risk and other vulnerable people.

The WLPPC - Adult Protection arrangements have two sub-committees to progress the functions of the Committee and improve outcomes for adults at risk and other vulnerable people. These are:

- Adult Protection Quality Assurance sub-committee
- Adult Protection Practice and Training sub-committee.

Adopting a public protection systems approach to risk in West Lothian has provided ongoing opportunities to raise staff's awareness about the need to not only assess the adult at risk's circumstances but, raise concerns for other vulnerable people if concerns are identified.

Feedback and learning from such cases has enabled the WLPPC to progress cross-cutting and multi-agency matters swiftly by identifying enhancements to key processes and providing staff with training opportunities. Recent work has included:

- Developing a revised West Lothian Forced Marriage for Children and Adults procedure.
- Organising for SHAKTI to deliver skills based Forced Marriage training locally to multi-agency partners.
- Developing a revised West Lothian Adult Protection Learning Review Protocol and Procedure.
- Developing a West Lothian Human Trafficking Procedure for Children and Adults.
- Developing a Prevent procedure.
- Developing a multi-agency chronology template by using Care Inspectorate guidance.
- Developing one-off bespoke multi-agency protocols to meet assessed needs of an individual and coordinate the response from agencies to manage associated risk.

Adult Protection reports of concern

A report of concern or Adult Protection referral can be made when someone 'knows or believes' an adult is at risk. This message has been communicated to the public and multi-agency staff regularly through a range of communication methods. This has led to a year on year increase in the number of referrals recorded and identification of harm. Table 1 notes 2 years of reported and recorded Adult Protection referrals.

Table 1:

Number of Adult Protection referrals held in 2016-2017	Number of Adult Protection referrals held in 2017-2018
436	540

This increase in referrals is viewed positively as it reflects increased awareness amongst professionals and members of the public to report causes for concern or make an Adult Protection referral.

Area of good practice:

West Lothian has streamlined and enhanced its handling and management of reports of concern and Adult Protection referrals by:

- Appointing a qualified Council Officer as a Team Manager in the Contact and Referral Team. This team manages and processes reported notes of concern(s) and Adult Protection referrals prior to being screened by either the Adults Assessment or Older Peoples Team.
- West Lothian has implemented an electronic email address for public bodies, office holders and other partners to send referrals to. This has been utilised well by the Scottish Ambulance Service (SAS) and Fire and Rescue Service.

The Adult Support and Protection (Scotland) Act 2007 and its updated code of practice dated April 2014 notes the parameters for identifying and managing an Adult Protection case. The complexity for staff managing each Adult Protection case was described as "Staff working in adult support and protection skilfully walk a tightrope between risk mitigation and positive risk enablement" page 16, Joint Inspection of Adult Support and Protection report by the Care Inspectorate and HMICS.

An Edinburgh and Lothian wide electronic IRD system was implemented in May 2018. This system, unlike the previous one, enables all three core agencies' considerations and decisions to be visible and read by each agency. This enhances clear communication and understanding within and between each agency about what was agreed and why. If this is misunderstood by any partner, it enables a discussion to be undertaken to confirm agencies' expectations and record this update on the system. Whilst still at an early stage of implementation, initial feedback on the new system from multi-agency staff is extremely positive, with reports of enhanced and improved communication between professionals.

Progression to an Adult Protection Case Conference can be one of the outcomes from the multi-agency IRD decision-making process.

Independent Chairs (operational Practice Team Managers who are qualified Council Officers without line management responsibilities for the case under Adult Protection) continue to Chair an Adult Protection Case Conference and Adult Protection Case Conferences Review meetings.

West Lothian's multi-agency Electronic Inter-agency Referral Discussion (E-IRD) system requires each of the three statutory agencies (Police, NHS and Social Work) to discuss the circumstances of an Adult at Risk case prior to determining the best way to manage and progress it at Investigation stage. Discussion, decisions and actions are recorded electronically and visible to the core agencies.

A 20% sample of closed IRDs, consisting of 14 cases - 7 older people and 7 adults in 2016-2017, was audited. The findings showed harm types are routinely recorded on the E-IRD. This affirms that the criterion for the Adult Support and Protection (Scotland) Act 2007 is being applied and adults at risk identified at referral/Duty to Inquire stage. An E-IRD is then completed at Investigation stage to determine an appropriate and proportionate Adult, Support and Protection management plan for each person discussed.

In contrast to the increased number of Adult Protection referrals recorded, there has been a decrease in the number of, IRDs undertaken. It is thought this is reflective of proportionate multi-agency decision making at Investigation Stage to identify how best to proceed with a case.

Table 2 shows the number of AP IRDs held for 2016-2017 and 2017-2018 and the four most prevalent harm types:

Number of IRDs held in 2016-2017	Number of IRDs held in 2017-2018
76	70
Reported Prevalent Harm types: 1. Physical Harm 2. Psychological Harm 3. Financial Harm 4. Neglect	Reported Prevalent Harm types: 1. Physical harm 2. Financial Harm 3. Psychological Harm 4. Sexual Harm

Adults who have mental health issues and those who are infirm due to age were recorded as being the top two main client categories where an E-IRD had been undertaken.

Area of Good Practice:

An Inter-agency Referral Discussion (IRD) Review Group has been established to act as a Quality Assurance mechanism in the Adult Protection process. It is held monthly and its function is to:

- Examine all closed IRDs

- Review IRDs remaining open after a 4 week period
- Feedback to the IRD participants without delay to reconsider or justify IRD decisions
- Identify themes for targeted skills based learning opportunities and development.

Table 3 shows the number of Adult Protection cases which proceeded to an Adult Protection Case Conference in 2016-2017 and 2017-2018:

Number of Adult Protection Case Conferences held in 2016-2017	Number of Adult Protection Case Conferences held in 2017-2018
26	25

Table 4 shows the number of Adult Protection Case Conference Review meetings held in 2016-2017 and 2017-2018:

Number of Adult Protection Case Conference Review meetings held in 2016-2017	Number of Adult Protection Case Conference Review meetings held in 2017-2018
63	47

Table 4 Illustrates that more than one Adult Protection Case Conference Review meeting was held for some of the cases subject to Adult Protection in order to manage risk and offer support.

Staff can access West Lothian's Case Review Framework which comprises a suite of multi-agency escalation procedures for those Adult Protection cases where further scrutiny, guidance and direction is required from Senior Managers.

Area of good practice:

Senior Managers have provided strong leadership and support to staff when needed to progress complex and challenging cases through the use of West Lothian's Case Review Framework. The process has been identified as adding significant value by both practitioners and senior managers.

Table 5 shows the type and number of escalation meetings held under West Lothian's Case Review Framework during 2016-2018:

During 2016-2018 the following Adult Protection meetings have been held:

Meeting type:	Number held:	
Initial Case Review (ICR) Cases	2016-2017	0
Large Scale Investigations, Senior Representative meetings held	2016-2017	2
	2017-2018	4
Critical Review Team	2016-2017	4
	2017-2018	2
Learning Review cases	2016-2017	0
	2017-2018	0

6 Large Scale Investigations Senior Representatives meetings have been held. Of these 6 meetings, 4 have proceeded to a Large Scale Investigation. The outcomes from the Large Scale Investigations include:

- Imposed restrictions on business.
- Criminal proceedings.
- Improvements made in resources to raise standards of care.
- Duty to report awareness raising training.

The Critical Review Team (CRT) escalation framework continues to be an effective way to offer direction and guidance in complex cases (aged 15+) to multi-agency staff where further decision-making is required on the best way to proceed. Such cases are often complex and high risk in nature with no clear legislative framework available to meet the specific criteria of the case. A multi-agency critical review meeting provides the opportunity for senior practitioners to discuss the specifics of the case presented, identify options and agree a proportionate response to manage and mitigate risk.

Adult Protection Practice & Training Sub-committee and Adult Protection Quality Assurance sub-committee

The Adult Protection Practice and Training Sub-committee continues to work in tandem with the Adult Protection Quality Assurance sub-committee to progress enhancements to key Adult Protection processes and progress national and local emerging themes for development and training.

A multi-agency Adult Support and Protection training programme continues to be delivered. Course evaluations have been positive to date; with the programme of training being reviewed to incorporate a more skills based approach in 2018-2019.

Adult Protection Chair training was recently delivered to Independent Chairs. This provided an opportunity to refresh on the existing Social Policy Adult Support and Protection procedures for managing an Adult Protection meeting and to reflect on the skills required by a Chair.

Feedback from course participants indicated that since attending this training they felt more confident in carrying out their role as an Independent Chair.

The Quality Assurance sub-committee has utilised a range of activities to evaluate services delivered and also outcomes for service users. This includes self-evaluation, audit/inspections, feedback from surveys and analysis of local trends within the annual Scottish Government dataset return. Findings from each of these activities are considered and discussed at the WLPPC with a view to continuously improving Adult Protection arrangements. A focus for future development and improvement is using a robust self-evaluation framework for all staff involved in adult protection from practitioners to senior managers.

An audit of completed and returned Service User Questionnaires in 2016-2017 showed a year on year reduction in the number completed following an Adult Protection Case

Conference or Adult Protection Case Conference Review meeting. In order to address this new engagement forms have been developed for service users, relatives of service users and professionals. This has increased the opportunities to receive feedback from all of those attending an Adult Protection meeting.

West Lothian Financial Harm Reduction Group

The West Lothian Financial Harm Reduction Group (FHRG) was established in 2014. The focus of this group is to maintain links with partner agencies and raise awareness of financial harm locally through various means of communication and road shows including Flu Clinics.

Financial Harm continues to be reported as one of the principal types of harm identified and representatives from Trading Standards, Police Scotland, Scottish Fire and Rescue Service, Social Work, Victim Support Scotland, Alzheimer Scotland, NHS Lothian and Care & Repair West Lothian work together to address financial harm and develop proportionate and preventative responses-

West Lothian adopted 'The Banking Protocol', a preventative initiative between the police, banking institutions and Trading Standards to identify vulnerable victims who are in the process of being defrauded of funds from their bank accounts by criminals and to intervene at the earliest opportunity. The Protocol is designed to provide a standardised method for how these concerns are dealt with and reported to the police to stop multiple victimisation.

Area of good practice:

A local Bank recently reported that by utilising 'The Banking Protocol' a customer's financial interests were safeguarded by this preventative approach and intervention being taken.

West Lothian Adult Protection Management Meeting

The West Lothian Adult Protection Management Meeting (APMM) is accountable to the Community Care Management Group (CCMG) for progressing Social Policy Adult Support and Protection operational practice and delivery of service in order to consistently meet performance expectations.

The APMM strives to identify what works well, what could be improved or needs to be progressed in order to promote Adult Protection practices across Social Work Services. The APMM ensures there is a clear link between strategy, national developments and local practice. A member of this group attends the Adult Protection Quality Assurance sub-committee which ensures there are clear lines of communication between these meetings.

Additionally, a member of the APMM chairs the Adult Protection Team Management (APTM) meetings which are held for Social Work Team Managers who also act as Independent Chairs. The purpose of this meeting is to engage with operational staff to identify operational challenges, areas for development and improvement and good practice examples for use at training events.

Area of good practice:

The reintroduction of Adult Protection Team Managers meetings has allowed adult protection staff to disseminate good practice to social work practitioners and to understand and respond to areas of operational concern.

West Lothian Appropriate Adult Service

The West Lothian Appropriate Adult Service is solely managed and funded by West Lothian Council and continues to operate 365 days a year and is mainly supported by Social Work staff to provide this service to Police Scotland.

During the period 2016-2018 all requests for an Appropriate Adult have been met.

The implementation of the Criminal Justice (Scotland) Act 2016 in January 2018 placed a legislative requirement for a vulnerable adult suspect to be provided with the services of an Appropriate Adult.

Further parts of this 2016 Act will be implemented over 2019–2020 which will enable duties to be placed on a person or persons to provide appropriate adult services, to oversee the quality and delivery of those services, to make recommendations and to provide training. The Appropriate Adult model currently operating in West Lothian meets the majority of the proposed statutory requirements of the 2016 Act.

West Lothian recognises that there is likely to be an increase in demand for the services of an Appropriate Adult once the additional parts of the 2016 Act come into effect. As it is anticipated more adults may meet the criteria and require a service.

It is hoped that funding will be provided by the Scottish Government to resource this service in order to continue to deploy an Appropriate Adult consistently.

Missing Persons

Following the introduction of the National Missing Persons Framework for Scotland on 1st May 2017, a protocol was established with St. John's Hospital in West Lothian and the Lothian and Scottish Borders Division ('J') of Police Scotland. This protocol mirrors that outlined by the National Missing Persons Framework for Scotland involving patients who go missing from NHS Care.

This protocol continues to work well and senior managers from both NHS Lothian and Police Scotland agree that the protocol was a positive step. Refresher training is also being undertaken to reinforce to staff the benefits of this protocol and how it works in practice.

The following information provided by the National Missing Persons Unit of Police Scotland outlines the Missing Persons Statistics within the West Lothian area over the period 01/04/2017–31/03/18.

Cared For Adults = 25 Investigations				
	Care Home	Home Address	NHS	Other
Male 21- 86		4		
Male 25 -59			10	1
Male 58 - 86	5			
Female 52- 79	1	1	3	

Adults = 310 Investigations						
	Work Address	Home Address	NHS	School	Foster Care	Other
Male 19 - 84	3	123	66	1	1	9
Female 19 - 83		58	39			10

In 2016 West Lothian Council received funding from Scottish Government to expand the use of technology to act as an additional safeguard and to promote independence at home. As part of this initiative the use of GPS tracking devices was considered and subsequently a pilot agreed to promote this service by a team of staff from the West Lothian Home Safety Service. The devices were offered to a number of people following a risk assessment, which indicated that the use of a device could be beneficial.

In 2018 an additional number of GPS devices were issued to service users and a short life working group established to identify any issues with the current service provision, determine best practice and consider future service delivery.

At the completion of this pilot, it is anticipated that the provision of GPS devices will be supported and maintained for use by vulnerable people should they require this service.

Area of good practice:

As part of the risk assessment process a Missing Person Protocol was developed with templates for completion prior to a GPS device being used by a vulnerable person. These were approved by a multi-agency group comprising representation from Adult Protection, Legal Services and the Technology Enabled Care Board.

Performance Information

Performance Information is regularly reviewed by the Public Protection Committee in order to be assured that Adult Protection work is progressed efficiently and effectively. From reviewing this performance information for a prolonged period of time, the Committee has agreed to review the existing indicators to change their focus from a single agency perspective to a multi-agency one.

Self-Evaluation / Continuous Improvement

The WLPPC is going to:-

- Enhance and update West Lothian Public Protection Committee's Adult Protection information on the Internet to enable people to swiftly access the information they require.

- Improve opportunities for Service Users, relatives and professionals to give feedback about their experience of participating in the Adult Protection process and what worked well and what could be improved.
- Engage with staff, by holding a series of themed focus groups, to learn what would assist them to progress Adult Protection work..
- Develop skills based training around the learning from recent LSIs and SCRs undertaken locally and nationally.
- Revise and update Adult Protection policies and procedures to ensure they are fit for purpose and relevant based on learning especially from LSIs and CRTs.
- Following evaluation of Home Fire Safety in other local authority areas, to offer home fire safety training on a multi- agency basis to all relevant staff in West Lothian.
- Promote and encourage staff to participate in the Domestic Abuse training.
- Roll out training & briefings as a result of the recent publishing of the 'National Adult Protection Co-ordinator's Self-Neglect and Hoarding Practitioner and Strategic Briefing' 2018 paper.

The West Lothian Public Protection Committee's Improvement plan for 2018 notes several areas for development as noted in Appendix 1. The Adult Protection Quality Assurance and Learning and Development 2018 Action plan is drawn from this – Appendix 2 and 3.

Key Challenges

- Identifying and responding to the increasing prevalence of hoarding and self-neglect especially for those who may not be an Adult at risk of harm but, nevertheless vulnerable.
- Working in partnership to progress and manage risk when there are no clear statutory frameworks available.
- Implementing an effective and sustainable Quality Assurance framework.
- Improving information sharing between the WLPPC and West Lothian's Integration Joint Board on adult support and protection issues.
- Understanding the needs of adults at risk and ensuring services are tailored to their specific needs.
- Receiving meaningful feedback from service users and ensuring services across the partnership respond accordingly.

National issues

- Human trafficking.
- Honour based violence.
- Female Genital Mutilation.
- Forced marriage.
- Counter terrorism – Prevent.
- Sexual exploitation.
- Financial harm.

Conclusion

Adult Protection is an integral part of the West Lothian Public Protection Committee arrangements.

The West Lothian Public Protection Committee will lead on directing, progressing and enhancing local Adult Protection processes in partnership with other public bodies, officers and multi-agency staff, oversight from the Chief Officers' Group and support from strategic management teams and operational staff.

Delivering on the noted national issues and local challenges will be a focus of future work and development.

Updated on 16/08/2018

Updated on 22/08/2018

DRAFT

Social Policy – Policy Development and Scrutiny Plan – Workplan

Title	Responsible Officer	Date of PDSP	Reports to be finally submitted
September 2018			
Eligibility Policy	Jane Kellock / Alan Bell / Pamela Main	7 th September	
Contributions Policy	Jane Kellock / Alan Bell / Pamela Main	7 th September	
IRD Developments	Tim Ward	7 th September	
Adult Protection Biennial Report	Tim Ward	7 th September	
November 2018			
Chief Social Work Officer Annual Report	Jane Kellock	1 st November	
Care Inspectorate Grades – Children and Families	Jo MacPherson/ Tim Ward	1 st November	
See Hear	Pamela Main	1 st November	
Care Inspectorate Grades – Community Care	Alan Bell	1 st November	

Reports to Elaine Dow

Council Executive Reports to Val Johnston / Eileen Rollo

IJB Reports to Ann Higgins