Midlothian

Fair Allocation of Care Policy (Adults)

DRAFT DOCUMENT

1 Contents

2   Introduction

Midlothian Council provides a range of Community Care support services to individuals with varying levels of support needs. Access to this support is determined by agreed Eligibility Criteria, with funding being made available where an individual has been assessed as having critical or substantial care needs. Midlothian Council has a responsibility to provide the best possible care within given levels of resource and also to ensure there is equitable allocation of the available resource.

Where an individual has complex needs[1] there can be significant variation in the costs of supporting that individual depending upon the model of care used to provide their support. This policy aims to ensure there is a fair allocation of resources to individuals who require support by outlining the models of care that will be considered when an individual requires a significant amount of support in their daily living.

3   Legislative Context

The main duty to provide community care services derives from Section 12A of the Social Work (Scotland) 1968 Act.

> "Where it appears to the local authority that any person for whom they are under a duty, or have a power, to provide community care services may be in need of any such services the local authority must:
>
> - Assess the need of that person for support
> - Decide on the basis of the assessment whether services should be provided taking account of:
>   - Whether there is a carer providing substantial amount of care on a regular basis; and
>   - Both the views of the person whose needs are being assessed and the views of the carer"

The Social Care (Self Directed Support) (Scotland) Act 2013 introduced choice and control in the provision of social care support. The Act places a duty on local authority social work departments to offer people who are eligible for social care a range of choices over how they receive their social care and support. It allows people to choose how their support is provided to them, and enables people, if they wish to do so, to organise this support themselves under option 1 or 2. It also requires that the local authority must provide information, including the available budget, to individuals to assist with their decision. If an individual chooses options 1 or 2, the local authority must make payment of a relevant amount to enable them to arrange the provision of support. It

---

[1] As a general rule someone will be assessed as having complex needs when in addition to support with specific tasks to meet their outcomes an individual requires support on a regular or ongoing basis for their safety and wellbeing or the safety and wellbeing of others.

should be noted that payment made by the Local Authority should be an amount that the local authority considers to be a reasonable estimate of the cost of securing the provision of support.

Midlothian Council is accordingly required to perform its statutory duties under the terms of the 1968 and 2013 Acts, while exercising its discretion in performing these duties. Midlothian Council must ensure that an assessed need is being met, and must take into account the views of the individual and their carer but they do not have to fund the care requested by an individual or their carer if the assessed need can be met in a more cost effective manner. The local authority is not required to fund more expensive models of care where support can be provided effectively by alternative models of care.

4   Types of Support

Social Care support can be divided into two main categories:

- *Task Based Support* – This support considers tasks in the broadest sense. Tasks that someone may need support with would include:
    - Personal care
    - Housing support
    - Support to engage in meaningful activity

- *Support to Stay Safe and Well* – This is support that is necessary to mitigate risk to the individual, or others, that would arise if an individual was left on their own (for example risks relating to neglect or physical or mental health). This support may include an element of encouraging and supporting individuals to engage in positive recreational activities, directing them in general daily living tasks, or managing their behaviour or anxiety.

There is a general principle that all support must be purposeful and seek to promote independence. It is recognised that being independent is not solely living without support, but would include developing skills to manage with less support (for example being able to participate in a social group where support is shared between several people rather than having 1-1 support).

There are a number of ways that support that can be provided to individuals:

- *Natural Support* – Support provided by family, friends and neighbours
- **Community supports** – support that is available through clubs and activities in the community
- **Universal Support** – Support that is available to all citizens. This would include services such as health and education, as well as services that individuals can self refer to such as some day-services
- **Shared Support** – Support where an individual will need access to support, but the level of support required means that individual support is not needed all the times (but maybe required intermittently) and / or the support can provided to several individuals together

- **1-1 Support** – Where an individual's needs are such that they need individual support at all times from a dedicated support worker
- **2-1 Support** – Where an individual's needs are such that 2 workers are required to provide support in order to manage risk and keep the person and others safe. When assessing the need for 2-1 support the provision of a combination of 1-1 support and shared support should be considered. In exception cases 3-1 support may be required for specific tasks, e.g. moving and handling.[2]

There is an inherent risk in all aspects of daily living and therefore it is not always possible, or appropriate, to completely reduce or eliminate risk in every situation. Consequently, while assessments will identify and assess the level of risk, Midlothian Council will provide support necessary in order to mitigate the risk and reduce it to an acceptable level.

5 Types of Living Arrangements

Where an individual requires significant levels of support this will usually be in one of four types of living arrangements:

5.1 Living with Family

It is recognised that many individuals with disabilities continue to live in the family home with family members providing informal support. In some cases individuals who meet eligibility criteria will receive support to engage in meaningful activity and to participate in community life. Where an individual is living with family, additional support may be provided at times when support cannot be provided by family members, or to provide family members with respite from their caring role. This may include some night time support.

While in most circumstances Midlothian Council will support individuals to live with family there may be circumstances where supported living may be more appropriate:

- The cost of providing support in the family setting exceeds the cost of providing shared support within a supported living setting. This would only be likely to occur if an individual required high amounts of individual support as opposed to the shared support that could be provided in a supported living environment

---

[2] This document will refer to 2-1 support, but this should be read to include 3-1 support in exceptional circumstances, e.g. for bariatric care.

- The nature of the support that would be required in the family setting cannot be provided effectively. This would typically be as a result of fluctuating needs or high levels of support being needed at short notice
- An assessment identifies that it is not in an individual's best interest to remain at home

Leaving a Family Home

Should an individual, or a Power of Attorney / Guardian acting on their behalf, decide the individual should make plans to leave a family home, they should both contact the local authority housing section and register an application for local authority housing. They should also make a referral to Adult Social Care for an assessment of the most appropriate housing options and support required for daily living. Advice should be given at this stage that making a housing application does not necessarily mean that care and support will be provided in any preferred housing option.

The individual or their guardian may choose to find their own owner / occupier or privately rented property, however, this should be discussed with Adult Social Care to ensure their assessed care and support needs can be met in this property.

Any housing application will be progressed in line with the Local Authority's housing allocation policy and will take into consideration factors such as the age of the individual, housing need, type of accommodation requested and their support needs. Concurrently a social care assessment will be conducted to determine the level of support an individual requires, whether there is a need for supported living, and the appropriate model of care. As there will be a need to match to suitable housing there will the allocation of housing may take some time particularly for younger adults. All requests for housing with support will be considered by the Adult Social Care Housing Panel before an allocation is made.

Any urgent housing requests, including circumstances where an individual has been advised they must leave the family home, would require the individual to present as homeless in order to access priority housing.

5.2 Independent Living with Support

An individual is considered to be living independently when they do not require significant amounts of support, and can manage on their own for significant periods of time.

Where support is required it would be for specific tasks. General support to keep an individual safe would normally be incorporated into this support, with Telecare being provided in case the individual requires immediate access to support.

With this model of support there will be little or no overall difference between costs of shared support or individual support and therefore an individual living independently with support would be able to choose whether or not to share accommodation.

6   Supported Living Care Models

There are four models of care for the provision of supported living that are detailed below. These models are characterised by the need for more significant levels of support to keep an individual or others safe.

- *Shared or Clustered Living* – This is the default model of support where an individual will share a property with others or live in a property in close proximity to other individuals who require similar support so that support can be shared. This would include extra care housing.
- *1-1 Tenancies* – A single tenancy would only be considered when a individual is assessed as not being able to share a social space with others (for example by consistently becoming distressed or aggressive in the company of others) or an assessed need for continuous individual supervision means a clustered model of support would be cost neutral. Social contact would be provided by day services.
- *Specialist Care* – The individual's needs are such that a specialist staff team is required to provide support to the individual.
- *Residential Care* (including nursing care)– Specialist care needs that require 24/7 care in a specialist setting due to medical, behavioural or age related physical or sensory needs that cannot be met in a non residential environment. Deteriorating conditions that require increasing reliance on high levels of support that are usually best provided in a residential care setting. This should also include people whose needs are volatile and fluctuate and are at risk of frequent hospital admissions.

6.1   Assessment of Supported Living Care Model

An individual's assessment will determine the appropriate supported living care model that would be funded by the local authority. While principles of choice and control should be considered within the assessment, the local authority cannot provide desired support irrespective of cost due to the finite resources available. Assessments should reflect the views and wishes of individuals and, where appropriate, their carers and legal guardians. However Midlothian Council will take the cost of providing any support requested by the family into consideration in its decision making. If that request is more expensive than the individual is assessed as requiring and the Council are able to provide, then the Council may not meet the request. The local authority will determine the funding available based on the most appropriate supported living care model that will meet needs in the a cost effective manner.

This approach does not preclude funding being used develop a support package based on an alternative model providing it is safe, meets individual needs, and can be sustained in the long term. Should an individual wish to fund extra support, or have regular informal support provided as part of their care package, they are able to do so, provided that they are aware that funding for this cannot be made by the local authority.

6.2 Existing Care Packages

Changing circumstances and historical decision making may mean that individuals are provided with a level of support that exceeds their assessed needs. In these circumstances an individual's assessment and plan should identify the appropriate model of care and need to transition to this model.

6.3 Residential Care

There is a general policy not to commission models of support for life long or long term institutional living. There will however be a small number of individuals where there will be an assessment that their needs cannot be met in a community based environment and there will be a requirement for specialist residential care.

Residential care or nursing care may be appropriate for individuals with declining health who require a model of care that can respond to fluctuating and increasing needs that cannot be effectively, or affordably, be provided in a non residential setting. In meeting the support needs of older people with a learning disability, consideration will need to be given as to whether increasing age related support needs mean they are best met within a care home environment specialised in meeting such care needs.

6.4 Out of Area Placements

Midlothian Council will not normally consider out of area placements. This is both because of the principle that Midlothian citizens should be supported to live in Midlothian wherever possible, and to mitigate specific risks to individuals that arise from out of area placements. The risks are:

- Individuals may become disconnected from their local community (this risk increases with the length of time the individual is in an out of area placement)
- Distance from family, friends and peer support networks leaving individuals socially isolated
- Additional direct and indirect costs related to the provision of support
- Supervision of support being provided can be less rigorous due to geographic distance
- Can lead to inequity of service provision due to cost of service provision

There may however be circumstances where an out of area placement needs to be considered. Out of Area Placement should only be considered when:

- There is an assessed need for a specialist service to provide support or care that cannot be provided locally

- The service cannot be provided economically locally
- An emergency placement is required and the need cannot be met locally. (In these cases there should be a plan to provide an alternative placement within Midlothian as soon as is reasonably practical)
- There is an assessed need for the individual to move from the local area because of specific risks to themselves or others as a result of them continuing to live in Midlothian

Midlothian Council recognises that individuals may wish to move to other areas and the services that may be available in another area may be part of their decision in relation to this. Midlothian Council would consider a decision to relocate as a personal decision and,would provide assistance, but not necessarily funding to facilitate this. This would be considered on a case by case basis.

6.5 Support with Education & Learning

6.5.1 Formal Education

Local authorities have responsibility for education provision up until school leaving age. Provision of education beyond school leaving age is the responsibility of further education bodies not funded by Midlothian Council. Access to courses is determined by colleges themselves. Where, due to a disability, additional support is needed for learning within the classroom setting this should be provided by the education establishment. Midlothian Council may still however have responsibility for funding personal care (e.g. personal care support at lunchtimes).

Support will normally only be provided to attend local colleges. Individuals or families choosing not to attend a local college would be required to meet additional support and travel costs themselves. In the case of higher (university) education it is accepted that there may be a need move away from the local area to access specific courses. Any such requests will be considered on a case by case basis.

6.5.2 Informal Learning & Independent Living Skills

It is recognised that individuals with disabilities will require support with informal learning and developing independent living skills throughout their life. This should be built into individual's support plan. In some circumstances it may be appropriate to provide additional short term support to reduce the need for longer term support.

6.6   Preventative Support

In some circumstances the provision of preventative support or support to build an individual's resilience and independence can result in reduced long term expenditure. Where an assessment identifies this situation, additional preventative support can be requested. Preventative support will always be time limited and subject to regular review.
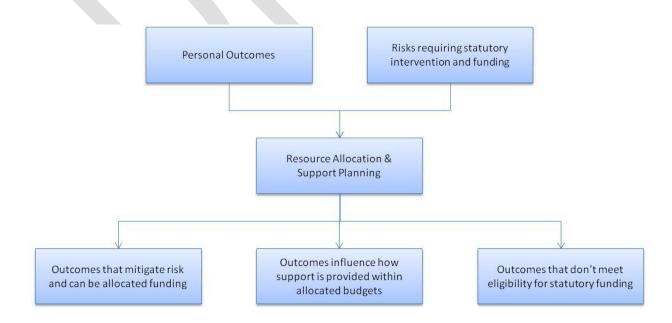
7   Guidance on Assessment and Allocation of Budget

7.1   Assessment

Midlothian Council takes an outcome based approach to assessment which focuses on conversation around 'What matters to me' and 'What would I like to achieve'. It is recognised that an outcomes assessment will identify a range of outcomes for an individual not all of which will meet eligibility criteria for statutory funding. This is illustrated in the diagram below.

The eligibility criteria in Midlothian Council are based on risk around a number of key areas and outcomes that mitigate risk can be allocated budget. The assessment may also identify outcomes that will influence how support is provided if this can be achieved within allocated budgets. Assessments may also identify outcomes that don't meet eligibility criteria for statutory funding. Where it is possible individuals will be assisted to meet these outcomes, but it should be recognised the local authority has no statutory responsibility to fund assistance for this.

There are 5 main categories of support that the local authority will, where eligibility criteria are met, provide resource to meet outcomes. These categories are:

- Personal care
- Housing support
- Support to engage in meaningful activity to participate in community life
- Support to be safe during the day
- Support to be safe during the night

The following table outlines how the 'talking points' headings in the community care assessment relate to the eligibility criteria and support that is eligible for statutory funding.

Overall Outcome (as in CC Assessment)	Risk meeting Eligibility Criteria	Categories of Support to Mitigate Risk
Feeling safe	Risks relating to neglect or physical or mental health - Major or significant health problems which cause life threatening harm or danger to client or others	Support to be safe during the day Support to be safe at night
Having things to do	Risks relating to participation in community life - Severe loss of independence caused by being unable to sustain involvement in vital or many aspects of work/ education/ learning	Support to engage in meaningful activity
Seeing people	Risks relating to participation in community life - Loss of independence caused by being unable to sustain involvement in vital or many aspects of family/ social roles and responsibilities and social contact	Support to engage with others in a community context
Staying as well as I can	Risks relating to personal care - Major or significant harm or danger to client or others or major risks to independence caused by inability to manage vital or most aspects of personal care	Support with personal care
Life as I want (including where I live)	*This section does not link specifically to the eligibility criteria but the outcomes identified in this section would be used to inform how the eligible support, identified in other sections could be met.*	
Life Skills	Risks relating to domestic routines / home environment - Major or significant harm or danger to client or others or major risks to independence caused by inability to manage vital or most aspects of domestic routines - Substantial loss of choice and control managing home environment	Housing support *(Would also be used to inform meaningful activity)*
Mobility	Risks relating to domestic routines / home	Aids and Adaptations

Overall Outcome (as in CC Assessment)	Risk meeting Eligibility Criteria	Categories of Support to Mitigate Risk
	environment • Major or significant harm or danger to client or others or major risks to independence caused by inability to manage vital or most aspects of domestic routines Substantial loss of choice and control managing home environment	Transport
Health (including medical history/medication)	*This section does not link specifically to the eligibility criteria but the outcomes identified in this section would be used to inform how the eligible support, identified in other sections could be met.*	
Dealing with stigma/ discrimination	Risks relating to neglect or physical or mental health • Abuse or neglect has occurred or is strongly suspected (includes financial abuse and discrimination)	Specific invention and support as required under Adult Support and Protection
Finances	Risks relating to domestic routines / home environment • Major or significant harm or danger to client or others or major risks to independence caused by inability to manage vital or most aspects of domestic routines	Housing support

7.2 Maximum Level of Task Based Support

The purpose of providing support to an individual is to reduce risk to an acceptable level and as outlined above in Section 4, it may not always be possible to provide support to eliminate risk entirely. It is also recognised that finite resources mean that the local authority may not be able to provide the level of support an individual or their family may wish.

For large packages of care there is a balance between the amount of task based support to mitigate risks associated with personal care and participation in community life and support to stay safe.

Whilst each package is assessed on a case-by-case basis with reference to an individual's assessed needs, there are generally accepted maximum levels of task based support necessary to reduce risks associated with personal care / domestic routines / home environment or risks relating to participation in community life to an acceptable level.

Where an individual cannot safely be on their own the remaining support should be for supervision with the staffing ratios appropriate for this activity. For most individuals supervision would be shared with others, however for some individuals with complex behavioural problems there may be an assessed need for structured and planned activity during this time to allow them to be supervised safely.

7.3 Support to be Safe

In addition to task based support to mitigate risks associated with personal care / domestic routines / home environment, or risks relating to participation in community life, there may be a need for an individual to be supported to be safe. In many circumstances it is likely that the level of support required by an individual will be less than the level of support required for task based support as less directive or individual support is required. In practical terms this means that it is more likely that shared support can meet an individual's need to be safe.

The following points should be considered when assessing how much, and what type of support will meet an individual's need to be safe:

- Is the support needed at all times, or can intermittent support at key times meet the assessed need?
- Can the support be shared with others?
- Is the level risk and the support required different at night compared with daytime?
- Are the assessed needs of an individual such that risks associated with their safety or the safety of others requires a dedicated member or members of staff to support them?

Where support is provided to meet an individual's need to be safe this support should also be purposeful. Support should be approached with the aim of supporting the individual to develop skills to be able to keep themselves safe in the future. While this may take time or may not be achievable in all cases, support should be provided with this ambition in mind where possible.

When assessing the level of risk and the support needed to mitigate the risk consideration needs to be given risk enablement principles that recognise that taking risk can have benefits and risk adverse approaches should not prevent individuals from choosing to take reasonable risks.

7.4 Allocation of Budget

In line with the principles of Self Directed Support (SDS) the allocation of budget for all packages of care should be determined using resource allocation guidelines. Following assessment, and prior to detailed support planning, the indicative budget should be presented to the resource panel for approval. The indicative budget would also be provided to the individual (or guardian / power of attorney) and the SDS options for organising support explained.

7.5   Preventative Support

It is recognised that it some circumstances providing preventative support or support to build and individual's resilience and independence can result in reduced long term expenditure. Where an assessment identifies this situation, additional preventative support can be requested. Preventative support will always be time limited and subject to regular review.

7.6   Providing Support beyond Assessed Need

Support will only be provided beyond assessed need to mitigate risk in the following situations:

- Transitional arrangements –short term arrangements that are necessary while longer term support arrangements are being put in place. (e.g. An individual who needs shared support receiving 1-1 support while an individual to share support is being identified)
- Exceptional Circumstances – there are exceptional circumstances that make this appropriate
- 'Investment' Support – additional support being provided in order to assist an individual gain new skills that will reduce support in the long term (e.g. travel training, enhanced support with independent living skills)
- Intermittent Support Needs – the intermittent support needs mean that support above assessed needs has to be provided at certain times to ensure assessed need can be assessed at other times.

When support beyond assessed need is provided regular reviews should be scheduled to determine if this level of resource is still required.

< END OF DOCUMENT >