

***I'm going to make sure no one is left behind, that we protect the poorest and most vulnerable in our society.***

**David Cameron**

2<sup>nd</sup> May 2010

# Policy memory

## Concern about growth in older people & the demographic time bomb

There is another category of persons for whom we shall have to accept an even larger measure of responsibility than we have had in the past, and these are old persons, By [ ] old persons—that is, persons reaching pensionable age—will be one in five of the total population. It is a staggering figure; indeed, it can be said that, in some respects, the proper care and welfare of the aged is the peculiar problem of modern society.

# Policy memory

## Concern about growth in older people & the demographic time bomb

There is another category of persons for whom we shall have to accept an even larger measure of responsibility than we have had in the past, and these are old persons, By 1970, old persons—that is, persons reaching pensionable age—will be one in five of the total population. It is a staggering figure; indeed, it can be said that, in some respects, the proper care and welfare of the aged is the peculiar problem of modern society.

**Aneurin Bevan**

2<sup>nd</sup> Reading Debate NAA 1948

HC Deb 24 November 1947 vol 444 col 1607.

# Policy memory

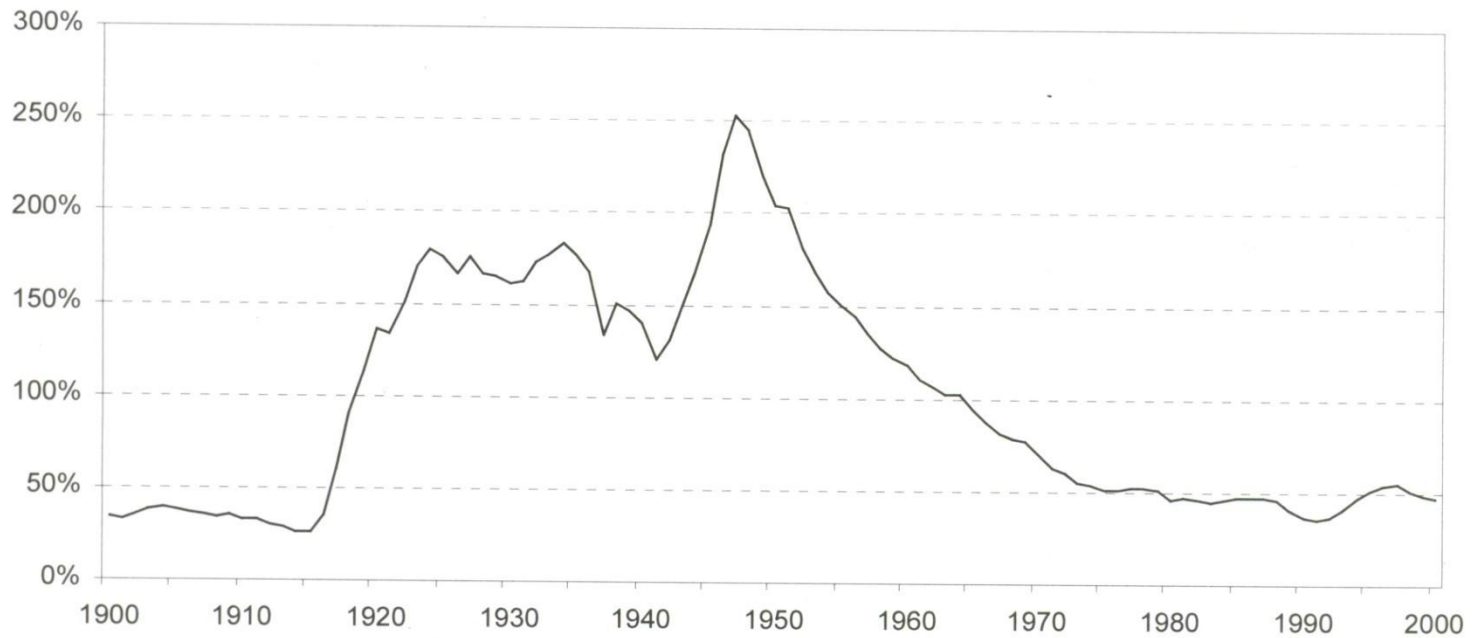
## **With Respect to Old Age: Long Term Care - Rights and Responsibilities (1999)**

2.18 ... From the turn of the century the number of older people has increased by 400%. Since 1931 the number of older people has doubled. The overall trend established is projected to continue until about 2030 when the population stops growing ... . In a sense the UK has already lived through its demographic "time bomb" earlier in this century. The future is much more manageable..

For the UK there is no "demographic timebomb" as far as long-term care is concerned and as a result of this, the costs of care will be affordable

# Policy memory

**Figure 3. National debt as a percentage of GDP over the twentieth century**



*Source: Bank of England Statistical Abstract, Part 1, 2000 edition, Table 15.2 (cited in HM Treasury, Public Finances Databank, October 2001).*

Raymond Whitehead



# S 21 National Assistance Act 1948

## Duty to provide residential accommodation

- persons aged 18 or over who by reason of age, illness, disability or any other circumstances are in need of care and attention which is not otherwise available to them.
- Ordinarily resident in local authority

# S2 Chronically Sick and Disabled Persons Act 1970

## Non-accommodation services

- (a) practical assistance in the home
- (b) wireless, TV, library etc.
- (c) lectures, games outings and other recreational/educational facilities
- (d) assistance in travelling to community based care services
- (e) home adaptations
- (f) holidays
- (g) meals (at home or elsewhere)
- (h) a telephone

# **S47(1) NHS & Community Care Act 1990**

**1. Data gathering**

**2. Service provision decision**

**3. Care Plan**

# S47(1) NHS & Community Care Act 1990

1. Data gathering

2. Se

Cash actually handed to disabled person or a third party (s146 H&SCA 2008)

3. Care Plan

Personal budget

# S47(1) NHS & Community Care Act 1990

## 1. Data gathering

Cash actually handed to

## 2. S6 disabled person or a third

Cash not handed to disabled person but managed by LA or an approved party on

## 3 LA's behalf ~ but with disabled person exercising some 'choice'.

Personal bu



# S47(1) NHS & Community Care Act 1990

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

**2 ways of calculating Personal budgets:**

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

**2 ways of calculating Personal budgets:**

**1. The good way**

**Personal budget**

# S47(1) NHS & Community Care Act 1990

2 ways of calculating Personal budgets:

1. The good way

What is the cost of the existing package?



Personal budget

# **S47(1) NHS & Community Care Act 1990**

**The BAD way**

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

## **The BAD way**

- 1. Get someone to fill-out a 'self assessment Questionnaire';**

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

## **The BAD way**

- 1. Get someone to fill-out a 'self assessment Questionnaire';**
- 2. Feed this into a computer (RAS);**

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

## **The BAD way**

- 1. Get someone to fill-out a 'self assessment Questionnaire';**
- 2. Feed this into a computer (RAS);**
- 3. This gives a value to the ticked boxes;**

**Personal budget**

# **S47(1) NHS & Community Care Act 1990**

## **The BAD way**

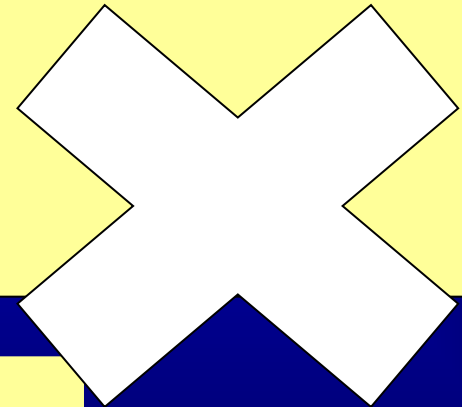
- 1. Get someone to fill-out a 'self assessment Questionnaire';**
- 2. Feed this into a computer (RAS);**
- 3. This gives a value to the ticked boxes;**
- 4. The resultant figure is called an 'indicative amount'**

**Personal budget**

# S47(1) NHS & Community Care Act 1990

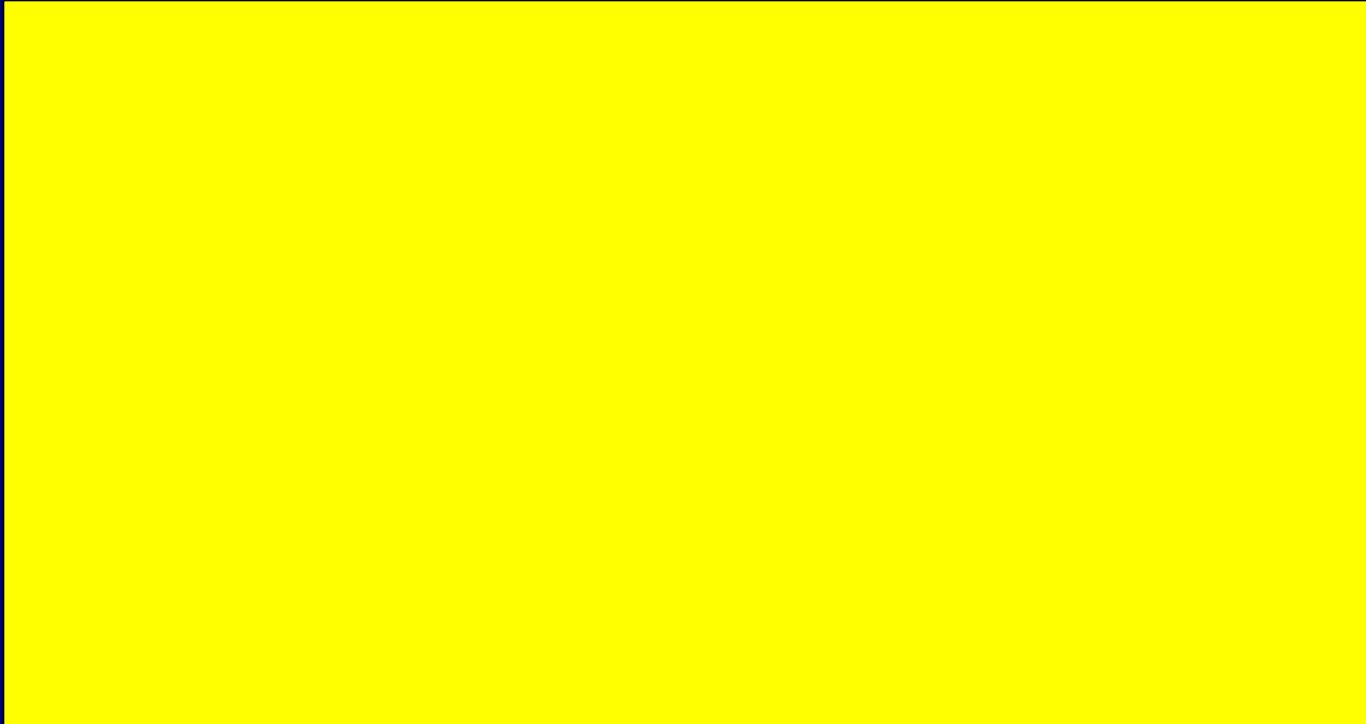
## The BAD way

1. Get someone to fill-out a 'self assessment Questionnaire';
2. Feed this into a computer (RAS);
3. This gives a value to the ticked boxes;
4. The resultant figure is called an 'indicative amount' or your



**Personal budget**

# 1. Data gathering



# 1. Data gathering

## Basic human needs

# **1. Data gathering**

**Basic human needs**

**Family needs**

# **1. Data gathering**

**Basic human needs**

**Family needs**

**Social needs**

# **1. Data gathering**

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

# **1. Data gathering**

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

# **1. Data gathering**

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

# 1. Data gathering

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

# 2. Service provision decision

# 1. Data gathering

Basic human needs

Family needs

Social needs

Musical interests

Communication needs

Dog

# 2. Service provision decision

Which needs *'call for the provision of community care services'*

## **2. Service provision decision**

**Needs that call for services  
“Assessed Needs”**

## **2. Service provision decision**

**Needs that call for services  
“Assessed Needs”**

**Needs that don't  
call for services  
“Unmet Needs”**

## 2. Service provision decision

**Needs that call for services  
“Assessed Needs”**

**Needs that don't  
call for services  
“Unmet Needs”**

**Eligibility  
Criteria**



## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial
3. Moderate

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial
3. Moderate
4. Low

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial
3. Moderate
4. Low

SSDs  
chose where to draw  
the line

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial
3. Moderate

SSDs  
chose where to draw  
the line

## 2. Service provision decision

Needs that call for services  
“Assessed Needs”

Needs that don't  
call for services  
“Unmet Needs”

Eligibility  
Criteria

FACS

1. Critical
2. Substantial

SSDs  
chose where to draw  
the line

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

## **2. Service provision decision**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**“Unmet Needs”**

**Family needs**  
**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**Basic human needs**

**“Unmet Needs”**

**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**Basic human needs**

**“Unmet Needs”**

**Family needs**

**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**Basic human needs**  
**Family needs**

**“Unmet Needs”**

**Social needs**

**Musical needs**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

**“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**

**“Unmet Needs”**

**Communication needs**  
**Dog**

## **2. Service provision decision**

### **“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**

### **“Unmet Needs”**

**Musical needs**

**Dog**

## **2. Service provision decision**

### **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

### **“Unmet Needs”**

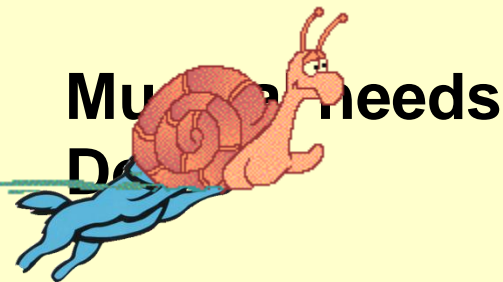
**Musical needs**

## 2. Service provision decision

### “Assessed Needs”

Basic human needs  
Family needs  
Social needs  
Communication needs

### “Unmet Needs”



**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

### **“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication needs**  
**Dog**

## **2. Service provision decision**

### **“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**

**These needs**  
**MUST be met**  
**Regardless**  
**of resources**

## **“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**

## **3. Care Plan**

## **“Assessed Needs”**

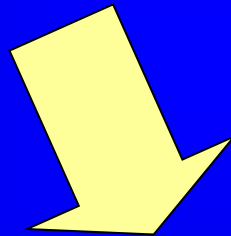
**Basic human needs  
Family needs  
Social needs  
Communication needs**

## **3. Care Plan**

**Care Plan converts the  
assessed needs into services**

## **“Assessed Needs”**

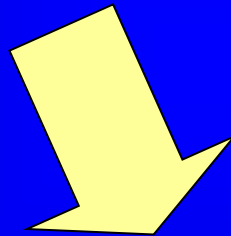
**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**



## **Home based**

## **“Assessed Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**

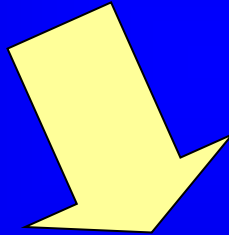


## **Home based**

**Home help**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

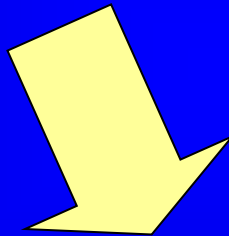


## **Home based**

**Home help  
Meals on wheels**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

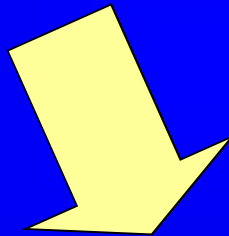


## **Home based**

**Home help  
Meals on wheels  
Sitting service**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

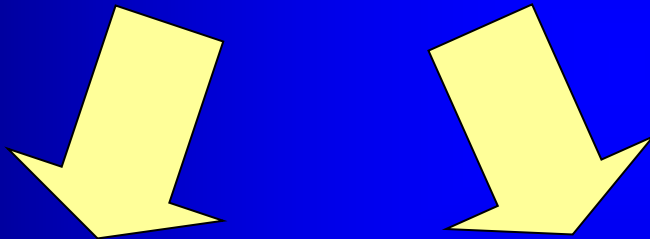


## **Home based**

**Home help  
Meals on wheels  
Sitting service  
Day Centre**

## **“Assessed Needs”**

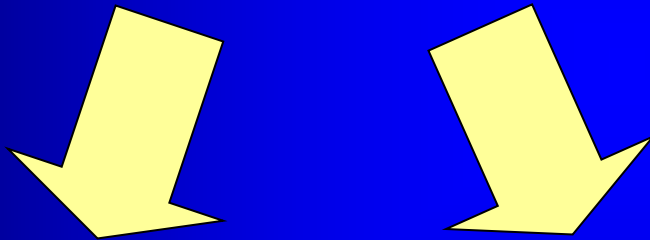
**Basic human needs  
Family needs  
Social needs  
Communication needs**



<b>Resid'l CH</b>	<b>Home based</b>
	<b>Home help Meals on wheels Sitting service Day Centre</b>

## **“Assessed Needs”**

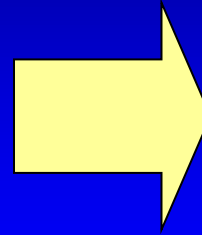
**Basic human needs  
Family needs  
Social needs  
Communication needs**



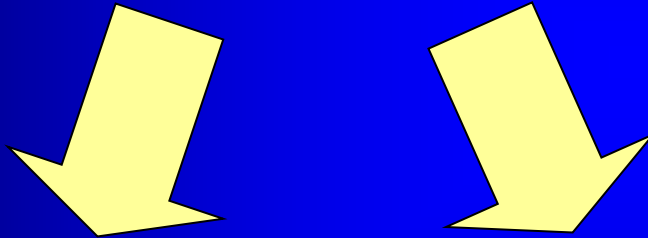
<b>Resid'l CH</b>	<b>Home based</b>
<b>Meets all the assessed needs</b>	<b>Home help Meals on wheels Sitting service Day Centre</b>

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**



## **Direct payments**



### **Resid'l CH**

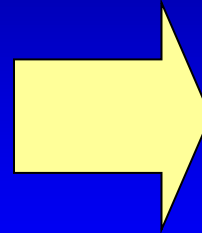
**Meets all the  
assessed needs**

### **Home based**

**Home help  
Meals on wheels  
Sitting service  
Day Centre**

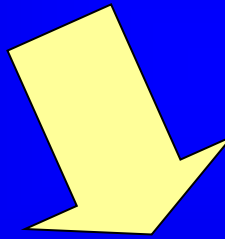
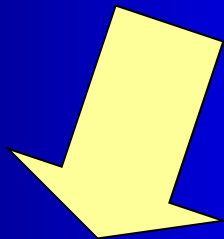
## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**



## **Direct payments**

**Service user with  
Assistance prepares  
own care plan**



### **Resid'l CH**

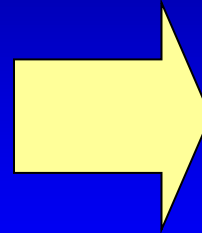
**Meets all the  
assessed needs**

### **Home based**

**Home help  
Meals on wheels  
Sitting service  
Day Centre**

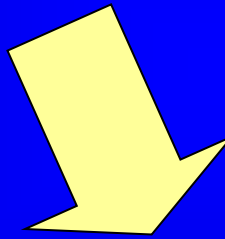
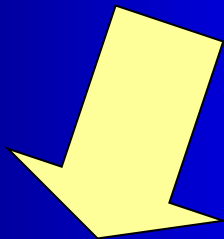
## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**



## **Direct payments**

**Service user with  
Assistance prepares  
own care plan**



### **Resid'l CH**

**Meets all the  
assessed needs**

### **Home based**

**Home help  
Meals on wheels  
Sitting service  
Day Centre**

## Question 2: Meeting your personal care needs

This part is about looking after yourself, things like washing, dressing and going to the toilet.

	Please tick one box below that best describes you.	My View	Carer's View	Worker's View	Final Agreement
A	I very rarely need support to look after myself and I rarely require help to meet my personal care needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	I occasionally need help or encouragement with personal care including prompting or encouragement to check that I have managed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	I often need physical help with personal care and I often need someone to ensure that I undertake tasks.	<input type="checkbox"/>	<input type="checkbox"/>	CS1 <input checked="" type="checkbox"/>	<input type="checkbox"/>
D	I need a lot of support with personal care and I need someone around me day and night to give me help as required.	<input type="checkbox"/>	<input type="checkbox"/>	CS1 <input type="checkbox"/>	<input type="checkbox"/>
E	I need a large amount of support with my personal care (washing, dressing, going to the toilet) and I need somebody to monitor and respond throughout the night.	<input type="checkbox"/>	<input type="checkbox"/>	CC1 <input type="checkbox"/>	<input type="checkbox"/>

**10 Points**

**50 Points**

**10 Points**

**Deduct 75%**

**Deduct 25%**

How much help can your family and friends continue to give you with your personal care needs?	1. I will get a lot of help.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2. I will get a lot of help.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3. I will get some help.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4. I will get a little help.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	5. I will get no help.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What outcome would YOU like to achieve? An example might be:

- To get myself washed and dressed each day / to have support to help me get myself washed and dressed each day.

# Resource Allocation schemes

## RAS's

### Commoditisation

1. Reduces person's needs to a 'points score';
2. Local value assigned to each 'point'
  - Calculated by actual costs but then reduced by a cost abatement multiplier (15% - 35%)
  - 'to avoid inducing 'dependency'
3. Points score then multiplied by local value
  - to produce the 'indicative amount'

[www.lukeclements.com](http://www.lukeclements.com) ~ 'what's new'

Individual budgets & irrational exuberance

Social Care Law Developments: A Sideways Look at Personalisation

# Resource Allocation (RAS's)

The 'indicative amount'.

- **Must explain how calculated;**  
*Savva v K&C 2010*
- **Must not have maximums;**  
*JL v Islington (2009)*
- **Must be only a starting point ~ ie 'indicative'.**  
*KM v Cambridgeshire CC (2010)*

# Resource Allocation (RAS's)

The 'indicative amount' ~ dangers.

- become rebuttable presumptions;
- figures only be varied for good reasons;
- figures only varied in exceptional circs;
- figures only varied temporarily

**Become fixed 'entitlements':**

Annual % increases determined by LA budget;

Varied by changing points award system

Varied by changing points valuation system

Traditional  
Welfare State

Hellfire State

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# Hellfire State

Traditional Social

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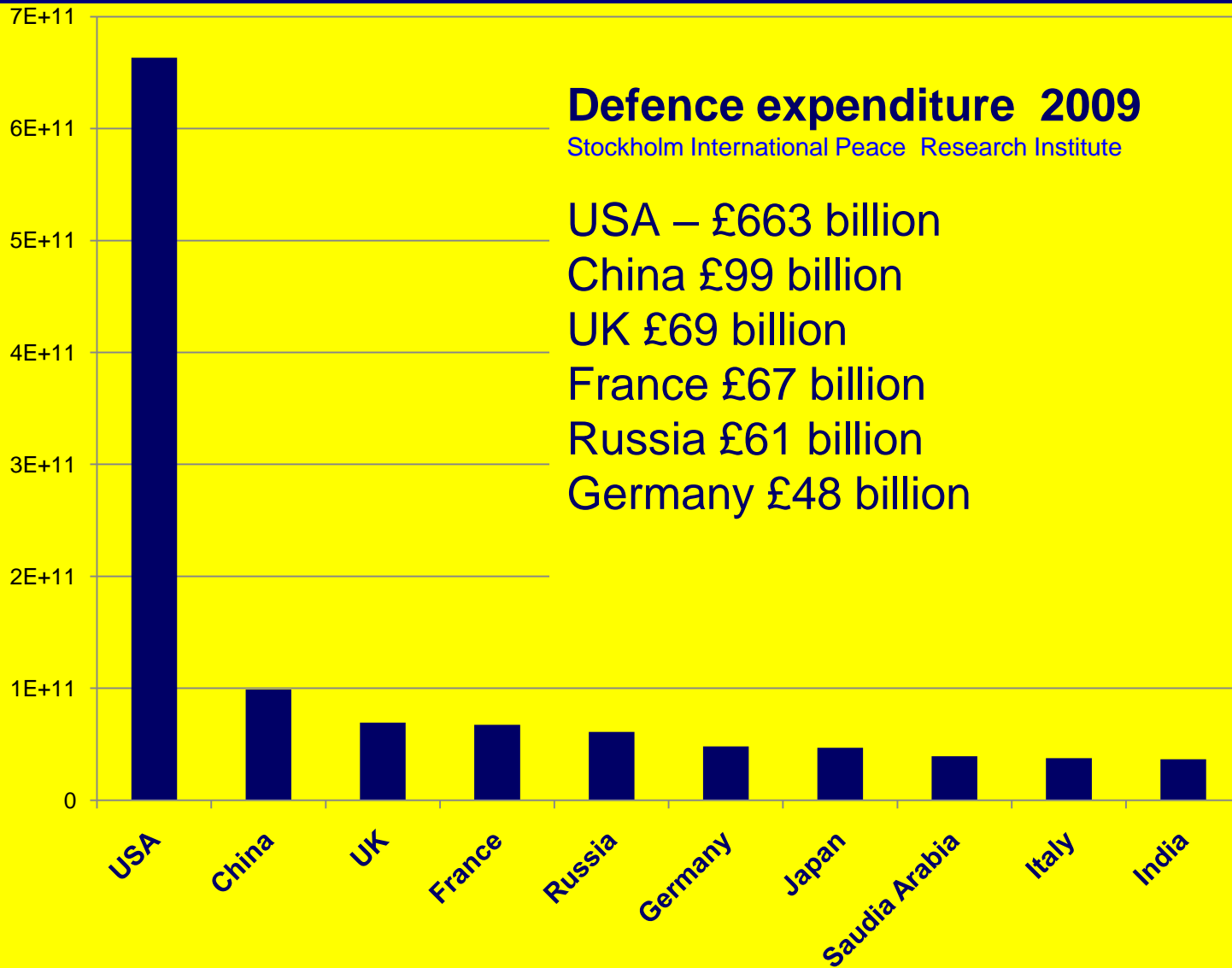
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## Defence expenditure 2009

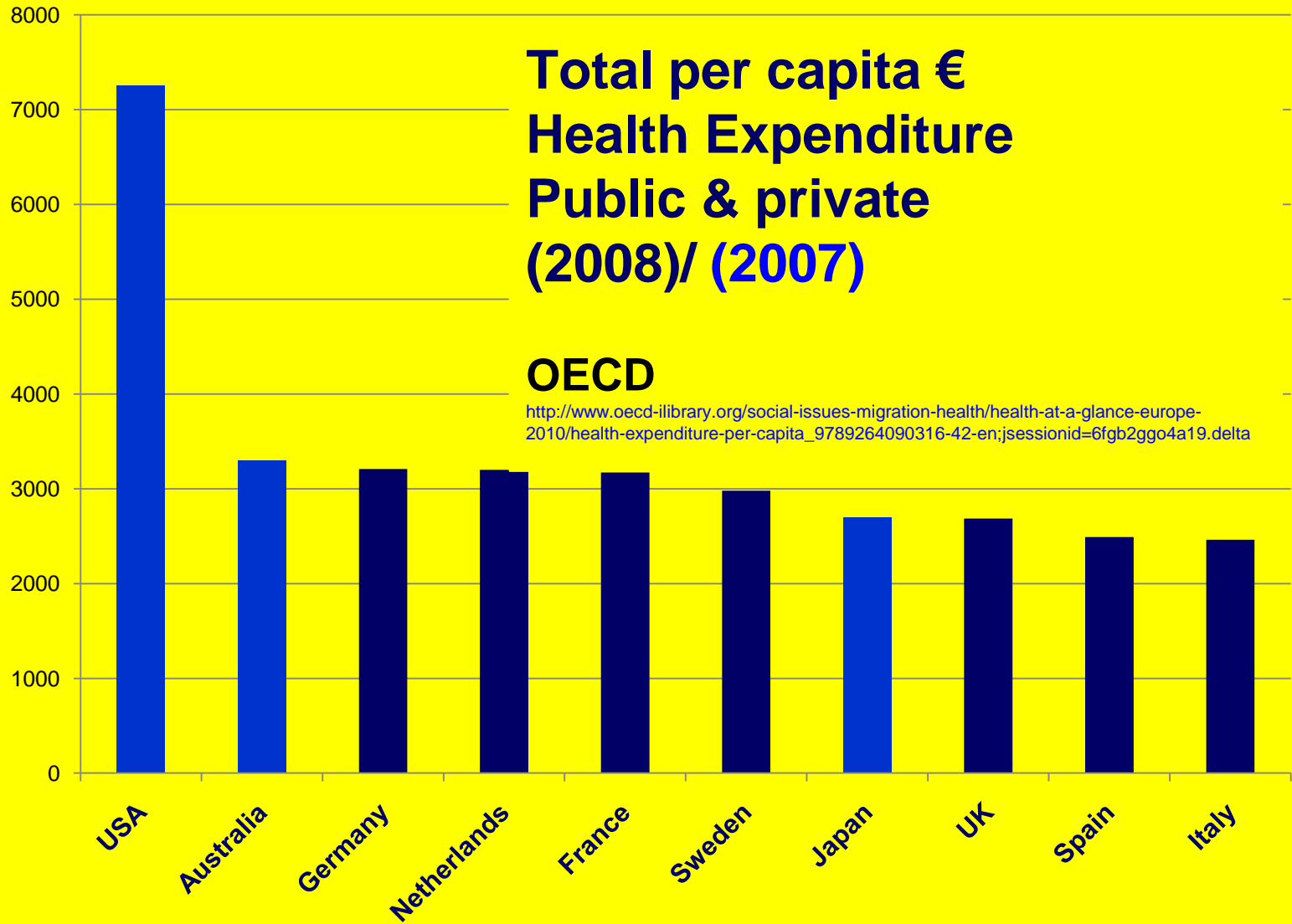
Stockholm International Peace Research Institute



# Total per capita € Health Expenditure Public & private (2008)/ (2007)

OECD

[http://www.oecd-ilibrary.org/social-issues-migration-health/health-at-a-glance-europe-2010/health-expenditure-per-capita\\_9789264090316-42-en;jsessionid=6fcb2ggo4a19.delta](http://www.oecd-ilibrary.org/social-issues-migration-health/health-at-a-glance-europe-2010/health-expenditure-per-capita_9789264090316-42-en;jsessionid=6fcb2ggo4a19.delta)



# Carers Legislation

- **Disabled Persons (Services, Consultation and Representation) Act 1986**
- **Carers (Recognition and Services) Act 1995**
- **Carers and Disabled Children Act 2000**
- **Carers Special Grant (2000)**
- **Carers Equal Opportunities Act 2004**
- **Work & Families Act 2006**
- **Childcare Act 2006**

# Carers (Recognition and Services) Act 1995

- **Private Member's Bill**
- **Malcolm Wicks MP**



# Carers (Recognition and Services) Act 1995

1. The disabled person must be 'being' assessed;
2. The carer must be providing a substantial amount of care;
3. S/he must not be employed to provide the care;
4. S/he must request an assessment.
5. The assessment considers the 'sustainability of the caring relationship

# **regular and substantial care**

**It is not only the time spent each week caring that has an impact on carers. For some ... such as those caring for adults with severe mental health problems, caring can be a sporadic or cyclical responsibility. The carer may not be physically or practically caring at all at certain times, but still be anxious and stressed waiting for, or actively seeking to prevent, the next crisis.**

# Carers (Recognition and Services) Act 1995

- **Assessment only**
  - Looks at 'sustainability of caring role'
- 1. Autonomy (ie choice)**
  - 2. Health & safety**
  - 3. Involvement (work, social etc)**

# 1. Data gathering

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

# 1. Data gathering

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

**The second stage decision  
will however be different**

# **1. Data gathering**

**Basic human needs**

**Family needs**

**Social needs**

**Musical interests**

**Communication needs**

**Dog**

# **2. Service provision decision**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication**  
**Dog**

**Living alone**

## **2. Service provision decision**

**“Assessed Needs”**

**“Unmet Needs”**

**Basic human needs**  
**Family needs**  
**Social needs**  
**Musical interests**  
**Communication**



**Living with  
carer**

## **2. Service provision decision**

**“Assessed Needs”**

**“Unmet Needs”**

**“Assessed Needs”**

**Living alone**

## **“Assessed Needs”**

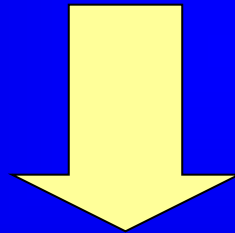
**Basic human needs**  
**Family needs**  
**Social needs**  
**Communication needs**

**Living alone**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

**Living alone**



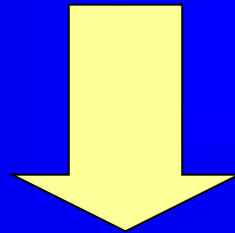
## **LA provided**

**Home help  
Meals on wheels  
Sitting service  
Day Centre**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

**Living with  
carer**



<b>LA provided</b>	<b>Carer provided</b>
<b>Home help Meals Sitting service Day care</b>	

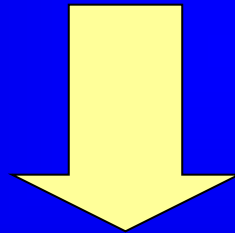
**Before deciding on disabled person's eligible needs, the carers assessment requires consideration of:**

- 1. Autonomy (ie choice)**
- 2. Health & safety**
- 3. Involvement (work, social etc)**

## **“Assessed Needs”**

**Basic human needs  
Family needs  
Social needs  
Communication needs**

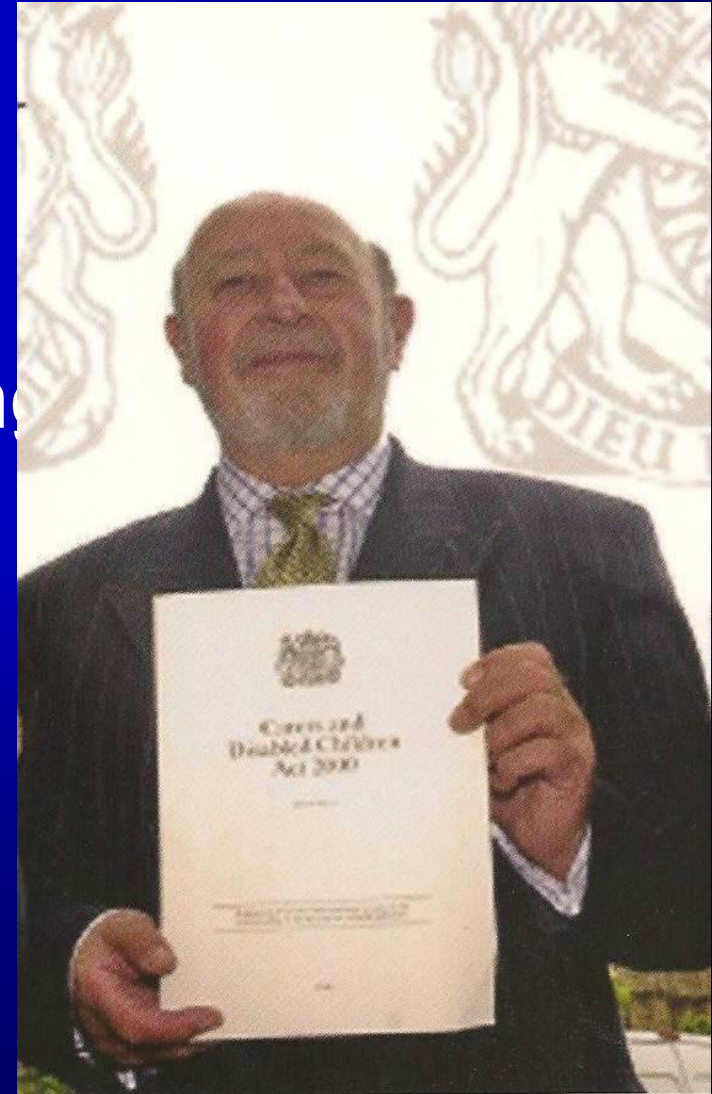
**Living with  
carer**



<b>LA provided</b>	<b>Carer provided</b>
<b>Help getting up Help putting to bed  Sitting service</b>	<b>Home help Meals Sitting service Day care</b>

# Carers and Disabled Children Act 2000

- Private Member's Bill
- Tom Pendry MP
- Election promise 'strengthen carers'
- The "third way"



# Carers and Disabled Children Act 2000

- **Freestanding right to an assessment**
- **Services for carers**

# Carers services under the 2000 Act

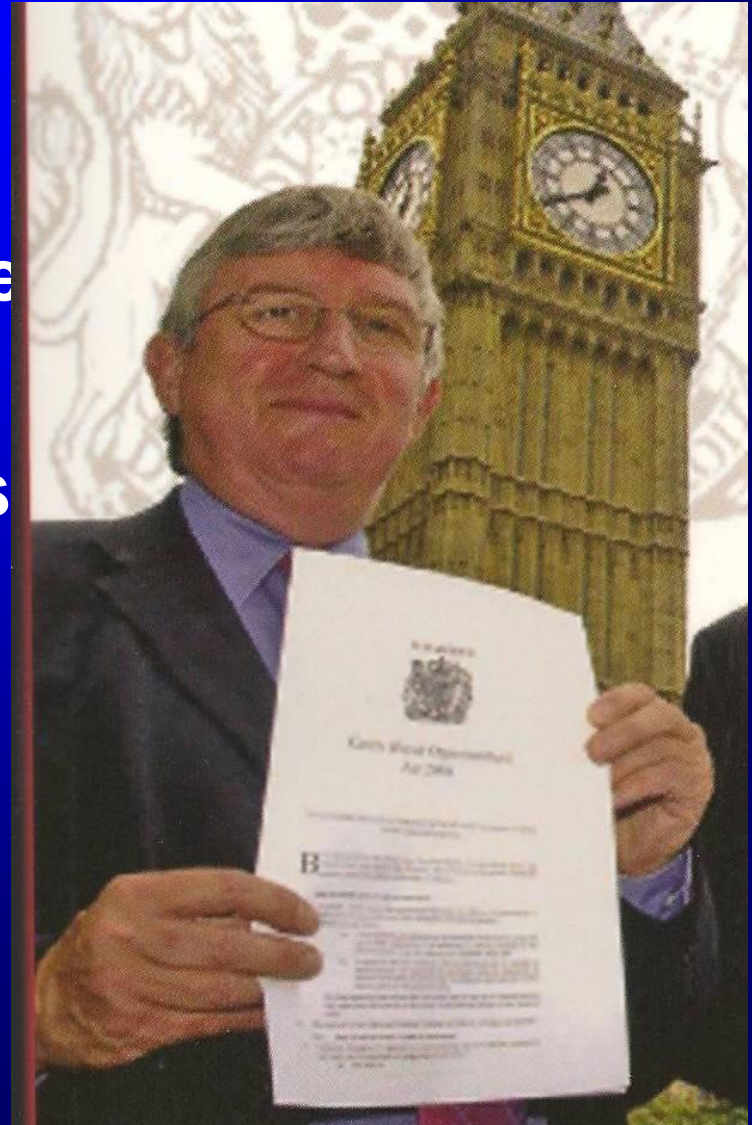
**Respite / short break not a carer service**

**Services often 'symbolic' / small scale**

- Travel assistance
- Training
- Relaxation therapy / counselling;
- Mobile phones
- Trips/holidays/special events;
- Driving lessons
- Gardening

# Carers (E O) Act 2004

- Private members Bill
- Dr Hywel Francis MP
- Addresses carers' social e
- Right to information; and
- Work / training / leisure as



# **Carers (Equal Opportunities) Act 2004**

## **Section 2 – Work, training & leisure**

**Carers assessments must consider whether the carer:**

- (i) works or wishes to work;**
- (ii) is undertaking, or wishes to undertake, education, training or any leisure activity.**

# Carers (Equal Opportunities) Act 2004

We want carers who wish to work to have the right to work. For those carers who wish to take part in education, we want that to be built in to the care plans that are put together for the person for whom they are caring. We want them to have the opportunity to engage in leisure activities, to the extent that I feel that it would be appropriate that if a carer wanted to take part in a physical fitness or aerobics class in the evening, the care plan should be adapted to ensure that the person could be cared for while the carer went out to engage in such activity.