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East Ayrshire
COUNCIL

23rd October 2007

Our Ref : FL/JS

Lord Sutherland of Houndwood
c/o Rhona Dubery
Independent Funding Review of Free Personal Care
Area 2:ER
St Andrew's House
Edinburgh
EH1 1DG

Dear Lord Sutherland

INDEPENDENT FUNDING REVIEW OF FREE PERSONAL CARE

Thank you for the opportunity to set out from an East Ayrshire perspective some of the issues the Independent Review Group may wish to consider in respect of Free Personal care.

In East Ayrshire over recent years Social Work, Housing, Health and partners have worked closely to look at a whole system approach to services for older people within our Joint Future and Community Planning arrangements. Our local policies reflect the national agenda of shifting the balance of care from hospital and institutional settings to care in local communities where it is safe and appropriate to do so.

Performance Indicators both Statutory and JPIAF demonstrate success in delivering real outcomes for older people. To achieve this success we have worked to redesign services within the Council, including sheltered housing, home care, day care and residential services. At the same time due to demographic changes the demand for services continues to increase, a trend that will be sustained over forthcoming years.

In essence the Free Personal and Nursing Care policy is a part of the wider financing of services to older people. In this case impacting on the contribution service users make to the cost of their care. The sustainability of Free Personal and Nursing care cannot be considered in isolation of the other funding mechanisms for older people's services.

Our return to the data request from Audit Scotland, details the considerable financial impact of the above in respect of the specific care home and care at home services. In East Ayrshire Services are prioritized in relation to need not funding source as a result we have viewed services provided within the Free Personal and Nursing Care policy as mainstream services from the date of introduction.

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Outwith funding issues the confusion between the Act and Statutory Guidance of definition of services provided within "personal care" particularly around preparation of food has been the main source of concern with the Policy in East Ayrshire.

In broad terms, we are one of a number of local authorities who, on the basis of previous guidance from the former Scottish executive, applied charges to certain food preparation activities defined as being outwith the intended scope of free personal care provision. That guidance was changed in May 2006 and we, thereafter, discontinued the charges. However, we now face claims for reimbursement of monies previously paid by affected service users, with a potential value of between £ 1.5 to £2 million pounds, notwithstanding the income received during the relevant period was properly subsumed into the Social Services budget for each financial year and contributed to the provision of services to our elderly clients.

Additionally, I would suggest that it might be appropriate for you to include this historical, but still pressing, financial issue within your broader review of future funding arrangements, with a view to considering whether or not the Scottish Gov should make additional funds available to those Councils facing this significant financial liability as a result of applying the previous Scottish Executive guidance in a reasonable manner and in good faith.

In terms of sustainability to accurately gauge the impact of a successful policy I believe the Review group requires to look across the whole system. One area of consideration would be the impact the policy has had in freeing up human resources in health services as tasks previously within that remit transfer to social care. Other areas may be the need to consider future resourcing of equipment and adaptation services to support staff to safely carry out increasingly complex tasks.

I wish you every success in bringing some clarity to this challenging area of work, and will be happy to contribute further to the review as required.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Fiona Lees', written in a cursive style.

Fiona Lees
Chief Executive