
Swindon Borough Council Personal Budgets Policy April 2015

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1. Introduction

The Care Act 2014 Section 26 and the accompanying regulations set out the legal framework for Local Authorities to provide adults with choice and control over how to meet their care and support needs through personal budgets. This policy sets out Swindon Borough Council's intentions. It is a combination of statutory requirements of the Care Act and local choices based around the needs of the service and responses to national consultation. The policy has been updated to reflect changing circumstances and business needs, and in particular the requirements of the Care Act 2014. This updated policy comes into effect from 1st April 2015 and replaces all previous policies relating to adults.

Recognising that inequality, disadvantage and discrimination exist in society, in redrafting this policy Swindon Borough Council accepts their responsibility to ensure that all vulnerable adults regardless of their ethnic origin, religion, language, age, sexuality, gender or disability have equal opportunity to access services and information and that the elements of this policy will be applied equitably.

Throughout this policy, the term personal budget means a statement which indicates how much money it will cost to meet a person's assessed needs. Except where specifically stated, the policy applies equally to both adults with care and support needs and to adult carers'.

This policy should be used in conjunction with the Council's Fairer Charging Policy and Direct Payments policies and the mycaremysupport.co.uk website, which provides a wide range of information in relation to care and sources of support and advice.

2. Implications of the Care Act for Personal Budgets

The Care Act places personal budgets in law for the first time. The Act does not make major changes, but clarifies the responsibilities of Local Authorities to place personal budgets at the heart of their care and support and support planning.

The Act states that everyone whose needs are met by the Local Authority must receive a personal budget as part of their care and support plan (not for placements). The Personal Budget must give the person clear information about the amount allocated to meet their needs, how much if anything they must contribute and how much the Local Authority will contribute.

The provisions of the Act apply equal to adults with care and support needs and to adult carers'.

The Personal Budget must be sufficient to cover the costs of meeting the assessed needs but excludes any costs the costs for services where the Local Authority is not permitted to charge. These are community equipment (aids and minor adaptations) and intermediate care (including enablement support) services for the agreed period or a maximum of 6 weeks.

3. The Personal Budget

A personal budget for an adult is a statement which specifies

- The cost to Swindon Borough Council of meeting those of the adult's needs which it is required to meet.
- If the cost to the Council includes daily living costs, a statement of this amount and the balance of the cost above.
- The amount, which based on the financial assessment, the adult must pay towards those costs.
- If the Council must pay towards those costs, the amount which it must pay.

Personal budgets are a key part of Swindon Borough Council's aspiration for a person centred care and support system. The personal budget is the mechanism that in conjunction with the care and support plan/ support plan enables the person and their advocate if they have one, to exercise greater choice and control over how their care and support needs are met. Swindon Borough Council will ensure that every adult with eligible care and support needs and every carer:

- Is provided with, an estimate of how much is available to meet their assessed needs before care and support planning begins,
- Has clear information in the final personal budget about the amount the Council will pay and the amount they will pay.
- Is able to choose from a range of options about how the money is managed and spent including direct payments, the Council managing the budget or an individual service fund.

4. The Swindon Borough Council Approach to Personal Budgets

Swindon Borough Council is committed to openness and transparency at every stage of its care and support process and to giving adults control and choice over what types of care and support will work best for them. To help achieve this ambition, the Council will

- Make an indicative personal budget available early in the process. This will be done as part of the assessment and eligibility process so that the adult has an estimate of the likely cost of services early enough to make informed decisions during the planning process about how to spend it.
- Use local costs and agreed formulae to calculate indicative personal budgets.
- Use the care and support planning discussion and verifications process to adjust and refine the budget to meet the identified needs in the way set out in the plan and take into account reasonable preferences to meet identified needs and outcomes.

- Work with the adult to help them decide how best to use their personal budget, considering options including direct payments, individual service funds, universal services or local authority arranged care. (More details are given in Section 6).
- Record the final personal budget and how it will be spent to meet needs and outcomes in the care and support plan,
- Review the personal budget as part of the review of the care and support plan.
- Ensure that the personal budget achieves the best value for money to achieve the identified outcomes.

5. Exclusions from the Personal Budget

In accordance with the Care and Support (Personal Budget Exclusion of Costs) Regulations 2014 Swindon Borough Council will exclude any costs arising from the provision of community equipment and/or intermediate care from the personal budget.

In accordance with the Care Act, Swindon Borough Council will apply the following definitions:

- Intermediate care is defined as care and support which provides assistance to an adult to enable them to maintain or regain the skills needed to live independently in their own home. It is a programme which is delivered for a specified period of time.
- Community equipment (aids and minor adaptations) is defined as a service which consists of the provision of an aid, or minor adaptation to property, for the purpose of assisting with nursing at home or aiding daily living in order to meet eligible needs. An adaptation is minor if the cost of making the adaptation is £1,000 or less.

Needs which are being met through universal, non-chargeable services or through an informal carer will not form part of the personal budget. All other chargeable services will be included in the personal budget.

6. Use of the Personal Budget

Swindon Borough Council is committed to supporting people to have real choice about how they use their personal budget to meet their needs.

As detailed in the Council's Information and Advice Policy, we will ensure that there is clear information covering the full range of options for using the budget. In addition, we will ensure that discussion about how to spend the personal budget is an intrinsic part of the care and support planning process.

We will focus on three main options, illustrated on www.mycaremysupport.co.uk by practical examples of how they have been used:

- A managed account held by the Council with support provided in line with the person's wishes.

- An Individual Service Fund, which is a managed account held by a third party with support provided in line with the person's wishes.
- A direct payment for the adult to commission their own care and support.

A person may choose a mixed package which includes elements of two or more of the options.

The Council will support the adult to reach a decision based on outcomes and value for money. Final personal budgets will be signed off by the Council's verifications team alongside care and support plans and the assessment, to ensure that there is a clear alignment between the anticipated outcomes and the budget. There may be cases where someone wishes to pay extra to get the care they want. This would not form part of the personal budget but will be presented alongside it so that the total cost is clear.

If an adult is considering using an Individual Service Fund, the Council will provide people with a range of information and advice about how the fund works. This will include any contractual arrangements, how the provider will manage the budget on behalf of the person and advice on what to do if a dispute arises.

The Council recognises that there are situations where choice would be increased by people pooling personal budgets. Examples include two adults living in the same house or an adult and carer or people living within a community with similar care and support needs or interests. The Council wishes to promote additional choice and will work to maximise these opportunities on a case by case basis as part of the care and support planning process.

7. Personal Budgets for Carers'

Swindon Borough Council will use the assessment and care planning processes to determine the carers' personal budget. It will be set at an amount that enables the carer to meet their needs so that they can continue to fulfil their caring role and takes into account the outcomes that the carer wishes to achieve in their day to day life. This includes their own wellbeing wishes and /or aspirations concerning paid employment, education, training or recreation if the provision of support can contribute to these outcomes.

The manner in which the personal budget will be used to meet the carers' needs will be agreed as part of the planning process.

Carers' will not be charged for any aspect of the support provided by the Council. This includes any provision of a 'sitting service' for the adult who is being cared for.

However, if the carers' needs for support are being met through the provision of extra care for the adult being cared for, these services may be chargeable to the adult being cared for in accordance with the Council's Fairer Charging Policy. The carer will not be charged.

This does not impact on the ability of a carer to use a direct payment to pay for extra care or direct care from their direct payment.