

## **Appendix A1**

### **Bristol City Council Fair and Affordable Care Policy (draft)**

v.8.1

**5 May 2023**

#### **Recognition & acknowledgements**

This policy was drawn from the Devon County Council Fair and Affordable Care policy, and subsequently co-productively developed and amended with the Bristol City Council Adult Social Care Equalities Forum

#### **1. Introduction**

- 1.1 Bristol City Council recognises that sometimes adults need support to live independently. Support can come in many different forms, and people can access this themselves or with the help of the council. The council promotes adults' independence, choice and ability to make decisions about the care and support they receive.
- 1.2 The Care Act (2014) and its Statutory Guidance sets out the duties of local authorities to offer an assessment to anyone who appears to have needs for care and support. This is normally called a Care Act Assessment. Councils are required to ensure that any eligible needs that are identified in the assessment are met.
- 1.3 Bristol City Council is committed to working with individuals to promote choice and control of how those needs are met. The views of the person should be at the centre of decision making. This might include arranging an advocate if the person is entitled to one.
- 1.4 The Care Act Statutory Guidance also states that when deciding how to meet people's eligible needs, councils must also ensure that there are sufficient resources to meet the needs of all citizens who might need care and support. This means making sure that the services that are arranged represent 'best value' for the local authority.
- 1.5 The rest of this paper will describe how Bristol City Council Adult Social Care will provide services whilst striving to ensure that there is sufficient resource for the whole of the local population.

#### **2. Which people does this policy cover?**

- 2.1 This policy covers anyone who lives in Bristol who is over 18 and has needs that Bristol City Council has to meet, as outlined by the Care Act (2014).
- 2.2 This policy will cover any situation where Adult Social Care must consider what support is needed to meet an individual's eligible needs.
- 2.3 This policy will cover both new assessments and reviews. This will also include cases where people have direct payments.

2.4 This policy will cover young people who are moving from children services to adult services.

2.5 This policy does not cover people who get services through NHS Continuing Health Care.

### **3. The policy - What will the council do?**

3.1 To get a service from Adult Social Care, a person must be 'eligible'. To decide whether someone is eligible, councils use national 'eligibility criteria', which are set out in the Care Act (2014). In order to have eligible needs an individual must

- have a 'physical or mental impairment',
- be unable to complete a number of outcomes (such as wash, dress, maintain their home), and
- being unable to achieve these outcomes will result in a significant impact on the persons wellbeing.

More details of eligibility criteria can be found in Care Act Statutory Guidance. (See Appendix - Chapter 6 of Care and Support Statutory Guidance)

3.2 Adult Social Care has to offer an assessment to anyone who has the appearance of care and support needs. If the person meets the eligibility criteria, Adult Social Care must try and meet all the needs that are agreed with the person.

3.3 Adult Social Care will help people to think about what they can do for themselves, and what support may be there from their family, friends and within the area that they live.

3.4 Adult Social Care's primary aim for any support provided will be to enable people to live independently in their own homes and communities for as long as they can and to prevent or delay reliance on higher level institutional services for as long as possible.

3.5 When carrying out an assessment or reassessment for a citizen, Adult Social Care will make sure that an advocate is offered to anyone who is eligible for this support. This might include a Care Act advocate, or an Independent Mental Capacity Advocate (IMCA). There are also other advocacy services available for individuals who wish to complain about adult social care services. (Refer to appendix)

3.6 Adult Social Care will always try to come to an agreement with the individual about how their needs and outcomes will be met.

3.7 Because of the statutory guidance, Adult Social Care also has to ensure that services are 'best value'. This means that in most cases Adult Social Care will provide services to meet eligible needs that are the most cost effective. In some cases this might mean that the service offered by the council will not be the one preferred by the individual with eligible needs. (Refer to appendix.)

3.8 In many cases we recognise that the most cost-effective way to meet a person's care needs is to support them to remain at home with appropriate support. Where the citizen expresses a preference to remain at home, the council will aim to support them to do so utilising cost-effective measures such as

- A Direct Payment to recruit a personal assistant (PA) instead of a commissioned home care service.

- Specialist equipment (like a ceiling track hoist) which reduces the number of carers needed to help someone get washed or dressed.
- Specialist technology (such as a wrist sensor or care line), which reduces the number and/or length of care visits someone might require throughout the day or night.

3.8 However, where a care package to remain at home would substantially exceed the affordability of residential care, the Council will need to consider other cost-effective alternatives which might include:

- Offering a residential or nursing home placement that accepts the local authority rate (also referred to as 'the Bristol rate') rather than in a home where fees are more expensive.
- Offering accommodation-based support such as supported living accommodation, extra care housing or a residential care home as an alternative to providing 24-hour care in the home.

3.9 This is not a blanket policy and although exceptions are likely to be rare, each person's situation will be looked at individually. There is no rule that sets an upper limit on the level of a personal budget.

3.10 Adult Social Care must demonstrate how the proposed service will meet the individual's needs and promote their wellbeing. They also need to ensure that any offer to meet needs would not impact on the individual's Human Rights, as set out in the Human Rights Act (1998).

3.11 If the individual is not in agreement with the Adult Social Care proposal, they can ask for the decision to be reviewed using the council's statutory complaints process. (See appendix).

3.12 If an agreement between the individual and Adult Social Care cannot be found, the council can offer a personal budget in the form of a direct payment up to the amount of the cost-effective option that has been identified. The individual can then use this budget flexibly to meet their needs, or they (or a family member or friend) might choose to use their own money to pay the difference to enable them to commission their preferred service. This is sometimes referred to as a 'top up'.

#### **4. Looking at this policy again**

4.1 It is very important that this policy does not unfairly affect people. Bristol City Council will review this policy at least once a year. When it is looked at, the reviewers will talk to groups and individuals who are affected by the policy.

## **5. Appendix**

Advocacy - [Complaints Procedure Advocacy - The Care Forum - Advocacy](#)

Department for Communities and Local Government – Revised Best Value Statutory guidance  
[Title \(publishing.service.gov.uk\)](#)

Care and Support statutory guidance-  
[Care and support statutory guidance - GOV.UK \(www.gov.uk\)](#)

Complaints process- Adult Social Care Statutory Complaint process  
[Adult social care \(bristol.gov.uk\)](#)

[Home - Local Government and Social Care Ombudsman](#)