

| <b>Fair and Affordable Care Policy</b>   |  |
|--|--|
| <b>Version</b>                           | 3<br>(Previously Upper Cost Parameter Policy)  |
| <b>Strategic Owner</b>                   | Tim Golby,<br>Head of Social Care Commissioning  |
| <b>Business owner</b>                    | Keri Story,<br>Head of Adult Social Care   |
| <b>Author</b>                            | James Martin, Senior Policy Officer  |
| <b>Date of approval and commencement</b> | TBC  |
| <b>Last review date</b>                  | Nov 2016   |
| <b>Last reviewer</b>                     | James Martin, Senior Policy Officer<br>Paul Grimsey, Policy Manager  |
| <b>Next review date</b>                  | Q3 2018/19   |
| <b>Supporting documents</b>              | <ul style="list-style-type: none"> <li>• <a href="#">The Care Act 2014</a> and <a href="#">associated guidance</a> and <a href="#">regulation</a></li> <li>• <a href="#">Adult Social Care: Choice Framework</a></li> <li>• <a href="#">Personal budgets policy</a></li> <li>• <a href="#">Direct payments policy</a></li> <li>• <a href="#">Promoting Independence Policy</a></li> <li>• Choice in Care Policy</li> </ul> |



## **1. Who this policy applies to**

- 1.1 This policy applies to all individuals who have eligible needs and are entitled to receive adult social care support funded by Devon County Council.
- 1.2 This policy will apply in all circumstances where we are considering what support is needed to meet an individual's eligible needs.
- 1.3 This policy will apply to both new assessments of need and reviews of need (where support is already in place - including situations where support is currently delivered via Direct Payments).
- 1.4 This policy will need to be considered when individuals are moving from Children's to Adult Services.
- 1.5 This policy does not apply to individuals who are eligible for or receiving NHS Continuing Healthcare.

## **2. Why we have this policy**

- 2.1 This policy describes how we will meet our duties in care planning and personal budget setting as described in the Care Act.

## **3. What this policy will achieve**

- 3.1 This policy explains the way in which personal budgets are established when there may be different options for meeting a person's eligible needs.

## **4. The Policy**

- 4.1 We have a duty to assess and then ensure all eligible needs arising from that assessment are met. The identification of eligible need will be based upon the National Eligibility Criteria.
- 4.2 Once we have identified that a person has a need for care and support, we must bear in mind Care and Support Statutory Guidance which states that local authorities may take decisions on a case-by-case basis which weigh up the costs of different potential care and support plans to ensure best value is achieved.

## Promoting independence

- 4.3 The Care Act states that we need to consider promoting independence and reducing the needs a person has at every opportunity. The Act emphasises the importance of “preventing or delaying the development of needs for care and support and the importance of reducing needs that already exist.
- 4.4 At every interaction with a person, a local authority should consider whether or how the person’s needs could be reduced or other needs could be delayed from arising.”
- 4.5 Devon County Councils [Promoting Independence Policy](#) should always be applied and the potential for the following support should always be considered as ways of promoting independence:
- Providing information on healthy life choices
  - Providing information on community resources
  - Identifying personal strengths and supportive relationships.
- 4.6 Your care plan will wherever possible aim to reduce needs that already exist and to prevent or delay the developments of additional needs for care and support
- 4.7 We will arrange care in a manner that takes into account the choice and preferences of individuals but balances the need for us to arrange care that is sufficient to meet eligible needs whilst always looking to meet eligible needs in the most cost effective way possible.
- 4.8 If the gross cost of your preferred support plan cannot be met in a way that represents best value to Devon County Council, then we will, in the majority of cases, fund up to the cost of the best value support option.
- 4.9 We have a [top up policy](#) that sets out the national rules for arranging an additional payment, made either by yourself (in certain circumstances) or by a third party so you can receive your preferred care package if it more expensive than your Personal Budget which will be the best value option.
- 4.10 Top up rules are different depending on the accommodation setting that your care is delivered. Legislation prevents us from arranging top-ups for care and support being delivered in the community or in a person’s own home. If you want to receive care in the community or in your own home that is more expensive than your Personal Budget, then you will need to enter into a private agreement with a care provider for any additional costs.
- 4.11 We are able to arrange for you to make a top up payment in residential and nursing care, shared lives schemes and supported living.

- 4.12 A financial assessment will determine how much you can afford to contribute towards your care. If you are making an additional top up payment to receive your preferred care, then when we assess how much money you have we include the amount of your additional payment.
- 4.13 We will identify the best value support plan that can be delivered to meet your eligible needs. This could include where a residential care service can meet your needs at a lower cost than the cost of care and support that would enable you to remain in your own home.
- 4.14 Each person's circumstances will be considered individually and without reliance upon any form of blanket policy. In applying this policy we will act reasonably and proportionately in ensuring that any care arranged will meet your eligible needs.
- 4.15 There may be circumstances where exceptional circumstances mean that DCC would be prepared to exercise its discretion around the exercise of this policy. However, such exceptional circumstances will be rare.
- 4.16 We wish to make it clear that this policy will be invoked particularly where an option is available that represents better value to DCC than providing you with the necessary level of care in your own home.