

Local Authority Circular

LAC (DH) (2010) 6

To: The Chief Executive
County Councils)
Metropolitan District Councils) England
Shire Unitary Councils)
London Borough Councils
Common Council of the City of London
Council of the Isles of Scilly
The Director of Adult Social Services
Councils with Social Service Responsibilities in England

Copied to: Chief Executive – Strategic Health Authorities
Chief Executive – Primary Care Trusts
Director of Children's Services in England
Regional Directors of Public Health
Government Office Directors
Deputy Regional Directors for Social Care and Partnerships,

Date: 28 October 2010

Gateway Reference: 15017

LOCAL AUTHORITY CIRCULAR ON THE PERSONAL CARE AT HOME ACT 2010 AND CHARGING FOR RE-ABLEMENT

Personal Care At Home Act 2010

1. The Coalition Government has decided not to commence the provisions in the Personal Care At Home Act. Therefore, the LASSL (2010)¹ issued for consultation on 12 March this year and containing indicative allocations to Councils, is withdrawn.
2. On 21 June, a revision to the Operating Framework for the NHS in England 2010/11, was issued.¹ In future, hospitals will be responsible for arranging and paying for aftercare, including any re-ablement, for the first 30 days following discharge from hospital. 2011/12 will be a transitional year as we move towards that goal, and local arrangements will need to be in place so that the NHS supports re-ablement – further guidance on this will be issued later this year. In the meantime, Councils may wish to initiate early discussions with local acute hospital trusts and NHS commissioners on capacity issues.

Reablement

3. As part of the work on the Act, it became clear that in providing re-ablement services, the majority of Councils do not collect charges for the first six weeks and only raise charges where this extends beyond six weeks in accordance with section 15 of the Community Care (Delayed Discharges etc.) Act 2003 and the Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003 (2003/1196) (“the 2003 Regulations”). The 2003 Regulations include the following definition of intermediate care -

¹http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_110107
Paragraphs 29-31

““intermediate care” means a qualifying service which consists of a structured programme of care provided for a limited period of time to assist a person to maintain or regain the ability to live in his home.”²

Regulation 4(2) of the 2003 Regulations requires that intermediate care is provided free of charge for the first six weeks. Accordingly, re-ablement services are likely to fall within the definition of intermediate care services and should not be charged for for the first six weeks. Whether or not the re-ablement services provided to a person do in fact fall within the definition of intermediate services will need to be examined on a case by case basis. It is to be noted that “community equipment (aids and minor adaptations) service” (within the meaning of the 2003 Regulations), sometimes part of a package of re-ablement, is also to be provided free of charge where the cost of making the adaptation is £1000 or less whether as part of a reablement package or stand alone.

4. However, it appears that some Councils may have erroneously charged for the provision of re-ablement services on the basis that they are not intermediate care services. Councils should review the arrangements they have in place and satisfy themselves that these comply with the legislation with a view to repaying any amounts that may have been wrongly charged (and received).

2010/2011 Funding for re-ablement linked to hospital discharge

5. The Health Secretary announced on October 5th that £70 million of extra funding will be allocated to Primary Care Trusts (PCTs) to be spent this financial year across the health and social care system to enable the NHS to support people back into their homes after a spell in hospital through reablement. PCTs will work closely with Trusts and local authorities in delivering this. It will enable local areas to help thousands of people and ensure services are in place by the time the NHS picks up new responsibilities in April 2011 for patients’ first 30 days at home after hospital discharge.
6. A letter from the Deputy NHS Chief Executive, David Flory, to SHA Chief Executives is being issued today that details the £70m allocations to PCTs is attached as a separate annex to this letter.

Cancellation of this circular

7. Circular LAC(2010)1 is cancelled with effect from 1st October 2011. This Circular also cancels LASSL(2010)1 with immediate effect.

Enquiries

8. Any queries about this document should be addressed to Re-ablement Enquiries, Department of Health, Social Care Policy and Innovation Team, Wellington House, 133-155 Waterloo Road, London SE1 8UG. You can also email: reablementenquiries@dh.gsi.gov.uk
9. This Circular may be freely reproduced and can be found at: <http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/>.
10. Current circulars are now listed on the Department of Health website on the internet at: <http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/LocalAuthorityCirculars/index.htm>.

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² The Community Care (Delayed Discharges etc.) Act (Qualifying Services) (England) Regulations 2003 available at <http://www.opsi.gov.uk/si/si2003/20031196.htm>

Annex A – Letter from David Flory to Strategic Health Authorities Chief Executives regarding 2010/11 funding for re-ablement linked to hospital discharge

Allocations to PCTs of the additional £70 million available this year announced recently for post-discharge support are attached in the Annex to this letter.

PCTs will be allocated the additional funding via increased revenue resource and cash limit allocations. The PCT allocations will be actioned in time to appear in the next scheduled NHS allocation update, the NHS Limits report due to be issued on 4th November 2010.

PCTs should develop local plans in conjunction with the Local Authority and FT/NHS Trusts and community health services on the best way of using this money to facilitate seamless care for patients on discharge from hospital and to prevent avoidable hospital readmissions.

A proportion of this funding should be used to develop current re-ablement capacity in councils, community health services, the independent and voluntary sectors according to local needs. Resources can be transferred to local partners, including whether a pooled budget should be set up, wherever this make sense locally.

PCTs should use the plans developed for this year as a basis for co-ordinated activity on post-discharge support in 2011/12 and 2012/13 when changes to the tariffs will take effect. In 2011/12, non payment to Trusts for emergency readmissions will create savings for commissioners to reinvest in re-ablement and post-discharge support in year, whilst the intention is that from 2012/13 the tariffs are increased to cover the cost of post-discharge support, including re-ablement.

During 2011 we will be working with early implementer sites to consider issues for hospitals taking the responsibility (and associated funding) for post-discharge support. Our intention is to create as simple and transparent a system as possible, whilst recognising complexities such as patients who are treated by hospitals not in their local area.

Local partners should ensure that people leaving hospital have access to the appropriate levels of professional support that will enable them to live independently and, as far as possible, fully return to their way of life prior to hospital admission.

SHAs should ensure that each PCT has a local plan, developed with their Local Authority and local FT/NHS Trusts including monitoring arrangements, in place by the end of December 2010. For further queries, please contact: Reablementenquiries@dh.gsi.gov.uk or call 020 7972 4086

David Flory
NHS Deputy Chief Executive

Annex – PCT allocations

| PCT | 2010-11 Population | Allocation (£ 000s) |
|---|-----------------------|------------------------|
| County Durham PCT | 611,644 | 818 |
| Darlington PCT | 107,223 | 143 |
| Gateshead PCT | 233,372 | 312 |
| Hartlepool PCT | 111,497 | 149 |
| Middlesbrough PCT | 169,618 | 227 |
| Newcastle PCT | 295,664 | 395 |
| North Tyneside PCT | 229,174 | 306 |
| Northumberland Care Trust | 337,615 | 451 |
| Redcar and Cleveland PCT | 155,374 | 208 |
| South Tyneside PCT | 182,269 | 244 |
| Stockton-on-Tees Teaching PCT | 200,524 | 268 |
| Sunderland Teaching PCT | 334,336 | 447 |
| Ashton, Leigh and Wigan PCT | 352,267 | 471 |
| Blackburn with Darwen PCT | 174,168 | 233 |
| Blackpool PCT | 179,228 | 240 |
| Bolton PCT | 295,954 | 396 |
| Bury PCT | 191,407 | 256 |
| Central and Eastern Cheshire PCT | 421,278 | 563 |
| Central Lancashire PCT | 459,299 | 614 |
| Cumbria Teaching PCT | 524,673 | 701 |
| East Lancashire Teaching PCT | 414,425 | 554 |
| Halton and St Helens PCT | 365,316 | 488 |
| Heywood, Middleton and Rochdale PCT | 235,695 | 315 |
| Knowsley PCT | 199,967 | 267 |
| Liverpool PCT | 579,958 | 775 |
| Manchester PCT | 625,673 | 836 |
| North Lancashire Teaching PCT | 355,800 | 476 |
| Oldham PCT | 252,609 | 338 |
| Salford PCT | 276,357 | 369 |
| Sefton PCT | 308,177 | 412 |
| Stockport PCT | 273,420 | 365 |
| Tameside and Glossop PCT | 255,596 | 342 |
| Trafford PCT | 206,096 | 275 |
| Warrington PCT | 192,136 | 257 |
| Western Cheshire PCT | 242,216 | 324 |
| Wirral PCT | 361,465 | 483 |
| Barnsley PCT | 287,361 | 384 |
| Bradford And Airedale Teaching PCT | 540,560 | 723 |
| Calderdale PCT | 204,527 | 273 |
| Doncaster PCT | 345,832 | 462 |
| East Riding Of Yorkshire PCT | 304,488 | 407 |
| Hull Teaching PCT | 318,865 | 426 |
| Kirklees PCT | 401,013 | 536 |
| Leeds PCT | 783,214 | 1,047 |
| North East Lincolnshire Care Trust Plus | 173,667 | 232 |
| North Lincolnshire PCT | 167,476 | 224 |
| North Yorkshire and York PCT | 727,020 | 972 |
| Rotherham PCT | 284,733 | 381 |
| Sheffield PCT | 571,493 | 764 |
| Wakefield District PCT | 393,438 | 526 |
| Bassetlaw PCT | 121,131 | 162 |
| Derby City PCT | 282,064 | 377 |
| Derbyshire County PCT | 732,867 | 980 |
| Leicester City PCT | 340,073 | 455 |
| Leicestershire County and Rutland PCT | 576,879 | 771 |
| Lincolnshire Teaching PCT | 741,886 | 992 |
| Northamptonshire Teaching PCT | 621,463 | 831 |

| | | |
|-------------------------------------|---------|-------|
| Nottingham City PCT | 340,078 | 455 |
| Nottinghamshire County Teaching PCT | 657,823 | 879 |
| Birmingham East and North PCT | 452,015 | 604 |
| Coventry Teaching PCT | 347,119 | 464 |
| Dudley PCT | 314,406 | 420 |
| Heart of Birmingham Teaching PCT | 309,412 | 414 |
| Herefordshire PCT | 173,078 | 231 |
| North Staffordshire PCT | 214,011 | 286 |
| Sandwell PCT | 362,026 | 484 |
| Shropshire County PCT | 282,006 | 377 |
| Solihull Care Trust | 191,545 | 256 |
| South Birmingham PCT | 383,108 | 512 |
| South Staffordshire PCT | 577,090 | 771 |
| Stoke On Trent PCT | 314,136 | 420 |
| Telford and Wrekin PCT | 164,687 | 220 |
| Walsall Teaching PCT | 284,456 | 380 |
| Warwickshire PCT | 493,942 | 660 |
| Wolverhampton City PCT | 274,357 | 367 |
| Worcestershire PCT | 519,654 | 695 |
| Bedfordshire PCT | 378,090 | 505 |
| Cambridgeshire PCT | 520,417 | 696 |
| Great Yarmouth and Waveney PCT | 244,947 | 327 |
| Hertfordshire PCT | 977,179 | 1,306 |
| Luton PCT | 188,338 | 252 |
| Mid Essex PCT | 315,822 | 422 |
| Norfolk PCT | 738,293 | 987 |
| North East Essex PCT | 340,266 | 455 |
| Peterborough PCT | 153,901 | 206 |
| South East Essex PCT | 336,341 | 450 |
| South West Essex PCT | 395,764 | 529 |
| Suffolk PCT | 561,203 | 750 |
| West Essex PCT | 247,933 | 331 |
| Barking and Dagenham PCT | 194,762 | 260 |
| Barnet PCT | 315,052 | 421 |
| Bexley Care Trust | 207,686 | 278 |
| Brent Teaching PCT | 300,688 | 402 |
| Bromley PCT | 281,396 | 376 |
| Camden PCT | 264,600 | 354 |
| City and Hackney Teaching PCT | 290,213 | 388 |
| Croydon PCT | 327,286 | 437 |
| Ealing PCT | 331,080 | 443 |
| Enfield PCT | 280,107 | 374 |
| Greenwich Teaching PCT | 267,074 | 357 |
| Hammersmith and Fulham PCT | 184,077 | 246 |
| Haringey Teaching PCT | 270,902 | 362 |
| Harrow PCT | 191,143 | 255 |
| Havering PCT | 245,587 | 328 |
| Hillingdon PCT | 233,713 | 312 |
| Hounslow PCT | 226,329 | 303 |
| Islington PCT | 238,725 | 319 |
| Kensington and Chelsea PCT | 183,616 | 245 |
| Kingston PCT | 144,047 | 193 |
| Lambeth PCT | 330,919 | 442 |
| Lewisham PCT | 281,441 | 376 |
| Newham PCT | 311,808 | 417 |
| Redbridge PCT | 243,022 | 325 |
| Richmond and Twickenham PCT | 142,003 | 190 |
| Southwark PCT | 305,524 | 408 |
| Sutton and Merton PCT | 348,349 | 466 |
| Tower Hamlets PCT | 278,476 | 372 |
| Waltham Forest PCT | 253,473 | 339 |
| Wandsworth PCT | 279,905 | 374 |
| Westminster PCT | 242,744 | 324 |
| Brighton and Hove City PCT | 265,716 | 355 |

| | | |
|------------------------------------|------------|--------|
| East Sussex Downs and Weald PCT | 328,550 | 439 |
| Eastern and Coastal Kent PCT | 763,984 | 1,021 |
| Hastings and Rother PCT | 194,944 | 261 |
| Medway PCT | 256,820 | 343 |
| Surrey PCT | 918,337 | 1,227 |
| West Kent PCT | 607,290 | 812 |
| West Sussex PCT | 739,262 | 988 |
| Berkshire East PCT | 336,461 | 450 |
| Berkshire West PCT | 371,525 | 497 |
| Buckinghamshire PCT | 418,288 | 559 |
| Hampshire PCT | 1,109,364 | 1,483 |
| Isle of Wight NHS PCT | 155,096 | 207 |
| Milton Keynes PCT | 214,351 | 287 |
| Oxfordshire PCT | 526,148 | 703 |
| Portsmouth City Teaching PCT | 203,259 | 272 |
| Southampton City PCT | 245,581 | 328 |
| Bath and North East Somerset PCT | 158,688 | 212 |
| Bournemouth and Poole Teaching PCT | 320,152 | 428 |
| Bristol PCT | 428,543 | 573 |
| Cornwall and Isles Of Scilly PCT | 566,662 | 757 |
| Devon PCT | 722,973 | 966 |
| Dorset PCT | 384,500 | 514 |
| Gloucestershire PCT | 534,365 | 714 |
| North Somerset PCT | 198,559 | 265 |
| Plymouth Teaching PCT | 268,514 | 359 |
| Somerset PCT | 506,747 | 677 |
| South Gloucestershire PCT | 205,017 | 274 |
| Swindon PCT | 182,277 | 244 |
| Torbay Care Trust | 159,063 | 213 |
| Wiltshire PCT | 397,774 | 532 |
| England | 52,369,540 | 70,000 |