

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the LASSL (2010)¹ issued for consultation on 12 March this year and containing indicative allocations to Councils, is withdrawn.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