

Integrated Impact Assessment – Interim Summary Report

Each of the numbered sections below must be completed
Please state if the IIA is interim or final

1. Title of proposal

Free personal and nursing care - transfer of ordinary residence

2. What will change as a result of this proposal?

Adults who require social care support have a right to choose the area in which they wish to live. Where that person moves from one local authority area to another and is defined as having become Ordinarily Resident (OR) in that new area, there is a duty on the new authority to provide services to meet their assessed needs.

Where an individual exercises their choice to move to a care home setting in a different authority, a pivotal aspect in determining OR is whether or not an authority has 'arranged' the move or not. Generally, across the Lothian region if an adult who is self-funding and chooses to move to another area, the originating authority has continued to provide Free Personal and Nursing Care (FPNC).

The definition of 'arrange' has been subject to different interpretations. Within EHSCP there has been some variance of approach. The formation of the Assessment and Care Management (ACM) service area has given an opportunity to standardise our position within Edinburgh.

Having taken legal advice and reviewed the Scottish Government's guidance in determination of ordinary residence, it has been concluded that in these circumstances supporting an adult who is self-funding to move to a care home does not amount to 'arranging' a care home placement. So ordinary residence is likely to have changed as long as the individual has made the decision, or that decision has been made by their proxy, to move to the new area.

The proposal involves issuing revised guidance standardising EHSCP approach to OR matters generally. This will ensure a consistent response to scenarios where there may be a change in OR, in accordance with Scottish Government guidance. To support individuals to move to other areas of choice, EHSCP will offer FPNC payments for a 3-month transition period where an adult is self-funding their move to a care home outside of Edinburgh. At the end of the period of transitional funding the new authority

would become responsible for providing and funding the individual's care. This will apply to people who meet the following criteria:

- The individual is self-funding their care home placement
- The individual or their proxy has made the decision to be placed in a care home in another authority area
- The individual has been assessed and is eligible for FPNC

This change will apply to both newly assessed people and in some cases, to people who have been living in care homes for some time. A care needs assessment will be arranged for each individual in the authority area the care home placement was made.

Following these steps the authority/provider/individual affected and/or their proxy will then be sent a timely communication making them aware of the transfer request being made. At this point the 3-month transition period begins.

This is a departure from the tacit arrangements in place with other authorities across the Lothians, however it is a approach happening elsewhere in Scotland. The likely impact is that other authorities will reciprocate so EHSCP will apply the same principles for any transfer of ordinary residence coming into EHSCP along with an agreed consensus with our counterparts across the Lothians.

It is anticipated there will be a reduction in the number of people receiving FPNC payments from EHSCP living in other areas. Many people who move to care homes in other areas do so to neighbouring authorities. The benefits of having an agreed position between all Lothian HSCPs is recognised and under active consideration. It is expected that more people transfer out of Edinburgh than in, and so this proposal is likely to deliver a saving in the region of £500k.

3. Briefly describe public involvement in this proposal to date and planned

No public involvement to date.

4. Is the proposal considered strategic under the Fairer Scotland Duty?

No, as funding will continue to be provided.

5. Date of IIA

Wednesday 10th December 2025

6. Who was present at the IIA? Identify facilitator, lead officer, report writer and any employee representative present and main stakeholder (e.g. Council, NHS)

Name	Job Title	Date of IIA training
Rhiannon Virgo	Corporate Strategic Lead Finance, EHSCP- facilitator	
Tracey Rogers	Project Manager, EHSCP – Scribe/report writer	Dec 2021
Matt Kennedy	Head of Service Assessment and Care Management / Deputy Chief Social Work Officer, EHSCP – SRO	
Laura Stirling	Service Manager East Locality and Hospital Social Work Service, EHSCP	
Lyndsey Bridge	Team Leader – Social Work, EHSCP	
John Enock	Senior Information Analyst, EHSCP	
Jane Brown	Senior Care Home Manager, EHSCP	
Rene Rigby	Independent Sector Lead, Scottish Care, Scottish Care Representative	
Peter McCormick	Director, Renaissance Care Home Provider & Scottish Care Representative	
Vivienne Kennedy	Contracts Officer, EHSCP	
Thomas Stoke	Acting Senior Accountant, CEC	

Stakeholders invited to the workshop but unable to attend

Name	Job Title	Date of IIA training
Laura Anderson	Solicitor, CEC	

7. Evidence available at the time of the IIA

Evidence	Available – detail source	Comments: what does the evidence tell you with regard to different groups who may be affected and to the environmental impacts of your proposal
Data on populations in need – where available use disaggregated data	Joint Strategic needs Assessment City of Edinburgh HSCP https://www.edinburghhsc.scot/the-ijb/jsna/	Provides current and projected data on the wider population in the City of Edinburgh - Over 65's account for a smaller proportion of the population in Edinburgh than elsewhere in Scotland but the older population is expected to grow significantly - Each of the older population age groups in Edinburgh and Scotland are expected to grow by at least a fifth. This growth highlights the need for the future sustainability within the service including grip and control of finances within the partnership. (Population and demographics - Edinburgh Health & Social Care Partnership (edinburghhsc.scot).
	Census data. https://www.scotlandscensus.gov.uk/	<p>Home Scotland's Census provides data on Scotland's population and demographics. There were some key statistics which were shared in the Strategic Plan to articulate and contextualise the position of the Partnership.</p> <p>Key points about the population:</p> <ul style="list-style-type: none"> • It's big - In the 2022 census, 512,700 people were recorded as living in Edinburgh. • It's getting bigger - The population has increased by 36,100 people since the last census in 2011. It is expected to grow by a further 9,000 people during the three-year period of this Strategic Plan. • It's getting older - Most of the population growth is happening in people over the age of 65. • It's getting more ethnically diverse - In the 2022 census, around 15% of the population recorded their ethnicity as non-white (an increase from 8% in the 2011 census). • It has significant pockets of deprivation and they're growing fastest - 16.5% of people living in the North East of the city live in the highest areas of deprivation and this is the area of the city projected to experience the biggest growth.

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		<ul style="list-style-type: none"> • Most population growth is occurring in the groups that have the highest health and social care needs - There is strong evidence that older people, people from ethnic minorities and people living in deprived areas have greater levels of need for health and social care.
	Edinburgh Health and Social Care Strategic Plan 2025-2028 https://www.edinburghhsc.scot/the-ijb/strategicplan/	Details the Strategic direction of the EHSCP including a key strategic priority focussing on ‘Using our resources effectively’ which the transfer of ordinary residents sets out to address and align with. For those aged over 65 there are 815 people in external care homes at a cost of £959K per week for external care homes. 1123 people currently receive FPNC at a cost of £367k per week to Edinburgh.
Data on service uptake / access Data on socio-economic disadvantage e.g. low income, low wealth, material deprivation, area deprivation	Swift Social Work System (as of November 2025)	There is an estimated cohort of 148 adults who may be subject to the transfer out request by CEC to other local authorities of ordinary residence. The Estimated Savings and numbers of people transferred are worked out using a ratio based on a comparison of 2024 data from CEC Swift system and the Source’ Social work return. The figures are based on those receiving free personal and nursing care as of November 2025. Table 1. Costs and savings for people outside of Edinburgh and transferred to other authorities from the Source return . <ul style="list-style-type: none"> • Current number of people outside Edinburgh = 153 • Current costs = £2,697,163 • Estimated number of people transferred to other authorities = 69 • Estimated net saving = £1,220,699

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		<p>Table 2. Estimated number of people admitted to a care home outside of Edinburgh over a 10-year period between 2015 and 2025:</p> <ul style="list-style-type: none"> • 2015 – 2 • 2017 – 1 • 2018 – 2 • 2019 – 4 • 2020 – 7 • 2021 – 12 • 2022 – 8 • 2023 – 31 • 2024 – 43 • 2025 – 38 <p>EHSCP budget for FPNC payments for 2025/26 is set at £23.07m. At P5, the forecast spend was £20.56m. The total number of people living in other authority areas is 148 receiving a total annual commitment of £2,612,871 which is more than 10% of FPNC expenditure.</p> <p>We are assuming from the local data that 55% of the people ‘transferred out’ of Edinburgh will result in a reciprocal number of people being ‘transferred in’. Applying this to the total current cost of £2.6m gives a projected savings of £1.22m for the Partnership.</p> <p>Each year, approximately 50 people receiving FPNC payments move to live in care homes in another local authority. This amounts to a full-year cost of £962,350/year of future expenditure which could be avoided.</p> <p>The exact in-year saving will be determined by the point in the year the person moves and minus the 3 month transition period. The savings associated with individuals who subsequently move to NCHC rate levels are likely very significant, but yet to be quantified (further verification required).</p>

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		<p>Table 3. Number and cost of out of area care home placements in neighbouring authorities. (Replaced with updated version to maintain anonymity):</p> <ul style="list-style-type: none"> • East Lothian – 42 - £718,805 • Fife – 29 - £498,451 • West Lothian – 24 - £437,741 • Midlothian – 14 - £262,601 • Falkirk – 7 - £128,760 • Glasgow – 6 - £97,567 • Perth and Kinross – 5 - £90,265 • Stirling - Less than 5 - £71,017 • Dumfries and Galloway - Less than 5 - £57,742 • Aberdeenshire - Less than 5 - £51,770 • Borders - Less than 5 - £50,146 • Highland - Less than 5 - £45,797 • South Lanarkshire - Less than 5 - £38,495 • Dundee - Less than 5 - £38,495 • Renfrewshire - Less than 5 - £19,247 • Caithness - Less than 5 - £19,247 • Angus - Less than 5 - £19,247 • North Lanarkshire - Less than 5 - £19,247 • North Ayrshire - Less than 5 - £19,247 • South Ayrshire - Less than 5 - £13,275
	<p>Edinburgh Health and Social Care Strategic Plan 2025-2028 https://www.edinburghhsc.scot/the-ijb/strategicplan/</p>	<p>The strategic plan outlines EHSCP workforce commitments balancing both the demands, capacity and financial challenges.</p>
	<p>Scottish Government Guidance of 2015 (ref: Circular No: CCD 3/2015 Guidance on the recovery of expenditure on accommodation and services under section</p>	<p>CEC has adopted the Scottish Government guidance and procedures on the determination of ordinary residence and the recovery of expenditure of services. The Scottish Borders local authority, are already taking a similar approach in the transfer of ordinary residence for adults in care homes by establishing joint working arrangements to improve adult health and social care services across the Borders. CEC</p>

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	<p>86 of the Social Work (Scotland) Act 1968 https://www.gov.scot/publications/guidance-recovery-expenditure-accommodation-services-under-section-86-social-work-scotland-act-1968/pages/3/</p>	<p>would expect to see other local authorities making similar transfer requests and for transfer requests to give rise to complaints from service users/proxies, providers and neighbouring authorities.</p> <p>Determination of Ordinary Residence relies on the circumstances of each case, so would need to be considered individually as whilst it is broadly likely that individuals living in care homes receiving FPNC were not based on EHSCP ‘making arrangements’ and OR can be seen to have changed. However, it would have to be demonstrated that the individual wished to move to another local authority area or a proxy decision maker had authority to make that decision.</p> <p>The project would therefore require a dedicated resourced response to the transfer initiated by CEC with orchestrated and timely communications to key stakeholders; oversight of delivery; and with legal counsel sought out on a case-by-case basis where disputes and escalation needed to be handled.</p> <p>CEC has an established business as usual process for transferring ordinary residence for adults which has been adapted from this guidance and will be used to provide a robust process to manage:</p> <ul style="list-style-type: none"> • transitions for newly assessed self-funding adults who have requested a move to another local authority • consideration of transitioning for adults previously assessed (between 2015 and 2025), who are self-funding and have already moved to another local authority. (Further verification is required as a 10-year placement as a self-funder is highly unlikely.)
	<p>Edinburgh Health and Social Care Strategic Plan 2025-2028</p>	<p>The Strategy refers to current data which indicates that more than 55% of people in Scotland over the age of 65 live with some level of frailty (35% are</p>

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	https://www.edinburghhsc.scot/the-ijb/strategicplan/	<p>mildly frail, 15% are moderately frail, and 5% are severely frail).</p> <p>People with frailty have high levels of health and social care needs.</p> <p>The IJB is responsible for funding placements for people with an assessed need for a care home who cannot afford to pay for it themselves.</p> <p>Due to the way the population of Edinburgh is changing, the demand for care homes is only going to grow. Modelling completed on behalf of NHS Lothian has forecast that Edinburgh will need an additional 60 care home beds each year to keep up with population changes over the next twenty years.</p>
	Swift Social Work System (as of November 2025)	<p>All persons impacted by the project are currently resident within a care home or will be in the future, are self-funders and eligible/in receipt of FPNC. Any changes in health care needs will be picked up by an assessment.</p> <p>Local authorities have a duty to provide community care services to persons within their area who have been assessed as in need of such services, regardless of where they hold ordinary residence.</p>
	Equality act 2010 - guidance	<p>The act applies across Great Britain, including Scotland, and includes provisions relevant to the Scottish context and protected characteristics.</p>
	Fairer duty Scotland: Guidance for public bodies	
Data on equality outcomes	Equality Act 2010: guidance - GOV.UK	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>Provides statutory guidance for public sector bodies subject to the Fairer Scotland Duty which places a legal responsibility on public bodies</p>

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		including IJBs, local authorities and health boards to actively consider ('pay due regard' to) how they can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions.
	Swift Social Work System (as of November 2025)	<p>Data as of November 2025 shows a profile of the cohort in question.</p> <p>Table 4. Breakdown of cohort by gender</p> <ul style="list-style-type: none"> • Female – 70.59% • Male – 29.41% <p>Table 5. Breakdown of cohort by ethnicity</p> <ul style="list-style-type: none"> • Not Known - 46.41% • White – Scottish – 33.33% • White [No Further Detail] – 8.5% • White - Other British - 7.19% • Not Disclosed – Less Than 5% • White - Other – Less Than 5% • African, African Scottish Or African British – Less Than 5% • White - Irish – Less Than 5% <p>Table 6. Breakdown of cohort by age</p> <ul style="list-style-type: none"> • 65 or over – 94.77% • Under 65 – 5.23% <p>Table 7. Breakdown of cohort by marital status</p> <ul style="list-style-type: none"> • Not Recorded – 53.59% • Widowed – 15.03% • Married – 11.76% • Not Disclosed/Not Known – 10.46% • Single – 5.88% • Divorced – Less Than 5% • Separated – Less Than 5% <p>Table 8. Breakdown of cohort by religion</p> <ul style="list-style-type: none"> • Not Recorded – 51.63% • Not Known – 22.22% • Church Of Scotland – 14.38% • Not Disclosed – 5.88% • Roman Catholic – Less than 5%

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		<ul style="list-style-type: none"> • None (Atheist Or Agnostic) – Less than 5% • Other Christian – Less than 5% <p>Table 9. Breakdown of cohort by disability</p> <ul style="list-style-type: none"> • Unknown - 72.55% • No - 24.18% • Yes - Less than 5% <p>Table 10. Breakdown by known disability</p> <ul style="list-style-type: none"> • Acquired brain injury - Less than 5% • Dementia - Less than 5% • Learning Disabilities - Less than 5% • Mental Health - Less than 5% • Older People with Support Needs - Over 90% • Physical Disabilities - Less than 5%
Research / literature evidence	<p>Scottish Government Guidance of 2015 (ref: Circular No: CCD 3/2015 Guidance on the recovery of expenditure on accommodation and services under section 86 of the Social Work (Scotland) Act 1968</p> <p>https://www.gov.scot/publications/guidance-recovery-expenditure-accommodation-services-under-section-86-social-work-scotland-act-1968/pages/3/</p>	Guidance endorsing local authorities recovery of expenditure on accommodation and services.
	<p>Scottish Government Guidance of 2003 (ref circular No. CCD5/2003) Free Personal and Nursing Care – Consolidated Guidance</p> <p>https://www.gov.scot/bi/naries/content/docume</p>	Provides consolidated guidance on the action required to implement the Scottish governments policy on personal and nursing care (Circular: CCD4/20020) and Guidance on Free Personal and Nursing Care Route 2 Contract Guidance, issued to local authorities, the NHS and other service providers (circular SSC5/2002) which sets out key actions required by local authorities to ensure measured, consistent and effective implementation

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	nts/govscot/publications/advice-and-guidance/2005/08/guidance-free-personal-nursing-care-scotland-2003/documents/0015597-97-pdf/0015597-pdf/govscot%3Adocument/0015597.pdf	<p>across Scotland. It outlines arrangements for those aged 65 and over in care homes who currently meet their own personal and nursing care costs specifically the provision of payments towards nursing and personal care will apply to those who pay their own care costs (self-funders). For those people no assessment of need will be required and they will be eligible for a payment</p>
Public / patient / client experience information	<p>Supporting care transitions for older people: A practice-based qualitative study in England Open Access: Wenjing Zhang, Julia Greig, Ann-Marie Towers, Eirini-Christina Saloniki, Robin Darton. The British Journal of Social Work, Volume 55, Issue 5, July 2025, Pages 2217–2235, https://doi.org/10.1093/bjsw/bcaf041</p>	<p>This study emphasizes the need to equip social care practitioners with necessary tools, training, and systemic support to facilitate proactive decision-making, and improve care transitions and outcomes for older people. Highlights areas for improving the experiences during transfer of ordinary residence by addressing (1) unmet practical and emotional needs for older people and their carers, notably in decision-making; (2) barriers to effective practice, including communication, sourcing funding, and system challenges, such as a fragmented health and social care system; (3) strategies to improve practice, including person-centred strength-focused approaches, better communication and information access, and understanding diverse care settings; and (4) the importance of supporting practitioners.</p>
Evidence of inclusive engagement of people who use the service and involvement findings	<p>Social work Scotland - Ordinary Residence Best Practice Procedure. 2019 SWS-Ordinary-Residence-Transfer-of-cases-from-another-area-06.2019.pdf</p>	<p>Sets out local authority responsibilities which is the duty to provide community care services to persons within their area who have been assessed as in need of such services, regardless of where they hold ordinary residence. This will ensure that continuity of care for residents impacted by any transfer of payment for FPNC should expect to see little to no disruption to their needs being met during potential disputes/during the 3-month transition period.</p>
Evidence of unmet need		
Good practice guidelines	<p>Scottish Government Guidance of 2015 (ref: Circular No: CCD 3/2015 Guidance on the recovery of</p>	<p>This sets out the definition of Ordinary Residence. The protocol described in CCD3/2015 is that the originating authority retains responsibility for the adult’s care for the first 3 months after the move (to facilitate an effective transfer of responsibility to the</p>

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	expenditure on accommodation and services under section 86 of the Social Work (Scotland) Act 1968.	<p>new area and to allow the new local authority time to review the care needs and put in place the appropriate services). It also highlights that transitional funding may be needed, the cost of which should be met by the original authority for a period of a minimum of 3 months (or an alternative period to be agreed by both local authorities).</p> <p>It also sets out clear guidance that once the transitional funding period ends the new local authority becomes responsible for providing and funding the individual's care.</p> <p>This guidance assists local authorities in applying the statutory provisions under which the local authority providing accommodation and/or services can recover the costs from another local authority in Scotland - to achieve consistency and equity across Scotland:</p> <ul style="list-style-type: none"> ○ Part 1: determining ordinary residence (Annex A for individuals who lack capacity; Annex B: arrangements made by a local authority; Annex C: self-arrangers) ○ Emphasises the transitional funding for 3 months for continuity of care and to allow necessary assessments and care to be put in place eg. during this period the originating authority retains responsibility for the adults care for the first three months after the move. ○ Part 2: Particular situations in which a person's ordinary residence may require determination (Annex A for individuals who lack capacity; Annex B: arrangements made by a local authority; Annex C: self-arrangers) <p>Part 3: Dispute resolution the authority in which the resident is currently residing pays for FPNC during the dispute to minimise any disruption of assessed need.</p>
	Social work Scotland - Ordinary Residence Best Practice Procedure. 2019	This best practice model was developed to compliment the guidance CCD3/2015 by setting out how they transfer arrangements should be conducted and provides examples of how disputes

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	SWS-Ordinary-Residence-Transfer-of-cases-from-another-area-06.2019.pdf	<p>and complaints should be managed between local authorities.</p>
	<p>City of Edinburgh Council.31 January 2018. <i>Ordinary Residence Procedure</i> (Not published but is available by email upon request)</p>	<p>The purpose of this procedure is to assist practitioners locally to determine a person’s ordinary residence, for the purpose of recovery of expenditure on accommodation and services under section 86 of the Social Work (Scotland) Act 1968 and is an adaptation of the Scottish Government Guidance of 2015 (ref: Circular No: CCD 3/2015 Guidance on the recovery of expenditure on accommodation and services under section 86 of the Social Work (Scotland) Act 1968.</p> <p>This procedure relates both to individuals moving between local authorities within Scotland and to cross-border placements within the United Kingdom.</p> <p>To determine ordinary residence:</p> <ul style="list-style-type: none"> - Period to be disregarded when determining Ordinary Residence - People who lack capacity to decide where to live - Cross border placements - Free personal and nursing care - Packages of care - Transitional Arrangements - Child to adult transition - Disputes - Social work (Scotland) Act 1968 (Choice of Accommodation) Directions 1993 - Advice and guidance <p>4.1 Periods to be disregarded when determining Ordinary Residence</p> <p>4.1.1 In determining an individual’s ordinary residence for the purpose of section 86(1), section 86(3) provides for time spent in certain types of accommodation to be disregarded. These disregarded provisions are as follows:</p> <ul style="list-style-type: none"> • any period during which the individual is provided with accommodation under the 1968 Act, or under sections 25 to 27 of the Mental Health (Care and

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		<p>Treatment) (Scotland) Act 2003. This would include residential care in a care home setting.</p> <ul style="list-style-type: none"> • any period during which the individual was a patient in a health service hospital, or a hospital managed by a National Health Service Trust. <p>4.1.2 The Recovery of Expenditure for the Provision of Social Care Services (Scotland) Regulations 2010 also makes it clear that any period in which a person is residing under arrangements made by a local authority, in accommodation with support, shall be disregarded for determining ordinary residence. This would include care at home.</p> <p>4.1.3 Making a direct payment for arranging for the provision of support.</p> <p>4.2 People who lack capacity to decide where to live</p> <p>4.2.1 Where an individual has been assessed as lacking capacity, decisions to move to another local authority can only be taken lawfully by persons with the legal authority to do so. This can be by way of power of attorney, guardianship, or other form of intervention order, granted by the court.</p> <p>Procedure Title - Ordinary Residence</p> <p>4.2.2 Where the proxy decision maker takes the decision to move the individual out of an area and the proxy arranges the move without the local authority making arrangements, the individual's ordinary residence will change to the new area.</p> <p>4.2.3 Where, however, the proxy takes the decision to move the individual and the local authority arranges the move, the individual's ordinary residence will not change as a result of that move.</p> <p>4.2.4 Where the individual lacks capacity and the family have no legal authority to make a decision on their behalf or where a client is moving to an OLA and whether the move has been arranged by the City of Edinburgh Council or not, then ordinary residence remains with the City of Edinburgh Council because the decision to move the individual was taken by someone without the relevant legal authority.</p>

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		<p>However, the practitioner should always in the first instance seek accommodation within the City of Edinburgh Council area and only look outwith these parameters where there is clear reasoning and benefit to the client of moving outwith the City of Edinburgh Council area.</p> <p>4.3 Cross Border Placements Schedule 1 to the Care Act 2014 makes provision for cross-border residential care placements between Scotland, England, Wales and Northern Ireland. Where the individual is placed into residential accommodation in any of these areas, their ordinary residence does not change and the placing authority retains responsibility for the individual.</p> <p>4.4 Free Personal and Nursing Care 4.4.1 Where an individual moves to an OLA and has made their own arrangements, the City of Edinburgh Council does not provide Free Personal and Nursing Care (FPNC). This becomes the responsibility of the OLA. 4.4.2 Where an individual moves to the City of Edinburgh Council from an OLA and they have been placed by the OLA, ordinary residence remains with the placing local authority and we do not provide FPNC. This would also cover placements from outwith Scotland and such placements are not entitled to FPNC. Likewise, if the City of Edinburgh Council placed a person outwith Scotland, the City of Edinburgh Council is liable to pay that person FPNC. 4.4.3 However, where an individual moves to a care home in the City of Edinburgh Council boundary, without any involvement from an OLA, then the ordinary residence of the individual changes to the City of Edinburgh Council. This also applies if a proxy is acting on the individual's behalf. This also applies to cross-border placements.</p> <p>4.6 Transitional Arrangements Transitional arrangements (three months payment for services) are only paid where people have existing services in place and do not apply to care</p>

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		<p>home moves. If ordinary residence changes, the three-month payment is to assist the person to move so that a care package is in place from the first day of the move and to allow the new local authority time to carry out an assessment – Annex F of the Circular CCD 3/2015 can be used for this purpose – See Appendix 1.</p> <p>4.8 Disputes The provision of services should never be delayed pending resolution of any dispute arising in connection with a person’s ordinary residence. The individual’s needs should be met by the local authority in which the individual is physically present at the time when the need for community care services arises (the local authority of the moment) at the earliest opportunity and disputes about payment should not result in delays in meeting need.</p> <p>From this guidance Edinburgh City Council has adopted the use of Annex F: Protocol for transitional funding for services provided under the social work (Scotland) Act 1968 which is completed where transitional funding arrangements have been made for the transfer of FPNC from Edinburgh City council to a ‘new authority’ outside of Edinburgh.</p> <p>Annex F: Protocol for transitional funding for services provided under the social work (Scotland) Act 1968 has been adopted by CEC for completion where transitional funding arrangements have been made for the transfer of FPNC from Edinburgh City council to a ‘new authority’ outside of Edinburgh.</p> <p>Appendix 2: Ordinary Residence - Quick Guide (Edinburgh council's Ordinary Residence Procedure provides a quick reference guidance describing a number of scenarios to help support decision making for practitioners on how to determine ordinary residence.</p>
Carbon emissions		Not applicable

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generated/reduced data		
Environmental data		Not applicable
Risk from cumulative impacts		Reciprocal transfers from other local authorities.
Other (please specify)		
Additional evidence required		<p>Number of and reason for complaint being logged relating to transfer of ordinary residence.</p> <p>Number of reciprocal transfers and associated costs from other local authorities.</p> <p>Breakdown of the cohorts protected characteristics/known disability</p> <p>Evidence of unmet needs</p> <p>Proportion of residents who are still self-funding??</p>

8. In summary, what impacts were identified and which groups will they affect?

Equality, Health and Wellbeing and Human Rights and Children’s Rights	Affected populations
<p>Positive Transfer of ordinary residence will have the following benefits:</p> <ul style="list-style-type: none"> • Person will be able to remain in a care home placement of their choosing • Personal Care and Nursing needs will continue to be met due to funding being kept in place. The individual should experience no change to their care, either during the 3 month transition period or afterwards. 	<p>The majority of people affected will be aged 65 and over with a small number under 65.</p>

Equality, Health and Wellbeing and Human Rights and Children’s Rights	Affected populations
<ul style="list-style-type: none"> • Continue to provide free personal and nursing care to all citizens whose residence remains in Edinburgh • Reduction in the number of out of area placement assessments required • Provision of free personal and nursing care to citizens whose ordinary residence has been transferred to Edinburgh. • Guidance is clear that if there is a dispute, host authorities (where the person physically is) should make payments and take up dispute with the originating authority. • Reduction in the number of ‘out-of-area’ care home placements that require EHSCP funding for FPNC offering greater local financial control. • Reduction in the number of care home placements requiring out-of-area care, case management and assessments. 	<p>Other HSCP authorities</p>
<p>Negative Transfer of ordinary residence will have the following negative impact for service users:</p> <ul style="list-style-type: none"> • This would require an intense and dedicated response from the RRT/SW and the council’s legal team on a case-by-case basis where a dispute may arise and escalation is needed. • This may also impact capacity of teams responding to any complaints arising from the transfer and or the management of complex disputes. • This approach may cause anxiety for individuals, their families and legal/financial representatives. • The same impacts above will apply to the transfer of people in and out of the area of Edinburgh. <p>Transfer of ordinary residence will have the following negative impact for EHSCP staff implementing the revised guidance:</p> <ul style="list-style-type: none"> • Increased burden of administration, and the management of internal staff and disputes if process does not run smoothly. 	<p>The majority of people affected will be aged 65 and over with a small number under 65.</p> <p>EHSCP Staff</p> <p>Care home Providers</p>

Equality, Health and Wellbeing and Human Rights and Children's Rights	Affected populations
<p>Transfer of ordinary residence will have the following negative impact for providers delivering free personal and nursing care within care homes:</p> <ul style="list-style-type: none"> • Increased burden of administration, and the management of internal staff and disputes if process does not run smoothly. <p>Transfer of ordinary residence will have the following negative impact for authorities transferring people in and out of their area:</p> <ul style="list-style-type: none"> • This approach may increase costs for neighbouring HSCPs. This may be mitigated by taking a collaborative approach with neighbouring authorities and working together to ameliorate impacts where possible. • Increased burden of administration, and the management of internal staff and disputes if process does not run smoothly. 	Other HSCPs

Environment and Sustainability including climate change emissions and impacts	Affected populations
<p>Positive None noted</p>	
<p>Negative None noted</p>	

Economic	Affected populations
<p>Positive Care homes will continue to receive FPNC funding for each individual, meaning that there will be no financial impact.</p>	Care home providers, including local businesses
<p>Negative Care home providers expressed concern about potential disputes resulting in delayed payments. In mitigation, the Scottish Government guidance is very clear that in the case of disputes, the host authority must continue to make payments so that there is no impact on the individual or the provider.</p>	Care home providers, including local businesses

- 9. Is any part of this policy/ service to be carried out wholly or partly by contractors and if so how will equality, human rights including children’s rights, environmental and sustainability issues be addressed?**

No

- 10. Consider how you will communicate information about this policy/ service change to children and young people and those affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language? Please provide a summary of the communications plan.**

It will not be necessary to communicate with children and young people within the scope of this work.

Some service users will require additional communication tools in order to understand the proposed change of funding for payment of the FPNC, and timely communications will need to be carried out on an individual basis and as is appropriate upon an agreed decision factoring in communications where service users are affected by sensory impairment, speech impairment, low level literacy or numeracy, learning difficulties or English as a second language.

- 11. Is the plan, programme, strategy or policy likely to result in significant environmental effects, either positive or negative? If yes, it is likely that a Strategic Environmental Assessment (SEA) will be required and the impacts identified in the IIA should be included in this. See section 2.10 in the Guidance for further information.**

No.

- 12. Additional Information and Evidence Required**

If further evidence is required, please note how it will be gathered. If appropriate, mark this report as interim and submit updated final report once further evidence has been gathered.

An initial search for social work complaints has been conducted filtering this down to assessment and care management and shows 324 complaints over the 3-year period (Jan 2022 - Dec 2025). A manual trawl of each record would be required to read and establish the nature of the complaint. A more accurate figure cannot be obtained until the new year due to capacity within the complaints team.

Additional guidance

13. Specific to this IIA only, what recommended actions have been, or will be, undertaken and by when? (these should be drawn from 7 – 11 above) Please complete:

Specific actions (as a result of the IIA which may include financial implications, mitigating actions and risks of cumulative impacts)	Who will take them forward (name and job title)	Deadline for progressing	Review date
Monitor the number of people whose Ordinary Residence changes as a result of this proposal	Matt Kennedy, Head of Service, Assessment and Care Management	March 2027	
Monitor any complaints arising from this proposal	Jen Evans, Service Manager, Quality and Safety	March 2027	
Review the IIA at 6 monthly intervals to capture any additional impacts	Matt Kennedy, Head of Service, Assessment and Care Management	June 2026	Dec 2026

14. Are there any negative impacts in section 8 for which there are no identified mitigating actions?

This proposal is likely to have a financial impact on neighbouring authorities. While mitigating actions have been identified, it is not possible to completely mitigate against this.

15. How will you monitor how this proposal affects different groups, including people with protected characteristics?

Monitoring of activity and spend will be built into the reporting for the savings and governance programme board.

There will be ongoing monitoring of the proportion of the cohort which meets the criteria for the transfer of ordinary residents including communications made to Chief Officer/providers and people affected by the transfer. We will also monitor caseloads which have been accepted, disputed and resolved following escalation.

Timely communications with Chief Officers across the affected authority areas, providers and people and their families or proxies will be put in place and monitored for all changes and agreed decisions for transfer.

16. Sign off by Head of Service

Name: Matt Kennedy

Date: 16 March 26

17. Publication

Completed and signed IIAs should be sent to:

integratedimpactassessments@edinburgh.gov.uk to be published on the Council website www.edinburgh.gov.uk/impactassessments

Edinburgh Integration Joint Board/Health and Social Care

sarah.bryson@edinburgh.gov.uk to be published at

www.edinburghhsc.scot/the-ijb/integrated-impact-assessments/