

DECISION-MAKER:	CABINET		
SUBJECT:	ADULT SOCIAL CARE AND SUPPORT PLANNING POLICY		
DATE OF DECISION:	20 SEPTEMBER 2016		
REPORT OF:	CABINET MEMBER FOR HOUSING AND ADULT CARE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
Not applicable.	
BRIEF SUMMARY	
This report seeks authorisation to formally adopt and implement the Adult Social Care and Support Planning Policy following the conclusion of a twelve week public consultation.	
RECOMMENDATIONS:	
	(i) To consider the outcome of the public consultation on the proposed policy, which took place between 31 May 2016 and 23 August 2016, as set out in the consultation report, attached at Appendix 2.
	(ii) To approve the proposed Adult Social Care and Support Planning Policy, as attached at Appendix 1.
	(iii) To delegate authority to the Service Director, Adults, Housing and Communities to make any minor amendments or updates required to the policy, following consultation with the Cabinet Member, Housing and Adult Care and the Director of Quality and Integration.
	(iv) To note the development of a Service Charter, which will set out standards that customers can expect when using adult social care services under the new policy.
REASONS FOR REPORT RECOMMENDATIONS	
1.	The proposed policy will enable the Council to fulfil its duties under the Care Act 2014 in a more equitable way; will support independence; and will help to ensure that eligible social care needs are met in cost effective ways that lead to the best outcomes for individuals, their carers and families.
2.	The policy is designed to improve levels of consistency and transparency

	<p>within the Council’s provision of adult social services and has been subject to twelve week public consultation. The Council gave genuine and conscientious consideration to the views and representations received from the consultation. The final version of the policy has been influenced and updated as a result of the feedback received from consultation participants, which has sought to address any concerns raised during the consultation.</p>
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ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3.	<p>The status quo could be maintained by not adopting a policy, however, there would continue to be a low level of assurance regarding the policy objectives outlined at Section 6 and statutory requirements outlined in Sections 19-23. Not adopting a policy can therefore not be recommended.</p>
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DETAIL (Including consultation carried out)

4.	<p><u>Context</u></p> <p>The Care Act 2014 requires local authorities to provide individuals in receipt of funded adult social care with a personal budget (a sum of money allocated to meet the individual’s assessed unmet eligible needs) as part of their care and support plan. There is currently no local policy which provides guidance to be followed by practitioners when calculating the value of an individual’s personal budget, and as a result there is a risk of inconsistency within local practice when performing this task, particularly when determining the extent to which the individual’s circumstances and personal preferences should influence the cost of meeting the individual’s assessed unmet eligible needs, (needs that are eligible for funded adult social care but where the individual is currently not receiving support for those needs).</p>
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5.	<p>Whilst the Council must always have regard for these factors when determining the most appropriate ways of meeting an individual’s assessed unmet eligible needs, leaving this issue unresolved risks a widening disparity in the content of individual care and support plans, and an inequitable distribution of the finite resources available to the Council for the purpose of meeting the adult social care needs of the local population.</p>
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6.	<p>To address this, a draft policy was developed by the Council to ensure that the tasks of assessment, care and support planning, and review are routinely undertaken in a consistent and transparent manner, which will in turn provide assurance against the following objectives:</p> <ul style="list-style-type: none"> • The adult social care business process is undertaken in a manner that is at all times compliant with the Council’s duties and powers under the Care Act 2014, the updated statutory guidance and the Regulations • Equitable treatment and fairness in the provision of funded care and support • Sufficient and appropriate regard is given to individual circumstances and personal preference when determining the value of an individual’s personal budget
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7.	<p>Achievement of these objectives will promote wellbeing amongst the city’s residents, whilst simultaneously providing greater assurance of consistent and fair distribution of resources across the adult social care caseload, sustainable investment in local care and support services.</p>
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8.	<p>In April 2016, the Council Management Team in consultation with the Cabinet Member for Health and Adult Social Care agreed to undertake a twelve week</p>
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	<p>public consultation on the draft policy. The Council did not have a statutory duty to consult on the draft policy as it does not describe a major change in approach, but instead clarifies existing practice in line with the Council's duties under the Care Act 2014. There was, however, a duty to consult arising from a legitimate expectation of consultation due to the Council's past practice of consulting over Adult Social Care policies. As the policy is also a statement from the Council on the manner and methods to be used by its adult social care practitioners when conducting the tasks of assessment, care and support planning, and review, the consultation additionally represented an ideal opportunity for people with current or future care and support needs and their families to influence their experience of receiving these services from the Council and was undertaken on this basis.</p>
9.	<p><u>Consultation Summary</u></p> <p>The public consultation was undertaken from 31st May 2016 to 23rd August 2016. The consultation objectives, methodology, and outcomes are fully detailed in the Consultation Report at Appendix 2. The consultation was widely promoted and participation was encouraged through numerous channels. Local service user representative organisations were engaged both prior to the initiation of formal consultation and during the consultation itself, and played a key role in designing the consultation format and plan.</p>
10.	<p>Overall, 129 stakeholders engaged with the consultation process and gave their views on the draft adult social care and support planning policy. The Council received some detailed representations during the consultation period, some of which raised concerns about specific aspects of the draft policy. The vast majority of responses received constructively focused on consultation participants' desire to further refine, enhance, and clarify the wording of the policy, which has led to over 90 updates and amendments to the draft policy and significant improvement to the quality of the final version. In cases where it has not been possible to accept a recommended change, a rationale for this has been provided. A list of all comments received from the public and our response to each can be found on the Council's website at: www.southampton.gov.uk/ascpolicyconsultation.</p>
11.	<p>One of the most frequent comments made by consultation participants was in relation to the use of formal language and inclusion of terms within the policy that are unfamiliar to the general public. This result was anticipated as the primary target audience for the policy are the Council's adult social care practitioners and as such the use of profession-specific terms within the policy cannot be avoided. Participants were advised at the outset, however, that the feedback received would be used to develop a public-facing page of the Southampton Information Directory entitled, 'Adult social care assessments, care and support plans, and reviews - what to expect,' which would act as a summary of the policy elements of greatest interest to the public. Taking into account feedback received during the consultation, an Adult Social Care Service Charter is being developed, which will describe the standards of service to be expected by the public when engaging with the council's Adult Social Services under the new policy.</p>
12.	<p>As noted in the Consultation Report, some participants also expressed concern that the policy would lead to a change to their care and support plan. In response, it is not possible to predict the impact of the policy on existing adult social care service users as only a review in the usual manner of the</p>

	individual's care and support plan would reveal that the amount of money required to meet an individual's assessed unmet eligible needs has changed, necessitating a re-calculation of the individual's personal budget value. This has always been the case and would not be a consequence of having implemented the policy. However, the policy is designed to ensure that when the adult social care practitioner is making such considerations, he/she does so through the application of consistent criteria, with appropriate regard for individual circumstance and personal preferences, and in a manner that is demonstrably transparent for the service user, family members, and advocates. The potential impact of the policy is more fully detailed in the Equality and Safety Impact Assessment at Appendix 3.
13.	Consultation participants also frequently commented on the length of time which has passed since their care and support plan was last reviewed by the Council. The Council is currently working with its strategic service partner on a project to ensure the timely completion of all overdue adult social care reviews. In addition, some of the extra social work time freed up by the council's digital transformation programme will be used to ensure that future reviews are kept up to date. Combined with the growing ability of health and other colleagues in integrated teams to carry out social care assessments, with appropriate training and support, the council is moving to a more sustainable model for carrying out adult social care assessments and reviews.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
14.	There are approximately 3,000 individuals in receipt of adult social care whole or partly funded by the Council at a total net cost of £38.56m per annum. The policy provides guidance to officers responsible for calculating the financial value of an individual's personal budget (i.e. weekly cost of care) following completion or review of an individual's care and support plan and as such may have implications for budgetary performance within the adult social care portfolio.
15.	Officers expect a favourable financial impact to follow from implementation of the policy, by assuring greater levels of consistency, equity, and efficiency in the manner in which care and support needs are met. However, it is not possible to quantify this prediction in financial terms as the outcome of future assessments and reviews cannot be known in advance.
16.	A 2016-17 efficiency target for meeting adult care needs and purchasing care more cost effectively of £500k (less than 1.5% of addressable expenditure) has been budgeted for. Implementation of this policy is one of a number of actions being taken by officers that will enable this target to be achieved, though it is important to be clear that the policy itself does not have a specific savings target associated with it, and that personal budgets will not be reduced in order to meet a defined level of expenditure.
17.	Policy implementation and compliance monitoring will be undertaken within existing staff resources.
<u>Property/Other</u>	
18.	Not applicable.

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
19.	The Care Act 2014, its Regulations and the Statutory Guidance impose statutory duties and powers on Local Authorities' when it carries out functions in relation to Adult Social Care and Support. This includes promoting the individual's well-being, taking steps to prevent or delay the development of the individual's needs for care and support and duties to provide information and advice, including on the choice of types of care and support and how to access it.
20.	Under Section 26 of the Act the Council must set a personal budget (PB) which sets out the cost to the Council of meeting the individual's needs and the amount (if any) the adult must pay.
21.	The Council must also keep under review the care and support plans it has produced and also on reasonable request by the individual. If as a result of a review the plan is revised the PB will also need to be reconsidered to ensure it meets the current assessed needs.
22.	The statutory guidance makes it clear that the Council should have a consistent method for calculating personal budgets and that any method for calculating the PB produces equitable outcomes to ensure fairness in care and support packages. The guidance also makes it clear that any process used must be transparent, timely and sufficient.
<u>Other Legal Implications:</u>	
23.	When carrying out any public functions including the formulation and adoption of policies the Council must have due regard to the public sector equality duty (PSED) under the Equality Act 2010. The Council must take into account a number of factors including the need to eliminate discrimination, harassment and victimisation, advance equal opportunity and foster good relations. The service users who will benefit from the personal budgets are likely to be protected by the PSED and the Human Rights Act 1998 which has a similar duties to the PSED. In particular the protection under Article 14 the prohibition of discrimination and Article 6 the right to respect private and family life.
POLICY FRAMEWORK IMPLICATIONS	
24.	The policy will provide a clear structure for the provision of adult social care services in the city, helping to deliver aspects of the Southampton Health and Wellbeing Strategy and the Sustainable Community Strategy (Southampton City Strategy 2015-2025) identified in the policy framework.
25.	The policy supports the following Council priorities: <ul style="list-style-type: none"> • We will protect vulnerable adults and enable people to live independently • We will be a modern, sustainable council

KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:	All wards	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Adult Social Care and Support Planning Policy	
2.	Consultation Report	
3.	Equality and Safety Impact Assessment	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at: N/A		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	