

Decision to be taken by the Strategic Director – Adults and Learning

Date: 28 February 2018

Title of report: Kirklees Council Adult Social Care Offer- approval to undertake a public consultation exercise

Purpose of report: This report outlines the proposed revised Adult Social Care Offer and proposals for public consultation on the changes, including the introduction of a formal Direct Payments Policy and a revised Adults Resource Allocation System to be considered by the Strategic Director for Adults and Health

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Yes Date registered- 22 January 2018
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Amanda Evans on behalf of Richard Parry 16 February 2018
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Debbie Hogg 12 February 2018
Is it also signed off by the Service Director for Legal, Governance & Commissioning?	Julie Muscroft 16 February 2018
Cabinet member portfolio Adults and Public Health	Give name of Portfolio Holder Councillor Cathy Scott

Electoral wards affected: All

Ward councillors consulted:

Public or private: Public

1. Summary

- i. This report seeks Strategic Director approval to undertake a public consultation exercise on proposed changes to the Council's 'Adult Social Care Offer'.
- ii. As part of the Council's Transformation programme, Adult Services is in the process of developing a clearer framework to define its Adults social care offer that includes looking at a new approach which considers the strengths base of eligible social care users in coming to a view about support and to guide practitioners' decisions.
- iii. The proposed revised Adult Social Care offer (including the RAS and Direct Payments Policy) would form an integral part of delivering social care within the resources available.
- iv. In order to meet its public sector equality duty any changes to the RAS and DP policies will require a public consultation process to be undertaken. Adult Services propose to include both of these policies in the consultation to simplify the message to the public.
- v. Due to the scale of the consultation and the fact that this will impact future adult social work practice and given resource constraints within the service an external agency will plan and deliver the public consultation as well as analyse the findings. This would ensure that the consultation is delivered to a high quality and is also independent from the Council. Funding has already been identified from existing budget for this work.

2. Information required to take a decision

- 2.1 As part of the Transformation programme, Adult Services is in the process of developing a clearer framework to define its strengths based 'offer' to eligible social care users and to guide practitioners' decisions.
- 2.2 In essence a strength based approach is a way of identifying a person's abilities and current support networks in order to consider the support they might need. The social care worker, as part of the assessment process, would have a strengths based conversation with the service user to determine what is working well in their life, maximising their personal strengths and the use of support from family, friends and services within the community to meet needs. A strength based approach determines the goals and outcomes that a service user wishes to achieve. The outcome of that might be that the Council may be required to provide a service in circumstances where there is unmet need and where an individual meets the eligibility criteria for care and support. The strength based approach is consistent with modern and sustainable social care practice and is used in many local authorities.
- 2.3 The hoped intention is that this would improve:
 - the adoption of strengths based approaches;
 - consistency and quality of social work practice;
 - increased transparency regarding the allocation of resources;
 - equity of provision between service users and for those with differing social care needs and disabilities
 - the utilisation of Adult Services' resources

- maximise the person's independence.

- 2.4 This is an extensive programme of work which spans both the Programme's Adult Care Offer and All Age Disability projects in order to deliver a holistic approach to change. The scope includes:
- developing new policies and updating existing ones (see below);
 - developing new tools for practitioners to support the adoption of strengths-based practice, including a revised support planning tool for resource allocation;
 - documenting new staff guidance;
 - documenting new business processes for assessment and review activity; and
 - planning and delivering a change management programme for staff to enable behavioural change.
- 2.5 The current Kirklees RAS does not support the new strength based approach to practice that has been adopted in line with the 2014 Care Act and national good practice. Although Direct Payments have been in place for some time in Kirklees the Council does not have a formal policy. It has become increasingly clear that the absence of this policy has created a wide variation in practice. It is important that we consult about any changes to the RAS as well as the adoption of a Direct Payments policy to inform our decision making.
- 2.6 Kirklees Council, NHS Greater Huddersfield Clinical Commissioning Group and NHS North Kirklees Clinical Commissioning Group have developed a joint approach to personal budgets for Adults and Children's Health and Social Care. A memorandum of understanding (MoU) between the three organisations was developed and commenced in June 2016. In light of this, discussions and consultation will also be required with the CCG's regarding any proposed changes to the Kirklees Council RAS.
- 2.7 Policies being considered by this programme of work which require public consultation are changes to the current Resource Allocation System (RAS) policy and the introduction of a new Direct Payment (DP) policy:
- The **RAS policy** outlines the current mechanism for calculating a personal budget which is based on a points system. This policy will need to be updated to reflect a new model that is based on strengths based approaches and supports social worker professional judgement. This will be supported by new tools to allow practitioners to calculate care costs based on unmet need. This will change the approach to calculating service users' indicative and actual budgets.
 - The **DP policy** is a new document which will guide the public and practitioners on the appropriate use of DPs in order to support clients to have choice and control over how their needs are met.
- 2.8 Changes to the RAS policy will potentially affect all current eligible adult social care users and those who may need social care services in the future. The Direct Payment policy will affect current Direct Payments users and future users. The main focus of consultation activity will, however, be with current eligible social care users, staff and partners.
- 2.9 The delivery of both financial and non-financial benefits will be progressed with improved transparency by the successful implementation of the Kirklees Adult Social Care Offer, including a revised RAS and DP policy, and these benefits are dependent on ensuring that the consultation is completed in a timely manner.

2.10 It should be noted that Adult Services will continue to develop and pilot the tools, processes and guidance outlined above throughout the consultation. These elements are fundamental to embedding strengths based approaches which form part of the Adults' vision, Care Act requirements, as well as being a primary lever in the delivery of a range of savings

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

The proposed model will support people to live independently, having greater control over their lives with more support being delivered through communities.

3.2 Economic Resilience (ER)

We will be working with the sector to develop more innovative approaches to meeting individual's care needs, with a focus on meeting outcomes. This supports the Kirklees outcome for working smart and delivering more effectively and efficiently. This will support providers to have increased flexibility to focus delivery on the achievement of outcomes rather than a time and task based approach.

3.3 Improving Outcomes for Children

Any proposed changes to the Adults RAS policy relates to the adults only. The DP policy will set out the guidance which affects both eligible children and adults. This will improve transparency and provide further clarity. The changes support innovative and more personalised ways of meeting needs enabling people to be as well as possible for as long as possible.

3.4 Reducing demand of services

This will support the application of the strength based approach, which places less emphasis on traditional service provision and looks to help individuals, families and communities to have greater control and do more for themselves.

3.5 Other (e.g. Legal/Financial or Human Resources)

Legal

The way that indicative budgets are calculated will be clearer and matched to levels of need.

Its application will support the strength based approach which means that support packages will be consistently proportionate to meet needs.

The strength based approach focuses on helping people be as independent as possible. The proposals invest in the most vulnerable in society while using the Council's resources in the most effective way.

The Equality Act 2010 creates the Public Sector Equality Duty (PSED).

Under section 149 of the Act

- 1) A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are –

Age;
Disability;
Gender reassignment;
Pregnancy and maternity;
Race;
Religion or belief;
Sex;
Sexual orientation.

In order to fulfil the PSED the Council is required to assess the impact of any proposed changes to policies and/or creation of any new policies on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

The Council has therefore carried out Equality Impact Assessments (EIAs) to help it take due regard of its public sector equality duties in relation to these proposals. These can be found in Adults & Health, Integration Section EX IN 1 section of the Council's website:

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/EX%20AS3%20%20EIA%20Direct%20payment%20and%20independent%20sector%20home%20care%20180119.xlsx](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/EX%20AS3%20%20EIA%20Direct%20payment%20and%20independent%20sector%20home%20care%20180119.xlsx)

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Integration/EX%20IN1%20Adults%20Integration%20Direct%20Payments%20EIA%20180119.xlsx](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Integration/EX%20IN1%20Adults%20Integration%20Direct%20Payments%20EIA%20180119.xlsx)

These will be updated further following the consultation exercise and before the Council decides what it will do.

Financial

£6.46m of financial benefits are expected from the implementation of the Kirklees Adult Social Care Offer (and those elements of the All Age Disability work-stream relating to the Strength Based approach and the Review Task Force) over the next four years, of which £0.65m in this financial year and £3.47m in FY18/19. For reference, the gross budget for Direct Payments (Adults) is £16.25m (with 1,394 clients), and £907k for Direct Payments (Children) (with 165 clients). The budget for Domiciliary care (Adults) is £12.2m gross, with 1,315 clients.

The use of Direct Payments will be clarified to ensure innovative approaches to meet needs are supported through a robust policy.

4. Consultees and their opinions

Portfolio Holder and LMT.

A report detailing the proposed approach is expected to go to the Adults Portfolio Holder on 5 March 2018 and to the Health and Social Care Scrutiny Panel on 13 March 2018. This will allow for additional opportunities for Members to share their views, shape and finalise the proposed approach to the consultation.

5. Next steps

Adult Services would like to carry out a comprehensive public consultation on the proposed Adults Care Offer (subject to approvals).

An external agency, following a robust procurement process, will work with Council Officers to plan and deliver the public consultation as well as analyse the findings.

We would like to establish what the public, including current and future service users and carers think about the proposed future Kirklees Adults Care Offer. We would also welcome their ideas about how we could deliver the Adults Care offer differently in the future to achieve better outcomes for individuals.

The consultation is expected to commence week commencing 12 March 2018 for a period of 8 weeks.

A report will be compiled by the end of May 2018, detailing the findings from the consultation. A report detailing proposals for change will follow this and is expected to go to Cabinet in July 2018 for Cabinet to make a decision about any changes to policy and/or introduction of a new policy.

6. Officer recommendations to the Strategic Director, who will be taking the decision on Tuesday 20 February 2018, and reasons:

That:

- i. Following the discussions in March with Portfolio Holder and the Health and Social Care Scrutiny Panel the consultation commence as soon as possible afterwards;
- ii. Final details to be signed off by the Strategic Director or his delegee.

This is to ensure that we engage with and seek views of the public and partners before we make any changes to our policy and/or introduce new policies.

7. Cabinet portfolio holder's recommendations

Not applicable.

8. Contact officer

Amanda Evans, Service Director for Adult Social Care Operations.

9. Background Papers and History of Decisions

Other background information related to the need to undertake this work:

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/EX%20AS3%20%20EIA%20Direct%20payment%20and%20independent%20sector%20home%20care%20180119.xlsx](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/EX%20AS3%20%20EIA%20Direct%20payment%20and%20independent%20sector%20home%20care%20180119.xlsx)

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Integration/EX%20IN1%20Adults%20Integration%20Direct%20Payments%20EIA%20180119.xlsx](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Integration/EX%20IN1%20Adults%20Integration%20Direct%20Payments%20EIA%20180119.xlsx)

See previous public consultation findings and recommendations; report dated January 2017 (Item 11, section 2.21)

<http://democracy.kirklees.gov.uk/documents/s16487/d%20FINAL%202017-01-17%20YPAT%20v3.0.pdf>

and findings report related to this consultation

<https://www.kirklees.gov.uk/involve/publisheddoc.aspx?ref=bx074eav&e=852>

Other information:

Adult Social Care Vision <http://www.kirklees.gov.uk/beta/adult-social-care-providers/pdf/adult-social-care-vision-kirklees.pdf>

All Age Disability Overarching Policy Framework

<https://www.kirklees.gov.uk/beta/delivering-services/pdf/all-age-disability-overarching-policy-framework.pdf>

10. **Service Director responsible**

Richard Parry, Strategic Director for Adults and Health.