

**Name of meeting:** Cabinet

**Date:** 10th July 2018

**Title of report:** Kirklees Council Adult Social Care Offer consultation.

**Purpose of report:** The purpose of this report is to provide Cabinet members with an update on the recent consultation

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?	No
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	No
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	Richard Parry 02/07/2018
Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?	Eamonn Croston 29/06/2018
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft 02/07/2018
Cabinet member portfolio	Cllr Cathy Scott, Portfolio Holder for Adults and Independence

**Electoral wards affected:** All

**Ward councillors consulted:** All

**Public or private:** Public

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## 1. Summary

As part of the Council's Transformation programme, Adult Social Care are in the process of developing a transparent and consistent approach to meeting its statutory duties. This includes implementing a new approach, which promotes independence, works with an individual's strengths and supports personalised outcomes.

The adult social care offer, includes the Adults Resource Allocation System (RAS) and the Direct Payments Policy (DP).

In order to meet its public sector equality duty any changes to the RAS and DP policies required a public consultation process to be undertaken. 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 (Public Perspectives) was procured to work with the Council to plan and deliver the public consultation, in order to provide an element of independence from the council alongside additional capacity to progress what has been a large scale consultation. Funding was identified from an existing budget for this work. The consultation was delivered on time and within budget.

During the consultation, work has been ongoing to continue to develop and pilot the tools, processes and guidance for the above. This work remains ongoing. The intention is to take time over the summer to re-engage with key stakeholders to test out these developments and refine them further in light of feedback received. The final draft policies are scheduled to be presented to Cabinet in October 2018 for a decision.

The purpose, therefore, of this report is to provide an update and to advise of the extended development period.

### Consultation

The consultation took place over an 8-week period between 22nd March 2018 and the 17th May 2018. The Council received over 850 responses from a wide range of stakeholders.

### Methodology

The consultation was promoted on the council's website, social media and through postcards and posters available at key public contact points. In addition, a letter was sent to all direct payment recipients encouraging them to respond to the consultation.

A dedicated phone and e-mail address were available to residents and organisations to ask questions about the proposals and consultation or receive help to respond to the consultation.

The consultation included the following methods;

- An open-access on-line consultation questionnaire (with hard copy and easy read versions available)
- A representative telephone survey
- Staff and stakeholder workshops
- Focus groups with service users and carers
- Public drop in sessions
- Member briefings

A full detailed draft report has been made available by Public Perspectives- attached as appendix A. See section 4 for a summary of the key findings from the consultation.

## **2. Information required to take a decision**

This paper seeks Cabinet to take note of the findings from the consultation and support the approach regarding policy development.

## **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.

#### **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.

### **3.4 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

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 on the Council's website. See links to EIA's.

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/180629%20EIA%20DP%20policy%20\(Care%20Offer%20consultation\).xlsm](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/180629%20EIA%20DP%20policy%20(Care%20Offer%20consultation).xlsm)

[https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02\)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/180629%20RAS%20EIA%20\(Care%20Offer%20Consultation\).xlsx](https://www.kirklees.gov.uk/you-kmc/deliveringServices/impactAssessments/impactAssessmentEvaluations/02)%20Adults%20&%20Health/Adult%20Social%20Care%20Operation/180629%20RAS%20EIA%20(Care%20Offer%20Consultation).xlsx)

## Financial

£5.6 m 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 £3.3m in full year 18/19 and £1.9m in full year 19/20. Budget plans for 18-20 period factor in the assumed financial benefits. Clearly any savings must ensure that people's needs continue to be met.

The revised Kirklees Adult Social Care Offer will further support the application of the strength based approach. This will place less emphasis on traditional service provision and looks to help individuals, families and communities to have greater control and do more for themselves. The changes will support innovative and more personalised ways of meeting needs enabling people to be as well as possible for as long as possible.

## 4. Consultees and their opinions

### Consultation- summary of key findings

In general, there is majority support for the proposed changes. It is evident from the feedback that there is concern amongst people in receipt of adult social care support (including carers) about the changes having a negative impact on them.

There are several suggestions provided by residents, stakeholders and staff which could help maximise the benefit of changes and mitigate possible negative impacts (please note that some of the suggestions are relevant across all aspects of the proposed changes):

#### Living independently and well

- Invest in community provision such as community services, organisations and facilities to ensure that sufficient opportunities are available for residents.
- Make it easier to find out about the community support available.
- Invest in services to help people access community provision and ensure services such as re-ablement, care navigation and Community Plus are appropriately resourced and aligned with other services to provide timely support.
- Work closely with partners and other council services to ensure there is a consistent approach.

- Use accessible/jargon-free language to help residents, staff and partners understand and engage with the approach.

#### Deciding the amount of money and support

- Ensure staff (and appropriate partners) are trained and supported to conduct effective person-led assessments.
- Provide regular reviews to ensure support adapts to an individual's changing circumstances.
- Ensure carers receive assessments where appropriate and that support is available to help carers be resilient and deliver their caring roles effectively.
- Manage change carefully and sensitively, considering transitional arrangements where someone's care package may change notably.

#### Direct payments

- Invest in raising awareness and understanding of direct payments, to increase use.
- Provide training and support to staff and partner organisations to help encourage use and support the management of direct payments.
- Consider the creation of a direct payments advisory and support service to help with the management of direct payments, such as providing recruitment and employment advice, and help with budget management.
- Share the draft guidance with staff and stakeholders to ensure it is fit for purpose.
- Ensure that the exceptional use of direct payments to pay family members or pay for short breaks are written into care plans agreed with the council and the outcomes monitored.
- Provide training and support to carers that are paid, and monitor the quality of care they provide, including monitoring safeguarding.

#### Contacting the council and adult services

- Provide training and support to help people access on-line services and reduce digital exclusion amongst the elderly and disabled.
- Ensure that alternative access is available for those that do not want, or are unable, to use digital services.

Overall, stakeholders, staff and residents said that it will be important to monitor the impact of the changes on outcomes, a formal review of the changes could be conducted following their implementation.

#### Policy development

Following the feedback from the consultation, work is currently in progress on reviewing/developing both the RAS and DP policies.

Feedback from the consultation suggested that many did not want to have a black and white policy on direct payments, and preferred having guidance to

refer to instead. However, given the complexities surrounding direct payments, including the legislation and the number of serious complaints the Council has received relating to direct payments, the proposed approach is to develop/implement a clear direct payments policy, alongside supporting guidance for staff and service users.

The Direct Payment policy will need to set out clear guidelines on the council's approach to direct payments. This will include technical information regarding rights and responsibilities as well as key principles to support choice, control and innovation. This will ensure that there is a common understanding and agreement on their use. In order to further support decision making and ensure that the approach is not overly rigid (black and white), the proposal is to introduce a decision making tool which incorporates a risk assessment to ensure a robust approach to the use of professional judgement managing risk and recording. The decision making tool will cover for example, how we manage the risks in the case of employing the family member and the rationale for this, including any risk mitigation. The decision making tool will be developed along the lines of positive risk taking and will be trialled through the review task force over the summer to help refine it prior to a final decision.

#### Update- developing and piloting the tools

Given the importance of ensuring that we are able to identify a sufficient and transparent budget allocation from which service users are able to take control in planning their care and support, the resource allocation system (RAS) has been reviewed with a new system being piloted and this is taking account and responding to feedback received during the consultation.

During the consultation there were concerns expressed regarding having a 'black and white' rules around direct payments. Other feedback indicated support for increased information and structure around the use of direct payments. In response a decision making tool is to be developed and trialled over the summer to address identified risks and set out the rationale behind decisions in an attempt to promote choice and control whilst maintain consistency, risk management and governance around the use of resources.

#### Support planning tool

A Resource Allocation System (RAS) is a mechanism within the support planning tool that identifies a transparent indicative budget that is based on individual levels of need and local costs of care. The indicative budget is then used to plan to meet care and support needs.

The developed support planning tool aims to support practitioners to be able to provide consistent and equitable indicative budgets. This tool is currently being tested to ensure its sufficiency and usability.

To date feedback has been positive. As part of the implementation planning, work is ongoing in partnership with Learning and Development, to develop a full training programme for staff.

#### Staff Guidance

We need to ensure that all of our staff are confident and capable in their roles. This is achieved through workforce development, supervision and support. All social care staff are accountable for the quality of their social care practice. A first draft handbook has been developed in order to support consistent practice, assist with the inputting of quality data and act as a reference point for new starters. This is currently being shared with relevant teams for their

feedback. All feedback is being collated and is expected to be reviewed mid-June. The revised draft will be made readily available, electronically for all practitioners once finalised. It is expected that this will be ready late summer.

It is proposed that the guidance covers all detail around the responsibilities and legal obligations the individual will have as an employer which includes but not limited to training, pensions, GDPR, redundancy, sickness absence and maternity/paternity pay.

It is clear from the consultation feedback that staff require additional training on direct payments. This requirement is being worked up as part of the full training programme for staff.

Adults Health and Social Care Scrutiny panel are considering the findings on 17<sup>th</sup> July 2018. Adults Social Care will take account of Scrutiny comments and feedback as part of the ongoing development of the policies and approach. Cabinet will receive their comments as part of the report to Cabinet in the autumn.

## **5. Next steps**

As part of the post consultation communications work, briefings to provide an update on the consultation, are being scheduled in with key stakeholders over the early summer period.

Work will continue of further developing draft policies and the testing of the draft tools. This will involve meaningful engagement with stakeholders. A communications plan is in place and it is regularly reviewed/updated.

A report is expected to go to Cabinet in October 2018, which will provide members with an update following this further period of engagement, along with the proposed draft policies and tools for approval.

## **6. Officer recommendations and reasons**

Cabinet members are requested to take note of the findings from the consultation and support the approach regarding policy development for the reasons explained before a final decision is brought back to Cabinet for a decision in October.

## **7. Cabinet portfolio holder recommendation**

That the work undertaken to date and proposed over the coming months be received and supported.

## **8. Contact officers**

Michelle Cross, Head of Service, All Age Disability and Mental Health.  
Collette Lake, Project Manager, Adults Transformation Team.

## **9. Background Papers and History of Decisions**

Decision notice

<http://democracy.kirklees.gov.uk/mglIssueHistoryHome.aspx?IId=13335&PlanId=67>

Care Offer consultation webpage

<http://www.kirklees.gov.uk/beta/social-care/adult-care-offer-consultation.aspx>

Involve webpage

<http://www.kirklees.gov.uk/involve/entry.aspx?id=914>

## **10. Service Director responsible**

Amanda Evans, Service Director for Adult Social Care Operations.