

Name of meeting: Cabinet

Date: 17/11/2018

Title of report: Adult Social Care Offer

Purpose of report

To brief the Cabinet on the development of the Adult Social Care Offer following the public consultation conducted earlier in 2018. To outline work that has been carried out to produce elements of the Offer and further work that is planned leading up to rollout of the Care Offer as a suite of products provided by the Council.

To seek the Cabinet's approval for elements of the Care Offer to be rolled out for use, with an intended launch date of 01 March 2019, and the proposed implementation plan for staff training, measurement and promotion of the products

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 – Impact on all wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports?)</u>	KDN Submitted
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	25/10/2018 - Richard Parry, Strategic Director for Adults and Health
Is it also signed off by the Service Director for Finance IT and Transactional Services?	N/A but Finance input has been sought for the Support Planning Tool – no issues (see below)
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes – Julie Muscroft
Cabinet member <u>portfolio</u>	Cllr Musarrat Khan

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

1. Summary

In March to May 2018 Kirklees Council held a consultation about potential changes to adult social care and how we will decide what care and support someone may need. We told the public that we would be changing the way we do things because people have told us they want help to live independently and lead positive lives, make their own decisions and have choice and control. The consultation focused on:

- Helping people live independently, helping them to help themselves and use more of the support already available to them in the community
- How the Council decides the amount of money and social care support people receive through the Resource Allocation System
- Being clear on how Direct Payments are used by people, so they can use the money to help meet their needs

Informed by this consultation, the Council proceeded to refine and develop a suite of policies and tools to support the Care Offer. These included the Resource Allocation System, which features a Support Planning Tool, and a Direct Payments Policy.

In the course of this work, Kirklees Adult Social Care have considered how these documents and tools relate to the Council's Vision for Adult Social Care and Support in Kirklees.

Following the consultation and having created initial draft products, Kirklees Adult Social Care carried out a series of testing and engagement activities both with staff and adult carers and service users. These activities generated feedback and insight which enabled us to co-design and improve these tools and policies. The results of these activities are detailed at section 4. Products were also reviewed at a workshop for the Scrutiny Panel for Adult Social Care and Health who have provided feedback and comments which have been addressed.

If Cabinet approval to proceed is obtained, the implementation plan for the Adult Care Offer project will entail a period of staff training and further refinement leading up to March 2019, at which point the products will be made live and promoted to adult carers and service users via our partner networks. Concurrent with this we intend to gather baseline data through the Adult Social Care survey in January 2019 to assess the effectiveness of the products and the increase in independence and choice experienced by users. We will also, through our new Carers and Service Users Working Group, continue to refine and consult upon these and related products on an ongoing basis, putting the user at the heart of what we do.

2. Information required to take a decision

Following the consultation the Council stated that we would continue to test our new approach with existing users and get further feedback from those who may be affected. We also stated that we would develop our draft policies and processes based on findings from the consultation and this ongoing user testing.

We stated that these draft policies and processes would then be considered by Cabinet later in 2018.

- It is a matter of good practice to user test these policies and processes
- Consultation indicated that further testing and refinement was needed in certain areas
- The Council has stated that it will undertake user testing
- The testing has generated valuable and actionable feedback and insight and
- The Council has stated that tested and refined products will be brought before Cabinet in 2018

We are pleased to report that testing and refinement of these products has been carried out as indicated, with extensive feedback and insight from staff and end users. We believe that this process has delivered a robust suite of products which is suitable for launch in its current form.

When making the decision to proceed the following should be borne in mind:

- These products have been developed with reference to Care Act guidance, which is statutory guidance.
- The Council has a duty of best value under Local Government Act 1999 to make arrangements to secure continuous improvement when exercising functions having regard to economy, efficiency and effectiveness. The s22G duty requires a strategic commissioning approach should be exercised in the context of s 22C of the 1989 Act.
- Members are reminded that before making any decisions that they have a legal duty to consider the **Equality Act 2010. Section 149** introduced a public sector equality duty that the Council must in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (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. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- Members should have due regard to the Equality Impact Assessment that accompanies this report. The Assessment indicates that the redesign of service, activity and policy entailed in this proposal will have a POSITIVE impact on residents under the protected characteristics of AGE and DISABILITY and NEUTRAL impact on all other protected characteristics.

3. Implications for the Council

3.1 Early Intervention and Prevention (EIP)

Carers' and service users' ability to access these elements of the Care Offer will enable them to retain independence and control over their lives and support, which has positive implications for prevention.

3.2 Economic Resilience (ER) No Impact

3.3 Improving Outcomes for Children No Impact

3.4 Reducing demand of services Clearer, more accessible tools and policies will reduce the volume of queries and complaints handled by the Council.

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

The flight plan described has included Legal and Policy oversight for policy elements to ensure that proposed tools and policies are consistent with the Care Act as well as other related Council policies.

Where necessary, Legal and Policy signoff has been obtained for elements of the Care Offer. Finance input was sought for the mechanism of the Support Planning Tool and no issues have been raised.

An Equality Impact Assessment has been completed.

The overriding purpose of these developments is to support people in ways that work, promoting dignity and choice. However the reduction in demand on services described at 3.4 will represent savings in terms of staff time.

4. Consultees and their opinions

4.1 Resource Allocation System (RAS)

The RAS was presented to a group of adult carers and service users on 16 August 2018. Feedback was provided at this session and has been incorporated into the development of this document.

4.2 Support Planning Tool

All social workers and Hub staff have now been trained in the use of the tool, which has been tested by social workers in the course of conducting new live assessments. This has provided insight from both service users and professionals. A combination of these live assessments and desktop exercises provided 400 datasets which allowed final evaluation of the tool's effectiveness.

The conclusion drawn from this evaluation is that whilst the indicative figures held within the system will need some refinement, the mechanism of the tool itself is fulfilling its intended function of enabling social workers to generate consistent personal budget figures for service users, arrived at through a strengths-based assessment that fully takes into account what informal support the user is able to access.

Additional feedback was obtained at the 16 August 2018 workshop and from the Adult Social Care Scrutiny Panel on 17 September 2018.

4.3 Direct Payments Policy

The draft Direct Payments Policy was presented to adult carers and service users and professional colleagues at workshops in Huddersfield and Dewsbury in September 2018. A range of feedback was obtained indicating primarily that:

- The tone of the policy needed to be more open and engaging
- Greater emphasis and explanation was needed, of how Direct Payments can benefit recipients and improve their outcomes
- The document would benefit from definitions and examples
- Clarification was needed on certain points

The Policy was amended and we carried out a second round of user testing events at Mirfield in October. Feedback from these workshops was positive and the Policy has now been refined to reflect this and Legal comments. Copy of final version attached.

5. **Next steps**

If Cabinet approval is obtained, we intend to proceed with our implementation plan for delivering the Care Offer products for adult carers and service users.

During December 2018 to February 2019 we will internally communicate the products to front line staff, providing a series of training events to ensure there is a consistent understanding of the products. This process will enable the project team to consider any further staff feedback and give clarification where needed. During this period we will also refine the calculations contained within the Support Planning Tool and hold initial conversations with our partner networks, to ensure that when we launch the Offer we are able to deliver consistent messaging to all sections of the community.

Following launch on 01 March 2019 we will deliver a communications and marketing campaign to raise awareness of the products, highlight their benefits for independence and enhanced choice, and encourage use and uptake of the products.

We have met with Children's Social Care Managers and will continue to engage with them with a view to matching policies as far as possible and providing explanatory notes where they differ. Legislative framework's differ significantly for respective directorates therefore there will be significant divergence.

Throughout this period we will continue to develop our Adult Carers and Service Users Working Group, seeking their insight and input on these and related products such as the Vision for Adult Social Care. This will help maintain our focus on keeping the user at the heart of our design and ongoing improvement.

Data evidencing the effectiveness of the Care Offer, in terms of enhanced choice and independence, will be gathered initially through the Adult Social Care survey in January 2019, with follow-up data gathered in partnership with carer networks.

6. **Officer recommendations and reasons**

We recommend that Cabinet approves launch of the Adult Care Offer products described above, along the flight path described and with the understanding that these are living products, subject to ongoing refinement and improvement informed by user input and advice.

7. **Cabinet portfolio holder's recommendations**

Proceed to November Cabinet as planned.

8. **Contact officer:** Mark White

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

Equality Impact Assessment
Direct Payments Policy
Adults Resource Allocation System (RAS) Document

10. **Service Director responsible:** Richard Parry

A guide to equality Impact Assessments (EIAs)

What are Equality Impact Assessments (EIAs)?

- EIAs are a **tool to help you analyse and make more considered decisions** about changes to service delivery, policy and practice. An EIA will help you to identify how specific communities of interest may be affected by decisions and to consider any potential discriminatory impact on people with **protected**
- EIAs can also help to improve or promote equality by encouraging you to **identify ways to remove barriers and improve participation** for people with a protected characteristic.

Why do we need to do Equality Impact Assessments (EIAs)?

- Although not a mandatory requirement, EIAs provide important **evidence** of how we have considered the implications of service and policy changes and demonstrate how we have met our legal Public Sector Equality
- The three main elements of the **Public Sector Equality Duty** are:
 - ✓ Eliminating discrimination
 - ✓ Promoting equality of opportunity
 - ✓ Fostering good relations
- In fulfilling our Public Sector Equality Duty we must ensure that we demonstrate that we have followed a number of key **principles** (based on previous case law):
 - ✓ Knowledge
 - ✓ Timeliness
 - ✓ Real consideration
 - ✓ Sufficient information
 - ✓ No delegation
 - ✓ Review
 - ✓ Proper record keeping
- We need to provide evidence that we have given **due regard to any potential discriminatory impact on people with protected characteristics** in shaping policy, in delivering and making changes to services, and
- We must always consider whether a service change, decision or policy could have a discriminatory impact on people with protected characteristics, not just any impact that is the same as it would be for everyone
- The EIA tool allows us to **capture, demonstrate and publish our rationale** of how we have considered our communities and legal responsibilities under the Public Sector Equality Duty and is our main way of
- **But above all, EIAs are about understanding and meeting the needs of local people and supporting us to deliver our vision for Kirklees.**

When do we need to do Equality Impact Assessments (EIAs)?

- Whenever you plan to **change, introduce or remove** a service, activity or policy.
- At the **VERY BEGINNING** of any process of:
 - ✓ Budget setting
 - ✓ Service review (including changes to employment practice)
 - ✓ Planning new projects and work programmes
 - ✓ Policy development and review
 - ✓ Procurement or commissioning activity

Who should do it?

- Overall responsibility for EIAs lies at a **service** level. A lead officer should be appointed from the service area that is making a proposal and all decisions should be approved by the senior management team in that
- Those directly affected (partners, stakeholders, voluntary groups, communities, equality groups etc) should be engaged with as part of the process.

How should we do it?

- Our EIA process has two stages:
Stage 1 - initial screening assessment
Stage 2 - further assessment and evidence

EIA STAGE 1 – SCREENING TOOL (initial assessment)

The purpose of this screening tool is to help you consider the potential impact of your proposal at an early stage.

Please give details of your service/lead officer then complete sections 1-3:

- 1) What is your proposal?
- 2) What level of impact do you think your proposal will have?
- 3) How are you using advice and evidence/intelligence to help you?

You will then receive your stage 1 assessment score and advice on what to do what next.

Directorate:	Senior Officer responsible for policy/service:
Commissioning, Public Health & Adult So	Amanda Evans
Service:	Lead Officer responsible for EIA:
Adult Social Care Operations (No	Simon McGurk
Specific Service Area/Policy:	Date of EIA (Stage 1):
Direct Payments Policy	01/11/18

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Move to next
section

1) WHAT IS YOUR PROPOSAL?	Please select YES or NO
To introduce a service, activity or policy (i.e. start doing something)	YES
To remove a service, activity or policy (i.e. stop doing something)	NO
To reduce a service or activity (i.e. do less of something)	NO
To increase a service or activity (i.e. do more of something)	NO
To change a service, activity or policy (i.e. redesign it)	YES
To start charging for (or increase the charge for) a service or activity (i.e. ask people to pay for or to pay more for something)	NO
Please briefly outline your proposal and the overall aims/purpose of making this change:	
<p>To introduce a policy where one has not existed before to inform and govern the way Direct Payments are managed for people using Adult Social Care services. The development of a policy will provide clarity for people both working in adult social care and also using services including carers. Social Care services have repeatedly been asked to provide more clarity and guidance by carers and service users. The policy contributes to the empowerment of service users and carers</p>	

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2) WHAT LEVEL OF IMPACT DO YOU THINK YOUR PROPOSAL WILL HAVE ON...		Level of Impact
		Please select from drop down
Kirklees employees within this service/directorate? (overall)		Positive
Kirklees residents living in a specific ward/local area?		Not Known
Please tell us which area/ward will be affected:		
Residents across Kirklees? (i.e. most/all local people)		Positive
Existing service users ?		Positive
Each of the following protected characteristic groups ?		Please select from drop down
<i>(Think about how your proposal might affect, either positively or negatively, any individuals/communities. Please consider the impact for both employees and residents - within these protected characteristic groups).</i>		
...age	What impact is there on Kirklees employees /internal working practices?	Positive
	What impact is there on Kirklees residents /external service delivery?	Positive
...disability	What impact is there on Kirklees employees /internal working practices?	Positive
	What impact is there on Kirklees residents /external service delivery?	Positive
...gender reassignment	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...marriage/ civil partnership	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...pregnancy & maternity	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...race	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...religion & belief	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...SEX	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral
...sexual orientation	What impact is there on Kirklees employees /internal working practices?	Neutral
	What impact is there on Kirklees residents /external service delivery?	Neutral

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3) HOW ARE YOU USING ADVICE AND EVIDENCE/INTELLIGENCE TO HELP YOU?		Please select YES or NO
Have you taken any specialist advice linked to your proposal? (Legal, HR etc)?		YES
Do you have any evidence/intelligence to support your assessment (in section 2) of the impact of your proposal on...	...employees?	YES
	...Kirklees residents?	YES
	...service users?	YES
	...any protected characteristic groups?	YES
Please list your evidence/intelligence here [you can include hyperlinks to files/research/websites]: Research of contemporary legal and specialist analysis and of comparator authorities. Extensive engagement and consultation with service users through a series of geographically dispersed and specialist user group sessions. Report March 2018: https://democracy.kirklees.gov.uk/mglIssueHistoryHome.aspx?Ild=13335&PlanId=67 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 https://democracy.kirklees.gov.uk/mglIssueHistoryHome.aspx?Ild=13335&PlanId=67		
		Please select from drop down
To what extent do you feel you are able to mitigate any potential negative impact of your proposal on the different groups of people outlined in section 2?		TO SOME EXTENT
To what extent do you feel you have considered your Public Sector Equality Duty?		FULLY

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STAGE 1 ASSESSMENT

IMPACT	RISK
Based on scoring of 1) and 2)	Based on scoring of 2) and 3)
7	19
SCORE (calculated) Max = - / + 32	SCORE (calculated) Max risk = - / + 40

You need to move on to complete a Stage 2 assessment if:

The final Impact score is negative and or the Risk score is negative.

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Direct Payments Policy

Adult Social Care

November 2018

What is this?

This document sets out the way the Council provides direct payments for adults who need social care and carers. It briefly explains what direct payments are, who can get them, how to get them, how they can be paid and what they can and cannot be used for. There is also Direct Payments Guidance which gives more detailed information about the procedures and processes involved, support that is available and examples of different and flexible ways direct payments can be used.

We want people to live independently, have control over their lives, be as well as possible for as long as possible, and feel safe. This is set out in our Corporate Plan and Adult Social Care Vision:

- <http://www.kirklees.gov.uk/beta/delivering-services/corporate-plan.aspx>
- <http://www.kirklees.gov.uk/beta/adult-social-care-providers/adult-social-care-strategies-visions-plans.aspx>

These and other documents mentioned in this policy are available online using the links provided or by contacting Gateway to Care on 01484 414933. It will also be made available in different formats and in places such as hospitals, libraries, and day centres.

Scope

This policy applies to adults and carers aged 16 or over, whom have been assessed as eligible to receive support in line with the Care Act 2014. Direct payments may also be used as a way of arranging aftercare services provided under s117 of the Mental Health Act 1983. The legal framework for direct payments is set out in the Care Act, Section 117 (2C) of the Mental Health Act 1983 and the Care and Support (Direct Payments) Regulations 2014.

Care Act Statutory Guidance sets out how Councils should complete assessments, work out when someone is eligible for support, allocate resources, and plan and deliver support to people who need social care and carers. If there are needs outside the Care Act eligibility the Council can decide using its discretion to provide support if it will help someone to maintain their wellbeing, independence, or safety.



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What is a direct payment?

A direct payment is money given to someone by the Council to buy the support they need, or the support someone else needs in some cases (see below). This is instead of the Council commissioning services for you directly. Direct payments provide independence, choice and control by enabling people to arrange their own care and support in order to meet their eligible needs, if they (or someone acting on their behalf) want to do so.

Who can get a direct payment?

Any person assessed as being eligible for social care support from the Council to meet their needs and outcomes, or where the Council has used their discretion to agree support to help maintain wellbeing, independence, or safety.

To get a direct payment from the Council:

- the person must be eligible (see details in the next section) for support from the Council, or the Council has agreed to them having support under their discretionary powers;
- the Council needs to be satisfied, that the person who intends to deal with the direct payment can manage a direct payment (with support from others if required); and
- the Council needs to be satisfied, that the use of a direct payment is an appropriate way to meet the person's needs and achieve the outcomes as set out in their support plan. The support plan is put together by the person with their assessor. The Council is responsible for producing this plan which sets out the support they have agreed they will provide. There is more information about this in the Resource Allocation System document: [\(LINK ONCE SIGNED-OFF AND UPLOADED\)](#)

Direct payments can be paid to a person who is assessed as needing support, someone they choose (called a nominated person) or, if they cannot make decisions about this, the Council can agree to someone else managing this on their behalf (called an authorised person). There is more information about these options in the Direct Payments Guidance:

- [\(LINK ONCE SIGNED-OFF AND UPLOADED\)](#)

How do I know if I am eligible?

An assessor works with the person and/or someone who supports them (called an advocate) to find out about their situation and assess if they have social care needs that they require support with to help them live their day-to-day life.

The assessment takes into account a range of factors for the person including:

- what the person can do;

- any care and support needs, and the impact of those needs on the person's wellbeing;
- any formal or informal support received, and if this will continue; and
- the outcomes that matter to them.

The assessor will establish if there are needs that are eligible for support to be provided from the Council.

Eligibility for support with social care needs

The Care Act sets out national eligibility to ensure that all Councils meet the same minimum level of social care needs for adults. The Care Act states, that the Council must provide for needs that meet the following three conditions:

1. The needs arise from or are related to a physical or mental impairment or illness;
2. As a result of those needs the adult is unable to achieve **two or more** of the specified outcomes:
 - a. managing and maintaining nutrition;
 - b. maintaining personal hygiene;
 - c. managing toilet needs;
 - d. being appropriately clothed;
 - e. being able to make use of the home safely;
 - f. maintaining a habitable home environment;
 - g. developing and maintaining family or other personal relationships;
 - h. accessing and engaging in work, training, education or volunteering;
 - i. making use of necessary facilities or services in the local community, including public transport, and recreational facilities or services; or
 - j. carrying out any caring responsibilities the adult has for a child.
3. As a result of not being able to achieve these outcomes there is, or there is likely to be, a significant impact on the person's wellbeing. This includes where the person can achieve the outcome but it takes them significantly longer than would normally be expected, it causes them significant pain, distress or anxiety, or it risks health or safety.

Additional information about eligibility is available online at the Social Care Institute for Excellence:

- <https://www.scie.org.uk/care-act-2014/assessment-and-eligibility/eligibility/>

Carer eligibility for support from the council

The council must provide support to carers for needs that meet the following three conditions:

1. The needs arise as a consequence of providing necessary care for an adult;
2. The effect of the needs is that the carer's physical or mental health is, or is at risk of, deteriorating or the carer is unable to achieve **any** of the following outcomes:
 - a. carrying out any caring responsibilities the carer has for a child;
 - b. providing care to other persons for whom the carer provides care;
 - c. maintaining a habitable home environment in the carer's home, whether or not this is also the home of the adult needing care;
 - d. managing and maintaining nutrition;
 - e. developing and maintaining family or other personal relationships;
 - f. engaging in work, training, education or volunteering;
 - g. making use of necessary facilities or services in the local community, including recreational facilities or services; and
 - h. engaging in recreational activities.
3. As a result of not being able to achieve these outcomes there is, or there is likely to be, a significant impact on the carer's wellbeing. This includes where the carer can achieve the outcome but it takes them significantly longer than would normally be expected, it causes them significant pain, distress or anxiety or it risks health or safety to them or others.

If there are needs outside the Care Act eligibility, the Council can also decide to provide support if it will help someone to maintain their wellbeing, independence, or safety. This is a discretionary power of the Council, and whenever discretion is used, the Council is still obliged to keep this under review and provide reasons for providing or declining such services or assistance.

How is a direct payment amount calculated?

If you need Council funded support, the assessor will work with you to decide about the amount and level of support you need. There is more information about this in the Resource Allocation System (RAS) document:

- [\(LINK ONCE SIGNED-OFF AND UPLOADED TO THE WEBSITE\).](#)

As part of the RAS a support planning tool has been created to help work out budgets in a consistent way. The support planning tool has a calculator that uses a

formula reflecting current prices in the local care market for the type of support required (e.g. based on current home care or day care rates).

The support planning tool is used to work out an amount of money called an indicative personal budget, which is an early indication of the amount of money that may be appropriate to meet your needs. This indicative budget can help you start to think about how you might want your needs to be met.

In most circumstances the indicative budget will be an appropriate amount to provide the support you need and will become the actual personal budget you get to meet your needs. However if there is evidence to suggest the indicative budget is too high or too low to meet your support needs then the assessor can use their professional judgement to recommend an increase or decrease to the budget in line with this evidence.

A support plan will be created to show how your needs and outcomes (as per the Care Act) will be met and how much your personal budget will be. You have the option of producing a support plan with an assessor, on your own, or with someone else's help, such as an advocate. The assessor will always be responsible for ensuring it is appropriate to meet your identified needs.

Who pays for my adult social care support?

Support from Adult Social Care (unlike most health care) is not free. The Council will charge adults for care and support in order to sustain the delivery of care services such as home care to some of the most vulnerable members of society.

A financial assessment will be completed, and most people will pay for or towards these costs. The amount to pay will depend on the person's financial circumstances. Some people may qualify for financial assistance towards the cost of their care, while others will have to pay for their care from their savings and income. For more details on the financial assessment, go here:

- <http://www.kirklees.gov.uk/beta/social-care/financial-assessment.aspx>

The financial assessment will consider how much the support will be and what the person has to pay towards this. To work out how much the person has to pay, the assessment takes into account income, any savings or investments, and expenses (e.g. rent, mortgage, household bills). The Adult Social Care Charging Policy sets out the financial assessment rules, how charges are calculated, and reviews and appeals processes. You can find the policy here:

- <https://www.kirklees.gov.uk/beta/social-care/pdf/paying-for-socialcare/adult-social-care-charging-policy.pdf>

The personal budget can be used to provide support in a variety of different ways, including:

- a. the person receiving money via direct payment and arranging and managing the support identified in their support plan;
- b. the Council arranging and providing support;
- c. the Council arranging for another person or agency to provide a service; or
- d. a combination of the above.

The assessment determines the level of support you need and the direct payment will be enough to ensure your needs can be met.

If needs can be met with the options identified in the support plan, but the person prefers to have alternative options that cost more, they can choose to top-up their budget (pay the difference) for something else more expensive.

However, if people choose to use the more expensive provision and their income/assets then drop below the statutory level, the Council will not be obliged to pay for a more expensive service to meet their assessed need and would offer an alternative less expensive service provision. The Adult Social Care Charging Policy explains more:

- <https://www.kirklees.gov.uk/beta/social-care/pdf/paying-for-socialcare/adult-social-care-charging-policy.pdf>

How will I receive my direct payment?

There are a range of options to choose from as shown below (and there is further information in the Direct Payments Guidance):

1. Prepaid Card

This is an alternative to a bank account and looks similar to a debit card. The Council will set the card up and post it to the person's address. (It usually takes up to 10 working days to do this). The person needs to activate it using instructions provided with the card. There is a unique PIN number which should not be shared with anyone else.

Funds are preloaded onto the card by the council and the person (where they have been assessed to make a financial contribution towards support). When the funds are transferred onto the Prepaid Card they are available to use instantly.

The card can be used to pay for care and support to meet needs as agreed in the support plan up to the value that is loaded on to the card. The card is MasterCard enabled to give flexibility when paying for support requirements including online and over the telephone.

The person can view spend activity online and this information is retained and available to print as needed. They can also telephone the Prepaid Card Services to find out the account balance. There is no need to send the Council statements regularly, as the Council can access the information online.

2. Direct payment to a bank account

This is where money is paid into a high street bank account. This can be an account for the person or the person who represents them, but it must be a separate account from their normal bank account to clearly show the money being spent on care and support.

Using this method the person will have to keep hold of their bank account statements and receipts and submit these on request as evidence of the spending on care and support needs. Submission of these documents is usually quarterly or annually, and is set out in the direct payment agreement.

3. Virtual budget

This is when the council manages the personal budget on behalf of the person to put services in place or purchase support services from contracted providers including home care, care homes, and day services.

What can I spend my direct payments on?

Direct payments are an excellent way to choose how to get support but must be spent on meeting the needs and achieving the outcomes that have been agreed in the support plan.

There are many different ways to use direct payments including:

- a. Employing a personal assistant (PA) to provide support - this is not normally a family member living in the same property
- b. Hiring a personal assistant from a care agency to provide support
- c. Paying for a day opportunity - this could be in a day centre, activities at home or taking part in activities away from home
- d. Carers taking a break (respite) - It can be beneficial for a carers well-being and resilience to have a break from caring. If carers need a break and the cared for person needs some support or can't be left alone there are different kinds of respite care available. This includes and is not limited to: providing care in the person's home, accessing day opportunities, short stays in care homes or supported holidays for the carer and cared for. As this is a service provided to the cared for person it is charged to them, not to the carer.
- e. Short stays in residential or nursing care homes: direct payments can be made to enable people to purchase for themselves a short stay in care homes. They cannot currently be used to pay for long-term care home placements.
- f. One-off pieces of equipment for social care needs - an example could be a laptop to enable the person to keep in contact with their friends and family. It is not for equipment that the NHS would be required to provide.

Here are some examples of how a direct payment could be used. There are more in the Direct Payment Guidance document: [\(LINK ONCE SIGNED-OFF AND UPLOADED\)](#)

Employing a personal assistant

Susan had a stroke several years ago. She uses a walking frame indoors and needs support with getting out and about and with some of her personal care needs (e.g. getting showered). Her husband Dave provided support, but started a new job. Susan was assessed as eligible for support and chose to have a direct payment to meet her needs. She has employed a Personal Assistant (PA) and can choose the times she wants her PA to support her and can be flexible about how this works, so this is working well for her and for Dave.

Buying equipment that will help meet the person's needs and identified outcomes

Ben has long term mental health issues (anxiety and stress). He was supported to get a job, but his anxiety means he struggles with using public transport. He was assessed and was eligible, so got a one-off direct payment which enabled Ben to buy a bicycle to get to work and back. He is now settling into his new job.

Buy care from a private registered care agency

John has Parkinson's disease, which has worsened over time, and now needs some support with his personal care needs and making some meals. John was assessed to be eligible for support and chose to have a direct payment to pay an agency, so he could arrange how and when he got his support.

The person or their authorised person making their own arrangements as agreed in their care plan

Nazia has dementia causing a poor memory and arthritis, which impacts on her ability to do things for herself. Her husband Ishtiaq usually provides support day and night, as she can wake at night and be disorientated.

They used to arrange for Nazia to go to a care home for a week every few months, so that Ishtiaq could have a break from caring and visit a friend who lives away. He logged onto the Council website and found that Nazia could be eligible for a direct payment. He applied on her behalf, and it was agreed, that he could be an authorised person and deal with this for her.

Ishtiaq arranged for Nazia to spend these weeks at their daughter's house and used the direct payment to pay for carers to visit, to help with her personal care needs. He has noticed she seems much happier there than in the care home.

There are restrictions on what direct payments can be spent on and these include:

- anything that is against the law;
- long-term residential care, although they can be used for short term stays in residential care; and
- employing close relatives who live in the same household to provide care services (except in **exceptional circumstances*** and agreed at a senior level which would be a Head of Service or above within the Council).

***Exceptional circumstances**

There is no set definition for exceptional circumstances and every case will be considered on its own evidence with the well-being of the person using services as the priority. Examples could include:

- the person's care needs are intermittent and unpredictable to an extent that recruiting someone else to meet their needs is not possible;
- significant effort has been made to find alternative means which has been unsuccessful and this is the only way for the person to receive their support; and
- it is the only way of meeting the person's needs due to a sudden breakdown of other service arrangements.

If it is unclear at any time how the direct payment can be used or the person wants to buy things that have not been specifically agreed in their care plan they need to contact the Council to discuss this. This can be done online or by contacting Gateway to Care on 01484 414933.

What about employing a personal assistant?

A personal assistant (PA) may be self-employed but the person or their representative will need to check their PA's employment status with HM Revenue and Customs.

If a person decides to employ a personal assistant, they need to be fully aware of their responsibilities. These include, but are not limited to:

- advertising and recruitment, to employ the PA; and
- legal responsibilities you will have as an employer, including but not limited to:
 - employment checks (including Disclosure and Barring Scheme checks);
 - tax;

- National Insurance;
- employer's liability insurance;
- public liability insurance;
- employer's pension income; and
- keeping employee information safe, secure, and up to date.

The above still applies if this is a family member (see below). There is also detailed information about responsibilities when employing a personal assistant and the support available to help with this in the Direct Payments Guidance document:

➤ [LINK ONCE SIGNED-OFF AND UPLOADED](#)

Can I employ family members?

The person can use the direct payment to pay a family member who does not live with them to provide care and support if the Council agrees this is appropriate to meet their needs. Under the Care Act, the Council has a duty to ensure that employing a family member is a suitable and safe use of the direct payment and that the support will meet the person's needs. This will be discussed with the person as part of the assessment and support planning process.

Under the Care Act the direct payment cannot ordinarily be used to employ a family member that the person lives with to provide their care and support. However when the person and the Council have tried all other available options and these do not meet the person's eligible needs, the Council can use discretionary powers to consider agreement for this in exceptional circumstances (see previous page).

The direct payment can be used to pay a family member (whether or not the person lives with them) to provide the management and administration of the direct payments, where the Council agrees that this is necessary.

How is the direct payment monitored?

The Council is required to monitor the direct payment to make sure the person is being given the right amount of money to meet their unmet eligible care and support needs and their outcomes as set out in their care plan. The Council will need to check how the money is being spent and what it is being spent on. If the person's needs change they need to get in touch with the Council to ensure they are getting the right amount of money.

If the direct payment money starts to build up because it is not being used, the Council will get in touch to find out what the plans for this are. There may be good reasons for this such as awaiting an invoice from a care provider, but if it is not going

to be used to meet care and support needs and outcomes as specified in your care plan, the money will be taken back.

Can the direct payment be suspended or taken away?

If, after speaking with the person dealing with the direct payment and considering the evidence, it is found that the direct payment is being misused, the Council can suspend or cancel this direct payment and will offer an alternative means of support. This may be services arranged by the Council. The person can appeal against decisions to suspend or cease payments here:

- <http://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-appeals.aspx>

Support to manage a direct payment

There are different ways people can be supported to manage a direct payment such as by choosing someone else to manage this for them or a Payroll Agency. The sort of help and support that might be useful could include one off advice on manual handling issues through to services to advertise for staff, help with recruitment, contracts of employment and running the payroll for you. There is information about this and where you can get help and advice in the Direct Payments Guidance.

- **LINK TO BE ADDED ONCE SIGNED-OFF AND UPLOADED**

Reviews

Reviews will take place to find out if the support plan and the direct payments are meeting the person's needs.

The Council has a statutory duty to review support 6-8 weeks after the initial assessment. This might be as simple as a telephone call or a more in-depth conversation, if the person's needs are more complex.

Following this review, further reviews will occur every 12 months or less. Some people's needs or situations might be more likely to change than others, which is why they will have more regular reviews. This will be discussed with the person and recorded on the care plan.

The person can ask for a review at any time if their needs or circumstances change so that we can continue to support them in the right way. If the person's needs and/or situation have sufficiently changed, this may require a new assessment to be completed.

If the Council decides their identified needs are not being met in a satisfactory way using a direct payment, this may be suspended and the person would be offered alternative means of support such as commissioned care services.

Complaints, comments, compliments, and appeals

Appeals are made during the decision-making process and are managed by the team that has done the assessment. There are established processes for managing these appeals and changing any decisions.

Appeals can be made online here:

- <http://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-appeals.aspx>

The online form takes around 10 minutes to complete.

To find out more about how to send in compliments, comments, or complaints about how the Council has provided a service or made a decision, information is available here:

- <http://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-complaints.aspx>

Alternatively you can contact the Council by contacting Gateway to Care on 01484 414933.

Adults' Resource Allocation System

Adult Social Care

November 2018

What is this?

The Resource Allocation System (RAS) is the way the Council decides how much money service-users will get to meet their social care and support needs. There are clear rules to ensure money is given out in a fair way based on the needs and circumstances of the service-user. This document sets how the Council RAS will work from September 2018.

We want people to live independently, have control over their lives, be as well as possible for as long as possible, and feel safe as set out in our Corporate Plan and our Vision for Adult Social Care:

- <http://www.kirklees.gov.uk/beta/delivering-services/corporate-plan.aspx>
- <http://www.kirklees.gov.uk/beta/adult-social-care-providers/pdf/adult-social-care-vision-kirklees.pdf>

Many people with care and support needs use specialist equipment and technology to maintain their independence. Many also have support networks such as families, friends, and neighbours that support them or could do so if asked. The Council will always be there to assist, when this support is not enough or when it is unavailable or inappropriate, such as when people are at risk of neglect or abuse or have very complex needs.

As the population ages and grows, we need to think about the future and ensure we have enough money to continue supporting the most vulnerable and those with the most complex needs. The RAS helps us ensure every Council pound is spent efficiently and effectively.

Scope

This document applies to everyone assessed as eligible to receive support in line with the provisions of the Care Act 2014. This document is in line with the Care Act Statutory Guidance, which sets out how Councils should approach assessments, work out eligibility for support, allocate resources, and plan and deliver support to meet their statutory duties to ensure care and support for people with unmet needs. Other documents you might find useful are indicated throughout.



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The RAS Steps

1. Assessment and working out eligibility for support

An assessor works with you (or an advocate if you prefer or this is needed) to assess whether you have unmet needs for care and support to help you live your day-to-day life. The assessment takes into account a range of factors including your needs and how these impact on your wellbeing, your circumstances, support you already get, and the outcomes that matter to you. If you have any educational, health, or social needs that are not being met, the National Eligibility Framework is used to consider if any of your needs require Council funded support. This involves asking three questions:

1. Do these needs arise from a physical or mental impairment or illness?
2. Do these needs mean that the adult cannot be reasonably expected to achieve two or more of the outcomes from the Framework?
3. Is there consequently a significant impact on the adult's wellbeing?

If the answer is 'yes' to all of the above, you are eligible to receive adult social care support. You will then have a financial assessment.

You can find more information on the National Eligibility Framework here:

- <https://www.scie.org.uk/care-act-2014/assessment-and-eligibility/eligibility/outcomes-care-support-needs.asp>

2. Resource allocation and support planning

If you need Council funded support the assessor will work with you to decide about the amount and level of support you need. A support planning tool has been created to help with working this out in a consistent way. The tool has a calculator that contains a formula which reflects the unit cost prices in the local care market for the type of support which is required.

The calculator will calculate an amount of money called an indicative personal budget, which is an early indication of the amount of money that may be appropriate to meet your needs. This indicative budget can help you start to think about how you might want your needs to be met.

In most circumstances the indicative budget will be an appropriate amount to provide the support you need and will become the personal budget you get to meet your needs. However if there is evidence to suggest the indicative budget is too high or too low to meet your support needs then the assessor can use their professional judgement to recommend an increase or decrease to the budget in line with this evidence.

A support plan is created to show how your needs and the outcomes you want will be met and how much your personal budget will be. You have the option of producing a support plan with an assessor, on your own, or with someone else's help, such as an advocate. The assessor will always be responsible for ensuring it is appropriate to meet your identified needs.

3. Consideration and approval of the support plan and personal budget

When the support plan is complete, the assessor needs to seek approval for the plan and the personal budget from a manager. The manager will consider if they think personal budget is appropriate to meet your eligible unmet support needs. If it is approved, the assessor will contact you to advise you of this and you or the relevant person can start to arrange your support.

However, if the manager feels the plan will not meet your eligible unmet support needs they will refer this back to the assessor for more evidence or consideration. They will contact you about any revisions to be made to your support plan.

Some high level or complex support needs may require more specialist input, for example consideration for continuing health care funding and they would follow other more appropriate processes.

4. Ways to use your personal budget for support

Your personal budget can be used to provide support in a variety of different ways, including:

- a. the Council arranging and providing support;
- b. the Council arranging for another person or agency to provide a service;
- c. you receiving money via direct payment and arranging and managing the support identified in your support plan; and
- d. a combination of the above.

For further information on direct payments, see our Direct Payments Policy:

- [\(LINK ONCE SIGNED-OFF AND UPLOADED TO THE SITE\)](#)

Paying towards your support

You may have to pay for any care or support services you receive from the Council. The amount you pay will depend on your circumstances, some people may qualify for financial assistance towards the cost of their care while others will pay for their care from their savings and income. A financial assessment will be completed which will

consider your income, any savings and your expenses (e.g. rent, mortgage, household bills) to work out how much you would have to pay.

If your needs can be met with the options identified in your support plan, but you prefer to have alternative options that cost more than allocated in your budget, you can choose to pay more to top-up your budget.

5. Reviews and re-assessments

Reviews are completed to find out if your support plan is meeting your needs. The Council has a statutory duty to review your support 6-8 weeks after your initial assessment. This review might be as simple as a telephone call or more in-depth if your needs are more complex.

Following this review, further reviews will occur every 12 months or less. Some people's needs or situations might be more likely to change than others, which is why they will have more regular reviews. We will discuss this with you and record this on your support plan.

You have a responsibility to tell us if your situation or circumstances change so that we can continue to support you in the right way. If your needs and/or situation have sufficiently changed, we might need to complete a new assessment with you. This could result in a change in your budget and/or support plan.

Complaints, comments, compliments, and appeals

Appeals and complaints are different. Appeals inform the decision-making process during the decision-making process and are managed by the team that has done the assessment. There are established processes for managing these appeals and for changing any decisions. You can make an appeal online here:

- <http://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-appeals.aspx>

The online form takes around 10 minutes to complete.

You can provide a compliment or make a complaint if you are satisfied or dissatisfied with how the Council has provided a service or made a decision. You can find out how to make a complaint or provide a compliment here:

- <http://www.kirklees.gov.uk/beta/contact-the-council/adult-social-care-complaints.aspx>

Appendix 1: Legal Context

Our adult social care offer, including our RAS model, has been developed in line with the Care Act 2014 and other legislation, statutory guidance, and the NHS National Framework for ongoing care. The Council will continue to monitor the steps outlined in this document to ensure we can meet the obligations of the relevant legislation.

The Care Act 2014

The Care Act 2014 set out a shared vision to develop a modern adult social care system that would promote people's well-being by enabling them to prevent and postpone the need for care and support and to pursue education, employment and other opportunities to realise their potential.

The Care Act is underpinned by a 'wellbeing principle' which places a responsibility on the Council to promote wellbeing when carrying out any of their care and support functions in respect of a person.

The Act identifies other principles and standards which the Council must have regard to in the provision of its 'offer':

- beginning with the assumption that the individual is best-placed to judge the individual's wellbeing
- individual's views, wishes, feelings and beliefs
- preventing or delaying the development of needs for care and support
- reducing needs that already exist
- ensuring that decisions are made having regard to all the individual's circumstances
- individuals participating as fully as possible (and being provided with the information and support necessary for them to do this)
- achieving a balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual
- protecting people from abuse and neglect
- ensuring that any restriction on the individual's rights or freedom of action is kept to the minimum necessary

Statutory Guidance on the Care Act

- <https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

Other Legislation

- The Mental Capacity Act 2005 to protect and empower people who may lack the mental capacity to make their own decisions about some or all aspects of their care and treatment;
- The Children Act 1989 to safeguard and promote the welfare of children;

- Equality Act 2010 aims to eliminate unlawful discrimination and to promote equality of opportunity, even where that involves treating disabled people more favourably; and
- Children and Families Act 2014 to improve support and services for children and families.

NHS National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care (October 2018)

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690426/National_Framework_for_CHC_and_FNC_-_October_2018_Revised.pdf

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