

Wiltshire Council

Cabinet

19 July 2016

Subject: Adult Care Prevention and Choice Policy

Cabinet Member: Cllr Jerry Wickham (including public health) and Social Care

Key Decision: Yes

Executive Summary

This paper recommends the Cabinet agrees two new policies for Adult Social Care. The paper contains a summary of the main changes and the responses received during the consultation period. It should be noted that the majority of the proposals reflect existing policy. The Care Act generated a requirement to review and update policies so as to ensure the Council's approach reflects the legislation.

The two policies for consideration are;

The Preventing, Reducing and Delaying Eligible Needs Policy (PRD) which has been produced to provide a framework for commissioning and delivering services that will prevent, reduce and delay people living in Wiltshire developing eligible care and support needs. The policy sets out how the Council will deliver the new requirements of the Care Act in broad terms but is not intended to set out specific intentions regarding individual interventions that will prevent the development of eligible need.

The General Policy Statement has been produced in order to ensure the Council's policies relating to adult care are compliant with the Care Act and all other relevant legislation. The statement brings together a number of outdated policies and updates them and is intended as the foundation for operational and commissioning practice.

These policies once adopted will be supplemented by operational guidance which will support officers in delivering the policies and ensure the Council's approach is communicated to key stakeholders.

The paper is supplemented by a copy of the proposed policy and a comprehensive Equalities Impact Assessment (EIA).

Proposal(s)

1. To agree the implementation of the Preventing, Reducing and Delaying Eligible Needs Policy.

2. To agree the implementation of the 'General Policy Statement'.

Reason for Proposal(s)

3. These policies have been drafted so as to ensure the Council is compliant with all relevant legislation in particular the Care Act (2014) which came in to effect in April 2015.
4. The policies will ensure the Council has published clear guidance that will ensure adults with needs have clear expectations about what to expect from Adult Social Care and provide a framework for decision making and operational guidance.
5. So that social care best practise is reflected in the Council's policies in terms of choice and control, prevention and personalised care and support
6. To update policies based on outdated legislation and practices.

Carolyn Godfrey
Corporate Director

Wiltshire Council

Cabinet

19 July 2016

Subject: Adult Care Prevention and Choice Policy

Cabinet Member: Cllr Jerry Wickham

Key Decision: Yes

Purpose of Report

1. This report has been prepared so the cabinet can consider the implementation of two adult care policies; Preventing, Reducing and Delaying Eligible Needs Policy (PRD) and a General Policy Statement.
2. The report includes details of the public consultation that has been completed and should be read in conjunction with the supporting documents including the Equalities Impact Assessment.

Relevance to the Council's Business Plan

3. These policies will ensure the Council is compliant with all relevant legislation and published policies reflect best practice.

The PRD policy will provide adult care with a framework to support the development of independent communities, working with partners to improve wellbeing and reduce reliance on statutory services. The policy provides an overarching framework which sets out how adult care will deliver the general duty to prevent reduce and delay needs (Care Act 2014). The policy will be used as the basis for operational guidance for staff delivering care and support services. For example the policy sets out that the Council in accordance with the Care Act may choose to charge for services that will prevent, reduce or delay needs where permitted to do so

4. The General Policy Statement will ensure practice and procedure are compliant with relevant legislation and will protect the most vulnerable living in Wiltshire's communities ensuring people who need care and support have choice about how support needs are met. The current adult care policies are out of date and need to be updated as a result of the Care Act. The statement has been produced in order to simplify adult care policy governance in that it will provide a single document that summarises how the Council will deliver social care legislation.

Main Considerations for the Council

5. The Cabinet is asked to consider implementing the policies attached to the paper in the context of the feedback received during the public consultation period.

6. The PRD policy sets out how the Council will deliver the statutory duty introduced in the Care Act¹ for local authorities to prevent, reduce and delay eligible care and support needs arising across communities.
7. The Policy sets out how the Council will comply with this general duty setting out that activities that will prevent, reduce and delay the development of eligible needs will be prioritised based on reducing the number of people needing permanent residential/nursing care, reducing the number of hospital admissions and maintaining independence at home. The key points to note are:
 - a. The Council will facilitate a range of services that will prevent, reduce and delay the development of eligible needs
 - b. The Council will prioritise services based on preventing admissions to acute hospital, reducing permanent admissions to residential/nursing care and interventions that maintain independence.
 - c. The Council will not charge for any services where it is precluded from doing so for instance aids and adaptations under £1000, intermediate care for the first six weeks.
 - d. The Council may however charge for services that prevent, reduce or delay needs where it has a discretionary power to charge. The decision to charge shall be based on the person's ability to pay and the anticipated impact of the intervention.
8. The general policy statement sets out how the Council will make decisions about care and support. The proposed changes and key points to note are:
 - a. To charge an administration fee (on a cost recovery basis) for arranging care and support at home for people with assets over the financial threshold.
 - b. To actively consider permanent/nursing care as an option only when the cost of supporting an adult at home exceeds the cost of an comparable package of care to meet the adults assessed eligible needs in a residential/nursing care setting
 - c. That the Council will only fund transport to the nearest appropriate care and support service in accordance with current eligibility criteria.
 - d. A description of how the Council will ensure it complies with the Care Act in terms of assessment, eligibility, personal budgets and other general duties.

Background

9. The Care Act came into force on April 1st 2015, the Act introduced a number of new duties for Local Authorities including the new universal duty to prevent, reduce and delay needs arising for everyone living within a Local Authority area.

¹ Care Act 2014 section 2(1)

10. The policies presented will ensure that the Council's policies reflect the Care Act (2014) and set out how the Council will work to deliver the new general duties relating to Prevention.

Overview and Scrutiny Engagement

11. The Health Select Committee have been made aware of the proposed policy and consultation period.

Safeguarding Implications

12. The policies are compliant with all relevant legislation. The policies will ensure the Council safeguards vulnerable people who need care and support.

Public Health Implications

13. The PRD policy sets out how the Council will deliver the general duty in the Care Act. Adult care commissioners will work closely with public health teams to deliver services that deliver this duty as set out in the proposed policy.

Procurement Implications

14. There are no immediate procurement implications. Any services commissioned in the future will take account of these policies.

Equalities Impact of the Proposal

15. A comprehensive Equalities Impact Assessment has been completed (see supporting documents)
16. The number of survey responses for both the preventing, PRD and general policy statement survey were relatively low. The consultation was publicised through the "Your care your support" information portal, the Council's website and through voluntary sector organisations. It is recommended the community commissioning team explore alternative means of engagement to encourage additional responses regarding subsequent consultations.
17. A summary of the responses received are included in the appendices to this report. Responders to the PRD survey had mixed views about the proposal to consider charging for services that will prevent, reduce and delay needs with some people strongly disagreeing with any proposal to introduce charges for these services. It should be noted that the majority of services intended to prevent, reduce and delay needs are not means tested and the policy sets out that the Council may consider charging in the context of the impact this will have on take up as described in the Care Act. (Appendix A Figure 1.0)
18. All responders agreed with the proposal to prioritise services based on reducing admissions to acute care, reducing admissions to residential settings and maintaining independence in the community. (Appendix A Figure 1.1)
19. Responders had mixed views about the proposal to consider the impact of services intended to prevent, reduce or delay needs with approximately half of

the responders supporting the proposal. It should be noted that people who disagreed commented that the approach should be on a case by case basis, which is the intention in the policy and personal circumstances will always be taken into account. (Appendix A Figure 1.2)

20. Responses to the proposals in the general policy statement show that people are generally supportive of the proposed policy. People supported the proposal to focus on community services but some raised the issue that this should not be at the expense of other care and support services (Appendix A Figure 2.0)
21. The proposal to charge an administration fee for self funding adults was generally supported and the proposed fee of £56.00 was felt to be 'about right'. (Appendix A Figures 2.2 and 2.3)
22. The majority of people who completed the survey supported the proposals to only fund transport to the nearest appropriate service (Appendix A Figure 2.4); and that it was reasonable to ask for top ups where a person chooses a more expensive service, as long as at least one choice has been offered where no top up is required (Appendix A Figure 2.5). The comments from those who disagreed included the fact that in their opinion more needed to be done to support carers. The Council will continue to work across the system to improve the offer for carers.

Environmental and Climate Change Considerations

23. None

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

24. The Council's policies will remain out of date and based on outdated legislation.
25. Staff delivering adult care will not have a framework within which to deliver the duties set out in the Care Act.
26. Increased risk of legal challenge due to out of date policies and procedures.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

27. Self funding adults (people who need care and support who have assets above the maximum threshold) may be less likely to contact the Council for support if a charge is introduced to arrange their care and support. This risk will be mitigated by an increased focus on universal duties including interventions that will prevent, reduce and delay needs arising and the provision of information and advice which are available to all regardless of financial status.

Financial Implications

28. The proposal to charge a fee for arranging care and support for self funding adults will generate income for the Council but will be based only on a cost recovery basis.
29. The PRD policy proposes that the Council may charge for services intended to prevent, reduce or delay needs arising based on an individual's ability to pay, this will minimise the impact.
30. The policies will ensure that the Council's approach to personal budgets, choice and control are compliant with legislation and all adults are offered services that meet their care and support needs. However the proposal will safeguard the Council against excessive care costs based on a consistent approach to choice.

Legal Implications

31. These policies have been proposed based on the statutory framework set out in the 2014 Care Act.
32. The draft policies were developed with support from the Council's legal advisors and have been reviewed by Counsel. The Council's Legal team have been extensively involved in the development and drafting of the policies and papers.

Options Considered

33. Not to introduce a specific Preventing, Reducing and Delaying Needs Policy. As it is a universal duty there is no requirement to introduce a policy. This option was discounted as it was felt the Council should provide adults with needs customers, officers, and stakeholders with a policy that sets out the approach to meeting this duty in the context of Wiltshire.

Conclusions

34. These policies will ensure the Council is compliant with all relevant legislation and will provide a framework for deliver social care services.

James Cawley (Associate Director, Adult Care Commissioning and Housing)

Report Author: Sue Geary Head of Service Community commissioning e-mail sue.geary@wiltshire.gov.uk

July 2016

Appendix A

Preventing, Reducing and Delaying eligible Needs Survey

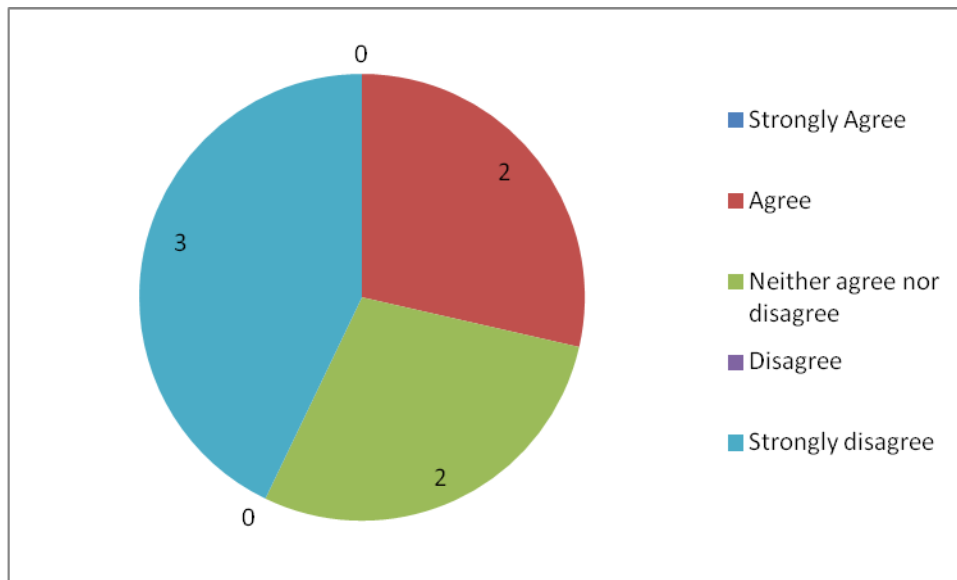
Question 1

Wiltshire Council is proposing to charge for prevention services where it is able to do so. The decision whether to charge for a service will be based on an individual's ability to pay and the impact charging may have on the uptake of the service.

Do you agree it is reasonable for Wiltshire Council to charge for certain prevention services based on a person's ability to pay?

Total Responses-7

(Figure 1.0)



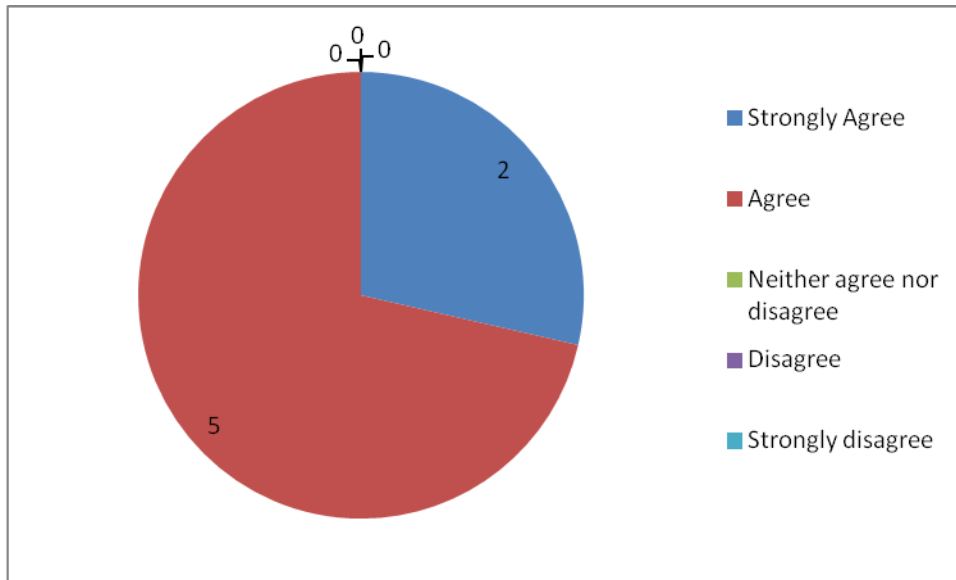
Question 2

Wiltshire Council proposes that it will prioritise prevention services where there is a risk to a person's independence.

Do you agree this is a reasonable approach?

Total Responses- 7

(Figure 1.1)

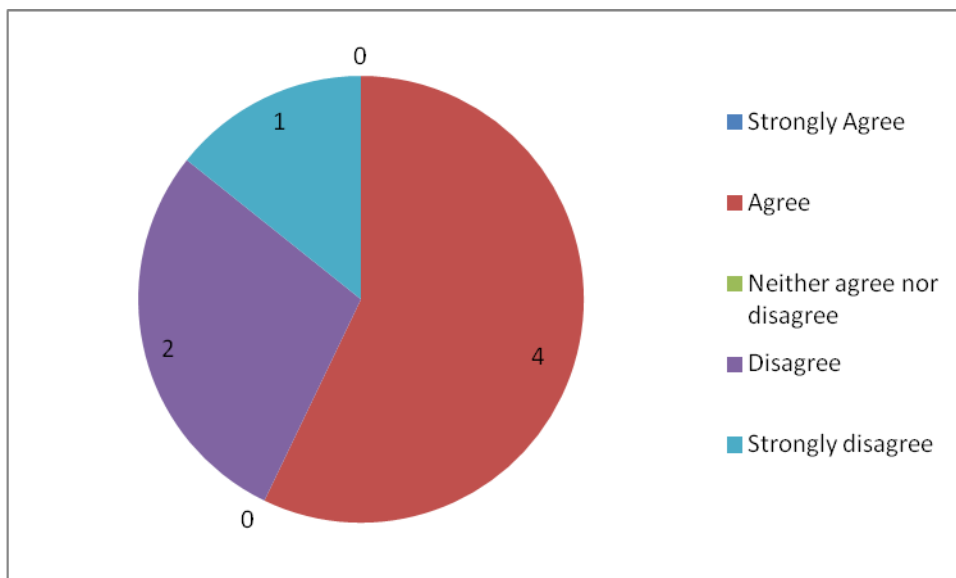


Question 3

Is it reasonable to take into account the likely impact of the prevention intervention when deciding if prevention services should be offered? For example if it is very unlikely that a prevention service will reduce the risk that a person will need long term care in a residential care home, prevention will not be offered.

Total Responses- 7

(Figure 1.2)



Question 4

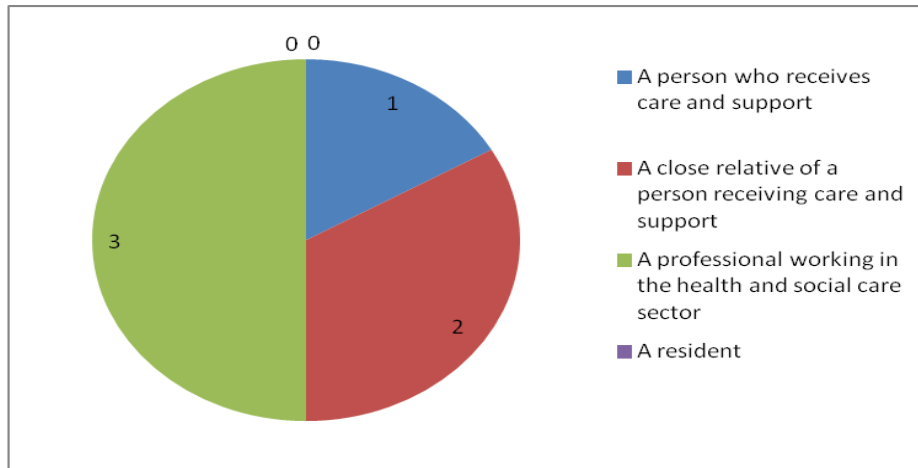
Would you like to make any further comments about anything included in the proposed policy? If so please use the space below to record your views.

Total Responses-2

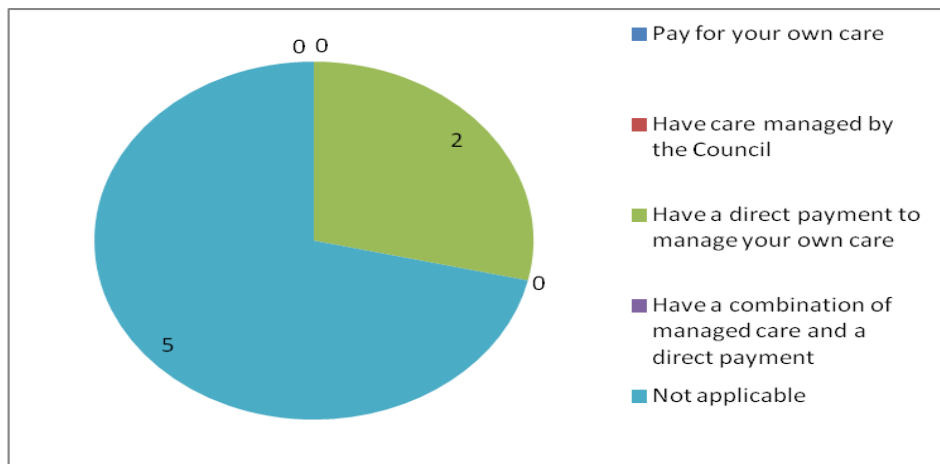
- *I would ask the council to be more specific about what services it would see as "prevention" and how outcomes would be measured.*
- *One individual who identified themselves as a carer felt that withdrawing support might be the only way to highlight the need for prevention and asked the Council to "bear this in mind when determining how much support an individual needs, after all the need has already been agreed"*

Demographic Information

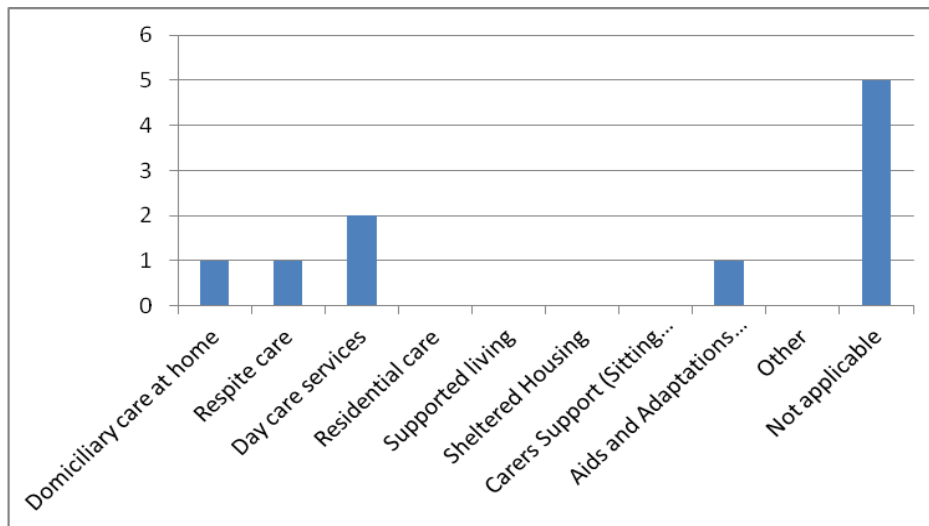
Are you answering this survey as? (Figure 1.3)



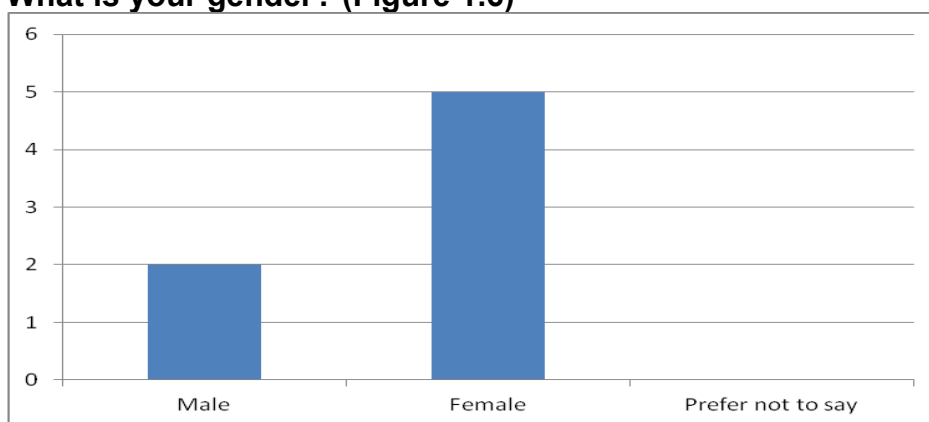
If you receive care services how is this done? (Figure 1.4)



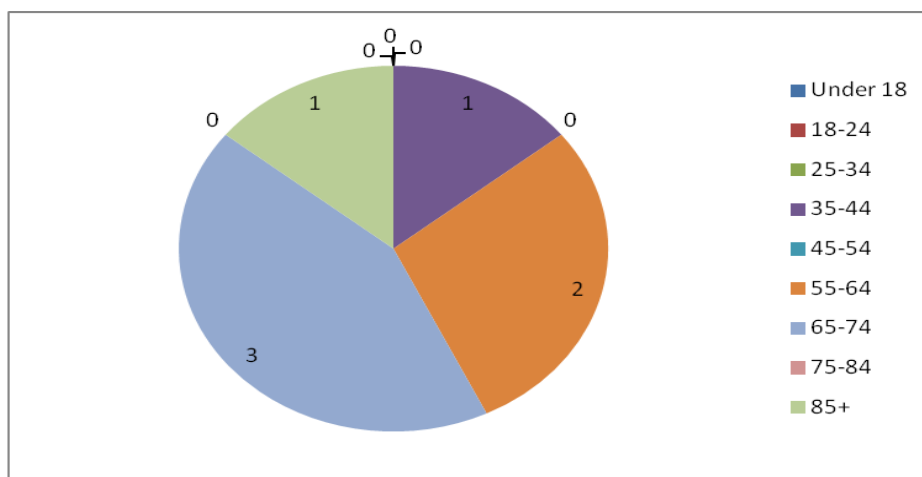
What type of care services do you receive? (Figure 1.5)



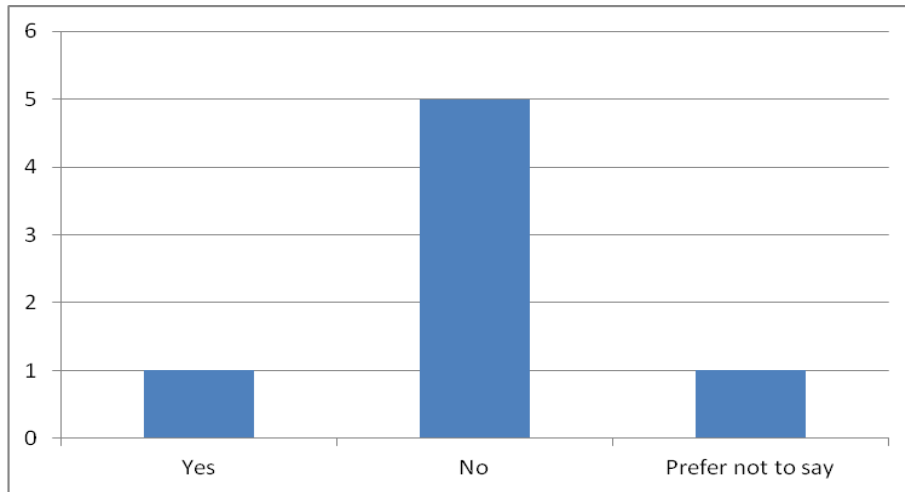
What is your gender? (Figure 1.6)



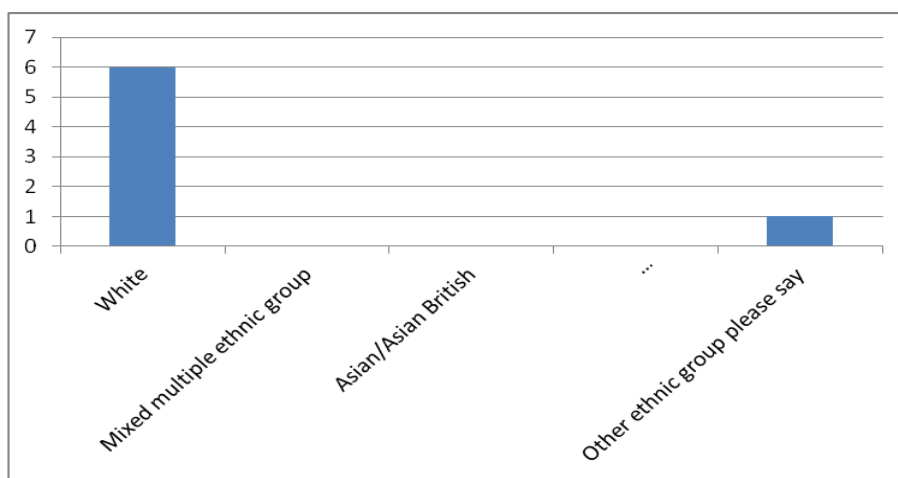
What is your age range? (Figure 1.7)



Do you consider yourself to have a disability or long term illness? (Figure 1.8)



What is your ethnic group? (Figure 1.9)



Appendix B

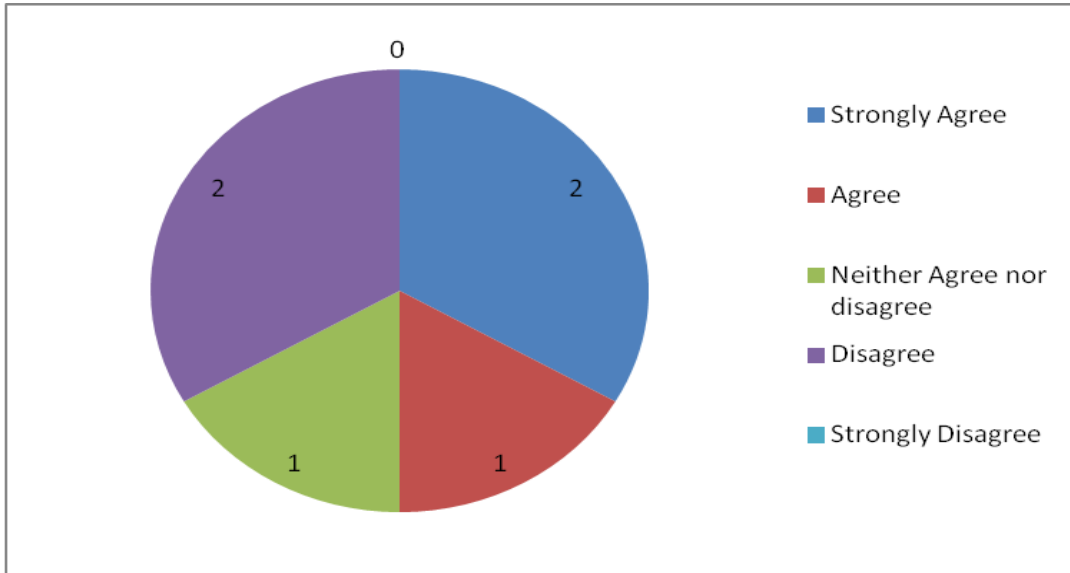
Adult Care Policy Statement

Question 1

Do you think that it is reasonable that the Council invests in developing a range of care and support services including community services that are designed to prevent the need for traditional care services?

Total Responses-6

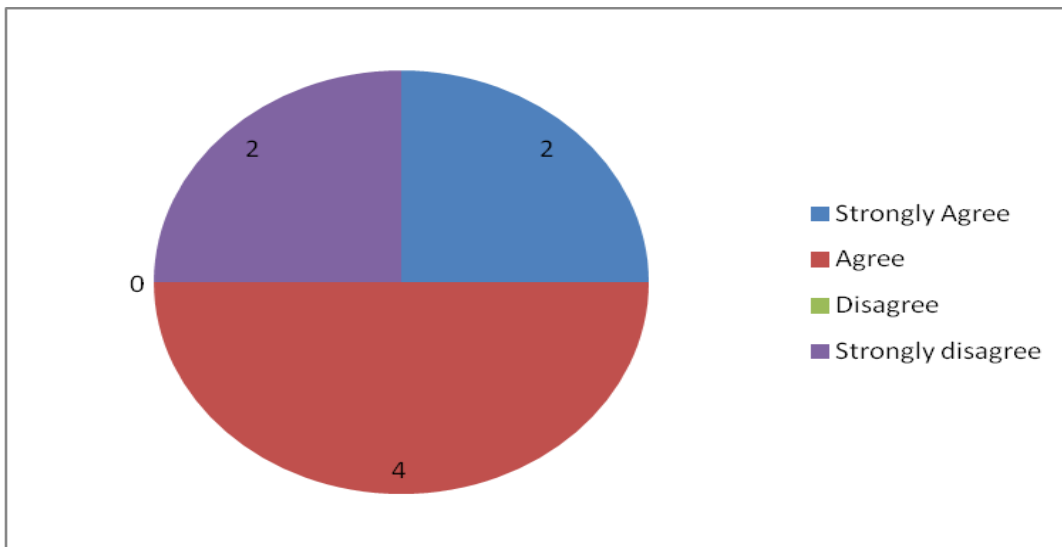
(Figure 2.0)



Question 2

The policy proposes that the Council will always support customers to live at home in the first instance and that only when the total life cost of a package exceeds that of supporting a customer in residential care will the Council consider a care home placement. Do you agree the Council should support people to live at home for as long as possible?

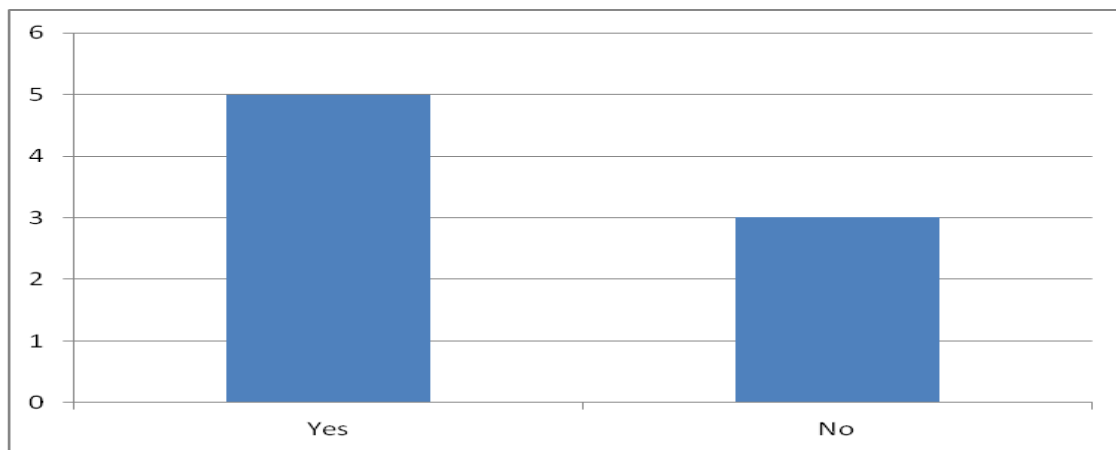
Total Responses- 8 (Figure 2.1)



Question 3a

Is it reasonable to ask people who have been assessed as having eligible care needs but have assets above the maximum threshold (currently £23,250) to pay the Council an administration fee for arranging their care and support?

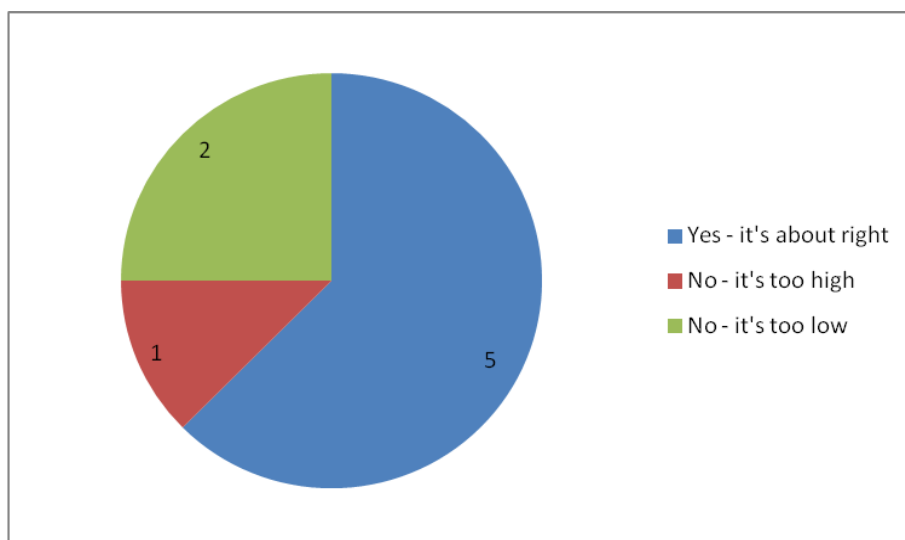
Total Responses- 8 (Figure 2.2)



Question 4

Is a fee of £56.00 a fair amount to charge a self-funding customer described above to arrange a care package? Authorities have the discretionary power to charge an administration fee based on what it costs the Council to deliver this service. Costs will be different in each area but the proposed rate is approximately comparable with neighbouring authorities who choose to charge for this service.

Total Responses- 8 (Figure 2.3)

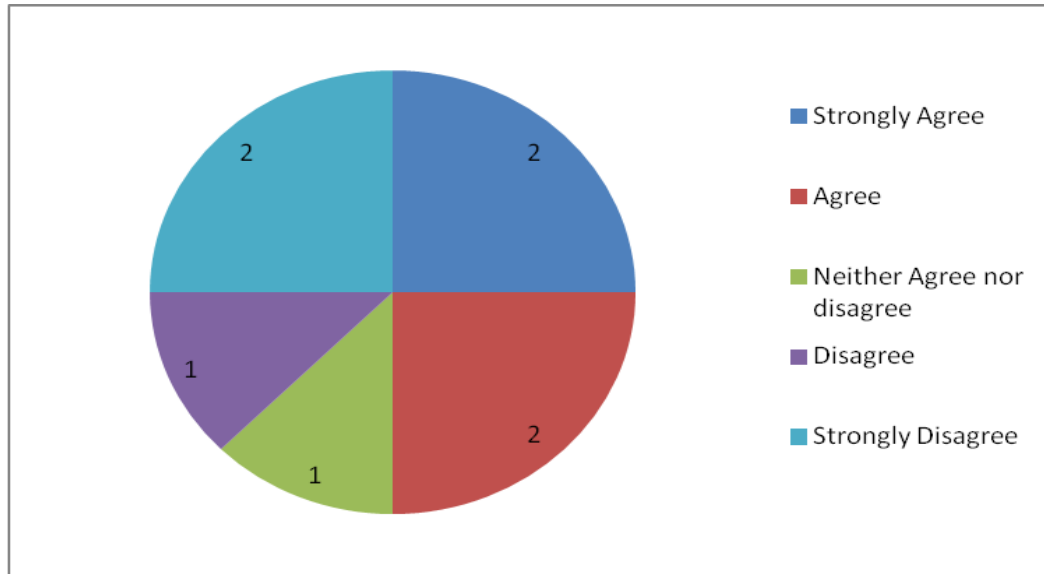


Question 5

The Policy states that transport will only be provided as part of a care and support package when it is meeting an eligible care and support need. When transport is provided it will only be provided to the nearest appropriate service, if customers choose an alternative service with additional transport costs the additional element of transport will not be funded.

Do you agree it is reasonable that the Council supports eligible customers to the nearest appropriate service only?

Total Responses- 8 (Figure 2.4)

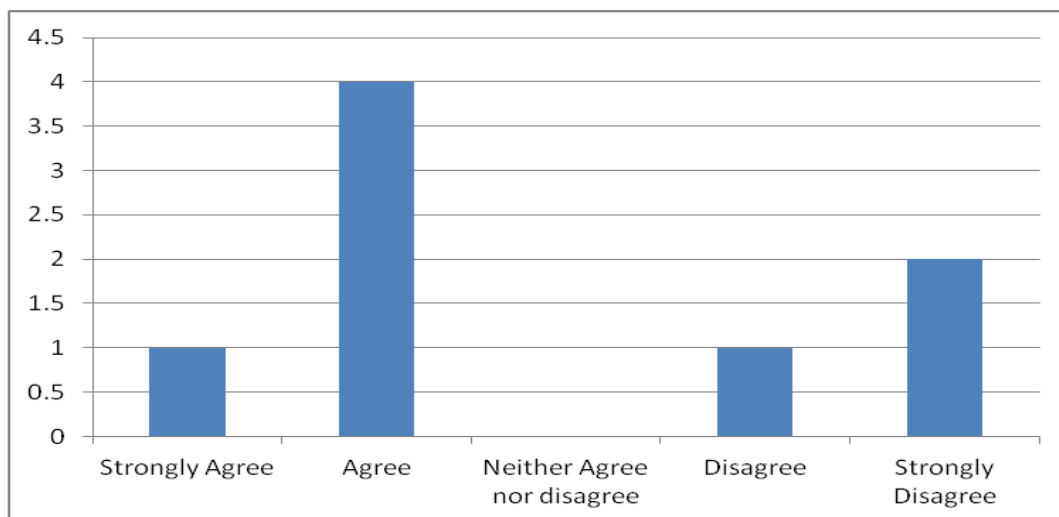


Question 6

Wiltshire Council will always offer at least one service that will meet a person's needs within their personal budget. Customers are able to choose from any appropriate service available. If this service is more expensive than the Council would reasonably expect to pay for a service customers may be asked to fund the difference.

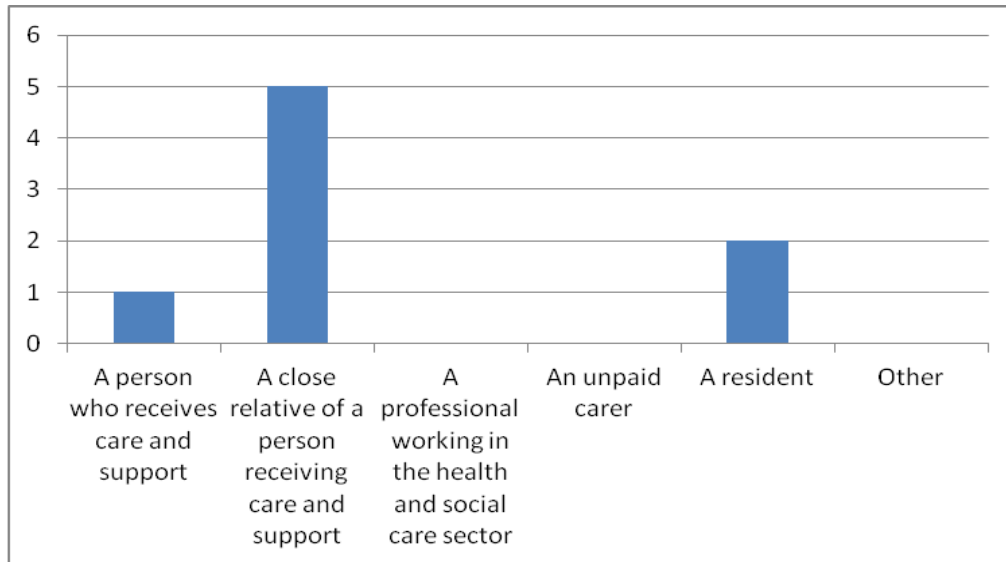
Do you agree this is a fair approach?

Total Responses- 8 (Figure 2.5)

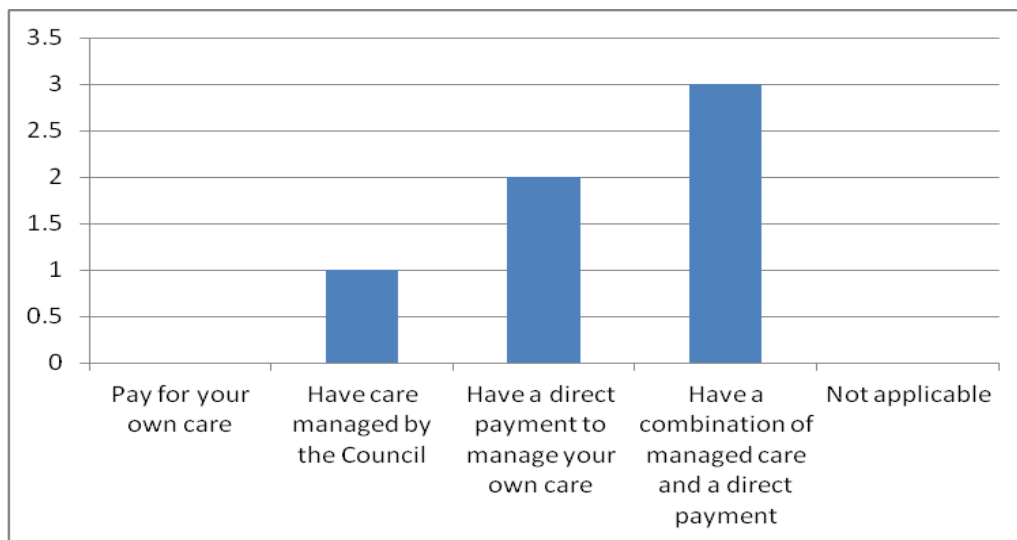


Demographic Information

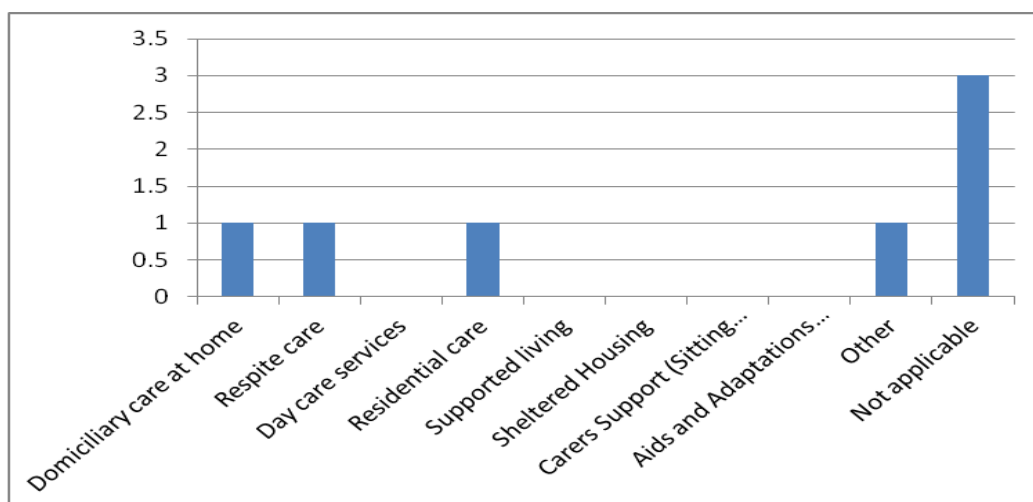
Are you answering this survey as? (Figure 2.6)



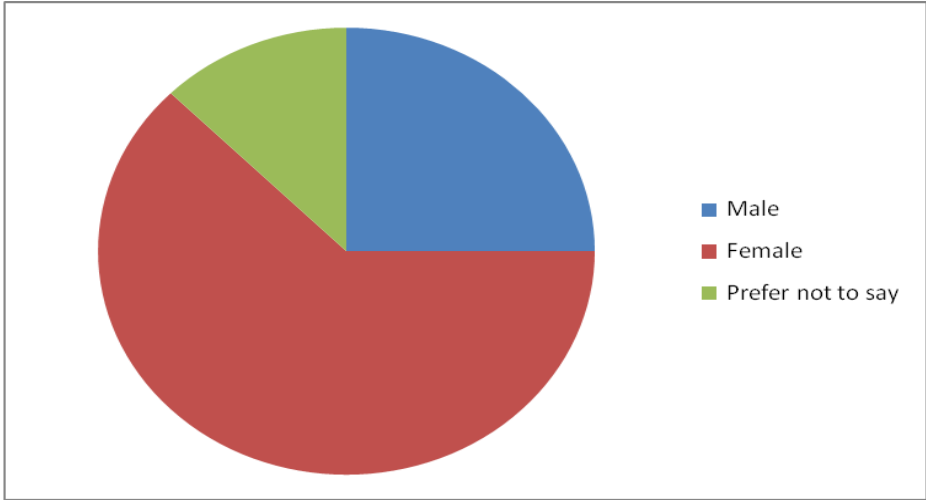
If you receive care services how is this done? (Figure 2.7)



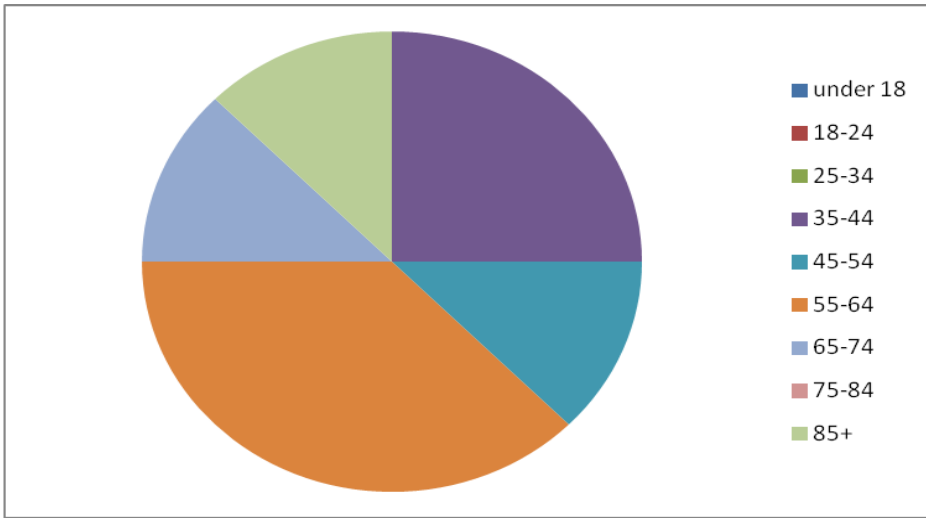
What type of care services do you receive? (Figure 2.8)



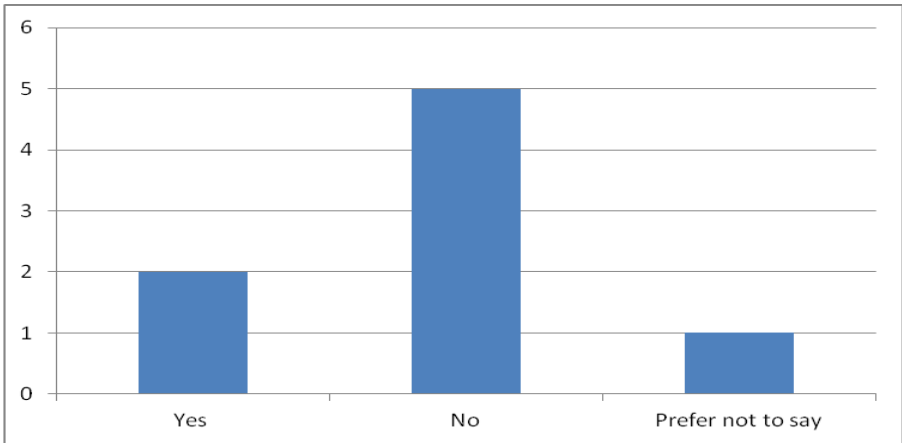
What is your gender? (Figure 2.9)



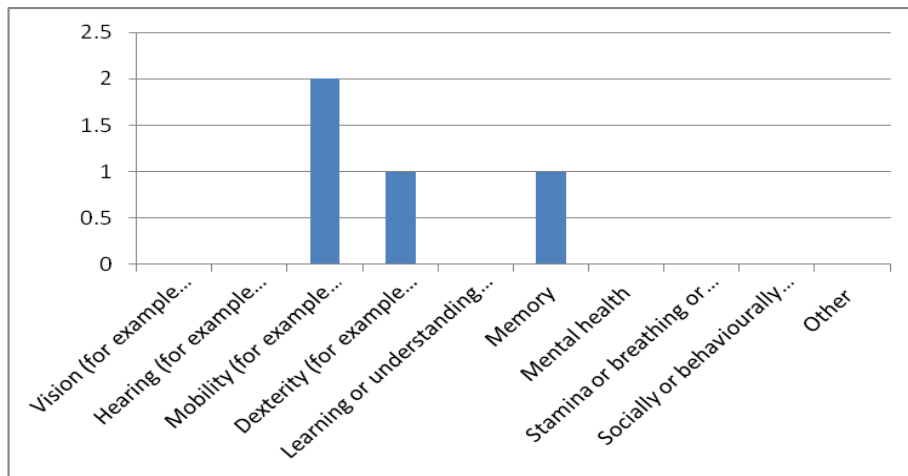
What is your age range? (Figure 2.10)



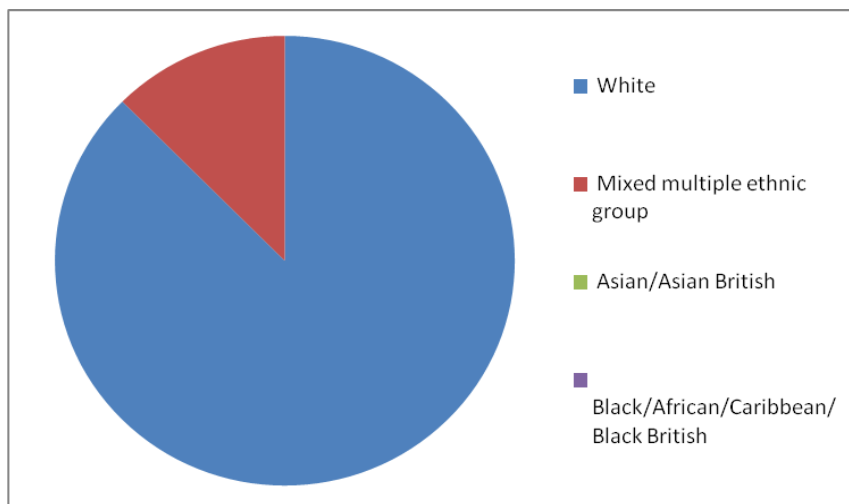
Do you consider yourself to have a disability or long term illness? (Figure 2.11)



If you answered Yes above what is the nature of your disability? (Figure 2.12)



What is your ethnic group? (Figure 2.13)



Background Papers

Equalities Impact Assessment
Draft Preventing, Reducing and Delaying Eligible Needs Policy
Draft General Policy Statement