

## Report to the Cabinet

Meeting to be held on Thursday, 10 August 2017

### Report of the Director of Corporate Commissioning

**Part I**

Electoral Divisions affected:  
All

#### **Implementation of the Care Act 2014 - Approval of Revised Adult Social Care Policies and Procedures**

(Appendices 'A', 'B' and 'C' refer)

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#### **Executive Summary**

The Care Act 2014 altered the financial, legal, commissioning and operational landscape for local authorities. Reviewing, maintaining and improving the county council's adult social care policies, procedures and guidance (PPG) is essential to the professional and high quality delivery of assessments, support, information and advice for those working with adults who have social care needs, and to ensure legal compliance with the Care Act.

A comprehensive review of the County Council's adult social care policies, procedures and guidance has therefore been undertaken and key policy documents have been identified for review and revision as part of a phased programme, as approved by the Cabinet Member for Adult and Community Services on 9 March 2016.

This phased programme continues with the submission of three policy, procedures and guidance documents: Independent Mental Capacity and Mental Health Advocacy, Assessment of Needs, and Review of Care and Support Plans.

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

## **Recommendation**

The Cabinet is recommended to:

- (i) Approve the following revised Adult Social Care Policies:
  - a. Independent Mental Capacity and Mental Health Advocacy (Appendix 'A').
  - b. Assessment of Needs (Appendix 'B').
  - c. Review of Care and Support Plans (Appendix 'C').

## **Background and Advice**

### **1. Current arrangements**

[A new framework was approved by the Cabinet Member for Adult and Community Services in March 2016 to ensure compliance with the Care Act.](#) All new policy documents will follow the revised procedures for decision making approved by Full Council in May 2017.

### **2. Summary of Revised Policies and Procedures**

Three new policies – Independent Mental Capacity and Mental Health Advocacy, Assessment of Needs and Review of Care and Support Planning – are now ready for approval by Cabinet.

#### **2.1 Independent Mental Capacity and Mental Health Advocacy**

This document sets out the county council's response to duties to provide independent advocacy separate to duties under the Care Act and accompanies our separate policy and procedure document on [Independent Care Act Advocacy](#). Please see Appendix 'A' ("Independent Mental Capacity and Mental Health Advocacy") for more information.

#### **2.2 Assessment of Needs**

This document sets out the county council's response to duties to conduct social care assessments under Section 13 of the Care Act. Please see Appendix 'B' ("Assessment of Needs") for more information.

#### **2.4 Review of Care and Support Plans**

This document sets out the county council's response to duties to undertake Reviews of Care and Support Plans under Section 27 of the Care Act. Please see Appendix 'C' ("Review of Care and Support Plans") for the full policy.

Additional policy and procedure documents will be presented throughout 2017, [pursuant to the arrangements previously agreed by the Cabinet Member for Adult and Community Services in March 2016.](#)

## **Consultations**

Wider public consultation has not been undertaken as the documents in question are revisions to existing policy and guidance to ensure that they fully reflect new duties and requirements placed on the County Council under the Care Act.

## **Implications:**

This item has the following implications, as indicated:

## **Workforce**

Our support for Lancashire residents is guided by the county council's comprehensive range of adult social care policies, procedures and practice guidance. The accuracy and relevance of these documents is essential to support practice and the delivery of high quality services.

The Care Act and supporting guidance places a series of new duties and responsibilities on the county council in regard to the care and support for adults. All revised or new documents have been reviewed and cleared by the county council's legal services before being presented to Cabinet for final approval. All documents will be publically accessible as part of this process with the aim of reducing legal challenge or complaints due to lack of understanding or transparency.

## **Equality and Diversity**

The Care Act itself was implemented following a period of consultation and its provisions were assessed for their equality impact.

## **Financial**

A person's eligibility for care and support provided by the county council will be determined, following a proportionate assessment. The person must have needs arising from a physical or mental impairment or illness and be unable to achieve two or more outcomes, as defined in the Care Act 2014. This is further explained in our [Eligibility Criteria policy](#). Information is provided during the assessment period as to the [potential financial implications to the person receiving care and support](#) when the outcome of the assessment has been determined by the assessor following consultation with the person being assessed and/or a suitable person e.g. family member, advocate and/or Power of Attorney. This will detail how a person's contribution to care is calculated and - where an assessment determines that future care needs would be best met in a residential setting – describes the implications to the person if they own a property and the deferred payment options offered by the council.

Following the assessment stage, the individual's estimated personal budget must be shared when the care and support plan is being drafted.

Any financial implications that result from a needs assessment or care and support plan are addressed via the specific commissioning, delegation and funding arrangements governing each individual social care service, if so required. Advocacy services are provided by an external organisation, commissioned by the county council and subject to regular monitoring.

## **Risk management**

The Care Act Statutory Guidance sets out that the county council should develop and maintain policies in relation to a number of subject areas covered in the Act. If the recommendations are not taken forward, the county council may risk losing future legal challenges.

## **List of Background Papers**

Paper	Date	Contact/Tel
Care Act 2014 -- <a href="http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf">http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf</a>	April 2014	Kieran Curran/ (01772) 536068
<a href="#">Implementation of the Care Act – Approval of revised Adult Social Care Policies and Procedures incorporating the Wellbeing Principle, Eligibility, Ordinary Residence and Independent Advocacy</a>	March 2016	
<a href="#">Care Act– update of care and support statutory guidance</a>	February 2017	

Reason for inclusion in Part II, if appropriate

N/A