

## **Report to the Cabinet**

Meeting to be held on Thursday, 14 September 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 incorporating Carer's Assessments, Carer's Eligibility Criteria and Carer's Budgets, and Reablement.**

(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 therefore essential to the professional and high quality delivery of assessment, 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 authorised by Executive Scrutiny Committee on 8 March 2016 and the Cabinet Member for Adult and Community Services on 9 March 2016.

This phased programme continues with the submission of three new policy, procedures and practice guidance documents: Carer's Assessments, Carer's Eligibility Criteria and Carer's Budgets, and Reablement.

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. Carer's Assessments (Appendix 'A')
  - b. Carer's Eligibility Criteria and Carer's Budgets (Appendix 'B')
  - c. Reablement (Appendix 'C')

## **Background and Advice**

### **Current arrangements**

[A new framework was approved by Executive Scrutiny in March 2016 to ensure compliance with the Care Act.](#) All new policy documents will follow the new requirements for decision making approved by Full Council in June 2017.

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

Three new policies – Carer's Assessments, Carer's Eligibility Criteria and Carer's Budgets, and Reablement – are now ready for approval by Cabinet.

- Carer's Assessments

This document sets out the county council's response to duties under section 10 of the Care Act 2014 to ensure that any carer with an appearance of need for support receives a proportionate assessment which identifies their level of needs and how these impact on their wellbeing. Please see Appendix 'B' ("Carer's Assessments") for more information.

- Carer's Eligibility Criteria and Carer's Budgets

This document sets out the county council's response to duties under sections 13, 18 and 20 of the Care Act 2014 to meet a carer's needs for support following a determination of eligibility. Please see Appendix 'C' ("Carer's Eligibility Criteria and Carer's Budgets") for more information.

- Reablement

This document sets out the county council's response to duties under sections 2, 18, 19 and 20 of the Care Act to provide a reablement service designed to help people develop the confidence and skills they need to live as independently as they can. Please see Appendix 'D' ("Reablement").

## 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 our legal team 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 and agreed by both the assessor and 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 worked out 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.

## **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 be at risk of 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 Policy, Information and Commissioning (01772) 536068N.
<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