

Part I

Electoral Divisions affected:
All

Implementation of the Care Act 2014 - Approval of revised Adult Social Care Policies and Procedures, incorporating Telecare and Protection of Property
(Appendices 'A' and 'B' refer)

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Executive Summary

The Care Act 2014 modernises and consolidates legislation on adult social care in England into one statute and has been described as the biggest change to adult social care law in 60 years. This legislation has changed the financial, legal, commissioning and operational landscape for councils, their workforces, for citizens, social care providers and partners.

The County Council's adult social care policies, procedures and practice guidance documentation forms part of an essential operating framework for those working with adults who have social care needs. The requirement to maintain and improve this framework is essential to the professional and high quality delivery of assessment, supports information and advice to our customers and to ensure legal compliance.

A comprehensive review of the County Council's adult social care policies, procedures and practice 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 the 8 March and the Cabinet Member for Adult and Community Services on the 9 March earlier in 2016.

This phased programme now continues with the submission of two additional revised policy, procedures and practice guidance documents, namely Protection of Property (including Livestock) and Telecare (see relevant Appendices for more information).

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

Recommendation

The Cabinet Member for Adult and Community Services is recommended to:

- (i) Approve the following revised Adult Social Care Policies:
 - a. Protection of Property (Appendix 'A')
 - b. Telecare (Appendix 'B')
- (ii) Agree that any fundamental changes or new policies should be presented to the Cabinet Member for Adult and Community Services for approval and to authorise the Director of Adult Services, in consultation with the Director of Governance, Finance and Public Services, to approve all other future revisions of these specific adult social care policies.

Background and Advice

1. New arrangements

To support the development and effectiveness of the County Council's adult social care policies, procedures and practice guidance, [a new framework was approved in March 2016 to ensure compliance with the Care Act](#). Additional information regarding the specific arrangements governing the framework was also approved. It was agreed that new policies will follow the full decision making pathway through to Cabinet Member approval.

2. Summary of Revised Policies and Procedures:

Two new policies – Protection of Property (including Livestock) and Telecare – are now ready for approval by the Cabinet Member for Adult and Community Services.

Protection of Property (including Pets/Livestock)

Section 47 of the Care Act 2014 states that:

Local Authorities must take all reasonable steps to protect the moveable property of an adult with care and support needs who is being cared for away from home in a hospital or in accommodation such as a care home, and who cannot arrange to protect their property themselves; this could include their pets as well as their personal property (e.g. private possessions and furniture). Local Authorities must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged.

This document sets out the County Council's response to Section 47 of the Care Act 2014 in regard to its duty to protect individuals' property.

Please see Appendix 'A' for more information.

Telecare

It is critical to the vision in the Care Act that the care and support system works to actively promote wellbeing and independence, and does not just wait to respond when people reach a crisis point. A local authority must provide or arrange for services, facilities or resources which would prevent, delay or reduce individuals' needs for care and support, or the needs for support of carers.

The County Council recognises that effective assistive technology services, such as Telecare, can play an important role in helping to achieve this. Therefore, the County Council is committed to improving and expanding the use of Telecare, so it becomes an integral part of our adult social care offer and is embedded within the wider changes being made by us and our NHS partners.

The Lancashire Telecare Service is available free of charge to adults who are ordinarily resident in Lancashire and are eligible under the national eligibility criteria as defined by the Care Act.

Specific procedures to be followed by County Council staff are provided in Section 3 of Appendix 'B' and include detailed guidance on:

- Assessment
- Referral
- Commissioning
- Installation and Service Activation
- Review of Care and Support Plan
- Ceasing a Telecare Plan
- Admission to short term care or hospital
- Privately-funded Telecare

Please see Appendix 'B' for more information.

All remaining policy revisions will be presented as appropriate, pursuant to the arrangements previously agreed by Executive Scrutiny Committee and 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 not new presentations but rather revisions to ensure they fully represent the new duties and requirements placed on the local authority under the Care Act.

Implications:

This item has the following implications, as indicated:

- **Workforce**

The professional response and practice of the workforce in supporting citizens and customers 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 therefore essential to support practice and the delivery of high quality services.

As the revision of documentation has in the main come as a result of new duties under the Care Act, a further process of awareness raising training in regard to the variations will also be undertaken across the social care workforce to ensure that the changes are embedded in practice.

A programme of training is already being delivered across the social care workforce and with key internal and external stakeholders to ensure understanding of legal responsibilities under the Care Act and to embed the new duties into practice. The workforce has been offered a range of awareness and business specific training and this training programme will continue.

- **Legal**

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 assessed and approved by legal before being presented to the Cabinet Member 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 subject to a wide range of consultation and its provisions were assessed for their equality impact.

- **Financial**

Under Section 47 (7) Care Act 2014 the Local Authority may recover whatever reasonable expenses have been incurred in protecting the adult's property. The adult needs to be advised that they will be required to pay the total cost for any arrangements made, and this should be recorded on the case file. As an interim the local authority, through the Team manager, may be required to authorise accommodation fees for pets and livestock for which no previous arrangements have been made and prior to the adult being billed for the cost. This cost/ authorisation must be reviewed every four weeks at a maximum.

Invoices and receipts will need to be obtained and liaison made with the Safeguarding Adults Finance Team, who will be responsible for the recovery of these expenses from the adult.

Risk management

The County Council is already operating within the framework of the Care Act. However publishing a clear policy framework supports the County Council. If the recommendations are not taken forward, the County Council will not meet its statutory duties under the Care Act which will result in the County Council being highly exposed to legal challenge and reputational damage.

List of Background Papers

Paper			Date	Contact/Tel
Care Act 2014 -- http://www.legislation.gov.uk/ukpga/2014/40023/en.pdf	April 2014	Kieran Curran Policy, Information and Commissioning (01772) 536068.	April 2014	Kieran Curran Policy, Information and Commissioning (01772) 536068
Implementation of the Care Act – Approval of revised Adult Social Care Policies and Procedures incorporating the Wellbeing Principle, Eligibility, Ordinary Residence and Independent Advocacy	March 2016		March 2016	
	March 2016		January 2015	

[Care Act–
update of
care and
support
statutory
guidance](#)

[Commissi
oning
Strategy
for
Telecare
Services
2014/15 –
2017/18](#)

Reason for inclusion in Part II, if appropriate

NA