

Report to the Cabinet

Meeting to be held on Thursday, 1 February 2018

Report of the Executive Director of Adult Services and Health & Wellbeing

Part I

Electoral Divisions affected:
All

Implementation of the Care Act 2014 - Approval of Revised Adult Social Care Policies and Procedures incorporating Information & Advice and Prisons and Approved Premises

(Appendices 'A' and 'B' refer)

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Executive Summary

Following the introduction of the Care Act 2014, the County Council has undertaken to review all adult social care policies, practice and guidance to ensure compliance.

Two new policies are now presented for approval:

- a. Information & Advice (Appendix 'A')
- b. Prisons and Approved Premises. (Appendix 'B')

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

Recommendation

That the following Adult Social Care Policies be approved:

- a. Information & Advice (Appendix 'A')
- b. Prisons and Approved Premises (Appendix 'B')

Background and Advice

The Care Act 2014 significantly altered the landscape of adult social care for local authorities. In response, a comprehensive review of the county council's adult social care policies, procedures and guidance (PPG) has been undertaken and key policy documents have been identified for development and/or revision as part of a phased programme to ensure compliance.

This phased programme continues with the submission of two new policy, procedures and guidance documents:

- a. Information & Advice (Appendix 'A')
- b. Prisons and Approved Premises (Appendix 'B')

These policies are both new policies, they do not replace previous policies in these areas.

The documents reflect the Care Act's emphasis on preventing, delaying or reducing the development of care and support needs and the importance of appropriate and proportionate care. As such, the documents are part of wider efforts to improve social care practice at the county council.

Current arrangements

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

Summary of Revised Policies and Procedures

Two new policies – Information & Advice and Prisons and Approved Premises – are now ready for approval by Cabinet.

- Information & Advice

Information and advice is fundamental to enabling people, carers and families to take control of, and make well-informed choices about, their care and support and how they fund it. It is also a vital component of preventing or delaying people's need for care and support.

The Care Act mandates that local authorities must "establish and maintain a service for providing people in [their] area with information and advice relating to care and support for adults and support for carers." The law requires that the county council must take an active role in the provision of information and advice.

Please see Appendix 'A' ("Information & Advice") for more information. This document sets out the county council's response to duties under section 4 of the Care Act 2014 to deliver a comprehensive Information & Advice Service (including financial information and advice). The council delivers its Information & Advice service on a three-tiered basis:

Tier 1 – Universal Service: access to information that is universally available to all.

Tier 2 – Signposting Service: Where support is needed to access relevant and often specific information and advice the county council's Customer Access Service offers an Adult Social Care telephone signposting service.

Tier 3 – Services for eligible people: Where a person has undergone a Social Care Assessment and meets the [national eligibility threshold](#) established by law, the county council will ensure that relevant, proportionate and timely information and advice will be made available as required to meet identified care and support needs.

- Prisons and Approved Premises

Statutory guidance states that all adults in custody, as well as offenders and defendants in the community, should expect the same level of care and support as the rest of the population. In the past, the responsibilities for meeting the needs of prisoners have been unclear. This has led to confusion between local authorities, prisons and other organisations.

The Care Act 2014 places a duty on the county council to undertake an assessment of need for any adult offenders (age 18 years and above) who resides in the area's prisons and approved premises and appears to have a need for social care and support. Within Lancashire, this means meeting this duty in five prisons which are located within the county council area:

- HMP Wymott
- HMP Garth
- HMP Kirkham
- HMP Lancaster Farms
- HMP Preston

Between them these prisons accommodate more than 4,000 male prisoners at any one time. There are also some approved premises (often known as bail hostels).

Please see Appendix 'B' ("Prisons and Approved Premises") for more information. This document sets out the county council's response to duties under section 76 of the Care Act 2014 to assess offenders' needs for care and support and to meet care and support needs where eligibility criteria have been met. It also details the county council's commissioned arrangements to integrate health and care support in these settings between various statutory organisations, providers, and prisons and approved premises.

Consultations

Wider public consultation has not been necessary as the documents in question 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 adult social care policies, procedures and practice guidance (PPG). 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 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.

PPG documents are primarily intended as a guide for social care employees in applying the Care Act 2014 and ensuring delivery of quality care and support. It is an intrinsic requirement that these are applied objectively and fairly to all people with protected characteristics (age, disability, gender identity, gender, race, religion or belief, sexual orientation, pregnancy and maternity and marriage or civil partnership status) and that, where necessary, reasonable adjustments are made to assist disabled people to participate in the process, or that other steps are taken to meet the requirements of the Equality Act 2010.

Furthermore, in line with the Public Sector Equality Duty, each PPG document has been considered by the Equality and Cohesion Manager and a short appendix added to highlight the aims of the Public Sector Equality Duty and protected characteristics in a proportionate manner. It is intended that this will provide staff with a bespoke summary of how each PPG may impact on protected characteristics groups and that this is a proportionate means of showing due regard in relation to each individual PPG document.

- 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 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 -- http://www.legislation.gov.uk/ukpga/2014/23/pdfs/ukpga_20140023_en.pdf	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	
Care Act– update of care and support statutory guidance	August 2017	

Reason for inclusion in Part II, if appropriate

N/A