

## Report to the Cabinet

Meeting to be held on Thursday, 14 June 2018

### Report of the Head of Service Policy, Information and Commissioning (Start Well)

#### Part I

Electoral Division affected:  
(All Divisions);

### Implementation of the Care Act 2014 - Approval of Revised Adult Social Care Policies and Procedures (Appendices 'A' and 'B' refer)

Contact for further information:

Kieran Curran, Tel: (01772) 536068, Policy, Information and Commissioning Manager (Live Well), kieran.curran@lancashire.gov.uk

#### 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:

- Care and Support Planning (Appendix 'A')
- Continuity of Care (Appendix 'B')

This is deemed to be a Key Decision and the provisions of Standing Order C19 have been complied with.

#### Recommendation

Cabinet is asked to approve the implementation of these policies as set out at Appendices 'A' and '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 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:

- Care and Support Planning
- Continuity of Care

### **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 and Guidance documents**

Two new documents, Care and Support Planning and Continuity of Care, are now ready for approval by Cabinet.

### **Care and Support Planning**

Following completion of a Care Act 2014 assessment of needs (or a carer's assessment), an eligibility determination and a calculation of an indicative personal budget, and if the individual meets the national threshold, the county council must undertake Care and Support Planning to detail how these eligible needs will be met.

The revised Care and Support Planning document details how the county council will meet its obligations under Section 1 of the Act in terms of Care and Support Planning, including information on preparing a plan, what to include and detailed information on completing a plan.

This document replaces a number of documents on care and support planning, consolidates information into one document, and fully reflects the latest statutory guidance.

A copy of the policy is set out at Appendix 'A'.

### **Continuity of Care**

Just like anyone else, people with care and support needs may decide to move home.

The new Continuity of Care document sets out the county council's response to obligations placed on it by Sections 37-38 of the Care Act 2014, to ensure continuity of care for individuals who wish to move to another area within England.

It contains detailed information on how councils who currently arrange care and support for a person (the "first authority") and the local authority to which the person is moving (known as the "second authority") must work together to ensure that there is no interruption to the person's care and support.

This is a new document to reflect duties placed on the county council by the Care Act. A copy of the policy is set out at Appendix 'B'.

## **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. 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 place 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 the county council's 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 and complaints due to a 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. Policies and procedures 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 policies, procedures and guidance 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 policies and procedures guidance may impact on protected characteristics groups, and that this is a proportionate means of showing due regard in relation to each individual policies and procedures guidance 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
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A