

Report to the Cabinet

Meeting to be held on Thursday, 3 October 2019

Report of the Head of Service - Policy, Information and Commissioning (Live Well and Age Well)

Part I

Electoral Division affected:
(All Divisions);

Cross-Border Placements – Implementation of the Care Act 2014 (Approval of Revised Adult Social Care Policies and Procedures)

(Appendix 'A' refers)

Contact for further information:

Kieran Curran, Tel: (01772) 536068, Senior Policy, Information & 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. The following new policy, procedures and guidance document is now presented to Cabinet for approval:

- Cross-Border Placements

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 the Cross-Border Placements policy as set out at Appendix 'A'.

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 a new policy, procedures and guidance document: Cross-Border Placements.

Current arrangements

[A new framework was approved in March 2016 to ensure compliance with the Care Act](#) and to subject all new adult social care policies, procedures and practice guidance documents to robust governance arrangements.

Summary of Revised Policies and Procedures and Guidance documents

A new document – Cross-Border Placements – is now ready for approval by Cabinet.

Cross-Border Placements

This is a new policy to ensure compliance with the Care Act 2014 (specifically, Section 39 and Schedule 1), the Care and Support (Cross-Border Placements and Business Failure: Temporary Duty) (Dispute Resolution) Regulations 2014 and related statutory guidance.

The document sets out:

- The county council's obligations to consider whether a residential care placement in a different territory of the United Kingdom (or a placement into Shared Lives accommodation or Supported Living accommodation in England) would be appropriate for meeting a person's needs;
- The principles governing how the county council should consider a cross-border placement in terms of its impact on the person's well-being;
- The processes for arranging, monitoring and reviewing the placement between the "first" and "second" authorities (i.e. the local authority that is placing or will place the person and the authority into whose area the individual is placed or will be placed) - the county council could be either the first or second authority, depending on circumstances, and;
- The resolution of any disputes that may arise as a result of the placement.

The policy is linked to a number of existing policy, procedures and guidance documents including Continuity of Care, Ordinary Residence and Wellbeing Principle.

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

Consultations

Wider public consultation has not been necessary as the policy reflects new duties and requirements placed on the county council under the Care Act 2014.

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 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 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 guidance 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, sex/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 policy, 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 policy, procedures and guidance document may impact on groups with protected characteristics and that this is a proportionate means of showing due regard in relation to each individual policy, procedures and 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 any 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 with the individual 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 states that the county council should develop and maintain policies in relation to a number of subject areas covered by the Act. The county council may be at risk of future legal challenges if the recommendations are not taken forward.

List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A