

**TELFORD & WREKIN COUNCIL**

**CABINET – 12<sup>TH</sup> DECEMBER 2013**

**REVIEW OF ADULT CARE AND SUPPORT COMMUNITY CARE AND ASSESSMENT, REVIEW AND ELIGIBILITY POLICIES**

**REPORT OF INTERIM DIRECTOR HEALTH, WELLBEING AND CARE**

**LEAD CABINET MEMBER – CLLR ARNOLD ENGLAND**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

1.1 This report seeks approval to the reviewed Adult Care and Support Policies listed below, in conjunction with the agreement and implementation of the Resource Allocation System:

- Community Care Policy, Appendix A
- Assessment, Review and Eligibility Policy, Appendix B

1.2 Fundamental to delivering the personalisation agenda and taking forward savings in adult social care is the introduction of Personal Budgets for all service users in receipt of community care funding, calculated through a Resource Allocation System (RAS) embedded in the assessment form. This will ensure that there is a fair and equitable system in place, and avoid a chance of judicial review, so that people with the same level of need receive an equal level of resource which is sufficient to meet their eligible, unmet needs. The Council purchased the system last year, with Council approval, which has been tested. We now need to move forward as soon as is practical to use it as an integral part of our community care process. This will be for all new cases and on a phased basis in line with Review and unscheduled Review timescales for all existing users, as recommended by the recent Peer Challenge.

1.3 Use of a RAS based system for allocation of personal budgets will require a revision of existing Community Care Policies to be agreed by Council.

**2. RECOMMENDATIONS**

**2.1 that Cabinet approve the amended Policies (Appendices A and B);**

**2.2 that Cabinet approve the implementation of the Resource Allocation System from January 2014.**

## SUMMARY IMPACT ASSESSMENT

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>Vulnerable Children and Adults Health and Wellbeing</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>Will impact on people who are ill or disabled, who need support and on their family carers</i>
<b>TARGET COMPLETION/DELIVERY DATE</b>	<i>Implementation from January 2014</i>	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>The Care and Support Service Area faces significant financial challenges going forward. The Personalisation Transformation Plan and the Financial Improvement Plan are key to addressing these challenges and it is vital that the actions within these plans are delivered. The Service is required to address a savings requirement, against current spending, of approximately £10m by 2015/16.</p> <p>One of the key actions in both plans is the implementation of the Resource Allocation System to introduce personal budgets. The personalisation approach is evidenced to cost less money so delivering savings. Any delay in the RAS's implementation may delay the achievement of savings.</p> <p>The Policies detailed within this report are key to the timely implementation of the Personalisation Agenda and the RAS.</p>
<b>LEGAL ISSUES</b>	Yes	<p>The reviewed Adult Social Care Outcomes Framework 2014 / 2015 was published on 11 November 2013 and is the Department of Health's main tool for setting direction and strengthening transparency in adult social care.</p> <p>Until the Care Bill receives Royal Assent and comes into force, the current legislation regulations and statutory guidance continue to apply in respect of community care assessment, eligibility and charging for services.</p> <p>The Care Bill is next due to be considered at second reading in the House of Commons on a date yet to be confirmed.</p>

		<p>Once in force , the Act will be accompanied by relevant Statutory Instruments and Guidance.</p> <p>“Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care -</p> <p>Guidance on Eligibility Criteria for Adult Social Care, England 2010” updated “ Fair Access to Care Services :guidance on eligibility criteria for adult social care” [2003] and enables resources to be allocated fairly transparently and consistently upon assessment under the relevant community care legislation.</p> <p>Guidance upon The National framework for NHS continuing healthcare and NHS funded nursing care was published on 28 November 2012 and was updated on 1 November 2013.</p> <p>Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives councils a discretionary power to charge adult recipients of certain non-residential services and to recover such charges as they consider reasonable.</p> <p>Section 22 of the National Assistance Act 1948 requires a person to be charged for accommodation provided under Part 3 of the 1948 Act.</p> <p>The National Assistance (Assessment of Resources) Regulations 1992 further define how the persons ability to pay is assessed.</p> <p>Local Authority Circular(DH)(2013)02: Charging for residential and non-residential social care was published on 24 June 2013 and at the same time the revised CRAG Charging for Residential Accommodation Guide and “Fairer Charging Policies for Home Care and other non-residential Social Services” Guidance were published. These documents were issued under section 7(1) of the Local Authority Social Services Act 1970 which requires local authorities to act under the general guidance of the Secretary of State in the exercise of their social services functions.</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	<i>Borough-wide impact.</i>

**PART B) – ADDITIONAL INFORMATION**

**3. INFORMATION**

- 3.1 Adult Care and Support undertook a major service review and restructure which was implemented in April 2012 in order to deliver more personalised and efficient services.
- 3.2 This report seeks approval to the reviewed Adult Care and Support Policies listed below, following the implementation of the Resource Allocation System, to introduce personal budgets:
- Community Care Policy, Appendix A
  - Assessment, Review and Eligibility Policy, Appendix B
- 3.3 The background to this is the national expectation on local government to introduce more personalised approaches to the delivery of community care services for adults. Personalised approaches are evidenced as providing better outcomes for service users as well as costing less money. This approach will be embedded in legislation once the Care Bill, currently passing through Parliament, becomes law.
- 3.4 One of the fundamental principals underpinning personalisation is the need to have a Resource Allocation System (RAS) electronically built into the assessment process. This ensures a more consistent and therefore fairer allocation of resources based on assessed unmet need. Another is the promotion of a needs and outcomes based approach to community care, by bringing the allocation of a personal budget forward within the community care process. Individuals who are eligible for funding support are told what their indicative personal budget will be much earlier in the process than they currently are and before we help them consider how their needs can best be met through the support planning process. This promotes a needs and outcomes based approach as opposed to a service led approach.
- 3.5 To underpin this approach we have had to review our existing Community Care Policies and seek approval to the following:

### 3.6 **Community Care Policy**

This policy explains the Council's over arching approach to the delivery of Community Care services as laid down by the NHS & Community Care Act 1990 and other relevant legislation. It also sets out our approach to meeting the recommendations and principles set out in the Think Local, Act Personal guidance for Transforming Adult Social Care and the Government White Paper. This Policy is an overarching statement relevant to all of Adult Social Services. See Appendix A for further details.

### 3.7 **Assessment, Review and Eligibility Policy**

The Council aims to deliver a personalised and flexible approach to support alongside delivering community care responsibility in a fair, equitable and transparent way to all residents across the borough. The Council has a duty to facilitate the provision of social care services to those residents who qualify

under its eligibility criteria. This policy sets out the Council's approach to assessment, determining eligibility, reassessment and review in respect of community care. See Appendix B for further details.

### **3.8 Resource Allocation System (RAS)**

The Resource Allocation System (RAS) is the system by which resources will be allocated to service users with assessed eligible unmet needs and is integrated into the Community Care Assessment. The RAS will provide an indicative resource allocation; this is an indication at an early stage of the Community Care process of how much money it is likely to cost an individual to get the support they need to meet their unmet eligible needs. The final allocation amount or 'Personal Budget' is agreed as part of the Support Planning process. The RAS enables available Council Adult Social Care resources to be allocated fairly, and services delivered, in a consistent and transparent way. See Appendix B for further detail.

The procurement of RAS was approved by Cabinet at their meeting on 25<sup>th</sup> January 2011. Following a period of testing, the procured system has been embedded electronically into our assessment document and it is planned to use this system to allocate all personal budgets from January 2014.

It is worth noting that for existing clients, when their care package is reviewed using the RAS, the indicative budget may be less than the current care package. This will have to be managed sensitively and through a period of transition. Of course, it may also be the case that in following some reviews using the RAS, the indicative budget may be more than the current care package. In these circumstances robust Support Planning will manage this differential.

## **4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

n/a

## **5. PREVIOUS MINUTES**

5.1 Cabinet 25<sup>th</sup> January 2011, Procurement of a Resource Allocation System

5.2 Cabinet 28<sup>th</sup> February 2013, Appendix 12b Adult Care and Support Community Care Policy and Procedure

## **6. BACKGROUND PAPERS**

6.1 The Care Bill

6.2 Care and Support White Paper – HM Government, 11 July 2012

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