

Title of Report:	Response to the Scrutiny Review into the Adult Social Care Eligibility Criteria
Report to be considered by:	Executive
Date of Meeting:	13 February 2014
Forward Plan Ref:	EX2786

Purpose of Report: To respond to the recommendations of the investigation into the operation of the Adult Social Care eligibility criteria.

Recommended Action: The Executive is requested to endorse the responses to the given recommendations.

Reason for decision to be taken: To provide feedback following a scrutiny review

Other options considered: As set out in the report

Key background documentation: Report of the Scrutiny review into the Adult Social Care eligibility criteria on 10th December 2013.

The proposals contained in this report will help to achieve the following Council Strategy priority:

CSP1 – Caring for and protecting the vulnerable

The proposals will also help achieve the following Council Strategy principles:

CSP5 - Putting people first

CSP7 - Empowering people and communities

CSP8 - Transforming our services to remain affordable and effective

Portfolio Member Details	
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Date Portfolio Member agreed report:	22.01.14

Contact Officer Details	
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Implications

Policy: N/A
Financial: N/A
Personnel: N/A
Legal/Procurement: N/A
Property: N/A
Risk Management: N/A

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Outcome (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at www.westberks.gov.uk/eia			<input checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input checked="" type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	
Report is to note only	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 At its meeting of 10th December 2013, the Overview and Scrutiny Management Commission (OSMC) agreed to the recommendations arising from the review into Adult Social Care eligibility criteria report (see Appendix 1).
- 1.2 The rationale for this review was that, on 14 May 2012 an application for a Judicial Review of the Council's Fair Access to Care Services (FACS) policy was brought, via litigation friends, on behalf of 5 learning disabled clients. The case was considered twice by the High Court and rejected. On 3 July 2012 the High Court heard an application from the claimants on appeal at an oral hearing but again this was refused. The claimants then lodged an appeal against this decision but the Court of Appeal similarly rejected their claim. Importantly, the Judge considered the Department of Health FACS guidance and rejected the argument made by the Claimants that it was not permissible to have a critical only policy, stating this was 'unarguable.' The Local Authority was entitled to choose critical, rather than any lower category. Whilst the judgment was very clearly in the Council's favour, it has highlighted the importance of undertaking regular and robust reviews of the policy in respect of the eligibility criteria. As the policy was last subject to a full review in 2008, the Executive Member for Community Care and the Head of Adult Social Care had agreed throughout the legal proceedings that it would be prudent for another review to take place. Subsequent to the legal proceedings being finalised therefore, a review took place.
- 1.3 The report below provides the response to these recommendations.

2. Response to the recommendations

- 2.1 The recommendations from the review are set out below along with a response from each recommendation owner.

Recommendation 12 (1)	The Head of Adult Social Care should keep the Council's Fair Access to Care Services eligibility criteria at 'critical' and continue to ensure that appropriate levels of funding remain for the provision of preventative services outside of that required for assessed care packages (currently £700,000 per year).
Service response	Accepted
Action to be taken	The council plans to consult on its approach to commissioning Preventative services to ensure their strategic fit with council priorities (the 6 outcomes) and services are outcome rather output focussed.
Target deadline	This will be included in the Budget for Adult Social Care in 2014
Evidence of achievement	All staff and stakeholders aware of the offer from Preventative services and the access criteria.

Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)
Recommendation 12(2)	The Head of Adult Social care should ensure, through annual review, that in its operation of the Fair Access to Care Services Policy the Council continues to comply with its statutory duties. In addition to any required policy changes, the reviews should incorporate an assessment of equality impact.
Service response	Accepted
Action to be taken	The Head of Service will ensure that Fair Access to Care Services Policy continues to comply with its statutory duties through annual review. We will conduct a further assessment of Equality impact in 2014 and schedule a light touch review of the Level at which the eligibility criteria are set.
Target deadline	EIA will be completed by June 2014 and the light touch review by end of March 2015.
Evidence of achievement	EIA in place and the review completed.
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12(3)	The Head of Adult Social Care should monitor the effectiveness of the steps that have been taken to reduce both the time taken to complete Section 47 assessments and the backlog of those cases awaiting assessment. Additionally, a further action might be a cessation of the practise of the Access for All team fielding telephone calls for other social care teams and the allocation of more staff time for the completion of assessments. Reports on effectiveness and progress should be made quarterly to the Overview and Scrutiny Management Commission
Service response	Accepted
Action to be taken	Time taken to complete assessments is being validated but there is some progress with new staff-See the table below. Funding made available for additional temporary staff until the end of March 2014 is being utilised. 4 staff have been recruited, 2 of whom joined before the holiday break, and 2 in January. One of these 4 staff is a senior practitioner responsible for overseeing the work of the Information and Signposting Specialists and prioritising work going forward for care management assessment.

1. Waiting times for assessments for the period 1st January 2013 to 31st December 2013

The waiting times from first contact to completed assessments for new clients are as follows:-

	1. Under 18 / unknown	2. 18 - 64	3. 65 and Over	Total	
1. Less than or equal to 2 days	2	18	46	66	7%
2. More than 2 days and up to 2 weeks	0	47	55	102	11%
3. More than 2 weeks and up to 4 weeks	0	60	39	99	10%
4. More than 4 weeks and up to 3 months	0	92	195	287	30%
5. More than 3 months	1	114	296	411	43%
Total	3	331	631	965	

WAITING LISTS

The total initial waiting list on 8/11/13 was recorded as 576 and currently stands at 523. The case allocations during the Christmas period have kept pace with incoming work volumes whilst new workers are inducted and get up to speed.

The plan is that all staff (permanent and agency) will be allocated 5 cases (pro rata) each week and work to a 2 – 3 week turn around on these with close weekly caseload supervision. This should lead to approx 40 cases being allocated each week. In the 11 weeks remaining of this year there should be sufficient resources to allocate in excess of 400 cases some of which will be new cases referred to Access for All (AFA) in those 11 weeks. The average numbers of cases added to list each week will be reported in the next update. The waiting list is therefore projected to be reduced to minimal numbers with the extra staff by the end of March. The ongoing challenge will be to maintain this position once the temporary staff leave the council.

Fielding telephone calls / backlog of calls coming into AFA

A briefing note has been sent out to all teams within ASC and to other relevant teams in other Directorates to explain how the AFA system works and primarily to ensure that the number for the public is not used by staff as a ‘switchboard’ for ASC.

There was a backlog of 200 calls awaiting a response in October (due to staff absence and a vacant post). The backlog has been cleared and the vacant post has been filled, and the team are now on top of all calls coming in.

	Since 25 th November AFA is now using Pro-Centre (same system used by Contact Centre) which has enabled the Team Manager to monitor the activity. The numbers of calls coming in are between 46 and 76 a day and there will also be calls going out made by the Information and Signposting staff. These are varied in what people are calling about and each call can take between 30 seconds and 45 minutes.
Target deadline	September 2014
Evidence of achievement	This will be reported to Corporate Board by Quarterly performance Report.
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care) in cooperation with the ASC performance team.

Recommendation 12 (4)	The Head of Adult Social Care should evaluate the operation of the Access for All team to ensure that its position within the organisational structure provides the most effective operational environment. Any changes to the role, formation or positioning of it should ensure that staff in this crucial team are appropriately trained, resourced, focussed and supported
Service response	Accepted
Action to be taken	<p>The Service Manager has produced a scoping document to undertake a full review of AFA but this work will not commence until March 2014 when the new permanent Service Manager takes up his post.</p> <p>In the meantime the effectiveness of the additional staff will be evaluated and the results will inform the review work. Two of the job roles (Information Co-ordinator and Surgery Link Worker) are in the process of being reviewed and revised to better reflect their roles and responsibilities. The new JDs will ensure that the key agenda items under the Care and Support Bill of prevention and support to carers are included.</p> <p>It has also been agreed to fund one additional permanent post from April 2014 and a decision will be made in January as to which job role is the most effective / required within the sum of money available.</p> <p>There are no plans at present to reposition the AFA.</p>
Target deadline	September 2014
Evidence of achievement	Review completed and report considered by the Head of Service and Corporate Director.

Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)
Recommendation 12 (5)	The Head of Adult Social Care should continue to review and evaluate the effectiveness of the Multifunctional Assessment/Review Document to further improve its effectiveness and ensure that the administrative burden it necessarily imposes is kept to an absolute minimum
Service response	Accepted
Action to be taken	<p>The Substantial redesign of the multifunctional Assessment/Review Document (MARD) is in progress and will be implemented on 1st June 2014. The Redesign of the Multifunctional Assessment/Review Document has taken place in light of Care Bill and Munro Report recommendations. Moreover, we will ensure that this is kept under review and any suggestions to further improve are acted upon.</p> <p>This will significantly reduce the workload for assessors.</p> <p>Evaluate in June, 2015</p>
Target deadline	Implementation date is –June 2014
Evidence of achievement	Implementation completed
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12(6)	The Head of Adult Social Care should ensure that those completing the Multifunctional Assessment/Review Document understand that the information it contains will be used by the Resource Panel to make decisions on the provision of care. If necessary, training should be provided to ensure that the delays caused by incomplete or poorly completed forms are reduced.
Service response	Accepted
Action to be taken	<p>The redesigned Multifunctional Assessment/Review Document will require that all practitioners are familiar with its functionality; as it will be used for the Resource panel decisions for allocating funding.</p> <p>Service Manager will ensure that all staff have opportunity to attend training to familiarise with this document.</p>
Target deadline	Training will start from April, 2014
Evidence of	Improved decision making and less delays encountered by the resource panel

achievement	
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12 (7)	The Head of Adult Social Care should ensure that all staff undertaking social care assessments understand the need to keep those undergoing the process fully apprised of progress. This should ensure that expectations are managed and that dissatisfaction is resultantly kept to a minimum.
Service response	Accepted
Action to be taken	An element of Multifunctional Assessment/Review Document Training will be focussed on needs of all practitioners to manage expectations so that dissatisfaction is kept to a minimum.
Target deadline	September 2014
Evidence of achievement	Less complaints and record of staff attending training
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12(8)	The Head of Adult Social Care should ensure that the lessons drawn from the Transitions Project (which examined the period when people move from children's social care to adult social care) are widely communicated and fully understood both by those going through it and the staff supporting them.
Service response	Accepted
Action to be taken	The Transitions Project is still operational and currently due to close end of March 2014. There are monthly project group meetings working through a detailed set of objectives and tasks. Part of this work has been a consultation process with families and other stakeholders about the transition process. There was a consultation workshop on 14 th November 2013 and there is a consultation survey which has closed on 6/01/14.
Target deadline	By the End of May 2014- all relevant staff will be informed of the progress made through this project
Evidence of	We would have a more formalised structure across Adult and Children services working to roles/responsibilities and agreed

achievement	protocols. Service will ensure that lessons learnt from this project are widely communicated and understood by users of this process.
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12 (9)	<p>The Head of Adult Social Care should undertake further work to test the perception of some stakeholders that some groups, regardless of the level at which the eligibility criteria are set, are being disadvantaged. Specifically on the grounds of their</p> <ul style="list-style-type: none"> • Age, particularly older people or those not receiving care from a particular and specific age-related service provider (eg Age UK) • Disability, particularly those with <ul style="list-style-type: none"> ○ remitting or relapsing conditions ○ sensory impairment ○ a condition on the autistic spectrum • Gender, particularly women who may have a societal expectation that they should act as a primary carer • Religion, particularly those with a cultural requirement for hygiene or washing routines. <p>Should a disproportionate adverse effects be determined to be present then measures should be introduced to mitigate them.</p>
Service response	Accepted
Action to be taken	The Head of service will establish a group to undertake this work forward with a view to ensuring that any disproportionate adverse effects are identified and measures are then introduced to mitigate them.
Target deadline	June 2014
Evidence of achievement	EIA completed
Lead Officer	Head of Service –Adult Social Care

Recommendation 12(10)	The Head of Adult Social Care should review and then re-issue the guidance to staff about the necessity to ensure a holistic assessment is carried out in line with the 'Cross team working protocol'.
Service response	Accepted

Action to be taken	Head of Service will delegate this role to all service Managers via Adult Social Care Management meetings, to ensure compliance with the 'cross team working protocol'.
Target deadline	February, 2014
Evidence of achievement	Minutes and Notes of meetings
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12(11)	<p>The Head of Adult Social Care should give consideration to the introduction of measures to meet the needs of carers, especially</p> <ul style="list-style-type: none"> • Their capacity to provide care and the impact that it may have on the effective delivery of support packages • The beneficial effects of preventative respite care • The widespread and early provision of the Carer's Handbook • The production of a newsletter or bulletin
Service response	Accepted
Action to be taken	<p>Response to the four bullet points is as follows:</p> <ul style="list-style-type: none"> ▪ The capacity of carers is determined through carer's assessments. A new set of procedures has been produced to guide staff through the process and ensure that all teams work in a consistent way. We have also reviewed and revised the carer's assessment and all teams will use the same form. The procedures and new forms will be launched on 1st January once the online carers assessment has been updated. ▪ Respite care to support carers is already offered and the procedures mentioned above cover this area as well ▪ The Carers Information Pack is the most frequently requested document and it is reviewed and updated twice a year. It is available as a download online and all teams are provided with copies to take out. Berkshire Carers Service (first point of contact for carers) also has copies to distribute. However – despite this we still find that people are unaware of its existence and ask for all the information to be in one place. There is a local Carers Strategy Group that meets quarterly and they will be asked for suggestions as to how the booklet can be made more widely available. ▪ There are a number of voluntary organisations involved in supporting carers already produce the newsletter (BCS, Crossroads etc) and we will explore this further.
Target deadline	September 2014
Evidence of achievement	Implementation of the above actions and minutes provided.

Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)
Recommendation 12(12)	The Head of Adult Social Care should strengthen the links between their service and GPs to ensure that the unique and trusted status of GPs is used to identify an early need for social care or the provision of support for carers.
Service response	Accepted
Action to be taken	At present, we are engaged in lot of work around integrated work around Better Care Fund with Health Colleagues. The services Managers are exploring ways to raise the profile around GPs supporting carers better.
Target deadline	September 2014
Evidence of achievement	Evidence GPs referring more people for Carer support and assessment
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

Recommendation 12 (13)	The Head of Adult Social Care should disseminate widely to their service the report on the findings of the public consultation in order that improvements in operational systems, processes and practise might be further identified.
Service response	Accepted
Action to be taken	Head of Service will ensure that all staff are made aware of the public consultation document by service managers and team managers
Target deadline	June 2014
Evidence of achievement	Minutes of meeting
Lead Officer	Balwinder Kaur – Interim Head of Service (Adult Social Care)

3. Conclusion

- 3.1 The Executive is requested to endorse the responses to the recommendations as set out above.

Appendices

Appendix 1 – Report of the Scrutiny Review into the Adult Social Care Eligibility Criteria on 10 December 2013.

Consultees

Local Stakeholders: N/a

Officers Consulted: Various, relevant to the areas they are responsible for, Corporate Board

Trade Union: N/a