

6 October 2014**Agenda Item: 5****REPORT OF THE DEPUTY DIRECTOR FOR ADULT SOCIAL CARE, HEALTH AND
PUBLIC PROTECTION****NEW POLICY FOR PROVIDING PLANNED SHORT BREAKS FOR ADULT SERVICE
USERS AND THEIR CARERS****Purpose of the Report**

1. To update Committee and endorse the consultation process on the proposed draft policy for providing planned short breaks for adult service users and their carers and request Policy Committee approval.

Information and Advice

2. The Committee received a report on 9 June 2014 on the draft policy for providing planned short breaks for adult service users and their carers (appendix 1).
3. The Policy outlines the:
 - principles and commitments
 - intended purpose of the short break service
 - how which planned short breaks will be funded for eligible service users and carers
 - details about eligibility
 - how the value of the personal budget will be determined
 - details on charging
 - how eligibility and funding will be reviewed
 - process for making a complaint.
4. In summary, the new policy will:
 - provide clarity how planned short breaks can be accessed
 - ensure that the resources available for planned short breaks are allocated in a fair and equitable way, according to service user and carer needs
 - assist the Council to implement the planned changes to Short Breaks, by ensuring that the people who will be affected by these changes will receive a fair and equitable new allocation of planned short breaks, based on agreed policy
 - help the Council to meet its responsibilities towards carers, outlined in the Care Act.
5. As part of the recent Budget Consultation 2013/14, service users and carers reported they would like to be involved in the discussion of how the allocation of short breaks can be fair and consistent.

6. People responding to the Budget Consultation also said the policy should be fair and consistent across all client groups; that people should be offered the most cost-effective service; and that individual circumstances should be taken into account when allocating short breaks.
7. The draft policy consultation period commenced on the 4 July 2014 and ended on the 1 September 2014.
8. The consultation exercise was promoted via the Nottinghamshire County Council website as news item and also internally as an intranet news item for staff. A letter was sent to a wide range of people and organisations, to explain to them that the policy was out for consultation and how they could access the document and give comments. The policy was sent out to people who asked for further detail but was also available on-line.
9. Letters were sent to over 1200 service users and carers known to the Council who use short break services. Letters were also sent to members of stakeholder groups including:
 - the Integrated Commissioning Carers Implementation Group,
 - the Learning Disability Partnership Board,
 - the Involvement Group,
 - the North Notts Learning Disability Carers meeting
 - and the Older Persons Advisory Group.
 - Carers Federation
 - Healthwatch
 - various carers' groups and related organisation (Appendix 2).
10. People could complete a short questionnaire to send back to the Council, or speak to the relevant Officer to give feedback, or complete a questionnaire on-line to give their comments. Thirteen people completed the questionnaire on-line. 55% (6 people) were carers, 27% (3 people) were friends or relatives, 9% (1 person) an employee and 9% (1 person) a potential service-user. Two did not answer the question. Most respondents were aged 60-64 (36%) and most were female (73%). All were white British. Results from this feedback was:
 - 92% (11 people) agreed with the Short Breaks Policy
 - 8% (1 person) did not agree with the Short Breaks Policy
 - 83% (10 people) stated there was not something missing from the Policy
 - 17% (2 people) stated there was something missing from the Policy
 - 83% (10 people) agreed with the proposed Carer Assessment criteria
 - 17% (2 people) did not agree with the proposed Carer Assessment criteria.
11. Individual comments on the questionnaires were:
 - a. 42 nights are not enough for people with complex/high level need. ***In Response: The policy allows for additional breaks to be granted if exceptional circumstances apply.***
 - b. Carers at 'moderate' level could still need a break from caring and who, if supported early on, may support the cared-for for longer (3 comments). ***In***

Response: It is not Council policy to support service users or carers who have a “moderate” level of need, so this amendment cannot be accommodated.

- c. Make sure all eligible people are aware of the policy, and helped to access the breaks. **In Response:** This will be achieved through public and staff awareness and information through carer networks.
- d. Lack of clarity about what the service user is entitled to and about eligibility criteria. **In Response:** Some people have commented that the policy is not clear enough but others have suggested that it is clear. Therefore, it is proposed that the current wording is retained but staff are trained to understand the policy before it is implemented, to ensure they can explain the detail to any carers and service users who need further support to understand the detail.
- e. Rewrite in plain English. **In Response:** Information about short breaks for carers will be described in plain language and included in the new Carers' Information Pack.

12. Separate letters from individuals have been received and other comments were given during consultation meetings. Comments were:

General:

- a. There appears little to disagree with, it seems careful and non-contentious.
- b. I like how you have included the service users' opinions here. Not all service users have the same opinions as their carers.

Section 2, Principles and Commitments:

- c. In addition to the aims outlined at section 2a, short breaks also need to play a key role in preparing people for a well-managed transition to full time care. The policy does not recognise this. **Response: policy amended to include.**
- d. The wording at section 2c should be clarified as the meaning of “substitute care” is not clear. **Response: policy amended to clarify.**
- e. There should be a reference to the person's care plan when considering the needs of the service user. **Response: policy amended to include.**
- f. Include micro-businesses in the range of services that will be able for service users to receive a planned short break. **Response: types of service provider are less relevant than the type of service that can be funded as a planned short break.**
- g. Point 2f seems to ignore the needs of the service user. **Response: this statement is consistent with the Adult Social Care Strategy.**

Section 3, Eligibility:

- h. The policy should be amended to clarify that Shared Lives Carers can continue to receive a short break from caring. **Response: policy amended to include.**

Section 4, Allocation:

- i. The policy does not seem to deal with the allocation process, should overall demands from Carer and Service user reviews not be met by the resources available. **Response: Once the new system of allocating personal budgets has been implemented, it will be possible to report on the allocations and compare this to available supply as well as usage of the allocations.**
- j. Some account should be taken of the long term impact of caring.
- k. About the four bands of personal budget: there needs to be some evidence that budget allocation can be effective in achieving the stated aims of the policy, particularly at the lower end of the scale. i.e. can a payment of £ 150 genuinely help carers or it is money wasted? **Response; This will be considered as part of the Care Act implementation.**
- l. It is difficult to comment on the proposal without understanding how the four bands will be allocated. It is not clear whether those with the greatest need will have their allocation cut in order to be able to accommodate more people at the lower end of the scale, or just cut costs. **Response: The aim of the new allocation system is to allocate resources fairly across all service users and carers, to meet assessed need for each family. There is no mechanism within the system to reduce the breaks for families in greatest need if there is an increase in need for breaks from people at the lower end of the scale.**

Section 6, Review:

- m. I am concerned about the review of eligibility. It says that previous usage will be taken into account. This does not take into account any difficulties in being able to get the dates required in any particular year. **Response: It is proposed that previous usage should be taken into account when reviewing the planned short break allocation, to avoid allocating excessive personal budgets to service users which are not being used in practice. This is consistent with the authorities reviewing policy.**

Section 7, Complaints:

- n. The complaints section of the policy should refer to carers as well as service users. **Response: Policy amended to include.**

13. In summary, the majority of respondents agreed with the policy, felt that it is comprehensive and agreed with the proposed Carer Assessment criteria

14. Implementation of the policy can commence from 1 January 2015 as this will allow sufficient time for new systems to be finalised and assessment staff to be trained to understand the policy and how to apply it when assessing service users and carers.

Other Options Considered

15. There are no other options to outline.

Reason/s for Recommendation/s

16. There is no current policy that describes how adult service users and their carers can access resources to fund planned short break services.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

18. The budgets available to fund planned short breaks will be allocated to individual service users and carers, as a personal budget specifically to be used for purchasing planned short breaks. This will be a requirement as part of the implementation of the Care Act in 2015. Financial modelling is underway to determine the future financial commitment to meet this legislative requirement

Human Resources Implications

19. Staff will benefit from the clarity provided by the new policy for planned short breaks and the associated staff guidance.
20. The Carers Assessment will be amended to meet the requirements of the new policy and the requirements of the Care Act. There will be a new process on Frameworki to allocate the personal budget for planned short breaks to the service user or carer; this will mean some change to the way that these tasks are completed by staff now.

Public Sector Equality Duty implications

21. The introduction of the new policy will ensure equity and fairness of provision of planned short breaks across all adult service user groups.

Implications for Service Users

22. Service users and their carers will find it easier to understand who is eligible to receive a planned short break, and how resources for planned short breaks are allocated.
23. Once the new policy and allocation process are approved, all current allocations for planned short breaks will be reviewed, using the Community Care Review and review of the Carers Assessment. As a result, it is possible that some allocations will change, to reflect individual circumstances.

RECOMMENDATION/S

It is recommended that Committee:

- 1) note the results of the Short Breaks Policy consultation
- 2) recommend the policy for providing planned short breaks for adult service users and their carers be presented to Policy Committee for their approval
- 3) recommend to policy committee an implementation of the policy from January 2015, due to outstanding work needed to finalise the required systems and train staff.

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Constitutional Comments (LM 16/09/14)

24. The Adult and Social Care and Health Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 16/09/14)

25. The financial implications are contained within paragraphs 24 and 25 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Short Break business cases (ASC417 and C011).
- ASCH Committee Report 9 June 2014

Electoral Division(s) and Member(s) Affected

- All.