

CABINET	Paper No. 15(2)
Meeting date: 13th October 2009	
From: Cabinet Member for Adult Social Care and Acting Corporate Director – Adult and Cultural Services	

SELF DIRECTED SUPPORT (IN CONTROL AND PERSONAL BUDGETS)

PART A - RECOMMENDATION OF CABINET MEMBER

1.0 EXECUTIVE SUMMARY

- 1.1 *Adult Social Care Scrutiny Panel appointed a Task and Finish Group to undertake a review of the programme to introduce personal budgets for people that need social care support. This report incorporates a response to the recommendations of Scrutiny.***
- 1.2 *It provides confirmation of the launch in November 2009 of the personal budgets component, for the delivery of adult social care.***
- 1.3 *It reports on progress that has been made since 16 November 2006 when full Council considered a Scrutiny review that provided political support to the In Control learning disability project which was later extended to cover all adult groups.***

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

- 2.1 *This programme initiative falls within the Healthier Communities and Older People thematic partnership of the Local Area Agreement (LAA). The primary outcome is to deliver more choice and control to people that need social care services. It is a very important platform for the delivery of the Council's healthier theme. In performance terms the National Indicator NI 130 measures the number of social care service users receiving self-directed support per 100,000 of the population (measured through direct payments and individual budgets) The Council is currently not reaching our ambitious LAA target. The November launch however is expected to deliver significantly improved performance during the final quarter of 2009.***

2.2 An Equality Impact Assessment has been completed in relation to the commissioning plan and within that plan the focus on self directed support. The table below summarises some of the impacts assessed as being likely.

2.3 This is a major programme of change and as such will generate learning and further challenges in relation to equality. Further evaluation will be completed following the go live date.

Positive Impact	Negative Impact / Changes required
<p>Greater levels of choice and control to be delivered through personal budgets.</p> <p>Personal budget approach enables solutions to be developed to fit the person rather than the person fitting in with the service.</p> <p>Personalisation= diversity and choice</p> <p>Greater degrees of transparency will lead to more equitable decision making. Individuals will be well placed to make best use of resources.</p> <p>The model is built upon greater levels of engagement with people and their carers to develop solutions to meet their needs rather than professionals prescribing solutions within a fixed menu of service provision.</p> <p>This will lead to new types of provision emerging from communities reflecting a positive response to community cohesion and personal social capital.</p> <p>Shift in power balance away from care manager to the individual taking control will improve their wellbeing and status.</p> <p>Social workers will move away from care management to become brokers and advisors focussing power with the user to make decisions about how their needs are to be met.</p>	<p>Mainstream services are insufficiently flexible to respond fully to person centred requirements. They have struggled to meet diverse needs including the needs of people from BME communities.</p> <p>This change could put some traditional services at risk due to the impact of alternatives.</p> <p>It is likely to have an impact on workforce planning. Cultural change is required to enable staff to develop new skills and to provide facilitative support.</p> <p>Important to retain clear focus upon strategic commissioning in addition to individual budgets to ensure breadth of safety net provision.</p> <p>Important to ensure that people are offered the right support to develop solutions. It could be used to avoid responsibility for proactive working, so delivering good quality balanced social work support remains a key consideration.</p>

3.0 RECOMMENDATION

3.1 It is recommended that Cabinet notes progress made so far, and recognises the important role played by Scrutiny in relation to this change programme and the recommendations that have been made to ensure the success of the programme.

3.2 It is recommended that Cabinet notes the importance of the development of self directed support to the LAA and social care performance and endorses a launch date of 16 November 2009

- 3.3 *It is recommended that Cabinet thank Scrutiny for this thorough piece of work which will ensure that the programme of introduction of personal budgets will continue to be implemented successfully across Cumbria.*

Eddie Martin, Cabinet Member for Adult Social Care

PART B – ADVICE OF ACTING CORPORATE DIRECTOR – ADULT AND CULTURAL SERVICES

4.0 BACKGROUND

- 3.1 The Authority, through the Adult Social Care Directorate has a statutory duty to provide care to people who require it.
- 3.2 In response to ‘Putting People First’ the agreement between central and local government which sets out the shared aims and values that will guide the transformation of adult social care, Cumbria has been developing a system of self-directed support facilitated by personal budgets. An indicative financial resource is set according to individuals needs, and can be managed by the individual to meet their own needs.
- 3.3 Direct Payments were one of the first developments of personal budgets and in Cumbria the scheme was designed to be as flexible as possible to meet service user needs and to give choice with regard to how needs are met.
- 3.4 In Control further extended the choice and control elements into services that are arranged for people. Setting individual needs assessments against a Resource Allocation System that indicated a level of funding available to meet the needs.
- 3.5 Person centred support planning is a key component within this new process, enabling people to choose either direct payment, or care managed support to meet their agreed outcomes.
- 3.6 From 25 April 2007, following a scrutiny paper outlining the potential benefits the project was re-scoped as a programme of change and extended from an initial focus on people with learning disabilities and young people in transition to be available to all client groups.
- 3.7 This change programme has required the establishment of a programme board and a series of interdependent projects to lead a phased development of the new approach.
- 3.8 The overarching aim of the programme phase was to ensure that the self directed support system was sufficiently developed and tested to offer a robust alternative to assessment and care management systems.

- 3.9 Over recent months the programme team have focussed considerable effort on testing the new assessment framework (Supported Assessment Questionnaire and Complex Assessment Tool). Between January and August, 3000 SAQ's have been completed. These have been mapped to show a linear correlation between needs based points and the current cost of services required to meet those needs.
- 3.10 A Resource Allocation System (RAS) has been developed and tested using points based evidence generated through the SAQ testing. The RAS provides a clear indication of the funding requirement for community based social care services (not residential care or equipment) aligned to the assessment framework. As such is intended to provide a fair basis for support planning with individuals, identifying how their needs could be most appropriately met.
- 3.11 The sample group provided the opportunity to test a single generic RAS in terms of affordability and responsiveness across adults. The findings varied by care group and more tests were commissioned during September to ensure that the RAS is robust prior to the launch in November.
- 3.12 We are now confident that the SAQ provides a sound basis for assessment across all user groups and that the RAS provides a fair means of allocating resources required to meet the need. We have additionally recognised that people do sometimes present with exceptional need and have therefore built upon local flexible and responsive management systems to support effective and efficient decision making for such individuals.

4.0 Scrutiny Report Response

The Adult Social Care Scrutiny Panel appointed a Task and Finish Group to undertake a review of the programme to introduce personal budgets for people that need social care support. Each of the Scrutiny Panel's recommendations is addressed here in turn in the following paragraphs:

4.1 Recommendation 1

The Acting Corporate Director of Adult and Cultural Services to report to the Adults and Cultural Service Advisory Board on the way Personal Budgets will be marketed to individual recipients and also to existing and potential service providers.

Response

The programme team have worked closely with service user representatives and the readers panel to put together a suite of informative materials outlining the ways that personal budgets can be used, and the processes that are being put in place, to offer people more choice and control. The full suite of materials and an informative DVD will be available in October. Providers have had regular input into the development work. The Acting Corporate Director would be pleased to keep scrutiny advised with regard to progress and to provide copies of literature as required.

4.2 Recommendation 2

Social Workers and Trusted Assessors should be encouraged to build up a wide and varied list of concrete options and suggestions to offer those with Personal Budgets. Measures should be taken to ensure that this is in place from the beginning of the scheme.

Response

Social Workers and others including Trusted Assessors are receiving training, advice and information with regard to personal budgets. Testing has shown that solution finding/options needs to form part of a well informed negotiation between the person needing support and their social worker. The role of the social worker is to help the individual to develop solutions to meet their support needs rather than presenting them with service led solutions. We will be actively encouraging people to be more creative about how their needs are met outside of standard service solutions, but will also be able to keep people fully informed with regard to services that are currently available through the use of service directories that have been developed.

4.3 Recommendation 3

The Director of Adults and Cultural Services to report to Scrutiny on the ways in which the directorate is ensuring a joined-up approach to safeguarding adults in receipt of Personal Budgets. This should be done in partnership with the voluntary sector and the Police.

Response

Safeguarding procedures apply to all vulnerable people regardless of whether they have support from social care or not. Safeguarding frameworks therefore fully apply to people with personal budgets.

For people receiving their personal budget as a direct payment all of the safeguards that are in place for direct payments are being carried forward into the new system. For people that are having their services arranged for them, care management safeguards are being rolled forward.

4.4 Recommendation 4

Scrutiny wishes to draw to Cabinet's attention the medium/high risk of the necessary IT systems failing or not being ready in time for the proposed launch date of the 16th November 2009. Scrutiny proposes that the Corporate Director takes all steps to ensure that the IT system will operate as planned. If it appears unlikely that the system will be fully functional on the launch date, then the launch should be deferred.

Response

The Acting Corporate Director is confident that appropriate contingency plans have been put in place to ensure that in the event of systems failure critical data will not be lost. It is not envisaged that the launch needs to be deferred.

During the test period (September to October 2009) records are being backed up and reported on a daily basis. This is working for several thousand social care users. In addition back up plans are in place to gather a full year sample performance report in September to ensure that any potential performance data loss is backed up.

4.5 **Recommendation 5**

Scrutiny feels that work should to be done to train and prepare service providers for the potential impact that Personal Budgets will have on their existing service. They should also be made aware of how best to understand and meet the needs of service users.

Response

The Directorate has been working closely with service providers to help them to understand the potential impact on them. Forums have been held, and well attended, training has been made available with regard to person centred support and how providers can work more closely with people to ensure that the service that they provide is geared up to the individuals specific requirements.

It is however likely that service providers will need to review their business plans to ensure that they are providing the right types of services where they are needed. The Directorate has committed contracting resources to focus upon market management/development as the project unfolds.

5.0 OPTIONS

- 5.1 Support recommendations 2.1 and 2.2 including the launch date.
- 5.2 Delay the launch to investigate further, whilst recognising that delay would have significant performance and cost implications.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 The Social Care Reform Grant, a 3 year ring fenced resource enabled Adult and Cultural Services to invest funding in additional programme management expertise, ICT support, staff training and development initiatives.
- 6.2 Inevitably with the implementation of a scheme of this scale, there are associated financial risks. The Directorate has undertaken, and continues to undertake, substantial financial planning and scenario testing to mitigate these risks.

- 6.3 The RAS has been tested against the budget overall. It provides a stronger link between level of need and level of resource available to individuals. As such it is a safer system than the one currently in place which essentially relies solely upon professional judgement. The RAS is indicative in nature and therefore allows for some flexibility to ensure compliance with social care legislation and case law whereby needs should be addressed on an individual basis.
- 6.4 The new methodology for calculating the value of a care package for service users has been designed to be cost neutral to the current process for determining a service users care entitlement.

7.0 LEGAL IMPLICATIONS

- 7.1 This proposed scheme of self-directed support through individual budgets is a response to Putting People First, the government protocol setting out the government's commitment to independent living for all adults. The legal framework for its implementation is found in documents issued by the Secretary of State for Health, namely two circulars LAC(DH)(2008)1 and LAC(DH)(2009)1 and best practice guidance "An Introduction to the Personalisation Toolkit".
- 7.2 However that legal framework operates within the existing law which has not changed. For example, assessment and provision of community care services under the NHS and Community Care Act 1990 in accordance with Fair Access to Care Services and other existing policy guidance and directions. There cannot be cost "ceilings" and the making of cash payments cannot conflict with Direct Payments regulations.

8.0 CONCLUSION

- 8.1 The observations and recommendations made by scrutiny support both the work that has been undertaken to date and that which is already planned to be delivered.
- 8.2 Considerable progress has been made particularly over the past 12 months in developing self directed support through personal budgets.
- 8.3 This component of whole systems change provides safeguards in relation to the budget, back office,, IT systems and professional practice on the basis of rigorous phased testing
- 8.4 The Programme Board has built flexibility into the personal budgets model, to ensure regulatory and legislative compliance whilst building on 'lessons learnt' through countywide testing and regional intelligence gathering.
- 8.5 Launch on the 16 November should enable performance improvements to be made in the final quarter with further evaluation prior to the start of the new financial year.

Richard Parry
Acting Corporate Director- Adult and Cultural Services

Date 22 September 2009

APPENDICES

Annexe A Putting People First Social Care Transformation: Elected Member Briefing

Annexe B Programme Structure

Electoral Division(s): All

Executive Decision

Yes	<input type="checkbox"/>
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Key Decision

Yes	<input type="checkbox"/>
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If a Key Decision, is the proposal published in the current Forward Plan?

Yes	<input type="checkbox"/>	<input type="checkbox"/>
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Is the decision exempt from call-in on grounds of urgency?

<input type="checkbox"/>	No
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If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

<input type="checkbox"/>	<input type="checkbox"/>	N/A*
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Has this matter been considered by Overview and Scrutiny?
If so, give details below.

Yes*	<input type="checkbox"/>
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Has an environmental or sustainability impact assessment been undertaken?

<input type="checkbox"/>	<input type="checkbox"/>	N/A*
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Has an equality impact assessment been undertaken?

Yes*	<input type="checkbox"/>	<input type="checkbox"/>
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N.B. *If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and the Head of Member Services and Scrutiny has obtained the necessary approvals.*

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

Full Council November 2006 following scrutiny review

CONSIDERATION BY OVERVIEW AND SCRUTINY

Scrutiny review early 2006 leading to support for project and paper from scrutiny to full council

25th April 2007 paper to scrutiny extending In Control project from LD to all adults (Self Directed Support, total transformation programme)

No background papers other than the appendices listed

RESPONSIBLE CABINET MEMBER

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