

**CABINET – 7 FEBRUARY 2020****FAIR OUTCOMES POLICY FOR ADULT SOCIAL CARE****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of Report**

1. The purpose of this report is to ask the Cabinet to approve the Fair Outcomes Policy for Adult Social Care, which is appended to this report.

Recommendation

2. It is recommended that the Fair Outcomes Policy 2020 be approved.

Reason for Recommendation

3. To ensure that policy is current and legally compliant. The Fair Outcomes Policy updates the Cost Effective Care Policy 2015, outlining the County Council's approach to sourcing the best possible solution for an adult social care service user, and ensuring that a person's wellbeing is considered alongside the cost of the proposed care and support.

Timetable for Decisions (including Scrutiny)

4. Subject to the Cabinet's approval, the Fair Outcomes Policy will be implemented with immediate effect. An Easy Read version of the Policy will also be produced.
5. The Adults and Communities Overview and Scrutiny Committee considered the draft Fair Outcomes Policy at its meeting on 11 November 2019 and welcomed the proposed approach to the Policy refresh.

Policy Framework and Previous Decisions

6. On 13 October 2014, the Cost Effective Care Policy 2015 was approved by Cabinet, following a public and stakeholder consultation. It describes existing practice in line with the County Council's duties under the Care Act 2014 in providing care and support for people who have needs which meet the national eligibility framework, as set out in the Care and Support (Eligibility Criteria) Regulations 2014.
7. The framework for the updated Policy is the Council's current Adult Social Care Strategy 2016-20, which aims to 'make the best use of the available resources to keep people in Leicestershire independent'.

8. The Council is presently consulting on a draft Adults and Communities Strategy 2020-24. The draft Strategy will sit under the County Council's Strategic Plan for 2018-22: Working Together for the Benefit of Everyone and sets out how the Adults and Communities Department will contribute to the delivery and achievement of the Council's five strategic outcomes.
9. The draft Fair Outcomes Policy was made available on the County Council's website for comment by staff and stakeholders from 16 December 2019 to 16 January 2020.

Resource Implications

10. There are no resources implications arising directly from the recommendation in this report. The County Council faces an increasing level of demand for social care services, whilst the cost of care is rising; however, there is less budget available to meet the increased level of need. The Policy will enable the Council to continue to work with residents and their families to identify fair and cost effective ways to meet their care and support needs. In turn this will support the County Council in meeting its Medium Term Financial Strategy commitments and delivering a balanced budget.

Circulation under the Local Issues Alert Procedure

11. This report has been circulated to all Members of the County Council.

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PART B

Background

12. Following public and stakeholder consultation and its subsequent approval by the Cabinet on 13 October 2014, the Cost Effective Care Policy was implemented in 2015.
13. The Cost Effective Care Policy had been used within the Adults and Communities Department for four years in guiding and supporting social care staff, customers, and their families and carers in determining the most effective care and support arrangements for a person.
14. The Policy has been revised and updated to reflect better understanding of the experience in applying the policy and to provide further clarity for those using it. Clarifications include:
 - highlighting that a person's **wellbeing is paramount** to the decision making for packages of care and support; workers will only consider cost once care needs and wellbeing considerations have been met;
 - stating that decisions are made on a case-by-case basis with the aim of delivering **good outcomes for the service user alongside best value** for Leicestershire County Council;
 - emphasising the existing position that **there is no cap on the cost of care** and that personal budgets will not be reduced to meet a defined level of expenditure;
 - explaining that **higher cost care options are not necessarily better** nor lower cost care options worse in achieving good outcomes for services users;
 - **including carers** to ensure equity amongst all service user groups, even though carers do not have to pay for their care or support; and
 - retitling to the 'Fair Outcomes Policy' to better reflect its intention in **ensuring fair outcomes** for individuals, and fairness in the overall provision of funded care and support.

Consultation

15. The above are not substantial changes because the revised Policy aims to describe the existing arrangements in clearer terms. However, in the interests of ensuring that staff and stakeholders were able to express their views on the document, which will support decision making for adult social care for several years, the draft Policy was made available on the County Council website for a month from 16 December 2019 to 16 January 2020.
16. Feedback received was broadly positive, and some suggestions have been taken into account in the latest draft version of the Policy. Substantive comments included:
 - Mention of the legal basis, under the Care Act 2014, of the Council's duty to carers;
 - Clearer reference to the financial assessment and that service users may be charged for or need to fund some or all of their own care;

- Identification of other care funding streams (e.g. NHS, private). This was not included as it is not directly relevant to and could over-complicate the Policy;
- Clearer explanation of the role of the Council in meeting service users' needs where they are assessed as lacking capacity;
- Coverage of the Transitions Service for people under 18. This was not included as it is dealt with in other policies.
- An Easy Read version of the Policy should be produced, and the current Cost Effective Care guidance would need to be updated as Fair Outcomes guidance.

17. A significant implementation programme of staff training is not envisaged. However, briefing sessions will be carried out so that staff can familiarise themselves with the new guidance and reinforced expectations, and how it supports the delivery of the new Adults and Communities Strategy 2020-24.

Equality and Human Rights Implications

18. An Equalities and Human Rights Impact Assessment (EHRIA) screening was undertaken and concluded that since there are no material changes the updated Policy is expected to have a neutral impact. A full EHRIA was not therefore required.

Environmental Impact

19. The County Council declared a Climate Emergency at its meeting of 15 May 2019. As a major service delivery and commissioning department, Adults and Communities contributes to carbon emissions through its operations, and through the services of its contracted providers. The Department will consider how the environmental impact of its operations can be mitigated. However, there are no direct impacts arising from this Policy either in its present or updated form.

Partnership Working

20. The County Council's relationships with its partner organisations will continue to be critical to ensuring that customers have effective care and support arrangements in place which maximise their independence.

Risks

21. One of the fundamental risks being faced by adult social care services in Leicestershire, and nationally, is the ability to provide services which promote wellbeing and meet people's needs within a context of increasing demand and costs, yet with diminished budgets. The Cost Effective Care Policy 2015 and draft Fair Outcomes Policy 2020 contribute positively to the Council's management of this risk.
22. The specific key risks for the Policy are that it is not sufficiently robust to protect the Department from challenges regarding package costs, and that staff do not implement it in their decision making, leading to legal challenge and financial loss.

Appendix

Fair Outcomes Policy 2020

Background Papers

Working Together for the Benefit of Everyone: Leicestershire County Council's Strategic Plan 2018-22 - <https://bit.ly/32WcrCq>

Promoting Independence, Supporting Communities: Our Vision and Strategy for Adult Social Care 2016-2020 - <https://bit.ly/2paQ5OZ>

Delivering Wellbeing and Opportunity in Leicestershire: Draft Adults and Communities Department Ambitions and Strategy for 2020-24
<https://bit.ly/38GoCpt>

Cost Effective Care Policy for Adult Social Care 2015
<https://bit.ly/37hIDTP>

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