

CYNGOR SIR POWYS COUNTY COUNCIL.

CABINET EXECUTIVE

28 July 2020

REPORT AUTHOR: County Councillor Myfanwy Alexander
Portfolio Holder for Adult Social Care.

REPORT TITLE: Choice Policy for Adult Social Care

REPORT FOR: Decision

1. Purpose

- 1.1. To inform Cabinet about the work undertaken to clarify how choice decisions about adult social care services (Domiciliary and Residential Care) can be made, under what circumstances and with what impact.
- 1.2. It also clarifies how third party top ups (additional payments towards care home costs) can be made and the duties for the service user and the families.
- 1.3. To seek approval by Cabinet to implement this policy, including communication of this policy to service users and their families.

2. Background

- 2.1. The purpose of this policy is to make clear how people with eligible care needs can exercise choice over the care offered to them.
- 2.2. It will also cover when and how third-party contributions can be made for social care services, both in the person's home or in residential and nursing care. The policy refers to adults over the age of 18 who are living at home or in residential or nursing care. It does not cover placements of those people who live in residential or nursing care under a bespoke care plan, such as adults with a learning disability or in some cases dementia.
- 2.3. The Council has a legal duty under the Social Services and Well Being Act (2014), to meet eligible Social Care needs (including emotional and psychological) in the most cost effective means available to it. This ensures best use of public resources/funds.
- 2.4. This policy is written in the context of limitations of supply in the care market (domiciliary, residential and nursing care) and the need to provide people with safe, appropriate, affordable care, especially where people are either medically fit for discharge from hospital,

and potential longer than necessary and desirable waiting times for care.

- 2.5. If the Council has made more than one reasonable offer (as outlined in the draft Choice policy) and offered choice, which meets an individual's eligible needs, then the Council has discharged its duty under the Social Services and Well Being Act (Wales) 2014. A reasonable offer needs to take into account the person's assessed needs, the usual cost of care that the Council would expect to pay for the required care placement, an available care home or provider, in the case of care home as close as possible to the person's ordinary residence. In the case of care in the person's home an offer of care as close as possible to the times stipulated in the care plan.
- 2.6. Where the Council refuses to provide the preferred accommodation, and has made reasonable offers as identified above, which are declined, it will provide written confirmation setting out the conditions under the regulations which permit this.
- 2.7. The proposed policy also takes into account the need to maintain contact with relatives (in the case of residential and nursing care) and the 'call banding' (in the case of domiciliary care) as close as possible to the service user's needs and wishes.
- 2.8. In the case of care in the person's home, the option of a Direct Payment is also proposed to be a 'reasonable offer' within the meaning and context of this policy, as it may offer viable alternatives to other ways of care and support.
- 2.9. The policy also clarifies that in the case of a person being declared medically fit for discharge from hospital but no suitable package of care available in the short term, an interim offer will be made to avoid unsuitable and unnecessary stays in hospital. The same provision as in 2.5. applies in this situation.

3. Advice

- 3.1. Officers are proposing to Cabinet to support this policy for implementation and sharing with all relevant staff, service users, and their families.
- 3.2. The policy and associated Frequently Asked Questions (FAQ) document for front line teams will clarify Powys County Council's position, the rights of service users, their families, and the offers Powys County Council can make within the context of the legislation.
- 3.3. It also seeks to clarify how Third Party Top Up can be paid, what duties arise and what safeguards have to be put in place for the Council to accept Third Party Top ups,

4. Resource Implications

- 4.1 . Financial: The proposal is to operate this policy within available resources. The Head of Finance (Section 151 Officer) can support the proposal on this basis.
- 4.2 Workforce: Care management team leaders will provide advice and guidance; a Frequently Asked Questions (FAQ) document will be provided to all relevant staff.

5. Legal implications

5.1. The policy is based on the Social Services and Well Being Act (2014), specifically Section 57 of the Act and Section 10.3 Part 4 and 5 code of practice in relation to choice and financial implications for the local authority to manage this choice. The Care and Support(Choice of Accommodation) (Wales) Regulations 2015 make provisions for the details of the scheme.

5.2 The legislation requires the County Council to provide choice, deliver outcomes, improve the wellbeing of its residents, promote the ensure sustainability in the market as well as promote the efficient operation of market services in order to meet the care and support needs of its service users.

5.3 The policy will also take account of the current Welsh Government guidance as referred to in the COVID 19 Hospital Discharge Service Requirements (Wales), published April 2020 which sets out the arrangements for the expeditious discharge of patients.

5.4 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: "I note the above legal comment and have nothing to add to the report".

6. Data Protection

6.1. There are no implications under the Data Protection legislation.

7. Comment from local member(s)

7.1. N/A

8. Integrated Impact Assessment

8.1. An Integrated Impact Assessment is attached.

9. Recommendation

Officers recommend for Cabinet to approve the implementation of this draft policy.

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