

Public Document Pack

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21 January 2022

Dear Member,

Health and Adult Social Care Scrutiny Committee - Friday, 21 January 2022

Please find enclosed the following documents which were unavailable when the agenda was published.

Agenda No	Item
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6.	Financial Assessments Improvement Programme (Pages 3 - 6)
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7(a)	Forward Plan of Key Decisions (Pages 7 - 10)
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Yours sincerely

Tony Kershaw
Director of Law and Assurance

To all members of the Health and Adult Social Care Scrutiny Committee

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Health and Adult Social Care Scrutiny Committee

Friday 21 January 2022

Financial Assessments Improvement Programme – Supplementary Information

Following the publication of committee papers and to assist HASC scrutiny of Agenda Item 6 - Financial Assessments Improvement Programme, this paper provides the Committee with additional detail and clarification, in response to the recommendations and narrative included within Healthwatch West Sussex's submission (p.41 – 47 of the agenda pack).

Responses to the recommendations as set out in the Healthwatch West Sussex report

- *An external audit of any assessments (care and financial) carried out since January 2021 where an individual's assessed contribution has increased by over £10 per week and to remedy any findings.*
 - The Council does not believe that there is any basis arising from the change in the charging policy to believe that the quality or appropriateness of care assessments is anything but of good quality, therefore there is no basis to require these to be reviewed.
 - Throughout the Covid-19 pandemic, with staff resources at an absolute premium, the Council continues to undertake to explore and review any issue, whether with the care or financial assessment and therefore would question the appropriateness of prioritising resources to undertake an external audit of the assessments undertaken since January 2021.
 - An external audit would extend the uncertainty for individuals unnecessarily, not least in that the Council has repeatedly confirmed that it is willing to investigate any issue or concern that an individual has.
 - The Council commissioned Civica, a respected external company with demonstrable expertise in financial assessments and the requirements of the Care Act, to undertake a significant part of the financial assessment exercise, in order to provide additional resources and to expedite the process.
- *Adjust the re-assessed contribution effect date from January 2021 to the date the Council supplied a written breakdown of calculation of the contribution to the individual (as required in the Care Act).*
 - The Council informed all customers before March 2020 that the review of financial assessments was going to happen and again before it happened i.e. the letter sent in January 2021. In every case a breakdown of the revised financial assessment was sent to the individual. The Council had already taken the decision not to backdate any changes beyond January 2021, recognising that the delay in implementation of the policy change was as a consequence of decisions made by the Council.
- *Mandatory disability awareness training for all financial assessment staff by the end of the first quarter of 2022/23 that provides learning to improvement practice and communication.*

- Disability awareness training has been undertaken by staff since 2018 and continues to be part of the approach to inducting and continuously developing staff. The Council is keen to learn from the experiences, including those where staff may not have shown appropriate awareness and react to this however, there have also been a number of compliments paid by individuals to our staff, thanking them for their support and openness.
- *The Council Quality Assurance process is extended to include the end of the customer journey for Adult Social Care, including case audits of staff twice yearly.*
 - The Council undertakes to explore this approach, as part of its quality assurance processes.
- *Community organisations that support people who may or receive adult social care are given an appropriate level of information/training so they can support people going forward.*
 - The Council is committed to providing public information regarding financial assessments in plain English and accessible formats and will explore the support to the wider social care community further in terms of the delivery of information and training further.
- *Communication and written resources are co-produced with Healthwatch relevant community partners and people who may need adult social care in the future by the end of this financial year.*
 - The Council has already committed to working with Healthwatch to develop and improve public communication and information and is happy to continue to commit to this, similarly the Council would welcome engaging with more community partners to support this approach.

Additional Information

The Committee is asked to take into consideration a number of points contained within the Healthwatch report, which are believed to be inaccurate/misleading, examples of which are detailed as follows:

- The Council does not dispute that there have been instances of individuals and their families or carers that have experienced stress and anxiety, which are a consequence of the changes arising from the review of financial assessments and to the outcome and impact of the revised financial assessment.
- *"The Council has confirmed its Policy, which was due for review at the end of September 2021 needs to be improved."* (p.4).

It should be noted that the Policy was scheduled for review, in line with the need to ensure all areas of the Councils work are periodically considered to see if changes and improvements should be made.

- *"The financial assessment services to ensure the Welfare Benefit Advisers are available to ensure all benefits are maximised. The Council has shared that the advisers were needed for other pandemic work, so it is unclear how much support was available from Welfare Benefit Advisors at the time the Council issued letter and when a lot of the assessment work was carried out." (p.5).*

Healthwatch were informed that resources had on occasion been stretched as the Council implemented necessary changes to financial assessments and responded to the demands of the Covid-19 pandemic. Support was however prioritised to individuals throughout the process of reviewing financial assessments.

- *"Both individuals and the Council have told us that historical Disability Related Expenses (DRE) and care assessment information have been used in the reassessments that have happened since January 2021. When individuals or families/advocates have queried this, the Council has retrospectively reassessed the DREs. However, this is not happening routinely, with the onus being on those receiving care (or their families/advocates) to rectify rather than the Council" (p.5).*

The Council is dependent upon individuals or their representatives informing them of changes in their circumstances, which then allows the Council to undertake an appropriate review. This applies to any potential DREs that need to be taken into account through reviews.

- *"Vulnerable people have been asked to contribute to care that has ceased, either because of shielding under the extremely vulnerable measures or through a lack of available support arising from the pandemic. People feel this is unfair, particular given the impact isolation will have had on them and those that care for them." (p.7).*

The Council was aware that customers were not receiving services, in particular day services and agreed that all day service only customers would be reviewed and charges cancelled on the basis of information supplied by the providers. Additionally, when customers contacted the Council who had more than just day services, then charges were cancelled, e.g. a person may have day service and respite both of which were difficult to access. To proactively alert customers and/ or carers to the situation a letter was issued in June 2020, which requested that customers contact the Council if they were not in receipt of services and that charges would continue if the Council was not contacted. Those customers who responded were supported by social workers to arrange alternative support to ensure the customers safety.

Complaints

The Council is actively addressing any concerns or issues related to financial assessments and will consider matter raised at no cost to the individual, as whilst any issues are being explored, any additional charge will be suspended until the situation is resolved. It is clearly not the intention of the Council to create any distress to individuals and it is committed to resolving any instance where there is misunderstanding and/ or any mistake within the financial assessment. It is however also important that the Council implements decisions made and applies

policies consistently. This is all evidenced by the progress that the Council has made in addressing issues and complaints raised to date. The Council would, of course, be very willing to explore or investigate further any individual instances that Healthwatch is able to share with us.

The Council has invested significant effort into resolving the issues raised by individuals and has had resolved these issues for the vast majority of them. Out of approximately 6,400 non-residential care clients 3,750 (58.5%) had a full financial re-assessments in 2021, in total the Council has received approximately 350 formal complaints (approximately 5.5% of the total non-residential cohort) and those outstanding numbered 174 (2.7%) at the time of writing the HASC report, which has now reduced further to 92 (1.4%) as of 11 January 2022.

The majority of complaints were not related to the charging policy change relating to the value of the Minimum Income Guarantee (MIG). Most were as a result of individuals disclosing that their income had increased since their previous financial assessment, whilst others related to not being able to access day care during the pandemic. Of those complaints that weren't related to the value of the MIG, the majority were related to a change in financial circumstances, including the DREs that an individual felt were relevant to their circumstances. Prior to this exercise there had been very few issues raised in relation to the value of their DREs. The review of DREs was undertaken separately from the financial assessment, e.g. a separation of duties to avoid any conflict of interest.

The Council is aware that there is more that can be done to improve transparency and understanding and is committed to continuing this work. The Council has committed significant resources to addressing all of the issues raised and has completed this in the majority of cases.

Keith Hinkley

Executive Director Adults and Health (DASS)

Katharine Eberhart

Director of Finance and Support Services

Forward Plan of Key Decisions

The County Council must give at least 28 days' notice of all key decisions to be taken by councillors or officers. The Plan describes these proposals and the month in which the decisions are to be taken over a four-month period. Decisions are categorised according to [Cabinet Member](#) portfolios.

The most important decisions will be taken by the Cabinet. Due to the continuing public health measures, there will be limited public access to the meeting. Admission is by ticket only, bookable in advance via: democratic.services@westsussex.gov.uk. The meetings will be available to watch online via our [webcasting website](#). The [schedule of monthly Cabinet meetings](#) is available on the website. The Forward Plan is updated regularly and key decisions can be taken on any day in the month if they are not taken at Cabinet meetings. The [Plan](#) is available on the website. [Published decisions](#) are also available via the website.

A key decision is one which:

- Involves expenditure or savings of £500,000 or more (except treasury management); and/or
- Will have a significant effect on communities in two or more electoral divisions in terms of how services are provided.

The following information is provided for each entry in the Forward Plan:

Decision	A summary of the proposal.
Decision By	Who will take the decision - if the Cabinet, it will be taken at a Cabinet meeting in public.
Date added	The date the proposed decision was added to the Forward Plan.
Month	The decision will be taken on any working day in the month stated. If a Cabinet decision, it will be taken at the Cabinet meeting scheduled in that month.
Consultation/ Representations	How views and representations about the proposal will be considered or the proposal scrutinised, including dates of Scrutiny Committee meetings.
Background Documents	The documents containing more information about the proposal and how to obtain them (via links on the website version of the Forward Plan). Hard copies are available on request from the decision contact.
Author	The contact details of the decision report author
Contact	Who in Democratic Services you can contact about the entry

Finance, assets, performance and risk management

Each month the Cabinet Member for Finance and Property reviews the Council's budget position and may take adjustment decisions. A similar monthly review of Council property and assets is carried out and may lead to decisions about them. These are noted in the Forward Plan as 'rolling decisions'.

Each month the Cabinet will consider the Council's performance against its planned outcomes and in connection with a register of corporate risk. Areas of particular significance may be considered at the scheduled Cabinet meetings.

Significant proposals for the management of the Council's budget and spending plans will be dealt with at a scheduled Cabinet meeting and shown in the Plan as strategic budget options.

For questions contact Katherine De La Mora on 033 022 22535, email katherine.delamora@westsussex.gov.uk.

Published: 19 January 2022

Executive Director Adults and Health

Contract Extension Discharge to Assess with Reablement Beds

Discharge to Assess with Reablement services are delivered within a residential care setting for people being discharged from hospital who are not yet able to return home. There are currently 36-44 Discharge to Assess with Reablement beds being provided across the County. Demand for services has changed over recent years and the Council has made a commitment to continue to support people being discharged home from hospital through the Home first pathway wherever this is a suitable option for individuals. However, Discharge to Assess with Reablement beds provide an important solution where people are unable to return home straight away and they have previously been shown to evidence a positive return on investment for the health and social care system.

In March 2021 a decision ([ref OKD68 20/21](#)) was taken to extend three contracts delivering Discharge to Assess with reablement beds for an additional 12 months and for the re-purposing of ten beds within the Crawley Shaw healthcare Burleys Wood service to nursing beds. In November 2021 a decision ([ref CAB07 21/22](#)) was taken to end the provision of in-house residential services in Marjorie Cobby House. As this service has been providing Discharge to Assess with Reablement beds, also included in the report was the recommendation to find alternative provision in the short term through the Shaw Healthcare contract. Subsequently 8-10 beds have recently commenced within Glebe House to ensure the continued provision of Discharge to Assess beds for people in and around the Chichester area. This now operates alongside the three other Discharge to Assess with reablement services in Littlehampton, Worthing and Haywards Heath.

The Executive Director for Adults and Health will now be asked to decide on the continued provision of Discharge to Assess with reablement services and the potential extension of contract arrangements for their final contracted year from 1 April 2022- 31 March 2023.

Decision by	Keith Hinkley - Executive Director Adults and Health
Date added	13 January 2022
Month	February 2022
Consultation/ Representations	Representations concerning this proposed decision can be made via the officer contact.
Background Documents (via website)	None
Author	Juliette Garrett Tel: 033 022 23748
Contact	Erica Keegan Tel: 033 022 26050

Executive Director Adults and Health**Fees paid to independent providers of Adult Social Care**

Rates and fees paid to independent providers of adult social care provision in the community and in residential and nursing homes are subject to annual review. The Cabinet Member will be asked to consider the fees and rates paid for commissioned services related to the Adult Social Care and Health portfolio for 2022-23.

The review will consider usual maximum rates for care homes and care homes with nursing; individually agreed rates paid to care homes and care homes with nursing; shared lives; and rates and fees paid for community-based services.

In the short term, the priority continues to be to ensure that the market can cope with vulnerable people at this unprecedented time dealing with COVID-19, therefore the Council will address financial pressures resulting from the pandemic independently of this decision.

Decision by	Keith Hinkley - Executive Director Adults and Health
Date added	19 January 2022
Month	February 2022
Consultation/ Representations	In consultation with the Cabinet Member for Adults Services who delegated this decision to the Executive Director Adults and Health. Representations concerning this proposed decision can be made via the officer contact, by the beginning of the month in which the decision is due to be taken.
Background Documents (via website)	None
Author	Juliette Garrett Tel: 033 022 23748
Contact	Erica Keegan Tel: 033 022 26050

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