

| Healthier Communities Select Committee | | | |
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| Title | Draft Consultation Plan and Outline of Information and Consultation Pack for Adult Social Care Proposals | | |
| Contributor | Executive Director for Community Services | Item | 5 |
| Class | Part 1 (open) | 21 October 2014 | |

1. Summary and purpose of report

- 1.1 Members of the Healthier Communities Select Committee have been invited to scrutinise the savings proposals which are to be presented to Mayor and Cabinet on 12 November 2014.
- 1.2 This report sets out the plan for consulting with users, carers and stakeholders should the Mayor agree that consultation on the adult social care proposals can proceed. At that time, officers expect to be ready to consult on the proposals to amend the Council's policy on charging for home care and non-residential care services (A5) and on extending charging to those LD users in supported accommodation (A2).
- 1.3 It is recommended that Members agree that any further consultations in relation to Adult Social Care savings proposals follow a similar plan and format.

2. Recommendation

- 2.1 Members of the Healthier Communities Select Committee are:
 - invited to comment on the draft consultation plan at Annex A and the outline of the proposed Information and Consultation Pack at Annex B;
 - agree that as detailed proposals on other ASC savings proposals are developed, any required consultation should follow a similar plan and outline.
- 2.2 Members of the Healthier Communities Select Committee will also be formally consulted on proposals so that their views can be included in the final report to the Mayor in the new year.

3. Budget Background

- 3.1 The detail of the budget situation is set out in the main body of the report: *Lewisham Future Programme 2015/16 Revenue Budget Savings Report*.
- 3.2 That report sets out the budget challenges faced by the Council and outlines the savings proposals which are being presented to enable a balanced budget for 2015/16 to be put forward to Council in February 2015.

4. Policy Context

- 4.1 The strategic and policy context for savings relating to the transformation of adult social care is set out in Appendix 2 of the *Lewisham Future Programme 2015/16 Revenue Budget Savings Report*. The report stresses that the main focus for Adult Social Care services continues to be the provision of safe and high quality care to those with eligible needs whilst achieving a reduction in spend.
- 4.2 The Appendix also sets out the approach which will be applied to ensure that the Council makes best use of limited resources whilst offering residents access to high quality services that meet their eligible care or support needs in a personalised way. The appendix reminds readers of both the current obligations and those new obligations and provisions introduced by The Care Act.
- 4.3 In providing services to adults with social care needs, the Council must comply with the current legislation and guidance issued by the Department of Health and other relevant bodies. This includes Fair Access to Care Services (FACS); Fairer Charging Policies for Home Care and other non-residential Social Services – Guidance for Councils with social services responsibilities and Fairer Contributions Guidance – calculating an individual's contribution to their personal budget.
- 4.4 In allocating resources to adult social care services, the Council seeks to ensure that those with the greatest need receive the community care services they need to maximise their independence and to enable them to live in their own homes in their local communities wherever possible.
- 4.5 If a client is deemed eligible for statutory social care services under FACS, a package of care may be put in place. In accordance with the Council's policy on charging, an assessment is carried out to determine whether or not the client has the financial means to contribute to the cost of their care.

5. Savings proposals

- 5.1 The main budget paper sets out the adult social care and joint commissioning savings which are being proposed. This consultation plan sets out the proposed format and methods for the consultation on those proposals on which we are ready to consult: increasing charges for home care and other non-residential social services (A5) and extending charging to those LD users in supported accommodation (A2). As the remainder of the proposals to achieve savings are further developed, officers will follow a similar format and approach to consultation.

6. Consultation process

- 6.1 The purpose of consultation is to seek views from those who may be affected by the proposed changes and to ensure that their views are taken into account and inform any decision that is being made. As some people in receipt of adult social care services are vulnerable or hard to reach, it is particularly important that steps are taken to ensure their participation in any consultation.
- 6.2 In drawing up both the process and the outline documents, officers have been mindful of statutory consultation requirements and of good practice guidance, both internal and external. Where appropriate, officers have followed the format and

processes for consulting on adult social care proposals that were previously successfully employed.

Consultation on A2 and A5

- 6.3 In line with statutory guidance, councils are required to carry out consultation where they intend to amend their policy on charging. If the Mayor agrees that consultation on the proposals set out in A2 and A5 should take place, it will need to start as soon as possible so that a report on the outcome of the consultation can be taken to the meeting of the Mayor and Cabinet in February 2015.
- 6.4 To ensure that this timetable is met, members of Healthier Communities Select Committee are asked not only to scrutinise the proposals in A5 but also to comment on the draft consultation schedule and outline consultation document. If, on 12 November, the Mayor agrees that consultation should go ahead, members of the Healthier Communities Select Committee will be consulted formally on the proposals during the consultation period.
- 6.5 The consultation process will be overseen by a project board, chaired jointly by Community Service's Directorate's Head of Strategy, Improvement and Partnerships and the Group Finance Officer.
- 6.6 The Executive Director of Community Services will approve the final information and consultation pack prior to despatch.

7. Consultation schedule

- 7.1 The consultation schedule is attached at Annex A. In developing the schedule, officers have followed the guidance issued by the Department of Health and the Consultation Code of Practice for the Public Sector issued by the Cabinet. The schedule seeks to ensure that all parties with an interest have the opportunity to engage with the consultation, that the consultation is accessible to all user groups and that advocacy is available where necessary. The plan does not yet include finalised dates for the meetings as the consultation is subject to agreement by the Mayor and to venue availability and staff resources.
- 7.2 The Cabinet Office guidance states that timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response and where the consultation spans all or part of a holiday period policy makers should consider what if any impact there may be and take appropriate mitigating action. The guidance adds that the amount of time required will depend on the nature and impact of the proposal and might typically vary between two and 12 weeks. If the Mayor agrees that consultation should take place, it is expected to begin in late November and conclude in mid January. This would provide a seven week consultation period which takes into account a holiday period assumption of 6 working days to cover the Christmas period.
- 7.3 The schedule provides opportunities for users, carers, providers and stakeholders to express their views on the proposed changes and for these views to be summarised within the final outcome report.

7.4 Once the consultation period is completed, a report on the findings of the consultation with recommendations will be presented to the Mayor for his decision.

8. Consultation Pack

8.1 An outline of the information that will be included in a consultation pack is attached at Annex B. This will be issued to interested parties, including users, carers and providers. The pack will include detailed information on the specific proposals. The pack will include a questionnaire which individuals or organisations can complete, details of consultation meetings and advice on where to get support or advocacy. Information will also be made available in an easily accessible format for adults with learning disabilities or those with other needs.

9. Financial Implications

9.1 The *Lewisham Future Programme 2015/16 Revenue Budget Savings Report* sets out the financial issues that need to be taken into account in order for the Council to set a balanced budget in 2015/16.

9.2 The savings proposals attached to that report include a proposal to consult on changes to the Council's adult social care charging policy to achieve a saving of £275k and an additional saving of £50k in relation to charges for LD clients using supported living services.

9.3 The consultation process will seek to ensure value for money in the arrangements and consultation methods adopted. All costs relating to the consultation will be met from the Strategy, Improvement and Partnership budget, Adult Social Care and Joint Commissioning budgets within Community Services. The funding set aside also includes provision to respond to individual demands, for example for advocacy and translation.

10. Legal implications

10.1 Section 17 of the Health and Social Services and Social Security Adjudications Act 1983 (HASSASSA Act 1983) gives Local Authorities a discretionary power to charge adult recipients of non-residential services provided such charges are reasonable and they have regard to the Government's "Fair Access to Care Service" national guidance.

10.2 The Council must also comply with guidance issued by the Department of Health and other relevant bodies. This includes Fairer Charging Policies for Home Care and other non-residential Social Services – Guidance for Councils with social services responsibilities and Fairer Contributions Guidance – calculating an individual's contribution to their personal budget.

10.3 The guidance on Fairer Charging Policies recommends that consultation with users and carers about charging policies and increases or changes in charges should follow good practice advice. The advice set out in the Cabinet Office guidance states that timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response and where the consultation spans all or part of a holiday period policy makers should consider what if any impact there may be and take

appropriate mitigating action. The guidance adds that the amount of time required will depend on the nature and impact of the proposal and might typically vary between two and 12 weeks.

- 10.4 The Care Act rewrites much of the existing adult social care legislation. The new requirements of the Care Act do not come into force until 2015. The consultation will follow current legislative requirements and all proposals will be in line with the new requirements of the Care Act.
- 10.5 The consultation document in relation to proposal A5 will introduce a charge to self funders for administration of the Care Account, which is a new requirement of the Care Act 2014.

11. Equalities Implications

- 11.1 The consultation schedule and pack seek to ensure that there is meaningful consultation with those who might be affected by any change. Where necessary, support will be provided to ensure access to the consultation. Support will include the provision of accessible venues, translation services where requested, advocacy services where required, and a BSL interpreter at one of the consultation meetings. The information pack will be available in large print and made accessible to those with learning disabilities. An audio version will also be available on request.

12. Environmental Implications

- 12.1 Although the information pack will be printed, the consultation documents will also be available online to download. Where possible, officers and facilitators will travel to meet users at suitable locations such as day centres to avoid unnecessary travel by users and their carers.

13. Conclusion

- 13.1 The consultation plans seek to follow statutory guidance and good practice. Consultation must take place on the proposals outlined above before any changes can be implemented and any potential savings realised. Comments from Committee Members are invited on the plans for consultation.

If there are any queries on this report please contact Sarah Wainer, Head of Strategy, Improvements and Partnerships on 020 8314 9611 or by email on sarah.wainer@lewisham.gov.uk.

Annex A - Proposed consultation schedule

This attachment sets out the draft consultation schedule to consult on proposed changes to Adult Social Care Services.

Consultation will commence as early as possible in November. The consultation in relation to changes to the policy on charging will take place over a seven week period (this may vary in relation to consultations on other ASC areas).

The consultation process has been designed to include specific elements to accommodate interested groups and stakeholders who may be affected by the proposals.

The consultation process will take into account the needs of people with sensory impairment, people with learning disabilities or physical disabilities, traditionally under-represented groups, ethnic minorities and those people whose first language is not English.

Consultation documents will be available in large print, audio tape, and in an accessible format for people with learning disabilities. Translation and advocacy services will be provided where requested.

Consultation events for local providers, the voluntary sector and carers will take place. All events will be publicised to ensure maximum participation.

A record of all queries, questions and alternative proposals raised during the consultation will be maintained. Where possible, officers will respond to any queries that would benefit from an immediate response.

All correspondence will be collected in the form of a summary detailing the range of views expressed.

Consultation events will take place on various dates throughout the consultation period taking into account the availability of venues, staff and facilitators. The following does not indicate any set order for these events.

Consultation methods

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| 1 | Information pack and survey to be published on Lewisham's website, together with feedback form. Feedback will be accepted verbally at meetings, by email or by returning a completed feedback form. |
| 2 | Information packs and survey to be sent to all current service users and known carers, together with feedback form. |
| 3 | Various consultation events for service providers, service users, carers and the voluntary sector will take place during the consultation period. Where possible existing meetings will be used eg the voluntary sector Health and Social Care Forum. A full timetable of events will be published on the website. The consultation will be promoted through social care and health staff, Healthwatch and voluntary sector partners. |
| 4 | A telephone helpline will be activated to deal with enquiries and requests for support in completing the survey. |

Consultation Events

A series of consultation activities utilising a mixed methods approach will take place to ensure that all client groups will have the opportunity to have their voices heard over the seven week period.

A number of targeted meetings will take place to enable particular groups who are at risk of exclusion from the mainstream consultation methods of public events, participatory forums and questionnaires. Where possible, officers will attend meetings of existing fora and partnership groups. These groups include people with learning disabilities, people with mental health problems, the elderly and people with physical and sensory impairments.

Consultation events that take place within day centres will be designed in consultation with specialist workers to ensure appropriate communication methods are used.

Stakeholder events will be participative and offer an opportunity for focused meaningful input from key stakeholders groups.

The postal survey questionnaire will be piloted with a group of service users and, where necessary, questions will be reworded to ensure maximum understanding and participation.

A careful and detailed analysis of results will then take place before the final report detailing the outcome of the consultation is presented to Mayor and Cabinet.

Annex B - Draft Outline for Proposed Information and Consultation Pack

An information and consultation pack will be developed and will include the following:

1. **Introduction** – a general introduction to the consultation

2. **Background** - this will give the reasons for the need for savings, setting the debate within the context of the Council's estimate of £85m in savings over the three years to 2017/18. The Council's decision-making process will be outlined and the role of this consultation in informing this process will be highlighted.

The section will go on to provide background information on the Council's social care responsibilities, the range of social care services and the current expenditure in this area. A glossary which explains the meaning of unfamiliar words or phrases used in the document will be provided.

3. **How to take part in the consultation** – this section will spell out the various methods through which interested parties can take part in the consultation. This will include a questionnaire as part of the pack that can be filled in and returned to the Council by Freepost. Information will be provided as to how the questionnaire can be completed on-line or filled in over the phone by calling a dedicated number.

In addition, details will also be provided of the advocacy support/organisations that will be available throughout this consultation process to ensure that all people have the opportunity to contribute.

The section will also explain how the different consultation activity is being publicised, how key partner and stakeholders will be informed and how the eventual results will be fed back to participants and the wider public e.g. through the Lewisham website

4. **Information on proposed changes** - This section will set out the detail of the proposal. For example:

Information on proposed changes to charging policies for home care and non-residential care - this section will provide information on Lewisham's current charging policies in a format and style that makes the issue comprehensible and accessible. This section will then set out the questions on the changes that are being proposed. Questions will be worded in a way that is easy to understand and which makes the proposed changes as clear as possible to the reader.

Worked examples of the proposals will be provided to illustrate the outcome of each change. The changes that will be included in the consultation are:

- Reducing the current income support buffer from 35% to 25%. Government guidance ensures that charges do not reduce any user's income below basic Income Support levels or the Guarantee Credit element of Pension Credit plus a buffer of 25%

- Removing the maximum charge for non-residential services (increased from £395 to £500 p.w. in 2014/15)
- Removing any exceptions from charging which are discretionary such as respite and services in supported accommodation
- Introducing a charge for the administration of the Care Account, which is a new requirement of the Care Act and which will affect self funders.

Respondees will also be provided with the opportunity to express other ideas or concerns through a free text option.