

MINUTE of MEETING of the SOCIAL POLICY, POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 7 SEPTEMBER 2018.

Present – Councillors Angela Doran (Chair), Charles Kennedy, Dave King, Andrew McGuire (substituting for George Paul), Dom McGuire, Moira Shemilt (substituting for Sarah King) and Damian Timson

Apologies – Councillors Sarah King and George Paul

In attendance – Maureen Findlay, Senior People's Forum Representative

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The Panel approved the minute of its meeting held on 22 June 2018 as being a correct record.

3. ELIGIBILITY FOR NON-RESIDENTIAL ADULT SOCIAL CARE

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the council's draft Policy on Eligibility for Non-Residential Adult Social Care Services.

The report recalled that at the meeting on 13 February 2018, council agreed the revenue budget strategy for the five years 2018-19 to 2022-23, which included measures related to the assessment and eligibility for non-residential adult social care services. The decision directed officers to develop a policy and revised assessment guidance which was to be brought back to Social Policy and Health & Care Policy Development Scrutiny Panels and Council Executive thereafter.

The Social Work (Scotland) Act 1968 placed a duty on the council to assess any adult (person over 18 years of age) for potential needs, to determine if the needs assessed called for the provision of services and to decide how these should be provided. The mechanism for taking account of resource availability to meet needs assessed was through the application of eligibility criteria in accordance with the Scottish Government Guidance on the National Standard Eligibility Criteria

There were four levels of risk prescribed in the National Guidance and which were used in the social care assessment needs; these being Critical; Substantial; Moderate; and Low. An explanation for each of these was provided in the report.

Officers had developed a policy, a copy of which was attached to the report at Appendix 1, which complied with social care legislation, Scottish

Government Guidance and the National Eligibility Criteria Framework.

Representatives from the Senior People's Forum, Older People Day Care, Adults Services Parents/Carers, Learning Disability Forum, Ability Centre Service User Group, Carers of West Lothian and care providers were provided with the opportunity to review the policy during engagement sessions held in July 2018. Amendments to the policy were then made to reflect the feedback and a list of Frequently Asked Questions (FAQ) was been developed, a copy of which was attached to the report at Appendix 2, which would be available on-line.

Feedback from the engagement activity highlighted that the policy required clearer information about how the new eligibility threshold would apply to existing service users. The policy had therefore been amended at Section 7 to reflect that, at the point of review, if a care package required to be changed any transition plan would be agreed between the social care worker, the service user and their family/carer. The new policy would be effective from 1 October 2018 for new assessments and at the point of review for existing service users.

It was recommended that the Policy Development and Scrutiny Panel:

1. Note that on 13 February 2018 the council agreed that a Policy on Eligibility for Non-Residential Adult Social Care Services would be developed and brought to Health & Care and Social Policy Policy Development and Scrutiny Panels;
2. Note and consider the following recommendations which were intended to be submitted to the Council Executive for approval on 11 September 2018:-
 - i. Notes that at the budget setting meeting on 13 February 2018, the council agreed to the introduction of a policy on Eligibility Criteria for Non-Residential Adult Social Care Services;
 - ii. Notes that the Council Executive recommended officers on 26 June 2018 to undertake engagement with affected stakeholder groups over the summer period prior to taking a policy to PDSP's and Council Executive for approval;
 - iii. Notes that officers had undertaken engagement activity and that the Policy and Integrated Assessment Action Plan had been updated to reflect the feedback received;
 - iv. Agrees the Policy on Eligibility for Non-Residential Adult Social Care Services as set out in Appendix to the report; and
 - v. Agrees the policy implementation date of 1 October 2018.

Decision

1. To note the contents of the report and the revised Eligibility Policy attached as an Appendix to the report; and
2. To agree that the recommendations detailed in the report be forwarded to the Council Executive for approval.

4. CONTRIBUTIONS POLICY FOR NON-RESIDENTIAL SOCIAL CARE SERVICES

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the council's draft Contributions Policy for Non-Residential Care Services.

The report recalled that following the Transforming Your Council consultation, at its meeting of 13 February 2018, Council agreed the revenue budget 2018-19 to 2022-23. The revenue budget noted that the council faced an estimated budget gap of £65.3 million over the said five year period. Therefore Council agreed budget reduction measures of £60.102 million to help balance the budget over those five years.

As part of the budget reduction measures agreed, measures totalling £8.412 million were in relation to changing the eligibility criteria for non-residential social care services, and additional net income of £1.2 million was also agreed from the introduction of a contribution policy for non-residential social care services.

The report explained that the way non-residential care and support services were provided to service users changed following the introduction of the Social Care (Self- Directed Support) (Scotland) Act 2013. SDS enabled individuals to have the right to make informed choices about the way support was provided to them and meant developing plans for individuals based on outcomes and a selection of support to meet their individual needs, within an identified budget. As more personalised choices were being made by individuals the council needed to move towards a contribution policy for the overall cost of care rather than charging for some services.

It was proposed that the Contributions Policy would be implemented for all new clients from 1 October 2018 and thereafter would be introduced for all existing clients from 1 April 2019. The care review process would also incorporate a review of the financial assessment to ensure that any change to a client's care plan that impacted on the level of client contributions was taken account of through an update financial assessment. Local authorities were permitted to charge for non-residential services which were provided or arranged under the Social Work (Scotland) Act 1968 and the Mental Health (Care and Treatment) (Scotland) Act 2003. These charges (or contributions) had to be

reasonable, having regard to the care and support being provided and a person's ability to meet any costs.

The proposed policy complied with social care legislation, Scottish Government Guidance and reflected COSLA's National Strategy and Guidance for Charges Applying to Non-Residential Social Care Services 2018-19. The COSLA guidance provided a framework for councils to demonstrate that in developing their policies, they had followed best practice.

Any contributions due would only be determined following a financial assessment. Individuals would also be supported in maximising their income through a personal income check; these processes would link in with existing financial assessments and personal income work with teams that already existed within the council. Should an individual refuse a financial assessment they would be deemed liable for the full cost of their care and support plan, less any free personal care elements. In terms of the Social Work Act s87 the council could not require a service user to pay more for any service that it appeared to the council was practicable for the service user to pay. A copy of the draft policy including examples of how it would operate was set out in Appendix 1 attached to the report.

The introduction of the proposed Contributions Policy would bring West Lothian into line with the majority of arrangements in place in other Scottish local authorities. Appendix 2 set out a comparison of Scottish local authority income for non-residential care based on the Chartered Institute for Public Finance and Accountancy (CIPFA) Rating Review return 2016-17. This demonstrated that West Lothian was currently receiving one of the lowest levels of income compared to expenditure from non-residential social care services and represented a very significant lower income than the Scottish average.

The report continued by providing information on the provision of social care and support, those services exempt from contributions, free personal care for under 65's, the financial assessment process, including the additional discretionary taper, personal income checks and the payment of contributions.

With regards to consultation and engagement the council's Transforming Your Council (TYC) consultation took place between 16 October and 12 November 2017 and consulted on proposals to meet the estimated funding gap faced by the council. Proposals to review income and concessions, including the introduction of a contributions policy for non-residential social care received 1,626 responses, of which 849 agreed with the proposals set out in the consultation document.

Based on a collation of questions raised in the representative groups

engagement visits, a Frequently Asked Questions (FAQ) sheet was developed to support the policy which was attached to the report at Appendix 4.

In preparation of the implementation of the Contributions Policy an interim database solution had been developed. However there was a requirement to develop current Revenues and Benefits application software systems to provide a permanent integrated software solution from 1 April 2019

Civica who maintained and supported the system would develop a module which would allow the collation of information required as part of a customer's financial contribution, the calculation of any contribution towards the cost of their assessed eligible care, and any resulting payment collection.

The report concluded that a contributions policy was a necessary measure to ensure key services were in place to meet future demand requirements for non-residential social care services and current methods of charging were inequitable for service users and could vary depending on the SDS option chosen.

The Corporate Programme Manager advised that the proposed policy included a number of allowances and disregards that would be taken into account in the financial assessment process to ensure that not all of an individual's assessed income would be taken in contributions. Individuals would be supported to ensure they were maximising their income and managing their money effectively through provision of personal income checks. It was proposed that the policy would take effect for new client assessments from 1 October 2018 and for existing service users from 1 April 2019.

It was recommended that the Panel:

1. Note that on 13 February 2018, the Council agreed that a Contributions Policy for Non Residential Care Services would be developed and brought to the Health & Care PDSP and the Social Policy PDSP for consideration and Council Executive thereafter for approval;
2. Note and consider the following recommendations which were intended to be submitted to the Council Executive for approval on 11 September 2018;
 - i. Notes that at the budget setting meeting on 13 February 2018, the Council agreed to the introduction of a Contributions Policy for Non-Residential Social Care services, which was estimated to raise income of £1.2 million

- ii. Notes that currently West Lothian Council had one of the lowest levels of income per head of population from non-residential social care contributions or charging
- iii. Agrees the Draft Policy on Contributions for Non-Residential Social Care Services, as set out in Appendix 1 of the report;
- iv. Agrees the policy implementation date of 1 October 2018 for new user assessments and 1 April 2019 for existing service users with a needs based assessment; and
- v. Agrees to the procurement of an additional module for the Revenues and Benefits application software system, Civica, to allow the collation of information for financial assessments

Decision

1. To note the contents of the report and the draft Contributions Policy; and
2. To agree that the report be submitted to Council Executive for approval on 11 September 2018.

5. ELECTRONIC INTER-AGENCY REFERRAL DISCUSSION RECORDING SYSTEM

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the electronic recording system for Inter-agency Referral Discussions (IRDs).

The report advised that an Edinburgh and Lothian wide electronic IRD system for Children and Adults was implemented locally in May 2018. This system, unlike the previous one, enabled all three core agencies' (Police, Social Work and NHS) considerations and decisions about how to progress each Child Protection referral and Adult Protection referral. Information was visible and able to be read by each agency which provided enhanced communication and understanding within and between each agency about what was agreed and why.

A presentation was then given to the Panel by the Group Manager, Protection and Emergency Services. He provided details of the purpose of an IRD and confirmed that each agency's recordings were visible for the other partner agencies to see providing improved communication.

Finally, whilst still at an early stage of implementation, initial feedback on the new system from multi-agency staff was extremely positive, with reports of enhanced and improved communication between professionals investigating Child Protection and Adult Protection concerns.

It was recommended that the Panel notes the contents of the report and

the progress made in the implementation of the Electronic Inter-agency Referral Discussion recording system.

Decision

To note the contents of the report and the presentation by the Group Manager.

6. WEST LOTHIAN PUBLIC PROTECTION COMMITTEE 2016-2018 ADULT PROTECTION BIENNIAL REPORT

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing details of the Draft West Lothian Public-Protection Committee's 2016-2018 Adult Protection Biennial report, a copy of which was attached as an appendix to the report.

The report explained that members of the West Lothian Public Protection Committee and its sub-committees were sent a copy of the DRAFT West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial report on Thursday 16 August 2018, as part of a two week consultation with them about it. Feedback received would be incorporated into the final version of the report prior to being submitted to the Scottish Government on 31 October 2018. The report addressed the two years of local activity to consider progress and manage risk for adults at risk and vulnerable people. It emphasised local operational practices, key challenges and areas for ongoing continuous improvement whilst supporting and training staff on existing, new and emerging national themes.

The West Lothian Public Protection Committee's 2016-2018 Adult Protection Biennial report outlined the strong strategic governance structure and operational practices which enabled agencies to work together effectively and in partnership to progress complex issues for adults at risk and other vulnerable people.

A presentation was then given by the Group Manager, Protection & Emergency Services highlighting the contents of the biennial report and provided a summary of Adult Protection trends and themes in West Lothian.

It was recommended that the Panel considers the content of the West Lothian Public Protection Committee 2016-2018 Adult Protection Biennial report, which was intended to be submitted to the Council Executive for information.

Decision

1. To note the contents of the report and the presentation by the Group Manager; and
2. To agree that the report be submitted to Council Executive for information.

7. WORKPLAN

A copy of the workplan was circulated which formed the basis of the panel's work over the coming months.

The Chair proposed that future meetings of the Social Policy PDSP be held on a Friday. The elected members in attendance had no objections but made the following suggestions:

- That meetings be held on Friday mornings; and
- That rescheduled meetings do not clash with other committee meetings.

The clerk agreed to reschedule the remaining meetings of the Panel and update members thereafter.

Decision

1. To note the workplan; and
2. To note that the clerk undertook to reschedule the remaining meetings of the Panel, taking into account the comments made by members.