

Agenda

Adult Care and Well Being Overview and Scrutiny Panel

Monday, 15 March 2021, 2.00 pm
County Hall, Worcester

All County Councillors are invited to attend and participate

Due to the current COVID-19 pandemic, Worcestershire County Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to: Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting, conducting remotely by videoconferencing between invited participants and live streamed for general access via a link on the Council's website to the Council's [Youtube channel](#)

The Agenda papers and background papers can be accessed electronically on the Council's website. Members of the public and press are permitted to report on the proceedings.

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Scrutiny on telephone number 01905 844965 or by emailing scrutiny@worcestershire.gov.uk

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have
a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests** OR
relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Adult Care and Well Being Overview and Scrutiny Panel

Monday, 15 March 2021, 2.00 pm, Online

Membership

Councillors:

Mrs J A Potter (Chairman), Mrs M A Rayner (Vice Chairman), Mr R C Adams, Mr T Baker-Price, Mr A Fry, Mr P Grove, Mr P B Harrison, Mr R C Lunn and Ms S A Webb

Agenda

Item No	Subject	Page No
1	Apologies and Welcome	
2	Declarations of Interest	
3	Public Participation Members of the public wishing to take part should notify the Assistant Director for Legal and Governance, in writing or by email indicating the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 12 March 2021). Enquiries can be made through the telephone number/email address below.	
4	Confirmation of the Minutes of the Previous Meeting Previously circulated	
5	Update on People and Communities Strategy and Workstreams	1 - 10
6	Review of Funding Arrangements between the Council and Herefordshire and Worcestershire Clinical Commissioning Group	11 - 14
7	Care Act Easements as a Result of COVID-19	15 - 26
8	Work Programme	27 - 30

Agenda produced and published by the Assistant Director for Legal and Governance, County Hall, Spetchley Road, Worcester WR5 2NP To obtain further information or hard copies of this agenda, please contact Emma James/Jo Weston telephone: 01905 844964 email: scrutiny@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website http://www.worcestershire.gov.uk/info/20013/councillors_and_committees

Date of Issue: Friday, 5 March 2021

This page is intentionally left blank

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 MARCH 2021

UPDATE ON PEOPLE AND COMMUNITIES STRATEGY AND WORKSTREAMS

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel is to receive an update on the Strategy for People and Communities and progress with the related streams of work.
2. Senior Officers from the Directorate of People and the Cabinet Member with Responsibility for Adult Social Care have been invited to the meeting.

Background

3. The Panel was recently briefed on the new Strategy for People and Communities which sets out the strategic direction of travel for the People Directorate, following the creation and implementation of the revised strategic directorate model across the Council and appointment of the Strategic Director for People in May 2020.
4. Aligned to the Corporate Strategy and shaped by the COVID-19 experience internally and system wide, the People Directorate approach is to review and redesign the service offering via a transformation programme that promotes independence and focuses provision of more complex support to those most in need.
5. In welcoming the Strategy as a positive and proactive approach, the Panel asked to be kept updated on the related workstreams and it is envisaged that the update will assist the Panel to determine any further scrutiny as the workstreams related to the Strategy progress. The Minutes of the Panel's discussion on 18 November 2020 are available here: [weblink to minutes](#)

Update on Progress and Direction of Travel

6. In November 2020, the Panel were informed how the Directorate's Strategy focuses on people, not organisations and how it would be delivered via a series of workstreams grouped together under 3 strategic pillars:

- Person Centred Approach
- Shaping Services
- Shaping an Effective Market

7. The Strategy will be delivered through a transformation programme, with strong governance, engagement of service users, carers and staff whilst ensuring effective and timely delivery – with key dependencies understood and managed across individual programmes and workstreams.

8. The paragraphs below give progress against each of these strategic pillars.

Person Centred Approach

9. In November the Panel were informed that the People and Communities Strategy would enable the Council to develop one front door for residents, ensure a strong digital offer, build on strengths of local community assets, and ensure collaborative working with partners.

10. Work has progressed in all areas as follows:

Integrated Wellbeing Offer

11. This programme will create a sustainable long-term future operating model for Here2Help by building on its principles to develop an integrated health and wellbeing offer. This will centre around relationships and connections within local communities and services, to maximise the effectiveness of early intervention and prevention.

12. This is local, community-based responses to address specific inequalities and needs faced by residents, based on knowing them, their engagement and on residents co-producing their own solutions with the Council. The emphasis is on a community response rather than Council and partners, focusing on the assets within communities wider than traditional services.

13. This will enable and empower people to help themselves where possible by designing and structuring a system-wide Integrated Wellbeing Hub for residents, organisations and staff to access information, advice, tools, guidance and local support in an interactive way. The hub will take a person-centred approach and will cross all ages and needs.

14. Building on the success of the Here2Help service, plans are now in place to move to an Integrated Wellbeing Offer for Worcestershire residents. Supported through the alignment of current front doors across the People Directorate and the wider Council, with the introduction of Community Wellbeing Champions, Change Agents and a new self-service, the digital offer is on track to go live over the next couple of months.

15. In addition, engagement has commenced with the voluntary and community sector and key stakeholders, to ensure effective collaboration as the Integrated Wellbeing Offer is designed and developed.

16. Development is also underway of the Living Well in Later Life initiative including the delivery of the Lifecurve App and use of TheraBands in care settings supporting people to develop their independence.

Dementia Meeting Centres

17. Working closely with the University of Worcester, three applications for funding to develop dementia meeting centres in Worcestershire have been agreed for:

- Age UK Worcester and Malvern Hills - Worcester
- Age UK Worcester and Malvern Hills: Malvern Hills/Tenbury
- The Parochial Church Council of the Ecclesiastical Parish of Malvern Link with Cowleigh: - Malvern Link

Review of Transport Policy and Provision

19. The review of our current approach to providing transport has commenced with key areas of focus around:

- **Promotion of Independent Travel** - Consideration of changes to transport policy, application of policy, and change to transport provision which would help to promote independent travel as part of the wider promotion of independent living.
- **Cohort Changes** - How the cohort makes use of transport services is changing and what this might mean for transport requirements and how these are met.
- **Direct Payments** - How Direct Payments might be utilised further to promote independence.
- **Alignment to Changing Service Delivery Models** - How the transport policy, application of policy, and transport provision will need to be adjusted to ensure alignment with future changes to the delivery services, as the focus for independence is realised.

20. The promotion of independent travel has already started and by early Summer, the review will have concluded the direction of travel and recommendations for change.

Care Work as a Career

21. Following keen interest and recommendations from the Overview and Scrutiny Performance Board, an update on progress and recommendations was presented to the Board in January 2021, which included:

- Investment secured to continue with focused and targeted communications through social media
- Care Recruitment Campaigns
- Support for Carers Heroes Award
- Membership of "I Care Ambassador" Scheme
- Ensuring external provider contracts specify requirements for employment in relation to training, skills and behaviours
- Social Work Apprenticeships

22. A further separate session has also been held with the members of the Task Group and the Chairman of this Panel and further work has started to be planned and progressed with Provider Services in relation to apprenticeships provision.

Shaping Services

23. In November, the Panel were informed that the People and Communities Strategy would enable the Directorate:

- Develop an All Age Approach
- Make Strengths Based Conversations the Norm
- Re-Direct Provider Resources to Independence and Enabling

24. Work has progressed in all areas as follows:

All Age Disability Service

25. Governance has been developed to support the People Directorate and Worcestershire Children First (WCF) to enable the Council to develop and implement a single disability service for those aged 0 – 25 years of age. The aim of the programme will be to develop one service, across Education, Health and Social Care, to ensure young people are effectively supported when they move into adulthood.

26. The key principles for the transformation are as follows:

- A person-centered approach with co-production at all levels
- Strength based – enabling and empowering
- Focus on needs and outcomes
- Quality matters - consistency of quality across our information, assessment, planning and provision
- Early intervention
- Integration of operational delivery
- Preparation for adulthood
- Supporting as close to home, in and part of the local community
- An enabled and empowered workforce
- Evidenced and intelligence informed

27. The design for the new service is in its early stages and is planned for conclusion early Summer. This will be followed by implementation and embedding during the later part of 2020, ahead of launching the service during 2022.

Review of Social Work Processes and Practice

28. Building on the move to the 3 Conversations approach (a strengths based approach to social work), that commenced during 2018, the review has been completed and identified areas where the approach can be embedded further. The project team are now working with all social work teams to ensure a best practice and consistent ethos and approach that will also be expanded to the Council's Mental Health Social Work Teams, following their transfer back to the Council in April 2021.

29. This approach will ensure sustainability and consistency of the strengths based model which will both improve people's independence and reduce demand into social care, with a particular focus on linking people with their local community assets and support, the Council's reablement service and Wellbeing Champions, enabled through our approach for an Integrated Wellbeing Offer.

Community Reablement Service

30. The Community Reablement service was due to go live in April 2020, however due to Covid-19 impact, this was delayed and the new service went live in November 2020.

31. Initially, the service immediately started to receive and respond to referrals from social work and NHS teams and commenced the reablement of people, helping them to re-build their life skills and physical abilities, to ensure they could remain living independently, at home.

32. The second peak of Covid-19 and lock down again impacted on this service with resource re-deployed to support effective and timely hospital discharges, for those requiring support to go back home. The service is now planning to re-launch during the Spring and commence their focus on community reablement provision.

Remodelling Day Opportunities

33. Further to Cabinet approval in October 2020 to commence a review of day opportunities for people with a learning disability and subsequent Cabinet approval in February 2021 to commence phase two of the review, this second phase has commenced and stakeholder, carer and service user engagement has started.

34. Cabinet will receive a further report later in 2021 with the outcome of the second phase and recommendations for change, considering:

- a) Agreeing an approach to engaging with service users and their families/carers to consider, in a co-productive way, the long-term and future “offer” of the Resource Centres in ensuring an equitable and fair approach i.e. accessible to all ages across Worcestershire and a service that is fit for the future.
- b) Understanding the difference between the Resource Centre, Connect Service offer and those offered within the external market, including referral processes, criteria and social worker practices
- c) Understand the make-up of the Connect Service users to further understand the blurring of services across the two types of services
- d) A deeper understanding of why there is a significant gap in external providers being able or wanting to support individuals with higher needs/complex needs within a day service provision
- e) To review and consider the Growing Old with Learning Disabilities (GOLD) cohort of service users in both the Resource and Connect services to identify potential future service delivery options which could be more suitable and person-centred
- f) The variances across the four Resource Centres i.e. numbers of service users, unit costs etc
- g) Alternative/complementary options for specialist and complex services including a hub and spoke model, location of centres and transport options.

Direct Provision of Adults Mental Health Social Work

35. Further to Cabinet endorsement in September 2020, of recommendations to

terminate the Section 75 Integrated Provider Adult Mental Health, Older Adult Mental Health and Learning Disabilities, with Worcestershire Health and Care Trust, the project has continued to progress and remains on track for the service to be re-patriated within the People Directorate from 1 April 2021. A Memorandum of Understanding is now in place with the Trust to ensure the delivery of personalised, place-based and integrated services to people with mental health difficulties.

36. Agreement has been reached on the transfer of relevant staff to the Council in accordance with the TUPE Regulations, and it has been further agreed with the Trust the arrangements for co-location of staff as appropriate

37. Plans are now being finalised in developing the operational procedures and processes to establish an effective mental health social care function, within the County Council, including plans to reduce current overspends and ensure provision within existing budgets.

Shaping an Effective Market

38. In November the Panel were informed that the People and Communities Strategy would enable the Council to:

- Engage to Develop Independence and Choice
- Work with Partners to Create an Integration Framework
- Commission for the Whole Population not just those who access services

39. Work has progressed in all areas as follows:

Reablement Focused Domiciliary Care

40. Significant work has progressed in relation to moving to a reablement focused approach for domiciliary care provision in Worcestershire.

41. A domiciliary care tender is being advertised during March 2021 seeking providers who will support and ensure that enabling people's independence is maintained wherever possible and that the work of the reablement service with individuals who require ongoing care is not lost. Once those who have pre-qualified are selected, they will all be invited to tender for provision of reablement focused domiciliary care in Worcestershire.

42. Currently the County Council is working with over 100 individual domiciliary care providers and the aim of the tendering exercise will be to:

- a) Reduce the overall number of individual providers and move to lead providers for each of the six District areas within the County
- b) Introduce a reablement focus to provision, ensuring residents can remain at home for as long as possible
- c) Build a partnership and holistic approach to assessing and providing care across social work teams, reablement service and domiciliary care providers
- d) Ensure the unit cost for provision remains within the current budget envelope

43. Following the procurement exercise, named providers will be identified during the

Summer 2021 who will then work in partnership with the County Council to transfer to the new provision.

Increase the Use of Direct Payments

44. The ambition of this programme is to increase the use of Direct Payments, noting that Worcestershire, at 27% is slightly below the national average. This programme is working to three key areas for change:

- a) Review / development of Direct Payment Policy & Procedures, guidance and information to promote the use of Direct Payments.
- b) Development of the provider market to ensure people have a wide range of high quality, cost- effective support options to meet their assessed eligible needs, including ready access to a reliable and well trained personal assistant (PA) workforce and development of PA microenterprises, as these help overcome people's reluctance to become an employer and concerns about cover in the absence of their PA.
- c) Development of clear and simple processes for administering and monitoring the payments, including recovery of unspent monies.

45. The project team are working jointly with Pendrells, who administer the provision of a high number of direct payments. The team have also made links to the transport, day opportunities and replacement care reviews. The project has already identified over £250,000 of un-spent direct payment reserves, being held by recipients that is being clawed back into the Council.

46. Workshops are now arranged with front line social work teams to understand some of the barriers and opportunities to increase take up of direct payments and new plain English material and case study videos are also being developed to help promote the use of direct payments across the Council's customer base.

47. With the engagement of a dedicated direct social work lead and additional resource within the Council's Finance team, the project is on track to deliver against anticipated outcomes later during 2021.

Increase Shared Lives Provision

48. Shared Lives fits with the strategic priorities for adult social care and housing and the Council is looking at options for growth, development and diversification of the Shared Lives scheme. Expanding the scheme will mean more individuals can achieve outcomes through Shared Lives as an alternative to other forms of support.

49. This project aims to increase the number of Shared Lives providers and identify and move people from their current residence into a shared lives home. This is underpinned by a targeted and focused recruit campaign supported by workshops with stakeholders.

50. An engagement and recruitment campaign has already started and so far

an additional 4 Shared Lives providers are already on board. The recruitment and promotional campaign will continue throughout the year and the project team are confident of achieving their target.

Intermediate and Integrated Care

51. Work on the above continues with partners on two levels. Operationally, programmes of work to sustainably develop the various pathways for appropriate discharge and onward care, including Home First are underway.

52. This requires a multi-disciplinary approach, including revised commissioning arrangements, for example the addition of wrap around care to support Pathway 1 and improved discharge to assess placements for those with complex needs with the aim of discharging patients into the most appropriate setting for their continued care/return to independence. Associated work on the issue of equipment across the community is also factored into this approach.

53. However, whilst this supports the creation of an integrated system, in terms of intermediate care, there is the wider angle of constitution and governance. In this regard, on 11 February, NHSE/I published 'Legislating for Integrated Care Systems: five recommendations to Government and Parliament' which sets out their views on the way forwards, alongside principles to guide how the Government progresses this work. This address a number of key points including how Integrated Care Systems (ICS) should be put on a clear statutory footing, but with minimum national legislative provision and prescription, and maximum local operational flexibility as to how the ICS health and care stakeholder partnership is constituted.

Joined Up Commissioning

54. Assistant Directors are agreed that providing a forum for the sharing of knowledge and work will generate a more 'joined up approach to commissioning, given the interdependencies between many pieces of work. This will commence in the coming financial year, delayed due to the commitments required with the on-going Covid-19 response and high level activity on a variety of different projects coming to fruition in a short space of time.

Refreshed Market Position Statement

55. Shared Lives growth is a part of the Council's plan to increase Supported Living provision. The Supported Living Needs Assessment has now been completed and the market position statement is now being worked on.

56. The work completed estimates that the Council will be able to move a further 270 individuals into supported living over the next 3 years. This will require an additional 120 units of accommodation to achieve (this will be a combination of core and cluster, cluster flats and shared housing) and the project dovetails nicely with work on the Supported Accommodation Needs Assessment and Plan being developed with Worcestershire Strategic Housing Group.

Refocus Use of Residential/Nursing Care

57. Progress on this work has been delayed due to the Covid-19 pandemic which has hindered the ability to accurately model future market trends and, whilst the predicted fragility of the market has not (yet) materialised, we are seeing a low occupancy rate of c75%, but no closures.

58. The Council is monitoring the situation, understanding future and changing demand needs, with reduced admissions (in line with the Strategy) but also impacted by the public vision of care homes throughout the pandemic and on Better Care Fund-funded placements.

59. A finance analysis of demand and current costs for the under-65 care home provision has been launched via Valuing Care with the aim to be able to develop proposals on the way forwards during the Spring.

Legal, Financial, and HR Implications

60. All programmes and projects are underpinned by business cases for change and financial modelling and project teams have appropriate representation from legal, finance and HR leads. Appropriate governance and decision making is made in relation to any known implications.

Equality and Diversity Implications

61. All programmes and projects follow strict guidelines and equality impact assessments are completed for all.

Purpose of the Meeting

62. Members are invited to consider and comment on the information discussed and agree:

- whether any further information is required at this time
- how the Panel would wish to keep updated on future developments including any further Scrutiny
- whether there are any comments to highlight to the relevant Cabinet Member.

Contact Points

Emma James / Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965
Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report.

- Agenda and minutes of the Adult Care and Wellbeing Overview and Scrutiny Panel on 18 November 2020 – available here: [weblink to agendas and minutes](#)

This page is intentionally left blank

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 MARCH 2021

REVIEW OF THE FUNDING ARRANGEMENTS BETWEEN THE COUNCIL AND HEREFORDSHIRE AND WORCESTERSHIRE CLINICAL COMMISSIONING GROUP

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel is to receive an update on progress of the review of the funding arrangements between the Council and Herefordshire and Worcestershire Clinical Commissioning Group (the CCG) (for adults and children) to ensure that they are fair and transparent. This is part of the Panel's work programme.
2. Senior Officers from the People Directorate and the Cabinet Member with Responsibility for Adult Social Care have been invited to the meeting.

Background

3. Independence is achieved through having a model of support which enables people to be supported with their health and social care needs. This review is directed to those people who have the highest levels of need in the health and care system.
4. The different types of funding arrangements between the Council and the CCG are:

Continuing Health Care (CHC) Access and Eligibility

5. In order to determine whether an adult has a primary health need, a detailed assessment and decision-making process must be followed, as set out in the National Framework for Continuing Health Care (revised 2018). Where an adult has a primary health need, the NHS is responsible for commissioning a care package that meets the individual's health *and* social care needs.
6. Children are assessed for eligibility for Continuing Care (National Framework for Children and Young People 2016). There are only 2 children in Worcestershire receiving this.
7. There has been investment in this area to ensure compliance to the frameworks and to ensure that eligibility is assessed effectively. There has also been some shared legal training commissioned by the Council to improve decision making.

8. This review will ensure there is a legally compliant system across all ages and user groups and people can access CHC funding, including Fast Track and Continuing Care in a timely manner with few disputes.

Joint Funding

9. Those who have a learning disability, physical disability, older people, and people with mental health needs, who have been assessed as not CHC eligible, have a right to be considered for joint funding if they have health and social care needs, and should only contribute to, or pay for their social care needs to be met. Any identified health needs should be funded by the CCG and be free of charge to the individual.

9. There are currently 117 people that have joint funded care packages (excluding Funding Nursing Care which is a standard payment for the health element of a Nursing Home placement).

10. The review aims to ensure that there is an agreed method between the Council and the CCG to identify needs, agree which are health and social care and how these are funded going forward, using best practice guidance, supported by Liaison Care.

S117 Mental Health Act Funding

11. Some people who have been kept in hospital under the Mental Health Act are entitled to free help and support after they leave hospital under section 117 of the Mental Health Act, and it is often referred to as 'Section 117 Aftercare'. Aftercare is help you will get in the community after leaving hospital. This can cover all kinds of things like health care, social care and supported accommodation. Section 117 of the Mental Health Act says that aftercare services are services which are intended to:

- Meet a need that arises from or relates to your mental health problem, and
- Reduce the risk of your mental condition getting worse, and you having to go back to hospital

12. The Council and CCG currently apportion their funding at a 50/50% ratio for people with Mental Health needs and 100% social care for people with Learning Disabilities.

13. The aim of the review is to ensure there is a fair system that reflects best practice and accurately reflects the appropriate contributions for all groups of people from each organisation.

Children

14. Few children access Continuing Care or any jointly funded support from the CCG. This is despite there being a number of children with high levels of complexity and multiple/profound needs. This is unlikely to be an accurate position and some of those children may have eligibility for longer term health funding. This review seeks to identify which children may be eligible; and establish a system to ensure that their care and support needs are met and funded by the correct organisation in an effective and transparent way between the council and CCG.

15. This will ensure all children, including through transition to adulthood, have their rights met.

Update on Review of Fair & Transparent Funding between the Council & CCG

16. Liaison Care, a health economy partner have undertaken 3 key activities as part of their review to establish an understanding of the operational process and challenges outlined by the Council. These included:

- An analysis of data from 160 cases, including documentation submitted by the Council to develop their funding algorithms.
- Stakeholder sessions with Council staff
- Analysis of NHS England performance data.

17. Liaison Care have reviewed documents for 160 service users who are either solely funded by the Council, jointly funded by both the Council and the CCG, or S117 funded.

18. The documents reviewed included:

- Case notes
- Social Care Assessments
- Social Care Support Plans
- Continuing Health Care Checklists
- Continuing Health Care Decision Support Tool
- Risk Assessments
- Mental Health Assessments

19. Liaison Care facilitated 3 focused sessions with operational managers from the Council representing all service areas. The sessions covered the following areas:

- CHC Processes
- Challenges and Issues
- Partnership Working

20. The purpose of the sessions was to establish if the Council and partners were following best practice guidelines and if the current processes and interactions with the CCG were compliant with the National Framework for Continuing Health Care.

Next Steps

21. With regard to next steps, WCC senior managers from the Council have had an initial meeting with CCG colleagues to introduce the purpose of the review and commence engagement with partners to establish new working arrangements between the CCG and Worcestershire County Council.

22. There is a formal plan of engagement, recognising the need to engage at executive level, with operational managers and the frontline workforce, within both organisations, to ensure, in partnership, there is the development of:

- A joint CCG and Council approach for future customers of CHC, based on the National Framework and expert independent advice.
- A joint CCG and Council approach for people with identified health and social care needs, which is simple to agree and used to apportion costs, based on the National Framework and expert independent advice.
- A process to carry out assessments to an excellent standard to achieve the above outputs
- A baseline measurement for Worcestershire against the national performance.
- Recommendations where improvements can be made
- A review of the Continuing Healthcare process in the discharge to assess operating model to ensure that it is compliant with the National Hospital Discharge Service Policy.

Equality and Diversity Implications

23. A joint impact assessment (JIA) screening has been carried out in respect of these recommendations.

Purpose of the Meeting

24. Members are invited to consider and comment on the information discussed and agree:

- whether any further information or scrutiny work is required at this time
- whether there are any comments to highlight to the relevant Cabinet Member

Contact Points

Emma James / Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965
Email: scrutiny@worcestershire.gov.uk

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 MARCH 2021

CARE ACT EASEMENTS AS A RESULT OF COVID-19

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel is to receive an update on the Council's position with Care Act easements.
2. The Strategic Director for People has been invited to the meeting, as well as the Cabinet Member with Responsibility for Adult Social Care.

Background

3. Care Act easements were introduced by the Coronavirus Act 2020 to give local authorities with responsibility for social care the flexibility to streamline assessment arrangements and prioritise care so that the most urgent and acute needs could be met.
4. As set out by the Government's supporting guidance, a local authority may choose to operate under easements when the pressures caused by a COVID-19 related increased demand for care and support and/or a reduced workforce availability due to illness and self-isolation, are such that the local authority can no longer meet their existing Care Act 2014 duties and where to continue to try to do so is likely to result in urgent or acute needs not being met, potentially risking life.
5. At its meeting on 11 June 2020 the Panel was first updated about the People and Communities Directorate response to COVID-19 for Adult Services and the Panel heard that at that stage the Directorate did not envisage needing to use easements although the future was not known. The Panel therefore agreed to maintain a watching brief.

Care Act Easements

6. The easements temporarily enable Local Authorities to streamline assessments and prioritise care by replacing the following duties with powers:
 - Assessment of people's care and support needs, including transitions to adult services
 - Meet eligible support needs
 - Prepare or review support plans
 - Financial assessments
7. The easements also enable whole system prioritisation of care and support.

8. There are no easements in respect of:
- Wellbeing duty
 - Provision of advice and information
 - Duties in relation to advocacy
 - Safeguarding
9. The guidance is clear that local authorities should do everything they can to continue meeting their existing duties.

Context

10. A process for enacting the easements has been agreed with the Council's Legal and Democratic Services. Delegated authority has been given to the Strategic Director to make decisions to enact the easements based on a recommendation from the Principal Social Worker. The decision must be informed by discussions with the Directorate Leadership Team, the Lead Member and Clinical Commissioning Group leadership. The Health and Wellbeing Board will be kept fully informed.

11. In the first lockdown seven Local Authorities enacted the easements, five of these were within the West Midlands. Worcestershire County Council did not enact the easements. There are no local authorities currently listed as using the easements and this has been the case since 3 July 2020.

12. At a meeting of West Midlands Association of Directors of Adult Social Services on 14 January 2021 it was acknowledged that the process of enacting the easements during the first lockdown caused significant anxiety and distress to the public and would not be considered unless as a last resort.

Assessment

13. As national lockdown is in place and there continues to be pressure on urgent care systems across the country due to the number of COVID-19 related admissions, a weekly assessment is completed to determine whether the threshold for the Care Act easements has been met. The assessment is based on the analysis of workforce and performance information and information provided by frontline teams. This is reported to the Directorate Leadership Team.

14. The current position in Worcestershire is that the threshold is not met.

15. The Directorate Leadership Team will continue to review the position in relation to the easements.

Legal, Financial, and HR Implications

16. This approach is being guided and overseen by the Worcestershire County Council Legal Services who are linking nationally with legal experts in this field.

Purpose of the Meeting

17. Members are invited to consider and comment on the information discussed and agree:

- whether any further information or scrutiny work is required at this time
- whether there are any comments to highlight to the relevant Cabinet Member

Supporting Information

Appendix 1 – presentation slides

Contact Points

Emma James/Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965

Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

- Coronavirus (COVID-19); changes to the Care Act 2014 [web-link to Government guidance](#)
- Agenda and Minutes of the Adult Care and Wellbeing Overview and Scrutiny Panel on 11 June 2020 – available here: [web-link to agenda and minutes](#)

This page is intentionally left blank

Care Act Easements

Sarah Cox
Principal Social Worker
&
Head of Quality & Safeguarding Services

Context

- Care Act Easements were created under the Coronavirus Act 2020
- DHSC Guidance was published in March 2020
- Purpose is to ensure the best possible care is provided during the pandemic
- The easements enable Adult Social Care to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs can be met.

Easements Available

- Temporarily replacing the following duties with powers:
 - Assessment of people's care and support needs, including transitions to adult services
 - Meet eligible support needs
 - Prepare or review support plans
 - Financial assessments
- Enable whole system prioritisation
- Decision making must remain personalised and consider Human Rights

Easements Not Available

There are no easements in respect of:

- Wellbeing duty
- Provision of information and advice
- Duties in relation to advocacy
- Safeguarding

Threshold for Enacting Easements

- Local decision
- Workforce is significantly depleted, or
- Demand on social care is increased, to an extent that it is no longer reasonably practicable to comply with Care Act duties and to try to do so is likely to result in urgent or acute needs not being met, potentially risking life.
- Agreed by DASS, on recommendation of PSW and involving Lead Member
- HWB and CCG should be kept informed.

National and Regional Position

- First lockdown – 7 Local Authorities enacted the easements, 5 were within the West Midlands
- The process of enacting the easements caused significant anxiety and distress to the public
- No Local Authorities in England are currently listed as enacting the easements and this has been the case since 3rd July
- WMADASS have agreed that the easements would be a last resort.
- National review currently underway.

Position in Worcestershire

- Governance process agreed
- Weekly review of data and intelligence
- Weekly report to and review by PDLT
- Threshold not currently met
- Some permissible flexibilities and arrangements for assurance in place.
- Dedication and hard work from the social work teams has contributed to Worcestershire being able to fulfil residents rights under the Care Act throughout the pandemic

This page is intentionally left blank

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 15 MARCH 2021

WORK PROGRAMME 2020/21

Summary

1. From time to time the Adult Care and Well Being Overview and Scrutiny Panel will review its work programme and consider which issues should be investigated as a priority.

Background

2. Worcestershire County Council has a rolling annual Work Programme for Overview and Scrutiny. The suggested 2020/21 Work Programme has been developed by taking into account issues still to be completed from 2019/20, the views of Overview and Scrutiny Panel Members and the findings of the budget scrutiny process.
3. Suggested issues have been prioritised using scrutiny feasibility criteria in order to ensure that topics are selected subjectively and the 'added value' of a review is considered right from the beginning.
4. The Adult Care and Well Being Overview and Scrutiny Panel is responsible for scrutiny of:
 - Adult Social Care
 - Health and Well-being
5. The overall scrutiny work programme was discussed by OSPB on 22 July and agreed by Council on 10 September 2020.

Dates of 2021 Meetings

- 8 July at 10am
- 29 September at 10am
- 15 November at 2pm

Purpose of the Meeting

6. The Panel is asked to:
 - Consider the 2020/21 Work Programme (attached at Appendix 1) and agree whether it would like to make any amendments so that the topics listed will be as relevant as possible to the new Panel membership following the County Council elections.
 - Forward the agreed Work Programme to the OSPB on 17 March 2021.
 - Retain the flexibility to take into account any urgent issues which may arise.

Supporting Information

- Appendix 1 – Adult Care and Well Being Overview and Scrutiny Panel Work Programme 2020/21

Contact Points

Emma James / Jo Weston, Overview and Scrutiny Officers, Tel: 01905 844964 / 844965
Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance), the following are the background papers relating to the subject matter of this report:

- [Agenda and Minutes of Council on 10 September 2020](#)
- [Agenda and Minutes of OSPB on 22 July 2020](#)

Date of Meeting	Issue for Scrutiny	Date of Last Report	Notes/Follow-up Action
15 March 2021	Update on the People and Communities Strategy and Workstreams	18 November 2020	
	Review of funding arrangements between the Council and Herefordshire and Worcestershire Clinical Commissioning Group	25 September 2019 11 June 2020	Cross cutting with Health Overview and Scrutiny Committee and Children and Families Overview and Scrutiny Panel
	Care Act Easements as a result of COVID-19	11 June 2020	Watching brief as the Council has not applied any at this current time
29 September 2021	Care Work as a Career Scrutiny Report – Update on progress against recommendations		Suggested at 6 January 2021 OSPB
Possible future Items			
September?	The Council's Adult Services Respite Offer		Suggested at 11 June 2020 meeting
TBC	All Age Refresh of the Carers Strategy	15 September 2019	
TBC	The Council's approach when self-funders in residential care homes run out of funds		Suggested at November 2019 OSPB meeting
TBC	All Age Disability Strategy		Suggested at September 2020 Agenda planning meeting
TBC	Dementia Centres		Suggested at 18 November 2020 meeting
Standing Items			
Jan/March/July/ Sept/Nov	Performance and In-Year Budget Monitoring Budget Scrutiny Process		
Annual	Adult Safeguarding		

This page is intentionally left blank