

Agenda

Adult Care and Well Being Overview and Scrutiny Panel

Monday, 23 January 2023, 10.00 am
County Hall, Worcester

All County Councillors are invited to attend and participate

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, 23 January 2023, 10.00 am, County Hall, Worcester

Membership

Councillors:

Cllr Shirley Webb (Chairman), Cllr Jo Monk (Vice Chairman), Cllr David Chambers, Cllr Lynn Denham, Cllr Andy Fry, Cllr Paul Harrison, Cllr Matt Jenkins, Cllr Adrian Kriss and Cllr James Stanley

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 Democratic Governance and Scrutiny Manager (Interim Monitoring Officer) in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 20 January 2023). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed in this agenda and on the website.	
4	Confirmation of the Minutes of the Previous Meeting Previously circulated	
5	Budget Scrutiny 2023/24 (Indicative timing: 10:05 – 10:50am)	1 - 16
6	Better Care Fund (Indicative timing: 10:50 – 11:30am)	17 - 24
7	Adult Social Care Charging Review (Indicative timing: 11:30 – 12:10pm)	25 - 62
8	Update on the Implementation of the Day Opportunities Review (Indicative timing: 12:10 – 12:50pm)	63 - 66
9	Work Programme (Indicative timing: 12:50 – 13:00pm)	67 - 70

NOTES

Agenda produced and published by the Democratic Governance and Scrutiny Manager (Interim Monitoring Officer) 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](#)

Date of Issue: Friday, 13 January 2023

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Webcasting

Members of the Panel are reminded that meetings of the Adult Care and Wellbeing Overview and Scrutiny Panel are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 23 JANUARY 2023

BUDGET SCRUTINY 2023/24

Summary

1. The Panel will consider the draft Budget for 2023/24 for the areas within its remit relating to Adult Care and Well Being.
2. The Cabinet Member with Responsibility for Adult Social Care, the Strategic Director for People and the Deputy Chief Finance Officer have been invited to the meeting.

Background

3. Members of the Panel are reminded that they have had the benefit of quarterly performance and financial monitoring throughout the year as part of the Scrutiny Panels' role in maintaining oversight of service provision, identifying trends, budget pressures and challenges.
4. In addition, the Leader and Chief Executive attended the Overview and Scrutiny Performance Board (OSPB) on 7 December to discuss the new and emerging pressures for the Council likely to impact on the 2023/24 budget and medium-term financial plan, following the autumn statement.

Budget Scrutiny 2023/24

5. As part of the Budget Scrutiny process for 2023/24, the Strategic Director for People has been asked to identify the main messages from the draft 2023/24 Budget for areas within the remit of the Panel. These are set out in Appendix 1.
6. The draft Council Budget 2023/24 was presented to Cabinet on 5 January 2023 and is also available to the Panel at Appendix 2.
7. The Panel's discussions on the draft Council Budget 2023/24 will be reported to the OSPB on 30 January 2023, when the Board will formulate its comments to Cabinet for its meeting on 2 February 2023.

Purpose of the meeting

8. Following discussion of the information provided, the Panel is asked to determine any comments on the draft 2023/24 Budget for the Chairman to report back to the OSPB at its meeting on 30 January 2023.

Supporting Information

Appendix 1 - Main messages from draft 2023/24 Budget for areas within the remit of the Panel (presentation slides)

Appendix 2 - [Draft 2023/24 Budget Report from Cabinet on 5th January 2023](#)

Specific Contact Points for this Report

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 Democratic Governance and Scrutiny Manager (Interim Monitoring Officer) the following are the background papers relating to the subject matter of this report:

[Agenda for Overview and Scrutiny Performance Board on Wednesday, 7th December, 2022, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)

[Browse meetings - Adult Care and Well Being Overview and Scrutiny Panel - Worcestershire County Council \(moderngov.co.uk\)](#)

[All agendas and minutes are available on the Council's website here](#)

[The Council's Budget Books are available on the website here](#)

2023/24 Draft Budget for consultation

**Adult Care and Well Being Overview and
Scrutiny Panel**

23rd January 2023

- Budget Report to Cabinet on 5 January 2023 summarises the financial position for Council and each of the service areas.
- Local Government Settlement announced on 19 December was a one-year settlement, however funding contains net additional grant funding of £26.3m which is extremely welcome.
 - Core spending power increased to upper tier Authorities to recognise significant demand pressures which included an increase to our Settlement Funding assessment by £8.4m.
 - Further funding of £19.5m to recognise significant pressures within Adults and Children's Social Care.
 - Reduction in new homes bonus of £1.1m and £0.5m in Services Grant.
 - Policy statement suggests core funding grants will increase by inflation in 2024/25.
- Funding Review anticipated for 2025/26
- Proposed Council Tax increase of 2.94%, plus a 2% Adult Social Care Levy - Total 4.94%

Overall Change 2022/23 – 2023/24

Pages 5

WCC Budget Changes 2022/23 to 2023/24



Budget Pressures	£m
Pay Inflation as set nationally	11.6
Contract Inflation	17.0
Rebase budget and Waste Financing	8.7
Service demand – see below	30.6
Total	67.9

- People Services - **£18.5m**
 - WCF - **£4.9m**
 - E&I - **£0.9m**
 - COACH - **£0.8m**
 - Capital Programme - **£5.5m**
- £30.6m**

Provisional Budget 2023/24	£m
Investment and Pressures to Fund	67.9
<i>Funded From:</i>	
Government Funding - Section 6	-26.3
Council Tax - Section 10	-14.0
Increase in use of Earmarked Reserves Above MTFP - Section 8	-5.2
Savings and Efficiencies Required - Section 7	-22.4

Section numbers relate to the information contained within the Budget Report to Cabinet dated 5 January 2023.

2% Adult Social Care Levy for 2023/24 in order to contribute to existing cost pressures due to Worcestershire's ageing population.

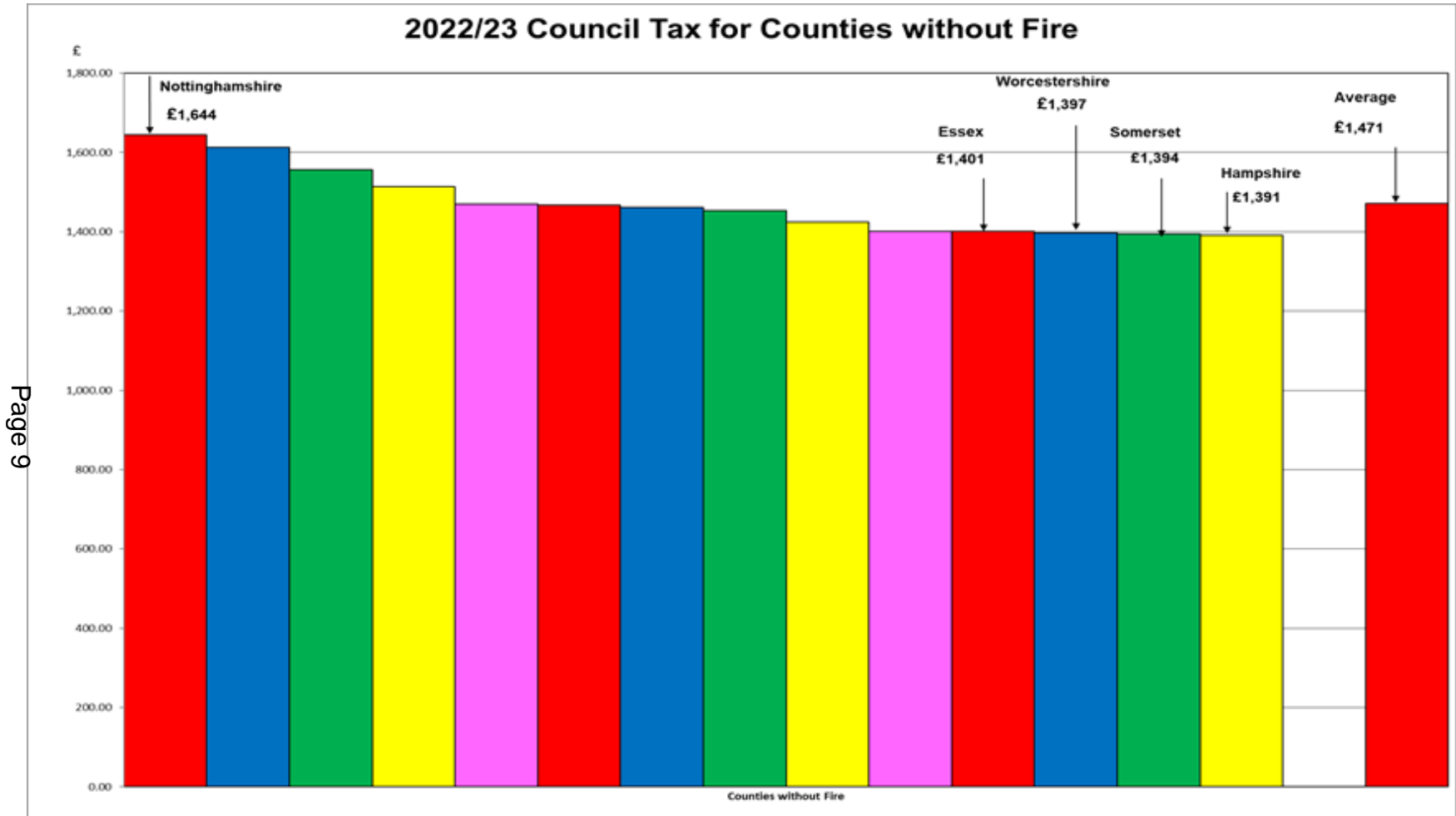
2.94% - to provide financial support to continue to fund investments in those areas that the public have consistently highlighted as important.

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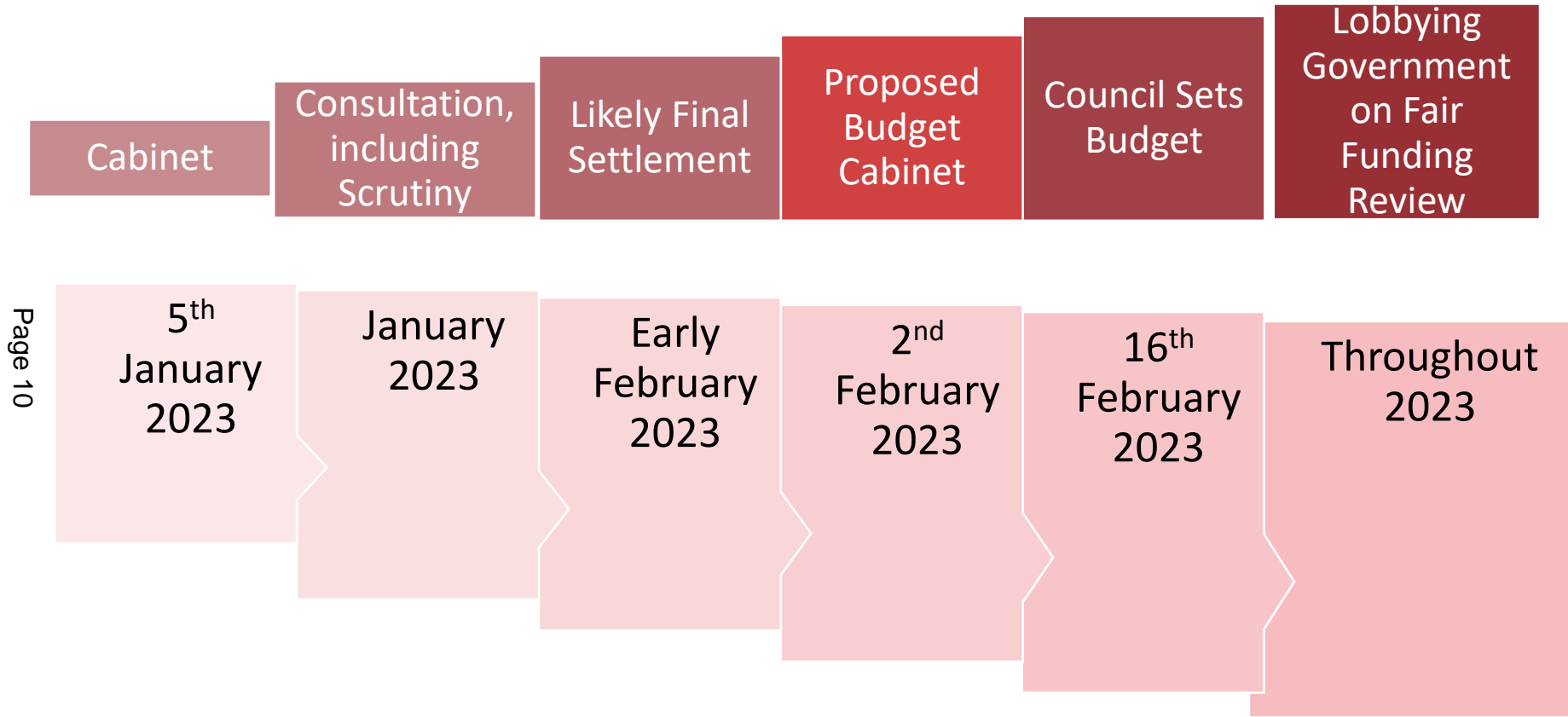
An increase of 4.94% which is an average £1.33 per week for a Band D householder.

Worcestershire is likely to remain in the lower quartile for level of Council Tax for comparable councils.

2022/23 Council Tax for Counties without Fire



Budget Planning Timeline for 2023/24



Specific 2023/24 budget information

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Areas within remit of Adult Care and Well-Being Panel

Adults Revenue Growth and Funding

Commitment to invest £26 million gross to meet the demand led Adult Social Care pressures -Table 7 Page 8

Adult Social Care Net Investment	£m
Additional demand increases along with complexity / acuity for older people	6.3
Growth in number and complexity of care packages for Adults with a Learning Disability	5.8
Increase in number of mental health packages of care	4.0
Growth in number and complexity of care packages for Adults with a Physical Disability including those transitioning from Children's Services	2.4
Demand and Growth Increase in Adult Care	18.5
Pay Inflation across Adult Care Services	1.9
General Inflation and price increases across Adult Care Services	5.6
Total Investment into Adult Care including Provider Services	26.0
Savings identified relevant to Adult Care	-9.6
Net Investment into Adult Care including Provider Services	16.4
Funded by	
Discharge Funding Allocation	2.7
Increase in ASC Market Sustainability & Improvement Fund	4.0
Increase in Social Care Grant (with remaining funding Children's Services)	2.5
ASC Equalisation Grant	1.2
2% Adult Social Care Levy	6.0
Total Funding	16.4

Changes to Social Care Grants

Additional £19.5m grants across adults and children's social care ([Table 13 Page 15](#))

Grant	2022/23 £m	2023/24 £m	Change in years £m
Adult Social Care Discharge Fund	0	2.7	+2.7
Market Sustainability	1.6	5.6	+4.0
Social Care Support Grant	21.8	34.6	+12.8
Total	23.4	42.9	+19.5

Page 13 £10.4m additional applied to adults ([Table 15 Page 15](#))

Social Care Support grant includes £2.8m Independent Living Fund

Discharge fund allocated to support people being discharged from hospital into social care

Market sustainability grant includes funding for demand and fee increases

Revenue Savings, Efficiencies and Income Generation

Details of all savings proposals are shown in [Appendix 3](#)

- £2.5m recurrent income from Better Care Fund
- £1.6m eligible use of Public Health Grant
- £1m additional income from Continuing Health Care
- £1m from delay in implementation of Liberty Protection Safeguards legislation
- £661k delay in recruitment to vacant posts
- £0.5m consultation on fees relating to home care
- £0.4m relating to reduction in Direct Payment contingency
- £0.3m full year effect of day services transport savings
- £277k savings in Extra Care service delivery
- £204k full year effect of day services savings
- £0.2m additional income from charging
- Saving on pension liabilities ([para 7.5](#))
- Proportion of savings related to vacancy management ([para 7.6](#))
- **Total reductions = £10.2m**

Adults Revenue Budget – Extract of Appendix 1

SERVICE	Revised Budget 2022/23	Directorate Virements	Changes in Grants & Funding	Pay Inflation	Contract Inflation	Growth (Investment)	Growth (Demand)	Savings	Rebase Budgets	Net Budget 2023/24
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Adults										
Older People	70,525	0	0	986	1,933	0	6,274	-5,665	0	74,053
Learning Disabilities	65,024	-707	1,902	183	3,131	0	5,828	-1,010	0	74,350
Mental Health	18,398	0	0	233	326	0	3,966	-277	0	22,646
Physical Disabilities	16,200	0	898	0	195	0	2,433	-236	0	19,489
Adults Commissioning Unit	3,339	0	0	534	0	0	0	-1,996	0	1,877
Support Services	-163	0	0	-9	0	0	0	-427	0	-598
IBCF	-19,024	0	0	0	0	0	0	0	0	-19,024
Social Care Grant	-17,169	0	-13,214	0	0	0	0	0	0	-30,383
Adult Provider Services	7,762	0	0	953	127	0	0	-602	375	8,615
	144,890	-707	-10,414	2,880	5,712	0	18,500	-10,213	375	151,023

Capital Investment

Currently approved programme for Health & Well-Being of £3.45m ([Appendix 2](#))

Health and Well-Being	2022/23 Forecast
	£000
- Capital Investment in Community Capacity/ Specialised Housing	2,503
- Worcester Library and History Centre (Non - PFI capital costs)	122
- Redditch Library	119
- Kidderminster Library	78
Composite Sums:	
- Libraries Minor Works	378
- Adult Services Minor Works	275
	3,475

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 23 JANUARY 2023

BETTER CARE FUND

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel has requested an overview of the Better Care Fund (BCF).
2. The Cabinet Member with Responsibility for Adult Social Care and the Strategic Director and Senior Officers from the Directorate of People have been invited to the meeting to respond to any questions the Panel may have.

Background

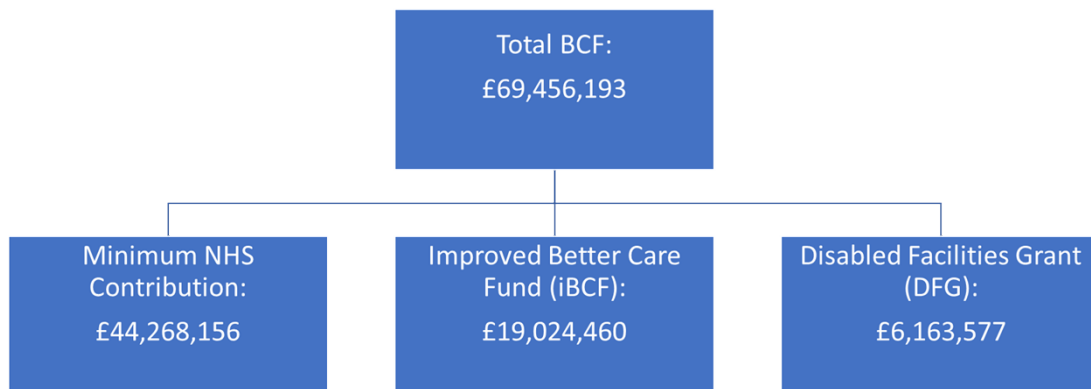
3. This Report provides an overview of Worcestershire's BCF Plans as requested by the Scrutiny Panel from its Work Programme, and includes information about how funding can be used, funding contributions for 2022/23 and the objectives of the fund.
4. The BCF is one of the government's national vehicles for driving health and social care integration. It requires Integrated Care Boards (ICBs) and local authorities to agree a joint plan, owned by the Health and Wellbeing Board (HWBB). The joint plans are for the use of pooled budgets to support integration, governed by an agreement under section 75 of the NHS Act (2006).
5. The use of BCF mandatory funding streams must be jointly agreed by ICBs and local authorities. These are to reflect local health and care priorities, with plans signed off by the Health and Wellbeing Board. BCF plans should include stretching ambitions for improving outcomes against the national metrics for the fund.

The BCF Policy Framework sets national metrics that for the BCF in 2022/23 are:

Avoidable admissions to hospital	Unplanned hospitalisation for chronic ambulatory care sensitive conditions
Residential Admissions	Older adults (65 and older) whose long-term care needs are met by admission to residential and nursing care per 100,000 population.
Effectiveness of reablement	Proportion of older people (65 and older) still at home 91 days after discharge from hospital into reablement or rehabilitation services
Discharge to usual place of residence	Improving the proportion of people discharged home, based on data on discharge to their usual place of residence

6. Worcestershire’s BCF Plans for 2022/23 detail the local approach to integration over the financial year with plans to achieve the metrics set nationally. The Plan builds on the services and schemes set up within Worcestershire’s health and social care system. This is to provide consistency and to continue to develop and review progress on providing joined up care at the right time and in the most suitable setting. The Plan strives to support individuals to remain in their own homes for longer, increase their independence and reduce need for hospital admission or long-term care.
7. The four national conditions set for BCF plans in 2022/23 are:
 - i A jointly agreed plan between local health and social care commissioners, signed off by the HWBB
 - ii NHS contribution to adult social care at HWBB level to be maintained in line with the uplift to NHS minimum contribution.
 - iii Invest in NHS commissioned out-of-hospital services.
 - iv Implementing the BCF policy objectives:
 - Enable people to stay well, safe, and independent at home for longer
 - Provide the right care in the right place at the right time.

Worcestershire Funding Contributions -2022/23:



8. *NHS Minimum Contribution* - In line with national guidance and national condition 2, the 2022/23 Better Care Fund for Worcestershire demonstrated 5.66% growth on the NHS’s Minimum Contribution (£2.37 million), giving a total value of the BCF of £69,456,193.
9. *Disabled Facilities Grant (DFG)* – Ringfenced DFG funding continues to be allocated through the BCF and will continue to be paid to upper-tier local authorities. In two-tier areas, such as in Worcestershire, decisions around the use of DFG funding will need to be made with the direct involvement of both the County Council and District Councils working jointly to support integration ambitions. DFG funding allocated by central government must be passed down to the relevant housing authorities (in full, unless jointly agreed to do otherwise) to enable them to continue to meet their statutory duty to provide adaptations and in line with these plans.

10. This Grant has been fully passported to District Councils in accordance with the national allocation formula. The allocations are set out in the table below.

DFG Allocations per District Council for 2022/23

District Council	£
Bromsgrove	1,036,273
Malvern Hills	682,875
Redditch	952,377
Worcester	780,221
Wychavon	1,251,934
Wyre Forest	1,459,897
TOTAL	6,163,577

BCF 2022/23 Planning Assurance process:

11. The BCF 2022/23 templates were issued on the 27 July 2022. Plans were completed and agreed at Health and Wellbeing Board on 27 September 2022. The Plans were submitted to NHS England on 26 September 2022. Formal confirmation of Worcestershire's 2022/23 BCF Plans is expected imminently. These Plans are attached to this report at Appendices 1-3.

Adult Social Care Discharge Funding:

12. On 22 September 2022, the government announced its plan for patients. This plan committed £500 million (to be used nationally) for the remainder of 2022/23, to support timely and safe discharge from hospital into the community by reducing the number of people delayed in hospital awaiting social care. The focus will be on, but not limited to, a 'home first' approach and discharge to assess (D2A). This funding will be distributed to both local authorities and ICBs to pool into the local BCF. In line with usual BCF requirements, the use of both elements of this funding have been agreed between local health and social care leaders.

13. The fund is to be used flexibly on the interventions that best enable the discharge of patients from hospital to the most appropriate location for their ongoing care.

14. Funding should prioritise those approaches that are most effective in freeing up the maximum number of hospital beds and reducing bed days lost within the funding available, including from mental health inpatient settings. Discharge to Assess (D2A) and provision of homecare is recognised as an effective option for discharging more people in a safe and timely manner.

15. Funding can also be used to boost general adult social care workforce capacity, through staff recruitment and retention, where that will contribute to reducing delayed discharges.

16. Worcestershire County Council has been allocated - £1,987,188 and NHS Herefordshire & Worcestershire ICB has allocated £1,510,913 for Worcestershire. Plans were submitted to NHS England Better Care Team on 16 December 2022 outlining the investment in services to support hospital discharge to be

implemented using this funding up until 31 March 2023. This Plan is attached to this report at Appendix 4.

Issues for the Panel to Consider

Key Considerations for future BCF planning:

17. National condition 4 of the BCF required local partners to meet the two objectives set for 2022/23 which were to:
 - Enable people to stay well, safe and independent at home for longer.
 - Provide the right care in the right place at the right time.
18. The BCF planning objectives have shifted to address the balance between facilitating hospital discharge and prevention related activity. There is a challenge, as noted at the Health and Wellbeing Board meeting in November 2023, between managing people being discharged from hospital and preventing people being admitted to hospital. This will continue over the coming years and in addition, there is likely to be further spotlight and discussion to how health and social care are supporting and empowering unpaid carers. Going forward, Worcestershire must continue to consider its joint priorities and further refine the plans to ensure a continued focus on delivering both objectives in the next BCF plan and will do this via a variety of formal committees and Boards such as the ICEOG.
19. As part of meeting the BCF objectives, it is a requirement for Worcestershire to complete a self-assessment of how the High Impact Change Model for managing transfers of care has been implemented. The High Impact Change Model aims to support local care, health, and wellbeing partners to work together to prevent, delay or divert the need for acute hospital or long-term bed-based care. Continued implementation of the model is integral to delivery of the objectives and the requirements of the BCF and is to be used as a tool of self-reflection. Through the BCF 2022/23 planning process, it was identified that work on the implementation of this model had been paused to focus on other system pressures. However, completing the High Impact Change Model is a requirement of the BCF, a self - assessment and action plan is essential moving forward.
20. Further work is needed to review and identify how health inequalities and equality for people with protected characteristics under the Equality Act 2020 are being addressed through the delivery of BCF funded services whilst considering the links between the CORE20PLUS5 work and BCF. Core20PLUS5 is a national NHS England and NHS Improvement approach to support the reduction of health inequalities at both national and system level. The approach defines a target population cohort – the ‘Core20PLUS’ and identifies ‘5’ focus clinical areas requiring accelerated improvement.

Source: <https://www.england.nhs.uk/about/equality/equality-hub/national-healthcare-inequalities-improvement-programme/core20plus5/>

21. As identified in paragraph 7, BCF plans are delivered in a very tight timeframe which do not always align with the existing Health or Council governance processes. This is a historical challenge and one that has been feedback to the Better Care Team. It is expected that in 2023 the plan will be for two years to allow

for more ambitious and innovative plans. Therefore, Worcestershire's BCF 2023/24 planning must begin earlier. The development of the ICS, the ICB and changes at a place level have added some further complexity which is being worked through to ensure active engagement with all partners for the purposes of planning and as part of ongoing BCF development and monitoring. This will allow for even greater transparency regarding how the BCF is used in Worcestershire and how the services commissioned are meeting national conditions and objectives.

22. The Health and Wellbeing Board are keen to have further transparency about how the BCF is used in Worcestershire and understand the services it funds. There is a development session being held on 24 January 2023 for further discussion around the utilisation of BCF in Worcestershire and how the DFG is currently used. A particular focus on DFG was requested regarding the barriers and challenges that are currently being experienced.

Purpose of the Meeting

23. The Panel is asked to:

- Consider and comment on the information provided on the Better Care Fund; and determine whether any further information or scrutiny on a particular topic is required.

Supporting Information

- Appendix 1– BCF Narrative Template [BCF Narrative Template](#)
- Appendix 2 – BCF Planning Template NOTE: there is a known fault on the cover page of the plan affecting the metrics tab in the checklist. This will not impact the plan submission [BCF Planning Template](#)
- Appendix 3 – Capacity & Demand Planning Template [Capacity & Demand Planning Template](#)

NB: Appendices 1-3 are available from the 27 September 2022 Health and Wellbeing Board Agenda (Item 8 Better Care Fund – Appendices 2-4)
[Agenda for Health and Wellbeing Board on 27th September 2022](#)

- Appendix 4 – Adult Social Care Discharge Plan

Contact Points

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Victoria Whitehouse, Better Care Fund Commissioning Manager - People Directorate
Tel: 01905 643574
Email: whitehouse@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Democratic Governance and Scrutiny Manager), the following are the background papers relating to the subject matter of this report:

2022 to 2023 Better Care Fund Policy Framework -

<https://www.gov.uk/government/publications/better-care-fund-policy-framework-2022-to-2023/2022-to-2023-better-care-fund-policy-framework>

Adult Social Care Discharge Fund-

<https://www.gov.uk/government/publications/adult-social-care-discharge-fund>

Discharge fund 2022-23 Funding Template

5. Expenditure

Selected Health and Wellbeing Board:

Worcestershire

Source of funding		Amount pooled	Planned spend
LA allocation		£1,987,188	£1,987,188
ICB allocation	NHS Herefordshire and Worcestershire ICB	<i>Please enter amount pooled from ICB</i>	£1,510,913
		<i>Please enter amount pooled from ICB</i>	
		<i>Please enter amount pooled from ICB</i>	

Yellow sections indicate required input

Scheme ID	Scheme Name	Brief Description of Scheme (including impact on reducing delayed discharges).	Scheme Type	Sub Types	Please specify if 'Scheme Type' is 'Other'	Estimated number of packages/beneficiaries	Setting	Spend Area	Commissioner	Source of Funding	Planned Expenditure (£)
1	Pathway 3 (SPOT DTA)	Provision of Pathway 3 (DTA) service in care homes. This will help Hospital flow and	Residential Placements	Care home		120		Social Care	Worcestershire	Local authority grant	£1,186,242
2	Additional Staff recruitment	recruitment of 1 X Social worker and 2 x OT's to work in hospitals to speed up	Local recruitment initiatives				Both	Community Health	Worcestershire	Local authority grant	£25,100
3	Extra Care spot purchased bed	SPOT purchasing 2 beds in an extra care setting, for individuals that don't need	Bed Based Intermediate Care Services	Step down (discharge to assess pathway 2)		38		Social Care	Worcestershire	Local authority grant	£25,984
4	PW1 wrap around 24/7 care	24/7 wrap around dom care	Home Care or Domiciliary Care	Domiciliary care to support hospital discharge		9		Community Health	Worcestershire	Local authority grant	£37,050
5	Innovation fund	Pot of funding to use in Acute and CH to facilitate quicker discharge.	Other		Funding will be used for a number of			Social Care	Worcestershire	Local authority grant	£200,000
6	Pathway 2 (DTA)	Provision of Pathway 2 (DTA) service in Bed Based Intermediate Care Services.	Bed Based Intermediate Care Services	Step down (discharge to assess pathway 2)		84		Community Health	NHS Herefordshire and Worcestershire ICB	ICB allocation	£952,451
7	Neighbourhood Teams	Reablement service accepting community and discharge. This will help	Reablement in a Person's Own Home	Reablement service accepting community and discharge				Community Health	NHS Herefordshire and Worcestershire ICB	ICB allocation	£558,462
8	Pathway 1	provision PW1 discharge from hospital	Home Care or Domiciliary Care	Domiciliary care to support hospital discharge				Community Health	Worcestershire	Local authority grant	£500,000

9	Here 2 Help front door	additional staffing resource to speed up discharge planning	Additional or redeployed capacity from current care workers	Costs of agency staff				Social Care	Worcestershire	Local authority grant	£12,812
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ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 23 JANUARY 2023

ADULT SOCIAL CARE CHARGING REVIEW

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel has requested an overview about the proposed review of Adult Social Care charging, which Cabinet is being asked to approve at its meeting on 2 February 2023.
2. The Cabinet Member with Responsibility (CMR) for Adult Social Care and the Strategic Director and Senior Officers from the Directorate of People have been invited to the meeting to respond to any questions the Panel may have.

Background

3. The CMR for Adult Social Care will recommend that Cabinet:
 - Considers changing the current County Council (the Council) charging policy in the following areas:
 - change the assessment for replacement care to a non-residential service and make it clearer for service users
 - charge for both carers when two carers are required to attend a home care visit (double handed care)
 - Gives authority to the CMR for Adult Social Care to carry out a consultation on the proposals and make a final recommendation to Cabinet once the consultation is completed.

Charging for Replacement Care

4. Replacement care is defined as short term care to replace care that is usually provided by informal carers and due to either an emergency situation or a planned break from a caring role, requires additional care and support at home, a day service or in a residential/nursing setting. It can also be paid via a direct payment. It has been formerly referred to as 'respite care'.
5. The Council's local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the Policy were subject to local authority discretion, such areas were mirrored from the pre-Care Act regulations, to ensure continuity for adult service users.
6. The CMR will recommend that the Council change the assessment so that all service users in receipt of replacement care under the non-residential part of the policy are assessed.

7. The Council has for a long time, had challenges with how it purchases and assesses for replacement care, especially in relation to direct payments, as the service user decides on the timing and frequency of the replacement care according to their service plan and there is no onus on the service user to let the Council know when this is arranged.
8. The replacement care for a direct payment client is purchased as a one-off direct payment for care, when needed. As the direct payment is purchased as a 'cash' payment to be provided to the service user, the system does not know whether this has been used for replacement care or other services to meet the user's needs. Therefore, the financial systems will only apply a non-residential charge and not the replacement care/residential charge. Where the service user has services arranged by the Council, the charges are applied based on the services purchased. This means a different charging policy to direct payment users and non-direct payment users is applied.
9. **No current service users will be financially disadvantaged by this change as they are all currently on maximum assessed charge.**
10. If this recommendation is agreed and implemented, the following benefits would be realised:

p

 - Fairer system of assessments as direct payments and non-direct payments clients will be assessed the same way – Care Act Compliant
 - Online Financial Assessment (OFA) will be able to be used for all assessments giving the option for service users to be able to understand their charges earlier in the process
 - Reduction in assessments being carried out by the Care Contribution Assessment team thus generating efficiencies
 - Simplifying the process for service users who will have one uplift letter (at present two uplift letters are received if they have non-residential and replacement care)
 - Social workers will not have to request a financial assessment when a client who is already having a non-residential service requires replacement care which again leads to process efficiencies.

Legal, Financial, and HR Implications

11. Section 14 of the Care Act 2014 gives local authorities a discretionary power to charge adult recipients of non-residential services such amounts as they consider reasonable.
12. In terms of whether non-residential assessments should be applied to direct payment clients only, the charging and financial assessment framework provide principles that local authorities should consider when making decisions on charging. One of those principles to apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings (paragraph 8.2 of the Care and Support Statutory Guidance). Therefore, whilst there is nothing stopping the Council from applying non-residential assessment to direct payment clients only, it would need to consider in doing so whether it was treating other respite/replacement care users to their detriment.

Charging for Double Handed - Care Home Calls

13. Current custom and practice is that the Council only charge a service user for one care caller, even if two are required from a service delivery requirement.
14. The recommendation is to change this approach in the charging policy to enable charging for both carers. This will have a minimal impact on those currently assessed for care as most service users are already paying the maximum assessed charge. However, the Council has a number of self-funders for whom care is arranged by the Council, but the full cost of that care is not being recovered from the self-funder. This would mean that those self-funders who are financially assessed as being able to afford the double handed care cost would pay it. Those affected fall in to two categories, self-funders with capital on the upper threshold, currently standing at £23,250, and those who have high income and lower packages of care.
15. Based on current data, 20 self-funding service users, who choose to use the Council to broker their care, would be required to pay more for their care with an estimate of a full year effect of income generation for the Council of c£0.2 million. Self-funders would only pay the higher amount if they were assessed to have the financial means to pay, and they would be paying the higher amount if they sourced the care themselves which is shown in Table 1.

Table 1 – Number of Cases where 2 carers have been required by self-funders and could have been charged for

Charging Band	No of people affected	Weekly increase
Band 2 – Variable	1	£26.01
Band 3 – Full Charge	16	£4,589.22
Band 21 – Non-Disclosure	3	£397.60
TOTAL	20	£5,012.83

16. Other local authorities have been canvassed and out of the responses received, all charge the double handed costs to the service user, again, subject to the means tested financial assessment, details of which can be found at Appendix 1

Legal, Financial and HR Implications

17. Section 14 of the Care Act 2014 gives Local Authorities a discretionary power to charge adult recipients of non-residential services such amounts as they consider reasonable.
18. Under s14(4) of the 2014 Act the Council can charge for “the cost that the local authority incurs in meeting the needs to which the charge applies”. If two carers are required, and the Council is required to pay for two carers, then that would be the cost to the Council in meeting the needs, and the cost for two carers could be recovered.
19. The implementation of the change in charging policy will have no direct financial implications, however efficiencies in staff time will be generated. With regard to

charging for double handed care, additional income generation of c£0.2 million is forecast to be receivable.

Issues for the Panel to Consider

20. In summary:

- The change in policy will impact a small number of self-funders but the impact will be significant financially
- A consultation will be carried out and there is likely to be some negative feedback from current self-funders
- Should the proposals not be accepted following consultation, there is likely to be further pressure on Adult Social Care budgets
- There is an inherent risk in the way the Council currently assesses for replacement care and there is a risk of challenge as the Council assesses differently for direct payments and non-direct payments
- When the Adult Social Care Charging Reforms (Care Cap) comes in to effect, the Council will need to be ready with streamlined processes to minimise the costs and complexity for the Council, Service Users and Carers.

21. Implementing these actions will support efficiencies and more effective use of online assessments.

Equality and Diversity Implications

22. A joint impact assessment (JIA) screening has been completed which identified that a full impact analysis was required relating to a full Equality and Public Health, Data Protection Impact Assessment. This has been carried out and is attached at Appendix 2.

Purpose of the Meeting

The Panel is asked to:

- consider and comment on the information provided on this report; and
- determine whether any further information or scrutiny on these recommendations is required

Supporting Information

Appendix 1 - Response from National Association of Finance Officers (NAFAO) – response to query regarding cost for Double Handed Carer Calls

Appendix 2 – A full impact analysis relating to a full Equality and Public Health, Data Protection Impact Assessment

Contact Points

Charles Huntington, Head of Financial Operational Services

Tel: 01905 843564

Email: chuntington@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Democratic Governance and Scrutiny Manager), there are no background papers relating to the subject matter of this report.

[All agendas and minutes are available on the Council's website here](#)

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Appendix 1

Response from National Association of Finance Officers (NAFAO) – response to query regarding cost for Double Handed Carer Calls

Name of LA	Double costs charged?
Buckinghamshire	Yes
Knowsley	Yes
Wokingham	Yes
Nottinghamshire	Yes
Sandwell	Yes
Bristol	Yes
South Tyneside	Yes
Bury	Yes
Somerset	Yes
York	Yes
Norfolk	Yes
Isle of Wight	Yes
Redcar & Cleveland	Yes
Brighton & Hove	Yes
Thurrock	Yes
Milton Keynes	Yes
Cheshire West & Chester	Yes

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Data Protection Full Assessment
Impact Assessment Id: #434**1.0 Screening Information****Project Name**

Adult Social Care – Charging Review

Name of Project Sponsor

Mark Fitton

Name of Project Manager

Corrine Paton

Name of Project Lead

Corrine Paton

Please give a brief description of the project

Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

Data Protection screening result

Will require a full impact assessment

Equality and Public Health screening result

Will require a full impact assessment

Environmental Sustainability screening result

Does not need a full impact assessment

1.1 Background and Purpose

Background and Purpose of Project?

To support your answer to this question, you can upload a copy of the project's Business Case or similar document.

Background: Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

The purpose of the project is to:

- Change the assessment for Respite/Replacement care to a non-residential service in order to eliminate potential unfairness and make it clearer for service users
- Charge for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back a final recommendation to Cabinet once the Consultation is completed

Upload Business Case or Support documents

No files uploaded

Project Outputs

Briefly summarise the activities needed to achieve the project outcomes.

If the changes are agreed at cabinet, and implemented, the following activities will be required to deliver the project outcomes:

- Amendments to operational guidance, policies, process and practices to deliver the changes to the assessment approach for Respite/Replacement care to a non-residential service
- Amendments to operational guidance, policies, process and practices to facilitate charging for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back an options appraisal and final recommendations to Cabinet once the Consultation is completed.

Project Outcomes

Briefly summarise what the project will achieve.

If the changes are agreed at cabinet, and implemented, the following benefits will be realised:

- Will be able to use the Online Financial Assessment (OFA) for all assessments
- Reduction in assessments being carried out by the Care Contribution Assessment team
- Fairer system of assessments as Direct Payments and Non-direct payments clients will be assessed the same way – Care Act Compliant
- Clients would have one uplift letter at present receive 2 uplift letters if have non-res and replacement care
- Social workers will not have to request a financial assessment when a client who is already having a non-residential service requires replacement care

Is the project a new function/service or does it relate to an existing Council function/service?

Existing

Was consultation carried out on this project?

No

1.2 Responsibility

Directorate/Organisation

People

Service Area

Adult Social Care

1.4 Specifics

Project Reference (if known)

Not Recorded

Intended Project Close Date *

December 2023

1.5 Project Part of a Strategic Programme

Is this project part of a strategic programme?

Yes

An overarching screening has already been carried out for the following areas:

Data Protection

Equality and Public Health

Environmental Sustainability

What was the conclusion?

A requirement to complete a Data Protection and Equality and Public Health Impact Assessment

Upload previous impact assessment documents if available

[Project Screening Adult Social Care – Charging Review completed 29.11.2022.pdf](#)

2.0 Personal Data

Who are you processing data about?

Customers, clients or service users

Carers or representatives

What personal data will be collected? *

The second stage is to list all of the types of personal data that you believe the project/works/additional processing will utilise.

Please select yes for as many examples of types of data that are relevant and include any others in the free text at the bottom of the page.

Basic Identifiers:

Name

Yes

Date of Birth

Yes

Age

Yes

Gender

Yes

Sex

Yes

Contact Details:

Address

Yes

Email Address

Yes

Home Phone Number

Yes

Mobile Phone Number

Yes

Postcode

Yes

ID Number:

National Insurance Number

Yes

Driving Licence/Number

No

NHS Number

Yes

Other General Identifier

No

Employment:

Work Related Training/Awards

No

Financial:

Income/Financial/Tax Situation

Yes

Appearance:

Photograph

No

Physical Description

No

Lifestyle:

Living Habits

No

Marital Status

Yes

Technology:

Login/Username

No

Device MAC Address (Wireless Network Interface)

No

Device Mobile Phone/Device IMEI No

No

Location Data (Travel/GDPS/GSM Data)

No

Online Identifier e.g. IP Address

No

Website Cookies

No

Other Data Types Collected

Other Data Types Collected

Not Recorded

2.1 Legal basis for Personal Data

What is your lawful basis for processing the personal data? *

Please choose one of the following

Data Subject's consent for the purpose

Yes

Necessary for a contract with the Data Subject

Yes

Necessary to comply with a legal obligation

No

Necessary to protect the vital interests of an individual(s)

No

Necessary for a task in the public interest or exercise of official authority of Controller

No

Necessary for legitimate interests of Controller unless interests are overridden by the interests or rights of the individual (only available in limited circumstances to public bodies)

No

2.2 Special Data

What special category personal data (if any) will be collected? *

This section will not apply to all projects and should only be completed if it applies to you.

It is important that you read this section carefully, as these data types require additional care and protection.

If you do pick anything from this list, you will be required to give more details in Section 4 of this form.

You can read more about Special Category Data through this link;

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>

Race

No

Ethnic origin

No

Political opinions

No

Religion

No

Philosophical beliefs

No

Trade union membership

No

Genetic Data

No

Biometric Data

No

Sex life

No

Health or social care

Yes

2.3 Legal basis for Special Data

What is the relevant condition for processing the special category personal data? *

You must qualify under one of the below exemptions as well as having a legal basis from the previous question.

Explicit Consent

The data subject has given explicit consent to the processing of those personal data for one or more specified purposes, except where Union or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject;

No

Employment and Social Security

Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

No

Vital Interests

Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;

No

Legitimate Interests of:

"a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim".

Processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;

Note – this is not often applicable to local authorities.

No

Publicly Available Data

Processing relates to personal data which are manifestly made public by the data subject;

No

Legal or Court Proceedings

Processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;

No

Public Interest - Statutory Necessity

Processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

No

Medical, Health and Social Care Provision

Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

Yes

Public Health

Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy;

No

Archiving or Scientific, Historical or Statistical Research Purposes

Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

No

2.4

Information Involved

Understanding the information flows involved in a project is essential to a proper assessment of privacy risks.

How will the data be collected? *

This section should be filled in for every project, not just those collecting Special Category data.
Through Liquid Logic and Controcc in-house software

What will the data be used for? *

This section should be filled in for every project, not just those collecting Special Category data.
For the purpose of understanding which adult social care service users are impacted by the changes to the WCC charging policy.

Has data already been collected?

Yes

Are the purposes for which you are collecting the data different? *

If the data you are hoping to use was not collected specifically for this project, please explain in the box below why it was collected. This will include data that you have collected from other teams within WCC.

For the purpose of understand which adult social care service users are impacted by the changes to the WCC charging policy.

Explain why existing and/or less intrusive processes or measures would be inadequate *

In this section, you should explain why your new method/project is absolutely necessary and show that you have thought about all other options.

The data is collected within the existing adult social care systems (Liquid Logic and Controcc) the data will be used to identify which adult social care service users are impacted by the changes to the WCC charging policy and to notify them of the changes to the current service provision financial arrangements.

3.0 Other organisations

Are other organisations involved in processing the data?

No

3.1 Storage detail

How will the information be stored? *

Please include details of whether data will be stored outside of the European Economic Area (EEA).

Please remember that cloud storage and back up servers maybe outside the EEA.

Data will be stored electronically within Council systems as part of the normal assessment process, and financial implications for care act eligibility.

For how long will the data be retained? *

The data will retained by the Council, in accordance with standard data protection policies and compliance of the current data retention regulations

What is the deletion process? *

Data will only be held for the minimum timescales in accordance with the current data retention regulations, supported by WCC deletion timescales, with a deletion certificate if necessary.

4 Consultation details

Consultation can be used at any stage of the DPIA process and is important to allow people to highlight privacy risks and solutions based on their own area of interest or expertise.

For further assistance and information please visit the [consultation toolkit section on Ourspace](#).

Explain what practical steps you are going to take to ensure that you identify and address privacy risks *

Consultation will be conducted as part of the outputs of the project to understand viable options and produce recommendations for future service delivery. Only the minimum data, in accordance with GDPR regulations, is collected as required and will not be shared with other partners or external organisations.

Who should be consulted, internally and externally? Do you need to seek the views of members of the public? *

Consultation will take place internally and externally with members of the public if the cabinet paper is approved on 2 February 2023.

How will you carry out the consultation? *

(You should link this to the relevant stages of your project management process)

Consultation will take place, subject to approval by Cabinet paper is approved on 2 February 2023. A range of methodologies will be utilised, ranging from face-to-face key stakeholder engagement sessions; combined with on-line and postal consultation for service users.

5 Risk register

At this stage you should identify the possible privacy risks together with their likelihood, severity and overall level, and for high risks the measures taken to reduce the risk. Add any risk to the relevant sections below.

Fair and Lawful Processing

Data must be processed lawfully, fairly and in a transparent manner.

Please also consider

- Have you identified at least one lawful basis for the personal data processed as part of the project?
- Does at least one Controller involved have a lawful power to act?
- Do you need to create or amend a privacy notice?
- How is your processing going to be transparent?

Risk that processing is not transparent, and individuals are unaware that data is being collected or why it is processed

No Risk

Risk that information is being processed unlawfully

Unmitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website.

Mitigated Risk

Likelihood - Unlikely

Severity - Minimal Impact

Score - Low

Result

Eliminated

Specific, explicit and legitimate purposes

The purpose for which you process personal data must be specified, explicit and legitimate. Personal data collected must not be processed in a manner that is incompatible with the purpose for which it was originally collected.

Please also consider

- Does your project plan cover all of the purposes for processing personal data? If not your plan needs amending accordingly.
- Are all elements of the processing compatible with the original reason and justification for the processing?
- What are these specific, explicit and legitimate purposes?

Risk of 'mission creep' and information is used for different, or incompatible purposes to that identified when originally collected

No Risk

Adequate, relevant and not excessive

Personal data processed must be adequate, relevant and not excessive in relation to the purpose for which it is processed.

Please also consider

- Is the quality of the information adequate for the purposes it is used?
- If not, how is this to be addressed?
- Are measures in place to ensure that data is limited to that which is needed to fulfill the aim of the processing?
- Which personal data elements do not need to be included without compromising the needs of the project?

Risk of loss of control over the use of personal data

No Risk

Risk that inadequate data quality means the information is not fit for the identified purpose(s) potentially leading to inaccurate decision making

No Risk

Risk that any new surveillance methods may be an unjustified intrusion on individuals' privacy

No Risk

Accurate and timely

Personal data processed must be accurate and, where necessary, kept up to date, and every reasonable step must be taken to ensure that personal data that is inaccurate is erased or rectified without delay.

Please also consider

- If you are procuring new software does it allow you to amend data when necessary?
- How are you ensuring that personal data obtained from individuals or other organisations is accurate?
- Do you have processes in place to keep data up to date?
- If any data sets are to be merged, what checks are carried out to ensure that the right data records are matched/merged together?

Any data matching or linking, including whole data sets may link wrong records together

No Risk

Storage limitation

Personal data must be kept for no longer than is necessary for the purpose for which it is processed. Appropriate time limits must be established for the periodic review of the need for the continued storage of personal data.

Please also consider

- What are the risks associated with how long data is retained and how they might be mitigated?
- Has a review, retention and disposal (RRD) policy been established?
- How does the software enable you to easily act on retention criteria – does it enable bulk review/destruction; set review periods; extract for long-term preservation/retention of the corporate memory?

Risk information is retained for the wrong length of time (both too long and too short)

No Risk

Risk information is not securely destroyed when its retention period has been reached

No Risk

Security

Personal data must be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisational measures (and, in this principle, "appropriate security" includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage).

Please also consider

- What technical and organisational measures are in place to ensure that the data is protected to an adequate level?
- What training on data protection and/or information sharing has been undertaken by relevant staff?
- What access controls are in place to enforce the 'need to know' principle?
- What assurance frameworks are utilised to assess adequacy of security measures in place e.g. NHS DSPT; Cyber Essentials Plus; PSN Certification?

Risk of loss of confidentiality

No Risk

Risk of inadequate security controls in place to protect and secure personal data, including inappropriate access

No Risk

Risk that workers processing the data are not aware of their data responsibilities

No Risk

Risk that information is distributed using inappropriate methods

No Risk

Risk of re-identification of pseudonymized or anonymised data (e.g. collecting matching and linking identifiers and information may result in information that is no longer safely anonymised)

No Risk

Risk that information is transferred to a 'third country' without adequate safeguards

No Risk

Financial and reputational

Risk of identity theft or fraud

No Risk

Risk of financial loss for individuals or other third parties

No Risk

Risk of financial loss for the Council (including ICO fines)

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services and retained on internal systems; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website.

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

Risk of reputational damage to the Council, partners, and processors

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Adult social care data is collated with the purpose of delivery services; in accordance with the WCC privacy notice displayed on the Worcestershire County Council website. consultation is proposed as part of the project to develop proposals and recommendations

Mitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Result

Reduced

Health, safety and wellbeing

Risk of physical harm to individuals

No Risk

Risk of physical harm to staff and workers

No Risk

Risk of discrimination

No Risk

Risk of other significant economic or social disadvantage

Unmitigated Risk

Likelihood - Unlikely

Severity - Some Impact

Score - Low

Mitigation/Solution

Each service the resident uses will have a financial audit and review of their needs to understand the financial impact on them.

Mitigated Risk

No Risk

Result

Reduced

Individuals Rights

Data protection legislation gives data subjects' various rights (listed below). Limiting or restricting any of these rights is likely to be a significant impact so the justification for any restriction, as well as mitigations, must be fully outlined.

Inability to meet individuals' right to be informed

No Risk

Inability to meet individuals' right of access

No Risk

Inability to meet individuals' right to rectify inaccurate data

No Risk

Inability to meet individuals' right to erase data

No Risk

Inability to meet individuals' right to restrict processing

No Risk

Inability to meet individuals' right to data portability

No Risk

Inability to meet individuals' rights relating to automated decision making and profiling

No Risk

Additional project specific risks

No additional risks recorded

6 Declaration

I confirm to the best of my knowledge that the information I have provided is true, complete and accurate *

Selected

I confirm that I will make sure that data protection has been and continues to be considered throughout the project life cycle and should circumstances change in the project to include any processing of personal data a further Data Protection Impact Assessment Screening will be carried out *

Selected

7 Application Details

Last Updated Date Time

29/11/2022 13:29:46

Screening Submitted Date Time

29/11/2022 11:55:09

Last Reopened Date Time

No Date Recorded

Full Impact Submitted Date Time

29/11/2022 13:29:46

Approved/Rejected Date Time

No Date Recorded

Current User Dashboard Request Status

Submitted

8.0 People with access to the original screening

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

8.1 People with access to this data protection assessment

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

9 Direct Questions

No Questions Asked

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Project Screening

Impact Assessment Id: #434

1. Your Details

Name of person completing screening assessment

Amanda Dunn

Job Title

Programme Portfolio Lead

Directorate

Commercial and Change

Service Area

Transformation and Commercial

Email Address

adunn2@worcestershire.gov.uk

Connection to project (e.g. project manager)

Programme Portfolio Lead

2. Project Summary

For the purposes of the impact assessment screening, we will refer to the activity or area being assessed as a project.

Project Name

Adult Social Care – Charging Review

Name of Project Sponsor

Mark Fitton

Name of Project Manager

Corrine Paton

Name of Project Lead

Corrine Paton

Project Reference (if known)**Please give a brief description of the project**

Our local charging policy for adults receiving care and support was updated and implement in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

3. Data Protection

We need to establish if the proposal involves processing personal data. Personal data is information that relates to an identified or identifiable individual.

Name of Information Asset Owner

Senior officer responsible for the project's information assets

Kerry McCrossan

Does the project, any project work stream or project outcome involve any personal data? Some examples of personal data are given below. **Yes**

Appearance:

photograph, physical description

Basic Identifiers:

name, date of birth, age, biometric data, ethnic origin, gender, genetic data, race, sex

Contact Details:

address, email address, home phone number, mobile phone number, postcode

ID Number:

National Insurance Number, driving licence number, NHS number, online identifier, other general identifier

Employment:

work related training/awards

Financial:

income/financial/tax situation

Lifestyle:

health or social care, living habits, marital status, philosophical beliefs, political opinions, religion, sex life, trade union membership

Technology:

login/username, device MAC address (wireless network interface), device IMEI number, IP Address, location data (travel/GDPS/GSM data), website cookies

Does the project, any project work stream or project outcome involve:

Evaluating or scoring individuals (including profiling and predicting)? No

e.g. building behavioural or marketing profiles of individuals based on their web activity

Profiling, automated decision-making or special category data to help make decisions on access to a service, opportunity or benefit, or otherwise have a significant effect on an individual? Yes

e.g. asking an individual to submit personal data that is then analysed by a computer system, with the result that the individual's request to use a service is either accepted or refused.

Systematic monitoring? No

e.g. installing a CCTV or ANPR system on council premises, or any covert surveillance including anything under RIPA.

Processing of 'special category' personal data (or 'sensitive personal data')? Yes

e.g. processing health or social care data.

Processing personal data on a large scale? No

e.g. implementing a new social care record system.

Datasets that involve combining, comparing, or matching data from multiple sources? Yes

e.g. matching or merging service users' personal data against or with personal data held by a third party (e.g. the NHS).

The personal data of vulnerable people? Yes

e.g. processing children's personal data or social service client's data.

The use or application of innovative technological or organisational solutions? No

e.g. using fingerprint recognition technology to control access to a building.

The transfer of personal data outside of the European Union? No

e.g. storing personal data in a cloud service hosted in the US or using a third party that uses technology hosted in the US.

Preventing individuals from exercising a right or using a service or contract? No

e.g. screening applicants before allowing them to use a web service.

Processing personal data that could result in a risk of physical harm in the event of a security breach? No

The use of third parties? No

e.g. as a service provider or hosted service

Processing children's data for profiling, automated decision-making, any marketing purposes, or to offer any online services directly to them? No

e.g. apps designed for use by children

4. Equality

We need to determine whether the project could affect residents and/or Council staff because they share any of the Protected Characteristics defined in the Equality Act 2010 namely Age, Disability, Gender Reassignment, Marriage/Civil Partnership, Pregnancy, Race, Religion/Belief, Sex and Sexual Orientation.

Does the project relate to an area where data/research indicates that inequalities are already known to exist? Unsure

Could this project have any effect on, service delivery or usage, other aspects of daily life or community participation levels for people because they belong to any of the groups below?

Age No

e.g. a person belonging to a particular age group (for example 18 – 30-year olds).

Disability No

e.g. A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender Re-Assignment No

e.g. The process of transitioning from one gender to another.

Marriage/Civil Partnership Status No

e.g. Marriage is a union between a man and a woman or between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).

Pregnancy/Maternity No

e.g. Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race No

e.g. Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or Belief No

e.g. Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex No

Sexual Orientation No

e.g. Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Health Inequalities Yes

e.g. Any preventable, unfair & unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies.

5. Public Health

We also want to understand if the project will have any impacts on public health.

The social, economic, cultural and physical environment in which people live their lives has a significant effect on their health and wellbeing. Although genetics and personal behaviour play a strong part in determining an individual's health, good health starts where we live, where we work and learn, and where we play.

Improving public health requires taking a broader view of the conditions that create health and wellbeing, from how we plan and develop our urban spaces and places, to the opportunities for employment, recreation, and social connection available to all who live in them.

Health inequalities are the preventable, unfair and unjust differences in health status between groups, populations or individuals that arise from the unequal distribution of social, environmental and economic conditions within societies, which determine the risk of people getting ill, their ability to prevent sickness, or opportunities to take action and access treatment when ill health occurs.

Could the project have an impact on any of the following factors?

Social and Economic Yes

e.g. culture, social support (neighbourliness, social networks/isolation), spiritual participation, employment opportunities.

Physical Health Yes

e.g. physical activity is expected to increase, influenza vaccination uptake increase

Mental Health & Wellbeing Yes

e.g. benefits to children's mental health, benefits to adult carer wellbeing.

Access to Services Yes

e.g. access to (location/disabled access/costs) and quality of primary/community/secondary health care, child care, social services, housing/leisure/social security services; public transport, policing, other health relevant public services, non-statutory agencies and services.

5. Environmental Sustainability

We want to understand if the project activity and project outcomes will have an impact on environmental sustainability. Please be mindful that the Council has committed to reduce its emissions to net-zero by 2050 and most projects are likely to have an impact on this target. This should be a key consideration in your project delivery and should be reviewed when completing these screening documents.

Could this project have an impact on the categories listed below?

Greenhouse Gas (GHG) Emissions (including CO2) No

e.g. increased GHG emissions as a result of project implementation, which may also be linked with efficient use of resources in WCC buildings; transport; emissions from waste; and procurement.

Efficient Use of Resources No

e.g. consumption of energy resources, water, electricity, gas and heating fuels.

Transport No

e.g. number of people travelling, alternative transport modes.

Waste No

e.g. increase in waste generated or an increase in waste recycling.

Wildlife and Biodiversity No

e.g. impacts on the natural environment or enhancements to the natural environment.

N.B. This refers to any direct or indirect modifications to landholdings, including but not limited to removal of vegetation, alteration or demolition of buildings or modification of watercourses or lighting (not limited to just green space/trees).

Pollution to Land or Water No

e.g. risk of pollution to the local environment.

Pollution to Air No

e.g. risk of pollution to air, activity which may adversely affect air quality or increase emissions to air

Resilience to climate change No

e.g. risks of extreme weather and climate impacts on the project.

Historic Environment No

e.g. impacts on Historic Environment or enhancements of the Historic Environment.

Procurement No

e.g. could procurement associated with the project result in an increase of natural resources (such as long-distance shipping of goods); could use be made of local resources or work forces to support delivery of the project.

As you answered 'No' to all the questions, please explain your reasoning below:

The purpose of this programme is to oversee a change in Worcestershire County Council's local charging policy for adults receiving care and support was updated and implement in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users. Therefore, subject to agreement by Cabinet on 2 February 2023

the changes are related to the fairer system of assessment of ASC delivery, and operational guidance on the service provision so will not have a positive or negative environmental impact,

7. Results of Screening

Data Protection	Will require a full impact assessment
Equality and Public Health	Will require a full impact assessment
Environmental Sustainability	Does not need a full impact assessment

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Equality and Public Health Full Impact Assessment

Impact Assessment Id: #434

1.0 Screening Information

Project Name

Adult Social Care – Charging Review

Name of Project Sponsor

Mark Fitton

Name of Project Manager

Corrine Paton

Name of Project Lead

Corrine Paton

Please give a brief description of the project

Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

Data Protection screening result

Will require a full impact assessment

Equality and Public Health screening result

Will require a full impact assessment

Environmental Sustainability screening result

Does not need a full impact assessment

1.1 Background and Purpose

Background and Purpose of Project?

To support your answer to this question, you can upload a copy of the project's Business Case or similar document.

Background: Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users.

The purpose of the project is to:

- Change the assessment for Respite/Replacement care to a non-residential service in order to eliminate potential unfairness and make it clearer for service users
- Charge for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back a final recommendation to Cabinet once the Consultation is completed

Upload Business Case or Support documents

No files uploaded

Project Outputs

Briefly summarise the activities needed to achieve the project outcomes.

If the changes are agreed at cabinet, and implemented, the following activities will be required to deliver the project outcomes:

- Amendments to operational guidance, policies, process and practices to deliver the changes to the assessment approach for Respite/Replacement care to a non-residential service
- Amendments to operational guidance, policies, process and practices to facilitate charging for both carers, when two carers are required to attend a home care visit (double handed care).
- Carry out a consultation on the proposals outlined in the project outcomes section, and bring back an options appraisal and final recommendations to Cabinet once the Consultation is completed.

Project Outcomes

Briefly summarise what the project will achieve.

If the changes are agreed at cabinet, and implemented, the following benefits will be realised:

- Will be able to use the Online Financial Assessment (OFA) for all assessments
- Reduction in assessments being carried out by the Care Contribution Assessment team
- Fairer system of assessments as Direct Payments and Non-direct payments clients will be assessed the same way – Care Act Compliant
- Clients would have one uplift letter at present receive 2 uplift letters if have non-res and replacement care
- Social workers will not have to request a financial assessment when a client who is already having a non-residential service requires replacement care

Is the project a new function/service or does it relate to an existing Council function/service?

Existing

Was consultation carried out on this project?

No

1.2 Responsibility

Directorate/Organisation

People

Service Area

Adult Social Care

1.3 Specifics

Project Reference (if known)

Not Recorded

Intended Project Close Date *

December 2023

1.4 Project Part of a Strategic Programme

Is this project part of a strategic programme?

Yes

An overarching screening has already been carried out for the following areas:

Data Protection

Equality and Public Health

Environmental Sustainability

What was the conclusion?

A requirement to complete a Data Protection and Equality and Public Health Impact Assessment

Upload previous impact assessment documents if available

[Project Screening Adult Social Care – Charging Review completed 29.11.2022.pdf](#)

2 Organisations Involved

Please identify the organisation(s) involved:

Worcestershire County Council

Details of contributors to this assessment:

Name	Corrine Paton
Job title	Care Contribution Assessment Team Manager • Financial Operational Services
Email address	cpaton@worcestershire.gov.uk

3.0 Who will be affected by the development and implementation

Please identify group(s) involved:

Service User

Carers

Staff

3.1 Information and evidence reviewed

What information and evidence have you reviewed to help inform this assessment? *

Our local charging policy for adults receiving care and support was updated and implemented in April 2015 in line with the Care Act 2014. Some aspects of the policy were down to local authority discretion, such areas were mirrored from the pre-Care Act regulations, as to not disadvantage any of our adult service users. Comparison with other local authorities has been completed to understand their approach to charging policy or adults receiving care and support.

3.2 Summary of engagement or consultation undertaken

Who and how have you engaged, or why do you believe engagement is not required? *

Consultation will be conducted following agreement at Cabinet, providing the recommendations are approved, after 2 February 2023. Consultation and engagement will be conducted with internal and external key stakeholders including, but not limited to partners such as Worcestershire Association of Carers, residents in Worcestershire in receipt of Adult Social Care provision and recipients of Direct Payments.

3.3 Summary of relevant findings

Please summarise your relevant findings. *

Not applicable as consultation not conducted yet.

4 Protected characteristics - Equality

Please consider the potential impact of this activity (during development & implementation) on each of the equality groups outlined below. **Please select one or more impact box(es) below for each equality group and explain your rationale.** Please note it is possible for the potential impact to be both positive and negative for the same equality group and this should be recorded. Remember to consider the impact on e.g. staff, public, patients, carers etc. who are part of these equality groups.

Age

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices are in accordance with the Care Act 2014 to ensure that services are provided equitably, regardless of the identity and protected characteristics of clients.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them.

For Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. The people accessing this service are predominantly those who are disabled, or aged over 65. The changes therefore, will have an increased negative impact financially for those disabled clients, or those who are over 65 and/or have limited mobility that use these service. Whilst we cannot mitigate and stop this impact, we can offer signposting to external organisations who may be able to support or guide individuals through this financial change, and any challenges occurring through financial difficulty; in addition to support from the Direct Payment team and Social Care teams.

Disability

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices are in accordance with the Care Act 2014 to ensure that services are provided equitably, regardless of the identity and protected characteristics of clients.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct

payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them.

For Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. The people accessing this service are predominantly those who are disabled, or aged over 65. The changes therefore, will have an increased negative impact financially for those disabled clients, or those who are over 65 and/or have limited mobility that use these service. Whilst we cannot mitigate and stop this impact, we can offer signposting to external organisations who may be able to support or guide individuals through this financial change, and any challenges occurring through financial difficulty; in addition to support from the Direct Payment team and Social Care teams.

Gender reassignment

Potential positive impact selected Potential neutral impact selected Potential negative impact selected

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of gender reassignment, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Marriage and civil partnerships

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of marriage and civil partnerships, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Pregnancy and maternity

Potential positive impact selected. Potential neutral impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of pregnancy and maternity, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Race including travelling communities

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of race including traveling communities, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Religion and belief

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of religion and belief, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Sex

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of sex, and services will be provided equitably, regardless of the identity and protected characteristics of clients.

Sexual orientation

Potential positive impact selected. Potential neutral impact selected. Potential negative impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

A potential positive impact for individuals by enabling easier and fairer access to services, irrespective of whether they are Direct Payment recipients, or not.

There is a neutral impact on individuals that do not access replacement care or have double handed care services. For direct payment clients if they have purchased respite or direct payment respite this will ensure equitable access / pay for all clients, the same if they have a direct payment or have all their serviced purchased for them; consequently, for Direct Payment recipients, there will be a negative impact for a small number of individuals due to being charged for the services they may have historically received for free. This will not impact specifically, based on the protected characteristic of sexual orientation , and services will be provided equitably, regardless of the identity and protected characteristics of clients.

5 Characteristics - Public health

Other vulnerable and disadvantaged groups

Potential positive impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices in accordance with the Care Act 2014, should result in a potential positive impact and assessed fairly irrespective of whether they are Direct Payment recipients, or not.

Health inequalities

Potential positive impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices in accordance with the Care Act 2014, should result in a potential positive impact and assessed fairly irrespective of whether they are Direct Payment recipients, or not.

Social and economic

Potential positive impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices in accordance with the Care Act 2014, should result in a potential positive impact and assessed fairly irrespective of whether they are Direct Payment recipients, or not.

Physical health

Potential neutral impact selected.

Explanation of your reasoning:

Adult Social Care services are delivered based on need, in accordance with the Care Act 2014.

Mental health and wellbeing

Potential neutral impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices in accordance with the Care Act 2014, should result in a potential positive impact and assessed fairly irrespective of whether they are Direct Payment recipients, or not. Subject to financial assessment, the proposed change will enable us to pass on the cost of the services to service user and as such increase the council's revenue in relevant cases.

Access to services

Potential positive impact selected. Potential negative impact selected.

Explanation of your reasoning:

We have for a long time, had challenges with how we purchase and assess for replacement care, especially in relation to Direct Payments, as the service user decides on the timing and frequency of the replacement care according to their service plan. The impact on the reforms to processes, policies and implementation of practices in accordance with the Care Act 2014, should result in a potential positive impact and assessed fairly irrespective of whether they are Direct Payment recipients, or not. Subject to financial assessment, the proposed change will enable us to pass on the cost of the services to service user and as such increase the council's revenue in relevant cases.

6 Actions to mitigate potential negative impacts

Risk identified	Consultation could result in negative impacts upon reputation and the ability to deliver the change if it is unpopular.
Actions required to reduce/eliminate negative impact	Agreement from Cabinet to proceed with project at a meeting currently scheduled for 2 February 2023. Financial audit and review of Adult Social Care provision to understand the negative impacts and agree next steps to understand the need of the service user in accordance with the Care Act 2014, phased approach commencing new service users with effect from 1 April 2023, and then reviews of existing service users will occur after that.
Who will lead this action	Corrine Paton
Timeframe	March 2024

How will you monitor these actions?

Financial audit and review of adult service provision to understand any negative impacts and agree next steps with carers to understand need in accordance with the Care Act 2014

7 When will you review this equality and public health estimate(EPHIA)?

Following consultation and depending on the outcome of the consultation it may be necessary to review prior to implementation; in addition to prior to project closure and handover to BAU.

8 Declaration

The following statement has been read and agreed:

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics: Age; Disability; Gender Reassignment; Marriage & Civil Partnership; Pregnancy & Maternity; Race; Religion & Belief; Sex; Sexual Orientation
- Our Organisation will challenge discrimination, promote equality, respect human rights, and aims to design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others
- All staff are expected to deliver and provide services and care in a manner which respects the individuality of service users, patients, carers etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics

I confirm to the best of my knowledge that the information I have provided is true, complete and accurate

I confirm that I will make sure that Equality and Public Health have been and continue to be considered throughout the project life cycle and that, if circumstances change in the project, a further Equality and Public Health Impact Assessment Screening will be carried out.

8 Application Details

Last Updated Date Time

22/12/2022 09:17:53

Screening Submitted Date Time

29/11/2022 11:55:09

Last Reopened Date Time

22/12/2022 09:14:20

Full Impact Submitted Date Time

22/12/2022 09:17:53

Approved/Rejected Date Time

No Date Recorded

Current User Dashboard Request Status

Submitted

9.0 People with access to the original screening

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Charles Huntington \(CHuntington@worcestershire.gov.uk\)](mailto:CHuntington@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

9.1 People with access to this equality and public health assessment

[Amanda Dunn \(adunn2@worcestershire.gov.uk\)](mailto:adunn2@worcestershire.gov.uk)

[Charles Huntington \(CHuntington@worcestershire.gov.uk\)](mailto:CHuntington@worcestershire.gov.uk)

[Corrine Paton \(cpaton@worcestershire.gov.uk\)](mailto:cpaton@worcestershire.gov.uk)

10 Direct Questions

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ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 23 JANUARY 2023

UPDATE ON THE IMPLEMENTATION OF THE DAY OPPORTUNITIES REVIEW

Summary

1. The Adult Care and Well Being Overview and Scrutiny Panel has requested an update following the implementation of the Day Opportunities Review.
2. This update is part of the Panel's Work Programme following earlier scrutiny of the Directorate of People's Review of Council provided Day Opportunities for adults with a learning disability.
3. The Cabinet Member with Responsibility for Adult Social Care and the Strategic Director and Senior Officers from the Directorate of People have been invited to the meeting to respond to any questions the Panel may have.

Background

4. The purpose of this report is to update the Scrutiny Panel on the outcome of the changes made to Day Opportunities following the decision of the Cabinet Member with Responsibility for Adult Social Care, on 13 December 2021 (details available under background papers of this report). The decision made was that:
 - The County Council would continue to provide Resource Centre/building based offer for service users with complex needs where a staff to service user ratio is 1:1/1:2/ 2:1 including young people transitioning into adult services, and;
 - All community-based day opportunities for individuals with less complex needs (staff to service user ratio of 1:5/1:8) would be provided externally to the Council – meaning all in-house community-based provision (i.e. Connect Centres) would close.
5. The Council has directly provided internal day opportunity provision for over 25 years through Resource Centres and Connect Services. Resource Centres operate Monday to Friday and provide a variety of activities for people with complex learning disabilities. Many of these activities are building based with some community-based activities planned according to individual needs and preferences. Support for individuals includes personal care, physiotherapy, occupational therapy, speech and language support, behaviour support, psychology support and support to access the community.
6. There were five Connect Service locations across the county, which operated Monday to Friday, providing mainly community-based day opportunities to adults

with less complex learning disabilities. This service provided support such as: access to employment/work experience, education and volunteering, personal care, meeting friends, computer/IT literacy support.

Outcome of Day Opportunities Review

7. The project has successfully been delivered within timeframe and within scope and achieved savings. The achievements have been -
 - Most staff have successfully found alternative roles within the Council or formally made the decision to leave prior to the consultation. 11 Staff have been made redundant and the cost of this has been paid from the savings made.
 - All Service Users have been offered alternative provision within the external market and this cost has also been met through the savings made.
 - Savings achieved - In year savings 2022/2023
 - **£24,063** excluding any transport savings
 - Full year estimated saving on the 2023/2024 budget is **£189,378** - *Potentially increasing to £207,378* pending the Redditch college property review (excluding transport savings).
8. Five properties were reviewed as part of this process: Redditch Connect, Worcester Connect, Bromsgrove Connect, Malvern Connect and Evesham Connect. All five properties have been closed from a Connect Centre perspective, however there are financial commitments/responsibilities that the Connect budget needs to cover until other providers are identified to use the spaces.

Advocacy

9. Throughout the process there was a contract with Onside Advocacy who worked to ensure the voice of the customer was heard and that options identified were in the individual's best interest. A leaflet was developed which was given to service users to explain what an advocate can support with and to reduce any anxieties. The advocate would support the service user at their assessment, to have as much control as possible, to understand the information that was presented to them, to enable them to say what they wanted and what they needed and to ensure their needs were met in a person-centred way.
10. The advocate supported 29 individuals who were referred through from their Social Worker and of the 29 individuals, 12 remained or moved to a Resource Centre and 17 were supported to find alternative support.

Key findings

11. The key findings were:
 - Many individuals have embraced the change and have been excited about attending new services
 - Some complaints have been received from family members. When these have been explored, this has been due to miscommunications from Connect

staff and Social Workers around timings and expectations. This was put right in the feedback to the complaints

- Friendships groups have been maintained through the microenterprise service and support to attend the local drama groups
- Service users, when visiting taster days, have re-connected with friends they haven't seen for a while who left Connect services previously to explore alternative options
- Several individuals have been interested in looking at voluntary work opportunities
- Individuals who haven't returned to Connect following the Covid 19 outbreak have found alternatives at home they prefer to do, or family have explored other opportunities.

Carers/Service User Feedback

12. Examples of feedback received following changes included:

“Carer is the main carer for her sister; her sister was attending Connect Services but they both feel happy with the new day service she will be attending on the same days as it has a lot to offer. Carers sister's social worker took her to have a look round the new day service and she is really impressed with the new setting and feels it has a lot more to offer to her sister”

“Carer stated that she and her daughter are happier with the services they receive after the Connect Service ended, activities are more person centred and (her daughter) is enjoying them more as she is now receiving more 1:1 support that she hadn't had previously”

“My son is enjoying his new service after Connect closed, he only has support for a few days now but is doing activities he enjoys and is being taken on visits to different places”

Advocacy Feedback

13. Examples of feedback include:

“Service users have successfully transitioned across to their new service and this appears positive for the service users that I have reviewed”

“Service users have reported greater flexibility when choosing to have a Personal Assistant as they can choose a more person-centred activity. This has been for two service users I have supported”

Staff Consultation

14. Following staff consultation, most employees were found like for like roles within the Resource Centre, Reablement or within Social Work Teams. However, 10 individuals through the support of Human Resources have received redundancy payments. Due to the increase in needs of some users in the Resource Centres and those individuals in Connect whose needs would be better met in a Resource centre, an increase in staffing levels was required to meet demand.

Legal, Financial, and HR Implications

15. As part of its duties under the Care Act 2014, the Council must meet assessed eligible needs for those people in Worcestershire with a Learning Disability who are eligible for care and support. Following the changes in Day Opportunities the Council continues to support external provision through a Dynamic Purchasing System contract and continues to provide internal support for high level needs services provided internally by the Council's Adult Social Care Provider Services.
16. Savings were achieved through the changes to provision although this wasn't the driving force for the change. It was established that provision in the market could meet need and was more cost effect for the taxpayer and gave a better variety of options for individuals.
17. Staff who were directly impacted through the changes made to Council operated Day Opportunities, were offered redeployment opportunities within roles in the Council to retain valuable skill set and minimise any compulsory redundancies. Resource Centres staffing was increased to meet the demand of individuals requiring 1-1 or 2-1 support. 10 individuals were made redundant within the process

Equality and Diversity Implications

18. A **joint impact assessment (JIA)** full assessment was carried out in respect of these changes. Although there were changes to the provision for service users, the focus was still on meeting assessed care needs so impact was minimalised.

Purpose of the Meeting

19. The Panel is asked to:
 - Determine whether any further information or scrutiny of Day Opportunities is required
 - agree any comments to highlight to the Cabinet Member with Responsibility.

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 Democratic Governance and Scrutiny Manager), the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of the Adult Care and Wellbeing Overview and Scrutiny Panel on 15 November and 28 January 2021
- Agendas and minutes from Cabinet on 22 July and 4 February 2021 and 22 October 2020
- Cabinet Member Decision – Day Opportunities from 13 December 2021

All agendas and minutes are available on the Council's website here.

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 23 JANUARY 2023

WORK PROGRAMME

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 2022/23 Work Programme has been developed by taking into account issues still to be completed from 2021/22, the views of Overview and Scrutiny Members and other stakeholders 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 scrutiny work programme was discussed by the Overview and Scrutiny Performance Board (OSPB) on 29 June and agreed by Council on 14 July 2022.

Dates of Future 2023 Meetings

- 24 March at 10am
- 22 May at 2pm
- 14 July at 10am
- 13 October at 10am
- 5 December at 10am

Purpose of the Meeting

6. The Panel is asked to consider the 2022/23 Work Programme and agree whether it would like to make any amendments. The Panel will wish to 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 2022/23

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 Democratic Governance and Scrutiny Manager), the following are the background papers relating to the subject matter of this report:

[Agenda and Minutes for Overview and Scrutiny Performance Board 29 June 2022](#)

[Agenda and Minutes for Council 14 July 2022](#)

All Agendas and Minutes are available on the Council's website [weblink to Agendas and Minutes](#)

SCRUTINY WORK PROGRAMME 2022/23

Adult Care and Well Being Overview and Scrutiny Panel

Date of Meeting	Issue for Scrutiny	Date of Last Report	Notes/Follow-up Action
23 January 2023	Scrutiny of 2023/24 Budget		
	Review of Social Care Charging		Requested by OSPB at its 7 December 2022 meeting
	Better Care Fund		Added at the 20 May 2022 Meeting
	Update on Implementation of the Day Opportunities Review	15 November 2021	
24 March 2023	Update on Social Care Reforms		
	Safeguarding Adults Annual Update	15 March 2022	
	Learning Disability Strategy	15 November 2021	
	Learning Disabilities Operational Service		
	Performance (Q3 October to December) and In-Year Budget Monitoring		
22 May 2023	Independence Focussed Domiciliary Care Service in Worcestershire		Directorate Suggestion February 2022
	Performance (Q4 January to March) and In-Year Budget Monitoring		
Possible Future Items			
June/July 2023	All Age Disability (0-25) Service (ongoing Scrutiny of the transformation of the Service) (new meeting to be arranged)	11 January 2021	Jointly with Children and Families O&S Panel – to provide feedback on consultation, timeline, KPI's

13 October 2023	Performance (Q1 April to June) and In-Year Budget Monitoring		
5 December 2023	Performance (Q2 July to September) and In-Year Budget Monitoring		
TBC	Update on The Role of Adult Social Care in Complex Hospital Patient Discharges	7 November 2022 18 July 2022	
TBC	Liberty Protection Safeguards		Panel member suggestion March 2022
TBC	The Council's Adult Services Replacement Care Offer (previously known as respite)		
TBC	NHS Continuing Health Care (CHC), including any funding implications		Directorate Suggestion July 2022
TBC	How the Council works with Carers		Panel suggestion 8 July 2021
TBC	The role and cost benefit of Assistive Technology in Care Planning		Discussed at the 14 January 2022 meeting
TBC	Update on Direct Payments		Added at the 20 May 2022 Meeting
TBC	Fair Cost of Care		Directorate/CMR suggestion May 2022
TBC	Update on Adult Social Care Reforms	18 July 2022	
TBC	Staff Vacancies and retention		Requested at 28 September 2022 meeting
Standing Items			
Annual	Safeguarding Adults Annual Update	28 January 2021 15 March 2022	Annual Update from Worcestershire Safeguarding Adults Board
Annual	Compliments and Complaints for Adult Services	15 November 2021 28 September 2022	Annual Report
Quarterly	Performance and In-Year Budget Monitoring		