

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

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

Summary

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

Background

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

Continuing Health Care (CHC) Access and Eligibility

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

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

Joint Funding

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

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

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

S117 Mental Health Act Funding

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

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

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

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

Children

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

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

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

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

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

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

18. The documents reviewed included:

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

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

- CHC Processes
- Challenges and Issues
- Partnership Working

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

Next Steps

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

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

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

Equality and Diversity Implications

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

Purpose of the Meeting

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

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

Contact Points

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