

Item No. 9.	Classification: Open	Date: 19 April 2011	Meeting Name: Cabinet
Report title:		Charter of Rights and Vision for Adult Social Care	
Ward(s) or groups affected:		Staff, providers, users and carers of adult social care services in Southwark	
Cabinet Member:		Councillor Dora Dixon-Fyle, Health and Adult Social Care	

FOREWORD – COUNCILLOR DORA DIXON-FYLE, CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE

1. A Charter of Rights for adult social care has been the missing link between the council and the community. For too long residents have stated that the service they receive from the council depends on the area that they live in. This cannot be right, and the administration vowed that it would ensure all its residents were treated equally and fairly, receiving care and support based on need, rather than postcode.
2. Our vision for adult social care can be summed up by one word – change. Change in the way we as a local authority deliver our services, change in the choices being offered to service users and a drastic change in the amount of money available to us to spend. These changes, driven by central government, have led to a major rethink of the work of the council and a shift in public perceptions to ensure that this will be deliverable.
3. Our vision is therefore aimed at focusing on prevention rather than reliance and encouraging independence for as long as possible by putting the emphasis on re-ablement to help people get back on their feet and stay within their homes and community.

RECOMMENDATIONS

4. That the Charter of Rights for adult social care services, as set out at Appendix A, be adopted.
5. That the Charter of Rights be reviewed periodically to ensure that there is consistency between the principles of the Charter and the direction for the future of adult social care.
6. That the draft Vision for the future of adult social care in Southwark, as set out in Appendix B, be agreed.

BACKGROUND INFORMATION

7. Southwark Council published a draft Charter of Rights in September 2010. This was designed to highlight what people in Southwark with adult social care needs could expect from adult social care services. People were invited to comment on the draft Charter and the feedback process lasted until 30 October 2010. A copy

of the Charter of Rights is included at Appendix A.

8. During this period responses were received from both community groups and individuals. At the same time the council was thinking about the future of adult social care services and how it can offer effective, personalised services that are based on the needs of individuals and not institutions within the context of rising demand for and expectation of services and a significantly reduced public purse.
9. A draft vision for the future of adult social care in Southwark was developed to outline the framework and context for design and delivery of services over the next three years. This is a continuation of work to implement improvements to services. Progress has already been recognised through the Care Quality Commission's annual performance assessment for Southwark in 2009/10, where delivery of outcomes was assessed as performing 'well', a significant improvement from the 'adequate' rating received in 2008/09.
10. Many of the comments made in response to the Charter of Rights have therefore been taken forward and considered as part of the next steps for planning and implementing the vision.

KEY ISSUES FOR CONSIDERATION

Policy implications

National policy drivers

11. The key national drivers for this work are:
 - the cross-government Putting People First concordat¹
 - the Department of Health's vision for adult social care²
 - the Government Spending Review³ and consequent local government financial settlement.
12. The first two documents set the national context for the design and delivery of adult social care services. The key focus is on planning services around individuals rather than institutions and giving people much more choice and control over the care and support they access, rather than being passive recipients of services. It is also about giving people the tools to do more for themselves and participate in society as active citizens.
13. The recent Spending Review and consequent local government financial settlement provide the financial context for the future of public services over the next few years. It demonstrates there will be a reduction in the overall amount of money local government can expect to receive from central government grants. It is vital that the financial context is considered when planning the future of services to deliver value for money for local residents while making sure that the council complies with its statutory responsibilities.

Work to date in Southwark

¹ HM Government (2007), *Putting People First: a shared vision and commitment to the transformation of adult social care*, London

² Department of Health (2010), *A vision for adult social care: capable communities and active citizens*, London

³ HM Treasury (2010) *Spending Review 2010*, London

14. Southwark has developed a programme of work to support the personalisation of adult social care services in the last few years. This has done much to support the shift towards effective services that support people to live the lives they want. It has begun to redesign the journey for adult social care customers so that the system tries to focus more on outcomes for people and how these can be achieved in creative ways built around the person rather than around an institution or service. It has also begun to think about the role of re-ablement as an underpinning approach for services, helping people get back on their feet and regain independence through short-term interventions, reducing reliance on statutory support.
15. However, we recognise there is more to do and the shift needs to continue with pace. The future of adult social care also needs to take into account the financial context outlined in paragraph 13. We will need to redesign and reconfigure all elements of the system if we are to be able to support people effectively and make the best use of resources so as many people as possible can get help, rather than focusing resources on a few.
16. The vision is designed to provide this longer-term strategic perspective of where we want to get to and offer a framework in which future proposals can sit.

Key objectives and aims

17. The key objective for adult social care in Southwark is to support more people to live independently and well at home and in the community for as long as possible. We want people to live independent and fulfilling lives, based on choices that are important to them. We also want a system that is sustainable for the future and can continue to operate effectively in the context of a much reduced public purse.
18. This requires services to be more effective and more personalised, focusing on individuals rather than institutions and shifting the balance of care away from residential homes and towards more personalised services in community settings.
19. It also means developing a different relationship between the council and the community, moving from a model of dependency to one where older and disabled people are seen as people who can contribute and exercise control over their lives, improving their own health and wellbeing.

What this means for services

20. The council is required to meet its statutory duty to disabled people with eligible needs (for which criteria is outlined in Department of Health guidance⁴). Currently the eligibility criteria in Southwark is set at substantial and critical needs. The vision does not propose that this should change. These services have been prioritised for council funding within this approach above discretionary services. The vision for adult social care aims to focus resources on helping people to help themselves as a means of trying to minimise potential negative impacts.
21. Frontline services have also been prioritised above buildings-based provision.

⁴ Department of Health (2010) *Prioritising need in the context of Putting People First: a whole system approach to eligibility for social care – guidance on eligibility criteria for adult social care, England 2010*, London

New technology that supports the approach of personalisation, enabling people to live independently and well at home as far as possible, means we can continue to provide services to a similar proportion of people if we reduce fixed costs associated with buildings and realise capital assets for investment.

22. The offer of personal budgets to support flexibility and choice in accessing services will continue to develop in light of the coalition government's commitment to offering everyone with an ongoing, eligible care need a personal budget, preferably in the form of a direct payment, by 2013.
23. There is an overall drive in commissioning services to work towards ensuring that contracts obtain best value and resources are being targeted most effectively to achieve the best outcomes for people.
24. There will be an ongoing need to work closely across a range of areas, particularly housing, leisure and employment, to understand the cross-cutting impacts of the need to reduce spend in these areas with our desired outcome of helping more people to live independently and well at home and in the community.

Relationship to the Charter of Rights

25. The Charter of Rights is designed to highlight what people in Southwark with adult social care needs can expect from adult social care services. It combines some national requirements or entitlements, outlined in legislation, for example entitlement to request an assessment of adult social care needs, relevant assessment for carers and the duties on councils around safeguarding for particular individuals made vulnerable by their situations.
26. It also highlights the practice that Southwark aims to achieve when approached by people about services.
27. It is proposed that the Charter of Rights will be used as an active document, increasingly part of how social care services deal with and respond to individuals. It will also be available on the council website so that people can access the information from it. If individuals feel that the council response is not in line with the broad principles outlined in the Charter then they will be able to discuss this with adult social care services the same way as they would with any other concerns or questions about services. The Charter also includes contact details for the organisation.
28. Feedback on the Charter of Rights raised a number of points that were relevant to the wider considerations discussed previously about future service design and delivery. The adult social care vision tries to take account of this.
29. Consequently, we propose that the Charter of Rights remains an overarching document that highlights the principles of what the council is aiming to achieve, particularly as a number of respondents agreed with the focus on supporting independence and giving people choice and control over services they may access.
30. The adult social care vision then provides the framework for proposals about the design and delivery of services over the next budget period.
31. Finally, we propose that the Charter of Rights is re-visited periodically alongside any implementation of the adult social care vision in Southwark. This is to ensure

there is consistency between the principles of the Charter and the council's direction for the future of adult social care.

Community impact statement

32. People who are at risk of needing long term social care support and people who have been identified with eligible care and support needs across Southwark are the key groups on whom the adult social care vision will impact. There will also be an impact on carers of individuals with care and support needs.
33. The two equality strands that will experience major impact from proposals are older people and disabled adults with eligible care needs. Older and disabled adults without eligible needs may also experience an impact from proposals to re-shape open access services in the borough.
34. This mainly relates to services not continuing to exist or being offered in a different way. As part of our overall vision for adult social care, it is likely that, in future, there will be fewer people receiving ongoing, long-term social care support. Instead, we are looking to focus resources on time-limited interventions that help people get back on their feet, such as re-ablement services, and supporting them to understand how they can best help themselves and make key contributions to the wider community.
35. In addition, changes to services potentially could place an additional burden on carers, the majority of whom tend to be women.
36. The vision proposes a range of mitigating actions to try and minimise any potential negative impact. This includes:
 - continue progress with development of personal budgets (including direct payments in cash) so that people understand how much is to be spent on their care and support, and can then make decisions about the ways they wish to use their money
 - focus on how we can support the development of a diverse provider market in Southwark so there are appropriate services available on which people can spend their personal budgets
 - develop and improve partnerships involving individuals, communities, voluntary and private sectors, the NHS and the council's wider services to best implement proposals
 - improve procurement and commissioning processes, and streamline back office functions thereby focusing resources on frontline services
 - for open access services, explore models where a small injection of cash to 'pump-prime' services could support organisations to become financially self-sustaining, and promote community cohesion, in line with the wider corporate approach to the voluntary sector
 - develop proposals for effective, targeted interventions that can provide help and support for carers, recognising the key role that they play, both in delivering care and in preventing people's care needs from increasing.
37. The overall approach for adult social care services in Southwark may also have a positive impact on equality strands.
 - Personal budgets offer an opportunity for people to access personalised support services that take account of cultural preferences, e.g. being able to choose a carer of your own gender – evidence suggests this is particularly relevant for black and minority ethnic (BME) communities, lesbian, gay &

bisexual communities and for transgender people. It can also be relevant for women in terms of accessing personal care.

- Moving away from residential provision and to supported living in the community is designed to support people to live independently and well at home for as long as possible.
- A single point of informed contact supports better use of resources and targeted information and advice for people at an early stage, regardless of whether they receive state support for care.

38. However, this also needs to consider:

- developments in the local provider market so culturally tailored services are available
- particular support that some groups, such as older people or those with mental health needs, may require to access the benefits of personal budgets
- particular support for people who may have spent a considerable time in residential care
- appropriate support for those who continue to need respite services
- people who need to access information in different ways (e.g. website, email, telephone) and those who may not have English as a first language.

39. We recognise that we will need to work closely with partner across the council, particularly in areas like housing and employment, to understand the cross-cutting impacts of the need to reduce spend in these areas and our desired outcome of helping more people to live independently and well at home and in the community.

40. In accordance with Southwark Council's Equality and Human Rights Scheme, 2008–2011⁵ an Equality Impact Assessment (EIA) was carried out for the overall vision and budget strategy for adult social care. Further information on equality impacts can be found in this document, which is included as Appendix C. It should be noted that the EIA produced included details of proposed changes to charging policy for adult social care services in the borough. During the scrutiny process for the overall council budget report, it was recommended and agreed that this proposal should not form part of the budget strategy for the first year.

41. As highlighted in the EIA, detailed Equality Impact Assessments for specific elements of service redesign proposals arising from the vision and budget report will need to be completed and reviewed as proposals develop, in the context of the overall vision framework. This will include seeking the views of organisations, people using services and carers on whom the proposals may impact.

42. As any proposals are taken forward they will seek to include an assessment of how specific changes will impact on the adult social care workforce. This may include collecting anonymised profile data on staff subject to review and looking at whether changes (e.g. in working arrangements) or structural amendments may have an adverse impact on people from a particular group as appropriate. Data is shared with the Trade Unions as part of the formal consultation process, which will include possible measures to mitigate any adverse impact.

Resource implications

43. The vision for adult social care is designed to provide a framework within which individual proposals for service change and redesign need to fit. Individual proposals will therefore need to be taken forward in line with the agreed budget for adult social care, which was accepted by the Council Assembly as part of the overall council budget on 22 February. This has previously been discussed with departmental finance and shared with corporate finance colleagues.
44. A number of individual proposals may well have an impact on the workforce as work is taken forward to understand what shape that workforce needs to take in order to implement proposals in line with the overall vision.
45. As mentioned previously, as individual proposals are taken forward they would need to consider the impact on the workforce and any workforce redesign would need to be considered in line with corporate human resources policy and consider the overall impact on staff, including equality and diversity impacts.

Legal implications

46. A copy of the vision document and draft Charter of Rights have been made available to legal colleagues. However, neither document includes specific proposals for changes to services, as they represent the overall approach and broad principles. As highlighted previously, the Charter of Rights in particular is a summary of current legal entitlements in national legislation supported by a broad set of principles as to what people can expect when they approach the council about adult social care and accessing support.
47. Any proposals that are taken forward around the future of adult social care will need to seek appropriate legal advice and take into account any legal requirements, including around consultation and engagement with people using services, carers, families, providers, etc. At present this is happening on a case-by-case basis and is likely to continue as further work is taken forward.

Consultation

48. The council is committed to ensuring that it seeks out and takes account of the views of people who use services, their families and carers as we embark on work to shift the balance of care towards personalised services in community settings to help people achieve the outcomes they want and lead independent lives.
49. As we look to implement this vision through specific proposals for services, and in the context of the agreed budget for council services, we will seek to engage with people who use services, carers and local organisations who may be affected to understand what they want from local services and how best we can plan and deliver our vision.
50. The overall vision for the future of adult social care in Southwark has been discussed with a range of stakeholder groups in draft form to help support its development and seek input on the overall approach and direction. Presentations have been given to the following groups and feedback sought:
 - Adult social care service user and carer panel
 - Adult social care managers' forum

- Health and Wellbeing Board
- Adult social care provider market forum
- Older People's Partnership Board
- Carers' Strategic Forum
- Community Action Southwark's Adult Health & Wellbeing sub-group
- Mental Health Partnership Board
- Physical, Neurological and Sensory Disability Partnership Board.

51. Comments were also sought from representatives of the GP pathfinder group and the future budget strategy was discussed with the Learning Disability Partnership Board.
52. In addition, a draft version of the vision was made available on the Southwark Council website to invite any further comments, although specific comments were not received through this route.
53. Feedback from these groups has been used to refine the vision but, in general, to date there has been an acceptance of the overall approach and direction for the future of adult social care.
54. In addition, many of the comments received on the draft Charter of Rights covered issues important to the vision. These were considered and noted in development of the vision document.
55. There has been a good deal of concern from respondents in all areas about the challenges of trying to implement the vision at the same time as needing to make significant budgetary savings. There has also been concern about some individual proposals that may come out of the vision and budget strategy and how these are taken forward or implemented. We recognise that this is a challenging time for everyone and this is why we are clear it is vital that the council should work with all of its partners in seeking solutions together and making the very best use of resources to improve outcomes for people with care and support needs. There has also been commitment expressed previously to consulting with people who will be affected by proposals before taking any final decisions. This will continue as individual proposals are developed in the coming months and further on in the budget period.
56. Early discussion with Trade Unions has happened in terms of the overall need for change and the fact this is likely to have an impact on the adult social care workforce. Ongoing engagement and consultation will be necessary and will continue as individual proposals develop.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Key themes from Charter of Rights feedback including council considerations	Health and Community Services / Adult Social Care 160 Tooley Street PO Box 64259 London SE1P 5LX	Becki Hemming Project Manager, Transforming Adult Social Care 020 7525 5140

APPENDICES

No.	Title
Appendix A	Southwark Council's Charter of Rights for Adult Social Care
Appendix B	Southwark's vision for the future of social services
Appendix C	Equality Impact Assessment – Vision for the future of Southwark adult social care services – 3-year budget strategy

AUDIT TRAIL

Cabinet Member	Councillor Dora Dixon-Fyle, Health and Adult Social Care	
Lead Officer	Sarah McClinton, Deputy Director, Adult Social Care	
Report Author	Becki Hemming, Project Manager, Transforming Adult Social Care	
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Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Finance Director	No	No
Departmental Finance Manager	Yes	Yes
Principal lawyer – social services	Yes	Yes
Cabinet Member	Yes	Yes
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