

# ADULT SOCIAL CARE & HEALTH CABINET MEMBER MEETING

## Agenda Item 27

Brighton & Hove City Council

**Subject:** Adult Social Care and Health Risk Policy  
**Date of Meeting:** 18th October 2010  
**Report of:** Acting Director of Adult Social Care & Health  
**Contact Officer:** Name: **Martin Farrelly** Tel: **29-5833**  
E-mail: Martin.farrelly@brighton-hove.gov.uk  
**Key Decision:** Yes Forward Plan No. (ASC 17511)  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

1.1 In 2005 the Department of Health conducted two consultations, Independence, Wellbeing and Choice and a listening exercise, your health, your care, your say. Independence, Wellbeing and Choice, the adult social care Green Paper, asked for views on how social care services could be improved. Then in July 2005 Liam Byrne announced these two consultations would form the basis of a single White Paper. The Paper would recognise how NHS and social care services work together and identify how the delivery of these services could adapt to provide individuals with the health and social care services they need closer to their homes.

The proposals in the White Paper, Our health, our care, our say: a new direction for community services, aim to:

- change the way these services are provided in communities and make them as flexible as possible
- provide a more personal service that is tailored to the specific health or social care needs of individuals
- give patients and service users more control over the treatment they receive
- work with health and social care professionals and services to get the most appropriate treatment or care for their needs

1.2 As a result of this, Adult Social Care have developed a means by which people with assessed and eligible needs can have an “indicative budget”. This is essentially an agreed amount of money post assessment which they can use more independently and with more choice to meet the outcomes they have identified.

- 1.3 To make this happen Adult social care is aware that with choice and control, comes an element of risk. This can manifest itself in two ways, firstly risk for a person making the decisions and secondly risk for the council in the way in which people may wish to spend the allocated monies.
- 1.4 The attached appendix lays out the context in which risk can be considered and assists staff who are working with people with a tool and a supportive framework in which decisions can be made.

## **2. RECOMMENDATIONS:**

- (1) That the Cabinet Member supports this action to manage risks in providing services under Personalisation.
- (2) That the Cabinet Member ratify the Positive Risk Enabling Policy

## **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Personalisation implementation and self directed support.

## **4. CONSULTATION**

- 4.1 Consultation with staff groups in progress. Gathering training needs to embed positive risk thinking and actions.
- 4.2 To be discussed at the Peer Support Group 12<sup>th</sup> Oct 2010. This includes council social care staff and service users who use personalised budgets.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Self Directed Support (SDS) enables service users to decide the way the money used for their support is spent. It is important that measures are in place to eliminate any financial risk from this relatively new approach to social care provision. This policy assists staff to mitigate this risk.

*Finance Officer Consulted:*      *Name* Mike Bentley      *Date:* 22/09/10

### Legal Implications:

- 5.2 The relevant law and its application within the context of the Risk Enablement Policy is specifically referred to in the body of the policy itself. In the context of increasing individual care provision choice and management

such a policy is very important in assisting staff to work flexibly but safely in partnership with individuals addressing their care arrangements.

The Human Rights Act implications are also referred to specifically in the body of the Policy as is the role of Safeguarding which by definition takes account of Articles 2 [Right to Life] 3 [Right to be free from inhuman/degrading treatment] and DoLs which specifically addresses Article 5 [Right not be detained unlawfully].

*Lawyer Consulted: Name: Sandra O'Brien Date: 17<sup>th</sup> Sept 10*

### 5.3 Equalities Implications:

The positive risk policy has already begun to challenge some of the traditional thinking of our social work and care management staff. The personalisation agenda refers to moving from a paternalistic culture to one of more independence and giving choice and control to individuals. Some organisational prejudices about people with disabilities ability to take control have also been a feature and an opportunity to learn, reflect and change practice.

### 5.4 Sustainability Implications:

The risk enablement panel is functioning within present resources and forms part of a care management process.

Self directed support ultimately reduces the need for over involvement by ASC staff in altering support packages and is intended to reduce the overall costs of care management.

### 5.5 Crime & Disorder Implications:

As in all risk situations we are very aware of any situation whereby any criminal use of monies is uncovered and would act appropriately to both report and eliminate the risk. This could involve ceasing to provide self directed support .

### 5.6 Risk & Opportunity Management Implications:

The whole policy revolves around positive risk, but the opportunities for people to express choice and control balances this.

This also gives the opportunity for the “market” to respond to the changing requirements and demands of individuals and places the ultimate commissioning of support services with people themselves.

### 5.7 Corporate/Citywide Implications:

There are no immediate implications for the Council but it does point the way to the Council being a far more facilitative body than a traditional provider.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 Traditional support planning may be necessary for the most vulnerable of people.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 As more and more people opt for self directed support as a way of meeting their care needs, this is a mechanism by which as a council we can be assured and satisfied that we are both fulfilling our statutory requirements as well as future developing the personalisation agenda

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Positive risk enablement policy

### **Documents In Members' Rooms**

None

### **Background Documents**

None