
Swindon Borough Council Care and Support Planning Policy

April 2015

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1. Introduction

The Care Act 2014 sets out the legal framework for how Local Authorities and their representatives must draw up plans to meet adult's needs for care and support. This policy sets out Swindon Borough Council's intentions. It is a combination of statutory requirements of the Care Act and local choices based around the needs of the service and responses to national consultation. The policy has been updated to reflect changing circumstances and business needs, and in particular the requirements of the Care Act 2014. Throughout the policy, the word plan should, unless otherwise indicated, be taken to refer to a care and support plan.

This updated policy comes into effect from 1st April 2015 and replaces all previous policies.

Recognising that inequality, disadvantage and discrimination exist in society, in redrafting this policy Swindon Borough Council accepts their responsibility to ensure that all vulnerable adults regardless of their ethnic origin, religion, language, age, sexuality, gender or disability have equal opportunity to access services and information and that the assessment and eligibility policy will be applied equitably.

This policy should be used in conjunction with mycaremysupport.co.uk that provides a wide range of information in relation to care and sources of support and advice.

2. Swindon's Key Principles for Care and Support Planning

- 2.1. Promoting wellbeing is fundamental to Swindon's approach and is of paramount importance at every stage of the care and support planning process.
- 2.2. The individual is best placed to judge their own wellbeing, to understand their own outcomes and goals and how best to meet them.
- 2.3. The individual's wishes, feelings and beliefs are central to Swindon's system of planning.
- 2.4. Preventing or delaying the development of needs for care and support and reducing needs that already exist is at the heart of our approach.
- 2.5. All decisions are based on the individual's circumstances and every effort will be made to understand each individual's needs and goals
- 2.6. The individual will be given every opportunity to participate as fully as possible
- 2.7. The Care and Support Plan belongs to the person it is intended for
- 2.8. The individuals' needs will be considered in the context of their family and support network.
- 2.9. People will be protected from abuse and neglect

3. The Implications of the Care Act for Care and Support Planning

If an adult's needs for care and support are eligible and the Local Authority is going to meet them, then the Local Authority must prepare a care and support plan. This applies whether the Local Authority will be funding the care and support or whether the adult is self-funding and has requested that the Local Authority arranges care and support on their behalf. The Local Authority must tell the adult which (if any) of the needs will be met by a direct payments and help the adult to decide how to have their needs met.

The content of the plan is set out in legislation and must include:

- The needs identified by the assessment
- The needs the LA is going to meet and how it is going to meet them
- Which of the outcomes, the support is relevant to
- Whether and to what extent the needs meet the eligibility criteria
- The outcomes the carer wishes to achieve and their wishes around providing care, work, education and recreation where support could be relevant
- The personal budget for the adult concerned
- Information and advice on what can be done to reduce the needs in question, and to prevent or delay the development of needs in the future.
- Where some or all of the needs are being met by a direct payment, the plan must include details of the needs to be met via the direct payment, the amount and frequency of the payments and advice concerning the usage of direct payments including how they differ from traditional services. (For further details, see Swindon Borough Council's Direct Payments Policy).

When preparing the plan, the Local Authority must involve the adult for whom it is being prepared, any carer the adult has and any other person the adult asks the Local Authority to involve.

The LA must take all reasonable steps to reach agreement with the adult for whom the plan is being prepared about how the authority should meet the needs in question.

The plan should be proportionate to the needs being met and have regard to the impact of the adult's needs for care and support on their wellbeing, the outcomes that the adult wishes to achieve in day-to-day life, and whether, and if so to what extent, the provision of care and support could contribute to the achievement of those outcomes.

The Local Authority must give a copy of the plan to the adult for whom it has been prepared, any carer the adult has, if the adult asks the Local Authority to do so and any other person to whom the adult asks the Local Authority to give a copy

The Care Act also requires Local Authorities to take all reasonable steps to protect the moveable property of an adult with care and support needs in cases where the adult cannot make their own arrangements. This duty applies if the needs are being met by the Local Authority and the adult is being cared for away from home in a hospital or a care home

4. Planning to Meet Care and Support Needs

Care and Support planning is a vital part of the care and support process and is crucial in ensuring that care and support builds on and develops an individual's strengths, their support networks of family, friends and community

If, following the adult's assessment and the determination of eligibility, eligible needs are identified and the Council is going to meet those needs the Council will facilitate the production of a care and support plan to show how the needs will be met. This also applies in cases where the Council will be not be funding the care and support and the adult is self- funding but has requested that the Council arranges care and support on their behalf. Where the Council is also required to meet needs under Section 117 of the Mental Health Act 1983, this policy should be read in conjunction with Section 117 after Care Services Policy

Meeting needs is a fundamental concept of the Care Act and moves away from the previous approach of providing services. Meeting needs is much broader than providing services. A person's needs are individual and will be met through a variety of means, which may include the provision of services but will also include the provision of information and advice, strengthening their community networks, building on the adult's own strengths and accessing preventative interventions. Needs and outcomes may also be met through Universal Services and do not attract funding and are provided at no cost.

5. The Swindon Approach to Planning to meet care and support needs

Swindon Borough Council's approach to care and support planning puts the person at the heart of the process. Our process is person centred and person led, in order to meet the needs and outcomes of the person in ways which work best for them as an individual or as part of a family. It is designed to build on people's wishes, feelings, needs, values and aspirations, irrespective of the extent to which they choose or are able to actively direct the process.

To achieve this and to ensure that the plan belongs to the person it is intended for, the Council will ensure that the person is genuinely involved and given every opportunity to develop the plan with the Council. Our role is to facilitate the development of the plan and sign it off to ensure that it is appropriate to meet the identified needs

Planning will not be an unduly lengthy process. It will be proportionate to the needs to be met, whilst allowing sufficient time to develop a thorough understanding of how those needs can be met. The Council aims to be as flexible as possible in order to incorporate personal elements into the plan and to allow for creative and innovative approaches to meeting needs.

The plan will detail the needs to be met and how they will be met .It will link back to the outcomes the adult wants to achieve and the impact on wellbeing identified as part of the assessment process. The process will give people choice and control over how to meet their needs.

The planning process will be tailored to reflect an individual's needs and preferences. It will usually involve face to face discussions with an appropriate professional.

The Council will ensure that the adult has the opportunity to develop the plan jointly with their carers', family, friends and other professionals as appropriate and at the adult's request. This may involve 1-1 support from a paid professional or using information accessible from web based support through www.mycaremysupport.co.uk .

The Council recognises that adults with care and support needs may have fluctuating needs, which changes over time; the plan will be structured to recognise this.

6. The Content of the Care and Support Plan

The Council will ensure that the plan and the planning process are proportionate to the needs being met. All plans will have regard to:

- The impact of the adult's needs for care and support on their wellbeing
- The outcomes that the adult wishes to achieve in day-to-day life, and.
- Whether, and if so to what extent, the provision of care and support could contribute to the achievement of those outcomes.

Where the Council is meeting some needs but not others, we will ensure that an appropriate care and support plan is in place. We will also provide a tailored package of information and advice on preventing further deterioration of needs that are not being met.

In accordance with the Care Act requirements, the Care and Support Plan will include

- The needs identified by the assessment
- Whether and to what extent the needs meet the eligibility criteria
- The needs the Council is going to meet and how it intends to do so
- Which of the desired outcomes care and support could be relevant to
- Details of the personal budget which will give everyone clear information about the proportion the local authority will pay, and what amount (if any) the person will pay to cover the costs of the support., so that the adult is better able to make informed decisions about how their care and support needs will be met.
- Information and advice on what can be done to reduce the needs in question, and to prevent or delay the development of needs in the future
- Where needs are being met by a direct payment, details of the needs to be met via the direct payment, the amount and frequency of the payments and advice concerning the usage of direct payments including how they differ from traditional services. (For further details, see Swindon Borough Council's Direct Payments Policy

The plan will be designed so that it can incorporate the adult's own content alongside the statutory requirements.

7. Planning to meet needs

An important feature of the Council's approach to meeting needs is that plans will be focussed around the full spectrum of support. The plan will start from the adult's own strengths, their support networks and community activities that will support their needs. All plans will include information and advice about how to prevent the development of further needs or the escalation of current needs.

Needs may be met by traditional options such as care homes or homecare but may also include other types of support such as reablement, assistive technology, equipment or adaptations, community or voluntary sector support .

There are a number of ways in which care and support can be accessed and funded, including:

- The Council providing support directly,
- The Council commissioning or contracting with a provider to provide care and support
- The Council making a direct payment which allows the adult to purchase some or all of their own care and support. For more details of direct payments, please see Section 8.
- The Council arranging an individual service fund, where the budget is held by the provider rather than the Council or the individual. The Council will make a payment to the provider to meet certain specified outcomes .The individual and the provider will then work together to determine how best to meet the outcomes.

Needs may be being met by a carer or by someone other than the Council. In these circumstances the Council will not arrange any services to meet those needs as long as it is satisfied that the eligible needs are being met. These needs will still be recorded as part of the assessment and discussed as part of the review, to ensure that they continue to be met. The review of the plan will consider the continued sustainability of the caring role.

In accordance with the exceptions detailed in Sections 22 and 23 of the Care Act, Swindon Borough Council will not provide services which should be provided by the NHS under the National Health Service Act 2006 or by housing. (Housing Act 1996) unless the service is an incidental part of a service which the Council is providing

There may be other services which a person is entitled to under other legislation which could be provided as part of care and support, which the Council is not prohibited from providing eg help to access disability related benefits. To avoid duplication, in these circumstances the Council will support the individual to access the support they are entitled to under the other legislation

The Council will take its own budgetary constraints into consideration when planning how needs will be met, but will not use these constraints to decide whether needs are met. The Council will take decisions on a case by case basis to determine how to meet needs in a way which is both people centred and delivers best value.

Acknowledging the need to secure value for money, the Council will place no restrictions on how needs are met as long as the approach suggested is legal, reasonable, will meet the need and will not bring the Council into disrepute.

8. Direct Payments

During the planning process, the Council will explain to the adult and others who are involved in the process the possibility of the adult accessing a direct payment, which would allow them to purchase all or part of their own care and support. This will happen at appropriate points during the process, and will be illustrated by information at www.mycaremysupport.co.uk of how direct payments have been used by others to meet their needs.

As the plan is developed, the Council will inform the adult of which, if any, of their needs could be met by direct payment. We will also explain how direct payments can be used, how they differ from traditional services and how the Council will administer the payment. This advice will include signposting to direct payment support and support organisations locally, the responsibilities that arise from being an employer, managing the payment and monitoring arrangements and the option to have a mixed package of some needs met by direct payments and other forms of support/ arrangements. For full details about Direct Payments, please see the Council's Direct Payments Policy

9. Involvement in Care and Support Planning

Swindon Borough Council recognises that the adult and their carers' are best placed to understand how the needs impact on the person's life and wellbeing .Genuine involvement will aid the development of the plan by increasing the likelihood that the options identified will be effective in supporting the adult to achieve the outcomes that matter to them.

The Council will therefore make every effort to ensure that the adult is involved and influential throughout the planning process. This opportunity for involvement will also be offered to any carer the adult has or any other person the adult asks to be involved. Where the adult lacks the capacity to ask the Council to do that, we will make a best interests decision to involve any person who appears to the authority to be interested in the adult's welfare.

The Council recognises that some people will need support to be involved in the planning process and make decisions and plans. We will ensure that appropriate support is in place. This will often be through a family member. If an adult does have significant difficulty in being involved, the Council will find someone appropriate and independent of the Council to support the adult. This support will include helping to understand the information and express their needs and wishes, securing their rights, representing their interests and ensuring that they obtain the care and support they need. This person could be a family member or friend who is willing and able to provide such advocacy and is acceptable to the adult who is

being assessed. Where there is no one who is appropriate, the Council will appoint an independent advocate.

If the person already has an advocate it may be appropriate for them to continue in that role. However if an advocate is required under the Mental Capacity Act as well as the Care Act, then the Council will ensure that the instruction, appointment and advocate meet the requirements of the Mental Capacity Act.

The need for support to be fully involved will normally have been identified during assessment process in which case the support provided during assessment will continue into the planning.

10. Completing the planning process

a. Sign off and Quality Assurance

Swindon Borough Council will take all reasonable steps to agree the content of the plan, including the personal budget and how the needs will be met, with the adult before we sign the plan off. The processes of sign off will recognise the input of the individual into their plan and will be completed in a proportionate and timely fashion to minimise any delay in needs being met. The best interests of the person must be reflected throughout.

Plans will be signed off and quality assured by appropriately skilled and trained members of the Council's Verifications team. The degree of verification will be dependent on the content.

b. Records of the Plan

The completed plan will be written in an accessible format and given to the adult, and if they consent to their carer, advocate (if they have one) and any other person at the request of the plan owner. With the person's consent, the plan can also be shared with other professionals or support organisations or where they lack capacity if it is in their best interests.

c. Review

The Council will include review dates in the plan. Review dates will be case appropriate, but will normally include a light touch review at 6/8 weeks and a full review annually.

11. Planning for people who lack capacity

The Council recognises that person centred care and support planning is particularly important for people with complex needs. Many people receiving care and support have mental impairments such as dementia or learning disabilities or mental health needs. The principles of the Care Act apply equally to them. In addition, if the person lacks capacity, the principles and requirements of the Mental Capacity Act 2005 also apply.

In accordance with the provisions of the Mental Capacity Act, Swindon Borough Council will assume that people have capacity and can make decisions for themselves, unless otherwise established, and will offer support to help the person to understand and weigh up information and to make informed choices.

If the Council thinks a person may lack capacity to make a decision even with support, a capacity assessment will be carried out.

Where an individual has been assessed as lacking capacity to make a particular decision, Swindon Borough Council will plan in the person's best interests. The Council recognises that the duty to involve the person remains even where the individual lacks capacity. Planning will be done with the person, not for them.

The content of the plan will reflect that the person's rights and freedoms are paramount. The plan will be based on the least restrictive option which is in the person's best interest and necessary to prevent harm. It will reflect the likelihood of the person suffering harm, the seriousness of the harm and will be in the person's best interests.

If the degree and intensity of restrictions and restraints are so significant they amount to a deprivation of liberty, this must be authorised under the Deprivation of Liberty Safeguards under the Mental Capacity Act.

12. Combining Plans

Swindon Borough Council is committed to person centred planning which reflects the whole of an individual's overall wellbeing. To ensure that we achieve this we will ensure that our care and support planning takes account of other plans for that individual. During the process we will ensure that we consider the totality of a person's needs and outcomes and not just their care outcomes.

This may involve combining plans either for more than one individual or for one individual who is in receipt of care and support from more than one source.

Swindon Borough Council may combine an adult's care and support plan with another plan relating to another person if there is consent and there is no conflict of interest. In particular if the adult has a carer who also has eligible needs, the Council will, if all parties agree and there is no conflict of interest, consider combining the carer's plan and the plan of the adult needing care and support.

The consent condition is met in relation to a child if the child has capacity or is competent and agrees or if the child lacks capacity or is not competent so to agree but the Council is satisfied that combining the plans would be in the child's best interest.

If the Council does combine plans for more than one person, we will ensure that the combined plan reflects the needs and circumstances of each person involved.

One key area where plans may be combined is where a person is receiving care and support and health care. Swindon Borough will seek to work with health colleagues to combine health and care plans wherever it is appropriate to do so.

When combining plans, the Council will make every effort to minimise bureaucracy and align processes, including reviews, monitoring and quality assurance of the combined plan.

13. Protecting the Property of adults being cared for away from home

In accordance with Section 47 of the Care Act, Swindon Borough will take all reasonable steps to protect the moveable property of an adult being cared for away from home. This duty will apply where the following three criteria are all met:

- the adult has care and support needs which are being met by the Council and
- the adult is being cared for away from home in a hospital or a care home and
- the adult cannot make their own arrangements for the property to be protected.

Moveable property could include pets as well as personal property. The Council will take action if they believe that otherwise there is a risk of moveable property being lost or damaged.

In accordance with the legislation, the Council may enter the property at reasonable times in order to protect property. This would only be with the adult's consent. Reasonable prior notice will be given.

If the adult lacks capacity to give consent to entering the property, the Council will, where possible, seek consent from a person authorised under the Mental Capacity Act 2005 to give consent on the adult's behalf. If the adult lacks capacity and no other person has been authorised to act on their behalf, the Council will act in the best interests of the adult.

The duty lasts until the adult in question returns home or makes their own arrangements for the protection of their property or the danger of loss or damage has passed (whichever comes first). If costs are incurred, the Council may recover any reasonable expenses from the adult whose property they are protecting.

14. Safeguarding

If the care and support planning process identifies that a person may be experiencing or at risk of experiencing abuse or neglect as a result of their needs, the Council will carry out a safeguarding enquiry. Where such an enquiry leads to further specific interventions being put in place to address a safeguarding issue, this will be included in the support plan.

15 Planning for people who are paying for their own care and support

Swindon aims to ensure individuals who fund their own care are enabled and encouraged to make their own arrangements and that the system is easy to navigate. However, there may be circumstances where a person asks the local authority to arrange care to meet their eligible need. In such circumstances, Swindon Borough Council will carry out care and support planning and /or act as a broker for individuals with eligible needs who will not be entitled to Council funding. Subject to consultation the Council may charge for this service

The Council may also act as a broker on behalf of an individual, supporting an individual to choose a provider and enter into a contract with that provider