

Adult Social Care Policy Framework

Document Summary

This document sets out an overview of the approaches used and the Legal backdrop that Adult Social Care works within regarding the provision of services in Suffolk.

|  |  |
| --- | --- |
| Owner | ASC Quality Assurance & Practice Development Team |
| Version | 2.1 Previous versions available upon request |
| Date | December 2023 |
| Authorised by: | Quality, Engagement & Practice Board (QEP Board), 03/01/2024 |

**THIS IS A CONTROLLED DOCUMENT**

We will on request produce this framework, or parts of it, in other languages and formats, in order that everyone can use and comment upon its content.

Whilst this document may be printed, the electronic version maintained on the Suffolk County Council Internet is the controlled copy. Any printed copies of this document are not controlled.

© Suffolk County Council. Not to be reproduced without written permission.

# Foreword

This policy framework has been designed to provide transparency for staff, adults, carers, the public and partner organisations about our application of statutory duties. This policy framework is underpinned by policies and practice guidance which gives clear direction to staff tasked with implementing the provisions of the Care Act 2014.

Other legislation governs our practice and ASC Policies are designed in accordance with [Care Act 2014 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2014/23); [Mental Capacity Act 2005 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2005/9/contents); [Mental Health Act 2007 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2007/12/contents) and [Human Rights Act 1998 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/1998/42/contents), [Housing Grants, Construction and Regeneration Act 1996](https://www.legislation.gov.uk/ukpga/1996/53/part/I/chapter/I/crossheading/disabled-facilities-grants), [Autism Act 2009](https://www.legislation.gov.uk/ukpga/2009/15/contents), but this list is not exhaustive.

# Overview

[Adult and Community Services](https://www.suffolk.gov.uk/care-and-support-for-adults) is a directorate within Suffolk County Council (SCC). We use the term **Adult Social Care** (ASC) to refer to ourselves, so people are clear who we are. In ASC, giving choice and control is at the heart of our planning, commissioning, and delivery of social care support in Suffolk and is underpinned by SCC’s [Ambitions for Suffolk](https://www.suffolk.gov.uk/council-and-democracy/our-aims-and-transformation-programmes/our-ambitions-for-suffolk).

We encourage people to live as independently as possible with access to support and activities from friends, family, and their local community.

# Approach and Legal backdrop

Suffolk County Council (SCC) has a statutory duty to meet needs as set out in the [Care Act 2014](https://www.legislation.gov.uk/ukpga/2014/23/contents/enacted) and [national eligibility thresholds](https://www.scie.org.uk/care-act-2014/assessment-and-eligibility/eligibility/criteria).

The Care Act 2014 sets out duties for SCC as the Local Authority with responsibility for the provision of social care. A fundamental obligation the Care Act imposes on local authorities is with regard to an individual's right to a Care Act assessment.

The [Care and Support statutory guidance](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance) is frequently updated by the Department of Health and Social Care; ASC references updated guidance when developing policies and practice guidance to ensure greater understanding of Care Act duties. The statutory guidance supports implementation of part 1 of the Care Act 2014 by local authorities, the NHS, the police and other partners.

People at the Heart of Care is our strategic ambition which has 4 key drivers, and we use the Signs of Safety approach to give us the skills, knowledge, and techniques to apply this.

## **People at the Heart of Care’s key drivers and how they link to our duties under the Care Act 2014:**

## People’s voices at the heart of Care

* We look at promoting individual wellbeing [section 1](https://www.legislation.gov.uk/ukpga/2014/23/section/1)
* Having co-production and engagement from Adults and Carer’s with lived experience to shape practice and policy
* Ensuring that **Advocacy** is available for those who need it

## Independence at the heart of Care

* Providing information and advice [section 4](https://www.legislation.gov.uk/ukpga/2014/23/section/4) to prevent, reduce and delay needs for care and support where possible
* When assessing needs [section 9](https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/assessing-needs) the assessment process will involve the adult or carer to participate in decisions made about their eligible needs
* Our assessments will be based on the [9 areas of wellbeing and specified outcomes](https://www.scie.org.uk/care-act-2014/assessment-and-eligibility/determination-eligibility)
* Adult or carer will be involved in the decisions in Care and Support planning [section 25](https://www.legislation.gov.uk/ukpga/2014/23/section/25)
* Use of personal budget [section 26](https://www.legislation.gov.uk/ukpga/2014/23/section/26) to meet care and support needs
* Option of receiving your personal budget as a Direct payment [section 31](https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/direct-payments)
* Development of self-assessment tools to broaden the contact options to Suffolk residents. [Suffolk Adult Care Portal](https://www.suffolk.gov.uk/care-and-support-for-adults/how-social-care-can-help/suffolk-adult-care-portal) is designed to support adults and carers to manage their social care relationship with Suffolk County Council
* [Digital Care](https://www.suffolk.gov.uk/care-and-support-for-adults/help-to-stay-at-home/technology-to-help-you-live-independently) and assistive technology options to support Adults and carers to live safely and independently at home for longer

## Quality at the heart of Care

* Working to promote integration of care and support with health services [section 3](https://www.legislation.gov.uk/ukpga/2014/23/section/3) and engaging with the NHS and other key partners (co-operation) [section 6](https://www.legislation.gov.uk/ukpga/2014/23/section/6). We are committed partners in local integrated health and care systems.
* We look at promoting diversity and quality in provision of services [section 5](https://www.legislation.gov.uk/ukpga/2014/23/section/5)
* **Safeguarding** at risk of abuse or neglect [section 42](https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/safeguarding-adults-at-risk-of-abuse-or-neglect)

## Sustainability at the heart of Care

* Working with local communities to identify services, facilities and resources to reduce and prevent needs for care and support [section 2](https://www.legislation.gov.uk/ukpga/2014/23/section/2)
* Digital Careand assistive technology that can support Adult’s to live safely and independently at home for longer.
* People First: A strategy to keep people at the heart of what we do, ensuring our services remain financially sustainable and provide the best outcomes.

ASC use Liquidlogic Adults' Social Care System (LAS) as a case management tool to record interaction with adults and carers. Within the LAS forms there is guidance text and links to aid staff recording to support legally compliant and detailed records.

# Charging

Some services that ASC arrange and provide are a [chargeable service](https://www.suffolk.gov.uk/care-and-support-for-adults/paying-for-care/how-social-care-is-paid-for/) and financial assessments can be undertaken. The Care Act 2014 provides a single legal framework for charging for care and support under [sections 14 and 17](https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/charging-and-assessing-financial-resources).

The Care Act Statutory guidance [Charging and financial assessment](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#Chapter8) section includes chapters:

[8. Charging and financial assessment](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#charging-and-financial-assessment) with reference to the following:

* the Care and Support (Charging and Assessment of Resources) Regulations 2014
* the Care and Support and Aftercare (Choice of Accommodation) Regulations 2014

[9. Deferred payment agreements](https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#Chapter9) with reference to the following:

* the Care and Support (Deferred Payment) Regulations 2014 (as amended by the Care and Support (Deferred Payment) (Amendment) Regulations 2017)

# Advocacy

The Care Act 2014 [Sections 67 and 68](https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/independent-advocacy-support) requires that individuals must be involved in decisions made about them and their care and support, no matter how complex their needs. This applies in all settings, including people living at home, in the community, in care homes and those detained in prison.

This is under the Care and Support (Independent Advocacy) Regulations 2014.

ASC provides information about Advocacy services they use [here](https://www.suffolk.gov.uk/care-and-support-for-adults/how-social-care-can-help/advocacy/).

# Safeguarding

**Our responsibilities under the Care Act 2014** [section 42](https://www.legislation.gov.uk/ukpga/2014/23/section/42)requires local authorities to make enquiries, or to ask others to make enquiries, where they reasonably suspect that an adult in their area with care and support needs is at risk of abuse or neglect and is unable to protect himself/herself.  The purpose of the enquiry will be to establish what, if any, action is required.

The Suffolk Safeguarding Partnership (SSP) is independent of SCC. The SSP holds a statutory role in supporting, coordinating, and overseeing the delivery and quality of multi-agency adult safeguarding activity in Suffolk.

SCC are represented on the Safeguarding Adults Board.

The Partnership's website [suffolksp.org](https://suffolksp.org.uk/) provides a wide range of information on their work. It also includes published reports, information, and guidance.

# Mental Capacity & Deprivation of Liberty Safeguards

The [Mental Capacity Act 2005](https://www.legislation.gov.uk/ukpga/2005/9/contents) (the Act) provides the legal framework for acting and making decisions on behalf of individuals who lack the mental capacity to make specific decision/s for themselves. The [Mental Capacity Act Code of Practice](https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice) and current case law examples also inform practice.

Everyone working with and/or caring for an adult who may lack capacity to make specific decisions must comply with this Act.

Capacity is assumed unless there is reason to doubt it, at which point an assessment should be carried out and recorded. If an adult is deemed to lack capacity on a specific decision staff will work within the Act when making decisions or acting for that person. The same rules apply whether the decisions are life-changing events or everyday matters.

Under the [Mental Capacity (Amendment) Act 2019](https://www.legislation.gov.uk/ukpga/2019/18/contents), the Deprivation of Liberty Safeguards will be replaced by the Liberty Protection Safeguards (LPS). The government has not said when the LPS will come into force therefore at this time the [Deprivation of Liberty Safeguards](https://www.scie.org.uk/mca/dols/at-a-glance) still apply.

# Access to alternative formats

Upon request information can be made accessible to all groups with protected characteristics under the Equality Act 2010; this includes easy read, large font, British Sign Language and alternative languages. This list is not exhaustive.

Further information about accessibility can be found on the [accessibility page](https://www.suffolk.gov.uk/about/web-accessibility).

# Trusted Partner Organisations (TPO’s)

ASC contract trusted partner organisations to undertake some functions and statutory obligations, including carers assessments and reviews and other activities.

# How to appeal, challenge, complain or provide feedback

We encourage adults, carers, or their representative to contact the staff member to identify any inaccuracies, omissions, or differences of perspective, before any assessment is finalised.

Individuals have the right to challenge a decision of the local authority, whether by a [formal or informal complaint](https://www.suffolk.gov.uk/about/compliments-and-complaints/), provide feedback, or appeal decisions made by the local authority through this route.

# Expectations of Adult’s and Carer’s contact to the local authority

Our staff have the right to be treated with dignity and respect at all times. We will not tolerate violence, abuse, discrimination, harassment, or threats towards our staff, for any reason. We will take swift and robust action to support and protect staff wherever this occurs, and to prevent any occurrence, as much as possible.

Whilst we understand that Adults/ Carers may be operating in emotional circumstances and may have criticisms of a service or the organisation, we will not tolerate personal attacks against our staff, whether made in person, on the phone, in writing, through social media or other technology.

Our **Unreasonable behaviour policy** lays out our definition of unreasonable behaviour and the policies and procedures we follow to protect staff and councillors. Examples of unreasonable behaviours are ‘Using behaviour or language, whether face to face, by telephone, social media, e-mail or written that may cause staff to feel intimidated, threatened or abused’, ‘Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved’ and ‘Conducting campaigns through social media that include personal attacks on individuals, their professionalism and/or their motivations’. A full list can be found in the Unreasonable behaviour policy which can be found on this page [Compliments and complaints - Suffolk County Council](https://www.suffolk.gov.uk/about/compliments-and-complaints).

# Adult Social Care Outcomes Framework (ASCOF)

[ASCOF](https://www.gov.uk/government/publications/adult-social-care-outcomes-framework-handbook-of-definitions) is used both locally, regionally, and nationally to measure progress against key priorities and strengthen transparency and accountability. Importantly, it measures how well care and support services achieve the outcomes that matter most to people.

# Equality Impact Assessment and Quality Assurance

We undertake Equality Impact Assessments (EIA) when producing policies or developing services. This is in line with the [Public sector equality duty](https://www.gov.uk/government/publications/public-sector-equality-duty) which came into force in April 2011 (s.149 of the [Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents)).

The EIA process is designed to ensure that a policy or service does not discriminate against any disadvantaged or vulnerable people and that, as far as possible, any negative consequences are eliminated or mitigated.

ASC has a Quality Assurance Framework that sets out our approach to learning, improvement, and quality assurance in relation to operational practice. It is underpinned by Care Act duties and principles and locally identified priority areas for strategy and therefore practice.