

TRAFFORD COUNCIL

Report to: Executive
Date: 21 March 2021
Report for: Decision
Decision Report of: Executive Member for Adult Social Care

Report Title

Care Act 2014: Urgent Measures Decision Framework

Summary

In January 2022 a report highlighting the Council's Care Act obligations and the significant pressures across the social care system arising by virtue of the impact of the Covid 19 pandemic was considered by the Leader of the Council. The report set out details of a proposed contingency plan which would assist the Council in managing the pressures detailed in the report.

Subsequent to that report, a contingency framework was approved to enable the Council to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point. The measures enable the Council to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs are met and would put into place responsive plans to manage current and future demands.

The contingency framework was approved for a period of one month from the date of the decision and subject to a review based on an assessment of need, may be extended beyond that period if formally approved.

A review of the contingency framework has been undertaken and the current need has been assessed. This report provides a summary of the current position across the social care system and proposes an extension to it sets out recommendations in respect of the contingency framework going forward.

Recommendation(s)

It is recommended that the Executive:

- 1. notes the review summary as detailed in the report;**
- 2. approves the decision making framework and associated criteria, as set out in the report and in Appendix B, to be used to determine future decisions on the implementation of urgent measures;**

3. approves in principle, the potential urgent measures as detailed in the report; and
4. delegates authority to the Corporate Director of Adult Social Care, in consultation with the Corporate Director for Governance and Community Strategy and the Executive Member for Adults Social Care, to determine, in accordance with the said decision making framework and criteria, those cases where there is a strategic or an operational need to implement any or all of the urgent measures; and
5. notes that the Executive Member for Adult Social Care will make a report to the Executive and to the Scrutiny Committee detailing any decisions made to implement the urgent measures; and
6. notes that the approvals in points 2, 3 and 4 of this decision will apply for a period of three months from the date of the decision and may be extended beyond that period if formally approved following a review based on an assessment of need.

Contact person for access to background papers and further information:

Name: Karen Ahmed
 Background Papers: N/A

Relationship to Policy Framework/Corporate Priorities	<p>Services focused on the most vulnerable people: Residential and nursing care and homecare are targeted services provided to the most vulnerable people, following a social care assessment and ensures their safety at some of the most critical times of their lives, e.g. following hospital discharge.</p> <p>Trafford Together Plan and the Integrated Care System: We are working towards an integrated commissioning system for Trafford and as part of this continue to discuss how we might further integrate commissioning activity within the new ICS.</p>
Relationship to GM Policy or Strategy Framework	<p>The following policies describe our approach: Greater Manchester Population Health Plan 2017-2021: Age Well Priority Greater Manchester Health and Care Board Urgent and Emergency Care Improvement and Transformation Plan Greater Manchester Live Well at Home Strategy Housing Strategy and Ageing Well Commissioning Strategy and Market Position Principles These continue to provide the strategic framework for how we support people with social care needs in Trafford.</p>
Financial	<p>The measures will have a budgetary impact, particularly in respect of the levels of client contributions. Until Care Act assessments are undertaken clients cannot be charged. This impact will be reviewed and reported as part of budget monitoring.</p>
Legal Implications:	<p>The legal implications are detailed in the report.</p>

Equality/Diversity Implications	Individual assessments, decision making and service provision will take into account the cultural and gender preferences of the individual but it may no longer be possible to meet these because of the limited resources.
Sustainability Implications	N/A
Carbon Reduction	N/A
Resource Implications e.g. Staffing / ICT / Assets	The rationale behind the proposed measures is to enable the Council to manage risk through the prioritisation of available resources, in particular staffing shortages through the current crisis. The risks arising by virtue of a decision being taken to implement the urgent measures proposed is detailed in the report
Risk Management Implications	The rationale behind the proposed measures is to enable the Council to manage risk through the prioritisation of resources through the current crisis. The risks arising by virtue of a decision being taken to implement the urgent measures proposed is detailed in the report
Health & Wellbeing Implications	Individual health and wellbeing considerations will be form part of any assessment and decision making process
Health and Safety Implications	N/A

1.0 Background

- 1.1 In accordance with the Care Act 2014, the Local Authority has a statutory obligation to meet needs for care and support. The Local Authority has an obligation to provide care in accordance with the relevant level of need, as determined by an assessment.
- 1.2 In January a report providing a detailed position statement in respect of the Council's statutory obligations and the increasing pressures across the system as a result of the pandemic was considered by the Leader of the Council. The report proposed a contingency plan which would then enable it to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point. The report is attached at Appendix A.
- 1.3 On 7 January 2022, the Council approved the establishment of a contingency plan to assist in dealing with the pressures detailed in the report by:
- agreeing a robust and transparent framework to support future decisions on the implementation of urgent measures;
 - agreeing potential urgent measures; and
 - proposing the use of urgent measures in accordance with the decision framework.
- 1.4 The agreed contingency framework sets out urgent measures to enable the Council to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs are met. The measures enable the Council to streamline present assessment arrangements and prioritise care so that the most urgent and acute needs are met and would put into place responsive plans to manage current and future demands
- 1.10 Under the agreed contingency framework authority would be delegated to the Corporate Director of Adult Social Care in consultation with the Corporate Director for Governance

and Community Strategy and the Executive Member for Adult Social Care to implement the urgent measures set out in that contingency plan.

- 1.11 The contingency framework was approved for a period of one month from the date of the decision and subject to a review based on an assessment of need, may be extended beyond that period if formally approved.
- 1.12 The Council has not yet had to utilise the decision framework in order to implement the agreed urgent measures as a result of a critical situation.
- 1.13 A review of the contingency framework has been undertaken and the current need has been assessed. This report provides a summary of the current position across the social care system and based on the current pressures and needs across the sector, seeks approval to keep the contingency framework in situ to enable the Council to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point.

2.0 Review Summary

- 2.1 The decision made on 7 January 2022:
 - a) approved the adoption of a decision making framework and associated criteria, as set out in the report and appendices, to be used to determine future decisions on the implementation of urgent measures;
 - b) approved in principle, the potential urgent measures as detailed in the report; and
 - c) delegated authority to the Corporate Director of Adult Social Care, in consultation with the Corporate Director for Governance and Community Strategy and the Executive Member for Adults Social Care, to determine, in accordance with the said decision making framework and criteria, those cases where there is a strategic or an operational need to implement any or all of the urgent measures; and
 - d) noted that the Executive Member for Adult Social Care will make a report to the Executive and to the Scrutiny Committee detailing any decisions made to implement the urgent measures.
- 2.2 The above decisions were made for a period of one month from the date of the decision and a provision to extend beyond that period was agreed subject to formal approval following a review based on an assessment of need.
- 2.3 In accordance with the decision made on 7 January 2022, a review of: the contingency framework; the decision made in January 2022; and the current need has been undertaken in order to determine whether the decision making framework is still required.
- 2.4 Detail of data used for the purposed of the review is attached at appendix B.
- 2.5 Demand on the social care market varies from day to day to day and regular monitoring and review of all aspects of the system are undertaken on a daily basis in order to ensure flow and make any decisions about prioritisation. This enables close working with providers to address where the greatest demand is or the longest waits, whether they be in the community or in hospital.
- 2.6 There are a number of significant factors which influence the availability of placements for people and a comprehensive stocktake of these was undertaken in mid-February 2022:

- demand as defined by the number of people waiting for a care package
- availability of social work staff to assess peoples' needs and free up D2A capacity
- capacity in the homecare market measured by the number of packages handed back and the number of incidences of use of the traffic-light system.

2.7 Ongoing monitoring and review together with the stocktake evidenced that there continues to be difficulties in recruitment and retention of social care staff and this is creating a fragile social care system which is struggling to meet the challenges of Covid and meet current demand. Whilst there have been some improvement, these are not significant enough to give us confidence that we have a sustainable level of resource available to meet our on-going requirements.

2.8 Whilst the Government has indicated that revocation of the Health Protection (Coronavirus Restrictions) (England) (No.3) Regulations will move Local Authorities to a position where they will need to manage local outbreaks of Covid-19 in high risk settings as they do with other infectious diseases, at this point, we do not believe that the Government's removal of remaining domestic restrictions in England will improve the situation as detailed in this report to any significant degree within the immediate few months.

3.0 Review Conclusion

3.1 The Council has not yet had to utilise the decision framework in order to implement the agreed urgent measures as a result of a critical situation.

3.2 Based on the current position across the social care system and based on the current pressures and needs across the sector, the Council's assessment of risk remains high.

3.3 It is recommended that the contingency framework is kept in situ to enable the Council to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point.

3.4 A contingency framework which would then enable it to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point is needed.

4.0 Other Options

4.1 The Council has no option but to agree a plan to help manage the known risks associated with insufficient resources to consistently continue delivering the commissioned care packages or to meet new and emerging demand.

4.0 Consultation

4.1 None

5.0 Reasons for recommendation

5.1 In order to manage pressures across the social care system the Council needs an agreed contingency plan. A contingency framework will enable the Council to reach speedy decisions around the implementation of agreed urgent measures if the situation reaches a critical point. The measures will also enable the Council to streamline present assessment

arrangements and prioritise care so that the most urgent and acute needs are met and would put into place responsive plans to manage current and future demands.

Key Decision (as defined in the Constitution): Yes
If Key Decision, has 28-day notice been given? No

Finance Officer Clearance GB
Legal Officer Clearance DS

CORPORATE DIRECTOR'S SIGNATURE

A handwritten signature in black ink, appearing to read "Daezatm". The signature is written in a cursive, flowing style with a large initial 'D'.

To confirm that the Financial and Legal Implications have been considered and the Executive Member has cleared the report.