

**REPORT OF THE
EXECUTIVE MEMBER
ADULT SOCIAL CARE**

PART II

**AUTHORITY TO TENDER FOR AN INTEGRATED OFFENDER
MANAGEMENT SERVICE**

The Executive Member for Adult Social Care has granted approval to tender for the elements of the new Integrated Offender Management (IOM) service that are to be funded out of existing resources (primarily the Hampshire Drug Interventions Programme (DIP), Prolific and Priority Offender (PPO) services and Alcohol Harm Reduction Services). This work is part of the implementation phase of the County Strategy Group Strategic Review.

The Integrated Offender Management approach aims to improve and strengthen joint identification and assessment, offender management, interventions and information sharing frameworks for those offenders in the community who present the highest risk of re-offending. The approach highlights that Police, Probation and Youth Offending Teams can achieve better outcomes by working in partnership with other agencies.

The new service will work alongside the new Drug and Alcohol Action Team integrated substance misuse Hampshire Operational Model for Effective Recovery (HOMER) model, with specialist substance misuse interventions taking place within HOMER and not Integrated Offender Management.

The proposed Integrated Offender Management model has agreement from the County Strategy Group for Community Safety to use funding to value of £931,000 with potential for further (maximum) funding of £50,000 from Hampshire County Council Adult Services for additional alcohol interventions. The new Integrated Offender Management service will have an initial three year contract, with the option to extend by another two years.

The proposed new service is affordable within the current available budget for 2010/11. After April 2011 the proposed services will depend on the continuation of grant funding from central government. All parties involved in the new service are aware that should there be significant reductions in central government grants applicable to this proposal, Hampshire County Council will be under no obligation to underwrite the associated extra costs. The contract itself will be subject to the ongoing availability of grant funding and the Terms and Conditions of contract will formally reflect this.

The Integrated Offender Management service will deliver against a range of performance targets, improving the delivery and scope of work with offenders in Hampshire. There are three overarching key priority targets identified for

the proposed Integrated Offender Management service, which are agreed Hampshire Local Area Agreement partner targets. These are:

- NI 38 – to reduce the rate of class ‘A’ drug related offending
- NI 30 - to reduce the rate of reoffending for Prolific & Priority Offenders
- NI 20 – to reduce incidences of (alcohol related) violence

The innovative approach that is being pursued will challenge offending behaviour and work towards the reintegration of offenders, by providing the right interventions to the right individuals at the right time. The newly created service will deliver a high level of partnership working, including working with other co-located criminal justice staff, including Probation, Police and Youth Offending Teams. It will also support the Council’s corporate priorities, most notably ‘Hampshire safer and more secure for all’ and ‘Maximising wellbeing’.

Full details of the report considered by the Executive Member can be accessed at

http://www3.hants.gov.uk/councilmeetings/meetingssummary.htm?sta=0¤tpage=1&tab=1&date_ID=330

RESPONSE TO LAW COMMISSION CONSULTATION ON ADULT SOCIAL CARE

The Executive Member for Adult Social Care has submitted a response on behalf of the County Council in respect of the Law Commission consultation on the legislative framework for Adult Social Care. The aim is to help create an effective legal framework that can accommodate current and future policies while also maintaining the core entitlements and obligations that have been established over many years. The key points made in the response are outlined below.

The Law Commission’s proposal is that there be a unified Adult Social Care statute covering both England and Wales which would in effect mirror the Children Act in terms of Child Care law. The Law Commission believes that the most effective way of providing a coherent legal framework for Adult Social Care is to build on the process-driven elements by establishing tightly defined processes for determining the scope of Adult Social Care. A community care assessment, eligibility decision and formation of a care plan would remain at the centre of the proposed statute.

Questions within the consultation document were divided under the following thirteen headings:-

Introduction ;Our Approach to Law Reform; Statutory Principles; Community Care Assessments; Carers’ Assessments; Eligibility for Services; Section 21 of the National Assistance Act 1948 and Section 2(1) of the Chronically Sick and Disabled Persons Act 1970; Ordinary Residence and Portability; Scope of

Adult Social Care Services; Delivery of Services; Joint Working; Safeguarding Adults at Risk; Strategic Planning

The proposal that there be a single Adult Social Care statute with the core duties and powers of local authorities set out on the face of the statute itself and that there be a three level structure for the regulation of Adult Social Care consisting of primary legislation, statutory instruments and guidance was welcomed. A Code of Practice bringing together all the statutory guidance in one place would assist in consolidating and unifying all relevant documentation.

The Executive Member believes that safeguarding, dignity in care and person centred planning are principles so fundamental to the provision of Adult Social Care that they should be included in the statute as overarching principles. Maximising choice and control should be an integral part of person centred planning.

The proposal that there should be a duty to undertake a community care assessment triggered where a person appears to the local authority to have social care needs and that the focus of the community care assessment duty should be an assessment of the person's social care needs and the outcomes they wish to achieve, was welcomed. The County Council currently carries out supported self assessments but questions whether pure self assessment would in practice be workable. A right to have a full assessment on request could lead to unnecessary additional work in cases where it did not appear that there was any need for community care services.

Consolidation of the various existing legislation relating to carers into one statute was welcomed. In order to properly consider a carer's needs, as distinct from those of the cared for person, the Executive Member believes that a separate assessment should be carried out. The two assessments should, however, inform each other and provide a joined up approach in each matter.

The Executive Member supported the principle that, within a permissive legislative framework, local authorities should be required to determine eligible needs using eligibility criteria. Local authorities should then provide or arrange community care services including a direct payment to meet all eligible needs. With funding coming from local residents the Executive Member takes the view that eligibility criteria should be determined at a local, rather than national level.

Clarification within the statute in relation to a power to provide preventative services to people who did not meet the eligibility criteria would be helpful. The Hampshire Commission of Inquiry into Personalisation supported replacing the risk to independence with priorities for intervention as being easier to understand. As regards a national eligibility framework for exercising a local authority's power to provide services to carers, a mandatory framework would remove current ambiguity. The Executive Member made clear however that as there may be significant resource implications for local authorities, this is one area where detailed consideration would be required.

The Executive Member supported the proposal that there be a local authority duty to provide services for people ordinarily resident in their area. Local authorities should also have powers to provide services for people who are not ordinarily resident in their area together with a duty to provide care in cases of urgent need. Provision of temporary urgent services should not be limited by the ordinary residence rules.

The Executive Member welcomed proposals relating to portability of assessments but recognised that this could, in effect, do away with local variations in eligibility criteria. Portability of assessment should relate to identification of need, with the individual local authority having flexibility in how the needs are met.

The Executive Member did not consider that community care services or carers services should be defined, in order to take into account choice and control. The Executive Member indicated that flexibility in how eligible needs can be met, while recognising that provision made must be capable of meeting needs, would be welcome. Greater clarity in respect of the provision of community care services to foreign nationals, including asylum seekers was also suggested as being helpful.

The Executive Member would be cautious about extending Direct Payments to cover longer periods of residential accommodation and aspects such as the calculations of the amount of the Direct Payment would need to be made clear. It is the Executive Member's view that discretion to charge for non-residential care, whether provided directly or through Direct Payments, should be retained by local authorities .

Safeguarding is a key priority for the Adult Services Department and the majority of the proposals in the consultation document around safeguarding were welcomed. It was suggested there be a statutory duty to have a protection plan similar to the duty to have a care plan. The Executive Member considered that the term 'adult at risk' best represents the relevant group of people who require assistance.

Full details of the report reconsidered by the Executive Member and the more detailed response can be accessed at http://www3.hants.gov.uk/councilmeetings/meetingssummary.htm?sta=0¤tpage=1&tab=1&date_ID=331

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