

Report for: Cabinet, 13 February 2018

Title: Approval of the Haringey Respite Care Policy



Report authorised by : Charlotte Pomery, Assistant Director Commissioning

Lead Officers: Sebastian Dacre, Commissioning Manager

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key Decision

1. Describe the issue under consideration

- 1.1 Haringey Council (the Council) and Haringey Clinical Commissioning Group (CCG) are committed to enabling all residents to have a good start in life and to live as independently as possible with the right support, achieving their stated outcomes whether they are carers, young carers or cared for people. This paper proposes that the Council adopts the Respite Care Policy following a public consultation. The CCG is adopting the policy through its Governing Body. The policy provides clarity for all carers, users of all ages and practitioners to ensure that those with eligible needs receive the appropriate respite support.
- 1.2 Both carers and those with care needs have rights set out in law and described in the policy that the Council and CCG have to consider, specifically: The Care Act 2014, the Children Act 1989 and The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care 2012.
- 1.3 These pieces of legislation and guidance provide the framework for Local Authorities and CCGs, as well as partners such as Mental Health Trusts, Acute trusts and the community and voluntary sector, to ensure that all partners are treating the needs of carers and the cared for person with parity, promoting their wellbeing and supporting their choice and control. There has also been a requirement to strengthen support for carers, including an emphasis on the importance of respite care. This also includes the requirement for the needs of young carers to be identified and addressed.
- 1.4 **Following consultation with a wide range of stakeholders, this paper presents the Respite Care Policy (the Policy, a copy of which is attached as Appendix 1) to Cabinet for approval. The Policy sets out how the Council and the CCG will move towards a consistent and equitable way of supporting people in the provision of respite across health and social care. It provides**

clarity for all carers, users of all ages and practitioners to ensure that those with eligible needs receive the appropriate respite support.

- 1.5 This policy forms part of a suite of documents which the Council is in the process of refreshing to ensure that its key priorities and outcomes are in line with the current Corporate Plan and are supported by clear policy positions.

2. Cabinet Member Introduction

- 2.1 I am delighted to present this Respite Care Policy for approval by Cabinet. The policy is a joint document between the Council and the CCG and reflects the strong strategic and working relationships between the two partners.

- 2.2 We fully acknowledge the significant contribution which carers make to supporting people with care needs of all ages to lead independent and fulfilling lives. We see on a daily basis the difference that the energy, dedication and enthusiasm of carers make in the lives of local residents who need more support. This policy is aimed at providing clarity about the respite offer which would be available both from the Council and from the CCG.

3. Recommendations

- 3.1 To consider and take into account the feedback from the consultation undertaken which is set out at 6.6 and in Appendix 3;
- 3.2 To consider and take into account the equalities impact assessment of the proposals on protected groups at Appendix 2;
- 3.4 To approve the Respite Care Policy, to take effect from 1st April 2018 attached at Appendix 1.

4. Reasons for decision

- 4.1 The Council and CCG are committed to supporting carers, young carers and the cared for person to access the right respite care in a way that supports carers, contributes to outcomes for the cared for person and aligns with the Corporate Plan. The Council and CCG are also committed to closer integration between health and social care. This policy outlines Haringey Council and Haringey Clinical Commissioning Group's approach to respite care which has the aim of maintaining or improving adults and carers' well-being and, in line with the Care Act 2014, the Children Act 1989 and The National Framework for NHS Continuing Healthcare and NHS- funded Nursing Care 2012.
- 4.2 The Council and CCG recognise the significant contribution that carers – whether family members, young carers or parent carers – make to the care of those with a range of needs who are thereby able to remain living at home for longer, preventing the need for institutionally based care for as long as possible.

- 4.3 The Council's current arrangements for respite care do not rest upon a single clearly stated policy position. Current practice is inconsistent with local variations in different service areas.
- 4.4 The CCG also does not have a single clearly stated policy position.
- 4.5 The aim of a single respite policy is to clearly set out and define what respite care is and isn't, to provide a clear pathway for identifying need and the provision of respite and to set out how charging applies to respite thereby providing clarity and consistency for all carers and cared for across Haringey.

5. Alternative options considered

- 5.1 Alternative options considered were to continue with separate approaches to respite policies for children, adults, health and social care. This option was not taken forward as this would have been a missed opportunity to encourage joined up working across service boundaries.
- 5.2 The contents of the Policy reflect the wider strategic aims of the Council to give all children the best start in life and empower all adults to live healthy, long and fulfilling lives and also to contribute to the closer integration of health and social care. The option of maintaining the current model for respite was not considered to meet these wider strategic aims due to the lack of consistency across service areas.

6. Background information

- 6.1 The Respite Policy brings into one place arrangements for carers and the cared-for person with regard to respite care and to ensure consistency of approach across the Council and the CCG. This Policy does not affect eligibility for services or support.
- 6.2 Currently, respite is offered inconsistently and depends on practice in each individual service area. There is currently no single policy in place which sets out what respite is and how it is identified, funded and delivered. In some areas respite is offered only in an emergency without the needs of the carer having been assessed.
- 6.3 The policy offers a single approach to respite across service areas for carers and the cared for person. The aim is to ensure that the service received and the user experience are consistent and that the most efficient, effective and suitable respite assistance is provided.
- 6.4 The Policy will ensure that respite care is proactive rather than reactive. This will better support carers' wellbeing as the respite care will be planned and delivered in a way that meets the needs and aspirations of the cared-for person. Planned respite care will ensure that the correct respite care is provided for the cared-for person and should reduce the risk of breakdowns in the provision of respite care.
- 6.5 Prior to the consultation, a number of carers, across a range of service areas, were involved through existing carers' meeting and forums in discussions about the draft

respite policy. The discussions centred on what respite care is and on the principle that the respite service is a service for the cared for person, which is designed to meet their needs and outcomes. The engagement with carers focused on the broad themes of the policy. Carers did not comment directly on the detail of the draft policy but were in favour of a joint policy across health and social care.

Consultation process and outcomes

- 6.6 The consultation on the Draft Respite Care policy ran from 24th October 2017 to 16th January 2018.
- 6.7 The consultation comprised:
- A dedicated webpage explaining the consultation and access to an online version of the policy and the survey.
 - For adult services, current and recent service users were sent a letter outlining the consultation. Approximately 800 letters from the local authority and 300 letters from the CCG were sent out.
 - For children services, emails outlining the consultation were sent out
 - For Young Carers, two focus groups were carried out containing 8 and 12 young carers each.
 - Hard copies of the policy and questionnaire were available on request.
 - Drop in sessions were held at Hornsey, Marcus Garvey and Wood Green libraries to enable service users to learn more about the policy, ask questions about the policy and seek assistance with completing the questionnaire. An advocate was also present at each drop in session in case needed.
 - A direct telephone number for service users to call and ask questions about the policy or for assistance with completing the questionnaire.
 - Additionally, relevant stakeholders were emailed about the consultation
- 6.8 The consultation was originally due to finish on 19th December 2017. However, on 20th November 2017, following a request from a parent/carer, it was extended to 16th January 2018. This was to ensure that ample time was provided to allow time for those affected to have their say.
- 6.9 In addition to receiving a letter, drop-in sessions at Wood Green, Marcus Garvey and Hornsey libraries were offered and the online consultation remained open. A total of 8 people attended the drop in session 7 females and 1 male.
- 6.10 The overall consultation response rate was very low (44 actual responses). Of the 44 individuals or carers that responded, the following quantitative results were obtained:
- 45% agreed with the definition of respite care, 39% reported that they were unsure, 11% reported that they did not agree and 5% did not respond

- 52% understood the difference between respite care and other short term care, 23% reported that they were unsure, 20% reported that they did not understand the difference and 5% did not respond
- 45% thought the proposed policy would have an impact on them or their carer's ability to provide care, 32% reported they were unsure, 13% reported it would have no affect and 9% did not respond
- 34% understood when and how the Council charges for respite care, 20% reported they were unsure, 39% reported that they did not understand and 7% did not respond
- 32% reported that the policy was clear and easy to understand, 27% reported they were unsure, 32% report they it was not clear and easy to understand and 9% did not respond

6.11 The key issues raised during the consultation were as follows:

- Definitions – The definition of respite care is missing the understanding that respite provides a break from caring both for the carer and cared for as part of an ongoing relationship.
- Eligibility – more clarity about who is eligible for respite care.
- Charging – there was some difficulty in understanding when charging applied and a concern about those who would be unable to pay.
- Emergency respite – a clear view that emergency respite should not form part of the respite allocation.
- Entitlement – practitioners raised issue of allocation and whether consideration should be given as to whether respite allocations should be based on need bandings e.g. low, medium, high which would help determine the allocation respite. A query was also raised as to whether there should be a cap on the amount of funding provided for respite care.
- Young carers – felt that the policy made clear how respite care was accessed but felt that the language used was not very young person friendly and the policy needed explaining to them.
- Policy is welcomed; carers need a break.

6.11.1 In response to these points:

- To the issue of definitions – we have reworded the text of the policy to include an additional emphasis that respite provides a break for carers as well as responding to the needs of users.
- To the issue of eligibility – This section of the policy has been expanded so that carers have a better idea of the broad themes around which eligibility is based.

- To the issue of charging – This section has been substantially altered and reworded to make this much clearer to understand.
- To the issue of emergency respite – the policy was not changed in response. Emergency respite refers to a situation where there has been no respite previously planned for whatever situation has arisen. Respite is based on need and therefore where there was a requirement for respite, in addition to a period of emergency respite, this would be on the basis of a user assessment as with access to any other respite care.
- To the issue of entitlement – the policy was not altered to incorporate this change. However, this issue will be addressed in the practitioners' guidance which is being developed alongside the respite policy to support its implementation.
- To the issue of young carers – the policy has been substantially reworked to make the document easier to understand.

6.12 As a result of the consultation, the policy has been redrafted to make it easier for people to understand and to address the points raised. Subject to approval by Cabinet, it is proposed that the Policy be implemented across children, young people and adult provision from 1st April 2018.

6.13 The policy now provides a single approach to respite care and will help to ensure that user experience is consistent and that the right respite care is provided.

6.14 Whilst this policy directly supports the needs of the cared for person, which carers meet for much of the year, this policy will support carers as part of a wider package of support including: the newly commissioned Unpaid Carers' Service; the Practitioners Guidance being developed by Adult Social Care; and, will dovetail with the Eligibility Policy being developed in Children services.

7 Contribution to strategic outcomes

7.1 The Corporate Plan, Building a Stronger Haringey Together, sets out the vision and priorities for the Council over the three years running from 2015 – 2018. The draft Respite policy will deliver outcomes in both Priority 1 and Priority 2 of the Plan to give all children the best start in life and empower all adults to live healthy, long and fulfilling lives and also to contribute to the closer integration of health and social care.

8 Statutory Officers comments (Chief Finance Officer, Procurement, Assistant Director of Corporate Governance, Equalities).

8.1 Finance

8.1.1 The council's total spend on adult and children respite for 2016/17 was £1.62m and the latest forecast spend for 2017/18 is £1.33m.

8.1.2 It is recommended that value for money is obtained through the best use of resources ensuring that efficiencies and savings opportunities are always explored fully.

8.1.3 In applying a consistent approach, the allocation of respite will be applied objectively as decisions will be based on needs as opposed to historic entitlement.

8.2 Procurement

8.2.1 Strategic Procurement notes the contents of this report and will provide the necessary procurement support where required to implement the Policy.

8.3 Legal

8.3.1 Cabinet is being asked to make a decision on the proposed Haringey Respite Policy for children and adult following public consultation. The Policy is also to be adopted by the Haringey Clinical Commissioning Group.

8.3.2 Under the Care Act 2014, the Council must promote the wellbeing of adults with care and support needs and carers with support needs. The Council must provide or arrange for the provision of services or facilities to prevent or delay the development by the adult of the need for care and support and by the carer of need for support. The Council is also obliged to assess and meet their eligible needs for care and support by the provision of, amongst others, short term respite. The Council must exercise its functions under the Act with a view to promoting the integration of care and support with health provision and health related provision where it would promote wellbeing, prevent or delay the need for care and support or improve the quality of care and support, of adults and carers in its area. Sections 17ZA - 17ZF of the Children Act 1989 provides for the Council to assess and provide services to meet the needs of young carers and parent carers. The draft Policy will facilitate the discharge of these obligations.

8.3.3 Paragraph 6 of Schedule 2 to the Children Act 1989, imposes a duty on the Council, as part of the range of services they provide for families, to provide breaks from caring to assist parents and others who provide care for disabled children. The Breaks for Carers of Disabled Children Regulations 2011 prescribe the manner in which local authorities must make provision for short breaks for carers of disabled children in their area. Local authorities must have regard to (a) the needs of those carers who would be able to provide care more effectively if they had breaks from caring, and (b) the needs of those carers who would be unable to continue to provide care unless a break were offered to them (regulation 3). They require that local authorities provide a range of short breaks services (regulation 4), and that local authorities, in consultation with carers in their area, prepare, publish, and keep under review, a "short breaks services

statement” setting out what services are available, the categories of carer who may be eligible to gain access to them, and how they are designed to meet the needs of carers in the area (regulation 5). The Department of Health has published a non statutory advice for local authorities titled “Short breaks for carers of disabled children” 2011. The Council currently has a short break service offer for disabled children in accordance with the Regulations. The proposed Policy is intended to supplement this offer.

- 8.3.4 There is a common law duty on the Council to consult with service users and other stakeholders that are likely to be affected by the proposed Policy. The consultation must take place at a time when the proposals are still at their formative stages. The Council must provide the consultees with sufficient information to enable them properly to understand the proposals being consulted upon and to express a view in relation to it. The information must be clear, concise and, accurate and must not be misleading. The consultees must be given adequate time to consider the proposals and to respond. The consultation feedback at Paragraphs 6.10 to 6.12 above sets out how the Council has discharged this common law duty. 8.3.5 The Council must give genuine and conscientious consideration to the responses received from the consultees before making its final decision on the proposals. The Consultation feedback sets out the responses from services users, carers, family members and other stakeholders.
- 8.3.5 As part of its decision making process, the Council must have “due regard” to its equalities duties. Under Section 149 Equality Act 2010, the Council in exercise of its adult care and support and children services functions, must have “due regard” to the need to eliminate discrimination, advance equality of opportunity between persons who share a protected characteristic and those who do not, foster good relations between persons who share a relevant protected characteristic and persons who do not share it in order to tackle prejudice and promote understanding. The protected characteristics are age, gender reassignment, disability, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In line with its equalities duties, the Council must undertake an Equality Impact Assessments (EqIA) of the proposals on the protected groups. The Council is required to give serious, substantive and advance consideration of the what (if any) the proposals would have on the protected group and what mitigating factors can be put in place. This exercise must be carried out with rigour and an open mind and should not be a mere form of box ticking. These are mandatory consideration. The outcome of the consultation on the proposals together with the analysis of the EIA must be considered before reaching a final decision on the proposals. In line with its equalities duties, the Council have undertaken an Equality Impact Assessments (EQIA) of the proposals on the protected groups and are set out in Appendix 2 and at section 8.4 of the report together with the steps to mitigate the impact of the proposals.

8.4 Equality

8.4.1 The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity for those with 'protected characteristics' and those without them
- Foster good relations between those with 'protected characteristics' and those without them.

The protected characteristics are: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.4.2 This decision is reporting on the outcomes of the consultation and therefore asking permission on adopting the Respite Care Policy.

The consultation offered reasonable adjustments to ensure that disabled people are able to participate in the consultation.

8.4.3 An Equalities Impact Assessment (EqIA) has been completed to accompany the Respite Policy and is attached at Appendix 2. The EqIA finds that the new Respite Policy does not discriminate against protected groups. The policy aims to adopt a more consistent approach to respite care based on an assessment of the cared for person's needs and provision of the necessary support for all carers. Protected groups should indirectly benefit as carers and care users will benefit from:

- a greater focus on support planning and agreed outcomes for the cared for and carer
- greater consistency in practice
- clearer procedures, which should make it easier for care users and carers to access respite.

9 Use of Appendices

9.1 Appendix 1: Respite Care Policy

9.2 Appendix 2: Equalities Impact Assessment

9.3 Appendix 3: Consultation feedback

10 Local Government (Access to Information) Act 1995