

Overarching Policy Framework

2017



All Age Disability Service



All Age Disability (AAD) Service – Overarching Policy Framework

This document sets out the purpose of the All Age Disability Service including its principles and our offer to the community. This overarching approach, under which a range of policies will sit, reflects New Council principles and clarifies how the partnership with parents, carers and families will work and what the public can expect from the services we provide and commission. It also gives some context about the population we serve and an overview of the future direction for the provision of affordable care and support for individuals and their parents, carers and families.

Our All Age Disability Policy Framework aligns to the vision for New Council of;

- supporting communities to do more for themselves and each other
- keeping vulnerable people safe and helping them to stay in control of their lives
- providing services – but focusing on the things that only the council can do

Our approach to AAD is about making sure everyone knows it's everyone's responsibility. As well as being for disabled people, this document is for family, carers, friends, neighbours, employers, educators, decision-makers, funders and planners.

People with a disability in Kirklees – the population we serve

The All Age Disability service currently provides support for 1724 people with disabilities (excludes Physical Disability). The rates of disability within the general population are expected to increase – largely due to a growing number of older people living longer with a disability. There is a growing population of children with a disability; children with the most complex needs are living longer and reaching adulthood. Several factors are also expected to have an impact on the future numbers of children born with a disability – for example, rising maternal age, improving survival rate of pre term-babies, improvement of ante-natal screening, the future prevalence of smoking, drinking and drug use during pregnancy. Increasing levels of awareness of learning disabilities and behavioural needs are also expected to raise demand. These are just some of the factors that make it reasonable to predict a future increase in the level of demand for this service, with pinch points at both extremes of the age range.

The All Age Disability service reflects the new thinking and direction that is required to establish a framework within sustainable resources, which values the capacity and strengths of people with a disability to assist in the solutions needed. The economic context is that all local authorities have to manage with significantly reduced budgets; Clinical Commissioning Groups also face severe financial challenges. In Kirklees we aim to ensure the funding we do have is spent on the most appropriate services that achieve the best outcomes and prepares children with a disability for adulthood. With significantly less funding in future years the council and key partners can no longer carry on doing the same things; we have to do things differently as we move towards New Council.

Demographics

There are 98,770 children and young people under 18 living in Kirklees, of which an estimated 2,500 children and young people aged 0 to 18 will have a learning and/or physical disability

Kirklees Council working in partnership with Kirklees Clinical Commissioning Groups aims to support individuals and communities to support each other and try to ensure everyone stays healthy and well and receive the care and support they need, when they need it.

Safeguarding is a priority for Kirklees Council and our partners, we will ensure children with a disability are kept safe and help them in the most appropriate way

Around 7,000 children are identified as having some form of special educational needs

- around 2,370 have a special educational need statement or education health and care plan
- around 757 people with a statement of special needs or education health and care plan are 16 and over.
- there are around 475 children with a disability currently accessing funded care and support services
- 168 children with special educational needs are educated out of area
- around 150 children with a disability and or special educational needs turn 18 and enter adulthood every year

There are 6396 people aged 18-64 that are known to have a learning disability in Kirklees

- it is estimated that there are 1516 that have a learning disability aged 65
- 1267 adults with a learning disability known to the local authority
- just under 1000 receiving funded ASC support

Currently nearly two thirds of the learning disability budget is spent on supporting people to live in a care or nursing home or their own home via commissioned services (e.g. supported living, community support, day care) and direct payments.

Legal Framework

There are many pieces of legislation and policy relating to disability, equality and improving the quality of life for disabled people. We have picked out some of the most recent developments and changes that will underpin the AAD Service and enable us to effect faster and wide-reaching change.

Key Legislation and Guidance

- Children and Families Act 2014
- Care Act 2014
- Equality Act 2010
- Public Services (Social Value) Act 2012
- Children's Act 1989 & Children Act 2004
- Health & Social Care Act 2008
- Mental Capacity Act 2005
- The Breaks for Carers of Disabled Children" Regulations 2011
- Autism Act 2009
- Carers (Recognition and Services) Act 1995
- Housing Grants, Construction and Regeneration Act 1996 (Disabled Facilities Grant)

See appendix A, for a summary of each piece of legislation detailed above

The All Age Disability Service Offer

The All Age Disability service represents a shift in thinking that takes into account the drivers listed above and offers a more personalised approach to care, the individual needs of the person and the impact of those needs on the opportunities for that person to lead a fully inclusive life. It focuses on the strengths of individuals rather than what they cannot do. It does not consign people to responses based on their "label" rather than their personal needs and choices. It is about what is good for the individual **not** what is easy for the organisation. It is also important to recognise that it needs to be affordable and within available resources.

Criteria for accessing social care services

For people aged up to 18 years old

The Kirklees Council Disabled Children's Criteria for accessing social care services is currently under review. This criteria will reflect any National legislation that impacts on this.

The Children's Act 1989 states;

Provision of services for children in need, their families and others;

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)— (a) to safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families

Section 10

For the purposes of this Part a child shall be taken to be in need if— (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part; (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or (c) he is disabled, and "family", in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

Section 11

For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part— "development" means physical, intellectual, emotional, social or behavioural development; and "health" means physical or mental health.

For people aged 18 years old and over

The Care Act 2014 introduces a national eligibility threshold, which consists of three criteria, all of which must be met for a person's needs to be eligible. The eligibility threshold is based on identifying:

- whether a person's needs are due to a physical or mental impairment or illness
- to what extent a person's needs affect their ability to achieve two or more specified outcomes
- and whether and to what extent this impacts on their wellbeing

Care Act- National eligibility threshold (governed by Care and Support regulations 2015)

Firstly, in considering whether a person's needs are eligible for care and support, local authorities must consider whether the person's needs are due to a physical or mental impairment or illness. This includes conditions such as physical, mental, sensory, learning or cognitive disabilities or illnesses, brain injuries and substance misuse.

If they do have needs caused by physical or mental impairment or illness, the local authority must consider whether the effect of the adult's needs is that they are unable to achieve two or more of the following specified outcomes;

- managing and maintaining nutrition
- maintaining personal hygiene
- managing toilet needs
- being appropriately clothed
- being able to make use of the adult's home safely
- maintaining a habitable home environment
- developing and maintaining family or other personal relationships
- accessing and engaging in work, training, education or volunteering
- making use of necessary facilities or services in the local community including public transport and recreational facilities or services
- carrying out any caring responsibilities the adult has for a child

Local authorities must consider whether, as a consequence of the person being unable to achieve two or more of the specified outcomes there is, or is likely to be, a significant impact on the person's wellbeing. Local authorities should determine whether:

- the adult's needs impact on an area of wellbeing in a significant way; or
- the cumulative effect of the impact on a number of the areas of wellbeing mean that they have a significant impact on the adult's overall wellbeing

How we will work using our principles

Please note, where we use “**must**” this implies statutory duty

Reshaping of disability support with a commitment to co-production by enabling a strong voice for people with disabilities and their families

- we **must** consider the views, wishes and feelings of the child, young person and their carers
- we **must**, where possible, actively promote participation in providing interventions that are co-produced with individuals, families, friends, carers and the community
- we will work in a commissioning led way to ensure we have a picture of the whole market and continue to identify any gaps and work across all sectors, with people with disabilities and their families to shape and develop the market further to ensure there is sufficiency
- we will continue to consult and engage with fora that represent our disabled communities ensuring we gather the views of a wide and diverse range of people and their families that use our services
- we will ensure intelligence and feedback is used to feedback to decision making bodies
- we will continue to develop tools to improve access, information and advice using tools such as the local offer and connect to support

Integrated commissioning and choice and control to ensure people with disabilities are supported to live fulfilling lives

- we **must** make any necessary arrangements to meet the needs of chronically sick disabled people by providing a range of services
- we **must** provide a range of short breaks for disabled children, young people and their families
- we **must** promote wellbeing when carrying out any care and support in respect of a person
- we **must** promote diversity and quality in provision of care and support services and ensure that a person has a variety of providers to choose from.
- we **must** facilitate markets to offer continuously improving, high quality, appropriate and innovative services, including fostering a workforce which underpins the market.
- we **must** prevent, reduce and delay local needs for care and support coupled with a joint working/integration requirement with health where this benefits the service users
- we must provide services which take into account affordability and available resources
- we will continue to shape the market by ensuring access to transparent and equitable personal budgets and direct payments to promote choice and control in a person centred way and ensuring appropriate and fair use of council resources
- we will continue to work with partners including local health and education services and ensure commissioning is evidence based and outcome focussed with robust policies and criteria to support this
- we will ensure that the overarching policy framework does not conflict with other Council policies, for example the Kirklees Home to School transport policy.

Best start in life, early help and support for families and carers

- we **must** carry out a needs assessment and have a duty to meet any eligible needs
- we **must** support people to live as independently as possible for as long as possible
- we **must** consider during assessments whether the people concerned would benefit from some type of preventive service or intervention
- we will endeavour to identify SEND as early as possible
- we will identify appropriate support and ensure it is implemented
- we will ensure young children with SEND have appropriate support to start school
- we will take into account the rights and responsibilities of parents/carers. We will work in partnership to support parents/carers in their parenting/carer role.
- we must provide information about local provision for Children and young people with SEND that is accessible to all (Known as the Local offer)

We will continue to ensure children, young people and their families have the tools and resources they need to help themselves and remain resilient using strengths based, enabling approach with a focus on peoples aspirations

Adopting a whole family and a life-long approach

- we **must** involve the child, young person and their parents in decisions that affect them
- we **must** give the child, young person and their parents the information and support they need to be involved in decision making
- we **must** support the child young person and their parents to achieve the best possible outcomes
- we **must** focus on delaying and preventing care and support needs and support people to live as independently as possible for as long as possible
- we will take into account the assets a family have when arranging services
- we will use a whole family approach in all our assessments and consider the short, medium and long term outcomes for the individual and their family to reduce long-term dependency. The whole family approach is based on the principle of lifelong planning and working in partnership with individuals and their families/carers to fulfil their assessed outcomes.
- we will ensure resources are used effectively by offering support when it is needed most and working towards clear pathways in and out of our service
- we will continue to support carers of disabled people and value their contribution in their caring role

Better prevention and early intervention to promote independence and prevent family breakdown

- we **must** safeguard and promote the welfare of children
- we **must** identify and provide appropriate early/timely intervention
- we **must** establish and maintain a service for providing people with information and advice relating to care and support
- we **must** recognise and respond to the specific requirements that carers have for both general and personal information and advice
- we **must** ensure information and advice is accessible to all
- we will provide support and guidance as early as possible to nurture confidence and resilience in families to manage challenges and reduce crises and dependency on our services
- we will work closely with universal and targeted community support services to ensure a range of early support for all age groups is available
- through the assessment process we will offer support at universal, targeted and specialist levels depending on your individual needs

Locality and relationship based approach to meeting need and managing risk

- we **must** consider the importance of identifying services, facilities and resources that are already available in area, which could support people to prevent, reduce or delay needs
- we will use locality based commissioning intelligence and data to inform market development within local communities, using resources flexibly depending on the needs of different communities
- we will continue to develop strong partnership with community and voluntary sector groups
- we will encourage people to make use of natural support networks and find creative ways of using personal budgets together with other families in local communities

Improve the experience of people with disabilities at transition into adulthood

- we will ensure the service is seamless with smooth transition points at key life stages
- we will create long term pathways through the service via a single holistic assessment and support plan
- we will prepare school leavers with education health care plans to be active members of the community through equipping them with life and vocational skills, so they can live as independently as possible

More partnership working with all relevant stakeholders

- we **must** work with partners to care for and improve the wellbeing of the child or young person
- we **must** work together in how we design, deliver and buy services for children and young people
- we **must** work with partners and make the person the starting point for planning, rather than what services are provided by a particular agency
- we **must** carry out our care and support responsibilities with the aim of promoting greater integration with NHS and other health related services
- we will further develop relationships based on trust between statutory services and the people they serve
- we will ensure we work co-productively with relevant stakeholders

Make all our processes personalised, flexible, transparent and cost effective

- we will ensure our services are designed to be personalised, flexible, transparent and cost effective
- we will develop a transparent and shared decision making and resource allocation tool
- we will enable as many people as possible to manage their own personal budget
- we will continue to develop the marketplace for people to purchase personalised services
- we must calculate a budget for people with social care needs and their carers
- we will provide structured, open and honest information at the first point of contact
- we will focus resource (time, effort, money) on those with the most complex needs and promote Early Intervention & Prevention which keeps individuals independent for as long as possible
- we will meet the overall financial targets set for Adult Social Care through transformation activity, while continuing to meet statutory requirements
- we will use a targeted approach to deliver services – stratify and segment user base and focus resources where they will have the most impact
- we will work with other public bodies and drive efficiency through joint working

Promote equal access to community opportunities and the whole range of universal services

- we will work with other statutory agencies including planning and transport to ensure they consider the needs of disabled people
- we will continue to promote community inclusion with all partners
- we will improve our data collection and ensure this is analysed appropriately to support and develop future services

To enable all people with disabilities to live safer lives and protect the most vulnerable

- we **must** make enquiries, or ensure others do so, if it is believed that an adult is, or is at risk of, abuse or neglect. Such enquiries should establish whether any action needs to be stop or prevent abuse and if so by whom.
- we will support communities and service providers to recognise and report hate crime
- we will promote the use of advocacy services
- safeguarding will be at the heart of our service, however we will encourage positive risk taking.
- we will actively support the use of 'safe places' in local areas

Key Legislation and Guidance- Appendix A

Summary of legislation

Children & Families Act 2014

Part 3 of this Act reforms the statutory framework for identifying children and young people with special educational needs (SEN), assessing their needs and making provision for them. They require local authorities to keep local provision for children and young people with SEN and disabilities under review, to co-operate with their partners to plan and commission provision for those children and young people and publish clear information on services they expect to be available.

One of the key features of The Children and Families Act 2014 was the extension of the age range of those children and young adults with special educational needs and disabilities (SEND) who must be assessed and supported by education, health and care up to 25 years of age.

Statements and Learning Difficulty Assessments for those with the highest needs have been replaced by an Education, Health and Care Plan (EHCP). EHCPs have the child's (or young person's) voice at the very centre, along with that of their parents (or carers), and include contributions from the family, school/college, health, care and other relevant agencies.

The Children and Families Act 2014 also formally recognises the contribution young carers make to their families (and extended families), and the impact that being a carer may have on a young person.

The Act requires the needs of the whole family to be considered in the future when a child is identified as a young carer; young carers have the same legal entitlement to assessment and support from local authorities as adult carers. The role of young and adult carers has been recognised in the past by the Government

The Care Act 2014

The Care Act 2014 sets out the general responsibilities of local authorities for the provision of adult social care. It enables the Council to build on existing foundations and establish more personalised services for carers. The Act also gives us the opportunity to commission services that not only support carers but actively seek out 'hidden' carers.

The Care Act 2014 made a number of significant changes to how local authorities assess for, commission and deliver a more holistic and personalised range of adult social care services.

The Equality Act 2010

The Equality Act 2010 is a major piece of legislation that brings together and strengthens the various existing pieces of anti-discrimination legislation that have been passed since the 1970s. The Act places a general duty on the Council to have regard to the need to (a) eliminate unlawful discrimination and (b) advance equality of opportunity and (c) foster good relations between people with protected characteristics and those without it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Public Services (Social Value) Act 2012

The Public Services (Social Value) Act requires us to consider the collective benefit to the local community of any services that we commission or procure and by spending more money can build stronger communities, improving health and improve the environment.

The Children Act 1989 & 2004

The Children Act 1989 allocates duties to local authorities, courts, parents and other agencies in the United Kingdom, to ensure children are safeguarded and their welfare is promoted. The Act requires the Council to safeguard and promote the welfare of children who are in need – this includes children with disabilities.

The Children Act 2004 provides the legal basis for how social services and other agencies deal with issues relating to children

Health & Social Care Act 2015

An Act to make provision about the safety of health and social care services in England;

- to make provision about the integration of information relating to users of health and social care services in England
- to make provision about the sharing of information relating to an individual for the purposes of providing that individual with health or social care services in England
- to make provision for removing individuals convicted of certain offences from the registers kept by the regulatory bodies for health and social care professions
- to make provision about the objectives of the regulatory bodies for health and social care professions and the Professional Standards Authority for Health and Social Care
- to make provision about the disposal of cases concerning a person's fitness to practise a health or social care profession and for connected purposes

Mental Capacity Act 2005

The Mental Capacity Act (MCA) 2005 applies to everyone involved in the care, treatment and support of people aged 16 and over living in England and Wales who are unable to make all or some decisions for themselves. The MCA is designed to protect and restore power to those vulnerable people who lack capacity

The Breaks for Carers of Disabled Children” Regulations 2011

The Regulations provide further detail on how local authorities must perform their duty in the Children Act 1989 (“the 1989 Act”) to provide, as part of the range of services they provide for families, breaks from caring for carers of disabled children to support them to continue to care for their children at home and to allow them to do so more effectively. In summary, the Short Breaks Regulations require local authorities to do three things:

- to ensure that, when making short break provision, they have regard to the needs of different types of carers, not just those who would be unable to continue to provide care without a break
- to provide a range of breaks, as appropriate, during the day, night, at weekends and during the school holidays; and
- to provide parents with a short breaks services statement detailing the range of available breaks and any eligibility criteria attached to them.

Working Together To Safeguard Children 2015 (Guidance)

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and this guidance sets these out in detail. This includes specific duties in relation to children in need and children suffering, or likely to suffer, significant harm, regardless of where they are found, under sections 17 and 47 of the Children Act 1989.

The Director of Children's Services and Lead Member for Children's Services in local authorities are the key points of professional and political accountability, with responsibility for the effective delivery of these functions.

Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

Safeguarding and promoting the welfare of children is defined for the purposes of this guidance as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes

Local agencies, including the police and health services, also have a duty under section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions.

Under section 10 of the same Act, a similar range of agencies are required to cooperate with local authorities to promote the well-being of children in each local authority area (see chapter 1). This cooperation should exist and be effective at all levels of the organisation, from strategic level through to operational delivery.

Professionals working in agencies with these duties are responsible for ensuring that they fulfil their role and responsibilities in a manner consistent with the statutory duties of their employer.

Special Educational Needs and Disability – SEND Code of Practice 2014 (Guidance)

This guidance refers to Part 3 of the Children and Families Act 2014 and associated regulations. The regulations associated with the Children and Families Act 2014 are:

- The Special Educational Needs and Disability Regulations 2014
- The Special Educational Needs (personal budgets) regulations 2014
- The Special Educational Needs and Disability (detained persons) regulations 2015
- The Children and Families Act 2014 (transitional and saving provisions)(no 2) order 2014

Local authorities must consult children with SEN or disabilities, their parents, and young people with SEN or disabilities in reviewing educational and training provision and social care provision and in preparing and reviewing the Local Offer.

Autism Act 2009

The Autism Act 2009 committed the Government to publishing an adult autism strategy to transform services for adults with autism. And this commitment was met on 3rd March 2010 with the publication of the first ever strategy for improving the lives of adults with autism in England.

The strategy set out a number of key actions and recommendations for central Government as well as for local authorities, the NHS and Jobcentre Plus, focusing on five key areas:

- increasing awareness and understanding of autism
- developing a clear and consistent pathway for diagnosis
- improving access to the services and support people need to live
- independently within the community
- employment
- enabling local partners to develop relevant services to meet identified needs and priorities.

Carers (Recognition of Services) Act 1995

The Carers (Recognition and Services) Act 1995, which came into effect on 1st April 1996 was the first piece of legislation to recognise fully the crucial role played by carers. The Act contains two main elements for carers:

- a carer's right to ask for an assessment of their ability to care
- local authorities duty to take into account the results of this assessment when looking at what support to provide to the person cared for (the service user)
- the act covers three groups of carers:
 - adults (people aged 18 or over) who care for other adults
 - adults who care for ill or disabled children (under the age of 18)
 - young carers under the age of 18 who care for a relative

To be eligible for an assessment carers must be:

- providing, or intending to provide, a substantial amount of care on a regular basis
- under this act an assessment is available on request when a local authority carries out an assessment of the person cared for in respect of services under:
 - The NHS & Community Care Act 1990
 - The Children Act 1989
 - The Chronically Sick & Disabled Persons Act 1970

Housing Grants, Construction and Regeneration Act 1996 (Disabled Facilities Grant)

Mandatory Disabled Facilities Grants are available from local authorities in England and Wales, subject to a means test, for essential adaptations to give disabled people better freedom of movement into and around their homes and to give access to essential facilities within the home.

All Age Disability Service

