

CHESHIRE EAST COUNCIL

REPORT TO: Council

Date of Meeting: 22 October 2015

Report of: Brenda Smith, Director of Adult Social Care and Independent Living

Subject/Title: Petition relating to public intermediate care, dementia care and day, respite and assessment care and ancillary facilities

Portfolio Holder: Cllr Janet Clowes, Portfolio Holder for Adults, Health and Leisure

1.0 Report Summary

- 1.1 This report asks Council to consider a Petition, which has in excess of 4,000 signatories, and which relates to public intermediate care, dementia care and day, respite and assessment care and ancillary facilities.

2.0 Decision Requested

- 2.1 That Council receives the petition presented by Cheshire Area for Cheshire Action and acknowledges its content.
- 2.2 That Council debates the petition.

3.0 Reasons for Recommendations

- 3.1 In order to comply with the Council's petition scheme.

4.0 Wards Affected

- 4.1 All affected as the requirement on Officers is to consider all services within social care and other relevant Council services.

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 Changes to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014.
- 6.2 The Care Act 2014 replaced numerous previous laws, to provide a coherent approach to adult social care in England. Part one of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for Local Authorities and partners, and new rights for

service users and carers. The new statutory principle of individual wellbeing underpins the Act and is the driving force behind care and support.

- 6.3 For the first time there is a specific requirement for diversity and quality in the market of care providers so that there are enough high-quality services for people to choose from.

7.0 Financial Implications

- 7.1 None directly related to this report.

8.0 Legal Implications

- 8.1 The process being proposed for dealing with this petition is in line with the Cheshire East Council's Constitution.
- 8.2 The changes that have been made to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014.
- 8.3 The changes that have been made to the delivery of adult social care services have been subject to public consultation before being scrutinised and approved by Cabinet and Overview and Scrutiny Committee.

9.0 Risk Management

- 9.1 None directly related to this report.

10.0 Background and Options

- 10.1 The petition includes in excess of 4,000 signatures, of which the majority are from Cheshire East with a number being completed by people who work or have relatives within the Cheshire East boundaries.
- 10.2 The petition states:
- “Petition to Cheshire East Council, East Cheshire NHS Trust, Eastern Cheshire CCG.
Please reopen for local public use – and keep open – for all ages our public intermediate care – dementia care -
Also day, respite and assessment care – and ancillary facilities to support our public need
Legal Duty of Care lies with our public organisations – and that must remain.”
- 10.3 The petition references health services (intermediate care) as distinct from social care services. We understand petitions have been submitted separately to local health organisations.
- 10.4 Changes to the delivery of adult social care services by Cheshire East Council are compliant with the requirements of the Care Act 2014. The Care Act 2014 replaced numerous previous laws, to provide a coherent approach to adult

social care in England. Part One of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for Local Authorities and partners and new rights for service users and carers.

- 10.5 The new statutory principle of individual wellbeing underpins the Act and is the driving force behind care and support. For the first time there is a specific requirement for diversity and quality in the market of care providers so that there are enough high-quality services for people to choose from. As we move to greater personalisation of social care packages, diversity in the market is essential. In addition Local Authorities are now required to emphasise early intervention and prevention and general wellbeing in the wider local population.
- 10.6 These elements move the focus from Local Authority provided services to signposting individuals to suitable providers. Whilst we retain a commissioning role under the Care Act, individuals retain their right to exercise their own choices as to the type of services, location and frequency within the allocated budget.
- 10.7 Our duty of care to those with assessed eligible need is to ensure they receive appropriate services. It remains our intention to ensure that any person in the Cheshire East area with social care needs is properly assessed and if their needs meet the statutory criteria, they are supported through a Direct Payment or commissioned service to address those needs.
- 10.8 Any changes to the delivery of adult social care services by Cheshire East Council have been subject to consultation and have been scrutinised and approved by Cabinet and Overview and Scrutiny Committee. Copies of these reports are publically available on the Council's website.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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