

## Annex 1: Correspondence with Local Authorities

**Cara Schulte**

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**From:** Christine Appleyard [REDACTED]  
**Sent:** Thursday, November 15, 2018 11:24 AM  
**To:** Bethany Brown  
**Subject:** RE: HRA Research on Oversight for Social Care Assessments in England.  
**Attachments:** NYCC.docx

Hi Bethany,

Please see attached response, albeit brief, hope it is useful.

Kind regards

Chris

Chris Appleyard  
Head of Practice, Personalisation and Safeguarding  
NYCC Health and Adult Services



Thank you. Please note that my working days are Tuesday, Wednesday, Thursday and Friday's.

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**From:** Bethany Brown [REDACTED]  
**Sent:** 13 November 2018 22:05  
**To:** Christine Appleyard [REDACTED]  
**Cc:** Cara Schulte [REDACTED]  
**Subject:** Re: HRA Research on Oversight for Social Care Assessments in England.

Dear Ms. Appleyard,

Thank you very much for your reply. We would endeavour to include any response from your council in our report, but our printing deadlines are unfortunately unforgiving. If you would be able to send this in the next day or two, we could at least include it online as an addendum.

Regards,  
Bethany

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**From:** Christine Appleyard [REDACTED]  
**Sent:** Wednesday, November 7, 2018 4:57:11 AM  
**To:** Bethany Brown  
**Cc:** Cara Schulte  
**Subject:** HRA Research on Oversight for Social Care Assessments in England.

Dear Bethany,

Thank you for your letter sent to Richard Webb, Corp. Director of Health and Adult Services, North Yorkshire County Council, on 15.10.2018 and emailed to Angela Gray.

I write to advise that we are gathering the information required to respond to your questions and will send this as soon as possible.

Yours Sincerely

Chris Appleyard

Chris Appleyard  
Head of Practice, Personalisation and Safeguarding  
NYCC Health and Adult Services



Thank you. Please note that my working days are Tuesday, Wednesday, Thursday and Friday's.

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North Yorkshire County Council.

**Q1. Does North Yorkshire monitor Social Care needs Assessment for older people? If so could you provide details on that monitoring, including who conducts it, how frequently, and the sources of information for such monitoring, such as the assessments themselves, interviews with assessors, their supervisors, and individuals whose needs have been assessed, medical and other documents relevant to the assessments? Is this information public? If not, is it shared with central government or others?**

- Annual adult social care survey – completed by Business Intelligence
- ASCOF return – Completed by Business Intelligent (shared with central government)
- Reablement service users survey – completed by Reablement team
- Annual review of service – completed by assessors (shared with service user)

**Q2. Does North Yorkshire County Council collect other evidence about the quality and consistency of social care assessments and there compliance with the care Act? If so, what is the nature of that evidence, is it made public, or shared with central government of other?**

- Quality assurance audit tool (case file audits) (internal)
- Supervisions (internal)
- Peer Supervision (internal)
- Action Learning sets (internal)
- As a result of specific projects, national quality audit tools are used.
- Complaints process

**Q3. Are you aware of any independent monitoring of assessments for older people in your local authority area? These might include, for example, monitoring conducted by monitoring groups or citizens; charity representatives; lawyers; social workers or others?**

- Local Government & Social Care ombudsman
- CQC

**4. How does North Yorkshire County monitor training for assessors who conduct social care assessments?**

- Supervision and appraisal process
- Electronic record of learning with managerial interface

**5. Does North Yorkshire County Council monitor successful appeals or social care needs assessment for older people, and initial decisions and the reason that those initial assessment were re-evaluated? If so, how does it use that information?**

- Complaints process informing managerial decisions

**6. Does North Yorkshire County Council or any other body have the authority to decide that an individual can access services pending an appeal against an assessment decision to limit, deny or end such service? Does North Yorkshire County Council or any other body monitor the situation including the health and wellbeing, for individuals who have had service limited, reduced, denied or ended and are appealing the needs assessment decision?**

- Managers have the authority to continue services (if already in receipt) whilst a complaint is awaiting outcome. However, a service would be provided pending the outcome, if one was not already in place, and if appropriate, and available within available resources.
- Frontline assessor involved would monitor the wellbeing.

**Cara Schulte**

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**From:** Michael J Ford [REDACTED]  
**Sent:** Monday, October 29, 2018 10:39 AM  
**To:** Bethany Brown  
**Cc:** Cara Schulte; Liza Knight  
**Subject:** Human Rights Watch Research on Oversight for Social Care Assessments in England  
**Attachments:** Dorset County Council Final.docx; MJF HRW letter 29-10-18.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

Dear Ms Brown,

Thank you for your letter of 15 October 2018 to the Chief Executive. I have attached our reply, which is within the timescale you requested.

Your sincerely

Michael Ford  
Policy & Project Manager

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**From:** Cara Schulte [REDACTED]  
**Sent:** 15 October 2018 20:21  
**To:** Chief Executive [REDACTED]  
**Cc:** Bethany Brown [REDACTED]  
**Subject:** Human Rights Watch Research on Oversight for Social Care Assessments in England

Dear Ms. Ward,

Attached please find a letter with some questions for you regarding research we are conducting for an upcoming report on social care needs assessments for older people at home in England. As the letter states, we are asking if you would kindly offer any responses by November 5, 2018. A hard copy of this letter has been mailed to your address.

If you have any questions, please be in touch with Bethany Brown, Researcher on Older People's Rights, at [REDACTED].

Sincerely,

Cara Schulte



## Dorset County Council

### Unclassified

Bethany Brown  
Researcher  
Human Rights Watch  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118-3299

Adult Services  
County Hall

[Redacted]

Telephone: [Redacted]  
**We welcome calls via text Relay**

Email: [Redacted]  
Website: [www.dorsetforyou.gov.uk](http://www.dorsetforyou.gov.uk)

Date: 29 October 2018

Dear Ms Brown,

### **Human Rights Watch Research on Oversight for Social Care Assessments in England.**

I am writing in response to your letter of 15 October to the Chief Executive about social care needs assessments for older people at home.

It was helpful to read the background information that you provided before the questions. However, I think the concerns you highlight about appeals not being 'suspensive' are specific to cases where a person's care and support plan might change following a review which reflects changes to their needs or circumstances. The duty on the local authority in such cases is to ensure that a review occurs, and if needed, a revision of the plan follows it.

1. The council monitors social care needs assessments through the statutory supervision process and mandated review and authorisation steps (linked to the scheme of delegation) in case management. Each locality team has a quality assurance forum that monitors standards of documentation and assessment. The principal social worker and principal occupational therapist carry out case audits that are council-wide. Where appropriate, we cooperate with other health and care professionals who can inform us of any concerns about the ability of the draft care plan to meet needs. Assessments are individual and person-centred. The information is not public, it is protected by the United Kingdom's data protection regime.
2. The council collects other evidence about quality, consistency and compliance with the Care Act and publishes it in accordance with the Adult Social Care Outcomes Framework (ASCOF). The framework is used both locally and nationally to set priorities, measure progress and strengthen transparency and accountability.
3. I am not aware of any systematic independent monitoring of social care assessments carried out for older people in Dorset. However, we participate in sector-led improvement work, for example by the Local Government Association.
4. The council is part of a nationally recognised teaching partnership aimed at increasing the quality of social work education, and we influence curriculum renewal. Our local teaching partner is Bournemouth University which is accredited by the Health and Care Professions Council. Within the council we organise induction training and identify

Debbie Ward, Chief Executive and Director for Adult and Communities





training needs through formal Performance & Development review steps. Certain training needs are met by internal provision.

5. The Care Act duty to involve the person applies in all settings. Local authorities in England are required to take steps to agree the final care and support plan with the person and to provide an independent advocate if this is needed. Where a person does not agree the plan, we may ask another worker, who may be independent of the council, to carry out an assessment. If the disagreement is not resolved there is a complaints procedure that meets the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. The 'learning' from compliments and complaints is used in service redesign and in training.

The lack of a formalised appeal structure within care and support in England was highlighted when the Care Bill progressed through Parliament. The government acted to include powers within the Care Act to introduce an appeals system. The Department of Health intends to develop detailed proposals for the system and to set these out in regulations. The regulations are expected to specify whether decisions made by local authorities on care planning and personal budgets will be eligible for appeal. The appeals system will come into force in April 2020.

6. In most cases the council has discretion to allow a person to continue to access services pending an appeal such as you describe, as long as the original care plan fulfils the council's statutory duties to meet the person's needs. The wellbeing principle from the Care Act applies in all cases where we are carrying out a care and support function, or making a decision, in relation to a person. Wellbeing is a broad concept that encompasses, but is not limited to, physical and mental health. We recognise that similar circumstances may affect individuals differently, so we endeavour to achieve fairness through personalisation rather than through uniformity.

I hope this response has been helpful.

Yours sincerely



Michael Ford  
Policy and Project Manager.

## Cara Schulte

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**From:** Cara Schulte  
**Sent:** Monday, November 19, 2018 12:38 PM  
**To:** Bethany Brown  
**Subject:** Fwd: Human Rights Watch Research on Oversight for Social Care Assessments in England, response from Barking and Dagenham

Hi Bethany,

FYI. Let me know if you need anything on my end.

Thanks,  
Cara

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**From:** Liebrecht Stephan [REDACTED]  
**Sent:** Monday, November 19, 2018 12:27 PM  
**To:** Cara Schulte  
**Subject:** Human Rights Watch Research on Oversight for Social Care Assessments in England, response from Barking and Dagenham

Dear Cara Schulte,

We apologise for the slight delay in returning this to you.  
Below are the answers to your questions.  
Please contact me directly if you require further information.

1. Does the London Borough of Barking & Dagenham monitor social care needs assessments for older people? If so, could you provide details on that monitoring, including who conducts it, how frequently, and the sources of information for such monitoring, such as the assessments themselves, interviews with assessors, their supervisors, and individuals whose needs have been assessed, medical and other documents relevant to the assessments? Is this information public? If not, is it shared with central government or others?
  - All assessments are approved at Team Manager level. This includes a quality check. Approval of an assessment usually includes an approval of the funding. We are using the FACE Overview Assessment tool which includes a resource allocation tool. The assessment is completed directly on our data base system Liquid Logic which enables a full audit trail of the process, from the home visit to the assessment and support plan.
2. Does the London Borough of Barking & Dagenham collect other evidence about the quality and consistency of social care assessments and their compliance with the Care Act? If so, what is the nature of that evidence, is it made public, or shared with central government or others?
  - We are undertaking case file audits which include an audit of the assessments. They are spot checks. The findings are used to improve quality and are not shared publicly.

3. Are you aware of any independent monitoring of assessments for older people in your local authority area? These might include, for example, monitoring conducted by monitoring groups of citizens; charity representatives; lawyers; social workers or others.
  - There are no formal processes but we are always open to criticism, for example from our Health partners who are sharing case work with us as part of our Integrated Care System.
4. How does the London Borough of Barking & Dagenham monitor training for assessors who conduct social care assessments?
  - We are offering new Social Workers training on how to use the FACE overview tool.
5. Does the London Borough of Barking & Dagenham monitor successful appeals of social care needs assessments for older people, and initial decisions and the reasons that those initial assessments were reevaluated? If so, how does it use that information?
  - We are using the Complaints process which is overseen by a separate dedicated team. The number of Complaints regarding the outcome of social care assessments is very low.
6. Does the London Borough of Barking & Dagenham or any other body have the authority to decide that an individual can access services pending an appeal against an assessment decision to limit, reduce, deny or end such services? Does the London Borough of Barking & Dagenham or any other body monitor the situation, including the health and wellbeing, for individuals who have had services limited, reduced, denied or ended and are appealing the needs assessment decision?
  - No (not applicable as no appeals process)

Yours sincerely

**Stephan Liebrecht | Operational Director: Adult's Care and Support**

Phone: [REDACTED] | Mobile: [REDACTED] | [REDACTED]  
 [REDACTED]  
 [REDACTED]



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