

ASC Proportionate Review Practice Guidance


Community Assessment Service

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Proportionate Review Practice Guidance

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1. Introduction

- 1.1 The council has a duty to keep the person's support plan and personal budget under review, to ensure that their needs continue to be met. The review should be a positive opportunity to take stock and consider if the support plan enables the person to meet their needs and achieve their aspirations.
- 1.2 Section **27 of the Care Act 2014** states:
- A local authority must—
- (a) keep under review generally care and support plans, and support plans, that it has prepared, and
 - (b) on a reasonable request by or on behalf of the adult to whom a care and support plan relates or the carer to whom a support plan relates, review the plan.

2. Proportionate Reviews

What is a review?

- 2.1 The assessment and review process is one of the most important elements of the care and support process. The assessment is one of the key interactions between the local authority and a person, to collect information about the person, identify their needs and desired outcomes.
- 2.2 A review is a re-assessment of a person's care and support needs. See also, [ASC Assessment Framework Practice Guidance](#)

What is a proportionate review?

- 2.3 The Care Act Statutory Guidance (chapter 6.3) reminds us that... "an 'assessment' must always be appropriate and proportionate. It may come in different formats and can be carried out in various ways..."
- 2.4 The Department of Health and Social Care Guidance "[Proportional assessment approaches: a guide from the Chief Social Worker for Adults and principal social workers](#)" states that proportionality should consider:
- Person Centred Approach
 - Purposeful Flexibility
 - Choice and safety
 - Equality, Diversity and Inclusion

When it is appropriate for a proportionate annual review?

- 2.5 Following a full face to face annual review, provided there has been no significant change in circumstances, the following year a light touch review can be undertaken.
- 2.6 This could be in the form of telephone contact being made with the person and/or their carer to check how things are and that they are happy with the support they are receiving

and feel it is meeting their needs/desired outcomes. (If the person is not happy then this would trigger a full review).

- 2.7 A proportionate review can also be undertaken to establish if recent support commissioned is working where this is deemed necessary (4-8 week review). In most circumstances a telephone call and case note will be sufficient to evidence support is working.
- 2.8 At the point of a full annual review, and where appropriate during a light touch review, discussion should be held with the individual about the use of direct payments and whether this is something they may wish to consider, to increase their choice and control of on-going support.

Light Touch Changes to Support

- 2.9 At times a person, or their carer may have a minor change in need/circumstance, at times temporary, which require small changes to the support received e.g., an additional 15 minutes for a home carer.
- 2.10 Additionally, there are occasions when a change to a support plan is required but there has been no change in the levels of need (for example, a carer may change the times when they are available to support).
- 2.11 Under these circumstances a review is not necessary, amendments can be made to the support plan and a case note recorded outlining the reason for the change.

Where a light touch review is NOT appropriate.

- 2.12 Under these circumstances a full face to face review must be completed:
- The first annual review for a person
 - Where there are on-going safeguarding concerns
 - Where an individual has complex and fluctuating needs
 - Where the support commissioned is jointly funded by health and social care
 - Where a person is receiving support as part of S117 aftercare
 - Where a person is living alone and there has been no other contact in the year
 - Where there are formal concerns about the provider delivering support
 - Where the previous annual review was a 'light touch'/telephone review
 - Where there are concerns regarding the use of Direct Payments or a person is accumulating debt

3. Mental capacity and deprivation of liberty

- 3.1 Before undertaking a review, consideration should always be given to whether the person has the ability to understand and engage meaningfully in the review process, whether they need support to do so, and whether their mental capacity may have changed since the last assessment or review.

- 3.2 An important principle of the Mental Capacity Act 2005 is that it must be assumed that the person has capacity unless it is established that they lack capacity.
- 3.3 Mental capacity assessments will always need to be completed in person, and the principles of the [Mental Capacity Act 2005](#) must underpin assessments where there is a proper reason to doubt that the person has the capacity to make the decision in question. Most deprivation of liberty safeguards assessments should be face to face in order to, for example, meet any communication needs of the person.
- 3.4 Assuming capacity, however, should not be used as a reason for not assessing capacity in relation to a decision. There should always be an assessment where there are doubts about a person's capacity to make a decision.

4. Recording Information

- 4.1 Proportionate reviews should be recorded within CareDirector following the [Proportionate Review CareDirector Practice Guidance](#).

5. Legislation and Regulatory Framework

- 5.1 Relevant legislation and guidance:
- Care Act 2014
 - The Care and Support (Assessment) Regulations 2014.
 - The Care and Support (Eligibility Criteria) Regulations 2014.
 - Care and Support Statutory Guidance
 - The Mental Capacity Act 2005
 - The Mental Health Act 1983.
 - The Human Rights Act 1998
 - The Autism Act

6. Related Policies

- ASC Assessment Framework Practice Guidance
- Proportionate Review CareDirector Practice Guidance

7. Evaluation and Review

- 7.1 This document will be reviewed every 2 years, unless statutory guidance changes where a review will take place sooner.