



**Health and Wellbeing Board
8 May 2015**

THE CARE ACT UPDATE

Responsible Officer

Ruth Houghton, Head of Social Care Efficiency and Improvement

Email: ruth.houghton@shropshire.gov.uk Tel: 01743 253903

1. Summary

- 1.1. The Care Act replaces a number of different pieces of legislation related to Social Care with a single legal framework that has the wellbeing of individuals and carers at the heart of care and support services.
- 1.2. The implementation of the Act is phased over two main stages in April 2015 and April 2016 and contains provisions covering adult social care reform, care standards, safeguarding, health education and research, Market oversight and Managing Provider failure and Funding Reform.
- 1.3. The emphasis moving forward is on person centred, asset based care with people's care and support needs being met in the future by harnessing existing capacity within neighbourhoods and families to provide support; addressing people's needs at an earlier stage and before the need for formal services and through the provision of high quality state support based on clear national entitlements. It also envisages that care and support will be more effectively joined up across all local services (particularly with health and housing) and will work more collaboratively across local authorities, providers and other statutory organisations.
- 1.4. This paper describes some of the key changes and how Shropshire is implementing the Act locally.

2. Recommendations

That the Health and Wellbeing Board is requested to:

A) Consider the requirements of the Care Act in future development of Health and Wellbeing Strategies.

B) Consider the wellbeing and prevention requirements of the Care Act in reviews of integrated services that are included in the Better Care Fund Plan.

REPORT

3. Risk Assessment and Opportunities Appraisal

(NB This will include the following: Risk Management, Human Rights, Equalities, Community, Environmental consequences and other Consultation)

4. National Consultation

- 4.1 There have been a number of national consultations on the implementation of the Care Act.
- 4.2 The first national consultation during the Spring /Summer of 2014 focussed on the draft regulations and guidance for implementation of part 1 of the Care Act on April 1st 2015 and sought the views of stakeholders on the general duties and universal provision, Integration and partnership working. First contact and identifying needs, charging and financial assessment, Adult Safeguarding, Moving between area and Person-centred care and support planning.
- 4.3 Shropshire submitted a comprehensive response to this consultation and also contributed to the regional submission made by ADASS.
- 4.4 The outcome of the consultation informed the guidance that was published in November 2014 for implementation in April 2015.
- 4.5 The second National consultation focused on the funding reforms and the policy proposals for
- 4.6 a new appeals systems planned for the second implementation phase in April 2016. This consultation ran during February and March 2015 and again Shropshire has participated and responded fully to the consultation questions. The outcome of this consultation is expected October 2015.

5. Local Consultation

- 5.1 Much of the Care Act is prescriptive but there are a number of aspects to it that provide the Local Authority with some discretion. These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme as follows:
- § The ability to charge a care arrangement fee to self-funders.
 - § The requirement to have a single charging framework as between residential and domiciliary care and the potential to modify elements of the existing charging policy.
 - § The ability to charge Carers for support provided to them so as to bring them onto an equal footing with service users.
 - § The ability to charge interest and to charge a fee for the arrangement of a Deferred Payment.
- 5.2 As these changes are discretionary in nature the Council has carried out a recent consultation. The Council is due to make decisions on these aspects at the full Council meeting in May.

6. Preparation for 2016 Funding Reforms

6.1 In preparation for the funding reforms in April 2016 Providers of both domiciliary care and residential and nursing care in Shropshire have contributed to a survey to identify the numbers of people who currently fund their own care. The involvement of the independent provider sector is critical for future planning and assessment of risk.

7. Equalities

7.1 The Council has undertaken an Equality and Social Inclusion Impact Assessment (ESIIA) as part of its local consultation on discretionary charging.

7.2 The Department of Health has undertaken an Impact Assessment on both the Care and Support Reforms and the Funding Reforms. These are available on the Department of Health website.

8. Financial Implications

8.1 Costs arising during 2014/15 and 2015/16 will be funded through a combination of one off revenue grants and Better Care Fund allocations. Cost pressures will arise in the following areas:

Project Management	<i>Care Act Implementation Manager and support team</i>
Carers	<i>Putting carers on a par with users for assessment. Introducing a new duty to provide support for carers</i>
Self-Funders	<i>Increased assessments for self-funders</i>
Information advice and support	<i>Creating and linking LA information portals to national portal Advice and support to access and plan care, including rights to advocacy</i>
Safe-guarding	<i>Implementing statutory Safeguarding Adults Boards</i>
Assessment & eligibility	<i>Setting a national minimum eligibility threshold at substantial Ensuring councils provide continuity of care for people moving into their areas until reassessment Responsibility for assessment and provision of social care in prisons</i>
Veterans	<i>Disregard of armed forces GIPs from financial assessment</i>
Law reform	<i>Training social care staff in the new legal framework</i>
Advocacy	<i>Independent Mental Health Advocacy</i>
Impact of DWP policies on councils/providers	<i>Pressures relating to pensions auto-enrolment (provider cost) and the announced 1% increase of working age benefits in 15/16 (reduced client contributions)</i>
Universal Deferred Payments	<i>Introduction of a Universal Deferred Payments system</i>
Charging	<i>Establishment of new charging frameworks and changes to policies</i>
System Implementation	<i>Investment in Information Technology to support Care Act implementation</i>

8.2 A total of £859,000 has been identified within the Better Care Fund between 2014/15 and 2015/16 to support some of these pressures. This is in line with Local Government Association recommended allocations.

8.3 The most significant and continuing cost pressures will arise beyond 2015/16 as a result of the introduction of the Funding Reforms element of the Care Act. Funding allocations for 2016/17 onwards have not yet been announced and will rely on significant modelling

exercises currently underway. Costs will arise as a result of a continuation of the pressure arising through self-funder assessments, carers' assessment and support costs, changes to means tested support and the costs of reaching the cap (including working age adult's costs). Shropshire Council is working towards modelling these costs however this work involves making a significant level of assumptions meaning resulting cost estimates are likely to be fragile.

9. Background

9.1 The Care Act is the biggest change to English adult social care law in over 60 years. It replaces a number of different pieces of legislation with a single legal framework that has the wellbeing of individuals and carers at the heart of care and support services.

9.2 The majority of the changes contained within the Act came in to force in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

9.3 Overall the reforms aim to ensure that care and support:

- § Is clearer and fairer.
- § Promotes people's wellbeing.
- § Enables people to prevent and delay the need for care and support, and carers to maintain their caring role.
- § Puts people in control of their lives so they can pursue opportunities to realise their potential.

9.4 Key Aspects of the Act

The Care Act places new responsibilities on local authorities towards all local people:

- § Arranging services or taking other steps to prevent, reduce or delay peoples' needs for care and support.
- § Provision of information and advice, including independent financial advice.
- § Promoting diversity and quality in the market of care providers so that there are services/supports for people to choose from.

There are new duties related to integration and market oversight:

- § A statutory requirement to collaborate and cooperate with other public authorities, including duty to promote integration with NHS and other services.
- § Duty for local authorities to step in to ensure that no one is left without the care they need if their service closes because of business failure.
- § CQC oversight of financial health of providers most difficult to replace were they to fail and to provide assistance to local authorities if providers do fail.

There are also new duties related to advocacy, safeguarding and transitions:

- § A duty to arrange independent advocacy if a person would otherwise be unable to participate in or understand the care and support system.

- § New statutory framework for protecting adults from neglect and abuse and a duty on local authorities to investigate suspected abuse or neglect.
- § Duty to assess young people and their carers in advance of transition from children's to adult services, where they are likely to need care and support as an adult.

The Care Act strengthens the rights and recognition of carers:

- § Carers have the same rights to an assessment on the appearance of needs as the person they care for.
- § Improved access to information and advocacy to make it easier for carers to access support and plan for their future needs.
- § The emphasis on prevention should mean that carers receive support early on and before reaching crisis point.
- § New national eligibility criteria for carers.
- § A local authority must meet eligible needs of carers and prepare a support plan.

9.5 Implementing the Care Act in Shropshire

In readiness for the Care Act, Adult Social Care has already changed and a new operating model has been put in place.

These changes have been based on:

- § Reducing dependence on paid support maximising individual independence.
- § A clear understanding of what local communities needs in relation to advice and information and direct intervention from adult social care.
- § The use of volunteers and those that have experience of using services.
- § Facilitating partnerships to develop resilient communities, and natural support.
- § Being responsive; quick decision making at the closest point to the person.

A Care Act Programme Board and a Care Act Implementation Group have been established to oversee the work required through to April 2016.

9.6 Funding Reforms 2016-17

9.6.1 The Funding Reforms are due to take effect from April 2016. These reforms include a cap on care costs and an extension to means-tested financial support.

9.6.2 The Department of Health has recently carried out a consultation on draft regulations and guidance to implement the cap on care costs and policy proposals for a new appeals system for care and support. The final regulations and guidance are expected to be published in October 2015.

10. Conclusions

- 10.1 Shropshire has implemented the 2015 reforms by building on the innovative model of social work practice developed over the past 2 years through the People 2 People (P2P) social work practice pilot.
- 10.2 The Better Care Fund provides the vehicle and opportunity to deliver a truly integrated approach to care and support including the focus on reablement, wellbeing and prevention as well as developing new models of support for Carers.
- 10.3 The funding reforms in 2016 are likely to see an increase in the number of people in residential care, not because they are new admissions, but because the funding eligibility thresholds will widen and include more people eligible for local authority funded support. Any future BCF indicators related to care home admissions will need to consider this factor post April 2016.
- 10.4 Shropshire Council is likely to experience significant financial pressure as the Care Act changes come into effect, particularly through the introduction of the Funding Reforms from April 2016 onwards.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Regular briefings to Health Overview Scrutiny committee on:

- § 9th December 2013 – The Care and Support Bill – Impact for Shropshire Council
- § 24th March 2014 – Adult Social Care Bill – Update
- § 23rd June 2014 – Adult Social Care Bill Update
- § 15th September 2014 – Adult Social Care Bill Update
- § 15th December 2014 – The Care Act Update – Costs and Funding

Cabinet Member (Portfolio Holder)
--

Councillor Lee Chapman

Local Member

All – this is a Countywide matter

Appendices

None