

Southend-on-Sea Borough Council

Report of Head of Adult Services, People Department

To

Health and Wellbeing Board

On

3rd September 2014

Report prepared by:
Katharine Marks Head of Adult Services

People Department Care Act Update

1. Purpose of Report

- To update Health and Wellbeing Board on the implications of the Care Act for Southend Borough Council.

2. Recommendations

- 2.1 That the Health and Wellbeing Board note the contents.

3. Background

- 3.1 The Care Bill received Royal Assent on 15th May 2014 and became The Care Act 2014. The full detail of the changes is still being considered by the government with a host of new draft regulations and guidance issued in July 2014 for consultation and due to be finalised in October 2014.
- 3.2 The Care Act is considered to be one of the most important pieces of social care legislation since the 1948 National Assistance Act and the NHS and Community Care Act 1990. At the moment care and support is delivered against a number of Acts of Parliament, some over 60 years old. The Care Act replaces these with a single, modern law which will provide adult social care (ASC) with a new legal framework putting the wellbeing of individuals at the heart of care and support services.
- 3.3 The Care Act sets ways in which adult social care is funded, including introducing a Care Cap, which limits the amount an individual has to pay for their care in their lifetime. It also addresses the infrastructure required to manage the cap.
- 3.4 The Care Act will have a significant impact on local authorities, placing new duties and responsibilities on local authorities as well as extending existing responsibilities.
- 3.5 The majority of changes are set to take place in April 2015, with the reform of funding to take effect from April 2016.

- 3.6 The Care Act also places a duty on local authorities to carry out their care and support functions with the aim of integrating services with those provided by the NHS and other health related services to be in place by 2018.

Programme Progress to date

- 3.7 Further to the report to the Board in June 2014 LG Futures has been commissioned to carry out an analysis of the financial impact of the Care Act on Southend. This will be completed by the end of September.
- Draft guidance has been issued by the DOH for consultation and a comprehensive response submitted.
 - Rationalisation of the Care Act work programmes and the Pioneer work Programme is underway.
 - Governance arrangements are being reviewed.
 - SBC has joined forces with Med Tech to develop a dementia specific information portal as part of our Information, Advice and Guidance approach.

4. Progress on key areas of the Act

Promoting wellbeing

- 4.1 The Act creates a new duty to promote a person's well being and this principle underpins the approach to care and support. This is broadly already a responsibility for Local Authorities as demonstrated through the Health and Well Being strategy. It becomes a statutory responsibility under the Care Act. Work is underway to identify what, if any, changes are needed to social care assessments at the initial point of contact and subsequently. This principle will also inform the development of joint commissioning between Southend Borough Council and Southend CCG which is being scoped currently.

Prevention

- 4.2 This requires local authorities to be pro-active to prevent, delay or reduce the need for social care support and this applies to the whole population, whether or not they currently use services. This work is being taken forward through the Prevention workstream of the Pioneer Project. A prevention strategy is in development and will underpin joint commissioning activity.

Providing Information, Advice and Advocacy

- 4.3 The provision of good quality information and advice by the local authority in partnership with others underpins the reforms. There is a new requirement to pro-actively identify people who have unmet need and provide advice, information and support.

- 4.4 Southend has recently joined forces with Med Tech and other partners to develop a dementia specialist information portal. We are also improving the information available on the SHIP website.
- 4.5 An Information, Advice and Guidance strategy will be developed as part of the prevention workstream and this will be completed by the end of the year.

Promoting the quality and diversity of local services

- 4.6 Local authorities will have a duty to develop a market that has a range of high quality providers that can meet the needs of all residents and facilitate choice. A Joint Market Position Statement is currently being agreed between Southend Borough Council and Southend CCG. This sets out changes needed in the current market to meet future need and how we will commission to meet those needs and support the local market to develop. For example, an ever greater increase in the need for more personalised and bespoke support responses will change how local providers offer support and we will work with them to develop their offer and respond to different contracting models. The work on the Market Position Statement will be completed by the end of November and will drive commissioning activity

This is also a duty to ensure continuity of service in the event of provider failure – this includes care home provision, community based care and support services and for all people receiving care including self-funders. Southend Council has a contingency plan in place in the event of provider failure.

Assessment and eligibility

- 4.7 The Act creates the requirement for a single, consistent route to determining people's entitlement to care and support and extends the same entitlement to carers.
- 4.8 The Act sets a national minimum threshold for eligibility at which local authorities must meet a person's care and support needs. The description of eligible needs within new regulations will replace existing local thresholds and current statutory guidance called Fair Access to Care Services.
- 4.9 This is an area still to be defined and agreed nationally. Once this is clear Southend will review current eligibility and assessment processes to ensure compliance. This is an area which may incur additional expenditure if the final guidance dictates a broader approach than is currently used.
- 4.10 Carers will also be entitled to an assessment in line with current practice and will be entitled in their own right to support as a carer. This work is being taken forward as part of the assessment and eligibility workstream and a detailed progress report will come to the next HWBB. Approximately 10% of Southend's population have a caring role. Whilst the new requirements will increase the support available to carers it may result in a cost pressure to the local authority. The Better Care Fund includes existing carers funding

streams and the use of this resource is being developed through the work on the Better Care Fund.

Funding reforms

- 4.11 The financial reforms significantly changes charging for social care and will require local authorities to assume financial responsibility for people who have eligible needs where they fund their own social care and support, once they reach a cap. The reforms also increase the upper threshold for means tested services for people in residential care with a property being taken into account within the assessment. The funding reforms come into effect in April 2016 and a work programme for implementation is in development.
- 4.12 A Universal Deferred Payment Scheme (to be implemented from April 2015) means that people will not have to sell their home during their lifetime to pay for their care – local authorities will be able to charge interest on these payment arrangements. Southend currently operates a Deferred Payment Scheme, but this will change in line with the new scheme e.g. interest applied from start of scheme.

Safeguarding

- 4.13 The Act requires Local Authorities to have a Safeguarding Adults Board and to carry out safeguarding adults reviews where somebody experiencing abuse or neglect dies or there are concerns about how the local authority acted. Boards may also require information sharing from other partners. Boards are also required to have a work plan and publish an annual report. There is a new duty to carry out enquiries (or ask others to do so) where it is suspected an adult is at risk of abuse or neglect.
- 4.14 Southend is well placed to meet these new requirements with a Safeguarding Adults Board in place and the Board already has a Serious Case Review process. An Annual Report is produced and is scheduled to come to the HWBB early next year.

Continuity of care and support when an adult moves

- 4.15 The Act states that when an adult with care needs moves between local authorities, the first local authority must provide all relevant information. The second local authority must provide information and assess the adult and their carer, taking into account their previous support plan. Until an assessment can be done, the second local authority must continue with the first authority's support plan. This arrangement currently exists between the three local authorities in Essex.

5. Next three months

5.1 Work over the next three months will focus on:

- Developing revised assessment and eligibility guidance and processes

- Agreeing a communications strategy
- Completion of financial modelling
- Finalising the Market Position Statement
- Signing off the Information Advice and Guidance Strategy

6. Corporate Implications

6.1 Contribution to Council's Vision and Corporate Priorities.

The proposals support Corporate Priority 4, to maintain improved outcomes for vulnerable adults and older people.

6.2 Financial Implications

Although the Government has estimated additional costs for Local Authorities in respect of the Care Bill the actual costs are likely to be significantly higher.

6.3 Legal Implications

The Care Act is a significant change to Social Care legislation and imposes a number of statutory duties onto Local Authorities. A member of the Council's legal team attends the Project Team meetings and provides advice and guidance.

6.4 People Implications

There are likely to be implications for staff resourcing and workforce development. Full implications are not yet known but plans for workforce development activity are at an early stage and are being considered alongside workforce development requirements related to integration.

6.5 Property Implications

None

6.6 Consultation

This will be undertaken as required in accordance with Council policy.

6.7 Equalities and Diversity Implications.

An Equality Assessment will be completed.

6.8 Risk Assessment

The implementation of the Care Act carries a significant financial risk which is still being quantified.

6.9 Value for Money

None

6.10 Community Safety Implications

None

6.11 Environmental Impact

None

7. Background Papers

None

8. Appendices

None