

**Title:** Update Report – Adult Services – Care Act

**Wards Affected:** All

**To:** Health and Wellbeing Board

**On:** January 2015

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## 1.

### 1.1 Overview of the Care Act:

The new Care Act in England will create a single modern piece of law for adult care and support in England. It will update complex and out-dated legislation that has remained unchanged since 1948.

The Act will bring about many of the improvements to the care system described in the Government's white paper 'Caring for Our Future: reforming care and support (July 2012)'

- The Assessment Process
- Building Stronger Communities
- Better Information and Advice
- Keeping People Safe

The Act will provide better support for carers and also puts into legislation the changes recommended by the Dilnot Commission regarding the funding of 'Care and Support' ('Care and support' is the term used to describe help for adults of all ages with things like washing, dressing, eating, getting out and about and keeping in touch with friends or family).

Key new features of the legislation are:

- a duty to promote people's wellbeing and to prevent needs for care and support
- a duty to provide an information and advice service about care and support
- a requirement to carry out an assessment of both individuals and carers wherever they have needs, including people who will be "self-funders", meeting their own care costs
- a duty to facilitate a vibrant, diverse and sustainable market of care and support provision and to meet people's needs if a provider of care fails.
- a national minimum eligibility threshold for support – a minimum level of need which will always be met in every council area
- a requirement to offer a universal "deferred payment" scheme, where people can defer the costs of care and support set against the value of a home they own
- a duty in some cases to arrange "independent advocacy" to facilitate the involvement of an adult or carer in assessing needs and planning for care.

The Care Act means there is some technical work to do to change systems, but it is also means a cultural change not only for council staff and partners but for individuals who need care and their carers. It depends on services working together particularly health and social care. It needs to fit with the support councils offer to children and ease their transition to support in their adult lives. There will be major impacts on the council's costs and on the workforce.

## **1.2 Achievements:**

A Care Act Project has been set-up to plan and carry out the changes

Council & Care Trust officers have identified what needs to be done and have planned how to achieve what is required.

Lead officers from meet monthly and report their progress to the Care Act Project Board chaired by Caroline Taylor

The following work packages have been established:

- Social Care Workforce Change
- Care Funding & Finance
- Pathways and Business Process
- Market Management and Commissioning
- Public Information & Advice
- Safeguarding
- IT
- Communications

Information on the Care Act is now available on both the Care Trust and Council websites

<http://www.tsdhc.nhs.uk/CAREACT/Pages/Default.aspx>

<https://www.torbay.gov.uk/index/yourservices/adults.htm>

The Department of Health (DH) is also developing a public information campaign to support local councils in the smooth implementation of the Care Act. This campaign will roll out from late 2014 to April 2016.

A policy working group has been established to ensure that any new policies are identified and written, or that any existing policies are amended – the deferred payments policy is currently a priority for this group (please see section 2 for further details).

## **1.3 What are the costs of the Care Act?:**

The Government has made available £285m for the new burdens arising from the Care Act 2015/16.

The funding will be paid out by the Dept of Communities and Local Government

The allocations in the table are in response to the consultation on the funding formulae for implementation of the Care Act 2015/16.

Description	DoH Grant Allocation	Estimated Cost	Shortfall
Total	£1.107m	£1.847m	£740k
Made up of :-			
Early Assessments	£587k	£1.216m	£629k
Deferred Payment Agreements	£328k	£tbc	£328k not a real cost in 15/16
Carers & Care Act Implementation	£192k	£631k	£439k

## 2. Challenges for the next three months

**2.1** Some of the work we do is already meeting the new standards set out in the Care Act. However, we still have to make changes to ensure we will comply with the requirements of the Act by April 2015

These changes include

- focused Care Act training for staff
- developing new guidance (policies), action plans and working practices i.e. Deferred Payments
- developing IT systems
- developing our information and advice service

Priority areas of work are as follows:

### **Deferred payments: implementation April 2015 (Pathways & Business Process workstream)**

Key principle

People who face the risk of having to sell their home in their lifetime to pay for care home fees will have the option of a deferred payment.

Important changes

- Everyone in a care home who meets the eligibility criteria will be able to ask for a deferred payment regardless of whether or not the local authority pays for their care.
- Councils will be able to charge interest on loans to ensure they run on a cost neutral basis.

## **Additional assessments and changes to eligibility: implementation April 2015 (Pathways & Business Process workstream)**

### Key principles

- Early intervention and prevention: supporting people as early as possible to help maintain their wellbeing and independence.
- Eligibility to be set nationally based on risk to the individual's wellbeing (as opposed to the risk to the individual's independence).
- Focus on outcomes and wellbeing.
- Assessment to take into account the needs of the whole family as well as of any carers.
- New arrangements for transition to adult care and support.

### Important changes

- Councils will have a new duty to carry out a needs assessment for all carers (no longer dependent on the cared-for person meeting the FACS eligibility criteria).
- New duty to provide advice and information to service users and carers who do not meet the eligibility threshold. Duty to assess young people, and carers of children, who are likely to have needs as an adult where it will be of significant benefit, to help them plan for the adult care and support they may need, before they (or the child they care for) reach 18 years.
- Legal responsibility for local authorities to cooperate to ensure a smooth transition for people with care needs to adulthood.
- New national eligibility threshold.

## **Advice and information: April 2015 (Public Information & Advice workstream)**

### Key principles

- Information should be available to all, regardless of how their care is paid for.
- Good quality, comprehensive and easily accessible information will help people to make good decisions about the care and support they need.
- Councils have a key role in ensuring good quality advice is available locally and for sign posting people to independent financial advice.

### Important changes

- Councils will be required to provide comprehensive information and advice about care and support services in their area and what process people need to use to get the care and support that is available.
- They will also need to tell people where they can get independent financial advice about how to fund their care and support.
- Councils will be required to provide independent advocates to support people to be involved in key processes such as assessment and care planning, where the person would be unable to be involved otherwise.

## Commissioning: implementation April 2015

### Key principles

- A wide range of good quality care and support services will give people more control and choice and ensure better outcomes.
- Councils have an important role in developing the quality and range of services that local people want and need. Integrated commissioning with key partners, including health and housing, is essential to ensure quality as well as value for money and improve user satisfaction.

### Important changes

- Duty on councils to join up care and support with health and housing where this delivers better care and promotes wellbeing.
- Duty on councils to ensure there is a wide range of care and support services available that enable local people to choose the care and support services they want (market shaping).
- New right to a personal budget and direct payment.

## 3. Action required by partners

**3.1** The health and wellbeing board (HWB) has a statutory duty to integrate health and social care. Through the HWB, councils and clinical commissioning groups must agree plans to spend a "Better Care Fund" which brings together funds from the health and social care budgets in the area for 2015-16.

Working closely with health services will be critical to implementing the requirements of the Care Act, for example in offering services that can prevent future care needs.

**3.2** The board are asked to note the significant changes to the delivery of Care and Support as outlined in the Care Act 2014.

**3.3** The board are asked to note the estimated financial pressures the Care Act may have on the Council's budget setting process 2015/16 onwards if Central Government do not fully fund these pressures.

## Appendices

### Background Papers:

The following documents/files were used to compile this report:

LGA Briefing For Councillors – September 2014: [http://www.local.gov.uk/care-support-reform/-/journal\\_content/56/10180/6445281/ARTICLE](http://www.local.gov.uk/care-support-reform/-/journal_content/56/10180/6445281/ARTICLE)

Implementing the care and support reforms LGA – September 2014 : [http://www.local.gov.uk/web/guest/care-support-reform/-/journal\\_content/56/10180/5761087/ARTICLE](http://www.local.gov.uk/web/guest/care-support-reform/-/journal_content/56/10180/5761087/ARTICLE)