

Social Care Scrutiny and Performance Panel

Care Act Implementation Update

Ward(s) **All**

Portfolios: **Cllr Diane Coughlan**

Date **28 April 2015**

1. Executive Summary

1.1 The purpose of this report is to update Scrutiny with regards to the implementation of the Care Act 2014. The Care Act 2014 forms a key part of the Council's corporate priorities to promote health and well being and redesign Adult Social Care.

2. Reason for Scrutiny

2.1 To consider the new duties and potential impact of the Care Act 2014 for the citizens served by Walsall Council.

2.2 To consider the implementation approach, project arrangements, strategic risks and resources required to implement the new legislation.

3. Recommendations:

3.1 Scrutiny are asked to:

- Review and note the approach and governance arrangements which have been established for implementing the Care Act
- Consider how they wish to be kept up to date on progress in terms of implementing the Care Act

4. Background papers:

4.1 Social Care Scrutiny and Performance Panel 18 December 2014 – Care Act Update

5. Resource to implement the Care Act 2014

5.1 In 2014/2015 a revenue grant from the Department of Health of £125K was used to support implementation. The grant was used for :

- Dedicated programme and project support to ensure implementation
- Commissioning specialist learning and development activity - Attachment Based Practice for social workers, so that practitioners developed skills to enable individuals' resources, networks and social capital could be more assertively explored during assessment
- Development and delivery of other programmes of learning to support the workforce develop the necessary skills and knowledge including a modular e-learning package
- For implementing a new Care Act compliant charging system

- Developing a new deferred payments scheme

5.2 The Government has also allocated an additional £1.4m for the additional new burdens generated as a result of the Care Act. The suggested activity has been broken down as follows:

- £668k for additional social care early assessments. This has been directly allocated to Social Care budgets.
- £471k to support additional requests for Deferred payments. This has been allocated to an earmarked reserve and will be drawn upon when costs are incurred.
- £331k for additional Care Act implementation and Carers costs. This has been allocated to an earmarked reserve and will be drawn upon when costs are incurred.

5.3 Existing staffing resources have also been utilised to support Care Act implementation for example Programme Office and Workforce Development staff, social workers who have been engaged in designing Care Act compliant systems for Carers etc

5.4 Future costs relate to the implementation of MOSAIC and this is budgeted for within the 2015/2016 capital programme.

6. Legal considerations

6.1 Legal are represented at the Care Act Board to provide advice and support in relation to specific legal issues. Counsel's opinion was used to shape the Charging Policy. The Department of Health, ADASS and the LGA continue to issue legal advice to Council's. It is expected that like all major changes in legislation the Care Act 2014 will be shaped by case law.

7. Governance and Risks

7.1 The Care Act has a robust governance structure, there is:

- A Care Act Board which meets monthly
- The Care Act Board monitors implementation via a detailed progress tracker and other key project documentation e.g. project plans
- The Board reports to the SCI Executive Management Team
- Key aspects of implementation are monitored through the SCI Performance Board

7.2 Risks are managed through the Care Act Board and tracked and reported through the national care act stock take completed quarterly. The main financial risk the Council faces can be summed up as additional demand from carers although it is too early to quantify what this will be. Initially the Council received a number of enquiries about various aspects of the Care Act on the back of Public Health England publicity although this has now reduced. Although there has been significant publicity about the national cap on care costs and demand from self funders, Walsall's demographic profile and average fee rates for care mean that the Council has a low risk of facing funding pressures due to this.

7.3 Other risks being tracked and monitored include:

- Managing additional assessments
- Engagement of the wider workforce in understanding the implications
- Workforce not sufficiently prepared due to competing pressures

- The readiness of IT systems
- New national eligibility threshold
- Impact on local provider market
- Uncertainty over key national policy decisions
- New duties relating to prisoners
- Public expectation (including legal challenges)
- Lack of funding to commission or maintain preventative services from key partners

8 Citizen impact:

8.1 The Care Act impacts on current and future users of Adult Social Care.

9 Environmental impact:

9.1 There will be environmental impacts as services in the borough are remodelled eg Extra Care Housing and Residential Care.

10 Performance management:

10.1 The Council's performance management framework and reporting supports the implementation of the Care Act.

11 Equality Implications:

11.1 Equality Impact Assessments exist where required to support specific elements of implementation, for example, charging.

12 Consultation:

12.1 A range of internal stakeholders have been consulted and communicated with in terms of Care Act new duties as this is a Council responsibility and not just the preserve of Adult Social Care, including:

- Relevant managers and staff across Social Care Inclusion
- Childrens Services
- The Joint Commissioning Unit
- Workforce Development
- Public Health and Housing
- Corporate services such as Finance and Legal

Regarding external consultation the Council has engaged in a range of national, regional and local events and continues to work across the community and with local partners for example Health and the Private and Voluntary sector.

A major consultation exercise was conducted for the implementation of the new Charging Policy which is now Care Act compliant. Other consultation activity is taking place to support other aspects of implementation for example with providers of services and carers and young carers.

REPORT DETAIL – CARE ACT IMPLEMENTATION

1. Report detail

1.1 The Care Act 2014 came into force in April 2015; this involves the first overhaul of social care statute in England for more than 60 years.

2. **Key changes include:**

- Changes to safeguarding laws – clarifying what councils need to do to keep people safe from abuse and neglect
- New rights for carers and young carers in terms of promoting health and well being
- Need to enable citizens to access independent financial advice and advocacy
- Introduction of a consistent national eligibility criteria
- Introduction of a national cap on care costs for older people and working age adults
- Introduction of a duty to promote prevention services

2.1 Since February 2014 Social Care and Inclusion has monitored implementation via the Care Act Board structured across the areas included in **Appendix A**. This shows what the council has done to ensure compliance and what we have still to do. In terms of progress Walsall is thought to be at least equal to or ahead of our comparator authorities in terms of implementation.

2.2 A key element of implementation is MOSAIC, the new client information system for Adults and Children's services.

3. **Safeguarding**

3.1 Adult safeguarding was previously arranged under good practice guidance "No Secrets" and in accordance with National safeguarding standards produced by ADASS.

3.2 The Safeguarding adult's board in Walsall has previously met under a partnership arrangement and is well placed to embed the expectations of a statutory board. In addition to having all the relevant partners represented at the board the SAB is exposed to external challenge via the use of an independent SAB chair.

3.3 **Work undertaken to date to support implementation of the Care Act 2014.**

3.3.1 Agreed the constitution, strategic plan and annual work plan for the SAB

3.3.2 Received agreement on contributions from statutory partners around financial contributions to support the SAB

3.3.3 Updated the West Midlands Safeguarding Adults Policy and Procedure to ensure compliance with the Care Act and Making Safeguarding Personal

3.3.4 Provided a number of multi agency briefing sessions to support front line staff to enhance their awareness of the safeguarding duties under the Care Act 2014 and Making safeguarding personal

3.3.5 Reviewed learning outcomes for all safeguarding adults training to ensure compliance with the Care Act and Making Safeguarding Personal.

3.3.6 Developed specification for adult safeguarding ICT suite to ensure compliance with the Care Act 2014, making safeguarding personal and updated annual returns for the HSCIC, this will be rolled out when MOSAIC is launched.

- 3.4 **Work to be undertaken in quarter one to embed the new arrangements to support the Care Act 2014.**
- 3.4.1 Detailed local guidance for staff across all service areas in the Council to support implementation of the Care Act Making Safeguarding Personal and the updated West Midlands Procedures.
- 3.4.2 Embedding the infrastructure, governance and quality assurance arrangements of the SAB and its associated sub structures, which will include its relationship with other local boards and accountabilities to the local Health and Social Care Scrutiny .
- 3.4.3 Delivering updated elected member training for safeguarding adults and safeguarding children.
- 3.4.4 Redesign of the customer journey to include the governance and assurance arrangements that will support the Local Authority to effectively undertake enquires and more specifically **the arrangements that will be needed** when the Local Authority causes enquiries to occur.
- 3.4.5 Realignment of resources to support the effective embedding of S42 and other associated safeguarding duties under the Care Act 2014.
- 3.4.6 Commissioning of updated safeguarding adults training (Care Act and Making Safeguarding Personal compliant) relevant to role and function.
- 3.4.7 Launch of MOSAIC that will support the embedding of the new duties and culture and practice changes required by the Care Act 2014.
- 3.4.8 A series of management meetings will be arranged in April 2015 to support staff who are making decisions in respect of Local Authority safeguarding duties in accordance with the Care Act 2014.

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Programme Area	What we have achieved as at 1 April 2015	Still to do
Funding Reform	<ul style="list-style-type: none"> • We have carried out residential surveys and reviewed land registry data to help provide estimates on self funders within the borough along with wealth distribution. • We have supported government consultation exercises regarding the cap on care costs, the results of which will be known in October 2015 • We continue to support financial modelling exercises to help estimate the potential financial impact to the Council. 	<p>We need to continue to test and implement information technology to ensure we can offer care accounts where people want one and that they can monitor it</p> <p>We need to gain a greater understanding of the financial implications in relation to:</p> <ul style="list-style-type: none"> • Free lifetime care for adults between 18-24 • The impact on Working aged adults (25 to 64) • Carers services in line with new entitlements • The cost of arranging care in the community for self funders with new entitlements.
Assessment and eligibility including Carers	<ul style="list-style-type: none"> • Commenced Assessment and Care Management guidance handbook for use by Social Work staff and other agencies. • We have redesigned Assessment and Care Management workflows and processes to inform MOSAIC build • We have undertaken a detailed scoping exercise on the likely demand for carers services • Developed a carers toolkit 'Making it Real' 	<p>Implementing MOSAIC to include: approach for carers assessment, support planning and review process</p> <p>Embedding approach of Supported Self Assessment within MOSAIC</p> <p>Awareness understanding and impact of 'Whole Family Approach' needs to be re-enforced and developed within team structures.</p> <p>Implementation of COST CALCULATOR as an alternative to Resource Allocation system.</p> <p>Increase our usage of proportionate and appropriate assessment and review approaches including 'Lighter Touch', Self Review, Peer Led</p>

		Review, Telephone, Remote reviews (Skype).
Charging and Financial assessments	Cabinet agreed a new Charging policy on the 18/3/2014 which is now Care Act 2014 compliant.	We need to provide people with the opportunity to refresh their financial information including income and property data which is used for charging.
Transitions for Children into Adult life – alignment of Care Act with Children’s and Families Act.	<p>Set up a WLP ‘Whole life planning’ group to ensure a seamless multi agency approach between Children’s and Adults services for people aged between 14 and 25. The group including representatives from Children with Disabilities Team, Adult Social Care, Health, SEN assessment team, Prospects, Parent Partnership and the 16 Plus Team.</p> <p>Task and finish group developed a joint approach between Adults and Children’s to undertaking carers assessments for Young Carers.</p> <p>Agreement in principal to establishment of a joint multi disciplinary team to manage the transition process.</p>	<p>Transitions’ / whole life planning process and documentation needs to be finalised and signed off and joint team established.</p> <p>Finalisation of assessment tools for Young carers.</p>

Market shaping and commissioning	<p>The Joint Commissioning Unit (JCU) has developed three Market Position Statements that reflect how the requirements set out in the Care Act will be met from a commissioning perspective.</p> <p>These Market Position Statements have been developed across key areas and cover;</p> <ol style="list-style-type: none"> 1. Older People 2. Complex Conditions 3. Mental Health <p>All have been approved by the Care Act Board and Social Care & Inclusion’s Executive Directorate Management Team.</p>	<p>Continue to develop current and future approaches to commissioning via the ADASS regional commissioning group.</p> <p>Further engagement with local providers of Older People, Disabilities, and Mental Health services to disseminate information, guidance and advice about the Care Act.</p>
Provider failure	<p>The JCU has developed a Contract Management Framework to assist in detecting, preventing and managing Provider failure. Contracts awarded by the JCU are monitored using three specific monitoring processes based around tiered inspection of providers to a level proportionate to funding and risk, whilst evidencing the achievement of outcomes for Walsall residents.</p> <p>Our protocols and contingency plans around Provider failure have been refreshed and tested.</p>	<p>We need to continue to analyse the potential impacts of provider failure for unregulated services.</p>
Communications	<p>We have issued a number of staff newsletters for Social Care staff and others in universal services/key partner</p>	<p>Continue to ensure staff across the Council, those within key partnerships and the PIV sector have a wider understanding of the Act</p>

	<p>organisations in relation to the Care Act.</p> <p>We have dedicated internal websites for the Care Act accessible for staff and there is relevant and up to date information about Care Act statutory duties and a range of leaflets for citizens available on our external facing internet pages.</p>	<p>and the role they can play in bringing it to life.</p>
Prisoners	<p>We have a working estimate of the numbers of people in approved bail hostels requiring assessment from Adult Social Care.</p> <p>We have nominated LEAD responsible officers in the Adult Social Care Complex Team and the Dudley and Walsall Mental Health Trust as key liaison points with probation and hostel managers.</p> <p>We have briefed prison/approved premises senior management of requirements.</p> <p>We have confirmed arrangements for delivering assessments for prisoners.</p> <p>We have confirmed the model/approach to deliver care and support services in prisons and approved premises.</p>	<p>Staff need to receive further training in terms of Care Act 2014 eligibility and assessment criteria.</p>
Safeguarding	<p>The Council's statutory Safeguarding Adults Board has put in place robust arrangements to ensure proportionate responses to safeguarding concerns, in line with 'Making</p>	<p>Planned work will ensure safeguarding procedures reflect the Care Act 2014. Ongoing work will be required post April to embed learning.</p> <p>Continue multi agency briefing sessions on outcome focussed</p>

Safeguarding Personal', for the broad group of people outlined in the Care Act.

The statutory safeguarding board includes all statutory partners as committed members of the board.

The statutory safeguarding board has put in place clear and effective arrangements across statutory partners (incl. CQC) to enable information to be shared between organisations to ensure services do no harm.

WSAB have updated their self assessment of Care Act readiness and also held development sessions during Jan / Feb. The Board are due to consider first draft of updated constitution / strategic plan / business plan / risk register / Board structure to support implementation of statutory board from 1st April 2015.

West Midlands Regional Group has commissioned SCIE (Social care institute of excellence) to update safeguarding policy and procedural guidance on undertaking enquiries and developing safeguarding adult's plans. Regional group have updated guidance on responding to safeguarding concerns, making decisions about safeguarding concerns and information to explain the management decision making tree.

West Midlands Regional Group have updated the guidance on responding to safeguarding adults abuse concerns when they are about people in positions of trust

safeguarding approaches.

Rolling out competence based training to reflect MSP and the Care Act

Embedding arrangements for the role of the Designated Adult Safeguarding Manager.

	<p>so it reflects the role of the Designated Adult Safeguarding Manager.</p> <p>Multi agency briefing sessions have taken place in respect of outcome focused safeguarding in a statutory framework and feedback has been gained from the workforce about embedding this culture.</p>	
Our workforce	<p>Developed a 5 level Care Act Learning and Development Programme which includes: Information, Overview, Awareness, Specific and Specialist training. To date we have:</p> <p>Delivered legal literacy training for staff.</p> <p>Implemented an internet based modular learning programme for the social care workforce, wider workforce, whereby staff can learn about the Care Act in a structured way. Staff who cannot access IT learning opportunities have had face to face learning opportunities.</p> <p>Shared our learning materials with others including those in the Dudley, Walsall Mental Health trust, Walsall Citizens Advice Bureau, Direct Payment Support Organisations, Health.</p> <p>Delivered training in outcome focussed safeguarding - providing clear links between safeguarding</p>	<p>We need to ensure the Private Independent and Voluntary sector workforce and those in key partnership organisations and universal services achieve a greater understanding of the Care Act 2014 going forward.</p> <p>We need to continue to connect with the region in terms of additional learning opportunities we might negotiate for staff.</p> <p>Support sessions for staff including action learning sets around specific subjects. This will be important as we move through the next 3 months or so.</p>

responsibilities and the Care Act

Staff have been trained in Attachment Based Practice which is a way of helping individuals formulate plans that are more likely to help them to make needed changes and access support without necessarily requiring statutory social care support.

Provided opportunities for staff to attend regional and national learning events and take part in virtual learning events/ webinars.

Provided bespoke pages on the Workforce Development website for staff to undertake guided learning and reading.

We have contributed to discussions at a regional level to decide how the £211,000 training support grant will be spent. Walsall has also made a specific request for support for the mental health workforce in understanding the relationship between the Care Act and mental health legislation.

We have held a staff forum to provide bite-sized learning opportunities around the Care Act.

Information and Advice	<p>We have implemented the 'Community Living Directory' web portal providing a one stop information hub for people with Social Care needs. Following the formal launch on the 25 March 2015 the directory received over 1,000 hits to the site within 2 days.</p> <p>We have reviewed and refreshed 10 key public information leaflets to be fully care act compliant giving people the information they need on the new legislation.</p> <p>Set up signposts to independent financial advice to help people plan their future care and support.</p> <p>Commissioned the appropriate level of local advocacy services via a new advocacy framework.</p>	<p>Setting up a comprehensive universal information and advice service building on the Walsall 'Community Living Directory'.</p> <p>We need to redesign the social care content on the council's corporate website.</p> <p>Continuing to develop the Community Living Directory / Web Portal to include modules in relation to:</p> <ul style="list-style-type: none"> • Personal Assistants • Well being wish lists • In context pop up signposting • Messaging app • Self referral <p>We need to complete the redesign of all initial contact services. This will ensure that people are given consistent information and advice which they need as part of our information and prevention strategy.</p>
Deferred payments	<p>We have a new Deferred Payments Policy approved on 18 March 2015 which is fully Care Act compliant</p>	<p>We need MOSAIC (the new Social care client information system) to provide the Information Technology solution for tracking, monitoring and providing the information to citizens regarding Deferred Payments.</p>
Prevention	<p>We are measuring unmet needs to shape our future approach to prevention.</p> <p>We have undertaken a detailed analysis of our current preventative services and highlighted any gaps in our</p>	<p>Ongoing review of investment in preventative services.</p>

Market Position Statements.

We ran a multi agency stakeholder workshop to map our prevention services across the Local Authority and other key stakeholders.