

HEALTH AND SOCIAL CARE SCRUTINY 18 DECEMBER 2014

CARE ACT 2014 IMPLEMENTATION

Briefing by Keith Skerman Executive Director Social Care and Inclusion

1. This briefing outlines key aspects of the Care Act, the new duties it brings, what it will mean for citizens, and what it means for the Council and its partners.
2. The Act will come into force in two stages. Most of the key service changes will occur in April 2015; the financial changes will operate from April 2016 but preparation for both phases is needed and is already taking place.
3. Walsall's adult social care operating model was designed to be Care Act compliant and much of it is, but it needs further refinement. Our current and medium term budget strategy has also been designed to ensure that we are able to implement and operate the Act with the intention this is within available resources in 2015/16.
4. There is a strong link in the Care Act to the Children and Families Act, with particular focus upon young carers, and those with Special education needs and disabilities (SEND). Both Adults and Children's directorates are working closely to implement single assessments, new Personal Budgets, and develop the market for support (the local offer).
5. The Department of Health has now published the statutory guidance and regulations that govern the Act. Based on national and regional analyses, Walsall's level of compliance has been assessed and areas requiring action (the "must dos") have been identified.
6. A Walsall cross directorate Care Act Implementation Board was established in February 2014. It is governing implementation in Walsall through a project management approach, with a lead manager for each relevant part of the Act, and the tracking of progress to compliance, delivery and implementation.
7. Walsall is represented on regional groups led by the Association of Directors of Adult Social Services and the Local Government Association. These are sharing thinking, materials and intelligence which are informing our approach to delivery.
8. The implementation of major new legislation at a time of reducing resources is a challenge for all Councils. National research indicates a slow increase in take up of services and supports over the next year.
9. There will be a need to market or raise awareness with local residents of the new entitlements and arrangements the Act brings (especially for carers and self funders). There are two initiatives being trialled this winter to assess how best to improve advice, information and signposting: developing a web portal and using that with community and voluntary organisations to test accessibility.
10. **Alignment to other change programmes**
The successful implementation of the Care Act will require both a "whole-Council" response and action by partners in the statutory, private and third sectors who arrange and provide information, advice, support and care.

Within the Council:

1. The Care Act and our implementation of it aligns to the emerging **Corporate Priority**: “With less resources available we will concentrate on protecting the most vulnerable and reducing inequalities through ... promoting health and wellbeing.”
2. The implementation of major new legislation at a time of reducing resources is a challenge for all Councils. Social Care and Inclusion’s emerging **Medium Term Budget Strategy** prioritises the requirements of the Act.
3. There are new duties relating to the transition of children with disabilities from children’s to adults services, and enhanced rights for young carers and parent carers. Social Care and Inclusion and Children’s Services Directorates are therefore working together to ensure that the requirements of both Acts are seamlessly met.
4. The expectations of citizen self-help and self service inherent in the Care Act align to the **Finance and Communications portfolio** priorities of
 - Increasing integration of support services with public service delivery
 - Collaborative, multi-functional advice and support easily obtained.
 - Ready access for our customers to the help and advice that they need at first point of contact.
 - Our staff having optimum flexibility to give customers the help they need in the way they need it
5. The operation of the Care Act reflects the key priorities for **Public Health** outlined in the Walsall Health and Wellbeing Strategy which include:
 - Improve health and wellbeing in Walsall
 - Reduce health inequalities
 - Improve health and wellbeing through healthy lifestyles: Making ‘healthier choices easier
 - Reduce the burden of preventable disease, disability and death
 - Promote healthy ageing and independent living
6. The priority for **Regeneration** “to create the conditions for sustained economic growth by supporting the growth of business and jobs in Walsall, ensuring Walsall people have the right skills and environment to make the most of opportunities” aligns to our wish to encourage local solutions and local choices for people on how to prevent the need for intervention and also how to meet eligible care needs
7. Social Care and Inclusion already undertakes **Smarter and Agile Working**; these align well with the Care Act, whereby reliance on buildings based services and offices will further reduce.

Introduction and overview

Care Act 2014



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Outline of content

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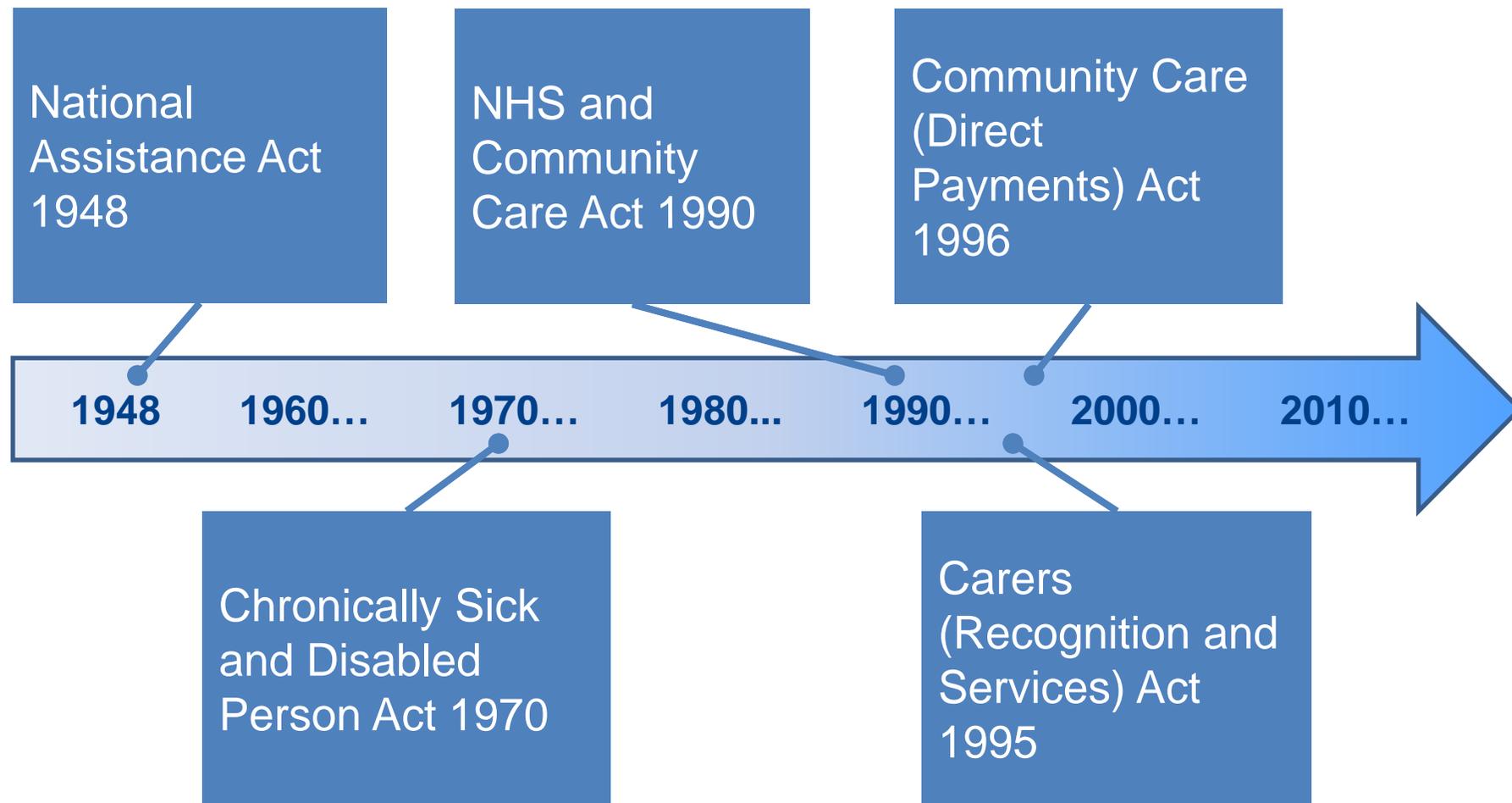
Introduction

- The Care Act received Royal Assent on 14 May 2014
- The Act is in three parts:
 1. **Care and support**
 2. Care standards
 3. Health
- Part 1 of the Act consolidates and modernises the framework of care and support law:
 - New duties for local authorities
 - New rights for service users and carers



The Care Act 2014 replaces many previous laws

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What is the Act trying to achieve?

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- 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



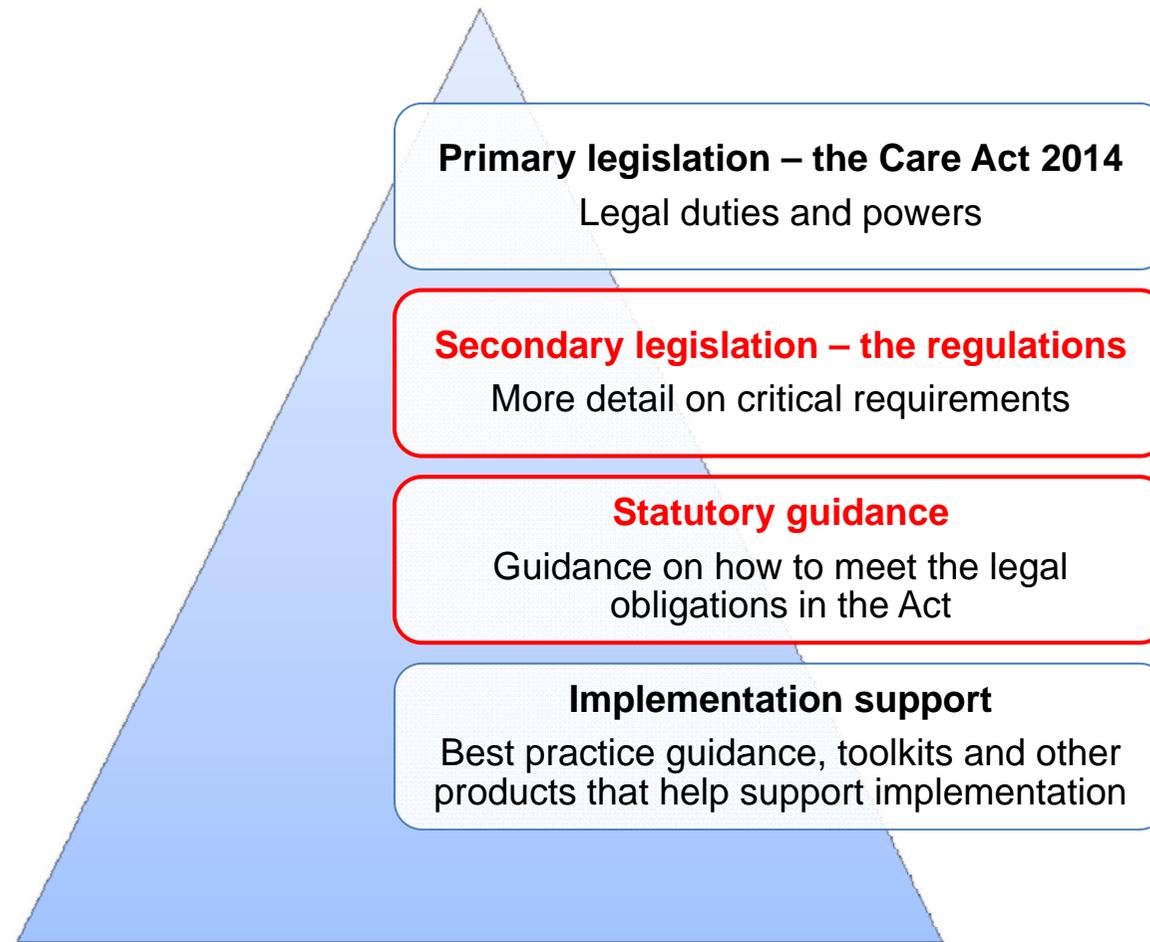
An integrated Act

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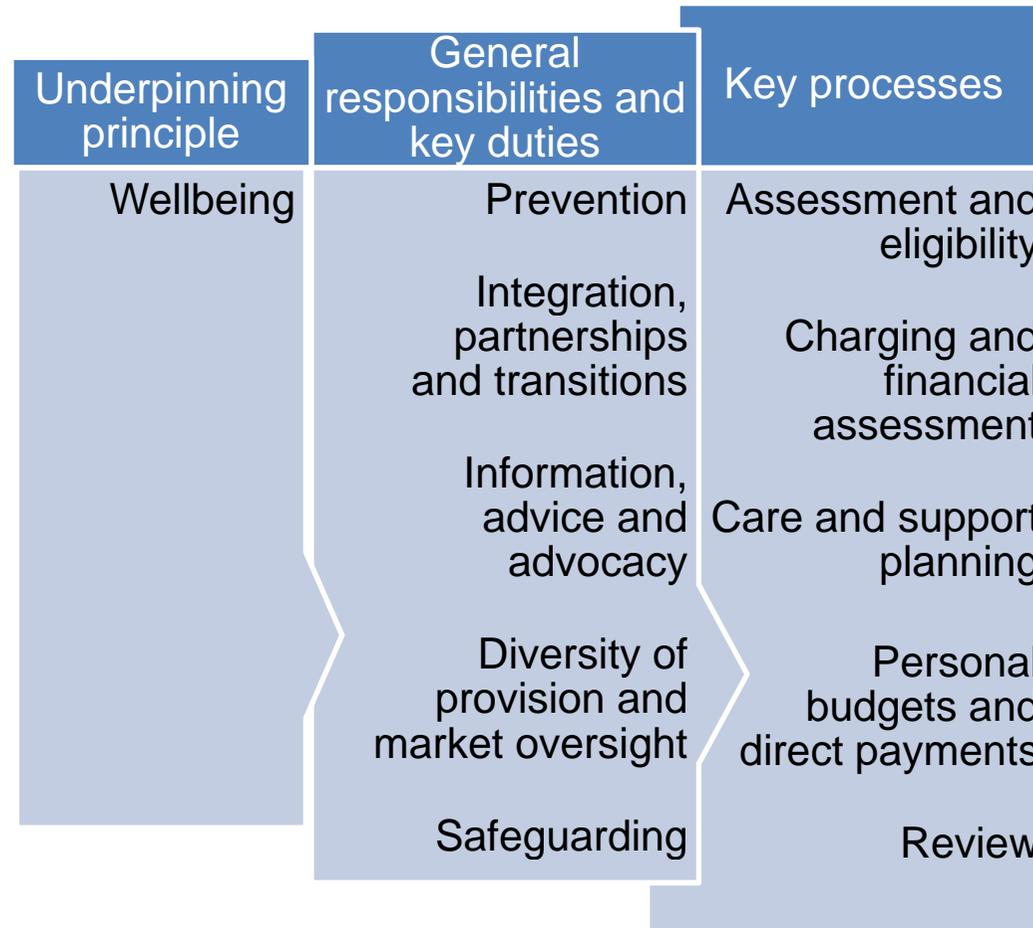
- Different sections of the Act are designed to work together
- Local authority wide
- Overlap with Children and Families, including transitions
- Partnerships and integration
- Leadership



Legislation, regulations and guidance



The framework of the Act and its statutory guidance



The wellbeing principle

“The general duty of a local authority, ... in the case of an individual, is to promote that individual’s wellbeing”.

- Wellbeing **broadly defined**: 9 areas in particular
- Local authorities should also have regard to **other key principles** when carrying out their activities, such as beginning with the assumption that the individual is best-placed to judge their well-being



New responsibilities of local authorities towards all local people

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- 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



New duties – 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



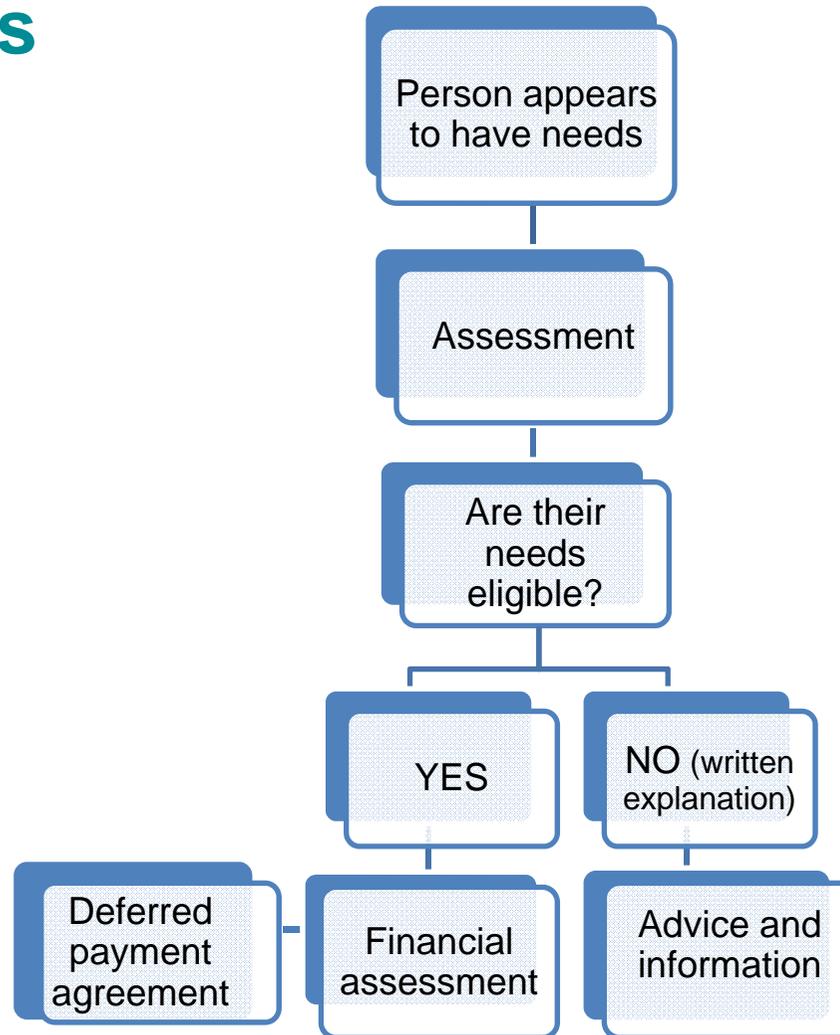
New duties – advocacy, safeguarding and transitions

- 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**. Duty on local authorities to investigate suspected abuse or neglect, past or present, experienced by adults still living and deceased
- Duty to assess young people and their carers in advance of **transition** from children's to adult services, where likely to need care and support as an adult



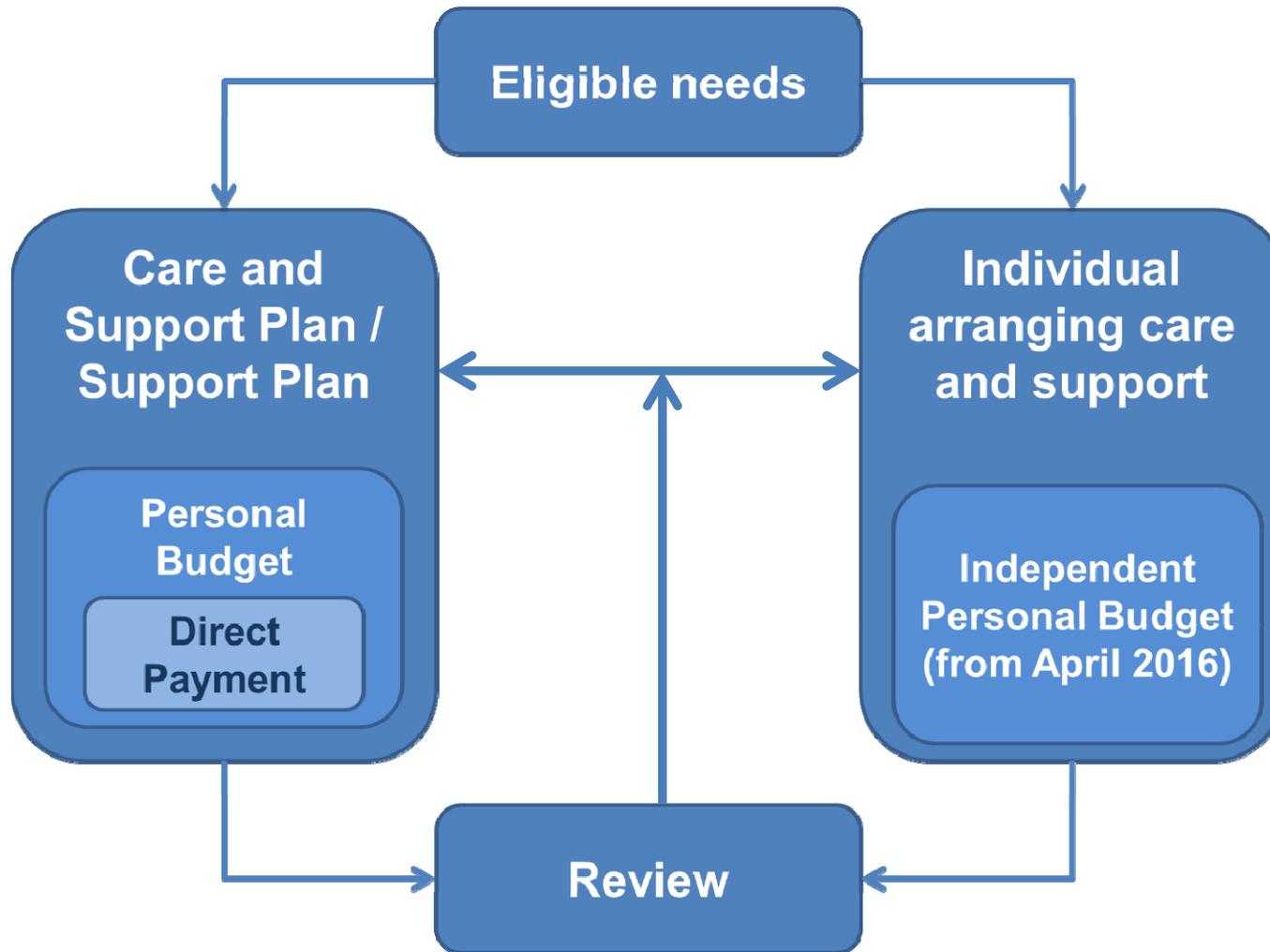
Changes to assessment, eligibility and financial assessment processes

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Changes to care and support planning processes

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What might this mean for people needing care and support?

- Better access to information and advice, preventative services, and assessment of need
- An **entitlement to care and support**
- A **cap** on care expenditure which an individual is liable for comes into effect from April 2016
- A common system across the country:
 - **Continuity of care**
 - Fair Access to Care Services (FACS) replaced by a **national eligibility threshold**



How will people experience the new system in 2016/17?

1

If you have care and support needs, you could be supported by...

Assessment of the care and support you need, and **eligibility** for state support

Information and advice on local services and how much they cost

Reablement, rehabilitation and other free services

Support from family, networks community...

2

How much you might pay for your care and support depends on your financial situation

You have a **financial assessment** to see what you have to pay

4

Every year the local authority

- Reviews your care needs and financial situation
- Keeps a record, from April 2016, called a **care account**, of how much eligible care you have needed in total

3

Costs are capped

There is a **cap** on expenditure on eligible care from April 2016

What does this mean for carers?

- The Care Act strengthens the **rights** and **recognition** of carers:
 - Improved access to information and advocacy should make it easier for carers to access support and plan for their future needs
 - The emphasis on prevention will mean that carers should receive support early on and before reaching crisis point
 - Adults **and** carers have the same rights to an assessment on the appearance of needs
 - A local authority must meet eligible needs of carers and prepare a support plan
 - A carer should be kept informed of the care and support plan of the person they care for
- Children and Families Act 2014



What might this mean for local authorities?

- New duties and responsibilities
- Changes to local systems and processes
- More assessments and support plans
- Responsibilities towards all local people
- Better understanding of self funders and the care market needed
- Training and development of the workforce
- Costs of reforms
- Preparation for reforms needed



What might this mean for local authority partners and care organisations?

- **NHS, housing and children's services** share the duty to integrate
- **Partners and providers will find:**
 - They *may* need to respond to the wellbeing principle
 - Greater local authority focus on promoting diversity and quality in the market and market intelligence about self-funders needed
 - Greater local authority involvement in services focused on prevention and delay
 - National, not local, eligibility criteria
 - New, statutory safeguarding arrangements



Summary

- A significant piece of legislation that modernises the framework of care and support law, bringing in:
 - New duties for local authorities
 - New rights for service users and carers
- It aims to make care and support clearer and fairer and to put people's wellbeing at the centre of decisions, and embed and extend personalisation
- Local authorities have new responsibilities towards all local people, including self funders
- There are significant changes to the way that people will access the care and support system

