

BRIEFING NOTE

Item

no. 5

TO: SOCIAL CARE & INCLUSION SCRUTINY PANEL

DATE: 1 SEPTEMBER 2011

RE: CHANGES TO THE SOCIAL CARE LEGAL FRAMEWORK

Executive Summary:

This briefing has been requested to update the Scrutiny and Performance Panel on current and future changes to the social care legal framework.

In November 2010, the Government launched a vision for Adult Social Care: Capable Communities and Active Citizens setting out a new direction for Adult Social care delivery by placing personalised care and outcomes for service users as the central drivers. The vision reflects the Government's aim to reform health and social care aligned to an integrated Public Health Service focusing on prevention. This will be informed by the recommendations of a series of commissions looking at the future of the care system and how it will be funded, most recently the Care and Support White Paper and Dilnot Commission which is likely to be followed by legislation in subsequent years.

Context

Currently there are no significant legislative or policy, guidance changes affecting Adult Social Care delivery, however key aspects of the Government's vision for shaping the future of Adult Social Care will lead to amendments of existing and the creation of new legislation over the coming years. Walsall has already made significant progress not only to fulfil but exceed the potential that the Government's vision wishes the Council to pursue:

Prevention

Adult Social Care has focused on developing community capacity and active citizenship, through the development of the Community Model as part of the Working Smarter initiative and in partnership with health partners has commissioned a range of preventative and early intervention models with an emphasis on Reablement and Telecare services.

Personalisation

ASCI is working toward a target of personal budgets for a significant number of eligible service users preferably as a direct payment, by April 2013. Work is also underway to ensure all assessment, care management, financial and information systems are in place to support personalisation, with a focus on improving information, advice and advocacy.

Plurality and Partnership

In terms of the Health White Paper significant progress has been made to move away from block contracts as part of the personalisation programme towards the development of a framework of accredited providers, including and increasing number of small, micro enterprises, voluntary organisations and user groups that are not disadvantaged in competing to deliver personalised services.

Productivity, Quality and Innovation

There is a clear expectation that assessment and care management procedures are streamlined and efficient, with the possibility of the government considering a law change to enable people themselves (with the support of third sector organisations) to undertake parts of their assessment. As part of the personalisation process in Walsall, service users are already being supported to undertake self assessments (Self Directed Assessment Questionnaire) to determine level of need and how this would be met in the form of a personal budget.

People

Central Government's expectation is that there will be a well skilled and empowered frontline workforce across the social care sector with increasing levels of competence supported by the implementation of the recommendations of the Social Work Taskforce. Walsall SCI is therefore currently developing a Workforce Planning Strategy and Plan linked to the Black Country Workforce Partnership to ensure the social care workforce across the borough is appropriately skilled to meet future demands and need across the vulnerable adult population. This will be influenced by the Localism Bill which will enable organisations to challenge the council where they think they could provide services differently or better.

Dilnot Commission

The recommendations from the Dilnot Commission aim to eliminate the high care costs some people face. This would mean capping the maximum amount individuals contribute over their lifetime, beyond which the state will meet all future funding. By limiting people's liability in this way, the Commission expects a market to develop for financial products so that people can insure themselves against the cost of their contribution.

Key recommendations

- The contribution any individual makes towards the costs of their care, excluding general living costs, would be capped at between £25,000 and £50,000, with the Commission recommending the cap set at £35,000.
- The asset threshold above which people in residential care are liable for the full cost of their care would be increased from the current level of £23,250 to £100,000.
- People in residential care would make a standard contribution to cover their general

living costs of between £7,000 and £10,000 a year.

- Eligibility criteria for services would be set nationally as part of a clear national offer and needs assessments would be 'portable' between local authorities.
- A new information and advice strategy would be developed and a national awareness campaign launched to encourage people to plan ahead and the deferred payment scheme to be improved.
- Social care and welfare benefits should be better aligned, Attendance Allowance re branded and carers' assessments improved.

Summary

The emphasis of the vision is firmly on enabling active citizenship and developing community confidence in engaging with developments in adult social care. Walsall is well-placed on these issues, with strengthening links between adult social care, third sector, community associations, volunteers and community cohesion/development supported by the Smarter Working programme across the Council and with partner agencies.

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