BRIEFING TO THE HEALTH AND WELLBEING BOARD

The Care Act 2014 - Update

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What the issue is:

This briefing provides information on the recently enacted Care Act 2014, including an update on our preparations for implementing the required changes in Oldham.

Requirement from the Health and Wellbeing Board:

- The Board is asked to note the information contained within the report, and to provide comment on the approach to implementing the changes in Oldham.

1. The Care Act 2014

1.1 What is the Care Act?

The Care Bill received Royal Assent on 14 May and has now been passed into law as the Care Act 2014. The Act introduces major reforms to the legal framework for adult social care, to the funding system and to the duties of local authorities and rights of those in need of social care. The Act has significant implications for local authority finance and for a number of working practices.

1.2 The main provisions of the Act will come into force in April 2015, and the funding provisions in the Act will come into force in April 2016. The Act summarises its aims as being:

- To modernise over 60 years of care and support law into a single, clear statute, which is built around people’s needs and what they want to achieve in their lives;
- To clarify entitlements to care and support to give people a better understanding of what is on offer, help them plan for the future, and ensure they know where to go for help when they need it;
- To provide for the development of national eligibility criteria, bringing people greater transparency and consistency across the country;
- To treat carers as equal to the person they care for – putting them at the centre of the law and on the same legal footing;
• To reform how care and support is funded, to create a cap on care costs which people will pay, and give everyone peace of mind in protecting them from catastrophic costs;
• To support the aim to rebalance the focus of care and support on promoting wellbeing and preventing or delaying needs in order to reduce dependency, rather than only intervening at crisis point;
• To provide new guarantees and reassurance to people needing care, to support them to move between areas or to manage if their provider fails, without the fear that they will go without the care they need; and
• To simplify the care and support system and processes to provide the freedom and flexibility needed by local authorities and care professionals to integrate with other local services, innovate and achieve better results for people.

1.3 **Overview of key legislative changes**

The Act is divided into four parts, however the first part contains the most significant reforms relating to local government and to the adult social care system. Key provisions in the Act are set out below.

The Act:
• Sets out the general responsibilities of local authorities, describing their broader care and support role towards the local community, emphasising a preventive approach and giving them duties to consider physical, mental and emotional wellbeing and to provide information to those needing care.
• Maps out the process of assessments, charging, establishing entitlements, care planning and the provision of care and support.
• Makes provision for national eligibility criteria against which all local authorities will be required to assess individuals’ entitlements to care.
• Enshrines the right of carers in England to receive support from their local council and introduces a duty to meet carers’ eligible needs for support.
• Introduces a cap on care costs which anyone over state pension age will be liable to pay. The Dilnot Commission’s original suggestion was for a cap of £25,000 to £50,000 in 2010-11 prices. The Government intends to set the cap at £72,000 in 2016/17 prices (equivalent to £60,000 in 2010/11 prices) – the maximum amount that any individual would have to pay for their care costs. Young people who already have care needs when they turn 18 will now receive free adult care and support when they reach that age.
• Makes provision for local authorities to enter into ‘deferred payment agreements’ intended to enable people to meet their care costs without having to sell their homes during their lifetime.
• Provides a new legal entitlement to a personal care budget for eligible individuals.
• Outlines the responsibilities of local authorities and other partners in relation to safeguarding adults, including a new requirement to establish Safeguarding Adults Boards in every area.
• Provides for those in need to care to be able to move between local authorities without interruption to their care (this is known as ‘portability’ of care) and clarifies how, if a care provider goes out of business, individuals will be protected.
• Supports the transition for young people between children’s and adult care by giving local authorities powers to assess the needs and entitlements of children, young carers and parent carers.
1.4 Policy update - financial implications

The financial elements of this Act (including the cap on care costs) will have far reaching and complex implications for Oldham and for Adult Social Care services. As such, work to assess the specific impact of these measures is continuing, both internally in Oldham and in partnership with national and regional colleagues.

The financial elements are planned to come into force a year later than the main changes in the Act, in April 2016.

The consultation for the regulations and guidance are due to be published in November of this year, however we understand that the Government do not intend to publish their responses to this until after the General Election in May 2015.

1.5 Preparing for the changes in Oldham

Regulations and Guidance Consultation

The draft regulations and guidance for implementing the Care Act in 2015/16 were published for consultation on the 6 June 2014. Oldham developed and submitted a response to the consultation, and will be using the consultation response to develop further action plans to ensure our readiness for the changes in Oldham.

The North West Association of Directors of Adult Social Services (NW-ADASS) also provided a joint response to the consultation, which was reflective of the approach and feedback contained within Oldham’s response.

The regulations can be accessed using the following link: https://www.gov.uk/government/consultations/updating-our-care-and-support-system-draft-regulations-and-guidance

Task and Finish Group

As this Act has a number of significant and specific implications for the work of the council, both financially and in the way that we carry out our adult social care responsibilities, a Care Act Implementation ‘Task and Finish’ Group has been established to make arrangements for the implementation of the legislation in Oldham. A number of priority areas for action are being progressed by the group which include;

- Finalising the work to quantify the local financial and service impact of the legislation
- Establishing a programme management approach with clear milestones and programme leads to implement the changes needed.
- Completing risk assessments and mitigation plans
- Developing an awareness raising programme with staff, stakeholders and the public
- Developing the required supporting financial and IT systems
Information and awareness – workshops and communications

The Council is currently planning a series of workshops to provide information on and raise awareness of the changes arising from the Act, and to develop / consult on how we will be responding to these changes in Oldham. Workshops and communication plans are being planned for;

- Managers / teams / social care practitioners
- Providers of health and social care services
- Elected members
- The public
- Partners / wider stakeholders

Programme Manager

As implementing the required changes will require a lot of planning and preparation, the Department of Health made an implementation grant available to local authorities; £125,000 for use in 2014/15. Oldham has applied for this grant and has made arrangements for employing a senior, experienced Programme Manager on a fixed term basis to manage the design, development and implementation of the required changes arising from both the Care Act, and also the adult social care transformation programme during 2014/15. A job description and person specification has been written and approved. The role is due to be advertised shortly.

1.6 Next Steps

- Finalise an implementation action plan and work programme for the Programme Manager when they are in post
- Develop the workshops and communication programme
- Updates on progress with developing implementation plans will be provided to the council’s senior management team on a regular basis.
- It is anticipated that a full programme management team and approach will be in place in the autumn.