

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 14<sup>th</sup> April 2014

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**WARD(S):** All

**PORTFOLIO:** Health & Wellbeing – Councillor Walsh

### **PART I** **KEY DECISION**

#### **CARERS CARING FOR OTHERS – SLOUGH’S JOINT CARERS COMMISSIONING STRATEGY REFRESH 2014-17**

##### **1 Purpose of Report**

- 1.1 To provide Cabinet with the opportunity to review and comment on the draft refreshed interim Joint Carers Commissioning Strategy for Slough Borough Council (SBC) and Slough Clinical Commissioning Group (CCG).

##### **2 Recommendation(s)/Proposed Action**

- 2.1 The Cabinet is requested to comment on and resolve that the draft interim Joint Carers Commissioning strategy, including resource allocation, be approved.

##### **3 Slough Wellbeing Strategy Priorities**

- 3.1 The six priorities within the draft interim Joint Carers Commissioning strategy support a number of national and local priorities and legislative changes. These include:
- The refreshed National Carers Strategy ‘Recognised, Valued and Supported: Next Steps for the Carers Strategy’ 2010 setting out four key priorities. These are:
    - **Priority area 1: Identification and recognition**  
Supporting those with caring responsibilities to identify themselves as Carers at an early stage, recognising the value of their contribution and involving them in designing local care provision and planning care packages.
    - **Priority area 2: Realising and releasing potential**  
Enabling those with caring responsibilities to fulfil their educational and employment potential.
    - **Priority area 3: A life outside of caring**  
Personalised support both for Carers and those they support, enabling them to have a family and community life.
    - **Priority area 4: Supporting Carers to stay healthy**  
Supporting Carers to remain mentally and physically well.

- The changes introduced in the Health and Social Care Act 2012. This includes the increased requirement to involve patient and carers in their own care and treatment along with the need for more integrated working between health and social care.
- The Care Bill which place greater duties on local authorities to meet eligible carers support needs. This will, subject to eligibility, include entitlement to receive a personal budget.
- The Children and Families Act 2014 which adopts a ‘whole family approach’ thereby requiring increased collaboration between Adult and Children’s services. The Children and Families Act 2014 also includes specific duties to Local Authorities to ensure the needs of Young Carers are given a high priority.
- Slough Joint Wellbeing Strategy (SJW Strategy) 2013-16. The draft Joint Carers Strategy supports the SJW Strategy and work streams within the Priority Delivery Groups. The main priority which applies to Carers within the SJW Strategy is health. This states: By 2028, Slough will be healthier, with reduced inequalities, improved wellbeing and opportunities for our residents to live positive, active and independent lives.

#### 4 **Joint Strategic Needs Assessment (JSNA)**

4.1 The JSNA includes needs assessment data about Slough Carers extracted from the Census 2011<sup>1</sup>. This is detailed in the table below. Slough Carers amount to 14% of the local population compared to the national average which is 12%.

<b>Age Group</b>	<b>Provides unpaid care: Total</b>	<b>Provides 1 to 19 hours unpaid care a week</b>	<b>Provides 20 to 49 hours unpaid care a week</b>	<b>Provides 50 or more hours unpaid care a week</b>
0 to 24	1,350	1,013	208	129
25 to 49	5,662	3,438	1,047	1,177
50 to 64	3,097	1,907	503	687
65 and over	1,513	696	219	598
<b>Total:</b>	<b>11,622</b>	<b>7,054</b>	<b>1,977</b>	<b>2,591</b>

4.2 The JSNA identifies a number of key inequalities experienced by Carers based on national and local information. This research suggests Carers will often ignore their own financial, health and emotional needs, putting the needs of those they care for before themselves. As a consequence caring can impact on many aspects of their lives including:

- Accessing and staying in employment.
- Financial, health and emotional wellbeing.

<sup>1</sup> Office for National Statistics

- Accessing social and recreational activities.
- Family and other relationships.
- Achieving educational potential
- Juggling work and caring responsibilities

## 5 **Other Implications**

- 5.1 The increased pressure to use budgets more efficiently and effectively necessitates more innovative ways of working. This includes greater collaboration between health and social care. A drive for developing this strategy at this time is to agree how Local Authority and CCG funding to support Carers can be targeted most efficiently to improve outcomes for local Carers.
- 5.2 It is anticipated that the Care Bill will result in an increased number of Carers Assessments. Carers meeting eligibility for support will also be entitled to a personal budget. At this stage it is unclear what extra resources will be allocated to Local Authorities to support them with this new duty. Likewise the Children and Families Act 2014 will necessitate Children's Services having to plan for the increased numbers of Young Carers assessments and parent Carers along with appropriate support to meet identified needs.
- 5.3 The Carers Respite and Community Support Framework is now operational. A range of providers are included within the Framework able to meet the diverse needs of Carers including young Carers. There are examples of the framework delivering imaginative and personalised support to Carers. This is a good foundation for the Carers Offer which will be required following implementation of the Care Bill and the Children and Families Act 2014.

### (a) **Risk Management**

<b>Risk</b>	<b>Mitigating action</b>	<b>Opportunities</b>
<b>Legal</b> Slough Borough Council has not developed systems to cope with the additional Carers Assessments that will be required as a result of forthcoming legislative changes.	Guidance will be issued to local authorities by the Department of Health as to how to manage changing requirements. Carers Assessments have been included within the new Adult Social care customer pathway. The needs of Carers have been identified as a priority in development and commissioning of future services.	To review how Carers are being supported from all groups within Slough's diverse community.
<b>Property</b> None		

<p><b>Human Rights</b> Carers not only have a right to a Carers Assessment but, where eligible, to choose services including a personal budget. If Carers are not consulted, then there is a possibility commissioned services will not meet the local needs of Carers.</p>	<p>The Carers and Support Framework allows Carers to select a provider of their choice able to respond to their individual needs. Carers can also use their personal budget to purchase services to meet assessed eligible needs.</p>	<p>To stimulate the market by working with local providers to create more personalised and tailored opportunities for local Carers.</p>
<p><b>Health and Safety</b> None</p>		
<p><b>Employment Issues</b> Adult Social care and Children's services do not have sufficient staff in place to respond to the anticipated increased duties and responsibilities to Carers.</p>	<p>Plans in place to review extra duties for the Council. This will be reviewed following the issuing of DOH guidance and allocated resources.</p>	<p>To ensure all eligible Carers have access to tailored and personalised support.</p>
<p><b>Equalities Issues</b> Services commissioned do not meet the needs of Sloughs diverse communities.</p>	<p>Equalities Impact Assessment completed</p>	<p>Commissioning services to ensure responsive and personalised services that meet individual needs of Carers.</p>
<p><b>Community Support</b> Without full engagement with the local community, there is a risk that locally based services will be developed without considering how to meet Carers needs.</p>	<p>There has been full engagement with key stakeholders throughout the development of the Strategy. This included regular feedback sessions with information updates.</p>	<p>Ensuring Carers have their own needs met. This includes helping them to feel better equipped to support the cared for to remain in their own homes</p>

<p><b>Communications</b> If the publication of the strategy is not wide spread, there is a risk that Carers will be unaware of their rights and opportunities to help them in their caring role. It is more likely that hidden Carers within Slough will remain unidentified and unsupported</p>	<p>Full engagement of key stakeholders throughout consultations.</p> <p>Feedback sessions with information updates provided.</p> <p>Summary of the strategy will be developed and circulated within the Slough Community</p>	<p>Keeping carers and key other stakeholders updated and involved in future service developments and commissioning processes.</p>
<p><b>Community Safety</b> Providers are not adequately monitored</p>	<p>All providers of the Carers Respite and Community support Framework have been evaluated through the tender process.</p> <p>They will also continue to be monitored including providing quarterly performance data.</p>	
<p><b>Financial</b> Resources to support carers are not adequate to cope with increased duties of the Council to support Carers.</p>	<p>Plans in place to review anticipated increase in numbers along with budget allocation for Carers in order to plan effectively.</p>	<p>Opportunity to review Carers eligibility in light of new DOH guidance</p>
<p><b>Timetable for delivery</b> The strategy does not have a clear timetable for implementation</p>	<p>A detailed work plan has been developed to support the implementation of the strategy.</p> <p>A strategy development group will be set up to oversee implementation of the strategy</p>	<p>This is an interim strategy that will be reviewed within twelve months strategy.</p>
<p><b>Project Capacity</b> The strategy will require continued collaboration between different directorates within the Council and the CCG. Without a development group being established with clear governance arrangements to Health and Wellbeing Priority Development</p>	<p>Plans in place to re-establish the Carers Partnership Board to oversee the implementation of this strategy. This Board will be accountable to the Health Priority Delivery Group.</p>	<p>Plans in place to ensure wide membership of the Board to raise the profile of Carers Locally and to seek opportunities</p>

Group, accountable to the Wellbeing Board, it will be at risk of not being given adequate priority.		
<b>Other</b>		
None		

(b) Human Rights Act and Other Legal Implications

The Government is committed to delivering equity of access to treatment, prevention and promotion interventions, as well as equality of experience and outcomes across all protected groups. The Department of Health's Equality and Human Rights Assurance Group (EHRAG) uses the Adults Social Care Outcomes Framework (ASCOF) outcomes measures and indicators to support the development of an action plan to deliver statutory equality objectives. Slough Borough Council also uses the ASCOF as part of the contract monitoring process.

The development of the strategy ensured full consultation with service users and key stakeholders which had a positive influence in developing the priorities in the strategy. Feedback events on the consultation results were held and the useful information we have gleaned was shared.

Local authorities' current duties to carers are set out in a range of legislation as follows:

- i. The Carers (Recognition and Services) Act 1995 sets out the core statutory duties to carers. The 1995 Act introduced the concept of the carer's assessment. Where an individual ("the carer") provides or intends to provide a substantial amount of care on a regular basis for the relevant person, the local authority has a duty to carry out an assessment of the carer's ability to provide and to continue to provide care for the relevant person, if the carer makes a request for such an assessment;
- ii. The Disabled Persons (Services, Consultation and Representation) Act 1986 provides that when assessing the needs of a disabled person who is receiving a substantial amount of care on a regular basis from another person, the local authority has to have regard to the ability of that person to continue to provide such care on a regular basis when they are deciding whether the disabled person is in need of services from the local authority.
- iii. The Carer's and Disabled Children Act 2000 built on the 1995 Act and entitles qualifying carers aged 16 and over who care for another person aged 18 and over to an assessment of their need for services. It also provides for an assessment of the needs of people with parental responsibility for disabled children where the Local Authority is satisfied that the child and his family are persons for whom it may provide services under section 17 Children Act 1989, and to take the carer's assessment into account when deciding what, if any services to provide under section 17 of the 1989 Act.
- iv. The Carers (Equal Opportunity Act 2004) requires local authorities to inform carers, in certain circumstances, that they may be entitled to an assessment

under the 1995 and 2000 Acts. The 2004 Act provides that when undertaking a carer's assessment, the local authority must consider whether the carer works, undertakes any form of education, training or leisure activity, or wishes to do any of those things. The 2004 Act also provides for co-operation between local authorities and other bodies in relation to the planning and provision of services that are relevant to carers.

Local authorities are also required to have regard to relevant statutory guidance, including *Prioritising Need in the context of Putting People First: a whole system approach to eligibility for social care*, *Guidance on Eligibility Criteria For Adult Social Care, England 2010*, which includes guidance on assessing the needs of carers, and the '*Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004 Combined Policy Guidance 2005*'.

The Department of Health has also published Practice Guidance entitled '*Carers and People with Parental Responsibility*' on how to implement the provisions of the Carers and Disabled Children's Act 2000.

New legislation is set to change significantly local authorities' duties to carers. The Care Bill is expected to receive Royal Assent in 2014 with the majority of its provisions coming into force in April 2015. The provisions in the Care Bill will replace existing legislation with a single duty to carry out an assessment of a carer's need for support (i.e. a carer's assessment), comparable to the legal duty to assess the people they care for. Under the new legislation it will not be necessary for the carer to demonstrate that they are providing a substantial amount of care on a regular basis.

For the first time local authorities will be required to use an eligibility framework set out in Regulations to determine the eligible needs of carers and provide services to meet eligible needs through a personal budget and support planning. Proposed eligibility criteria for carers who need support is set out in draft regulations on eligibility criteria published by the Department of Health in 2013 in the Annex to the discussion document "*Draft National Minimum Eligibility Threshold For Adult Care and Support*".

The Children Act 2014 received Royal Assent in March 2014 although not all of the provisions are yet in force. It inserts new provisions into Part 3 of the Children Act 1989. Sections 96 and 97 of the 2014 Act consolidate existing rights for carers, in particular from the Carers (Recognition & Services) Act 1995 and the Carers and Disabled Children Act 2000. Section 96 extends the right to an assessment of needs for support to all young carers under the age of 18 regardless of who they care for, what type of care they provide or how often they provide it. It requires a local authority to carry out an assessment of a young carer's needs for support on request or on the appearance of need, and provides for local authorities to combine the assessment of a young carer with an assessment of the person they care for. Previously, a young carer had to request such an assessment.

Section 97 simplifies the legislation relating to parent carers of disabled children, making rights and duties clearer to both parent and practitioners. It removes the requirement for such carers to be providing "a substantial amount of care on a regular basis" in order to be assessed, and requires local authorities to assess on the appearance of need, as well as on request. This section requires local authorities explicitly to have regard to the well-being of parent carers in undertaking

an assessment of their needs. The definition of well-being will be the same as in Part 1 of the Care Bill.

The Interim Joint Carer's Commissioning Strategy will enable the Council to comply with its existing statutory duties to carers whilst preparing for implementation of the new statutory responsibilities for carers coming into force from April 2015.

(c) Equalities Impact Assessment

An equalities impact assessment (EIA) has been completed.

This shows that the strategy would specifically affect people with regard to age and disability issues in enabling them to live more independently.

(d) Workforce

The Wellbeing directorate has recently been subject to a restructure which will have a positive impact on service delivery. This was necessitated by the need to align the workforce organisational structure to transitional and transformational activities that have taken place within the directorate over the past year. The redesigned Adult Social Care Customer Pathway now includes Carers Assessments. This will support the requirement to give Carers a much higher priority in light of the forthcoming legislation.

The Children and Families Act 2014 will necessitate changes for both Children and Adult Services. This includes the need to ensure the early identification of young people with caring responsibilities, as well as ensuring they receive a carer's assessment and appropriate support. The Children and Families Act 2014 now gives parent Carers the same rights as adult and young carers. These increased duties to Local Authorities will require an adoption of a 'whole family approach', necessitating much closer collaboration between Children and Adult services and partner organisations including schools.

The Care Bill is expected to receive Royal Assent in 2014, although the care and support provisions will not come into force until April 2015. The new legislation will place additional duties and responsibilities onto Local Authorities to assess Carers. This will include a requirement to provide personal budgets to those Carers eligible for support.

## 6 Supporting Information

### 6.1 **Background to the strategy development**

6.1.1 Slough's Carer's strategy has come to an end and therefore needed to be refreshed. There have been a number of major legislative and policy changes within health and social care that impact on Carers and those they care for as well as ever increasing budget constraints. This interim refreshed strategy, adopts an integrated and collaborative approach with health. It provides an opportunity to review and transform the way services are delivered in line with both national and local policy drivers. The strategy has considered:

- The major legislative changes for health and social care in the Health & Social Care Act 2012



- The legislative drivers directly related to Carers, namely the Care Bill and the Children and Families Act 2014
- The impact of Personalisation on both the cared for and their Carers
- Slough's changing demographics and health needs shown in the JSNA 2013
- Latest census information on the projected needs of carers and young carers within in the borough
- The current financial position for both the Council and the CCG. The action plan supporting the implementation of strategy needs to be realistic and sustainable and in line with the Better Care Fund.

## 6.2 Consultation

6.2.1. This refreshed interim strategy has been developed through extensive consultation with Slough Carers and key stakeholders using different methods including:

- SBC and health jointly funding the voluntary sector to arrange and co-host a large consultation event.
- Feedback events to share the results of the consultation. The consultation provided significant but important information which helped inform the strategy.
- Questionnaires undertaken to seek views of local Carers including Young Carers.
- Partnership working with key stakeholders to identify priorities for future commissioning.
- Slough Clinical Commissioning Group have participated and contributed to the development of this strategy.

## 6.3 Local Priorities to support Carers

6.3.1 The six agreed local priorities to support Carers are:

- Local Priority Area 1: Improved Health and Wellbeing
- Local Priority Area 2: Primary Health Care Services
- Local Priority Area 3: Hospital and Carers
- Local Priority Area 4: Improved support for Young Carers
- Local Priority Area 5: Training and Information for Professionals
- Local Priority Area 6: Involving Carers

## 7 Comments of Other Committees

7.1 This draft strategy was presented to Health Scrutiny on 13.1.14 outlining the agreed local priorities in order to improve outcomes for Carers as well as recognise the valuable support they make to the local community. Members raised how awareness of local support available to Carers could be promoted within Slough. Discussions also included problems faced by young carers, the flexibility and choice of respite care and the monitoring of the strategy in order to ensure effective

delivery and value for money. The strategy, following discussion was endorsed by Health Scrutiny.

- 7.2 However since the Strategy was presented to Health Scrutiny, a position has subsequently been adopted to seek implementation of this strategy on an interim basis. The reason for this is the guidance to support the implementation of Bill is anticipated over the next few months. At that point it will be clearer what the impact of the Bill will have for the Borough including the numbers of Carers likely to be eligible for support as well as resources required to meet it. Following analysis of the guidance, the strategy will be updated including the publication of Slough's Local Offer to Carers.

## 8 **Conclusion**

- 8.1 The interim Joint Carers Commissioning Strategy clearly sets out the priorities for the Council and CCG to support Carers over the next twelve. It provides opportunities to:

- Ensure greater collaboration between health and social care so resources are targeted effectively to provide improved support for Carers
- Help re-shape the market according to need to improve outcomes for Carers
- Ensure SBC and the CCG are meeting additional responsibilities to Carers through changing legislation within available resources.

- 8.2 The strategy allows SBC and the CCG to demonstrate commitment to the needs of Carers as well as ensuring the contribution they make is valued.

- 8.3 Extensive consultation has been undertaken with carers and key stakeholders to inform the development of the Strategy. The results from the consultations have been reflected in the strategy's priorities.

- 8.4 The strategy, together with the action plan, will lead the delivery of the future commissioning of services which provide more flexible service provision, are relevant to current needs and link to the wider community.

- 8.5 The strategy will then be updated in light of the significant legislative changes to meet the needs of Carers.

## 9 **Appendices Attached**

Carers Caring for Others – Slough's interim Joint Commissioning Strategy Refresh 2014-17

## 10 **Background Papers**

None