

SLOUGH BOROUGH COUNCIL

REPORT TO: Slough Wellbeing Board

DATE: 16th July 2014

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PART I

FOR /INFORMATION/FOR COMMENT & CONSIDERATION

THE CARE ACT 2014 – REFORMING CARE AND SUPPORT

1. Purpose of Report

The purpose of this report on the Care Act 2014 (the Act) is to:

- provide the Wellbeing Board with a summary of the Act and the wide ranging provisions contained within it,
- inform Wellbeing board of the current consultation on the Act regulations and guidance and seek any comments that the Board would like to make in relation to the consultation,
- outline the potential implications of the Act for Slough.

2. Recommendation(s)/Proposed Action

The Board is requested to note the report and make any comments in relation to the consultation or on the implications of the Act for Slough.

3. The Slough Wellbeing Strategy, the JSNA and the Corporate Plan

The JSNA highlights that 66% of people with chronic heart failure have 4 or more long term conditions, and as a result, 20% of the resources of the local clinical commissioning group are used to support those with four or more long term conditions. Many of the factors affect people under 65 and continue to impact into old age. They present significant challenges that require considerable service planning and partnership working. The Act aims to address these issues.

This report addresses therefore a range of activities which focus on bringing together legislation into the one Act. These services improve health and wellbeing outcomes for people in Slough. The services address key priorities listed in the JSNA through addressing cross cutting themes such as prevention, early intervention and management of conditions which limit inclusion.

4. Other Implications

a) Financial

4.1 There are significant financial implications in relation to the implementation of the Act.

The additional costs associated with new and additional responsibilities and ways of working are being calculated for Slough but will include:

- Requirement for additional assessment resource
- Training and workforce development
- Additional carers services and supports
- Additional costs of supporting people who reach the care cap - actual costs and assessment costs
- IT and systems costs
- Additional resource to manage the changes/implementation

4.2 Additional funding has been identified by the Coalition Government and can be separated into three areas:

- Revenue funding to meet the costs of new/additional Council responsibilities
- Revenue funding to support Councils to implement the changes
- Capital funding for IT system costs

4.3 The June 2013 spending round announced £135m for local authorities in 2015/16 to support this reform as part of the Better Care Fund. This is a un-ring fenced amount to support Councils to implement elements of the Care Act.

This includes:

- information, advice and advocacy
- new carer entitlements
- implementing statutory Safeguarding Adults Boards
- national minimum eligibility threshold

This funding is allocated through the Better Care Fund - as part of the £3.8 billion national allocation - which would provide Slough with an estimated figure of £316,000 of the Slough BCF minimum value in 2015/16 of £8.762m. This funding will be available for 2015/16.

4.4 Other funding to support additional responsibilities relating to funding reform under the Act is unclear at the moment but it is anticipated that a further national allocation will be made for adult social care to meet the new burdens of:

- early assessment and reviews
- capacity building including recruitment and training of staff
- deferred payments scheme
- and possibly care capping costs

4.5 The Care Act Implementation grant was announced on the 7th May 2014 and allocates £125,000 of un-ring fenced funding to each Council to support the work to implement the Act. This funding is available for 2014/15 and SBC have agreed to use the funding for temporary additional finance and programme management support.

4.6 Capital funding to meet the capital costs of developments is in three key areas: personalisation, reform and efficiency. For Slough this funding is £282,782 and is available for 2014/15.

4.7 But it is clear from the recent Association of Directors of Adult Social Services ADASS budget survey report that with reducing budgets (nationally there has been a 26% reduction in spend in adult social care over the last four years - £3.53bn), increasing demand for social care and new responsibilities under the Act the additional funding required will not be sufficient to meet this gap. The scale of the gap for Slough is currently being worked on but will be into the £m's.

b) Risk Management

Risk	Mitigating action	Opportunities
Legal	Legal services to be part of the Implementation Programme Board	Ensuring legal responsibilities are met
Property	None	
Human Rights	To be considered as part of the Programme Board and impact assessment	
Health and Safety	None	
Employment Issues	Workforce strategy to be developed	Clarity over roles and responsibilities and fit for purpose workforce for the future
Equalities Issues	Impact Assessment to be completed and regularly reviewed.	Act makes care and support clearer and fairer
Community Support	To be considered as part of the wellbeing and prevention elements of the implementation.	Clarity of the role and contribution community support will make in meeting peoples needs.
Communications	Communications and engagement strategy to be developed and regular communications out	Clarity over rights and access to support. People and partners better informed of changes
Community Safety	Safeguarding is a key part of the Act	SBC part of national Making Safeguarding Personal programme
Financial	As above	
Timetable for delivery	Programme management approach and discipline	

Project Capacity	Additional programme and project management support required.	Taking a programme approach will support the implementation.
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c) Human Rights Act and Other Legal Implications

The Act aims to make care and support clearer and fairer. The delivery of a new statutory and legal framework for April 2015 will be monitored by the Programme Board with legal services representation.

d) Equalities Impact

A national impact assessment for the Act has been undertaken by the Department of Health but a local impact assessment under the Equalities Act 2010 will be undertaken over the coming months.

5. Supporting Information

5.1 **Summary of the Care Act 2014**

The Care Act 2014 became law in May 2014, with the expectation that the new legal framework will come into effect in April 2015. Draft regulations and guidance for these regulations were published in June 2014 for consultation, with the aim to publish the final regulations and guidance around Autumn 2014. Local authorities are expected to implement the majority of the Act in April 2015 and those aspects relating to funding reform in April 2016.

5.2 The Coalition Government's aim for the Act is to reform the law relating to care and support for adults dating back to the National Assistance Act 1948 and the law relating to support for carers, provision for safeguarding adults from abuse or neglect, provision for care standards, market shaping and provider failure. It also establishes the Wellbeing principle and the promotion of prevention services and support. (Annex 1 – Summary of presentation of the Care Act 2104)

5.3 The main aspects of the Act:

- brings care and support law into one statute;
- Re-focuses care and support by promoting wellbeing and preventing and delaying needs to reduce dependency instead of only intervening at crisis point;
- puts carers on the same legal footing as the person they are caring for;
- extends financial support to those who need it most, and protects people from excessive care costs through a cap on the care costs that people will incur;
- aims to ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new deferred payments scheme;
- provides for a single national threshold for eligibility to care and support;
- supports people with information, advice and advocacy to understand their rights and responsibilities, access care when they need it, and plan for their future needs;

- gives new guarantees to ensure continuity of care when people move between areas;
- includes new protections to ensure that no one goes without care if their provider fails, regardless of who pays for their care;
- is built around people and outcomes that matter to them and promoting personal budgets;
- clarifies entitlements to care and support;
- puts safeguarding adults on a statutory footing;
- simplifies the care and support system and processes to provide local authorities and care professionals the freedom and flexibility to integrate with other local services.

5.4 National Consultation

The primary legislation - the Care Act 2014 sets the legal duties and powers. Currently the Department of Health is:

- consulting on secondary legislation - the regulations. The scope of regulations is set by the Act;
- consulting on the statutory guidance - on how to meet the legal obligations in the Bill. This sets out the expectations of local authorities when exercising their functions;
- developing practice guidance, toolkits and other products which will help support implementation.

5.5 There are 84 consultation questions (attached as annex 2) but the Department of Health welcomes any other comments.

Comment online: www.careandsupportregs.dh.gov.uk

E-mail at: careactconsultation@dh.gsi.gov.uk

Share your thoughts: #careact2014

Or if you want to provide your comments via the SBC response to the consultation please email your response to Nazia.idries@slough.gov.uk.

5.6 National Timetable

Consultation ends	15 th August
Finalise 2015/16 regulations and guidance	October 2014
Ongoing work to develop practice guides	Summer 2014
Toolkits and implementation support	Autumn 2014
Separate consultation later this year on those elements of the Act that come into force in April 2016 (e.g. funding reform)	Late 2014
New statute comes into force	April 2015
Funding reforms come into effect	April 2016

5.7 Local Governance Arrangements

A Care Act implementation programme board has been established with key workstreams and owners to deliver each aspect of the Act. The programme will report into SBC Wellbeing Senior Management Team with progress reports to SBC Corporate Management Team, Health Scrutiny, Cabinet and Wellbeing Board as required.

Updates on progress will also be provided to the Better Care Fund Joint Commissioning Board to ensure that the work of the Better Care Fund and the Act are aligned.

5.8 Impacts of the Act for Slough

The impacts for Slough have initially been assessed as:

- Financial implications for new ways of working and new responsibilities - especially carers
- Financial implications of funding reform - care capping
- Integration with the NHS/Better Care Fund
- Wellbeing and prevention approach
- Capacity to deliver the changes
- Financial position of the council and partners with current/future efficiency savings and reform
- Relationships with the market - profit/not for profit sector
- New ways of working and systems
- Cultural change and awareness

Further work will be undertaken over the summer to analyse the potential impact for Slough for all these areas and a further report will be produced.

6. Comments of Other Committees / Priority Delivery Groups (PDGs)

None at present but will be discussed at Health Scrutiny and also Health PDG.

7. Conclusion

The Care Act 2014 will have a significant impact for the way that care and support is provided to vulnerable people in Slough. It will also have a significant financial impact for the Council as well as joint working and partnership arrangements. It has a direct correlation to the work of the Better Care Fund and our integration and pooled budget work.

The implementation programme board has started to look at each area of the Act and what actions will be required of the Council and partners. As final guidance and regulations are made available later this year a further report will be required to assess the impacts and implications for Slough.

8. Appendices Attached

- 'A' Summary Presentation of the Care Act 2014
- 'B' List of Consultation Questions

9. Background Papers

1. The Care Act 2014
2. The Care Act 2014. Consultation on draft regulations and guidance for the implementation of Part 1 of the Act in 2015/16. June 2014

3. Secondary Legislation. Draft regulations for consultation. Part 1 of the Care Act 2014
4. ADASS Budget Survey July 2014