

ANNEX B: List of consultation questions

1. Does the draft guidance provide local authorities with the information they need to embed wellbeing into the way that they work?
2. Can you suggest some examples to illustrate how the wellbeing principle could be applied?
3. Is the description of prevention as primary, secondary or tertiary, a helpful illustration of who may benefit from preventative interventions, when and what those interventions may be?
4. Is the list of examples of preventative 'services, facilities or resources' helpful? What else should be included?
5. Views are invited about how local authorities should co-ordinate and target information to those who have specific health and care and support needs.
6. Does the guidance provide sufficient clarity about the active role that the local authority must play to support people's access to independent financial advice, including regulated financial advisors?
7. Does the statutory guidance provide a framework to support local authorities and their partners to take new approaches to commissioning and shape their local market?
8. Are there any further suggestions of case studies or tools that can assist local authorities in carrying out their market shaping and commissioning activities?
9. We invite views on the entry criteria to the market oversight regime, and whether and how they should be made simpler for residential care providers.
10. We invite views on the approach to defining business failure by reference to insolvency situations.
11. We also invite views on the insolvency situations listed, e.g. are they appropriate and clear. Should other situations be covered?
12. In particular, are the listed insolvency situations appropriate and relevant to the various legal forms registered care provider can take (including providers registered in respect of establishments or agencies under the relevant legislation in/Wales and Northern Ireland)?
13. What further circumstances are there in which a person undergoing assessment would require a specialist assessor? Please describe why a specialist assessor is needed, and what additional training is required above the requirement for the assessor to be appropriately trained to carry out the assessment in question.
14. Do the draft eligibility regulations describe the national eligibility threshold at a level that will allow local authorities to maintain their existing level of access to care and support in April 2015? If you believe they don't please explain your reasons for this.
15. Do you think that the eligibility regulations give the right balance of being outcome-focused and set a threshold that can be easily understood or would defining "basic care activities" as "outcomes" make this clearer?
16. Do the current definitions of "basic care activities" include all the essential care tasks you would expect? If not, what would you add?
17. Are you content that the eligibility regulations will cover any cases currently provided for by section 21 of the National Assistance Act 1948?

18. Does the guidance adequately describe what local authorities should take into consideration during the assessment and eligibility process? If not, what further advice or examples would be helpful?
19. We would welcome views on further specific circumstances where the advocacy duty should apply. In particular, we welcome views on the potential benefits and disadvantages of providing independent advocacy to people for people receiving care jointly from adult social care and NHS continuing health care.
20. Do the regulations and guidance provide a clear modern framework for charging that will enable local authorities to maintain existing flexibilities in how people contribute to the cost of meeting their care needs? Are there any particular areas that are not clear?
21. Is there anything from the current rules that has not been re-created that you feel should have been? If so, please list along with a brief explanation of why.
22. Do you agree that we should adjust the operation of the 12 week property disregard to better support those most at risk?
23. Would you prefer to see the current approach retained?
24. Do you agree that this proposal is cost neutral for local authorities? If it is not, please provide evidence.
25. Do you think these bonds should be taken account of in the financial assessment? What are the risks and costs to local authorities and Individuals?
26. Should pre-paid funeral plans be disregarded and if so should there be a limit to the size of plan that can be disregarded? If so, how much?
27. Does the guidance need to particularly cover these types of accommodation? If so, what would it be helpful to discuss?
28. What are the risks of the expansion of the additional cost provisions so that the person can meet this cost themselves (to both local authorities and the person)? How can any risks be mitigated by regulations and guidance?
29. What do you think the impact of the increased pension flexibilities might be for social care charging for people and local authorities? How can any risks be mitigated via regulations and guidance?
30. Should the eligibility criteria for deferred payment agreements be extended to include people in extra care and very sheltered housing? Do you have evidence of the likely demand for deferred payment agreements from people whose needs are met in extra care or very sheltered housing?
31. Do you think we should seek to introduce a scheme which is compliant with Sharia law at a later date?
32. Do you agree that the maximum LTV for deferred payment agreements should fall between 70 and 80%? Do you have any evidence to support a particular amount within that range?
33. Do you agree that people should be able to keep a proportion of any rental income they earn on a property they have secured a deferred payment agreement on? Are there other ways people could be incentivised to rent out their houses?
34. Do you have any views or evidence to suggest how much rental income people should be able to keep to incentivise them to rent their property out?

35. Do you agree that local authorities should be required to accept any legal charge on a property as security for a deferred payment agreement when they are required to enter into one and not just a first charge?

36. In line with the recommendations of the Independent Commission on Funding of Care and Support, do you agree that the interest rate should be set so that it is reasonable for people, cost neutral to local authorities and as such that it does not create incentives for people to apply for deferred payments when they are not needed?

37. Do you agree that there should be a different interest rate for deferred payment agreements made at the local authority's discretion? If so, what should the maximum rate be?

38. Does the guidance on personalisation fully support and promote a care and support system that has personalisation at its heart?

39. Does the guidance on personalisation support integration of health and care (and any other state support)?

40. Does the guidance support care and support workers to do their job effectively?

41. Is this definition clear and does it conform to your understanding of intermediate care and reablement? Is there any way it can be improved?

42. Does excluding the cost of reablement/intermediate care from the personal budget as defined above:

- Create inconsistencies with the way that reablement/intermediate care is provided in NHS personal health budgets?
- Affect the provision of reablement/intermediate care for people with mental health problems?

43. Are the ways in which different Personal Budgets can be combined sufficiently clear?

44. Will the easing of the restriction to pay family members living in the same household for administration/management of the direct payment increase uptake of direct payments? Will this create implementation issues for local authorities?

45. The draft direct payment regulations decreases the time period to conduct a review of the direct payment from 12 months to 6 months – is this workable?

46. The draft regulations seek to ensure choice is not stifled, and the direct payment is not monitored excessively – is this strong enough to encourage greater direct payment use, but workable for local authorities to show effective use of public monies?

47. Does the draft statutory guidance provide a framework that will support local authorities and their partners to make integration a reality locally?

48. Are there any ways the guidance can better support cooperation locally?

49. Is the description in the guidance of exceptions to provision of healthcare (which effectively sets out the boundary between NHS and local authority responsibilities) sufficiently clear and does it maintain the current position on the boundary?

50. Is there any danger that the legal barrier could be interpreted as a barrier to integration? Are there specific examples where it would be helpful to clarify?

51. Will any of these changes affect the working of delayed discharge processes in ways not discussed in the guidance?

52. Can you provide any best practice examples or guidance relating to hospital discharge for people with care and support needs?
53. Could local authorities' duties in relation to housing be described more clearly in the guidance?
54. Are the links to prevention, integration, co-operation, information and advice, market shaping and assessments adequate?
55. How could guidance on the legal boundary between care and support and general housing responsibilities be improved?
56. Are there any good practice examples of local authorities working with their partners, including health, education, employment and housing?
57. Is the guidance clear enough that the term 'significant benefit' is about the timing of the assessment? Is the guidance precise enough to ensure that 'significant benefit' is not open to misinterpretation and that people who should be assessed are assessed at the right time for them?
58. Are the descriptions in the guidance of people's rights to transition assessments and continuity of care beyond 18 sufficiently clear?
59. We would welcome views and transferable good practice examples about the application of care and support to custodial settings. In particular about information and advice, advocacy, financial assessment, personal budgets, the sharing of information between agencies, and joint commissioning arrangements between custodial establishments, local authorities and health services.
60. When delivering care and support in custodial settings, how should local authorities go about reflecting the high prevalence of mental ill health, substance misuse and learning disabilities?
61. How might these be best provided in custodial settings and how might responsibility for provision best be identified?
62. How could the initial assessment of a prisoner's care and support needs be best constructed to be useful in supporting proportionate reassessment and planning to meet any eligible care and support needs in subsequent custodial settings throughout the person's sentence? Are there triggers, particularly which might be identified in the health assessment which all prisoners receive on entering prison,, which could help prison staff and/or health care partners to identify when it would be appropriate to refer a prisoner for a care needs assessment?
63. Are there any core principles or requirements that local authorities should always place on contractors when delegating care and support functions?
64. Some stakeholders have mentioned that a 'model contract' would be helpful. What would be included in a model contract? Can you give any examples of a good model contract when outsourcing statutory functions?
65. Are there any other types of behaviour that should be explicitly stated in the guidance? Are there any that should be removed?
66. Are there additional possible members of SABs that we should add?
67. Are there additional aspects of the SAB's work that we should highlight?
68. Would it be useful to append a draft template for the strategic plan for SABs to use if they wish?

69. Is there anything we could add to improve how managers and practitioners view and participate in Safeguarding Adults Reviews?
70. Are there other areas of information sharing that need to be spelt out in this section?
71. Are the definitions of the types of accommodation as cited in the regulations too wide? Are they workable and clear?
72. Do the guidance and regulations about ordinary residence disputes provide enough clarity to settle ordinary residence disputes between two or more local authorities? Are there other scenarios that it would be helpful for the guidance to consider?
73. Which authority should be responsible for meeting the needs of an adult or carer when two authorities in dispute, or another authority cannot come to an agreement on who should be the lead authority? Do you agree with the regulations as currently set out in the regulations?
74. What further circumstances should be considered when carers and people with care and support needs want to move?
75. Do the regulations provide for an effective dispute resolution procedure?
76. In particular, in setting out the process for local authorities to follow when making a cross-border residential care placement, are there any gaps or omissions in the guidance in terms of key issues that need to be addressed before a placement can successfully take place?
77. With regard to the arrangements for managing a placement once it has commenced, can you envisage issues other than those identified? Specifically, what are these and how should they be addressed?
78. Would it be helpful for the guidance to be supplemented by best practice guidance? If so, what issues and scenarios will it be important for best practice guidance on these placements to cover?
79. Should certification of CVIs be extended senior ophthalmologists, or should this continue to be carried out by consultant ophthalmologists as is currently the case?
80. Should we seek the patient's consent to pass their contact details to RNIB, as well as to the local authority, as part of the CVI process in order for them to offer advice and support?
81. Are there other considerations around preparation for implementation of the April 2016 elements of the Care Act on which national guidance would be helpful?
82. Are there other considerations around preparation for implementation of the April 2015 elements of the Care Act on which national guidance would be helpful?
83. Do you think that providers of NHS Continuing Healthcare and NHS-funded nursing care should continue to be exempt from the requirement to hold a licence from Monitor?
84. Should providers NHS Continuing Healthcare and NHS-funded nursing care services be subject to those services being designated CRS?