

**Report to:** Adult Social Care and Community Safety Scrutiny Committee

**Date:** 17 September 2015

**By:** Director of Adult Social Care and Health

**Title:** Update on the implementation of the Care Act 2014

**Purpose:** To update the Scrutiny Committee on the Care Act implementation priorities for 2015/16 following the Department of Health announcement on 17 July 2015.

---

## RECOMMENDATIONS

The Committee is recommended to note:

- 1) The impact of the recent Care Act 2014 announcement on 17 July 2015; and
  - 2) The revised Care Act implementation priorities for 2015/16
- 

### 1. Background

1.1. On 17 July, the Department of Health announced a delay to the introduction of the Care Act 2014 funding reforms and other responsibilities due to come into force on 1 April 2016. The details have since been confirmed as:

- Cap on care costs system, including the extension to the means test thresholds and the proposals for a zero cap for adults under 25 will be delayed until April 2020.
- Duty on local authorities to meet the eligible needs of self-funders under Section 18(3) of the Care Act, insofar as it relates to care homes, will be delayed until April 2020.
- First party top-ups will not be introduced in April 2016.
- Appeals system for care and support will now be considered as part of the wider Spending Review, but will not be implemented in April 2016.
- Direct payments in residential care trailblazer programme will continue to run until October 2015 and the final evaluation report is expected in summer 2016. A recommendation will be made to Ministers about whether to roll out to all local authorities sometime after that.
- Public awareness campaign plans will be reviewed in light of the announcement to ensure alignment with wider plans to support people with the costs of care.

1.2. We are still awaiting news of the £146m payment currently being made to local government in 2015/16 to implement the cap and other measures. We have been informed that the decision whether to continue making this payment rests with Ministers. The funding allocated to East Sussex County Council for 2015/16 is:

Early Assessment	£2,368,537
Deferred Payment Agreements	£1,171,711
Carers/Care Act	£597,932
<b>Total</b>	<b>£4,138,180</b>

1.3. We are currently reviewing all commitments against the Care Act Implementation Grant so that we can assess the full impact of the delay when the funding situation is known. In addition, we are determining the resource implications of the duties that remain (as detailed in section 2 below) which will inform the medium term financial plan for East Sussex County Council and Adult Social Care and Health.

## 2. Supporting information

### ***Confirmation of new duties that still stand***

2.1. The Care Act duties that came into force in April 2015 are not affected by the delays. These duties are set out below:

<b>General duties</b>	<ul style="list-style-type: none"> <li>• To promote wellbeing.</li> <li>• To prevent, delay or reduce development of care and support needs.</li> <li>• To cooperate with relevant partners.</li> <li>• Duties apply equally to carers.</li> </ul>
<b>Deferred payments</b>	<ul style="list-style-type: none"> <li>• National scheme.</li> </ul>
<b>Eligibility and assessment</b>	<ul style="list-style-type: none"> <li>• National minimum eligibility threshold.</li> <li>• Continuity of care requirements when an adult moves.</li> <li>• Extension of ordinary residence rules to extra care and supported housing.</li> <li>• Safeguarding duties including making enquiries, or asking others to, where adults with care and support needs may be at risk of abuse or neglect.</li> <li>• Responsibility for care and support in prisons.</li> <li>• New legal right to a personal budget and direct payment.</li> <li>• 'Whole family':             <ul style="list-style-type: none"> <li>○ Duty to carry out assessments for all carers who provide 'necessary care' regardless of whether the person they care for is eligible for care and support.</li> <li>○ Duty to assess young people, and carers of children, who are likely to have needs as an adult to help them plan for the adult care and support they may need, before they (or the child they care for) reach 18 years.</li> <li>○ Duties around young carers.</li> </ul> </li> </ul>
<b>Commissioning</b>	<ul style="list-style-type: none"> <li>• Duty to join up care and support with health and housing particularly where this delivers better care and promotes wellbeing and where it can prevent, reduce or delay needs for care and support.</li> <li>• Duty to ensure there is a wide range of good quality care and support services available that enable local people to choose the care and support services they want.</li> <li>• Duty to ensure needs are met if a provider fails.</li> </ul>
<b>Advice and information</b>	<ul style="list-style-type: none"> <li>• Duty to provide comprehensive information and advice about care and support services in the area and what process people need to use to get the care and support that is available (including health and housing).</li> <li>• Duties to provide advice and information to clients and carers who do not meet the eligibility threshold.</li> <li>• Duty to tell people where they can get independent financial advice about how to fund their care and support.</li> <li>• Duty to arrange for independent advocates for people who have significant difficulty being involved in care and support processes and no one else appropriate to support them.</li> </ul>

### ***Revised implementation priorities for 2015/16***

2.3. An exercise has been carried out with the Care Act Implementation Group to assess implementation progress against each of the 'must dos' in the Care Act statutory guidance. Some of the requirements reflected previous practice and have not required any additional work. The

majority of the new requirements have been implemented through changes to practice guidance and training. Work is now underway to scope and specify evaluation and ongoing monitoring arrangements to ensure they are being carried out in practice.

2.4. In some areas there is still work to be done to fully meet the requirements of the Care Act. The key areas of focus now for 2015/16 can be summarised as:

- **Information and advice:** developing an information and advice strategy; and producing information about independent financial advice.
- **Assessment and care management:** work on the care pathway to ensure Care Act compliance; embedding the changes to eligibility and wellbeing; and reviewing people under the new eligibility criteria during this year.
- **Whole Family:** parent carers; young carers including improving the pathway for those transitioning to adult social care from children's services; and joint working between the two departments.
- **Market Management:** producing an updated market position statement.
- **Debt recovery:** producing a debt recovery policy and putting processes in place to minimise financial risks.
- **Monitoring and evaluation:** reviewing and evaluating the work completed to date and monitoring the requirements which came into effect in April 2015.
- **Charging and financial assessments:** updating our charging policy, public information and staff guidance when/if there are further updates to the national charging guidance; and considering how we move people from our existing (interim) policy or old policy to the new one.

### 3. Conclusion and reasons for recommendations

3.1. The majority of work required to implement the social care reform duties has now been finalised and work is in hand to complete the remaining tasks. The Care Act Board has agreed a revised project plan for 2015/16 with the implementation priorities for the remainder of the year. It has been agreed that the Care Act Board will continue until the end of the year to maintain oversight of the project plan.

3.2. Scrutiny Committee is recommended to note:

1. The impact of the recent Care Act 2014 announcement on 17 July 2015; and
2. The revised Care Act implementation priorities for 2015/16

#### **KEITH HINKLEY**

#### **Director of Adult Social Care and Health**

Contact Officer: Samantha Williams, Assistant Director Planning, Performance and Engagement

Tel. No. 01273 482115

Email: [samantha.williams@eastsussex.gov.uk](mailto:samantha.williams@eastsussex.gov.uk)

#### LOCAL MEMBERS

All

#### BACKGROUND DOCUMENTS

Letter from the Chair of the LGA Community Wellbeing Board Cllr Isobel Seccombe to Jeremy Hunt 01.07.15 (Attached as Appendix 1)

Letter from the Department of Health to Cllr Isobel Seccombe 17.07.15 (Attached as Appendix 2)