

## Warwickshire Health & Well-Being Board

Meeting Date 15<sup>th</sup> July 2014

### The Care Act Going Forward Implementation and Progress

#### Recommendation(s)

1. The Board is invited to consider this report alongside “**A Summary of the Care Bill and its Implications**” placed before the Warwickshire Health and Wellbeing Board 26 March 2014 (**Appendix:1**).
2. The Board is invited to observe and comment on progress against delivery of the Care Act 2014 in Warwickshire.

#### 1.0 Purpose of Report

- 1.1 To update the Board on Part 1: The Care Act 2014 and Warwickshire County Councils progress against key milestones and deadlines.

#### 2.0 Background and Context

- 2.1 On the 14<sup>th</sup> May 2014 the Care Bill received royal assent and became the Care Act 2014.
- 2.2 The Care Act 2014 is described by the Care and Support Minister Norman Lamb as “the most significant reform of care and support in more than 60 years; It creates a single, modern law that replaces nearly 70 years of previous legislation and puts people and their carers in control of their care and support. It delivers key elements of the government’s response to the Francis Inquiry, increases transparency and openness and helps to drive up the quality of care”. (Norman Lamb May 2014)

#### 3.0 The Care Act 2014

- 3.1 The Care Act 2014 is in five parts however this report focuses on Warwickshire County Councils implementation of part one: Care and Support.
  - 3.1.1 **Part 1:** Care and Support (Subject of this Report)
  - 3.1.2 **Part 2:** Care Standards
  - 3.1.3 **Part 3:** Creates Education England & Health Research Authority
  - 3.1.4 **Part 4:** Integration and Information
  - 3.1.5 **Part 5:** General Provisions

## 4.0 Care Act Implementation timetable

Date	Implementation event	WCC progress (where applicable)
14.05.14	Care Act receives royal assent.	
20.05.14	First ADASS, LGA, and DOH Care Act 2014 implementation Stocktake	Complete <b>(Appendix: 2)</b>
6.06.14	DOH publishes draft Regulations & Guidance and begins public consultation (ends 15.08.14)	Preparing response
26.06.14	Regional ADASS draft Regulations & Guidance consultation event	WCC participated fully in this event
14.08.14	WCC to submit its response to public consultation (by no later than 14 <sup>th</sup> August 2014)	Preparing response
15.08.14	Regulation & Guidance public consultation ends	
Sept 14 (TBC)	WCC completes and submits second ADASS, LGA, and DOH Care Act 2014 implementation Stocktake	
Sept 14 (TBC)	DOH publishes Care Act 2014 statutory Regulations & Guidance	
Feb 14 (TBC)	WCC completes and submits third ADASS, LGA, and DOH Care Act 2014 implementation Stocktake	
1.04.15	Majority of the provisions contained in the Care Act come into force (discussed in detail in this report)	Implementation activity has commenced
1.04.16	Remaining 4 sections of the Care Act 2014 come into force (discussed in detail in this report)	Implementation activity has commenced

## 5.0 Care Act 2014 Implementation deadlines

5.1 A Warwickshire County Council summary and high level impact assessment of Part: 1 the Care Act 2014 can be found at **Appendix: 3**.

5.2 All sections of the Care Act 2014 listed below are to be implemented by 1<sup>st</sup> April 2015

- Wellbeing
- Prevention
- Safeguarding Vulnerable Adults
- Transitions to Adulthood
- Information & Advice (including financial advice)
- Independent Advocacy
- Assessment - Care & Support Planning
- Carers – Assessment - Care & Support Planning
- Wellbeing
- Prevention
- Safeguarding Vulnerable Adults
- Transitions to Adulthood

- Information & Advice (including financial advice)
- Independent Advocacy
- Assessment - Care & Support Planning
- Carers – Assessment - Care & Support Planning

5.3 All sections of the Care Act 2014 listed below are to be implemented by 1<sup>st</sup> April 2016

- Cap on Care Costs
- Independent Personal Budget (for eligible self-funders)
- Care Accounts (for all Self funders)
- Part 1 Appeals (new right of appeal against LA decisions)

## 6.0 key implementation activities June 2014 – April 2016

Date	Key WCC Implementation Activity
April 14	Service Manager Care Act Implementation starts new role (secondment)
April 14	First meeting of the ADASS local implementation Network
May 14	WCC submits response to ADASS, LGA & DOH Care Act Stocktake
June 14	Care Act 2014 Implementation 'Oversight Group' established
June 14	Oversight group agree Care Act implementation governance and staffing structure (Appendix:4)
June 14	Implementation of Care Act governance and staffing structure
June – Sept 14	WCC financial modelling
June – Sept 14	WCC workforce modelling
June – Sept 14	Review all WCC policy & guidance
June – Sept 14	Review all WCC practice to scope Care Act implications
June – Sept 14	WCC Learning & organisational development modelling
June – Sept 14	WCC detailed IT infrastructure modelling
June – Sept 14	Review all WCC Information & advice systems and products
Sept 14 April 15	New Care Act compliant policies, procedures and guidance agreed and fully implemented.
Sept 14 April 15	Workforce and associated learning and organisational development activity completed
Sept 14 April 15	All required additional information and advice systems and resources in place

## 7.0 Key Implementation Challenges

### 7.1 Duty to promote Wellbeing –

From April 2015, Warwickshire County Council will have a duty to promote well-being; not only through individual interventions but also when undertaking broader strategic functions e.g. Planning or Public Health.

7.1.1 This new duty is consistent with current best practice and it is believed Warwickshire County Council is making good progress in this area.

### 7.2 Duty to prevent needs for Care and support –

From April 2015, Warwickshire County Council must provide or arrange the provision of preventative services which help prevent or delay the development of care and support needs, or help to reduce existing care and support needs – Ranging from individual interventions to wide-scale whole population measures that promote health and well-being.

7.2.1 This new duty is consistent with current best practice and it is believed Warwickshire County Council is making good progress in this area.

### 7.3 Provision of information, advice and advocacy –

From April 2015, Warwickshire County Council will be required to ensure there is comprehensive information and advice about care and support services in their area and guarantee the provision of independent advocates to support people to be involved in key processes, such as assessment and care planning, where the person would otherwise be unable to be involved.

7.3.1 Warwickshire County Council currently provides a range of information and advice including the web based Warwickshire Directory. Warwickshire County Council is currently reviewing all the information and advice it provides to ensure it is Care Act compliant.

### 7.4 Mapping self-funders –

From April 2016, the Care Bill will introduce a cap on the costs an individual will need to pay towards meeting their eligible needs for care and support. This means people who may currently have no contact with Warwickshire County Council and chose to fully-fund their own care, may ask to set up a **Care Account** (an up-to-date record of accrued eligible costs) so their eligible care and support costs can be recorded against their Care Cap. Warwickshire County Council will need to establish the likely volume of self-funders in order to plan for and understand the cost of implementation. While the Care Cap does not come into force until April 2016 the self-funder assessment capacity and IT infrastructure will need to be commissioned during 2015.

7.4.1 Accurately mapping the self-funders who will approach Warwickshire County Council for support will be challenging as it requires us to predict how local self-funders might behave. Warwickshire County Council intends to employ an approach that combines current local authority data with data from the census and local strategic needs assessments (JSNA). Warwickshire County

Council is also collaborating with other members of the local and National ADASS Care Act Implementation Network.

#### **7.5 Meeting duties for carers' assessments:**

The Care Act 2014 gives carers the same rights to assessment and support as those they care for; regardless of whether the cared for person has eligible care and support needs. From April 2015, Warwickshire County Council will have a new duty to carry out assessments for all carers. Carers will no longer have to provide substantial care, on a regular basis to be eligible for an assessment and as such, many more carers will qualify for an assessment than do at present.

- 7.5.1 Accurately mapping the number of carers who might decide to request assessment, and care and support from Warwickshire County Council will be challenging. Warwickshire County Council intends to employ an approach that combines current local authority carer data (including data from children's services) with data taken from the census and local strategic needs assessments (JSNA). Warwickshire County Council is also collaborating with other members of the local and National ADASS Care Act Implementation Network.

#### **7.6 Duty to offer deferred payments agreements –**

From April 2015, Warwickshire County Council will be required to offer a deferred payment agreement to those people at risk of needing to sell their home to pay for their care and support.

- 7.6.1 Warwickshire County Council already offers a deferred payments scheme and intends to model future demand by combining data from its current scheme with data from the census and local strategic needs assessment.
- 7.6.2 Warwickshire County Council will need to study the detailed statutory guidance (when it becomes available) and review its current deferred payment scheme to ensure its Care Act compliance.

#### **7.7 IT and financial systems –**

By April 2015, Warwickshire County Council will be required to have implemented IT infrastructure capable of managing all the new roles and responsibilities conferred by the Care Act. Having the right information systems to support the reforms is critical to successful implementation and central government does not intend to develop a national IT system for this purpose.

- 7.7.1 Warwickshire County Council is currently reviewing its IT systems and infrastructure in order to establish any requirement for additional capacity and functionality prior to April 2015.

#### **7.8 Workforce –**

The Care Act has a number of implications for Warwickshire County Council's workforce; by April 2015 we will need to ensure the whole social care

workforce – including those not directly employed by the council – has the capacity, skills and knowledge to implement the Care Act effectively.

- 7.8.1 The Government has commissioned Skills for Care to provide local authorities with workforce modelling and development tools. These tools are due to be published in August 2014 when they will be fully utilised by Warwickshire County Council.

**7.9 Communication –**

Communications will play a crucial role in supporting the implementation of the Care Act ensuring Warwickshire’s service users, carers, the general public and workforce understand; what is changing, why and what action needs to be taken, by whom and when. Warwickshire’s health and care providers, local politicians and NHS partners will need to fully engage and understand the implications of the Care Act. Consequently Warwickshire County Council will need to ensure it has a robust strategy in place to meet its Care Act communication requirements.

- 7.9.1 The Warwickshire County Council, Care Act Implementation oversight group have just agreed governance arrangements that include proposals for a detailed stakeholder analysis, and communication and engagement strategy.

**7.10 Integration and Commissioning local services –**

From April 2015, Warwickshire County Council will have a duty to integrate care and support with health and housing providers; where it believes this will deliver better care and promote wellbeing. The new statutory guidance says integrated commissioning is essential for improving customer outcomes and ensuring increased quality and value for money, and suggests Councils will want to work closely through their local Health and Wellbeing Boards to ensure plans across the system are aligned, including through the Better Care Fund.

- 7.10.1 Warwickshire County Council is currently negotiating with local NHS partners to ensure the effective utilisation of the Better Care Fund.

**7.11 Market position statement –**

From April 2015, Warwickshire County Council will be required to support a market which delivers a wide range of sustainable high-quality care and support services that will be available to all Warwickshire citizens. Guidance suggests that by setting out future and current demand trends, and explaining the desired outcomes of the council, market position statements will play an important role in enabling and maintaining high-quality, diverse care markets.

- 7.11.1 Warwickshire County Council already has a comprehensive Market Position Statement that is being fully updated in order to ensure it complies with the requirements of the Care Act 2014.

**7.12 Financial Mapping –**

Before April 2015, Warwickshire County Council will need to have modelled the financial implications of the Care Act 2014. Including the cost of;

additional assessment and care management capacity, additional care and support services, new IT infrastructure and an expanded Deferred Payment scheme. The Government is encouraging councils to collaborate over financial modelling activity and does not intend to provide any national modelling tools.

7.12.1 Warwickshire County Council's (People Group) lead financial officer is collaborating with the Regional Finance Officer's Implementation Network to develop a financial modelling tool capable of meeting local need.

## **8.0 Summary**

8.1 The Care Act received royal assent 14th May 2014.

8.2 The majority of the Care Act provisions are to be implemented by April 2015.

8.2 The Department of Health published detailed draft statutory Regulations and Guidance 6<sup>th</sup> June 2014 and began a public consultation which ends 15<sup>th</sup> August 2014.

8.5 Warwickshire County Council, People group has appointed a Service Manager for Care Act Implementation, and established a Care Act 2014 Oversight Group that has agreed the; governance and staffing arrangements, and communications strategy it will adopt to implement Part: 1 of the Care Act 2014.

8.6 Warwickshire County Council is now engaged in a comprehensive programme of key implementation activities with very challenging deadlines, set out in sections 5 and 6 of this report. Progress against most of these deadlines is at an early stage as it was dependent on the Department of Health publishing detailed draft statutory regulations and guidance.

8.7 A recent National stocktake of Local Authority progress against implementation milestones showed Warwickshire County Council compares favourably with other local councils.

## **9.0 Conclusion**

9.1 Warwickshire County Council is now engaged in a comprehensive programme of work to implement the Care Act 2014 and a recent National stocktake of local authorities showed its progress compares favourably with other local councils.

## Appendices:

- Appendix: 1.** *Summary of the Care Bill and its Implications, 26<sup>th</sup> March 2014*
- Appendix: 2.** ADASS, LGA & DOH Care Act 2014 implementation Stocktake
- Appendix: 3.** Summary & high level impact assessment Part 1: Care Act 2014
- Appendix: 4.** Care Act implementation governance and staffing structures

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