

Warwickshire County Council - Care Act 2014 - High Level Impact Assessment

Care Act Section	Warwickshire Prioritisation RAG Rating			Timescale for implementation	Warwickshire Local Authority groups/services most significantly affected
	New in law and policy	New in law but not new in policy	Modernises existing law		
Promoting individual well-being: section 1		x		April 2015	- All Local Authority groups and services associated with care and support functions.
Carers assessment: section 10	x			April 2015	- Social Care and Support - Strategic Commissioning - Finance
Duty and power to meet carers' needs for support: section 20	x			April 2015	-Supporting People (Access)
Assessment: section 9		x		April 2015	
Assessment regulations: section: 12		x		April 2015	
Care account: section 29	x			April 2016	-Social Care and Support - Finance -Supporting People

Cap on Care Costs: section 15,16	x			New legally binding cap on care costs and an increase in capital thresholds. Requires assessment of demand and likely financial implications.	April 2016	(Access)
Independent Personal Budget: section 28	x			New duty relating to adults with eligible needs who choose not to have their needs met by the LA. Requires a separate mechanism to record and report progress towards 'Cap on Care Costs'. Requires significant new systems and process to be introduced.	April 2015	
Preventing needs for care and support: section 2		x		New Duty to ensure the provision of preventative services that prevent or delay the development of care and support needs, or reduce care and support needs (including carer's). Significant expansion of current Duty and requires LA to identify Adults and carers in their area whose needs are not being met.	April 2015	- All Local Authority groups and services
Provider Failure: section 48-52		x		New Duty that requires LA's to meet (temporarily) adult needs for care and support no longer being met due to provider failure. Applies to all adults present in the LA area including self-funders, and those whose services are funded by another LA. Requires the implementation of new systems and processes to manage provider failure.	April 2015	-Strategic Commissioning - Social Care and Support -Supporting People (Access)
Safeguarding adults at risk of abuse or neglect: section 42-47		x		New legal framework for adult safeguarding based on local authorities' existing responsibilities, statutory guidance and best practice. All current systems and process will require review and updating to comply with the new Regulations and Guidance.	April 2015	- Safeguarding Adults Board - Social Care and Support - Strategic Commissioning -Supporting People (Access)
The Eligibility criteria: section 13	x			New national minimum threshold will replace existing local thresholds and current statutory guidance. Proposed new eligibility criteria appears to reflect that currently implemented in Warwickshire – awaiting further information in the form of new draft Regulations and Guidance.	April 2015	- Finance - Social Care and Support -Supporting People (Access)

Independent Advocacy support: section 67-68	x			Duty to arrange an independent advocate (in specific circumstances) to facilitate the involvement of an adult or carer who is subject to an assessment or care review. Likely to significantly increase the number of adults and carers eligible for independent advocacy.	April 2015	- Strategic Commissioning - Social Care and Support - Supporting People (Access)
Providing information and advice: section 4			x	Replaces existing duties in relation to information and advice, and specifies more detail on what 'Universal' information and advice service must include. Warwickshire Directory in place and being developed further, Draft Regulation and Guidance will specify the extent to which current provision needs to be extended.	April 2015	- Strategic Commissioning - Supporting People (Access) - Social Care and Support - All Social Care related services
Transition for children to adult care and support: section 58-66	x			New Duty for LA to assess a child, young carer or child's carer before they turn 18, in order to help them plan if they are likely to have needs once they (or the child they care for) turns 18 and if it will be of "significant benefit" to the child and/or carer. Child and/or carer do not need to be in receipt of LA services to be eligible for a transitions assessment.		- Children's Safeguarding - Social Care and Support - Supporting People (Access)
Prisoners and persons in approved premises, etc: section 76	x			New Duty; where it appears adults in prison or approved premises have a need for care and support, they should have their needs assessed by the LA and their eligible needs provided by the LA in question. Prisoners' non-eligible needs will be met by the prison. Warwickshire currently has one male prison with 664 inmates and two Approved Premises totalling 37 beds.	April 2015	- Strategic Commissioning - Social Care and Support - Supporting People (Access)
Promoting integration of care and support with health services etc: Section 3		x		New Duty on local authorities to carry out their care and support functions with the aim of integrating services with those provided by the NHS or related services (e.g. Housing) - Better Care Fund projects etc.	April 2015	- Strategic Commissioning - Social Care and Support - CCG's
Duty to meet needs for care and support			x	Provides for a single entitlement to care and support, which replaces a number of existing duties to provide specified services to individuals. Creates a new duty	April 2015	- Social Care and Support - Strategic

section 18				on LA to arrange care and support if requested, when the adult would otherwise not be entitled, but could afford to pay for their care, or if the adult's accrued costs exceed the cap on care costs.		Commissioning - Finance
Human Rights Act 1998: Provision of regulated care or support etc a public function: Section 73		x		An extension of current protection; all publicly arranged or funded care and support, both residential and non-residential (including Direct Payments), are bound by the Human Rights Act." Previously people could only call on the Human Rights Act when their care was provided directly by a public body, or they were placed in a care home by a Local Authority or the NHS.	April 2015	- Strategic Commissioning - Social Care and Support - Supporting People (Access)
Direct payments: clause 31-33			x	Replaces and updates existing duties and guidance in relation to direct payments. All existing systems and practices to be reviewed and updated to comply with new Regulations and Guidance.	April 2015	- Social Care and Support - Finance
Part 1 Appeals: Section 72	x			New Regulations may make provision for appeals against decisions taken by LA's in the exercising of its functions (including decisions made before the publication of the new Regulations). The impact of this section will not become clear until the publication of new Regulations and Guidance.	TBC	TBC
Personal budget: section 26		x		Defines a personal budget as a statement and sets out the financial information to be included in the statement. Replicates current policy and practice	April 2015	- Social Care and Support - Strategic Commissioning
Promoting diversity and quality in provision: section 5		x		A new duty; LA's must ensure a range of different providers and services available, shaped by the demands of individuals, families and carers, are of a high quality and meet the needs and preferences of people wanting to access services.	April 2015	- Strategic Commissioning - Social Care and Support
How to meet needs: section 8			x	New provision but it does not create an impact on LA in its own right – further clarification to be provided in draft Regulations and Guidance.	April 2015	- Strategic Commissioning - Social Care and Support - Supporting People

						(Access)
Deferred payments agreements etc: section 34-36		x		Replaces existing powers with a Duty to enter into such agreements in specified circumstances (to be set out in Regulations and Guidance)		- Supporting People (Access) - Social Care and Support - Finance
Continuity of care and support when adult moves: section 37-38		x		New Duty that requires a receiving LA to continue to provide services based on the previous LA's care and support plan. Until they've undertaken their own assessment of needs.	April 2015	- Supporting People (Access) - Social Care and Support - Finance
Establishing where a person lives etc: (Normal Residence) section 39-41		x		Replaces the existing rules and guidance and expands principle to cover other forms of accommodation which are not residential care homes; to be specified in the new Regulations and Guidance.	April 2015	- Social Care and Support - Finance
Delegation of local authority functions: section 79	x			New discretionary power for LA's to delegate certain care and support functions to a third party. For LA's to determine locally	April 2015	- Strategic Commissioning - Social Care and Support
Cross border placements: Schedule 1	x			Where a LA in England is meeting an adults needs for care and support by arranging for the provision of accommodation in Scotland, Wales or Northern Ireland. The adult is to be treated as being ordinarily resident in the English LA's area.	April 2015	- Social Care and Support - Strategic Commissioning - Supporting People (Access) - Finance
Co-operating - • Generally • Specific cases: section 6-7			x	Replicates existing cooperation duties, and provides a new ability to require cooperation from a relevant partner, in relation to an individual case – little impact.	April 2015	- Social Care and Support - Strategic Commissioning - Supporting People (Access)
Power of local authority to charge: section 14			x	General power for LA's to charge for certain types of care and support at their discretion. Replaces existing Regulations and Guidance.	April 2015	- Social Care and Support - Finance

Assessment of financial resources: section 17			x	Requires a local authority to carry out a financial assessment if they choose to charge for a service. Replaces existing duty and detail of process for financial assessment (i.e. treatment of income, capital etc.) will repeat current arrangements and be set out in new Regulations and Guidance.	April 2015	Social Care and Support FABBA
The steps for the local authority to take: Section 24		x		New legal duty to prepare a care and support plan and inform people about direct payments. Replicates current requirement in regulations and existing case law. Creates a new duty to provide an independent personal budget.	April 2015	- Social Care and Support - Strategic Commissioning - Finance
Care and support plan, support plan: Section 25		x		Statutory requirements for inclusion in the care and support plan and carers' support plan. Should reflect existing WCC best practice in care planning.	April 2015	- Social Care and Support - Strategic Commissioning - Learning and Organisational Development
Review of care and support plan or of support plan: section 27		x		New legal duty, which reflects existing practice and case law in relation to the WCC ongoing responsibilities towards an individual whose needs it is meeting. Adults and/or carers can now request a review.	April 2015	- Social Care and Support - Strategic Commissioning
Cases where adults express preference for particular accommodation: section 30		x		Sets out factors to consider when needs would be best met through the provision of care and support in a care home or other type of accommodation, and the adult expresses a preference for particular accommodation. Replicates existing requirements.	April 2015	- Social Care and Support - Strategic Commissioning
Power to meet needs for care and support: section 19			x	Power for LA to meet care and support needs in circumstances where duty in section 18 does not arise. Allows LA to temporarily bypass full assessment, where care and support is needed urgently. Replaces and replicates existing powers to provide services at the local authority's discretion.	April 2015	- Social Care and Support - Supporting People (Access)
Exception for persons subject to immigration			x	LA's may not meet the care and support needs of such adults solely because they are "destitute" or because of the physical effects of being destitute.	April 2015	- Social Care and Support - Supporting People

control: section 21				Only eligible needs (e.g. disability) should be considered. Replicates existing legal provision.		(Access)
Exception for provision of health services: section 22			x	LA may not provide any healthcare services which are the responsibility of the NHS. Replicates existing legal provisions and is not intended to amend the legal boundary between the local authority and the NHS.	April 2015	- Social Care and Support - Strategic Commissioning - Supporting People Access
Exception for provision of housing: section 23			x	LA may not meet an adult's care and support needs by providing general housing. Replicates existing legal boundary between care and support and housing functions.	April 2015	- Social Care and Support
Enforcement of debts: section 69-70			x	Allows LA to recover as a debt any sums owed, such as unpaid charges and interest. Replicates and consolidates existing powers to recover debts.	April 2015	- Finance - Social Care and Support
Discharge of hospital patients with care and support needs: section 74			x	Replicates existing arrangements made under the Community Care (delayed discharges) Act 2003	April 2015	- Social Care and Support - Strategic Commissioning - Supporting People (Access)
After-care under the Mental Health Act 1983 Section 75			x	Does not affect underlying duties. But sets out a number of amendments applying to specific matters.	April 2015	- Social Care and Support - Strategic Commissioning - Finance
Registers of sight impaired and disabled adults, etc: section 77			x	Replicates existing requirements.	April 2015	- Social Care and Support - Strategic Commissioning
Market Oversight: section 53-57	x			A new legal function for CQC to assess and monitor financial sustainability of certain providers, and inform LA's of likely failures and associated adults in receipt of care and support services.	April 2015	Care Quality Commission
Guidance, etc: section 78			x	Replicates existing powers of the Secretary of State to issue statutory guidance.	Ongoing	Secretary of State

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