

REPORT TO: Health Policy and Performance Board
DATE: 11th September 2012
REPORTING OFFICER: Strategic Director - Communities
PORTFOLIO: Health & Adults
SUBJECT: Caring for our Future : Reforming Care and Support
WARD(S): Borough-wide

1.0 PURPOSE OF REPORT

1.1 To present the Board with a summary of the White Paper 'Caring for our Future: Reforming Care and Support' which was published on 11th July 2012, and details of the impact that this will have on Local Authorities (LAs) and partner agencies.

2.0 RECOMMENDATION

RECOMMENDED: That the Board Notes the contents of the report and attached appendix

3.0 SUPPORTING INFORMATION

White Paper

3.1 On 11th July 2012, the Department of Health published the 'Caring for our future: reforming care and support' White Paper, which sets out the vision for a reformed care and support system, by:

- focusing on people's wellbeing and support them to stay independent for as long as possible;
- introducing greater national consistency in access to care and support;
- providing better information to help people make choices about their care;
- giving people more control over their care;
- improving support for carers;
- improving the quality of care and support; and
- improving integration of different services.

3.2 The White Paper establishes the case for change and the Government's vision for care and support in the future. The Government intends to work with partners, including carers, people who use services, LAs, care providers and the voluntary sector to take forward their vision.

3.3 Actions from the White Paper can be summarised into the following categories :-

- **Maintaining Independence** - Care and support will be transformed to focus on people's skills and talents, helping them to develop and maintain connections to friends and family. Communities will be encouraged and supported to reach out to those at risk of isolation, and people will be able to access support, including better housing options, which keeps them active and independent.
- **A Better Understanding** - Better national and local information will help people to understand the options available to them and to plan and prepare for their care and support. Greater consistency in access will give people the confidence to move around the country. Major new entitlements for carers will mean that they are better supported to carry out their caring role and to maintain their own wellbeing.
- **Quality** - People will be empowered to make decisions about their own care and support through radical improvements to information on the options available to them. People using care and support will be listened to, and Local Authorities and care providers will be able to respond more effectively to what people want and the concerns they have. This will drive improvements to the quality of care and support so that people can be confident that it will be of a high standard.
- **Social Care Workforce** - People's experience of care and support depends heavily on the sensitivity and compassion of the care workers who work with them. By setting out clear minimum training standards, recruiting more apprentices and supporting the transformation of the social work profession, the Government will aim to ensure that people are confident that they will be able to develop trusting and rewarding relationships with those giving them care and support.
- **Control** - People will have control of their own care and support, so they can make decisions about the options available. The Government will give people an entitlement to a personal budget and they will strengthen their ambitions on direct payments. This means care and support will focus on meeting people's individual needs and helping them to achieve their aspirations. People will not have to fight against the system: health, housing and care services will join up around them.

3.4 Attached at **Appendix 1** are further details of the actions outlined within the White Paper along with details of the expectations/impact on Local Authorities etc.

Draft Care and Support Bill

3.5 Alongside the White Paper, the government has published a draft Care and Support Bill for consultation and pre-legislative scrutiny in Parliament, which aims to radically simplify the current legal framework for care and support.

3.6 The draft Care and Support Bill provides enabling legislation for the reforms in the White Paper. It will be introduced into Parliament in late 2013 with a view to completing its passage by autumn 2014. Most changes requiring legislation will be implemented from April 2015 at the earliest.

3.7 Whilst retaining the principles of means testing and eligibility thresholds, the Bill introduces into legislation principles of well-being, integration, prevention and early

intervention.

The Bill is some 150 pages long and has been broken down into 3 parts:-

- Part 1 (clauses 1 – 53) covers adult care and support
- Part 2 (clauses 54 – 77) covers health provisions
- Part 3 (clauses 78 – 83) covers some general provisions

There are also 8 schedules which contain additional details on some of the clauses outlined.

3.8 Part 1 would enshrine in law a number of overarching duties which LAs would need to fulfil when carrying out their social care functions and would address areas such as :

- General responsibilities of LAs
- Meeting the needs for care
- Assessing Needs
- Imposing charges
- What would happen following assessment
- Direct Payments
- Ordinary Residence
- Safeguarding Adults
- Transition
- Debt enforcement

Part 2 would establish Health Education England and the Health Research Authority as non-departmental public bodies.

Part 3 covers technical issues such as regulations, orders and commencement of parts of the Bill (without as yet giving any dates).

3.9 People have the opportunity to comment on the Bill **by 19th October** either on line via the Bill's webpage <http://careandsupportbill.dh.gov.uk/home/> on the DH's website or in writing to the Draft Care and Support Bill Team at the DH.

As such Halton will be preparing a response to the consultation and this will be presented to the Council's Executive Board on 18th October.

3.10 People can either comment on each individual clause or by answering questions on certain topics which the Bill Team have developed. Attached at **Appendix 2** are the details of these topic areas and questions.

These are suggested areas to start discussion rather than consultation questions and the Bill Team do intend to work with stakeholders to agree further issues for discussion.

4.0 **POLICY IMPLICATIONS**

4.1 There are numerous expectations on LAs etc. and a 'task and finish' group has been established from across the LA and Health to firstly assess whether Halton currently meets the requirements of the White Paper and then in areas where it doesn't

develop and implement an associated action plan to ensure adherence to the requirements.

- 4.2 The Government will create a Care and Support Implementation Group, which will have ownership of the implementation plan for the White Paper, with members of the group assuring on the delivery of specific milestones. The White Paper contains a timetable for only some of the actions outlined and where available these have been incorporated into the appendix of this report.

The implementation group will bring together the organisations that have lead responsibility for key outputs from the White Paper. It will work in collaboration with other key sector-led organisations, such as the Think Local, Act Personal partnership, and the Towards Excellence in Adult Social Care programme.

- 4.3 The work of this implementation group will need to be closely monitored by the Local Authority, in particular, the Health Policy & Performance Board.

5.0 **OTHER/FINANCIAL IMPLICATIONS**

- 5.1 The Government state that the White Paper is not intended to set out a funding settlement for care and support in future years and that future decisions on the overall funding in the system will be taken alongside other funding decisions at Spending Reviews and the work taking place on the funding reform (see paragraph 5.2). However throughout the White Paper the Government have outlined a number of financial announcements as follows:-

- £100m in 2013/14 and £200m in 2014/15 to be transferred from NHS to councils under Section 256 with similar conditions to previous transfer. 10% likely to be for reform implementation costs
- £200m capital spread over 5 years for specialist housing schemes
- Start-up funding of £32.5m from 2014/15 to develop local online information services
- Investment by NHS in end of life care pilots to be doubled from £1.8m to £3.6m

- 5.2 The separate progress report on funding accepts the following principles of the Dilnot Commission:

- Financial protection through a cap on costs
- Extended means test
- National minimum eligibility criteria
- Deferred payments available to all, with a consultation on how interest is levied by councils

The Government will not commit to a new funding model at this stage. That will be considered as part of the next Comprehensive Spending review. As part of this the Government wants to explore further options they believe are consistent with the Dilnot report but at a lower cost namely:

- Level of the cap (say at £75,000 rather than £35,000). The Government has no firm view on the level.
- Choice about whether to have financial protection through voluntary opt-in or opt-out schemes to give protection in return for specified payments.

The Government will establish a working group with the financial and insurance sector to consider the requirements of a new system, tax implications and how to help people plan.

6.0 IMPLICATIONS FOR OTHER COUNCIL PRIORITIES

6.1 Children & Young People in Halton

Moving from children's to adults' services, at age 18, is a key transition point. The White Paper references the Government's Green Paper '*Support and aspiration: a new approach to special educational needs and disability*' which sets out plans to develop a new birth to- age-25 assessment process and a single plan incorporating education, health and social care assessments. The Green Paper also sets out Government plans to introduce personal budgets for families with an education, health and care plan from 2014. In addition, the Government aim to legislate to give adult social care services a power to assess young people under the age of 18.

6.2 Employment, Learning & Skills in Halton

None identified.

6.3 A Healthy Halton

The transformation envisaged by the White Paper and the forthcoming Care and Support Bill will mean fundamental changes to the provision of Adult Social Care; the implications of such will have to be appropriately assessed and progress monitored.

6.4 A Safer Halton

None identified.

6.5 Halton's Urban Renewal

None identified.

7.0 RISK ANALYSIS

7.1 None identified at this stage, although the Local Authority needs to ensure that it is in a position to respond to the actions outlined in the White Paper, thus appropriate action planning needs to be in place and this will be undertaken by the White Paper 'task and finish' group.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 An Equality Impact Assessment is not required for this report

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Caring for our Future: Reforming Care and Support	People & Communities Policy Team	Louise Wilson, People & Communities Policy Team Louise.wilson@halton.gov.uk
Draft Care and Support Bill		
Caring for our Future : Progress report on funding reform		

Caring for our Future: Reforming Care and Support

Summary of Actions:-

1. Maintaining Independence

• Strengthening Support within Communities

- Central to the Government's vision is supporting active and inclusive communities and encouraging people to use their skills and talents to build new friendships and connections. The Government aims to create shared measures of wellbeing across the 2013/14 editions of both the Public Health and Adult Social Care Outcomes Frameworks (to be published in October 2012), with a particular focus on developing suitable measures of social isolation.
- The Government will legislate (as part of the draft Care and Support Bill) to introduce a clear duty on Local Authorities to incorporate preventative practice and early intervention into care commissioning and planning.
- There is an expectation that communities will need to be involved in decisions around health and care services, through local Healthwatch and Health & Wellbeing Boards – There is an expectation that local health and care commissioners identify how the skills and networks in a community can make an important contribution to the health & wellbeing of local people and build this into the JSNA and Joint Health & Wellbeing Strategy.
- The Think Local, Act Personal Partnership, supported by Public Health England, will establish a collaborative network to support and spread the adoption of community based approaches.
- Social Workers and other care workers will need to be empowered to encourage people to use their talents and skills to help them build stronger relationships and networks with friends, family and the wider community, using evidence for the Social Work Practice pilots.
- There is an expectation that Local Authorities, together with their local communities, will maximise the potential for spaces and buildings in a community to act as meeting places or centres for activity.
- The Government will support '*My Home Life*' and national care provider organisations to work with their members to develop 'open care homes' that build links with their local community.
- The Government will stimulate the development of time banks, time credits and other approaches that help people share their time, talents and skills with others in their community. To support this, the DH will provide start up funding through the [Health and Social Care Volunteering Fund](#) to support the development of local owned and sustainable giving schemes. Funding for 2013/14 will be open in the winter.
- The Government will develop, in a number of trailblazer areas, new ways of investing in supporting people to stay active and independent, such as Social Impact Bonds. Further details will be published in the autumn and then launched from the spring'13.
- The Government will launch a national care and support evidence library in 2013, which will act as a 'bank' of best practice in prevention and early intervention.

• Housing

- The draft Care and Support Bill will set out new duties on Local Authorities to ensure that adult social care and housing departments work together.

- The Government will establish a new care and support housing fund, worth £200 million over five years, to support the development of specialised housing for older and disabled people. Further details to be published by October'12.
- The Government expects NHS organisations, working with their respective Local Authorities, to give particular consideration to developing housing for older and disabled people.
- The Government will work with 'Foundations', the national body for Home Improvement Agencies, to extend their service to more people who fund their own adaptations and ensure that people obtain timely support in securing appropriate home modifications.
- The Government know that assistive technology is not yet being used to its full potential to promote people's independence. They will therefore take forward the 'Three Million Lives' campaign, launched in December 2011, which will accelerate the roll-out of telehealth and telecare in the NHS and social care during a five-year programme to develop the market. This is being supported by an investment of up to £18 million over four years by the Technology Strategy Board, to demonstrate how assistive technology can be delivered on a at greater scale. They will set out the incentives and support for widespread adoption of assistive technology later this year.

2. Better Understanding

• Better Information and Advice

- From April 2013, the Government will establish a new national information website to provide a clear and reliable source of information on care and support.
- The NHS 111 urgent care telephone services will help to signpost callers that may also have social care needs to their Local Authority.
- The Government will support Local Authorities to develop new online services that provide people with more consistent and more easily accessible information about their local care and support options, with start-up funding of £32.5 million.
- The Government will legislate to ensure that people get information on how the care and support system works locally and how people can access care and support, regardless of whether they are entitled to any state-funded support towards the costs of their care.

• Assessment, eligibility and portability for people who use care services

- The Government recognise that the current system of locally determined eligibility is confusing and unfair for many. Therefore, from April 2015, they will introduce a national minimum eligibility threshold. Once implemented, Local Authorities will be free to set their eligibility threshold at a more generous level, but will not be able to tighten beyond the new national minimum threshold. The Government state '*given the commitment to a national threshold, and the funding in this Spending Review, there should be no need for local authorities to tighten current eligibility thresholds*'. To support the move to a national minimum eligibility threshold they will develop and test options (via a working group to be established by March 2013) for a potential new assessment and eligibility framework, in consultation with people who use services, carers, academics, Local Authorities, social workers, and health and care professionals. They will look at the role of assessment in a reformed system to develop options which will seek to provide both Local Authorities and individuals with a clear view of the skills, talents and goals of people seeking to access support. As part of this there will be greater choice and control over who can carry out assessments.
- The Government will legislate to require Local Authorities to continue to meet the assessed needs of people who have moved into their area immediately, until they carry out a new assessment of their own. This will ensure that no-one sees an

- interruption in their support before a new assessment is made, and a new package of care and support is put in place.
- The Government will develop, with stakeholders, a new framework for the provision of care and support in prisons, so it is clear where responsibility lies.
- From October 2012, the Guaranteed Income Payments made under the Armed Forces Compensation Scheme will not be required to be used to pay for social care arranged by the public sector.
- **Carers' Support**
 - From April 2013, the NHS Commissioning Board and Clinical Commissioning Groups will be responsible for working with local partners (Inc. Local Authorities) to agree plans and budgets for identifying and supporting carers.
 - The Government and Employers for Carers hosted a summit in June 2012 to explore how carers can be best supported in the workplace, and together they will produce and publish a road map setting out action to support carers to remain in the workforce.
 - The Government will legislate to extend the right to a carer's assessment and provide an entitlement to public support for the first time. In addition they will set a national minimum eligibility threshold for support for carers.

3. Quality

- **Defining High Quality Care**
 - The Government will implement the ban on age discrimination in NHS and social care services from October 2012 – No areas will be exempt from the ban.
 - Clear roles and responsibilities for those involved in the commissioning and provision of care and support need to be set out at all levels. The Government aim to secure high profile leadership for quality in the sector and they have asked the Think Local, Act Personal partnership to develop this work. A final version of this framework will be published before the end of 2012.
- **Improving Quality**
 - From 11th July, every registered residential or home care provider will have a provider quality profile on the NHS and social care information website at www.nhs.uk.
 - Within 12 months (aim from April'13), the Government will enable open access to the data on the provider quality profile, to support the production of independent quality ratings that are easy to understand and continually updated.
 - The Local Government Ombudsman is committed to publishing data on complaints and how these were resolved by 2013.
 - The Government will work with a range of organisations to develop comparison websites that make it easy for people who use services, their families and carers to give feedback and compare the quality of care provider.
 - The Government will develop better evidence of what high quality care looks like, they aim to expand the role of the National Institute for Health and Clinical Excellence (NICE) into adults' and children's social care.
 - From April 2013 onwards, in consultation with the care and support sector, care users, their families and carers, NICE will develop a library of quality standards and guidance to improve the quality of social care.
 - To help care providers test themselves against national quality standards, the Government will work with care providers to develop and pilot a new, nationally agreed, care audit for local use in 2013 and 2014. The pilot care audit will focus on dementia care.
 - The Government will provide training for new local Healthwatch organisations to take on their responsibilities in relation to care and support.
- **Keeping People Safe**

- The Government will put action to protect people from abuse and neglect on a statutory footing, with clear duties on Local Authorities, the police and the NHS to work together to keep people safe.
- **Better Local Care Market**
 - The Government will introduce a duty upon Local Authorities to promote diversity and quality in the provision of services. To help local authorities carry out this duty, the Government will be offering support to every Local Authority to create a market position statement or to develop their existing one.
 - The Government believes that commissioning practices which put such tight constraints on how care and support is provided are unacceptable and cannot be part of the reformed care and support system. They want to rule out crude 'contracting by the minute', which can undermine dignity and choice for those who use care and support.
 - The Government will consult (Autumn 2012) on further steps to ensure service continuity for people using care and support should a provider go out of business

4. Social Care Workforce

- The Sector Skills Councils for Social Care and Health will work with the Government to produce a code of conduct and recommended minimum training standards for adult social care workers and healthcare support workers. These will be published by September 2012. The code of conduct will draw on the Dignity Code produced by the National Pensioners Convention and the Dignity in Care campaign's Dignity Challenge.
- The Government will target personal assistants, and their employers, with a greater offer of support and training to improve recruitment, retention and the quality of the care and support they deliver.
- The Government want to focus the role of social workers on interpersonal support, to promote choice and control, and to better meet people's needs and goals.
- The recruitment process is currently underway to appoint a Chief Social Worker by the end of 2012, to provide a leadership role for the social work profession and to drive forward social work reform.
- The Government will work with care providers, service users and carers to develop a sector-specific compact, including a skills pledge, to promote culture change and skills development. This will set a framework for agreement between employees and employers to improve skills, competencies and behaviours. As part of this work the Government would expect local authorities and care providers to identify the appropriate proportion of available resources to support training and development as part of the commissioning process. The compact will be published by the end of 2013.
- The Government aim to train more care workers to deliver high-quality care, including an ambition to double the number of care apprenticeships to 100,000 by 2017.
- They will expand the Care Ambassadors scheme to promote a positive image of the sector, making links with schools, colleges, and careers and job services, including the commissioning of the development of an online tool to support recruitment and provide information about working in care and support for job seekers.
- By March 2013, the Government will establish a new Leadership Forum, to develop the leadership skills and abilities of people at every level of care and support.
- Through the work of the Forum and the National Skills Academy for Social Care, the Government will explore how best to ensure that registered managers get the support they need, and will work to ensure that care providers offer regular mentoring and supervision.

5. Control

• **Personalised Care and Support**

- The Government will legislate to give people an entitlement to a personal budget as part of their care and support plan, and will strengthen their ambitions on direct payments. Their goal remains that everyone who is eligible for on-going non-residential care should have a personal budget, preferably as a direct payment, by April 2013.
- They will improve access to independent advice and support to help people who are eligible for support from their Local Authority to develop their care and support plan and to choose how their needs could be met.
- The draft Care and Support Bill sets out the Government's plans to enable everyone to request the assistance of their Local Authority with the development of a care and support plan for their eligible needs.
- They will develop, in a small number of areas, the use of direct payments for people who have chosen to live in residential care, in order to test this approach. This will take place in a small number of local areas, with different groups of people and across different types of residential care. The aim is to help the Government understand better how direct payments in residential care might work in practice, and what the costs and benefits of this approach might be for people using residential care, Local Authorities, care providers, and families. They will shortly invite expressions of interest from Local Authorities to participate in this initiative, which will begin in 2013.
- From April 2013, they will change the charging system for residential care so that the income that people earn in employment is exempt from residential care charges.

• **Integration and Joined Up Care**

- The draft Care and Support Bill sets out a duty on the Local Authority to promote the integration of services, along similar lines to the duty on the local NHS already enacted by the 2012 Act. In addition, the draft Bill will provide for further duties of co-operation which encourage local partners to work together to improve the wellbeing of local people.
- The health system will transfer to Local Authorities £100 million and £200 million in 2013/14 and 2014/15 respectively, over and above the funding set out at the Spending Review. The new funding will further support local areas to deliver social care services that benefit people's health and wellbeing, by promoting more joint working between health and care. This will enable local areas to transform their services and to deliver better integrated care that saves money across the two systems: for example by supporting people to maintain their independence in the community for as long as possible. The new funding will also cover the costs in 2013/14 and 2014/15 to Local Authorities of the reforms in the White Paper.
- As personal health budgets are extended beyond the pilot sites, subject to the current evaluation, the Government will make it straightforward for people to combine them with personal social care budgets so that they can make the most of the support to which they are entitled.
- The Government aims to develop plans to ensure that everyone who has a care plan has a named professional with an overview of their case and responsibility for answering any questions they might have.
- Later this year, the Government will publish a framework, co-produced with partners across the new health and care system (including the NHS Commissioning Board, Monitor, local government, patients, people who use services, and carers), that will support the removal of barriers to making evidence-based integrated care and support the norm over the next five years. This will include developing proposals on :-
 - Measuring people's experience of integrated care

- Sharing the tolls and innovations that promote integrated care
- Aligning incentives
- Developing models of co-ordinated care for older people.
- From April 2013, the NHS Commissioning Board will be responsible for commissioning primary care, and local clinical commissioning groups will have a duty to support the Board in improving the quality of primary care. This will provide the opportunity for a more consistent and effective approach that gives care home residents more equitable access to services, including proactive case management for long-term conditions.
- In support of the recommendations from the Palliative Care Funding Review in 2011, the Government aim to increase the investment in the eight palliative care pilot's sites from £1.8m to £3.6m, plus introduce a new funding system for end of life from April 2015.

Department of Health: Draft Care and Support Bill Team
Discussion Topics/Questions

1. Role of the local authority
 - Do the opening clauses sufficiently reflect the local authority's broader role and responsibilities towards the local community?

2. Individual rights to care and support
 - Does the draft Bill clarify individual rights to care and support in a way that is helpful?

3. Grouping carers
 - The law for carers has always been separate to that for the people they care for. Is it helpful to include carers in all the main provisions of the draft Bill, alongside the people they care for, rather than place them in a separate group?

4. The well-being principle and care and support planning
 - Does the new well-being principle and the approach to needs and outcomes through care and support planning, create the right focus on the person in the law?

5. Portability of care
 - Do the "portability" provisions balance correctly the intention to empower the citizen to move between areas with the processes which are necessary to make the system fair and workable?