

The Government's 3 key papers on the reform of adult social care

1. **Caring for our future: reforming care and support (White Paper)**
2. **Draft Care and Support Bill**
3. **Progress Report on Funding Reform**



Why is this important?

- The government is proposing major reforms to the care and support system, and bringing together and increasing the underlying rights, powers and duties underpinning the national legislative framework for social care. There will be new duties and statutory requirements for Local Authorities, and a significant impact on social care and partnership working for many years to come.
- The major funding reforms set out by Dilnot are delayed until the next Comprehensive Spending Review. As identified by the Local Government Association (LGA) ***“the funding statement takes us no further forward in how a modern, stable and predictable social care system can be properly resourced”***
- As noted by the Local Government Information Unit in relation to the Care and Support Bill ***“there has been universal criticism of the Government for not simultaneously introducing a future funding strategy for social care, although it has said it accepts the principles of the Dilnot report”***.

The Significance of Dilnot for the Local Authority

- The funding issues which would have been addressed if the Dilnot recommendations had been implemented would have contributed towards providing a solution to the “slide of doom” scenario for the Local Authority.
- If the growing funding gap which faces adult social care is not met, this in turn leads to funding pressures on other services provided by the Local Authority. This will lead to further tough decisions, in particular in relation to any remaining non statutory services provided, as there will be increasing difficulty in even funding the required statutory services.
- In the short to medium term we have put in place measures to help deal with this ,however a “tipping point” will be reached over time where the funding gap will become unsustainable and statutory services only can be funded.
- Therefore delay to implementation of Dilnot is an issue for the Local Authority as a whole.

1. Caring for the Future (White Paper) – this sets out the Government’s vision for a new reformed care and support system. Two principles lie at the heart of this paper:

- That the focus of care and support should be to **promote people’s independence, connections and wellbeing** by enabling them to prevent and postpone the need for care and support.
- That people should be **in control of their own care and support, and that services should ensure that they respond to what people want.**

2. Draft Care and Support Bill – alongside the White Paper, the government has also published a draft Care and Support bill. The purpose of the Bill is to simplify the current legal framework for care and support, and deliver the vision outlined in the White Paper. The Bill is currently out for consultation, responses are required by the 19th October.

3. Progress Report on Funding Reform – the government has also published this paper setting out it’s analysis of the Dilnot Commission’s recommendations and mapping out their proposed way forward.

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Key Elements to Consider

Strengthening Support within Communities

- There will be a duty to incorporate preventative practice and early intervention into commissioning, and new requirement for cooperation between the local authority and relevant partners, in relation to adults with needs for care and support, and carers.
- There is also a new duty to ensure adult social care and housing work together, and an expectation that NHS work with LA's give consideration to developing housing for older and disabled people. A fund of £200m over 5 years will support the development of specialised housing for older and disabled people.

Better Information and advice in relation to Care and Support

- Local authorities will have a duty to provide an information and advice service for all people whether or not they meet eligibility criteria or live in the authority's area.
- There will be start up funding of £32.5 million available for online local services.

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Assessment, eligibility and portability

- National minimum eligibility threshold will be established from April 2015 for adults who need care, and carers
- Entitlement will be portable if users/carers move to another council area, with councils required to maintain services until a re-assessment is completed.
- Clarity to be provided on 'ordinary residence' with associated implications for determining which local authority is responsible for funding care & support for the adult and their carer.

Carers Support

- Carer's rights to an assessment have been extended, and there will be a clear entitlement to support. Additional assessments for carers and the cost of additional support packages will have significant cost implications for the Local Authority.

Safeguarding

- There will be government legislation to ensure that all agencies work together at a local level to prevent abuse. Adult Safeguarding Boards are to have statutory status and be responsible for carrying out safeguarding reviews. Local Authorities will be empowered to make safeguarding enquiries.

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Personalised care and support

- Everyone will have a legal entitlement to a personal budget.

Workforce

- Dignity and respect are placed at the heart of new recommended minimum training standards and a code of conduct for those working in care.
- More care workers will be trained to deliver high quality care, with an ambition to double the number of care apprenticeships to 100,000 by 2017.
- The government favours increasing the numbers of new providers offering assessment services, this could include front line staff setting up their own organisations for care and support. Therefore there could be an impact on LA staffing roles/requirements.

Integration and joined up care

- This area of work is central to the ability of all organisations to deliver health and care in the future. The local authority will have a duty to promote the integration of services, along similar lines to the duty on the local NHS. The White Paper identifies an additional £300M funding for social care to local authorities via the national NHS commissioning board for integrated care in 2013/14 and 2014/15.

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Key Safeguarding Aspects

Dignity and Respect

- Clear responsibilities set out for ensuring Quality of service provision is secured
- Improving how CQC regulates/gathers intelligence.
- Review of the regulations to be carried out.
- Making available clear information about quality of individual care providers (Quality profiles) and independent quality ratings.
- Encouraging people to feedback comments/concerns
- Code of conduct and recommended minimum standards for adult social care workers and healthcare support workers (drawing on Dignity Code)

Legislation-to ensure all agencies work together locally to prevent abuse

- Local Authority as lead organisation to convene a statutory Safeguarding Adults Board.
- Board to publish a strategic plan and annual report
- Local Authorities empowered to make safeguarding enquiries
- Safeguarding Board will have a responsibility to carry out safeguarding adults reviews

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Risks and Considerations

Funding and the White paper requirements

The most significant risk for the Local authority, in common with many other authorities, is that it fails to meet these new statutory requirements.

- The Dilnot funding reforms have been delayed until the next Comprehensive spending review and Buckinghamshire is facing a growing, unsustainable funding gap which will impact on the ability to meet the requirements set out in the White Paper and the enabling bill.
- As the LGA has commented "***the white paper does not address the reality of the funding pressures councils face.The small packets of additional funding are welcome but an essential precondition of serious progress must be an honest appraisal of what a modern social care system costs and how it is to be funded.***"

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Uncertainty of additional funding linked to the White Paper.

- There is a significant level of current uncertainty about resources identified in the white paper, the amounts available, how they will be allocated and distributed, and eligibility requirements.

Additional Costs

- The summary impact assessment produced by the government identifies "high level", implementation costs making any financial modelling of the impact very difficult.

Integration and Joined up Care

- Successful delivery of the new duties and better health and Wellbeing outcomes for the people of Buckinghamshire will rely on the leadership provided by the local Health and Wellbeing board, close working with the Clinical Commissioning Group, production and effective use of a comprehensive Joint Strategic Needs Assessment, delivery of the Health and Well being strategy, the AFW portfolio plan, and cooperative and effective joint working at ground level.

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Financial implications

- The most significant additional funding opportunity is the additional £300M funding for social care to local authorities via the national NHS commissioning board in 2013/14 and 2014/15. However the basis on which this will be allocated is currently unknown and it is also intended to cover the cost of reforms for local authorities in 2013/14 and 2014/15.
- There will be major additional costs to the local authority when Dilnot recommendations are enacted. An analysis by the Finance Business Partner identified over £35 million a year additional costs for Bucks based on the Dilnot recommendation of a lifetime cap of £35k for the cost of care.
- In relation to the White paper proposals specifically the most significant cost will result from the extended rights of assessment and a right to services for Carers. The government estimates the changes will cost councils nationally on average £144M per year. We have tried to address this in the MTP. This is one of a number of implementation costs identified.
- The portfolio will work with our Finance Business Partner to ensure that the funding implications of the *Caring for our future* White paper and the draft *Care and Support bill* will be modelled financially and fed into the medium term planning process as more detailed information becomes available

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Key steps

- Commissioning the development of a "Target Operating Model" with Alexander Consultants to ensure there is an effective planned response to the delivery of requirements of the white paper and care and support bill.
- Ensuring the effective ongoing delivery of Portfolio Plan priorities as these are consistent with the direction of travel of "Caring for our future".
- Ensuring that we are proactively working with key regional and national groups for example Association of Directors of Social Services (ADASS), LGA , and involved in e.g. information sharing and implementation planning.
- Developing a communications plan in relation to the reforming of care and support, this will need to include our approach to not only portfolio management and staff but key partners and the partnership boards.

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