

MEETING:	HEALTH AND WELLBEING BOARD
MEETING DATE:	16 OCTOBER 2014
TITLE OF REPORT:	CARE ACT 2014 UPDATE
REPORT BY:	Director of Adults and Wellbeing

Classification

Open

Notice has been served in accordance with Part 2, Section 5 (Procedures prior to private meetings) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (Regulations) 2012.

Key Decision

This is not a key decision.

Wards Affected

County-wide

Purpose

To update the Health and Wellbeing Board on the council's response to the government consultation on the Care Act regulations and guidance and update the Board on the projected impact of the Care Act on Herefordshire Council.

Recommendation(s)

THAT: (all recommendations to be in bold)

- (a) the Board note the Council response to the government consultation on the Care Act regulations and guidance, included at Appendix A; and;**
- (b) The Board note the infographic, included at Appendix B, outlining the financial impact of the Care Act on Herefordshire Council.**

Alternative Options

- 1 There are no alternative options. The Care Act places new legal requirements on the Council from 1 April 2015. The purpose of the briefing is to provide an update on the projected impact of the Care Act on the council and an update on the council's response to the government consultation on the regulations and guidance which will underpin the Act.

Reasons for Recommendations

- 2 The Care Act represents the most significant change to adult social care in over 60 years. It is therefore essential that the Health and Wellbeing Board are informed of progress with the Act and its impacts locally.
- 3 From 6 June 2014 to 15 August 2014 the Department of Health ran a national consultation on the statutory regulations and guidance which will underpin the Care Act.

Key Considerations

- 4 The national consultation on the Care Act statutory regulations and guidance focussed upon those areas of the Act that will take effect from 1 April 2015. This covers the majority of Part 1 of the Care Act, with the exception of the funding reform aspects that take effect from 1 April 2016 and will be consulted on separately later this year.
- 5 The council response to the consultation included at Appendix A is divided into two parts – an overall response followed by more detailed sub-responses to particular areas of the draft regulations and guidance where officers raised concerns or made comments on specific aspects.
- 6 The council's overall response to the consultation identifies that whilst Herefordshire Council welcomes the Care Act and the regulations and guidance, it has significant concerns that neither the cost implications nor time required for robust implementation have been fully considered by government.
- 7 In addition to the financial challenge of meeting increasing demand with decreasing resources, the council consultation response highlights specific features of Herefordshire which add further pressure on delivering the requirements of the Care Act and regulations and guidance locally, namely:
 - a. Herefordshire is a rural county with a scattered population dispersed over a large geographic area which presents challenges for access to services, workforce recruitment and market development
 - b. Herefordshire has a higher than average aging demographic
 - c. Herefordshire has a much higher than average self-funder market
- 8 The particular challenges the Care Act presents Herefordshire Council are also highlighted in the infographic attached at Appendix B.

Community Impact

- 9 The Care Act is intended to have a range of positive implications for Herefordshire residents, including service users and their families and carers.

Equality and Human Rights

- 10 By simplifying the care and support system, the Care Act intends to ensure that all those in need of care and support are treated equally and with respect.

Financial Implications

- 11 As outlined in both the council's response to the regulations and guidance (Appendix A) and the infographic of the impact of the Care Act on Herefordshire (Appendix B), The Care Act will have significant financial implications for Herefordshire Council both in terms of implementation costs and on-going costs going forward.

Legal Implications

- 12 When the Care Act comes into effect in April 2015 (April 2016 for certain funding reforms), a number of new statutory duties and requirements will be placed on the local authority.
- 13 It is anticipated that the Care Act regulations and guidance which will apply from 1 April 2015 will be finalised and released by the Department of Health mid-October 2014.

Risk Management

- 14 As the Care Act introduces a number of new statutory duties and requirements for local authorities, there will be significant risks for the council in failing to meet these new statutory requirements.
- 15 The timing of the publication of the final statutory regulations and guidance (mid-October) will place pressure on the local authority to ensure it delivers all changes required for Care Act compliance by April 1 2015.

Consultees

- 16 The council response to the regulations and guidance consultation involved input and contributions from officers from across the directorate.

Appendices

Appendix A – Care Act: Regulations and Guidance. Herefordshire Council Consultation Response.

Appendix B – Infographic: Herefordshire Council and the Care Act

Background Papers

None identified.