

Appendix A: Health and Wellbeing Board Care Act 2014 Update, January 2015

Care Act timeline

There are two key components to the implementation of the Care Act – implementation of those aspects of the Act which take effect from 2015 (*this is most of the Care Act*), and those which take effect from 2016 (*which is mostly the funding reforms, such as the care cap and care account*).

National consultation on the regulations and guidance for the 2016 aspects of the Care Act starts (e.g. care cap, care account)	Mid-January 2014
ADASS Local authority Care Act Stocktake (no.3)	Mid-January 2014
Majority of national communications activity	Feb-March 2014
Most of Care Act and the regulations and guidance become law	1 April 2015
General election	7 May 2015
Finalised regulations for 2016 Care Act reforms published	October 2015
Local authorities can start assessing self-funders in advance of care accounts starting from April 2016	October 2015
2016 aspects of the Care Act and regulations and guidance become law (e.g. care cap, care account)	1 April 2016

Local implementation update

The Care Act implementation work in Herefordshire is well-linked into both regional and national support networks. Through these networks and also the quarterly ADASS stocktakes it is apparent that progress in Herefordshire is very much on a par with other local authorities. As in Herefordshire, most local authorities are using a risk analysis approach to prioritise certain aspects of the Act for implementation - some parts of the Act represent a change that must be in place for April 2014 (e.g. the new eligibility criteria) and other aspects of the Act are less defined and are activities that the authority already does to some degree (e.g. market shaping).

Since receiving the finalised regulations and guidance for the 2015 aspects of the Care Act at the end of October, local implementation activity has stepped-up a gear as we now have a more detailed understanding of the requirements the council must comply with. For certain aspects of implementation however progress has been more restricted as Herefordshire council (along with all other local authorities) are still awaiting from clarifications from the Department of Health on areas where the regulations and guidance are unclear.

Many of the requirements in the 2015 aspects of the Care Act are not brand new to the council – for instance principles such as the importance of person-centered approaches that focus on individual wellbeing, choice and control and supporting people to be as independent as possible have been established national best practice for several years and the Act will simply enshrine these in law.

Progress on the local priorities for implementation is as follows:

<p>Information and advice Work underway with service users to redesign the council’s care and support webpages. Commissioning activity in progress to procure an information and advice service, ready to be in place for April 2014.</p>	<p>Carers Soft-market testing regarding carers support and services identified that Herefordshire Carers Support (HCS) is the only provider locally. Dialogue with HCS regarding how this service should look in the future is on-going</p>
<p>Transitions We have improved how our IT systems in Children’s and Adults communicate so we can better share information. A joint project with Children’s Services is in development with the specific aim of improving the outcomes for young people transitioning to adults.</p>	<p>Safeguarding Work in progress to refresh local safeguarding processes in line with “Making Safeguarding Personal” approach to make safeguarding more person-centered and outcomes focused (<i>i.e. what is it the individual wants to achieve and how?</i>). Work on making the safeguarding board statutory is underway, and the board should receive ratification before April 2015.</p>
<p>Assessment and eligibility A separate project has been set up specifically to implement these changes. We are reviewing all our assessment forms to make them Care Act compliant and are also talking with providers and IT team about introducing a self-assessment facility</p>	<p>Workforce Care Act awareness raising is well underway with all staff. We are currently out to tender for training providers and more specific training and support for staff is planned for January 2015 onwards.</p>
<p>Charging and paying for care We are awaiting clarification from the Department of Health where the policy intention of the regulations and guidance is not clear. Following this we anticipate we will need to make some amendments to our charging policy and financial assessment forms.</p>	<p>Deferred payment agreements Herefordshire Council already offers deferred payment agreements to service users entering residential or nursing care. We are reviewing our current process to make sure it complies with the Care Act and we are working with legal to write a new policy and agreement form.</p>

Communications update

A significant amount of activity has been happening both within the council and the wider care and support sector in Herefordshire to raise awareness about the Care Act, its implications and what we are doing in the council to implement the changes required.

Examples of communications activity that has happened during 2014:

Internal	External
<ul style="list-style-type: none"> • Face-to-face briefings for all teams in Adult and Wellbeing (AWB) • Face-to-face briefings for relevant teams in the wider council (e.g. commercial services) • AWB staff forum session on the Care Act • Care Act updates in every AWB directorate email bulletin (usually weekly) • Care Act intranet page set up for staff • Care Act FAQ developed in response to queries from staff • Briefing papers developed, tailored to the requirements of different staff groups • Care Act “stall” at Adult Social Care conference 	<ul style="list-style-type: none"> • Initial impact analysis report circulated to all key partners (e.g. healthwatch, CCG) and providers • Face-to-face updates at provider forums & meetings (registered managers network, Carers Hub, residential & nursing provider forum, older person’s interest group, • Face-to-face briefing for service users through the Making it Real Group • Care Act “stall” at Herefordshire Disability United care and support fair • Council Care Act website established • Care Act discussion table at Healthwatch consultation event • Care Act articles in public facing “spotlight” on social care e-bulletin

A national communications campaign will run early in 2015 and will focus on some key aspects of the Act that will take effect from April 2015, namely:

- The introduction of a national eligibility threshold
- Carers’ rights to assessment
- Introduction of deferred payment agreements

This national campaign will use a variety of channels, including:

- An online campaign which will start at the beginning of January
- Adverts on local radio stations from mid-Feb to end of March
- Leaflet door-drops to target postcode areas in March

We continue to receive more detailed information about this communications campaign from Public Health England and intend to ensure that our local communications activity is aligned and built around the national plans. In January 2014 we will refresh the Care Act communications plan and ensure that all stakeholders are briefed and informed on what communications activities (both local and national) are happening when.

Key Care Act terms and concepts explained

Care cap

No adult aged 65+ will have to spend more than £72k on meeting their assessed eligible needs. Once the cap is reached, the council will pay for their care and support. Some important details of the cap are:

- The cost is based on what the local authority would pay to meet assessed eligible needs
- If the care and support needs are funded by a combination of local authority and the person's own contribution, the total cost counts towards the cap
- For most adults in residential care, "hotel costs" are excluded (e.g. food, utility bills etc.). This is so that those receiving care at home are not unfairly treated (as they would still be paying these costs). Adults in residential care will continue to pay their "hotel costs" after the £72k limit is reached; this is likely to be set at £12k per annum.

The most significant implication of the cap is that it incentivises self-funders to approach the council for assessment, thus increasing demand on social care assessment functions. National analysis and modelling of how the cap will operate indicates that many individuals will not reach the £72k in their lifetime.

Care account

For every individual with assessed eligible needs, the council will hold a care account which shows the total accrued costs towards that individual's care cap. The council will need to monitor and review this account as well as provide annual individual account summaries.

Deferred Payment Agreement (April 2015)

People entering residential care will have a new legal right to defer paying for their care costs, meaning they will not have to sell their home during their lifetime. The council will pay the care costs during this time and then reclaim the costs incurred on the sale of the property after the person has died. The council will be able to charge administration and interest payments and secure the debt by placing a legal charge against the asset. Herefordshire already operates a deferred payment scheme but cannot charge interest under current regulations – the Care Act makes it a duty for all councils to provide them and existing schemes will need revising to ensure they meet the requirements of the Act.

Financial means testing

Following assessment, if an adult has eligible care and support needs they are then offered a financial assessment to determine how much financial support from the local authority they are eligible for. For adults receiving care and support at home or in the community, those with assets over £23,250 (excluding the value of their home) are not entitled to any financial support. Through the Care Act it is proposed this limit be raised to £27,000. The Care Act also proposes that those in residential care with assets over £118,000 (including the value of their home) will not be eligible for financial support.

Minimum eligibility threshold (April 2015)

Currently local authorities choose at what level they set their eligibility criteria for social care. Like Herefordshire Council, most authorities set this at “critical and substantial” needs. The Care Act makes provision for this system to be replaced with a standard national eligibility threshold, so as to remove any variation between authorities. The government has attempted to set this threshold at a level equivalent to the existing “substantial and critical” levels.

Market shaping

The council is expected to play a pivotal role in ensuring there is an efficient and effective market of high quality and sustainable care and support services from which people can choose.

Useful links

The Care Act

<http://services.parliament.uk/bills/2013-14/care.html>

Care Act Regulations

www.gov.uk/government/consultations/updating-our-care-and-support-system-draft-regulations-and-guidance

Care Act Statutory Guidance

www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation

Herefordshire Council Care Act intranet page

<http://intranet/intranet/content/64354.asp>

Herefordshire Council Care Act website

www.herefordshire.gov.uk/careact

Care Act (easy read)

www.gov.uk/government/uploads/system/uploads/attachment_data/file/317822/Care_Act_easyread.pdf

Department of Health factsheets

www.gov.uk/government/publications/care-act-2014-part-1-factsheets