

BOROUGH OF TELFORD & WREKIN

CABINET – 20 SEPTEMBER 2012

CARE AND SUPPORT WHITE PAPER & BILL

REPORT OF THE ASSISTANT DIRECTOR – SOCIAL CARE SPECIALIST

LEAD CABINET MEMBER – CLLR LIZ CLARE

1. SUMMARY

- 1.1 The report summarises Government proposals for adult care and support contained in the recently published Care and Support White Paper, Care and Support Bill and Caring for our Future progress report on funding reform.
- 1.2 Generally there is support for the proposals contained in the White Paper and Bill.
- 1.3 However there are significant concerns about the delay in addressing the adult social care funding situation for at least another 3 years at a time when budgets are already under such pressure.

2. RECOMMENDATIONS

- 2.1 **Members note the content and implications of the Care and Support White Paper, Bill and Progress Report on Funding Reform and consider whether they want to comment on the Care and Support Bill by the 19 October deadline.**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Protect and support our vulnerable children and adults
	Will the proposals impact on specific groups of people?	
	Yes	In particular people who are ill or disabled, but their informal carers will be dispersed across our population
DELIVERY DATE	2012-2015	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The key financial aspects of the proposals and vision included in the white paper and Bill are included in the body of this report. The 2012/13 expenditure forecasts reveal a continuation in the recent trend of increasing care costs and resulting pressure on the Care and Support budget. The costs of care have escalated in recent months due to; (i) the review of eligibility of clients for NHS

	<p>funded care and (ii) in some client groups a continued increase in demand. The “additional funding”, referred in the white paper etc made available from Government through the NHS has resulted in around £2m of funding being made available to the Council in 2012/13, and forms part of funding totals to 2014/15, but this has not been sufficient to meet pressures on budgets of around £5m. In addition this funding has been made available at a time of significant real term cuts of 28% in the grant settlement to Local Authorities over four years, and to this Council of around £27m over four years.</p> <p>The objective of improving all aspects of the care experience to those in need is laudable, but is likely to push up costs on LA’s both in front line care costs from the impact of changes to market provision (such as removing home care charging by the minute), and the transfer of risk into the private sector with the implementation of personal budgets and in back office functions to manage the changes proposed in the funding report. Some additional funding is proposed with the announcement of £100m in 2013/14 and £200m 2014/15 but it is not possible to determine at this stage what level of funding is actually required to meet the additional costs.</p> <p>The forecast financial impacts of the proposed changes to the funding of Social Care from the Dilnot report recommendations are documented in the body of this report. It is not possible to evaluate the local impacts except to say that the costs of care locally will continue to rise in the light of demographic changes. The current strategy being pursued in Telford & Wrekin is to improve and enhance preventative services. This is in order to avoid a reactive approach to providing care when a client has costly high needs. This strategy, should prove to be successful in helping to contain cost increases in future but unlikely to reduce care costs overall. Therefore, cost pressures are likely to remain and will require additional Government resource. Delay in the implementation of funding reform and the placing of Social Care funding on a sustainable footing will result in the continuation of increasing pressure on Local Authority Care budgets. One further key point to note is the proposal to extend the availability to use of deferred payments in order for clients to meet costs once a property has been sold. An increase</p>
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		in the use of this scheme will require debt to be resourced during the period the property remains unsold for whatever reason. The charging of interest is proposed to offset any financing costs.
LEGAL ISSUES	Yes	<p>On 11 July 2012, the Government published a White Paper <i>Caring for our future: reforming care and support</i> and the draft Care and Support Bill 2012 Bill setting out reforms for the care and support system in the UK.</p> <p>The draft Bill was announced in the Queen’s Speech on 9th May , and proposes a single, codified law for adult care and support which will replace existing legislation. The Government says that the draft Bill aims to consolidate “provisions from over a dozen different Acts into a single, modern framework for care and support” and to enact “a fundamental reform of the way the law works.”</p> <p>The Bill sets out the responsibilities for local authorities in relation to the provision of care and support (including charges for such care) and sets out plans to establish Health Education England and the Health Research Authority.</p> <p>Consultation on the draft Bill closes on 19 October 2012.</p> <p>This draft Bill, if it receives Royal Assent , will radically overhaul the current care and support system and its progress through Parliament will need to be closely monitored. Many of the proposals , which are summarised in the body of this report and in the background papers/factsheets detailed at paragraph 6, are aimed at increasing independence but at the same time encouraging personal autonomy and less reliance on state-provided care and support.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Any other risks and opportunities will be appropriately managed and reported if necessary.
IMPACT ON SPECIFIC WARDS	No	<i>Borough-wide impact.</i>

4.0 **INFORMATION**

- 4.1 On the 11 July the Government published the Care and Support White Paper, the draft Care and Support Bill and a progress report on Funding Reform

4.2 Care and Support White Paper (For electronic link see Section 6 below)

4.2.1 The White Paper updates the Vision for Adult Social Care that the Government released in November 2010 and follows on from more recent consultation.

4.2.2 The White Paper confirms that local authorities will “sit at the heart of how care and support will work in the future”. Central to the vision is the principle of promoting wellbeing and independence instead of waiting for people to reach crisis point, availability of better information and high quality services.

4.2.3 Actions identified in the White Paper include:

- development of initiatives that help people share their time, talents and skills with others in their community.
- establishing a new capital fund, worth £200 million over five years, to support the development of specialised housing for older and disabled people.
- establishing a new national information website, to provide a source of information on care and support, and investing £32.5 million in better local online services.
- introducing national minimum eligibility threshold to ensure consistency in access to care and support, and ensuring that no-one’s care is interrupted if they move.
- extending the right to an assessment to more carers, and introducing a clear entitlement to support to help them maintain their own health and wellbeing.
- Working with a range of organisations to develop comparison websites that make it easy for people to give feedback and compare the quality of care providers.
- Placing dignity and respect at the heart of a new code of conduct and minimum training standards for care workers.
- Training more care workers to deliver high-quality care, including an ambition to double the number of care apprenticeships to 100,000 by 2017.
- Appointing a Chief Social Worker by the end of 2012.
- Legislating to give people an entitlement to a personal budget.
- Improving access to independent advice to help people eligible for financial support from their local authority to develop their care and support plan.
- Developing, in a small number of areas, the use of direct payments for people who have chosen to live in residential care, to test the costs and benefits.
- Investing a further £100 million in 2013/14 and £200 million in 2014/15 in joint funding between the NHS and social care to support better integrated care and support.

4.3 Care and Support Bill (For electronic link see Section 6 below)

4.3.1 Underpinning many of the above proposals will be a complete overhaul of care and support law as recommended by the Law Commission’s review which reported in 2011. The Bill if it becomes law would replace nearly all the existing adult social care law that has been built up on an ad-hoc basis since the National Assistance Act, 1948 which is still applied today. The Bill has

been published in draft for public consultation (deadline for comments is the 19 October 2012) and Parliamentary pre-legislative scrutiny.

4.3.2 Eight Factsheets (for electronic link see Section 6 below) have been produced to summarise the main components of the Bill:

- **Assessments & Eligibility** – Will create duty on local authority to carry out assessments and determine eligibility against a new national threshold
- **Charging and Financial Assessments** – Will bring all charging for social care together, using a single approach. Also extends right for people to use a deferred payments scheme against the value of their property and will allow local authorities to charge interest.
- **Who is entitled to care & support?** – will clarify in a single piece of legislation the entitlements of people and their carers for eligible needs to be met as opposed to current legal duty to provide certain services
- **Personalising care and support planning** – Will set out new duty, following establishing eligibility, to provide a care and support plan, including legal entitlement to a personal budget and/or direct payment
- **The law for carers** – Creates a single duty for local authorities to undertake carers assessments, whilst removing requirement that they must provide “a substantial amount of care on a regular basis”. Carers would be put on same legal footing as the adults they care for.
- **Protecting adults from abuse or neglect** – For the first time will introduce a legal framework for adult safeguarding, requiring establishment of a Safeguarding Adults Board with a core membership, publication of a Safeguarding Plan and requirement for local authorities to make enquiries where there are concerns. A separate consultation exercise, ending on 12 October 2012 is taking place as to whether a specific power of entry is required - <http://www.dh.gov.uk/health/2012/07/safeguardingadults/>

The other 2 factsheets summarise a small number of health measures which have been included in the Bill concerning establishing Health Education England and the Health Research Authority as non-departmental public bodies

4.4 Caring for our future: progress report on funding reform (For electronic link see Section 6 below)

4.4.1 This report makes it clear that the Government agree with the principles of the Dilnot Commission’s recommendations published in 2011 which were:

- Government should put a cap on the lifetime care costs (less general living costs) that people face, and raise the threshold at which people lose means tested support; and

- There should be universal access to deferred payments for people in residential care

4.4.2 The report models the estimated costs to the nation depending on the different levels of cap and capital limits. Currently there is no cap, upper capital limits are set at £23,250 and individuals pay an assessed contribution based on level of annual income. Dilnot estimated that a cap set at £35,000, an upper capital limit of £100,000 and an annual average contribution of £10,000 a year by each individual towards general living costs associated with residential care would cost an additional £2.2billion in 2015/16, rising to £3.6billion by 2025/26 (at today's prices).

4.4.3 However in taking the matter forward they add some very significant riders, in particular "if a way to pay for them can be found". In addition they make it clear that no announcements can be expected until the outcome of the next spending review is known, which is outside the planned life of the current parliament (2015)

4.5` Response to announcements

4.5.1 Generally the response to the principles in the White Paper have been positive though there is a need for more clarity, certainty and a definite time frame. In respect of the Care and Support Bill the simplification of the legislative framework for Adult Social Care is seen as a big step forward though there is a lot of work is still to be done, which will be led by an Implementation Group (on which the Directors of Adult Social Services (ADASS) will be represented)

4.5.2 However there are some significant concerns being expressed by ADASS, which we would support about the delay in addressing the funding issues at a time when adult social care budgets are already under pressure. There is a risk that in the medium term the funding gap could widen as expectations are further heightened by the White Paper & Bill and demographic trends. However it is important to recognise that the idea of capping individual's liability for care costs and extending the means test threshold would cost billions of pounds and requires a shift in the priority given to adult social care nationally.

5. PREVIOUS MINUTES

5.1 None

6. BACKGROUND PAPERS

- 6.1 A Vision for Adult Social Care – Capable Communities and Active Citizens, DH, 16 November 2010
- 6.2 Care and Support White Paper – HM Government, 11 July 2012
- 6.3 Care and Support Bill – HM Government, 11 July 2012,
<http://www.dh.gov.uk/health/2012/07/careandsupportwhitepaper/>
- 6.4 Factsheet 1 – Assessments and eligibility
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-1-Assessments-and-eligibility.pdf>
Factsheet 2 – Charging and financial assessments
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-2-Charging-and-financial-assessment.pdf>
Factsheet 3 – Who is entitled to care and support?
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-3-Who-is-entitled-to-care-and-support.pdf>
Factsheet 4 – Personalising care and support planning
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-4-Care-and-support-planning.pdf>
Factsheet 5 – The law for carers
http://www.dh.gov.uk/health/files/2012/07/2900021-Fact-sheet-5-v1_1W-21.pdf
Factsheet 6 – Protecting adults from abuse or neglect
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-6-Protecting-adults-from-abuse-and-neglect.pdf>
Factsheet 7 – Health Education England
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-7-Health-Education-England.pdf>
Factsheet 8 – Health Research Authority
<http://www.dh.gov.uk/health/files/2012/07/Care-and-Support-Bill-Factsheet-8-Health-Research-Authority.pdf>
- 6.5 Consultation on new safeguarding power, DH
<http://www.dh.gov.uk/health/2012/07/safeguardingadults/>
- 6.6 Caring for our future: progress report on funding reform – HM Government
<http://www.dh.gov.uk/health/2012/07/scfunding/>

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