

From: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
Andrew Ireland, Corporate Director - Social Care, Health and Wellbeing

To: Adult Social Care and Health Cabinet Committee
10 July 2015

Subject: **CARE ACT – UPDATE ON PHASE 1 AND PLANS FOR PHASE 2**

Classification: Unrestricted

Past Pathway: Not applicable

Future Pathway: Not applicable

Electoral Division: All

Summary: This report provides an update on the Care Act Programme, what has been implemented so far, early indications of activity and the plans for the Phase 2 reforms to be implemented from April 2016.

Recommendations:

The Adult Social Care and Health Cabinet Committee is asked to:

- a) **NOTE** the information provided on Phase 1 of the programme and the plans being implemented for Phase 2.
- b) **DISCUSS** any of the issues raised in the report.

1. Introduction

1.1 The majority of the reforms contained within the Care Act 2014 came into effect in April this year. This includes the new legal framework for assessment, eligibility, how needs are met and the new duties towards carers. Further changes, including the cap on care costs, raising of the capital threshold, new rights for self-funders in relation to care homes and the new appeal rights will not be instituted until April 2016 (subject to final decisions by the Government).

1.2 This report provides a progress report on the implementation of the 2015 reforms and provides details of the plans for the 2016 changes.

2. Implementation of the 2015 reforms

2.1 In order to ensure that the Care Act reforms were successfully implemented, the Care Act Programme was set up in 2014. This contained several projects and workstreams covering all the main areas where change to existing policies and processes was required.

2.2 In April a review of the implementation of Phase 1 was carried out. This concluded that, although there were a few specific activities that were not quite concluded, the county council had implemented the minimum requirements to be Care Act compliant from 1 April 2015. The outstanding activities are on course to be completed by July, with the exception of the new version 29.1 of Swift which is now due to be in use by August.

2.3 Areas to highlight as being successfully implemented include:

- The adoption of the new national minimum eligibility criteria
- The new rights for carers to receive support in their own right
- The new rights to independent advocacy
- The new Deferred Payments scheme for those in residential care with a property
- The new responsibilities for prisoners with care and support needs
- Information and advice about the new reforms and how they will affect current and new service users

3. Impact on performance indicators

3.1 Both the Department of Health and the county council are actively monitoring key indicators in order to determine the impact of the reforms, such as the numbers eligible for care and support and the demand for carers assessments.

3.2 The table below shows activity in some key areas for April and May 2015. Further data will be brought to future Cabinet Committees along with a comparison with previous year's data.

Indicator	April and May 2015
Number of adults assessed for social care	3,993
Number who met the eligibility criteria	3,348
Number of carers assessed	377
Number of carers who received services/support	325
Number of people for whom an independent advocate was arranged under the Care Act	53
Number of prisoners assessed	9
Number of prisoners who met the eligibility criteria	9
Number of requests for a Deferred Payment	42
Number of Deferred Payments agreed	13

3.3 It is too early to draw any firm conclusions based on the above figures. Monitoring will continue and a more complete picture presented to future Cabinet Committees. This will also put the data in the context of wider transformation activity.

4. Phase 2 Programme plans

4.1 Phase 2 of the programme covers those sections of the Care Act that are to be implemented and are planned to come into effect from April 2016. A detailed plan and governance arrangements have been signed off by the Adults Portfolio Board and detailed work has begun.

4.2 The Phase 2 Programme Plan is based on the Act and the draft Regulations and Guidance. The final versions are not due to be published until October, although the Government has indicated that they will provide further details following the July Budget. In view of the timescales involved, it is necessary to develop and begin implementing the plan now. If necessary, changes can be made following the release of the final Regulations and Guidance in October.

4.3 Phase 2 of the Programme involves the key ‘Dilnot’ reforms (cap on care costs and raising of the capital threshold), new rights for self-funders in relation to care homes and the new appeal rights. Details are set out in the table below.

OUTCOMES	DESCRIPTION
<p>Cap on Care Costs: a system that is compliant with Care Act requirements (for both service users and self-funders) to be in place by April 2016 (with some elements in place for early assessment by October 2015).</p>	<p>The cap on care costs provides for an absolute limit to be put on how much an individual has to spend on their eligible care and support needs in their lifetime. From April 2016, for individuals who are assessed as having eligible needs from the age of 25 and above, this will be £72,000. The amount that counts towards the cap is what the reasonable cost to the local authority would be if it were to meet these needs.</p> <p>NB: Those who are assessed as having eligible needs before the age of 25 will have a zero cap – i.e. they will be provided with free care and support for those needs throughout their lifetime.</p>
<p>New policies and procedures for charging and residential placements compliant with the Care Act: the new requirements to be embedded in policies</p>	<p>There are several significant changes to the charging (financial assessment) rules including an increase to the capital thresholds – in residential care this is increasing to £118,000 (except where the person benefits from a disregard on their former home in which case the threshold will be £27,000); in the community it is increasing to £27,000. In addition there may be new rules regarding self-funders in residential care who wish KCC to meet their needs, new rights to self “top-up” and</p>

and procedures by April 2016.	to receive a Direct Payment in a care home.
New appeals system: an appeals system which is compliant with the Care Act to be in place by April 2016.	It is expected that an independent appeals system will be set up, which will include the use of Independent Reviewers if the issue cannot be resolved within the local authority.

5. Local Government Association Deep Dive

5.1 As part of their review into how the Care Act is being implemented, Local Government Association representatives visited KCC on 24 April as part of their deep dive pilot. The feedback was very positive and KCC was praised for how we have embraced the opportunities and challenges posed by the Care Act.

6. Recommendations

6.1 The Adult Social Care and Health Cabinet Committee is asked to:

- a) **NOTE** the information provided on Phase 1 of the programme and the plans being implemented for Phase 2
- b) **DISCUSS** any of the issues raised in the report.

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Background Documents

None