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| <b>DECISION-MAKER:</b>        | HEALTH OVERVIEW AND SCRUTINY PANEL |  |                           |
| <b>SUBJECT:</b>               | CARE ACT UPDATE                    |  |                           |
| <b>DATE OF DECISION:</b>      | 29 JANUARY 2015                    |  |                           |
| <b>REPORT OF:</b>             | DIRECTOR, PEOPLE                   |  |                           |
| <b><u>CONTACT DETAILS</u></b> |                                    |  |                           |
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#### **STATEMENT OF CONFIDENTIALITY**

NOT APPLICABLE

#### **BRIEF SUMMARY**

This report provides an update on the progress made in relation to implementation of The Care Act ("The Act"). The Act is a significant piece of legislation which alters the way in which some care and support is provided to Adults and their carers. This report focuses on progress which has been made in order to prepare for the Act's implementation in April 2015. The report also briefly considers the potential requirement for a public consultation on matters permitted by the Act.

#### **RECOMMENDATIONS:**

- (i) To Panel are requested to consider and note the contents of this report.

#### **REASONS FOR REPORT RECOMMENDATIONS**

1. Report requested by HOSP.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2. None this is a legislative requirement

#### **DETAIL (Including consultation carried out)**

3. This paper provides an updated summary of the progress and actions completed regarding the Care Act. It also details the next steps to be carried out to ensure SCC is prepared for the changes brought by the Act in April 2015.
4. The majority of the requirements of the Care Act will come into force in April 2015. Each aspect which is required to be implemented by April 2015 is detailed in appendix 1 alongside a progress report. A number of powers (as detailed below) do not come into force until April 2016.

5. Changes which come into force in April 2016 include:
  - The requirement for the LA to provide a Care Account for all people with eligible needs. This monitor's the accumulated cost of care and will support both LA's and adults to understand their current position in regards to the cap on care costs.
  - Self-funders with eligible needs are able to request an Independent Personal Budget to record the cost of meeting their eligible needs.
  - Overhaul to the funding reforms which changes the funding thresholds. Currently people with less than £23,250 receive help from the state. Changes introduced by the Care Act mean people with £118,000 or less worth of assets will start to receive financial support should they need to go to a care home.
6. Further updates on these aspects will be provided when more details on the implementation of such matters become available.
7. The Act provides a single legal framework for charging for care and support under section 14 and 17 of the Act. The framework is intended to make charging fairer and more clearly understood by everyone. Some of the principles which encompass the framework on charging include:
  - Ensuring people are not charged more than is reasonable practicable for them to pay;
  - Be comprehensive, to reduce variation in the way people are assessed and charged;
  - Be clear and transparent so people know what they will be charged;
  - Promote wellbeing, social inclusion, and support the vision of personalisation, independence, choice and control;
  - Support carers to look after their own health and wellbeing and to care effectively and safely;
  - Be person-focused, reflecting the variety of care and caring journeys and the variety of options available to meet their needs;
  - Apply the charging rules equally so those with similar needs or services are treated the same and minimise anomalies between different care settings;
  - Encourage and enable those who wish to stay in or take up employment, education or training or plan for the future costs of meeting their needs to do so; and
  - Be sustainable for local authorities in the long term.
8. SCC are currently awaiting detailed proposals from Finance colleagues as to whether or not any proposed changes to appropriate policies are required in line with the Act guidance. Should proposals suggest that amendments need to be made, then, in accordance with SCC's history of providing public consultation on similar matters, it is anticipated that these proposals would be subject to a public consultation.
9. Areas on which SCC are currently considering whether or not we have policies compliant and in line with the Acts intention include:
  - A change to the current administration fee charged for the provision of a deferred payment agreement (DPA)
  - An amendment to the rate of interest which is charged for DPA's.

- Charging policy related to appointee and deputyship costs.
  - Charging policy related to Self-funding individuals.
  - Charging policy related to Carers.
10. Once SCC Finance colleagues have completed their review, the final list of matters for consultation will be discussed with the Cabinet members and a consultation process agreed. Discussions with colleagues in the Council's Legal Team have advised that a consultation programme of six weeks is likely to be required
11. These matters remain under consideration and public consultation would only be initiated should they fall in line with the guidance and frameworks provided by the Act.
12. Some matters are required under the new legislation so therefore SCC will not be required to initiate consultation on these areas.

## **RESOURCE IMPLICATIONS**

### **Capital/Revenue**

13. Southampton City Council, along with other LA's were allocated a grant from central government to be used for help cover the costs of implementing the Care Act. SCC were granted £125,000. The funding is being used for a number of matters including the appointment of a project manager on a 1 year fixed term contract.

It is currently under consideration how to spend the remaining amount however proposals identified have included:

- Commissioning of Independent Advocacy services to assist with aiding adults complete Deferred Payment Agreement's. Consideration would be required regarding on-going costs for this provision.
- Commissioning of a voluntary organisation to undertake further awareness session for Carers. A tiered workshop (stage one already completed) would also allow a stage 2 workshop to give detailed information about the eligibility criteria to allow carers expectations to be managed in a realistic manner.
- Additional legal support appointed on a fixed term contract to create depth of knowledge in the particulars relating to the Care Act. A further proposal suggests a permanent position is required to support the likely increases in demand for DPA applications, appeals, legal advice, Cop applications and private law applications. Should the latter option be considered thought would be required regarding on-going costs of this provision.
- Funding to support the Communication campaign. It is proposed that some funding will be allocated to SCC's Communication Team so they are able to produce materials and support the project through publication of the Care Act and the likely consultation. Any communication strategy decided upon will support the national campaign to reduce duplication and costs.

### **Property/Other**

14. None.

## LEGAL IMPLICATIONS

### Statutory power to undertake proposals in the report:

15. The Care Act 2014 repeals a wide range of current legislation and places a legal requirement on all Local Authorities to undertake necessary steps to achieve compliance.

### Other Legal Implications:

16. None

## POLICY FRAMEWORK IMPLICATIONS

17. The principles of the Care Act include promoting wellbeing, ensuring prevention and supporting care are consistent with the Council's plan for improving health and keeping people safe and making better lifestyle choices.

KEY DECISION? No

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| WARDS/COMMUNITIES AFFECTED: | All |
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## SUPPORTING DOCUMENTATION

### Appendices

|    |  |
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| 1. | Implementation Update                          |
| 2. | Option Appraisal for Proportionate Assessments |

### Documents In Members' Rooms

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| 1. | None |
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### Equality Impact Assessment

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| Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out. | No |
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### Other Background Documents

#### Equality Impact Assessment and Other Background documents available for inspection at:

| Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
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| 1. | None |  |
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