

## Update on SCC's implementation of the Care Act.

Area of Act	Item	Description	Progress	Risks/Area of Concern	RAG Rating
General Responsibilities & Universal Services	Information and Advice	<p>The Act requires an information and advice service to be available to all people in the local authority's area (regardless of whether or not they have eligible care needs). The LA must ensure the service is accessible to all, proportionate, and provides adequate information to allow informed decision to be made. Additionally information and advice must also inform individuals how they can reduce, delay or prevent the need for care and support, this is particularly relevant for individuals who as yet do not meet the eligibility criteria.</p> <p>LA's will need to ensure services are in place to enable people to get independent financial advice about how to fund their care and support.</p> <p>LA's will be required to provide independent advocates to support people to be involved in key processes such as assessment and care planning, where the person would be unable to be involved otherwise.</p>	<ul style="list-style-type: none"> <li>Southampton Information Directory (SID) underwent a soft launch on 6<sup>th</sup> October 2014. It is expected that the service will be fully live and publicised by the end of January. Due to feedback received, the Adults information has been re-designed to ensure the availability of information has been maximised.</li> <li>In conjunction with SID a 'wellbeing plan' function is being developed. This will allow non-eligible adults to have a plan created for them which will aid safe, healthy and independent living. It is anticipated that this function will support preventative work also being undertaken.</li> <li>The steering group are currently liaising with the Communication team to ensure any work undertaken complements the national communication campaign. By successfully implementing this work we hope to ensure individuals understanding of the changes brought by the Care Act are realistic and accurate.</li> </ul>	<p>SID and alternative sources of information need to be appropriately publicised so all residents of Southampton are aware of sources of help and support available.</p>	<b>Green</b>
	Market Shaping	<p>Local Authorities have a duty to help shape the local care and support market. This should enable adults to have a choice of sustainable and quality provisions through which their care and support can be provided.</p> <p>Specific aspects which LA's should focus upon include designing strategies that meet local needs, engaging with providers and local communities, understanding the market and securing supply in the market and assuring its quality through contracting.</p>	<ul style="list-style-type: none"> <li>A concept paper in relation to the market position statement has been agreed. The first three statements (Accommodation based care, community capacity &amp; direct payments) are expected to be drafted by March 2015. Intelligence gathering is already underway to support this requirement.</li> <li>Scoping of the market development offer has been agreed at CCG's Management Team.</li> </ul>	<p>Predictions regarding numbers of self-funders are unclear. Planning for future demand has therefore been difficult. Capacity to develop the market and coordinate provisions is considered limited.</p>	<b>Amber</b>
	Provider Failure	<p>In any market, at times providers are likely to leave a market for one of a number of reasons. It remains the LA's responsibility to ensure no matter the state of a market, that adults continue to have their care and support needs met. This will be a temporary</p>	<ul style="list-style-type: none"> <li>CCG and SCC are jointly working with a number of providers regarding concern regarding their service level. It is hoped that this approach will prevent provider failure and acts as a preventative service.</li> </ul>	<p>Existing contracts do not include new responsibilities which the Care Act makes a</p>	<b>Red</b>

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		<p>duty and is required to ensure that the individual receiving care does not experience any gap in obtaining the care. The duty will be a temporary one which is applicable when a provider is unable to carry out relevant activities to care and support for adults due to business failure.</p>	<ul style="list-style-type: none"> <li>Additional resources of two identified members of staff have been identified to begin work in January. Their work will include the adaptation of a Community and Care Provider Closure Protocol to ensure it meets local needs.</li> </ul>	<p>legal requirement. Absence of clear protocols for identifying provider failure will provide risks which need to be mitigated.</p>	
First Contact & Identifying Need	Assessments & Eligibility	<p>Many of the requirements regarding assessments remain similar to current requirements. However the act brings with it a requirement to have a more outcome based focus. The outcome focus is particularly significant in regards to the outcomes that are desired by the individual.</p> <p>The act also reinforces the need for assessments to be proportionate to the needs of the individual being assessed. The type of proportionate assessments may include, but are not restricted to, providing assessments online, via phone or face to face.</p>	<ul style="list-style-type: none"> <li>See Appendix 1 for option appraisal on proportionate assessments</li> <li>A provision to enable adults to under-go a self-screening process is being developed. The online system will take individuals through a series of questions which will enable individual to understand whether they are likely to be eligible for care and support. Should the responses hit a certain criteria, it is proposed that a Senior Practitioner within the Single Customer Service will review the process and should further assessment be required, this can be carried out within the Single Customer Service processes.</li> <li>It is proposed that the new Single Customer Service are likely to ensure initial assessments and eligibility work is undertaken in a different manner. This will align with the Acts focus on proportionate assessments. SCC will adopt an approach where significant numbers experience a telephone assessment as a form of proportionate assessment.</li> <li>A new long term assessment form is being developed in PARIS. The changes allow for a clearer focus on needs, goals, how they are achieved and outcomes, as per guidance.</li> <li>The eligibility criteria is a focal area for workforce development. Plans will ensure adults new to SCC receive the level of care and support they are entitled to but also ensures adults already known to SCC are treated in accordance with the new legislation.</li> </ul>	<p>The application of new eligibility criteria needs to be understood by the Single Customer Service Team in order for it to be appropriately applied.</p>	<b>Amber</b>
	Carers	<p>Local authorities will be required to assess carers where it appears they may be in need of support. Such an assessment</p>	<ul style="list-style-type: none"> <li>SCC is expecting to carry out up to 1800 carers assessments within the two years following the introduction of the Care</li> </ul>		<b>Amber</b>

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		<p>can also be requested by the carer if they believe they may be in need of support. Currently, LA's only need to assess carers if they provide a 'substantial amount of care on a regular basis'; this requirement and definition is removed in the Care Act 2014. A new eligibility framework for carers will be introduced and, for the first time, councils will be under a duty to provide support for carers who have eligible needs. Currently, councils do not have a statutory duty to meet carers' needs.</p>	<p>Act. Funding to cover the additional assessment requirement is to be made available via a government grant. Details regarding the amount SCC are likely to receive has yet to be released, however nationally £55.5 million is to be available for this purpose.</p> <ul style="list-style-type: none"> <li>Awareness raising workshops have been held with carers to help them understand how the implications of the Care Act may affect them.. It will be further explored as to whether sessions can be provided to ensure expectations are managed appropriately and realistic expectations are held by carers.</li> <li>Development of carers assessment form is underway. This will be stored on the Carers file and options are being explored to ensure required information is shared and stored on the adults file as well. Current completion rate of forms is low, but with the statutory changes demand is expected to increase so a user-friendly option is being developed.</li> </ul>		
Charging & Financial Assessment	Charging	<p>The Care Act bring into legislation changes regarding the ability (in some circumstances) for a LA to charge for an individual's care and support needs. It is the Act's intention to make charging fairer and more clearly understood by everyone. The Act is explicit in its advice that all information should be provided in a range of formats which are suited to an individual's needs.</p>	<ul style="list-style-type: none"> <li>Detailed proposals are currently being developed as to the areas that SCC will be required to consult upon for changes made to charging policies. The requirement for a consultation is largely driven by SCC's history which has seen similar aspects undergo consultation in previous years.</li> </ul>	<p>Until proposals for a new charging policy are provided by Financial Planning plans regarding how this will be managed through consultation cannot be explored.</p>	<b>Red</b>
	Deferred Payments	<p>This scheme allows people to enter into an agreement with the local authority when they have been assessed as having sufficient capital to meet the cost of their residential care, but may have to sell their property to release the funds to pay for care home fees. This arrangement will allow individuals to retain the ownership of their property with the local authority meeting the cost of the placement, via a loan secured by way of a legal charge on the property which is enforced when the estate is disposed of. Local authorities will be able to charge interest on these payment arrangements.</p>	<ul style="list-style-type: none"> <li>Detailed proposals are currently being developed as to the areas that SCC will be required to consult upon for changes made to charging policies. The requirement for a consultation is largely driven by SCC's history which has seen similar aspects undergo consultation in previous years.</li> <li>Regardless of potential changes made to the charging policy regulations for deferred payment agreements will change on 1<sup>st</sup> April 2015. SCC will at that time be required to provide DPA's in line with the new regulations. A working group has been set up to ensure that the new requirements will be met.</li> </ul>	<p>Until proposals for a new charging policy are provided by Financial Planning plans regarding how this will be managed through consultation cannot be explored.</p>	<b>Red</b>

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Person-centred care and support planning	Care Planning & Reviews	The Act requires changes in the way service users' contributions are determined. Currently, different systems for determining charges to service users exist, depending on the type of care being provided including CRAG (Charging for Residential Accommodation Guide) and Fairer Charging for community based care and support.	<ul style="list-style-type: none"> <li>A module on PARIS is being developed which will allow the effective monitoring of contributions adults have made to their care. This will support the requirement to monitor an individual's progress towards the care cap (£72,000) which comes into force in April 2016.</li> </ul>		<b>Green</b>
	Personal Budgets	A personal budget is a statement which tells the adult/ carer how much it will cost the LA to meet their needs, how much the adult must contribute and the difference the LA will pay. New requirements by the Care Act consolidate duties in respect of direct payments for LA's. LAs must grant requests for direct payments where they meet certain conditions, either to an individual or to an authorised person. LAs must end direct payments if the conditions are breached, and may do so if the money is not spent on meeting the adult's needs.	<ul style="list-style-type: none"> <li>A project brief is currently being compiled for Direct Payments which aim to increase the take up across Adult Social Care. This will be achieved by reducing the current barriers to obtaining direct payments, ensuring adults understand and are supported to take up direct payments as well as having an informed workforce who are able to offer advice to direct individuals to further independent advice. It is anticipated that the changes will be implemented by March 2015.</li> </ul>	Work is required to positively promote the use and uptake of Direct Payments within SCC. Current uptake rate is low and a high failure rate exists, these need to be reversed.	<b>Amber</b>
	Self-Funders	The level of involvement LA's have with self-funders is likely to be increased with the changes directed by the Care Act. Individuals who fund their own care and support will be able to request LA to arrange care on their behalf. LA's are given powers to charge for such services as long as the charges are cost neutral and based upon the cost of providing this service.	<ul style="list-style-type: none"> <li>Revised financial modelling has been undertaken using the Surrey Model. This has highlighted predicted budgets pressures over the following 20 years. Particular pressures relate to the expected change in numbers of ASC funded users and self-funders (particularly for the age range of 65 or over).</li> <li>Development is underway for a new module creation in PARIS. The module will allow tracking of an individual's contribution to their care so to inform whether or not the cap of care costs will apply to their situation. This will be a live function from April 2016. A local mechanism of recording expressions of interest from October 2015 is being explored.</li> </ul>	Understanding demand for Self-funders is difficult and the reliability of figures is as yet unknown. This therefore provides a risk.	<b>Amber</b>
	Independent Advocacy	The Act provides Local Authorities with responsibilities to provide advocacy for all adults. The act gives the LA duties to arrange advocates for all adults as part of their own assessment and care planning and care reviews and to those in the role of a carer.	<ul style="list-style-type: none"> <li>The tender process for providing independent advocacy is now underway, this process will close on 23<sup>rd</sup> January 2015. It is anticipated that this tender will reduce all outstanding risks which include uncertainty regarding expected demand. Furthermore it is expected that further guidance to be provided from the government will reduce the potential risk regarding uncertainty of definitions used in the guidance.</li> <li>Consideration has been given to the requirement for any adult</li> </ul>		<b>Green</b>

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			subject to a safeguarding review/enquiry to be assisted in having an independent advocate support them through the process.		
Safeguarding	Safeguarding	<p>The Act places the safeguarding of adults on a statutory footing for the first time (currently this is governed by the 2000 No Secrets guidance, and although councils must follow this unless they have a reasonable excuse, legislation will strengthen their safeguarding requirements).</p> <p>The Act establishes duties for adult safeguarding including:</p> <ul style="list-style-type: none"> <li>• responsibility to ensure enquiries into cases of abuse and neglect</li> <li>• establishment of Safeguarding Adults Boards on a statutory footing (sets out membership and funding of SABs, along with duty to publish yearly strategic plan and annual report)</li> <li>• Information sharing</li> <li>• Updates duty to protect the property of adults who have been admitted to hospital or residential care</li> </ul>	<ul style="list-style-type: none"> <li>• The new Safeguarding Adults Board has gone live (1<sup>st</sup> December).</li> <li>• The majority of current practice will be compliant with new requirements.</li> <li>• Initial scoping of training has been undertaken to fall in line with the 4LSAB learning and development strategy. Tier 1 which is based at increasing awareness and understand that ‘Safeguarding is everyone’s business’ will be rolled out via a number of two hour workshops to be held February to March. These will reach all members of the LSAB.</li> <li>• SCC are also introducing an e-learning package to all SCC employees to enable all staff to understand what abuse to vulnerable adults may look like and how they can report such incidents.</li> </ul>		<b>Green</b>
Integration & Partnership	Integration, Co-Operation & Partnership	The act requires that local organisations work together in a more ‘joined-up way’ to ensure people receive high quality care and support. The vision created by the Act is for care and support to be person-centred and tailored to the needs and preferences of the individual as well as their carers and families.	<ul style="list-style-type: none"> <li>• Better Care Plan has been signed off by both SCC and CCG.</li> <li>• A single manager has been appointed for integrated discharge bureau aiming to develop joint and integrated work practices across all organisations.</li> <li>• Discharge to assess beds have been set up and functioning as of December 2014.</li> </ul>	Potential impacts upon patients may exist if no clear arrangements are in place regarding whether SCC or CCG maintain overall responsibility.	<b>Amber</b>
	Transition	<p>The Act establishes new legal duties regarding transition arrangements:</p> <ul style="list-style-type: none"> <li>• duty for LA to assess a child, young carer or child's carer before they turn 18, to establish if they will have needs after turning 18, what these are and what can be done to prevent or delay development of these needs</li> <li>• allows LA to meet the needs of an adult caring for a child (regulations to be developed regarding exercise of this</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement has been made for joint working in the 0-25 service with Adults Social Care. An Adults Social Worker will be placed in the service to aid with smooth transitions. They will specifically work with children who are about to transfer to ASC.</li> <li>• Policies will be updated to reflect the changes required by the Act as to how and when individuals transfer from Children’s Services to Adult Services.</li> </ul>		<b>Green</b>

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		power) provides continuity so young people receiving children's services must continue until adult services have a plan in place.			
	Continuity of Care	The Act establishes duties when an individual moves from one area to another. The first LA must provide specified information. The second LA must provide information; assess the adult and their carer. If the second LA hasn't carried out an assessment before the person moves, they are required to provide services based on the care and support plan provided by the first LA until it has done its own assessment. These are new legal duties to ensure notification and information-sharing, as well as continuity of care when a person moves.	<ul style="list-style-type: none"> <li>To be managed as business as usual. Consideration given to updated policy to ensure consistent practice.</li> <li>PARIS / CIVICA development regarding the ability to produce a full client report containing all information regarding a single client is being undertaken. This will enable a simple process to hand over to a new authority when a client moves. Additionally it may support some local functions which currently are resource heavy.</li> </ul>		<b>Red</b>
	Delegation of LA Functions	Councils will be able to consider other forms of delivery for social care functions, including assessment services. Under current legislation, the statutory assessment function can only be carried out by a local authority or by an NHS organisation (through a Section 75 agreement). The Act introduces a power for local authorities to delegate these and other functions to bodies other than an NHS organisation. In effect, this allows local authorities the freedom to market test and outsource most adult social care functions other than safeguarding, integration with health and charging for services.	<ul style="list-style-type: none"> <li>Due to timescales the only current option regarding delegation of functions which is being considered is that of Carer's assessments. It is currently anticipated that a phased approach will be undertaken which will work towards ensuring all carers assessments are delegated to voluntary organisation(s). The phased approach has been adopted as a method of mitigating risk in areas such as current contracts held, uncertainty regarding demand and timescales for the demand.</li> <li>Further areas may be considered in due course however they will not be considered and implemented prior to April 2015. There is no requirement for such delegations to be in place prior to April 2015 (delegations are all optional), therefore SCC will remain compliant with the Care Act.</li> </ul>		<b>Amber</b>
	Appeals	For the first time, there will be a process through which appeals may be made against decisions taken by a local authority in terms of eligibility and funding. There will be an element of independence from the local authority.	<ul style="list-style-type: none"> <li>SCC already provides an appeals process for those who fit an appeals criteria. This process will be developed and updated alongside legal advice to align with the new Care Act requirements.</li> <li>The Legal workstream has been asked to consider the implications of this requirement – this may not be possible until the final form of regulations and guidance is available</li> </ul>	Delays in national regulations and guidance will mean that timescales will be shorter than anticipated and work will have to be carefully prioritised.	<b>Amber</b>

