

# Bath & North East Somerset Council

MEETING:	Health and Wellbeing Board
MEETING DATE:	6 November 2013
TITLE:	Care & Support Bill
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
Appendix 1 – Care & Support Bill Summary	

## 1 THE ISSUE

- 1.1 The Department of Health (DH) is consulting on how to implement major reforms to adult social care. The consultation covers:
- How to manage the large increase in demand from people who pay for their own care and support; and
  - Major changes to social care practices and systems, including assessment and charging
- 1.2 The proposed reforms have significant implications for the Council and also, for some key partners. The direct impact will be on care assessment and financial systems but there will be knock-on effects including on market management, information and integration. This report includes commentary from the Local Government Information Unit (LGiU). Bath and North East Somerset's position and any associated specific issues are summarised in section 4 below.

## 2 RECOMMENDATION

The Board is asked to:

- 2.1 Note the key proposals in the Care & Support Bill and early analysis of the implications for Bath and North East Somerset Council and other key partners;
- 2.2 Note the establishment of a Task Group to: undertake an initial assessment of financial and policy implications; staff resourcing requirements (implementation and on-going); risk assessment and establish a project plan, including key decisions;
- 2.3 Receive a further update in early 2014.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 It is difficult, at this stage, to accurately estimate the financial implications of these reforms. London Councils have estimated that the national cost of implementing the reforms over a four year period are in the region of £6 billion, as opposed to the government estimate of £1 billion a year.
- 3.2 In London, it is estimated that there will be a 37 per cent increase in people qualifying for local authority support for residential care by 2019/20 and the impact on the South West as a region is likely to be considerably higher as people will reach the contribution cap more quickly, reflecting the cost of residential care in the South West.
- 3.3 London Councils have estimated the total increase in cost pressures from 2016/17 to 2019/20 as £1.3b of which a minimum of £877m is a direct result of implementation. These costs include an estimate of £421m for inflation and demographics (based on Institute of Public Care demographic data and inflation forecasts from the Office of Budget Responsibility). The estimated costs for the South West are of similar magnitude.
- 3.4 Costs pressures are likely to be seen in the adult social care commissioning budgets, with increases in the costs of purchasing care to meet eligible needs for service users and carers and, also, the requirement to ensure that self-funders are able to access advice and information. There are implications for the resourcing of the Council's finance support function, with pressures associated with increased numbers of financial assessments, the requirement to establish individual "care accounts" and to provide an annual statement to individuals which confirms their progress towards the cap on their personal contribution.
- 3.5 Sirona Care & Health as the primary provider of care and support assessments will face similar pressures associated with the staffing needed to undertake an increased number of needs assessments, including carers' assessments. The Council will be responsible for commissioning/funding the staffing required to undertake this increased number of needs assessments in fulfilment of its statutory responsibilities. The mental health social work service (managed by Avon & Wiltshire Mental Health Partnership NHS Trust and employed by the Council) will experience similar pressures on staffing capacity though on a smaller scale, reflecting the smaller numbers of service users and carers with mental health needs.

### **4 THE REPORT**

- 4.1 A briefing on key proposals in the Care & Support Bill is attached as Appendix 1. The position in Bath and North East Somerset is summarised in paragraphs 4.2 to 4.9.

## **B&NES' Position**

- 4.2 Eligibility for adult social care is at the proposed "Substantial" threshold and is, therefore, unlikely to need to make significant changes to eligibility criteria in response to the proposed adoption of a national threshold.
- 4.3 The national Resource Allocation System (RAS) is currently being implemented so, again, it is unlikely to be necessary to make significant changes to the current RAS.
- 4.4 The call for evidence on what flexibility should be given to local authorities in how they provide assessments is likely to result in a broadening of the types of organisations that local authorities can delegated this statutory responsibility to. Currently, although Sirona Care & Health undertake the majority of the adult social care needs assessment/review process on behalf of the Council, this is a function that cannot be fully delegated to a Social Enterprise under the current legislative framework. This does result in some duplication of effort and a requirement for commissioner sign-off and/or audit and assurance, which could be streamlined if legislation was changed to enable the Council to fully delegate needs assessment to Sirona (or other similar organisation) if it wished to do so.
- 4.5 The current MTSRP 2013/14-15/16 includes an additional saving from the Sirona contract and specifically references the Audit Commission report: *Reducing the cost of assessments and reviews* (Appendix 1, page 2, first bullet point). Sirona is engaging in a review of the adult social care pathway, which includes proposals to reduce the number of full assessments that are undertaken and, also, to exploring alternative forms of assessment, including self-assessment (see also report to Cabinet, June 2013, "Personal Budgets: Implementation of the National Resource Allocation System Progress Report and the Wider Implications for the Adult Social Care Pathway & Personalisation").
- 4.6 The Council's Client Finance team has recently drafted a Deferred Payment Scheme, which is in line with proposals set out in the consultation. Once agreed and adopted, this will provide a sound foundation on which to implement the proposals for a universal Deferred Payment Scheme.
- 4.7 The People & Communities Department Non-Acute and Social Care commissioning team is currently reviewing the options for improving access to advice and information for self-funders.
- 4.8 Planning for these reforms needs to start now and, given the scale of the changes and potential implications for the Council, this planning, at least in the first instance, needs to be led at a senior level.
- 4.9 It has, therefore, been agreed that a Task Group, be established and jointly chaired by the Council's Divisional Director, Business Support (and also Section 151 Officer) and the Deputy Director, Adult Care, Health & Housing Commissioning & Strategy. The initial purpose of this group will be to: undertake initial assessment of financial and policy implications; staff resourcing requirements (implementation and on-going); risk assessment and draw up a project plan, to include key decisions.

4.10 As part of the early planning work an all-day training event on the Care and Support Bill, was recently provided by a care and health law expert for key Council, Sirona and AWP staff. Training and awareness raising for other key stakeholders will be part of the Project Plan drawn up by the Task Group referenced in paragraph 4.8.

## **5 RISK MANAGEMENT**

5.1 Planning will need to include a thorough risk assessment and development of an action plan to mitigate the key risks. However, at this stage, key risks appear to include:

- Formulae for distribution of Government funding to implement the reforms may penalise the South West in addition to the overall funding shortfall;
- Impact on Council cash flow of deferred payments scheme;
- Significant increase in care management assessments and reviews and, in B&NES case, knock-on effect for Sirona Contract;
- Providing projections of when people might reach the cap on their individual contribution could open local authorities to challenge and is also likely to increase the complexity of implementation and operation of the care account;
- Significant impact on the care home market and the ability of commissioners to influence supply if funding does not allow for 3rd party top-ups and the policy is underfunded (as suggested by the London Council's research);
- The (separate) introduction of Personal Independence Payments and Universal Credit may result in a lack of visibility over the component parts of individual's income and expenditure, impacting on the amount that can be "disregarded" in financial assessment;
- Difficulty in developing financial products for self-funder market;
- If the complaints process is based on the model used for appeals about school placement decisions or continues the current 'tiered' social care model, this is likely to have significant resource implications.

## **6 EQUALITIES**

6.1 An Equalities Impact Assessment has not been completed at this stage.

## **7 CONSULTATION**

7.1 Consultation to inform plans and any necessary policy changes will be undertaken with a range of stakeholders through targeted engagement events and presentations to appropriate governing bodies and stakeholders as appropriate during the planning and implementation phases.

## 8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Young People; Human Rights; Corporate; Other Legal Considerations*

## 9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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<b>Background papers</b>	
<b>Please contact the report author if you need to access this report in an alternative format</b>	