



Adult Social Care Select Committee
15 January 2015

Care Act 2014: Preparations for April 2015 implementation

Purpose of the report: Policy Development and Review

The Select Committee has requested an update on Surrey County Council's plans to implement the Care Act 2014 for 1 April 2015, following publication of the final regulations and guidance in October 2014.

Introduction

1. This report provides an overview of the work currently underway to respond to the Care Act changes that will take effect on 1 April 2015. Further detail on specific aspects of Act implementation (to include planning for the cap on care costs, Transitions) can be provided at a future Committee meeting.
2. Part one of the Care Act 2014 sets out to reform adult care and support in England. The majority of the reforms contained within the Act are set to take place on 1 April 2015, with changes to funding (including a new lifetime cap on care costs) to take effect from 1 April 2016.
3. Annex One (Care Act briefing note) and Two ('What the Care Act means for frontline practice' presentation) provide more detailed information on the nature of these changes.
4. In light of the transformational change programme that has run in Adult Social Care since 2010, including the rollout of personalisation and more recently the family, friends and communities programme, the Council already has a strong foundation from which to respond to the Care Act requirements for April 2015.
5. We have also played an active role in the development of the Care Act regulations and guidance through participation in national working groups (including on transitions, assessment and eligibility), and by taking a proactive role in national bodies influencing the Government on the Care Act (including ADASS and the County Councils Network).

6. A project group of staff and managers, in consultation with partners, residents and carers (listed in Annex Three), have been planning for Care Act implementation since autumn 2013. Their work has been steered by the Adult Social Care Implementation Board, which is jointly chaired by the Cabinet Member for Adult Social Care and the Chair of the Surrey Coalition of Disabled People, and is attended by chief executives from our key partner organisations.
7. Informed by the publication in October 2014 of the final, detailed regulations and guidance for 1 April 2015 implementation, the project has identified several key areas of change for the Council. The following sections address each of these in turn, summarising the actions the Council is taking to ensure it is compliant with the new duties coming into force from 1 April 2015.

Clarify our adult social care offer to residents and carers

8. We anticipate an increase in the number of people approaching Adult Social Care due to a combination of the national publicity campaign regarding the April 2015 changes and confusion over the April 2016 funding reforms. We need to ensure that people get the information that they need at the right time, recognising that Adult Social Care has finite capacity. Having a very clear statement of what Adult Social Care does and where people can go for information and advice will help this.
9. Clarifying our Adult Social Care 'offer' will build on our ongoing work to develop personalisation and family, friends and community support by encouraging a 'self-service' approach where appropriate. This reflects a core Care Act principle to empower the individual over decisions regarding day-to-day life, including over their care and support and the way in which it is provided. In so doing it will bring value for money by better signposting residents to the community services and support we already fund.
10. Work underway to support the reframing of our Adult Social Care offer includes updating the Council's adult social care webpages in mid-January 2015, providing training and guidance for our staff on managing initial enquires, and hosting an Information Summit in February 2015 to support our information and advice partners to better handle enquiries.

Consult on our charging policy and deferred payments scheme

11. The Care Act introduces new duties and powers concerning adult social care charging and deferred payments.
12. On 25 November 2014, Cabinet agreed the Council should consult residents on proposed changes to our charging policy and deferred payments scheme (see Annex Four for the Cabinet report). The consultation launched on 15 December 2014, and will close on 26 January 2015. Cabinet will make a final decision on the proposed changes on 24 February 2015.

- 13. The proposed changes do not significantly change charging for the majority of people currently receiving care and support. They will not affect people who have already taken out a deferred payment. However, they will have an impact on residents who are currently charged for non-residential care and support, and for residents who may choose to take out a deferred payment in the future.

Update our frontline practice, processes and safeguarding procedures

- 14. Through our work over the past few years embedding personalisation and family, friends and community support into frontline practice, the Council is already well placed to respond to Care Act requirements concerning adult social care assessment, support planning and review processes.
- 15. A necessary change is to update our assessment form to align with the focus on outcomes and wellbeing in the new national eligibility criteria. This also presents an opportunity to further streamline our current assessment process, and to better support the family, friends and community support programme.
- 16. A cross-section of frontline staff and managers are developing a new assessment form, which we plan to test with our external partners and residents early in 2015.
- 17. The Council and Surrey Safeguarding Adults Board are in a good position to respond to the Care Act requirements regarding safeguarding. The Council has secured agreement from all Board agencies to the planned revision of the multi-agency procedures and these will be in place by April 2015. The Board's performance monitoring and accountability framework is being substantially reviewed and will be presented to the Board in January 2015. Discussions are progressing well to establish a pooled budget for the Board (which is currently solely funded by the Council).
- 18. A 'roadshow' to all frontline assessment teams between November and December 2014 has updated staff on the key Care Act changes from April 2015 and how they will be supported with these. Training on the Care Act changes will be rolled out to all frontline social care staff in February and March 2015, and familiarisation workshops will be made available to relevant children's social care staff. Regular action learning sets will be established from April 2015, to capture and embed ongoing learning.

Develop a Care Act compliant independent advocacy service

- 19. From April 2015, the Council will be required to organise an independent advocate for people (including young people approaching transition, carers and young carers) who have substantial difficulty engaging with the adult social care process, and who do not already have an appropriate person to advocate on their behalf.

20. We already commission a wide range of organisations to provide advocacy services, including independent mental capacity advocates, independent mental health advocacy, carers' advocacy and general advocacy to support residents to access welfare benefits and to navigate through the adult social care system. In response to the Children and Families Act 2014, we commission an independent advice service for children and young people.
21. We are reviewing how we can build on our current contractual arrangements to meet the new Care Act requirements. This will include training staff on new processes to assess when an independent advocate may be required, and to improve reporting on advocacy referrals.

Strengthen our existing support for carers and young carers

22. The Council is relatively well positioned to respond to the new Care Act duties regarding carers, as the authority already offers robust carers' assessments, and works in partnership with the NHS to invest in a wide range of carers' support services.
23. The Care Act 2014 and Children and Families Act 2014 place a new focus on identifying and supporting young carers. We are working closely with colleagues in the Children, Schools and Families Directorate to better support this group, which has included the recent launch of Surrey's new young carers' strategy, and accessible young carer assessment tools.
24. Due to the Care Act national publicity campaign, we anticipate there will be an increase in demand for carers' assessments and support. To help respond to this, we plan to invest further in the carers' preventative services we currently commission from partners. A Surrey carers' public awareness campaign in February and March 2015 will signpost carers of all ages to relevant support.

Streamline our transitions offer

25. The Council is relatively well positioned to respond to the new Care Act duties regarding transition, as we already have a dedicated Transition Service with good operational links between Children, Schools and Families and the Adult Social Care directorates across education (including post-16 years education) and social care.
26. We are streamlining assessments for young people coming through transition by implementing cross-Directorate 'Education, Health and Care Plans', so that young people and families do not need to keep repeating their story to different professionals.
27. We are also supporting the Children, Schools and Families Directorate to move towards a more personalised social care offer. This includes piloting a new Resource Allocation System in the Children with

Disabilities Team and introducing Education and Health personal budgets.

Extend our social care offer to include vulnerable adults in prison

28. From April 2015, the Council will be responsible for assessing and meeting the eligible social care needs of prisoners residing within prisons and approved premises in Surrey. This will include the provision of information and advice, organising independent advocacy, assessment and the commissioning of services to meet eligible needs.
29. Surrey has the fourth highest prison population in England, with up to 3,000 prisoners spread across five prisons and one bail hostel at any one time. It has proved challenging to estimate the potential number of prisoners who may be eligible for adult social care support, due to the high population turnover and our limited access to prisons.
30. Following engagement work with prison governors, the National Offender Management Service, staff and other partners, a range of proposed options have been developed for complying with our new duties. These include establishing a new specialist 'prisons team' of adult social care staff, contracting with existing prison health service providers to deliver adult social care on our behalf, or drawing adult social care staff from the relevant locality team for each prison.
31. A decision will be taken by the start of January 2015 as to which option will be progressed, to ensure security clearances are processed in time for 1 April 2015.

Signposting to independent financial advice

32. From April 2015, the Council will have a new duty to signpost vulnerable adults and carers to independent financial advice on adult social care matters.
33. We have recently come to an agreement with the Society of Later Life Advisers (SOLLA), a not for profit body which trains and accredits individual financial advisors from a range of different organisations to become a qualified Later Life Adviser. The rigorous examination process to become accredited includes being able to evidence the 'soft skills' necessary to support a vulnerable adult, as well as a comprehensive understanding of the adult social care funding system.
34. We are updating our webpages, paying for care leaflets and producing a new leaflet to signpost residents to their nearest SOLLA-accredited independent financial adviser.

Inform residents and carers about the changes

35. A national publicity campaign is being planned by Public Health England, on behalf of the Department of Health, to inform residents and carers about the Care Act changes. The national campaign states 'care and

support is changing for the better' and focuses on areas that are very much business as usual for the Council. It encourages residents to contact their local council for further information

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36. The national campaign will start with digital advertising in January 2015, and national media partnership, radio advertising and leaflet door drops will follow in February and March. Several of the radio stations which have been identified for national advertising will reach Surrey residents, including Magic FM, Classic FM and LBC. Despite our feedback, only one postcode in Surrey (KT21 2; Ashted) has been identified by Public Health England as meeting the minimum requirements for a leaflet door drop, with each region in the country receiving the same allocation.
37. Our local communications approach includes articles in Surrey Matters and other newsletters, refreshing our website content, re-launching Surrey Information Point, producing new information confirming our core offer and describing how other organisations can help residents, and implementing a public awareness campaign advising how people can find out more about their care and support options. This will include signposting to the Surrey Hubs, Age UK Surrey, SOLLA and Surrey Information Point.
38. We also plan to host an Information Summit in February 2015 to help key partners from the public, health, voluntary and private sectors to provide consistent, quality information, advice and signposting to residents who seek support from them. A second summit will be held in March for care providers. A major focus of plans will be to progress the work around shared responsibility among key partners in providing information and advice about care and support directly to residents.

Understand and plan for the financial implications of delivering the above

39. Included within Surrey's Better Care Fund allocation is £2.5 million in revenue funding and £0.9 million in capital funding for Care Act implementation in 2015/16. We will receive a further £7.2 million in revenue funding for 2015/16 through the Local Government Financial Settlement, which was announced in December 2014.
40. We continue to update our financial modelling to understand and plan for the additional costs placed on the Council as a result of implementing the Care Act. We currently anticipate that the Council's funding allocation for 2015/16 will meet our total implementation costs for next financial year.

Conclusions

41. A broad programme of change is underway with staff, residents and partners to ensure the Council is compliant with the Care Act when it goes live from April 2015. Although we are working to a very challenging timescale, we have benefitted from the proactive work of the Adult Social Care Directorate over the past four years to embed personalisation and family, friends and community support into our existing service offer.

- 42. A greater potential challenge is the implementation of the April 2016 funding reforms, particularly the lifetime cap on care costs. This could lead to a significant increase in demand for assessments from people who currently fund their own care and support, and potentially contribute to a 'market equalisation' effect whereby private providers increase the fees they charge the Council for residential and nursing placements.
- 43. The draft regulations and guidance on these changes is due to be published in January 2015 for national public consultation. In the meantime, a significant amount of work is already underway to explore alternative methods to manage assessment demand and plan for the potential impact on the provider market.

Recommendations

- 44. It is recommended that the Committee:
 - Reviews this report to assure itself that the Council is on track to deliver against key requirements for April 2015.
 - Receives a more detailed update on how the Directorate is planning to respond to the April 2016 funding reform changes and Transition at its June 2015 meeting.

Next steps

- 45. Complete above work for Care Act go-live on 1 April 2015.

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Sources/background papers:

- The Care Act 2014 legal statute is available online at: <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- The Care Act 2014 regulations and guidance are available at: <https://www.gov.uk/government/news/final-care-act-guidance-published>
- Department of Health factsheets on the Act are available at: <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

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