

Health Scrutiny Panel
Monday 28 January 2015
Progress on implementing the Care Act 2014

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Context

- The Act passed into law in May 2014.
- Final regulations and statutory guidance (part one) published in late October 2014.
- Care Act Programme Board in place, with programme leads in key areas.
- Corporate risks related to how the Act affects the wider adult social care system are being developed.

Summary

The Care Act sets out general responsibilities of local authorities, describing their broader care and support role towards integration with health provision and the local community. It emphasises a preventive approach including providing information to those needing care and duties to consider physical, mental and emotional wellbeing. The Care Act is being phased in, in two parts: part one duties need to be implemented by April 2015 and part two (funding reform) to be implemented by April 2016.

Part one - key areas and impacts include:

1. General Duties and Universal Provision

Timeline: from April 2015

Wellbeing: The Act requires that wellbeing is embedded into all aspects of the Council's adult social care systems. Wellbeing must be promoted and the Council must actively seek improvements when carrying out care and support functions in respect of a person – this includes from provision of information and advice to reviewing a care and support plan.

Prevention: The Act requires the Council to ensure the provision or arrangement of services, facilities or resources to help prevent, delay or reduce the development of needs for care and support. This can include 'universal' services such as promoting healthier lifestyles.

Implementation: As of November a Wellbeing and Prevention workstream, led by Public Health and Commissioning colleagues, has been set up with the key aims:

- To ensure the wellbeing principle and preventive approaches are built into training, contracts and practice, where possible by April 2015, but as a continuing development with an emphasis on a partnership approach.

- To review key documents (e.g. Mental Health and Wellbeing Strategy, the Vulnerable Adults strategy and relevant JSNA chapters) and make improvements relating to the wellbeing principle and preventative approach as necessary.
 - To ensure the Information and Advice service reflect wellbeing and prevention approaches.
 - Scope the current contribution of wider determinants to the Care Act e.g. housing and employment, and identify improvements.
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Information and Advice: There is a duty to provide a comprehensive information and advice service, so that people know what type and range of care and support is available, how to access it and where they can find independent financial advice.

Implementation: This workstream is one of the more challenging workstreams to implement as there are many cross-cutting and interdependent issues. Consideration is also being given to the relationship of information and advice on adult social care and that of health and children's social care, with a longer term aim to develop jointly. Key aims in the short term include:

- A project team has been established with key colleagues from the Care Act Programme Board.
 - An information and advice strategy has been drafted and will be consulted on.
 - A review of online provision across adult social care is underway.
 - Choose My Support has been recommissioned for a further year, to allow for all options for information and advice services to be explored whilst maintaining provision.
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Marketing oversight and provider failure: The market oversight and managing provider failure role is a joint obligation with Care Quality Commission (CQC) and the Council. CQC will maintain an oversight of the stability of large national providers and will notify providers and Councils, which providers fall under the CQC monitoring regime.

Implementation: Key tasks to be undertaken include:

- Establishing and maintaining a relationship with CQC and their Market Oversight regime, to ensure timely and appropriate exchange of information relating to providers operating in the City. Contacts are in place.
- Maintaining a dialogue and market intelligence role with key providers.
- Revising current provider failure action plan to incorporate Care Act requirements.

2. First Contact and Identifying Needs

Timeline: from April 2015

Assessment: All individuals are entitled to receive an assessment of eligibility for care and support and, if relevant, a care plan based on needs. Individuals can ask the Council to arrange care irrelevant of whether or not the individual or the Council is responsible for funding care. Assessments must be outcome focused, strength based and holistic. There is a requirement to ensure independent advocacy is provided when needed.

Carers: The Council has a duty to complete Carers Assessments and meet carers' eligible needs. Carers can be eligible for support in two ways firstly to help them continue with their caring role and secondly their caring role is having a significant impact on their wellbeing and is having an adverse effect on their life. Assessments can be undertaken jointly.

Implementation:

- Eligibility for care must be identified using the new national framework – however interpretation of the guidance indicates that this is similar to the 'high moderate' level used currently by the council. Policies, forms and processes are being reviewed and updated to reflect the needs of the Care Act.
- Currently we meet the needs of carers who are caring for citizens who are eligible and the Carers Federation have been commissioned to ensure policies and processes reflect the duties of the Care Act. A universal carers plan is being developed.
- A separate workstream for Independent Advocacy has been established which has reviewed current contracts and practices. This workstream has key links with information and advice and workforce development to ensure frontline staff and practitioners know about the service and when and how to signpost citizens to it.
- Workshops have taken place with managers on care and support planning and eligibility and communications have begun with practitioners outlining key Care Act information.
- An Every Colleague Matters Event is scheduled for 9 to 13 February 2015 entitled *Nottingham City's Response to the Care Act*, the programme and booking information is available in [Appendix 1](#) and the Panel are welcome to attend any events of interest. The aim of the event is to raise awareness of the Care Act and its implications, with detailed sessions on the various elements of the Act. Extra effort is being made to ensure health colleagues are aware and encouraged to attend.

3. Charging and Financial Assessment

Timeline: April 2015

Charging: Some small amends required and options regarding charging policies, such as financial assessments for couples, self-funders, hospital discharge, carers and prisoners.

Deferred payments: People will not have to sell their home to pay for residential care whilst they are still alive.

Implementation:

- A scoping exercise for the Care Act charging amends is taking place to ensure that no citizens are worse off and that the Council applies the right criteria as at April 2015. Consultation will be undertaken.
- Information for deferred payments is in place to take account of the 12 week disregard, which begins in January and ensure citizens have time to consider the options before 1 April 2015. During this time expressions of interest in Deferred Payment Agreement scheme will be monitored to inform future resource requirements.

- The National Association of Financial Assessment Officers (NAFAO) have published a toolkit to develop information and policies for deferred payments and colleagues are working through these to adopt good practice.
- The Department of Health has advised an initial maximum interest rate of 2.65% for charges on deferred payments. Local authorities can charge less than this rate, but cannot charge more. A final local decision has yet to be made.

Timeline: April 2016

Cap on care costs: The cap sets a limit how much people pay towards their care costs, with the Council paying the full cost thereafter.

Implementation: No work has taken place on this workstream, as the draft guidance is to be published in late January 2015.

4. Person Centred Care and Support Planning

Timeline: from April 2015

Care and support planning/personal budgets: The Act places a duty on the Council to provide a care and support plan. The individual must be involved in the development of their plan and it must be periodically reviewed. Citizens and carers can have a joint care and support plan.

Direct payments: Using the information from the personal budget, the person has a legal entitlement to request a direct payment. The local authority must provide a direct payment to someone who meets the conditions in the Act and regulations.

Transition: The Act says that if a child, young carer or an adult caring for a child (a “child’s carer”) is likely to have needs when they, or the child they care for, turns 18, the local authority must assess them if it considers there is “significant benefit” to the individual in doing so. This is regardless of whether the child or individual currently receives any services.

Implementation:

- As the Council currently provides care and support plans and direct payments, relevant policies, forms and processes are being reviewed to ensure compliance. Training and information is also being delivered to practitioners.
- Transition processes are being checked for compliance, however most of the changes made through the Children and Families Act have addressed requirements.

5. Integration and Partnership Working

Timeline: April 2015

Integration: The Act requires greater integration and co-operation between the NHS, care and support, and the wider determinants of health such as housing.

Implementation: The Council is already on this journey through the work of the Health and Wellbeing Board and the partnership work with Nottingham City Clinical Commissioning

Group. A compliance check will be undertaken to ensure current integration plans and processes meet the Care Act duties.

6. Adult Safeguarding

The Act creates a legal framework requiring the Council to have a Safeguarding Adults Board with local partners, with public plans, annual reporting and clear processes for investigating suspected abuse or neglect.

Implementation:

- The Act requires a person-centred approach, based on outcomes and current practice and operational processes are being checked against the guidance, by a working group to ensure compliance.
- A similar process is being undertaken with the Board, which also includes working with County colleagues due to cross-boundary nature of some the issues that arise. The Board has established a Task and Finish Group to progress this.

7. Moving between areas: inter local authority and cross-border issues

The Act outlines a process to be followed so that Councils know when someone wants to move areas, and what must happen to make sure that their needs are met when they arrive in the new area and that care remains continuous. There are changes to ordinary residence. Responsibilities of the placing authority widen to include supported living and shared lives schemes.

Implementation: Current policy, practice and operational processes are being considered against the guidance to ensure compliance.

8. Prisons

The Act establishes that the local authority in which a prison, approved premises or bail accommodation is based will be responsible for assessing and meeting the care and support needs of the prisoners residing there.

Implementation:

- Links have been made to colleagues in HMP Nottingham and those responsible for approved premises and bail accommodation.
- NHS England already provide healthcare assessments for when prisoners arrive and the preferred process is that they also undertake a light touch social care needs assessment. Any needs identified will be referred to the Council, who will undertake a full assessment – colleagues who will oversee this have been identified. Initial contract discussions have commenced.

Overall implementation:

- The Programme Board meets monthly and has a lead representative for each of the key areas above as well cross-cutting themes of finance, legal, IT, workforce, communications and equalities. The Board is reporting to the Health and Wellbeing Board and the Health and Wellbeing Commissioning Executive Group.
- Communications for the Care Act are being prepared nationally, providing templates for local use. The Government communications campaign for citizens began on the 9 January 2015.

- The national awareness campaign has started from January to March:
 - Live: website advertising directing people to visit www.direct.gov and Care Act information is provided on this national website. If they choose to, citizens will be able to postcode search for their local authority, and connect to our website: www.nottinghamcity.gov.uk/careact. This page contains information which is consistent with the national campaign and directs people to contact us via the Have Your Say for more information.
 - W/c 2 February – radio advertising (Classic FM, Gold, Smooth and First Radio)
 - w/c 2 February – wider online and social media advertising
 - W/c 9 February – print media
 - W/c 16 February – direct mail (Clifton only - please note this is a Department of Health decision which we have questioned)
- IT for part one changes has been scoped and will be ready for April 2015 requirements. In order to be ready for April 2016, principally the ability to track care spending through citizen care accounts, requires wholesale changes to the IT system. A procurement exercise is underway.
- The risk register has been expanded in order to fully map the risks, beyond those identified initially for the corporate risk register. These will be logged in Covelant and monitored.
- A piece of work to map interdependencies of all the workstreams is almost complete and will also be added to Covelant to ensure milestones are met.
- Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA) and Department of Health are working together to support Councils and a network of groups are meeting regionally to support each other through implementation.
- National funding has yet to be confirmed, however some grants will be available for assessments, deferred payments and prisons. Funds have also been allocated within the Better Care Fund and the details are now being finalised.
- Regional funding of £27k has been made available for implementation support, specifically around workforce development, IT, information and advice and carer assessments. A spending plan has been completed and accepted.
- A self-assessment compliance checking tool has been made available and will be used to ensure we are on track. ADASS will also be undertaking a 3rd stocktake in January, which helps provide a national picture of implementation progress.

Appendix 1

Title/Speaker	Session Description	Dates & Time
<p>Overview of the Care Act BOOK NOW Speakers Helen Jones - <i>Director of Adult Social Care, NCC,</i> Councillor Alex Norris - Executive Member for Adults, Commissioning & Health Linda Sellars- <i>Chief Social Worker - Adult Assessment, NCC.</i></p>	<p>Session Overview: A briefing on the statutory responsibilities that the Care Act introduces to Adult Social Care and the ways in which Nottingham City Council will respond. Session Objectives</p> <ul style="list-style-type: none"> • Understanding of new responsibilities for the LA and Nottingham City's approach • Understand the concept of the Wellbeing principle • Understand the impact that the Care Act has on providers and partners. • Understanding of financial changes <p>Why you need to attend: This session will provide an overview of the implications of the Care Act and Nottingham City's response to these.</p>	<p>9 February 2.00 - 3.30pm and 6.00-7.30pm City Centre Venue</p>
<p>Prevention Services BOOK NOW Facilitator Sharan Jones -<i>Health and Wellbeing Manager, Public Health, NCC,</i> Richard Dragonetti, <i>Signposting Service Co-ordinator, The Nottingham City Signposting Service and possibly Self-help Nottm rep.</i></p>	<p>Session Overview: An explanation of the implications of the Care Act around Preventing, reducing or delaying needs. Session Outcomes:</p> <ul style="list-style-type: none"> • To inform colleagues of the broad choice of preventive public health initiatives; • To increase understanding of how to promote healthy active lifestyles; • To raise awareness of loneliness in the city and schemes available focused on reducing loneliness; • To increase engagement with the Nottingham Signposting service and • To increase understanding the services available through Self-Help Nottingham. 	<p>10 February 09.30-11.00am City Centre Venue</p>
<p>Maintaining Care Service Continuity BOOK NOW Facilitator Steve Oakley- Head of Quality and Efficiency, NCC and TBC</p>	<p>Session Overview: The explanation of the implications of the Care Act around Management provider failure and other service interruptions. Session Objectives;</p> <ul style="list-style-type: none"> • Discuss processes for maintaining continuity of service • Explore how you can help us manage impact of Provider Failure and service interruptions • Support you in the development of robust Contingency Plans. 	<p>10 February 11.30am - 12.30pm City Centre Venue</p>
<p>The Wellbeing Principle BOOK NOW Facilitator Uzmah Bhatti- <i>Public Health Manager</i> and Liz Pierce <i>Public</i></p>	<p>Session Overview: Under the Care Act 2014 Local Authorities must promote wellbeing when carrying out any of their care and support functions in respect of a person. This session will look at the meaning of wellbeing and how this can be promoted within day to day roles. Session Outcomes:</p>	<p>10 February 2.00- 3.30pm City Centre Venue</p>

<p><i>Health Manager, Public Health Nottinghamshire County and Nottingham City</i></p>	<ul style="list-style-type: none"> • Understand the concept of wellbeing and the factors that can influence wellbeing • Understand how wellbeing can be promoted and where to look for wider support networks • Begin to look at the implications this has for your role and identify what support you may require <p>Why you need to attend: The wellbeing principle lies at the heart of care and support and applies in all cases where a local authority is carrying out a care and support function. Attend this session to build and enhance your understanding of what this means for you.</p>	
<p>Changes to Advocacy Provision BOOK NOW Facilitator Clare Gilbert, <i>Lead Commissioning Manager</i> and a Senior Practitioner, NCC</p>	<p>Session Overview: An explanation of the implications of the Care Act around Advocacy Provision; Session Objectives</p> <ul style="list-style-type: none"> • Introduction to what Advocacy is. • Explain recent changes to the demand and obligations to provide Advocacy to citizens • Overview of advocacy related to Substantial Difficulty, new groups affected and new role of advocacy provision. • Describe the importance of supporting Citizens to understand their journey through services to support their independence. • Discuss case studies to help understand the changes to advocacy provision. 	<p>11 February 2015 09.30-11.00am City Centre Venue</p>
<p>The Care Act and Health Integration BOOK NOW Facilitator Antony Dixon - <i>Strategic Commissioning Manager</i>, NCC and Jo Williams, <i>Assistant Director Health and Social Care Integration</i>, NHS Nottingham City Clinical Commissioning Group</p>	<p>Session Overview: An explanation of the implications of the Care Act around Health Integration. Session Objectives:</p> <ul style="list-style-type: none"> • Explain the legal aspects of Health Integration from the Care Act • Showcase the work currently undertaken around Health Integration e.g. Better Care Fund(BCF) • Signpost where to find out more information about Health Integration • Overview of how Health Integration can help deliver other aspects of the Care Act Requirements including Preventative Services and Wellbeing 	<p>11 February 12.00-1.00pm City Centre Venue</p>
<p>Care Act: Deferred Payments BOOK NOW Facilitator Bev Osborne, <i>Business Manager</i>, Nottingham Revenues and Benefits Ltd and Yvonne Dickinson, <i>Team Leader</i>, NCC</p>	<p>Session Overview: With effect from April 2015, the Care Act 2014 introduces the universal deferred payment scheme which means people should not be forced to sell their home, in their lifetime, to pay for their care. By taking out a Deferred Payment Agreement, a person can 'defer' or delay paying the costs of their care and support until a later date. Deferring payment can help people to delay the need to sell their home, and provide peace of mind in a time that can be challenging (or even a crisis point) for them and their loved ones as they make the transition into residential</p>	<p>11 February 2.00-3.30pm City Centre Venue</p>

	<p>care.</p> <p>Session Outcomes:</p> <ul style="list-style-type: none"> • People will have an overview of how the scheme works • People will understand the impact for citizens • People will understand NCC policy and the Council's responsibilities • People will know where to go for information and advice <p>Why you need to attend.....to understand citizen options and NCC responsibilities and obligations</p>	
<p>Safeguarding Adults - The Care Act and the role of the Adult Safeguarding Board</p> <p>BOOK NOW</p> <p>Facilitator Paul Langley- <i>Safeguarding Partnerships Training Officer,</i> Nottingham City Safeguarding Partnership</p>	<p>Session Overview: A look at what the Care Act means for our safeguarding adults responsibilities, including the new statutory status, role and responsibilities of the Adult Safeguarding Board in Nottingham (NCASPB).</p> <p>Session Outcomes:</p> <ul style="list-style-type: none"> • Awareness of what the Care Act says about adult safeguarding responsibilities • Awareness of the role and responsibilities of the Adult Safeguarding Board • Why adult safeguarding matters and what we need to do better <p>Why you need to attend..... Safeguarding adults is everybody's business, so it's important to understand our responsibilities, the role of the Adult Safeguarding Board and what we need to be doing better.</p>	<p>12 February 09.30-11.00am City Centre Venue</p>
<p>Carers</p> <p>BOOK NOW</p> <p>Facilitator Becky Govan- <i>Business Improvement Manager</i> and Clare Gilbert - <i>Lead Commissioning Officer-</i> NCC</p>	<p>Session Overview: An explanation of the implications of the Care Act for Carers.</p> <p>Session Objective:</p> <ul style="list-style-type: none"> • What the Care Act mean for Carers • What the Care Act mean for Services and Provision • What are we doing about the Care Act in Nottingham City. <p>Why you need to attend..... The session will focus on how we can retain a person centred approach with carers, ensure better information and advice is provided and work together to ensure we can support carers effectively.</p>	<p>12 February 2.00-3.30pm City Centre Venue</p>
<p>Impact of Adult Social Care Assessment</p> <p>BOOK NOW</p> <p>Facilitator Richard Brown - <i>Development Consultant</i> and Adult assessment Colleague, NCC</p>	<p>Session Overview: An explanation of the implications of the Care Act on Adult Social Care Assessment.</p> <p>Session Objectives</p> <ul style="list-style-type: none"> • Understand Care Act eligibility and Nottingham City's implementation of this • Understand Nottingham City's approach to assessment under the Care Act and the impact it will have on partners <p>Why you need to attend.....</p>	<p>13 February 09.30-11.00am City Centre Venue</p>

	Learn about Nottingham City implementation of the Care Act concerning the changes to our assessment processes and the ways this may impact you and your organisation.	
Transitions - Preparing for Adulthood BOOK NOW Facilitator Oliver Bolam - <i>Head of Specialist Services, NCC</i> , Amanda Payne, <i>Targeted Transitions Manager</i> , Futures and Nick Webster - <i>Senior Practitioner, NCC</i> .	Session Overview: Transitions services are required to support a young person with special educational needs and disabilities (SEND) through the often confusing maze of new services and new legislation that affects them and their carers as they approach adulthood. How are Nottingham transitions services responding to the challenges of providing a person centred service within the new legal framework? Session Outcomes: <ul style="list-style-type: none"> • Current challenges: How have we identified what requires improvement or reviewing due to the Care Act/ Children and Families Act • How are we preparing: The impact of the new Education, health and care plan process on transition including clearer processes and information for families in conjunction with the Care Act preparations • Future vision (Our vision for post 2014): What can we all do to help our citizens and their families to prepare for adulthood? 	13 February 12.00-1.00pm City Centre Venue
Information and Advice	Information about this subject will be added to the website on the 9 Feb.	Will be added 9 Feb.
Market Shaping and Commissioning of Adult Care and Support	Information about these subjects will be added to this page on the 9th February. The PowerPoint presentation will provide Information on how the work we do complies with the Care Act.	Will be added 9 Feb.

If you need any help booking on a session please call **Lisa Hazell** on **0115 8764820** or email lisa.hazell@nottinghamcity.gov.uk
www.nottinghamcity.gov.uk/ecmva2015careact