

REPORT TO:	ADULT SOCIAL CARE REVIEW PANEL 11 November 2015
AGENDA ITEM:	9
SUBJECT:	Care Act Update (including update on national appeals process)
LEAD OFFICER:	Pratima Solanki, Director, Adult Care Services
CABINET MEMBER	Councillor Louisa Woodley, Cabinet Members for Families, Health and Social Care
WARDS	ALL
CORPORATE PRIORITY/POLICY CONTEXT: This report is for information only	

1. RECOMMENDATIONS

1.1 The Adult Social Services Review Panel (ASSRP) is asked to note the contents of the report.

2. EXECUTIVE SUMMARY

- 2.1 This report explains the changes to the legislation around the Care Act and the latest position on all of the implementation work streams in Croydon.
- 2.2 On 17 July 2015 the Government announced a delay in the Care Act programme for items that were scheduled for implementation in April 2016. The elements that have been delayed are:
- the Cap on Care Costs (to April 2020);
 - the extension to the Means Test Thresholds (to April 2020);
 - the Appeals system (pending the Comprehensive Spending review which will be published on 25 November 2015, but confirmation that this will not occur from April 2016 has already been received).
- 2.3 Regulations and Guidelines relating to the response to the consultation on phase 2 of the Care Act regulations and guidelines were expected to be published by the Department of Health (DH) in the autumn of 2015 (DH timescales). It is not clear if they will now be published following the delay.

3. DETAIL

3.1 Introduction

- 3.1.1 Introducing sweeping new legislation for adult social care is a significant amount of work for all local authorities and the main advisory bodies to the DH (Department of Health), ADASS (the Association of Directors of Adult Services) and the LGA (Local Government Association) indicated that introducing all of the elements proposed for April 2016 would be extremely challenging but it would be fair to say that nobody anticipated a delay of this magnitude – 4 years!
- 3.1.2 Preparations in Croydon for the April 2016 changes had developed but no major commitments had been entered into, e.g. further staff recruitment, IT contracts etc.
- 3.1.3 ASCRP was particularly interested about the Appeals process. This appears to have been delayed realistically for the same period, 4 years but the general consensus from officers was that a Complaints process already exists and that this can adequately cover this area. Additionally the proposed Appeals process seemed more burdensome and was not well liked.

3.2 NATIONAL FUNDING – 2015/16

- 3.2.1 The DH provided a total of £285m nationally to enable the implementation of the Care Act; within this overall allocation was £146m for councils to carry out early assessments of self-funders (prior to April 2016) so that this group of people would have (where appropriate) a care account. As this element of the work has been delayed confirmation is awaited on how these monies are to be used. At the present time the total allocation is being paid to councils on a monthly pro-rata basis; it is possible that the total could change depending on the basis for the revised requirements. The total current allocation for Croydon relating to the delay is £786k.
- 3.2.2 In addition the balance of implementation funds is provided from the Better Care Fund. At the commencement of this financial year the allocation was £845k; this will be drawn down by agreement with Croydon CCG throughout the year and it would appear at this stage of the year that all of these funds will be utilised.

3.3 NATIONAL FUNDING - 2016/17

- 3.3.1 With the delay this means that considerable additional resources will no longer be required to implement the second phase of the Care Act. There are however cost commitments deriving from the current financial year that do need to be funded, most notably the cost of carers, safeguarding, advocacy and elements around the market position statement. In addition, funding is required to meet the key elements of the Care Act duties for the promotion of well-being, the provision of assessment and advocacy, and a market facilitation role that will be crucial to the success of the 'direct payment by default approach'. All of these are embedded within the Transformation of adult social care programme (TRASC) to build on the work on the Care Act implementation included in this report. Councils have been told that the

forthcoming Spending Review will determine the level of funding available for adult social care in 2016/17 and future years.

4. LOCAL POSITION

Work Streams

4.1 Project Governance

- 4.4.1 The Care Act Programme Board as a specific programme has now closed. This is the same position for the London Care Act Leads group and the majority of staff at the Department of Health involved in implementation have now left the programme. It is planned that each work stream in Croydon will either be diverted to a Croydon Challenge programme or become business as usual activity.

4.2 Information and Advice

- 4.2.1 The Care Act Information and Advice working group has been subsumed into the Community Resources Project Board.
- 4.2.2 Development of information and advice is an ongoing process, both in terms of ensuring information is current but also expanding the coverage across the council and its partners, in particular the NHS. Equally this will form part of the longer term development for self-service/self-assessment although for the latter there is a dependency on ICT system upgrades. This and the front of house work on diverting demand for adult social care are included in the TRASC.
- 4.2.3 The “Care Place” system, the process being used in Croydon to provide on-line information is functioning and is managed by Age UK Croydon; they are contracted until 30/9/16 to carry out this function. The system is live on the Council’s website and there will be an official launch/advertising of the product in the near future.
- 4.2.4 The Care Act page on the council’s web site remains and is current.
- 4.2.5 Information and advice provision on non-ICT routes has been covered through the voluntary sector but this area will be further developed as part of the strategic development of information and advice provision across the borough.

4.3 Advocacy

- 4.3.1 This is an existing service but one expected to expand due to the Care Act. Current contracts, those that were scheduled to cease on 31/3/15 were rolled forward to ensure Care Act compliance but the whole service is in the process of being re-commissioned. This service covers both local authority and CCG needs although with the delay in the Care Act it is anticipated that a lower number of referrals will be handled than had originally been expected. However, we will require additional advocacy capacity to support the implementation of changes to services during the transformation of adult social care.

4.3.2 The Council is also required to make provision for the availability of independent financial advice. These services are advertised on the Council's web site as well as Care Place.

4.4 Funding

4.4.1 Issues outstanding are the clarification of the final budget available from DH sources and the maximisation of monies from the BCF. Some Care Act monies are being used to support Care Act related activity within the revenue budget for Adult Social Care. This position will continue to be under review throughout the remainder of this financial year and is business as usual activity.

4.5 Assessments

4.5.1 The expected major task of assessing all self-funders prior to April 2016 was part of the delayed process. In line with all authorities this work had not been planned to start until October 2015 although preparatory work had been undertaken but will not now be actioned.

4.5.2 The revised customer journey, including enabling self-assessments will continue to be part of the operational plan for service delivery and sits within the Adult Social Care Transformation programme. Options to enable self-assessments are still being explored with Northgate's Integrated Care Solution being one of the options considered. If this moves forward as the preferred option, implementation is reliant on 2 system upgrades of AIS. To date options are still being considered by the department.

4.5.3 The Regulations and Guidelines relating to Phase 1 of the Care Act covering the national eligibility criteria and changes to the assessment process do apply and staff have been trained accordingly. Assessments are business as usual activity until we introduce a more asset based approach to assessment in the transformation of adult social care..

4.6 Carers

4.6.1 Expanded services for carers is part of Phase 1 of the Care Act; this has generated additional costs both in terms of assessing as well as additional direct payments. It was always anticipated that the level of increase would be a "slow burn" as more carers come on stream (due to national and local media, word of mouth etc.) but at present the cost increases are relatively modest.

4.6.2 This function remains part of business as usual activity and the needs of carers will be considered in the TRASC.

4.7 Training

4.7.1 Significant face to face training was provided prior to April 2015 for the Care Act. This is now supplemented by the use of an e-learning package, "Me Learning" which provides a range of Care Act courses and this will remain the key source for ongoing training and is available to anyone in Croydon – as indicated on internal information and the council's website, promotion of these will continue. Additional courses on Safeguarding, Domestic Abuse, MCA and DoLS have been added to this platform.

4.7.2 All safeguarding courses have been reviewed and updated to ensure that they are Care Act and MSP compliant.

4.7.3 It should be noted that the Service Transformation team are involved with learning and development processes (incorporating practice, system and process training, as well as mentoring, professional development etc.) This project work remains on-going and is being managed as part of the Croydon Challenge, Needs and Assets project which will be part of the TRASC

4.8 Back Office Processes and ICT

4.8.1 The charging policy for 2015/16 and the new Deferred Payments Agreement (DPA) policy from April 2015 were approved by Members on 23/2/15 and this is currently being reviewed for April 2016.

4.8.2 The upgrades of the Council's case management system have been problematic for a range of reasons including system hosting and support arrangements for AIS. This has meant that DPAs have had to be calculated on a spreadsheet although this remains manageable.

4.8.3 All of the activity above is part of business as usual activity, ICT upgrades will be managed through ICT governance boards and potential new areas of charging will fall under the remit of the TRASC..

4.9 Better Care Fund (BCF)

4.9.1 Croydon's BCF plan for 2015/16 was eventually approved by NHS England. Final arrangements for 2016/17 are still to be clarified nationally, but this process will continue as this is one of the key vehicles seen by government as driving integration.

4.9.2 Funding remains an issue, it should be noted that all BCF funds were top-sliced from within NHS resources and even though this process is required to deliver performance improvement in the acute sector this does place additional pressures on the local system. Within the BCF is £845k of Care Act implementation monies which are largely attributable to carers, safeguarding and advocacy functions.

4.9.3 The BCF overall has its own programme of activity which will continue. In addition this area is subject to a Peer Review from 4 to 6 November 2015.

4.10 Market Shaping and Commissioning

4.10.1 The Market Position Statement (MPS) was approved by Members on 16/3/15 and is published on the Council's website.

4.10.2 The MPS will be a living document that is updated annually although the plan in 2015/16 is scheduled for a further update in the autumn. Meetings with the sector have also taken place and further follow ups are planned.

4.10.3 There is a Care Home Market Management review being undertaken within the TRASC as part of the wider market shaping role for the council and will include all relevant Care Act issues.

4.11 Communications

4.11.1 The web site is fully up to date including details about the delay in the Care Act. There will be a further update to confirm the availability of Care Place via a range of media outlets;

4.11.2 Briefings to a range of parties continue to take place and this work will be part of a wider communication and engagement in the TRASC.

4.12 Safeguarding

4.12.1 In terms of Care Act compliance good progress has been made in this area with many of the requirements met before the Care Act was published. Process improvements and ensuring appropriate recording in AIS is continuing. The team are also part of the Croydon Challenge, Joined-Up Assessment project which is part of the TRASC.

4.13 Other

4.13.1 Performance reporting – additional reporting requirements for 2015/16 have been included within Stock take returns and are likely to be part of new requirements in 2016/17. Changes to the recording of safeguarding data are being developed and this will be part of business as usual activity.

4.13.2 Risk Register – this has been updated to reflect the national delay in the Care Act and is now a lower risk. Areas of potential future concern could be via legal challenges to services offered in Croydon, or elsewhere as this could create a knock on impact.

4.13.3 Legal – representatives of the council's legal team have attended the London Care Act Lawyers Group to ensure they are fully conversant with the new requirements and this will form business as usual activity.

4.13.4 Audit – Internal audit have undertaken an audit of the implementation of Phase 1 of the Care Act and are expected to report in the near future.

5. THE FUTURE

5.1.1 The Government has said that they are firmly committed to implementing the cap on care costs system. The additional time will be used to consider what else can be done to help people plan and prepare for the costs of care as well as considering feedback on how the system may be improved. They have stated that this has been a difficult decision but one that has been taken in response to genuine concerns from stakeholders.

6. SUMMARY

6.1.1 Implementation of the Care Act will provide many challenges throughout the whole process. The knowledge base and the close working relationships established locally with the NHS and the provider associations as well as support from professional bodies should put Croydon in a strong position to make a success of this legislation.

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BACKGROUND DOCUMENTS [None]