

People Services Scrutiny Committee – 22nd September, 2015

Report of the Chief Officer for Adult Social Care

Implementation of the Care Act

1. Purpose of Report

To update the committee about progress in implementing the 2015-16 aspects of the Care Act in Dudley

For the Scrutiny Committee to review and challenge evidence provided and consider recent changes to Care Act Implementation in 2016-17

2. Background

From 1st April 2015 the Care Act (2014) came into force. Implications arising from the Care Act were considered by Members through the DACHS Scrutiny Committee in 2014-15. Key legislative changes were as follows:

- (a) Introduction of a new national level of care and support needs to make care and support more consistent across the country and an expectation that care needs should be “portable” for people moving across the country
- (b) The right to request deferred payment agreements for care costs
- (c) The right for Carers to have an assessment of their needs

3. National Eligibility for Care and Support

From the 1st April local people are eligible for care and support if they meet the new national minimum criteria:

- (a) the adult’s needs arise from or are related to a physical or mental impairment or illness;
- (b) as a result of the adult’s needs the adult is unable to achieve two or more of the outcomes specified in below and
- (c) as a consequence there is, or is likely to be, a significant impact on the adult’s well-being.

The specified outcomes are—

- (a) managing and maintaining nutrition;
- (b) maintaining personal hygiene;
- (c) managing toilet needs;
- (d) being appropriately clothed;
- (e) being able to make use of the adult's home safely;
- (f) maintaining a habitable home environment;
- (g) developing and maintaining family or other personal relationships;
- (h) accessing and engaging in work, training, education or volunteering;
- (i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; and
- (j) carrying out any caring responsibilities the adult has for a child.

Dudley offered a rolling programme of assessment and support plan training to all staff involved in assessment across 2014-15. The assessment process and documentation (MASP- My Assessment and Support Plan) has been re-drafted to ensure Dudley is fully compliant with the criteria specified above. This criterion applies to local residents as well as people moving in to the Borough to ensure consistency and that the portability requirements of the Act are met.

4. Deferred Payment Agreements

From April 2015, deferred payment agreements are a requirement of councils across England. A deferred payment agreement is an arrangement with the council that will enable people to use

the value of their homes to help pay care home costs. If you are eligible, the council will help to pay your care home bills on your behalf. The threshold is currently set for people who have less than £23,250 in savings excluding the value of a property. You can delay repaying the council until you choose to sell your home, or until after your death.

Deferred payment agreements will suit some people's circumstances better than others'. Councils may charge interest on the amount owed to them, and there may be a fee for setting this arrangement up. This is to cover the costs the council incurs in setting up a deferred payment agreement, and not to make a profit.

A deferred payment agreement means that people should not have to sell their home in their lifetime to pay care home bills.

This process has been fully implemented in Dudley and not seen a significant variation in numbers of deferred payments, in 2014 there were 68 new cases, a figure which has remained fairly consistent in comparing with preceding years.

5. Carers Assessments

From April 2015, a carer's right to an assessment was enshrined in law.

A 'needs assessment' is an assessment of an adult who may need care and support. A 'carer's assessment' is for someone who gives care and support to an adult family member or friend. Caring can include lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious. In Dudley there are in excess of 38,000 carers supporting people with care needs.

Carers may now be eligible for support, such as a direct payment to spend on the things that make caring easier; or practical support, like respite care/short breaks and signposting to peer support networks.

A carer's assessment considers the different ways that caring affects people. The assessment must focus on the physical, mental and emotional wellbeing of the individual carer. Dudley MBC is now statutorily required to offer advice and guidance to help local people with caring responsibilities. Support is available irrespective of whether or not the person cared for receives a funded package of support from the Council.

Since the onset of the Care Act we have seen a growing demand for carers assessments from 64 in April to 128 in July, representing a 100% increase and a total to date of 406, this compares to 121 in the same period in 2014/15. In June and July of this year there was a significant increase in the number of referrals, which is likely due to the awareness work that has been undertaken. We continue to monitor waiting lists and are looking to further commission external independent and voluntary organisations to undertake assessments; this is part of an approach to encourage the market and increase the involvement of the third sector and will also assist the council in using scarce resources more effectively.

With regards to young carers, Dudley Children's Services currently commissions a young carers service. The current contract holder is Spurgeons and information relating to activity, referral and support is available via that organisation:- www.spurgeonsyc.org/dudley. In Quarter one of 2014/15, 22 new referrals were made to the service and in the same period for 2015/16 there were 10 new referrals, it is felt that through undertaking further promotion and raising awareness more young carers and supporting agencies will be encouraged to utilise the support on offer.

The following wider pressures are also of note:

- Adult social care supported 15, 502 people in 2012/13 which rose to 16, 278 in 2014/15.
- Safeguarding concerns are up by 54% since 2012/13 with safeguarding investigations increasing by 18% from the same period.
- The number of Deprivation of Liberty Safeguards (DoLS) assessments have risen by over 300% in the last 12 months.

6. Changes to the 2016-17 “Care Cap.”

On the 1st April 2016 two key changes were due to come into effect. Currently individuals with less than £23,250 in savings receive social care funded by the local authority. That figure was due to rise to £118,000 on the 1st April. Secondly the amount of money younger adults with disabilities and over-65s could pay for social care was due to be capped at £72,000.

The two changes have been cancelled by the government and will not be reconsidered until 2020. The cancellation was in part due to pressure from the Local Government Association about the additional cost pressures arising from the Act and the significant reduction in funding for social care from 2010 onwards. Please refer to the list of Background Papers to see a letter from Alastair Burt MP confirming the delay.

7. Finance

Financial implications from the changes articulated above will be provided in the Scrutiny Meeting.

8. Law

The Care Act of 2014 contains all relevant legislation to this scrutiny topic.

9. Equality Impact

The Adult Social Care scrutiny committee previously considered the impact of the Care Act on the people of Dudley and was provided with expert witnesses to consider provision for carers, the quality of information and advice and the financial implications of the Act.

The ethos of the Care Act in considering people’s well-being will facilitate an increased focus on ensuring diverse needs are responded to from a wide range of services.

10. Recommendation

That the Scrutiny Committee reviews the demand arising from the Care Act, the robustness of local processes and financial and capacity requirements arising from implementation of the act.



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List of Background Papers

Changes to the 2016-17 provisions of the Care Act – Letter from Alastair Burt MP to the LGA:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/446309/Cap_on_care_acc.pdf