

HEALTH AND WELLBEING BOARD			
Report Title	Update on implementation of the Care Act in Lewisham		
Contributors	Interim Head of Adult Assessment and Care Management	Item No.	7
Class	Part 1	Date:	20 January 2015
Strategic Context	This report updates on the progress of implementing the Care Act which sets out the new legal framework for social care, support and prevention from April 2015.		
Pathway	An update on the Care Act was provided in the Adult Integrated Care Programme report on 3 July 2014.		

1. Purpose

- 1.1 To update the Health and Wellbeing Board on the current position with regard to implementing part one of the Care Act 2014 in Lewisham.
- 1.2 This report covers the work currently underway to achieve compliance in Lewisham, and draws out partnership and strategic issues which may inform the work of the Board in relation to adult social care and support.

2. Recommendation/s

Members of the Health and Wellbeing Board are recommended to:

- 2.1 Note the contents of the report.
- 2.2 Advise on any particular areas which the Board wishes to be updated on in more detail in relation to the Care Act.
- 2.3 Advise how organisations represented on the Board may wish to engage in assessments of their own readiness, in terms of both compliance and maximising the opportunities from the Act.

3. Policy Context

- 3.1 The Care Act sets out the new statutory framework for adult social care, preventative support and related functions including adult safeguarding.
- 3.2 It consolidates, modernises and replaces the existing laws relating to adult social care and establishes a range of new provisions. The changes are to be implemented from April 2015, with funding reforms (cap on costs) and appeals to be implemented from April 2016.

3.3 As set out in the previous report to the Board in August, the Act strongly supports the borough's strategic direction of integration, neighbourhood-based models of care and stronger communities.

3.4 Complying with the Act, however, remains a complex and significant endeavour which will require commitment from all partners over the coming two years of operational implementation.

4. Key Areas of Activity in Readiness for April 2015

4.1 **Personalised Assessment and Support Planning:** The Act introduces new national minimum eligibility criteria for people with care and support needs, and for unpaid family carers.

- A staff training programme will be rolled out in the New Year, which will cover legal compliance with the Act, as well as the culture change of moving to an assets-based approach. This approach looks at what individuals and those close to them can do rather than at an individual's problems and vulnerabilities. Every intervention should support the individual's relationships and informal networks of support, leaving them better informed, connected and more confident.
- Staff protocols are being written, which will set out the service standards and operational requirements for the key stages along the social care pathway.
- The Council is beginning work with SLAM to map changes required in integrated mental health services, in partnership with the other three main Councils that SLAM works with.
- The Council is evaluating options for on-line referrals and self assessments to improve access.

4.2 **Carers Support and Services:** Family carers will have access to personal budgets in their own right, and for their needs to trigger respite services for those they care for. This means that some voluntary sector services will become statutory functions.

- Joint Commissioners are preparing contract proposals, with consideration of the impact on the local voluntary sector.
- Social work teams will be reviewing family carers in a phased way to review their needs and transfer care packages to new arrangements.
- Local providers will be able to develop new projects to meet the needs of those carers most affected by caring and who are eligible for personal budgets to meet their needs.

4.3 **Safeguarding:** The Safeguarding Adults Board will be a statutory function, with prescribed strategic purpose and scope to oversee safeguarding of adults with care and support needs across Lewisham. The organisations which are members of the Board also have their responsibilities, including new operational requirements. Progress to date includes:

- Safeguarding Adult Board (SAB) action plan reviewed and updated.
- Presentation delivered to the SAB and actions agreed to establish current readiness of members, and the SAB as a whole, which will further inform the action plan to reach full compliance.
- Revised governance structure in development, integrated quality and performance monitoring across health and social care.
- A Provider Forum targeted at the voluntary sector was held in November and dedicated to safeguarding.

4.4 **Information and Advice:** These functions are now statutory requirements. Lewisham must provide a coherent and holistic offer of advice and information for all residents to enable them to make informed choices about their care and support. Activities include:

- A business case has been agreed for the development of the Council's website as the main repository and store of information. It will include a comprehensive local content and links to other sites such as NHS Choices. It will also contain new functionality such as the proposed on-line self-assessment and referral options.
- A strategic plan for Lewisham's information and advice offer is being prepared and will be brought forward in due course.
- NHS and other partners will be engaged in the strategic plan and subsequent management of public-facing information to ensure it is always accessible, up to date and that it answers the questions people have.

4.5 **Council Policy and other issues:** various specific policy issues are affected by the Act. Progress to date:

- A document setting out the new "Approach" to care and support, of maximising people's individual strengths and social or community resources, has been drafted and will be brought forward to the Healthier Communities Select Committee in January for agreement before distributing amongst all partners.

- The Council's Fairer Charging policy review is being consulted on currently (consultation ends 25th January).
- Local managers have been briefed on the changes to national policy areas such as which Council has funding responsibility for a person based on their residence and the way that respite care will be arranged and commissioned.

4.6 Partnership Policy and Practice Issues: various issues which relate to partner organisations or integrated services are affected. Progress to date includes

- Work with Children and Young People's Directorate and other stakeholders to map the new pathways required for young people in Transition to adulthood has begun, under the SEND reform programme
- New duties on how Council and NHS hospitals manage hospital discharge have been mapped and are being reviewed through the relevant Adult Integrated Care Programme workstream.
- SLAM's policy on aftercare for people with mental health conditions following a Section under the Mental Health Act is being reviewed
- Work with NOMS and London Probation Trust is underway to agree roles and processes for supporting people released from prison or being managed in the community under license.
- A briefing has been scheduled with Housing managers to explore the implications and opportunities of the Care Act.

5. Implications for NHS services and integrated services

- 5.1 Now we have the final statutory guidance, we can be clearer about the impacts on partner organisations, shared care pathways and other arrangements.
- 5.2 Any integrated services which include social care will need to adapt to ensure they are compliant with the new processes. Of the existing services, this will particularly apply to mental health services integrated with SLAM's health services.
- 5.3 Specific duties also apply to NHS organisations in the act, for example on safeguarding and hospital discharge, as referred to above.
- 5.3 Aside from the legal changes, everyone who interacts with social care will need to understand the changing culture and practice of social care as it moves towards an 'assets' based approach to comply with the statutory duty to meet relevant needs. This will be set out further in

Lewisham Council's approach to adult social care document, referred to earlier.

6. Financial implications

- 6.1 The costs of implementing the Care Act rely on forecasts, which have been a nationally contentious issue. There are entirely new duties coming into force, specifically around carers in 2015 and limitations on personal expenditure on care from 2016 which are challenging to model because there is no historic baseline.
- 6.2 We have undertaken modelling based on national guidance added to Lewisham data and intelligence. This is being refined further as independently commissioned research from the Institute for Public Care at Oxford Brookes is reporting back via London Councils.
- 6.3 In order to deal with the wider responsibilities and the increases in demand, Lewisham Council and CCG have allocated £800k in 2015-16 through the Better Care Fund. The Department of Health are also making a specific grant available. The value of this has not been announced for Lewisham but could be approx £900k.
- 6.4 Expenditure and performance will be closely tracked via monitoring of the Better Care Fund over 2015-16 and medium term forecasts revised in light of the picture that materialises.
- 6.5 An increase in expenditure will emerge from 2018-19 onwards as people reach the cap on care costs and the Council assumes funding liability for people who had been privately purchasing residential care and other high cost social care services.

7. Legal implications

- 7.1 The Care Act is the most far-reaching statutory change in Community Care and Adult Services since the National Assistance Act 1948. It replaces and consolidates the vast majority of the Community Care legislation enacted since then, consolidating it with common law decisions and principles established since the early 20th Century.
- 7.2 The new general duty of a local authority, in the case of an adult, is to promote that adult's well-being. "Well-being", in relation to an adult, means that adult's well-being so far as relating to any of the following—
 - (a) physical and mental health and emotional well-being;
 - (b) protection from abuse and neglect;
 - (c) control by the adult over day-to-day life (including over the care and support provided to the adult and the way in which it is provided);
 - (d) participation in work, education, training or recreation;
 - (e) social and economic well-being;
 - (f) domestic, family and personal relationships;

(g) the adult's contribution to society

- 7.2 This duty extends across all areas of the Council's activities, not just Adult Social Care. It also extends to partnership working with external agencies in all sectors.
- 7.3 There is a specific duty to integrate health and health-related services to promote welfare and wellbeing in service provision to adults, including preventative services.
- 7.4 There is a specific duty to develop diversity, quality and choice in service provision for the community. This is to be accomplished in consultation and joint working with partners from all sectors.
- 7.5 There is a prescriptive and detailed list of the matters to be covered in any needs assessment, and a carer's assessment for support needs.
- 7.6 A needs assessment must include all needs, whether or not they are eligible for services. Any non-eligible identified needs should be addressed by way of advice and signposting for assistance, if possible. There is a new emphasis on advice and signposting to provide a holistic level of support, from a preventative standpoint, to anyone undergoing an assessment.
- 7.7 A needs assessment must include an assessment of—
(a) the outcomes that the adult wishes to achieve in day-to-day life, and
(b) whether, or to what extent, the provision of care and support could contribute to the achievement of those outcomes.
Similar provisions apply to carers assessments. There is a new emphasis on the importance and role of carers.
- 7.8 Local Authorities must set up Safeguarding Adults Boards, to promote safeguarding issues and carry out safeguarding.

An SAB must arrange for there to be a review of any case in which—
(a) an adult in the SAB's area with needs for care and support (whether or not the local authority was meeting any of those needs) was, or the SAB suspects that the adult was, experiencing abuse or neglect, and
(b) the adult dies or—
there is reasonable cause for concern about how the SAB, a member of it, or some other person involved in the adult's case, acted.

Each member of the SAB must co-operate in and contribute to the carrying out of the review with a view to—
(a) identifying the lessons to be learnt from the adult's case, and
(b) applying those lessons to future cases.

7.9 There is a comprehensive set of statutory guidance now published for each aspect of the Care Act.

8. Crime and Disorder Implications

8.1 Joint working with the National Offender Management Service is happening locally and regionally, and will consider any crime and disorder implications arising from the new duties in the Care Act.

9. Equalities Implications

9.1 Equalities implications were thoroughly considered by the Department of Health as part of the development of the Care Act.

9.2 Any specific decisions local to Lewisham will be subject to EIAs where required as part of the relevant decision making process.

10. Environmental Implications

10.1 No environmental implications arise from this report.

11. Conclusion

11.1 The Care Act is a wholesale reframing of the law and guidance around adult social care and its related functions.

11.2 Lewisham is both well placed for the strategic direction of the Act and is progressing well with local implementation to achieve compliance. The engagement of partners will enable the benefits of the Act to be maximised in Lewisham.

Background Documents

Care Act Statutory Guidance:

<https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

Easy Read Version of the Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/365345/Making_Sure_the_Care_Act_Works_EASY_READ.pdf

LGA Resources on Care Act and social care reform:

http://www.local.gov.uk/care-support-reform/-/journal_content/56/10180/6527978/ARTICLE

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