

**REPORT TO:** Executive Board  
**DATE:** 26 March 2015  
**REPORTING OFFICER:** Strategic Director, Communities  
**PORTFOLIO:** Health & Wellbeing  
**SUBJECT:** Care Act Implementation  
**WARD(S):** Borough-wide

## **1.0 PURPOSE OF REPORT**

- 1.1** To present the following two amended policies which have significantly changed due to the implementation of the Care Act:
1. Assessment & Eligibility – Adult Social Care Services
  2. Carer’s Assessment & Eligibility – Adult Social Care Services
- 1.2** To outline the recommendations in relation to charging for carers and prevention services.

## **2.0 RECOMMENDED: That Executive Board**

- 1) agrees the two amended policies;**
- 2) agrees the recommendation not to charge for carers from April 1<sup>st</sup> 2015, and to review this decision in 12 months; and**
- 3) agrees the recommendation not to charge for prevention services in Halton.**

## **3.0 SUPPORTING INFORMATION**

- 3.1** On April 1<sup>st</sup> the following aspects of the Care Act will come into force:
- Halton will have a duty to provide prevention, information and advice services;
  - There will be a national minimum threshold for eligibility for both adults and Carers;
  - Carers will be entitled to an assessment, support services and review equal to that of any adult service user;
  - Those who pay for their own care (self-funders) will have the right to an assessment, advice and support planning;
  - There will be a universal system of Deferred Payments for residential care

### **3.2 Prevention**

The Care Act states that all Local Authorities will have a duty to provide prevention, information and advice services. In Halton we have a well-established base of prevention services that have been

developed over the past five years. As part of the Care Act implementation this area has been reviewed and it is clear that the Halton approach meets the requirements of the Care Act. However, there are also two areas that have been identified as needing to be strengthened:

1. Information provision- An information model is currently being completed via a group of members of the public supported by Halton Borough Council staff. This model will deliver an improved level of support for people who are seeking information in the borough.
2. Advocacy – an advocacy hub is being developed that will operate to support all types of advocacy from specialist high end to low-level support.

Within the Care Act there is a provision for LAs to charge for Prevention Service. However, in view of the description above of the well-established services and the expectation of any charging levied against these services, it is recommended that these services remain non-chargeable.

### **3.3 Adults & Carers Assessment and Eligibility**

The Care Act creates a single consistent route to establishing an entitlement to social care and support for all adults and Carers who have needs for care and support. A number of changes have been made to the assessment, support plan and review procedures to meet the new eligibility standard and these have resulted in changes to procedures and documentation, presented here as two new policies. These explain how the new assessment and eligibility processes will work for adults and Carers in Halton.

### **3.4 Safeguarding**

The Act sets out the council's responsibility for adult safeguarding, including responding to safeguarding enquiries, setting up a Safeguarding Adults Board, undertaking safeguarding reviews and sharing information relating to safeguarding issues amongst its key partners. Halton is currently meeting all of these duties, but is also carrying out two important areas of development. These are: a detailed strategic plan on behalf of the Safeguarding Adults Board and the 2014-15 Safeguarding Annual Report. The report will detail Halton's Safeguarding duties under the Act and how these have been met.

### **3.5 Carers**

The Care Act allows local authorities to charge Carers for care and support. However, the vast majority of councils choose not to charge. Halton has also decided not to do so, but will review the situation after 6 months. This is because there is a strong risk that charging Carers may impact adversely upon their willingness to continue with their

caring role. Halton will reappraise the situation, pending more accurate data on the actual number of Carers who will be requiring an assessment, rather than relying on estimates from the Lincolnshire model.

#### **4.0 POLICY IMPLICATIONS**

**4.1** The following amended policies are attached for agreement:

- Care Act Assessment and Eligibility  
(attached)
- Carers' Assessments and Eligibility  
(attached)

The three policies listed below are all new policies and are in the process of being finalised. They will be submitted to Executive Board in June 2015.

- Provider Service Closure 1 - Market Oversight and Management
- Provider Service Closure 2 – Managing a Planned Service Closure
- 4.2** • Provider Service Closure 3 – Managing an Unplanned Service Closure

The following policies will require only minor changes in order to reference the Care Act and are awaiting future agreement on Halton's new charging levels for 2015-16. Halton's Care Arranging Process is currently under development and only a part of it relates directly to the Care Act. Finally there will be a raft of Mental Health policies that will require minor changes which will amount to little more than referencing aspects of the Care Act. All of these are currently under development.

- Fairer Charging for Residential Services
- Fairer Charging for Non-Residential Services
- Personal Budgets / Direct Payments
- Deferred Payment
- The Care Arranging Process
- Mental Health Policies (11)

#### **5.0 FINANCIAL IMPLICATIONS**

**5.1** The Lincolnshire Model developed by Lincolnshire County Council attempts to estimate the additional cost to a particular local Authority, as a result of the implementation of the Care Act. In particular, it focuses on the effects of: the increase in assessment uptake as a result of the new statutory responsibilities to Carers; effects of an increase in Deferred Payments and the extra legal costs in to the council in the administration of this; Additional assessment activity from new individuals and self-funders; the loss of any existing service user income and any increase in Asset Thresholds. One interesting

feature of the model is that the impact of the Act on Halton reduces over time. The model is an estimating exercise and the assumptions on which it is based will change over time as the impact of the Act progresses post April 1<sup>st</sup>. Because of this any estimates from the model will change over time. For this reason its parameters are updated regularly and a separate version produced. The model has been accepted by ADASS and the LGA as the best approach to monitor the effects of the Act's implementation within the NW.

The data emerging from the most recent application of the Lincolnshire model (14/01/15) makes it clear that additional staff will be required in order to cope with the expected increase in carers and self-funders and totally new individuals seeking assessments and information about services. As a result a number of posts have been agreed in Halton. This equates to 10.6 FTE posts for a total of £346,224. The effects of the proposed changes in staffing levels have been incorporated into budgets for 2015/16.

The total budget that has been allocated to Halton Borough Council for implementing the Care Act is £1,135,000.

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

The Care Act is the most significant policy change that the Local Authority has faced in a generation. The implementation and the ongoing review of changes is vital to deliver the main themes of the Act, whilst still maintaining focus on the Council's priorities.

### **6.1 Children & Young People in Halton**

There are no implications for this priority.

### **6.2 Employment, Learning & Skills in Halton**

The Act has a central role for carers and puts them on a par with any other adult in providing them with an assessment, whether or not they are funding their own care. Their wellbeing is viewed as crucial in enabling them to carry out their caring role. This concept of wellbeing is defined to enable them to:

- Connect with others
- Remain active
- Take notice of available opportunities
- Learn
- Give (the caring role)

Hence, the expected increase in Carers will also result in a significant increase in access to learning, employment and skills in Halton.

### **6.3 A Healthy Halton**

The Care Act will have a significant impact on Healthy Halton due to its emphasis on Prevention and Wellbeing as a means of reducing the

early slide into long-term care in either a care home or hospital. Instead, people are cared for in their own home as long as possible.

#### **6.4 A Safer Halton**

None identified.

#### **6.5 Halton's Urban Renewal**

None identified.

### **7.0 RISK ANALYSIS**

**7.1** The Council's current budget model (Lincolnshire model) for the Care Act implementation predicts that there will be a significant increase in:

- The number of carers who will require an assessment – the model implies a doubling;
- The number of individuals who are funding their own care is expected to increase almost five-fold;
- New individuals coming forward for assessment as a result of media information about the Act over February – March 2015;
- If increases in staff levels are not approved Halton is unlikely to be able to meet its statutory obligations under the Care Act for the year 2015/16.

### **8.0 EQUALITY & DIVERSITY ISSUES**

**8.1** There are no Equality and Diversity implications arising as a result of the proposed action.

### **9.0 REASON(S) FOR DECISION**

The Care Act is a statutory requirement of all Local Authorities. The policies submitted with this report are the most significant in terms of Adult Social Care.

### **10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

No other options were considered as this is a statutory requirement and therefore the policies have to be amended in line with the Act.

### **11.0 IMPLEMENTATION DATE**

1<sup>st</sup> April 2015

### **12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None under the meaning of the Act.

