Caring for our future: reforming care and support

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Summary

This policy briefing explores the government’s adult social care White Paper with reference to the draft Care and Support Bill and the progress report on social care funding reform.

We will be publishing a more detailed briefing(s) on the Bill, funding reform and other related issues.

The report from the Local Government All Party Parliamentary Group (APPG) on the future of adult social care, written by the LGiU, will be launched on Monday 16 July.

This briefing will be of interest to a wide range of members and officers, especially those working in social care, health and wellbeing and housing and those in the centre and finance.

Overview

The government has produced a series of documents on the future of adult social care. Most prominent are:

- The White Paper *Caring for our future: reforming care and support* – an overarching vision for adult social care
- A draft *Care and Support Bill* – legislates for measures in the vision, particularly responding to the Law Commission’s call for streamlining social care legislation
- *Caring for our future: progress report on funding reform* – how the government intends to respond to the Dilnot Commission’s recommendations.
- A consultation on a new adult safeguarding power.
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This briefing focuses on the measures in the White Paper which provide an overview of key intentions across all documents. LGiU will produce further briefings on more detailed aspects of the reforms. Some headlines include:

- Government agreement with the principles of the Dilnot Commission’s model of financial protection through capped costs and an extended means test, but funding reform needs to be considered alongside other priorities and decisions will take place at the time of the next Spending Review.

- Legislation to allow portable assessments across local authority areas; extend the rights of carers to an assessment and to receive support if they are entitled to this; and to entitle people to a personal budget for their care package.

- Emphasis on housing, with a new care and support housing fund to stimulate specialised housing for older and disabled people with £200 million over five years.

- A further £100 million in 2013-14 and £200 million in 2014-15 invested in joint funding between the NHS and social care, and to cover costs for local authorities of implementing measures in the White Paper.

- A new statutory framework for adult safeguarding.

- A national minimum eligibility threshold from 2015.

The final section of the White Paper sets out a timetable of action for the reforms up to April 2015.

These social care reforms are presented as ‘radical’ and the greatest system transformation since 1948, but it is difficult to endorse this view. Rather the reforms seem to consolidate the existing vision of adult social care as based on choice, control, quality, community development and early intervention, with some positive new measures to streamline legislation, provide more national consistency and tackle problems of quality in provision.

While there is much to welcome, as most commentators have pointed out neither the White Paper, the draft Care and Support Bill, nor the update on resources address the fundamental problem facing adult social care: insufficient funding.
Briefing in full

The measures in the White Paper are categorised in outcome statements from people who use services and carers.

‘I am supported to maintain my independence for as long as possible’

Supporting communities to be active and inclusive

The government will support the role of communities by encouraging approaches such as asset-based community development, and supporting the voluntary and community sectors.

The Public Health and Adult Social Care Outcomes Frameworks for 2013-14, published in the autumn, will have shared measures relating to wellbeing. The government will also work with the care sector to establish measures for loneliness to help identify isolation. An atlas of variation in wellbeing to allow local authorities identify areas for improvement will be published by April 2013.

Prevention and early intervention will be a core local authority role. The draft Care and Support Bill will give local authorities a duty to incorporate preventative practice and early intervention into care commissioning and planning.

Communities will be involved in decisions about health and care through the involvement of local Healthwatch in health and wellbeing boards. The government expects local commissioners to identify the skills and capacities of communities in their Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and to consider how to support these. The Think Local Act Personal (TLAP) partnership and Public Health England will establish a collaborative network to support the spread of community-based approaches.

The government will build on evidence from Social Work Practice Pilots and will work with the Social Work Colleges to ensure that community development approaches are built into future practice.

The White Paper refers to existing plans to train 5000 community organisers and to promote the growth of user-led organisations. It will expect councils (including parish councils) to use spaces and buildings for community activity. It will support My Home Life and national care providers to develop ‘open care homes’ that build links with local communities. Healthwatch visitors will help connect care home residents with communities.

The government will work to stimulate the development of time banks, time credits and other approaches that help people share time and skills. It will provide start-up
funding through the Health and Social Care Volunteering Fund and will work with Community Service Volunteers and others to lead a ‘call to care’.

The government will set up a number of trailblazer areas to develop new ways of investing in care and support such as Social Impact Bonds which balance financial reward with social benefits. These are a type of ‘payment by results’ tool in which taxpayer funding is only used if services are successful. Further details will be published in the autumn.

A national care and support evidence library will be established to be a bank of best practice to assist commissioners.

**Housing**

The draft Care and Support Bill will give new duties to local authorities to ensure that adult social care and housing departments work together with the aim of joining up adaptations and home repair services with care and support. A new toolkit *Planning ahead: effective planning for housing and care in later life* is due shortly.

A new care and support housing fund will provide £200 million capital funding over five years to support the development of specialist housing for older and disabled people. Extra care housing is seen as a particularly good model. The NHS and local authorities should give particular attention to the use of surplus NHS land for specialised housing.

The White Paper points to investment the government is already making in the Disabled Facilities Grant and handypersons services. It will work with the national body for Home Improvement Agencies to extend services to people who fund their own adaptations. The government will help accelerate the roll out of assistive technology through a range of incentives and support.

‘I understand how care and support works and what my entitlements and responsibilities are’

**Information and advice**

The White Paper points to the new national information portal for health and care advice [www.nhs.uk](http://www.nhs.uk) which will have a directory of care providers including provider quality profiles. Local authorities will have information on local service options linked to the national directory. The government will legislate to ensure that people get information on how the care and support system works locally. It expects local authorities to ‘radically improve’ online information; start-up funding of £32.5 million over two years from 2014-15 will be provided.
Assessment, eligibility and portability

To achieve greater national consistency in access to care, the government will set a national minimum eligibility threshold from 2015. Councils will not be able to raise the threshold, though they could lower it. The White Paper suggests that most councils will be setting their threshold at 'substantial' by 2015. It will review the position nearer the time to determine where the national threshold should lie. It states that there is no need for local authorities to tighten current thresholds in the meantime.

The government will work with partners on options for a new assessment and eligibility framework which will take into account the skills and goals of people seeking to access support; it will also be streamlined, easier to understand and will encourage more self assessment.

To enable people to move more easily around the country, the government will legislate for portability – councils will meet existing assessed needs until they have carried out their own assessment. The draft Care and Support Bill also sets out new duties for councils to share information.

The government is keen for new providers (social enterprises and the independent sector) to offer assessment and care management services and will test options for the new framework. The Right to Provide initiative in which frontline staff can set up organisations will be supported by the Social Enterprise Investment Fund.

The new assessment framework will make it clear where responsibility for support and help in prison lies. From October 2012 members of the armed forces injured on active service will not be required to use Guaranteed Income Payments for social care.

Carers’ support

From April 2013 the NHS Commissioning Board and clinical commissioning groups will be responsible for working with local authorities and carers organisations to agree plans and budgets for identifying and supporting carers. The government will work with the Employers for Carers forum to produce a roadmap for action to support carers in the workforce. The draft Care and Support Bill extends carers’ rights to an assessment and for the first time entitles them to have assessed eligible needs met to maintain health and wellbeing. The national minimum eligibility threshold will apply to carers.

‘I am happy with the quality of my care and support’

High quality care – principles and standards
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The White Paper indicates it is vital that everyone understands what good care and support looks like and is clear on roles and responsibilities. It sets out a model with three components – safety, effectiveness and positive experience. The government has commissioned TLAP to develop work on increasing public understanding of care and support. A final version of a framework will be published by the end of 2012 taking into account TLAP’s work. The caring for our future website provides models of care.

The White Paper points to the ban on age discrimination in health and care coming into effect in October. It also describes the government’s review of the Care Quality Commission and work the CQC has done to improve its work, including a new action plan and regulatory model.

**Improving quality**

From 11th July 2012 every registered residential or home care provider will have a provider quality profile on the NHS and social care information website at www.nhs.uk. Provider quality profiles will be developed so that by April 2013 there will be a range of information online, such as Healthwatch reports when available and information about complaints. The profiles will continue to be developed, and the government will support the production of independent quality ratings from a range of care comparison websites; direct user and carer feedback will also be encouraged.

The local Ombudsman is committed to publishing data on complaints and how they are resolved by 2013 – these will include data on named local authorities or providers against which complaints have been upheld.

The government will provide training for local Healthwatch to take on their responsibilities including a good understanding of human rights in care homes. They will also support work led by voluntary organisations and the care home sector to help local Healthwatch make best use of lay people and undertake a programme of connecting care homes with communities. This will be tested later this year in specific areas.

As already announced, the role of the National Institute for Health and Clinical Excellence (NICE) will extend into adults’ and children’s social care; two standards are being piloted – dementia care and the health and wellbeing of looked after children. Home care has been referred to NICE as a topic for a quality standard. A comprehensive library of standards will be developed from April 2013. A new care audit based on the NICE dementia standards will be piloted in residential care in 2013, and if successful the method will be rolled out.

Legislation will give clearer duties for local authorities, the police and the NHS to work together to prevent and address abuse, with local authorities convening statutory Safeguarding Adults Board with core membership. Boards will work with
the community (including local Healthwatch) to publish a plan of their priorities and produce an annual report. The government is consulting on whether a new power should be created for local authority access to a person who may be at risk of abuse or neglect, in cases where the local authority may not otherwise be able to carry out a safeguarding enquiry.

**A better local care market**

The government will introduce a duty on local authorities to promote diversity and quality in the provision of care, and will offer support to local authorities to create or further develop market position statements.

The government will build on dialogue that has started between the Association of Directors of Adult Social Services (Adass) and care providers about fee levels and commissioning practices. It will encourage commissioning on the basis of quality, outcomes, value for money and payment by results. It believes that tight ‘time and task’ contracting involving ten or fifteen minute home care visits are unacceptable. It points to the responsibility of employers to ensure that home care staff are not paid below the minimum wage and will work with the Low Pay Commission on this.

The government is continuing to work with Adass and care providers on market intelligence to avoid chaotic closures of care provision as in Southern Cross. It is forming proposals for continuity of care should a provider go out of business and will consult on these in the autumn. For instance, the government will not support ailing businesses with tax payers funding, it will clarify and strengthen local authorities’ lead role in ensure appropriate care is available, and it will seek views on what further targeted action is needed, and how to collect better market and provider intelligence.

‘*I know the person giving me care and support will treat me with dignity and respect*’

**Workforce**

The government will ensure dignity and respect are fundamental to the new code of conduct and national minimum training standards for care workers which will be published by September 2012. The Care Quality Commission should use these standards and information about staffing levels and skill mix in its inspection and registration processes.

Personal assistants and their employers will be offered greater support and training through the Workforce Development Fund. The government will also explore the development of a PA index and promote better understanding of the role of PAs.

The government remains committed to the social work reform programme and intends that the role of social workers will be more focused on interpersonal support,
and promoting choice and control. A Chief Social Worker will be appointed by the end of 2012 to provide a leadership role for the profession, drive reform and advise government. The government intends to make jobs in social care more attractive and better skilled by training more care workers, with an ambition to double the number of care apprenticeships to 100,000 by 2017.

The government will establish a new Leadership Forum to develop leadership skills at all levels of the workforce. The Forum will work with the National Skills Academy for Social Care to help the government explore how to strengthen the status of registered managers as critical leaders and advocates of quality.

‘I am in control of my care and support’

**Personalised care and support**

The government will legislate to give people control over their care through an entitlement to a personal budget. It continues to expect local authorities to meet the objective of all eligible people having a personal budget by April 2013. The draft Bill sets out a duty to inform people about any rights to direct payments, and the government will continue to encourage the sector to increase their use. The government intends to test the costs and benefits of direct payments for residential care in some areas. The draft Bill sets out an overarching principle for care and support, which must promote the wellbeing of the individual.

Local authorities will be required to develop and commission a range of independent advice and support options, and the government will encourage new models such as peer networks and well-tried models such as advocacy. The draft Bill sets out plans to enable people to request the assistance of their local authority with the development of a care and support plan for their eligible needs – subject to a reasonable charge for people who can afford this.

To encourage more people in residential care into employment, from April 2013, the government will exempt income from employment for residential care charges.

**Integration and joined-up care**

In addition to the NHS Mandate and the Outcomes Frameworks, the draft Bill will set a duty for local authorities to promote the integration of services and will provide for further duties of co-operation for local partners. A further £100 million in 2013-14 and £200 million in 2014-15 over and above the Spending Review funding of £2.7 billion will be invested in joint funding between the NHS and social care for integrated provision. Health and wellbeing boards should determine how the investment is best used. The funding will also cover the costs to local authorities of the reforms in the White Paper.
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Subject to evaluation of personal health budgets, the government intends to make it straightforward for people to combine these with personal social care budgets.

The government wants to improve care coordination so that people are assisted to navigate the care system so this becomes standard practice across hospital, community health and social care with universal care plans and named coordinators.

Later this year the government will publish a co-produced framework to support removing barriers to integrated care, including proposals for measuring peoples’ experience, sharing tools and innovation and developing coordinated care models for older people. There will be a focus on better integration at key transition points such as hospital discharge and in residential care.

The government supports the Palliative Care Funding Review approach and will introduce a new funding system from 2015. It will use the eight palliative care funding pilots to consider the costs and benefits of proposals such as free end of life social care. It will also be asking some of the pilots to look at new models of service design and will increase their funding to do this. In the meantime guidance for local authorities and the NHS will be updated to encourage better transitions.

Comment

The White Paper and associated documents continue the shift to person-centred social care and nearly all of the measures identified are welcome, for instance extended rights for carers, portability of assessments, greater recognition of the role of personal assistants, a focus on integrated services, and greater emphasis on prevention, housing and community development. The government has clearly listened to concerns and ideas from a range of stakeholders.

The exact nature and wording of specific measures in the draft Bill, particularly new duties on local authorities, will need to be looked at closely during the pre-legislative scrutiny and consultation period.

However, as well as the major issue of no resolution to the problem of social care funding, the gaps in these documents lie between aspiration and achievability. For instance:

The measures set out with the intention of ‘ruling out crude contracting by the minute’ involve further discussions with sector leaders rather than concrete proposals, so changes to tight ‘time and task’ contracting do not seem achievable in the short term.

In cash-strapped authorities a duty for prevention and early intervention is unlikely to result in much greater activity? It is also difficult to see how the reforms in the White

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Paper really ‘shift resources toward prevention and intervention’. The only real cause for optimism is that the new public health role may allow some better targeting in this area.

Related briefings

Health Select Committee report on adult social care
http://www.lgiu.org.uk/briefing/health-select-committee-report-on-social-care/

Fairer care funding: Dilnot Commission report

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