

Report of Director of Adult Social Services

Report to Leeds City Council Executive Board

Date: 9th January 2013

Subject: Reform of Adult Social Care and Support

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Government recently set out its plans for social care in England in its White Paper 'Caring for our future: reforming care and support'. This was accompanied by further reports and notices, including a progress report on funding reform, a draft Care and Support bill and a response to the Law Commission's May 2010 report recommending changes in adult social care law. The plans will, once enacted, serve to accelerate the implementation of social care legislation and national social policy which has been introduced over the last five years.
2. Local policy for the development of care and support for people with social care needs is substantially aligned to the requirements of the new national policy direction.
3. The Council has articulated its strategy to make Leeds the best city in the UK for people with social care needs to live, under the title 'Better Lives for Leeds'. This sets out how the Council intends to make Leeds a city which offers its citizens the best support in maintaining their health and wellbeing and helps citizens with care and support needs enjoy better lives. 'Better Lives for Leeds', was launched at an event chaired by Cllr Yeadon held on the 14 December 2012

Recommendations

1. The Executive Board is asked to note the contents of this report, particularly the requirements that will be made of adult social care services in the future consequent to the passage of this legislation.

1 Purpose of this report

- 1.1 This report provides Members with a summary of the Government's plans for the development of social care and support in England. It offers Members of the Executive Board a highlighted summary of Leeds current position in relation to the proposals.

2 Background information

- 2.1 Recent national government policy and sector led guidance are transforming the way that adult social care is being delivered. The "Our Health, Our Care, Our Say" (2006) White Paper outlined the key elements of a reformed adult social care system in England.
- 2.2 The cross government concordat "Putting People First" was published in December 2007 and gave shape to the overall policy. This agreement was developed in conjunction with the Local Government Association, the Association of Directors of Adult Social Services, the Commission for Social Care Inspection and adult social care provider organisations. This set out a timetable for implementation which included an expectation that from October 2010, all service users with assessed need for ongoing support, are offered a budget either at the point of their assessment or at a review of their care plan. This agreement was subsequently supported by the Department of Health circular, "Transforming Social Care" (LAC2008/01) which established expectations for local authorities in implementing the changes.
- 2.3 In November 2010, the Department of Health published "A vision for adult social care: Capable communities and active citizens ". The Vision sets out how the Government wishes to see services delivered for people; a new direction for adult social care setting putting personalised services and outcomes centre stage.
- 2.4 The document lays out a vision for a modern system of social care which is built on seven key principles:
- Personalisation: individuals not institutions take control of their care. Personal budgets, preferably as direct payments, are provided to all eligible people. Information about care and support is available for all local people, regardless of whether or not they fund their own care.
 - Partnership: care and support delivered in a partnership between individuals, communities, the voluntary and private sectors, the NHS and councils - including wider support services, such as housing.
 - Plurality: the variety of people's needs is matched by diverse service provision, with a broad market of high quality service providers.
 - Protection: there are sensible safeguards against the risk of abuse or neglect. Risk is no longer an excuse to limit people's freedom.
 - Productivity: greater local accountability will drive improvements and innovation to deliver higher productivity and high quality care and support

services. A focus on publishing information about agreed quality outcomes will support transparency and accountability.

- People: communities can draw on a workforce who can provide care and support with skill, compassion and imagination, and who are given the freedom and support to do so.

2.5 At that time the Government undertook to bring forward legislative proposals to turn the vision set out into a reality.

3. Main issues

3.1 In July 2012, therefore national government published its plans for social care in England in its White Paper 'Caring for our future: reforming care and support' and in a number of accompanying reports and notices, including a progress report on funding reform, a draft Care and Support Bill and a response to the Law Commission's May 2010 report recommending changes in adult social care law.

Draft Care and Support Bill

3.2 The draft Care and Support Bill, once enacted, will create a single statute for adult care and support in England. Existing legislation is deemed to be in need of significant reform. It is very difficult for the people who need care, carers and even those who manage the system to understand the current statutory framework. There are currently around 30 related Acts of Parliament dealing with adult social care. The base statute is still the 1948 National Assistance Act. Since that time the law has been added to piece by piece, with few attempts made to update, reform or consolidate. Existing statute is therefore full of anomalies, where people are treated differently without any clear rationale.

3.3 The draft Bill is intended remedy this, offering a focus on needs and outcomes, with clarity for the role of Local Authorities. It incorporates a vision for social care which:

- promotes people's independence and wellbeing by enabling them to prevent and to postpone the need for care and support.
- transforms people's experience of care and support, putting them in control and ensuring that services respond to what they want.

As a result, the government expect people to be able to say:

1. "I am supported to maintain my independence for as long as possible"
2. "I understand how care and support works, and what my entitlements are"
3. "I am happy with the quality of my care and support"
4. "I know that the person giving me care and support will treat me with dignity and respect"
5. "I am in control of my care and support"

3.4 The draft Bill includes a number of key provisions:

- A new statutory principle which embeds individual well-being as the driving force underpinning the provision of care and support.

- Population-level duties on local authorities to provide information and advice, to make available prevention services, and to shape the market for care and support services.
- Duties to promote cooperation and integration to improve the way public authorities work together.
- The legislation clarifies people's rights and entitlements. It will create a national eligibility framework of entitlement to care and support; create new rights to request local authority support; for carers to have needs met and for plans and personal budgets.
- The bill contains provisions on portability for care plans, to ensure care needs are met when a person moves areas.
- The bill will generate a first statutory framework for adult safeguarding, setting out the key responsibilities of local authorities and their partners, and creating Safeguarding Adults Boards in every area.
- It includes provisions to support better transition from children's services for young people, young carers and parent carers, including protections to ensure no gap in services over transition.
- Other legislative provisions contained within the bill include powers to recover debts and a new power for local authorities to delegate social care functions to a third party.

3.5 The national consultation about the Care and Support Bill ended on the 19th October 2012. Responses were fed directly into the process of parliamentary scrutiny.

Caring for our future: reforming care and support' White Paper

3.6 The White Paper set out a lot of context for what the Government wants to achieve in social care in the next ten years through legislation and other means. The main recommendations of the paper are included in the draft Bill and are outlined above. Additional recommendations include:

- Establishing a new capital fund, worth £200 million over five years, to support the development of specialised housing for older and disabled people. Although the £200 million fund will look mainly at providing specialised housing for older people as the population ages, the White Paper contains a plan for the Government to set out duties for local authorities to ensure that adult social care and housing departments work together. The Leeds approach to this is incorporated into the Housing Care Futures programme with a report on proposals for Leeds due to the Executive Board in January 2013.
- Introducing a national minimum eligibility threshold to ensure greater national consistency in access to care and support, and ensuring that no-one's care is interrupted if they move. The national threshold will be introduced from 2015 but there is no indication of where this threshold would be set. The Government expects that by 2015 the significant majority of local authorities will have eligibility thresholds set at the "substantial" level. The minimum threshold will be supported by the development of a potential new assessment and eligibility framework. In Leeds the threshold has been set at 'substantial' for the last 6 years.

- The government's goal remains that everyone possible who is eligible for non-residential care should have a personal budget, preferably as a direct payment, by 2013. A duty will be introduced on local authorities to inform people about care needs that could be met through a direct payment. Leeds is currently in the middle of a major programme developing a 'personalised' approach to service delivery. This is creating and encouraging new options for people in Leeds with social care needs. These actions will move public funding away from directly-provided services and towards individuals who will be able to pay for the care they want.
- The White Paper also suggests that new models of advice and support such as peer networks and user-led organisations could also help to bring people together to purchase care and support collectively. Leeds is well placed to promote this having established the Centre for Integrated Living.
- Improving access to independent advice to help people eligible for financial support from their local authority to develop their care and support plan. Leeds is well placed to promote this having supported the development of local services such as the neighbourhood networks and the Leeds Directory.
- Investing a further £100 million in 2013/14 and £200 million in 2014/15 in joint funding between the NHS and social care to support better integrated care and support. This money will be transferred from the health system to local authorities to promote better joined up working. This builds on the £2.4 billion already transferred up to 2014/15. Local authorities and clinical commissioning groups will work together on health and wellbeing boards to determine how this investment is best used to support and promote innovation and integrated working between health and care. Integrated care in Leeds has been the subject of previous reports to the Executive Board (October 2012) and Scrutiny Board (November 12).

3.7 The White Paper also sets out the following actions:

- Placing dignity and respect at the heart of a new code of conduct and minimum training standards for care workers.
- Developing and implementing, in a number of trailblazer areas, new ways of investing in and supporting people to stay active and independent, such as Social Impact Bonds.
- Establishing a new national information website, to provide a clear and reliable source of information on care and support, and investing £32.5 million in better local online services.
- Extending the right to an assessment to more carers and introducing a clear entitlement to support to help them maintain their own health and wellbeing.
- Working with a range of organisations to develop comparison websites that make it easy for people to give feedback and compare the quality of care providers.
- Ruling out crude 'contracting by the minute', which can undermine dignity and choice for those who use care and support.

- Consulting on further steps to ensure service continuity for people using care and support, should a provider go out of business.
- Training more care workers to deliver high-quality care, including an ambition to double the number of care apprenticeships to 100,000 by 2017.
- Appointing a Chief Social Worker by the end of 2012.

3.8 One of the accompanying reports is 'Caring for our future: progress report on funding reform'. This outlines the government's support for the principle of capping lifetime costs of adult social care on which Andrew Dilnot's 'capped cost model' is based. It recognises that protecting people against very high care costs would provide peace of mind and enable people to plan and prepare for their future care needs. The Government states that,

"the principles of the (Dilnot) Commission's model would be the right basis for any new funding model - financial protection through capped costs and an extended means test".

3.9 Although the Government states its intention is to base a new funding model on the principles of capping an individual's lifetime care costs,

"...there remain a number of important questions and trade-offs to be considered about how those principles could be applied to any reformed system... Given the size of the structural deficit and the economic situation we face, we are unable to commit to introducing the new system at this stage". This outlines the government's support for the principle of capping lifetime costs of adult social care although it is unable to commit to a timetable for introducing the new system given the current economic climate.

The Government have identified a number of key questions which it has still to resolve and has stated its intention undertake further consultation about these. In particular these include:

- the level at which a financial cap for services should be set;
- the scope of what is counted in the cap;
- the ongoing contribution to general living costs individuals are expected to make;
- whether to choose a universal system for pooling the risk or establishing a voluntary or opt-in funding system;
- and the level to which the means-test could be extended to address the concerns of people with modest savings or housing wealth.

The financial impact on councils will be difficult to assess accurately and there is a concern that additional government funding will not be sufficient to compensate for the loss of income from client contributions. The government has clarified that any cap will apply to an individual's lifetime care costs, not their care contributions, so they will reach the cap much more quickly on this basis, increasing the additional costs to be borne by councils.

The ageing population and growing care costs for people with learning disabilities are increasing the financial pressures on councils across the country. At the same time local government is facing very significant funding reductions that are likely to

continue until 2018. In this difficult context it is very important that a sustainable long term funding model for Adult Social Care services is introduced as soon as possible. Without this, the growing costs for councils in meeting statutory social care obligations will compound the already significant impact on other council services of government funding reductions.

- 3.10 The Government has committed to a universal system of deferred payments for residential care. This will mean that no-one would be forced to sell their house in their lifetime to pay for care. The Commission on the future funding of care and support had recommended that councils could recoup these costs through charging interest and the Government has accepted this recommendation. As the council already provides a system of deferred payments for residential care it is unlikely that the national commitment will have significant financial implications in Leeds.

Leeds in relationship to the proposals

- 3.11 The Council has articulated its local policy for the development of care and support for people with social care needs under the title 'Better Lives for Leeds'. This strategy is substantially aligned to the new national policy direction. Outlined below are some examples of Leeds current position in relationship to the proposals.

"I am supported to maintain my independence for as long as possible"

- 3.12 Leeds is already amongst the highest investors in preventative direct access social care services in the country. Its Neighbourhood Networks have received national attention for their innovative support for older people. Recent developments include pilot work to enable older people with care and support needs to more effectively access support from local volunteers and other community assets as part of their personal support programme.
- 3.13 The Council is developing effective mechanisms for involving communities in decisions around health and care services through its commissioning of the local Healthwatch and in the developments of the Leeds Health and Wellbeing Board.
- 3.14 The Council is supporting social workers to connect people at risk of isolation to community groups and networks through strengthening its involvement with Neighbourhood Networks and other community organisations and is supporting front line social care workers to identify and respond to individuals at risk.
- 3.15 Leeds is part of the 'My Home Life' programme and is working with national care provider organisations to develop 'open care homes' that build links with their local community. It has established a small number of time banks to help people share their time, talent and skills in communities. It has also, with two other local authority partners, made a substantial application to the Big Society Bank to generate start-up capital to fund a programme to enhance capacity in local communities to support people with social care needs.

“I understand how care and support works, and what my entitlements are”

- 3.16 Leeds has established a Leeds Directory to help people with social care needs to access information about local care and support options and is working in a regional consortium to establish new online services which will enable people to purchase care and support through an internet based ‘e.market place’. This will provide improved opportunities for people seeking to fund their own services to access care and support.
- 3.17 Leeds has an established carers’ strategy which has been agreed by NHS, local authorities and local carers’ organisations. The Leeds Carers Expert Advisory Group has strong connections with Employment Support Agencies to support carers to remain in the workforce and Leeds has located a social worker in the Leeds Carers’ Centre to help people access care and support more easily.

“I am happy with the quality of my care and support”

- 3.18 The Council has established and agreed with core providers, local quality frameworks for domiciliary, residential and nursing care which set out for service users what good quality care and support looks like and what people should expect from their care providers. It is taking steps to enable people to access clear information about the quality of individual care providers. This work is at an early stage and further progress will take place over the coming year. The Local Account for Leeds 2012/13, “Better Lives Explained” provides another way for citizens to be informed of the overall quality of social care and support services in Leeds. The Local Account is being reported at the January 2013 Executive Board.
- 3.19 Leeds has recently produced a draft Dementia strategy and has a Framework and Principles for Ageing Well. Leeds is currently commissioning a health needs assessment for dementia for 2012/13.

“I know that the person giving me care and support will treat me with dignity and respect”

- 3.20 Leeds has a strong history of supporting the ‘Dignity in Care’ campaign and dignity and respect are embedded within all staff training modules and induction programmes.
- 3.21 A key component of the Adult Social Care human resources strategy includes support for independent sector provision. Personal Assistants and their employers are therefore getting more support and training to improve recruitment and the quality of care and support delivered. The Council is involved in the national Care Ambassadors scheme to promote positive image of care in schools, colleges, careers and job services.

“I am in control of my care and support”

- 3.22 The Council has commissioned the Centre for Integrated Living to improve access to independent advice for people with care and support needs who choose local

authority support. It is also implementing a pilot looking at community groups providing direct support for people to develop care plans.

- 3.23 Leeds has established a significant programme for the integration of some health and social care services so that people with health and social care needs can have their treatment, care and support combined in a single integrated package, which they will be able to control. This will provide more effective coordination of services and give a better experience of support.

'Better Lives for Leeds' Strategy

- 3.24 The Council has articulated a 'Better Lives for Leeds' strategy to make Leeds the best city in the UK for people with social care needs to live. This sets out how the Council intends to make Leeds a city which offers its citizens the best support in maintaining their health and wellbeing and helps citizens with care and support needs enjoy better lives. The Council has been working with a broad range of organisations to deliver wider care and support choices and create better ways for people to gain access to them.

- 3.25 During the next 12 months, priorities for delivering better lives will focus on:

- Better lives through integrated services

by delivering the new city-wide Health and Wellbeing strategy, through which we will provide easier access to joined-up health and social care services, which will recognise the whole person, not a medical condition or a care and support need.

People with social care needs will receive co-ordinated, effective, personalised support from a range of agencies in the health, social care, independent and third sectors, all working together. These same services will, where possible, help people with poor physical or mental health to learn or re-learn the skills they need for independent daily living.

- Better lives through housing care and support

by extending the use of personal budgets, which are being used successfully by a growing number of people who are improving their own lives through taking control of their housing, care and support needs.

We will improve the range of daytime activities for people with eligible needs, providing them with the day-to-day support they need to stay living at home, or close to home, for longer. People whose circumstances make them vulnerable in living safely and independently will be given the safeguarding and support they need to stay in control of their lives.

- Better lives through enterprise

by ensuring resources are efficiently matched and directed towards those with the greatest need.

Existing and new kinds of enterprise will be developed in the Leeds care market which will provide a variety of services that are geared to respond to people with all levels of support and care need.

- 3.26 'Better Lives for Leeds', was launched at an event chaired by Cllr Yeadon held on the 14 December 2012 before a group of service users, carers and local health and social care providers.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 At present no consultation has been undertaken by Leeds City Council, however central government have undertaken a formal consultation of their proposals and this will be taken into account when undertaking any local transformation of services engendered by this legislation.
- 4.1.2 Social care and support strategies in the city are being developed and monitored through an equal and reciprocal relationship between professionals, people using services, their families and their neighbours. The Council and local communities are thereby making better use of each other's assets and resources to achieve better outcomes and improve efficiency. The Better Lives strategy is being developed by people with social care needs; carers of people who need care and support and council officers working together. The Council intend to establish this approach as a clear foundation for future developments for adult social care and support in the city by launching a Leeds 'Better Lives Board' which would provide community leadership for the local development of personalised adult social care services by actively involving people, carers, families and communities in the design, development, delivery and review of social care arrangements and by securing greater cooperation and better use of resources across public services.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Adult Social Care Directorate seeks to ensure that services are provided on the basis of identified need only and no other criteria is taken into account. Routes to access these services are expected to be fair and equitable and that social care support meets those needs in a manner that is appropriate to individual culture and ethnic requirements.
- 4.2.2 Adult Social Care assures that it meets these requirements through the Equality Impact process, ensuring that all changes and developments within the Directorate's remit are appropriately and proportionately assessed, and an equality screening tool has been undertaken. Such assessment seeks to identify whether barriers to the service for any specific equality group exist or may be created by changes to policy or services and where appropriate identifies what can be done to mitigate or remove those barriers prior to the decision making process. Such assessments are freely available on the internet for any member of the public to access. The proposals contained within this report are unlikely to have a differential impact for the different equality characteristics.

4.3 Council policies and City Priorities

- 4.3.1 This report refers to national policy for social care and support. It provides a context within which the drivers for changes to current arrangements for adult social care can be understood by citizens of Leeds. Although Leeds is well placed to respond to the significant changes in national policy and legislation proposed for adult social care, the Council will need to move swiftly and with agility to respond to the challenges set out in this paper, against a backdrop of increasing financial difficulty.
- 4.3.2 In June 2012, the shadow Health and Wellbeing Board approved an 'in principal' proposal to establish a forum which would provide community leadership for the local development of adult social care services. Linking in with the transformation of care programme entitled 'Better Lives for Leeds', its suggested title may be the 'Leeds Better Lives Board'. Although the detailed arrangements for this board are yet to be fully established, it is proposed that the forum should link with the Executive Board over Adult Social Care policy and strategic issues and to the Health and Wellbeing Board in relation to integrated care services and overall wellbeing of adults in the city. Membership of the Leeds Better Lives Board will include Council Members, community leaders, service users, service providers and senior officers within the council and its partners.

4.4 Resources and value for money

- 4.4.1 This report highlights legislative and national policy plans for the development of adult social care and support in England. Although Leeds is well placed to implement the proposals, the increasing financial challenges faced by the council and uncertainty about the future national funding mechanisms for social care raise issues about the sustainability of the actions currently being taken in Leeds.
- 4.4.2 The proposals emphasis early low level support for people with developing support needs which, if enacted, will prevent or delay the need for intensive care. This is an approach which is fully aligned with the Better Lives for Leeds strategy and the Council budget strategy for adult social care.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 This report highlights national government plans for social care in England contained in its White Paper 'Caring for our future: reforming care and support' and in a number of accompanying reports and notices, including a progress report on funding reform, a draft Care and Support bill and a response to the Law Commission's May 2010. If enacted, the legal requirements will require changes in the way the Council currently undertakes support for people with social care needs, and to the way this activity is recorded. It will require further changes to the way social care is organised in the Council and to the structure of its business.
- 4.5.2 The report is subject to call in

4.6 Risk Management

- 4.6.1 There is a risk that achieving the transformation of social care outlined in the national proposals may place additional pressure on the current budget

assumptions although the council is taking actions to mitigate against this possibility.

5. Conclusions

- 5.1 The Government has recently set out its plans for social care in England in its White Paper 'Caring for our future: reforming care and support' and in a number of accompanying reports and notices, including a progress report on funding reform, a draft Care and Support bill and a response to the Law Commission's May 2010 report recommending changes in adult social care law. These will create a comprehensive overhaul of social care.
- 5.2 The proposals describe a radical new relationship between the council and the public and will create a fundamental transformation in the way that services are delivered. There is strong local support for the direction of travel outlined by the national government and proposals are in line with the strategic direction of the council. However, there remain concerns that national and local expectations for social care may exceed the capacity for delivery. Current budget assumptions could place developments at risk, although the council is taking actions which will reduce this possibility.
- 5.3 The Local Authority has a strategy for care and support and has established transformation programmes which place Leeds in a strong position to meet the new national government proposals. Existing local policies are substantially aligned to the national plans. Leeds is on the road to delivering modernised care and support which fulfil the rising expectations of Leeds people, who want efficient services, offering good value for money and delivering the best social care and support.

6. Recommendations

- 6.1 The Executive Board is asked to note the contents of this report.
- 6.2 Members of the Executive Board note and provide cross party support for the introduction of a new funding model for Adult Social Care Services which is adequately resourced and able to provide long term sustainability for the sector.

7 Background documents ¹

- 7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.