

CARE ACT: THE LOCAL RESPONSE

Report of the Executive Director of People Services

1. REPORT PURPOSE

- 1.1 This report provides Health & Wellbeing Board Members with brief details of the Care Acts scope, and of the developing local response to the significant changes and challenges that the Act poses.
- 1.2 Additional information is provided in the accompanying appendices. These comprise
 - Briefing Note - Care Act (Part 1) Implications
 - Programme Board (Care Act and Children & Families Act) Governance Outline
 - Department of Health Consultation Overview
- 1.3 Together this information is intended to provide further context for Board Members and to support the recommendations made in part 4 of this report.

2. BACKGROUND – CARE ACT

- 2.1 The Care Act received Royal Assent on 14 May and its provisions both update and extend obligations for the council, Health Services and for a range of other organisations.
- 2.2 The Care Act is in 5 parts.
 - Part 1 - Care and Support
 - Part 2 - Care Standards
 - Part 3 - Health
 - Part 4 - Health & Social Care (Integration Fund)
 - Part 5 - General
- 2.3 **Part 1** updates and extends councils' responsibilities with regard to the assessment, financial assessment, and the provision of social care services for residents with social care needs, market shaping and the development of

universal services (including an advice and information service) for local residents.

- 2.4 **Part 2** provides the legislative framework for the government's response to unacceptable failings in health and social care provision, primarily in relation to the responsibilities, independence and oversight of the Care Quality Commission. Part 2 also covers licence conditions for NHS Foundation Trusts, and the appointment of trust special administrators.
- 2.5 **Part 3** covers the establishment and responsibilities of Health Education England and the Health Research Authority. These bodies will be responsible respectively for health care worker training and ensuring there is sufficient supply of these workers, and health and social care research.
- 2.6 **Part 4** covers the increased integration of health and social care but from the NHS 'end' by making amendments to the National Health Service Act 2006.
- 2.7 In June the Department of Health (DH) issued over 500 pages of draft Statutory Guidance and Regulations as part of a major consultation exercise linked to Part 1 of the Act. The consultation only covers the changes due for implementation in April 2015³ and will be followed up by final guidance and regulations this October. A consultation on funding reforms due for implementation from April 2016 is not expected until later this year
- 2.8 The consultation exercise closes on 15 August, and includes 84 questions / calls for evidence. An initial overview of the response and some key questions is attached as Appendix 3

3. THE LOCAL RESPONSE

- 3.1 In order to manage the requirements of the Care Act, and to ensure that the proposed responses align and support other corporate and city priorities, People Services Directorate have established a combined Programme Implementation Board (PIB).
- 3.2 The Boards remit is to oversee the development and successful implementation of a Care Act Programme Plan and also a separate Children & Families Act Programme Plan.
- 3.3 The Boards high level governance outline is attached as Appendix 2 and this also covers the project (cluster) areas that report to it. This include several areas where the activity and responses cover both the Care Act and the Children & Families Act

- 3.4 Individual Project plans are being finalised , and a high level mapping exercise has been undertaken to fully capture both current on-going activity , and where / what additional activity is required
- 3.5 The intention is to have full project plans and a Care Act Programme Plan in place by the end of July. It should be noted that much of the activity is already underway and priorities within the Programme Plan have been identified and are being addressed as priorities
- 3.6 The main priority projects concern
- Engagement. This underpins and better enables the delivery of a number of other projects. While a number of Care Act Workshops have been held or have been arranged already , the development and implementation of a more comprehensive Care Act Engagement Plan / Strategy – as part of wider All Together Sunderland engagement activity is therefore crucial
 - Performance & Data – This project is intended to build on existing intelligence to better identify the Acts potential additional demands / costs. This information is needed in order for the programme and projects to identify and better plan resource requirements and / or the need to reconfigure current service delivery mechanisms
- 3.7 This local response to the challenges posed by the Care Act is similar in scope to that to that being developed across the majority of local authority areas, although governance arrangements and project configurations vary quite widely.
- 3.8 These local responses can now finally be stepped up a gear due to the issue of the statutory guidance / regulations. These are in the process of being reviewed by the relevant service areas as well as by the Councils Legal Services with aim of
- Identifying the scope and nature of the changes required – if any , in order to inform on-going options with regard to project and programme plans
 - Developing responses (if needed) to some of the key consultation questions
- 3.9 The volume of legislation and the resulting activity required to properly analyse it is significant and means that a comprehensive response to the majority of consultation questions (if required) will take some time to prepare

3.10 A consultation overview and outline responses to some key questions has been included however as Appendix C. This is based on feedback from a Regional DH / ADASS /LGA Consultation Event (2nd July) and initial feedback from service areas, legal services and from the regional Financial Assessment Officers Group

4 Recommendations

4.1 Health and Wellbeing Board Members to note the contents of this report and appendices and to confirm;

4.2 Whether Board members require any additional Care Act information at this point or just future quarterly updates.

4.3 Whether the Board wishes to submit a formal response to the DH Consultation Exercise and if so;

- Whether there are any more key questions / areas that they would like addressing (in addition to those identified in Appendix 3)
- Whether they would like a workshop arranging for Board Members , in order to help inform and facilitate a formal response
- Their timescales for either receiving a more detailed response / response to more questions and/ or for attending a workshop (in the event that Board members do require either of these)
- Whether individual questions should still be responded to / clarification sought from the DH ASAP by the services currently looking at the guidance / regulations, given the challenging timescale being worked to

5 Additional Papers

- Appendix 1 : Briefing Note - Care Act (Part1) Implications
- Appendix 2 : Programme Board (Care Act and Children & Families Act) Governance Outline
- Appendix 3 : Department of Health Consultation Overview