

Adult Social Care Reform White Paper

People at the Heart of Care



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Background & Legal Context

- Care Act Phase 1 2015 - Part 2 delayed in 2016; included cap on care costs
- Social Care White Paper “*People at the Heart of Care*” December 2021 with changes to be implemented in **October 2023**
- Integration White Paper “*Joined up Care for people, place and populations*” February 2022 with focus on integration arrangements at place level.
- *Key sections of the Care Act 2014 covering Part 2 of the Care Act:*
 - Section 14-17 covers charging and cap on care costs
 - Section 28-29 independent personal budgets and care accounts
 - Regulations to be published on cap on care costs



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Legal Context (continued)

- **The Health and Care Bill** outlines major changes to NHS. Largest legislative shake-up of the NHS in a decade. Removes many changes introduced in Health and Care Act 2012, such as CCGs
- Section 80 repeals Schedule 3 of the Care Act, including hospital discharge notices and associated financial penalties.
- Makes amendments to other legislation, such as the Care Act:
 - Section 152 covers the regulation of local authority functions relating to adult social care
 - Section 153 covers the default powers of Secretary of State to take action if a local authority is failing in its adult social care duties
 - Section 155 covers the cap on care costs.



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Vision for Social Care

The White Paper sets out a 10-year Vision for
A more sustainable, affordable care system that effectively works with other public services, with 3 person centered objectives:

- 1. People have choice, control, and support to live independent lives.***
- 2. People can access outstanding quality and tailored care and support.***
- 3. People find adult social care fair and accessible.***



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Social Care White Paper Overview (1)

- Building on the Care Act 2014 (focus on wellbeing) to ensure fully **personalised, user-led social care is embedded** for everyone.
- **Reforming the adult social care charging system** to make the system fairer for everyone and paying providers a fair rate for care.
- **Acknowledging the important role of carers**, while also enabling those who provide unpaid care to be supported to achieve their own life goals.
- **Recognising adult social care workforce**, with opportunities to develop their careers, supporting them to deliver outstanding quality of care.
- **An Assurance Framework** for adult social care and a duty for CQC to review and assess local authority performance.
- **Empowering people who use care**, unpaid carers and families.



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Social Care White Paper Overview (2)

- Implement commitments in the Health & Social Care Data Strategy “**Data Saves Lives**” including new national data frameworks, gathering provider data regularly and sharing of data across health and care.
- A **local supported employment scheme** to identify effective ways local authorities can support autistic people and people with learning difficulties into employment.
- Supporting **sustainable care markets** and tackle variability in **market shaping** and commissioning.
- Integrating housing into local health and care strategies and expanding the choice of **housing options**.
- Greater **adoption of technology** and widespread digitisation.



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3 Big Themes

**1.
Funding
Reform**

**2.
Assurance
Framework**

**3.
Market**



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Funding Reforms

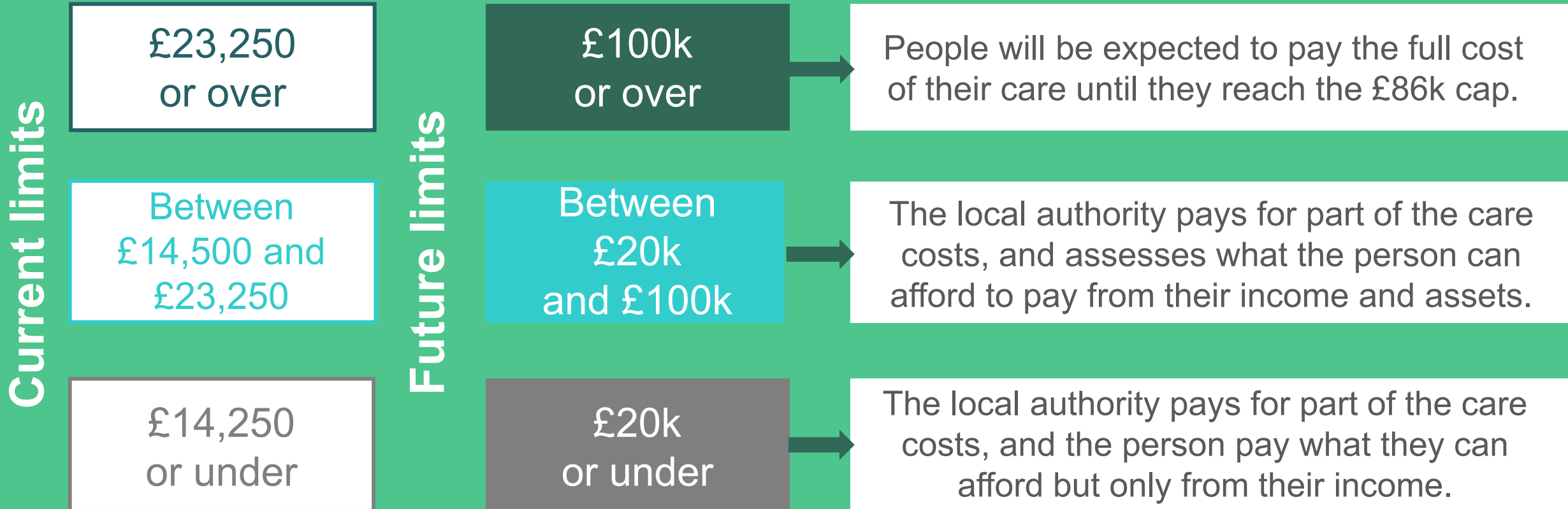


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How financial assessment is changing



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What counts towards the cap?

- The **costs of meeting the person's eligible needs** as specified by the LA in the personal budget as defined under the Care Act 2014.
- Under the care cap, everyone is **responsible for their daily living costs (DLC)**, such as rent, food and utility bills, and this will apply equally to those in a care home as to those in their own home.
- DLC in care homes set as a national, notional amount of **£200 per week** (£30 less than originally proposed in 2015).
- **'Top up'** payments paid on top of the personal budget will not count towards the cap.
- People receiving council support allowed to make top up payments themselves)



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What does the legislation say?

- *For people in receipt of services, the **Personal Budget** is the amount counting towards the cap but only the amount that the **individual contributes** counts towards the cap on care costs*
- *For people not in receipt of services, an **Independent Personal Budget (IPB)** sets out the cost of meeting the adult’s “eligible needs” at Council’s rate. The person must meet **eligibility criteria** and **ordinary residence** for an IPB.*
- *The council **must keep independent personal budgets under review** and they must review if requested by the person.*
- *For anyone with eligible needs whether or not they are currently met by the local authority, a **care account** must be kept.*



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What does the legislation say?

- A **care account** is up-to-date record of the adult's accrued costs that count towards the care cap. The care account must identify costs relating to daily living costs.
- Care accounts are portable from one local authority area to another.
- Councils must provide **statements on care accounts** and inform the person once those costs exceed the cap on care costs.
- Records on care accounts must be retained for 99 years.
- **Care accounts to be introduced October 2023**, but no retrospective costs included.
- Councils need to **identify people who meet eligibility before that date** to ensure they begin progressing towards the cap from the point it comes into effect.



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What does the legislation say?

- *Self-funders* will be able to ask councils to arrange their care in a care home subject to arrangement fee as is the case in the community (causing potential problems with ordinary residence).
- Councils must conduct a *Fair cost of care* exercise to determine sustainable rates.
- Personal Expenses Allowance (for care home residents) and Minimum Income Guarantee (for care in other settings) increased in line with inflation. First increase since 2015/16 (PEA) and 2016/17 (MIG).
- Deferred payments to be provided more flexibly.
- Trailblazer councils to implement ahead of national roll out.



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Assurance Framework



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Assurance Framework

Annual self-assessment exercise completed by local authorities

Independent Assessment of local authorities by CQC

Enhanced sector-led improvement support through ADASS

A mechanism to intervene, as a last resort, if a local authority is failing

Service user and carer feedback

Better data including client level data and benchmarking



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Emerging themes

1. **Working with people** - assessing needs (including unpaid carers), supporting people to live healthier lives, prevention, well-being, information and advice
2. **Providing support** - markets (including commissioning), workforce equality, integration and partnership working
3. **Ensuring safety** - safeguarding, safe systems and continuity of care
4. **Leadership and workforce** - capable and compassionate leaders, learning, improvement, innovation

Each of the themes above has several quality and 'I' statements.



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Sustainable Care Markets



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Sustainable care markets

- **Supporting sustainable care markets** by paying providers a fair rate for care and strengthening local market-shaping and commissioning capabilities.
- Ensuring that **self-funders can access the same rates** for care costs in care homes that local authorities pay including asking the local authority to arrange care in a care home.
- A more **joined-up approach to market shaping** where commissioners from health and care work together to shape the local care market with a focus on partnership working with people with lived experience, unpaid carers and communities.



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Market Sustainability and Fair Cost of Care Fund

2022/23 funding designed to support the preparations for the move towards paying providers a fair cost of care. Activities include:

- **Conducting a fair cost of care exercise** to determine the sustainable rates and identify how close they are to it.
- **Engaging with local providers to improve data** on operational costs and number of self-funders to better understand the impact of reform on the local market.
- Strengthening capacity to plan for, and execute, **greater market oversight** and **improved market management** to ensure markets are well positioned to deliver on our reform ambitions.
- Using funding to **genuinely increase fee rates**, as appropriate to local circumstances.



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Developing the workforce

- **Care workers paid for all the hours they work**
- **Improve terms and conditions**, to ensure a sustainable future supply of care staff.
- **Knowledge and skills framework**, career pathways and investment in learning and development to support career progression
- **Portable Care Certificates** and a delivery standard recognised across the sector.
- **Digital hub for the workforce** to access support, information and advice, and a portable skills passport.
- **Wellbeing and occupational health offer** including counselling, peer support, bespoke support helpline and mental health training.



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Other requirements in Social Care White Paper



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Supporting carers

- New obligation for ICBs and NHS England to **involve carers when commissioning care for the person they care for.**
- A **carer's leave entitlement of 5 days** of unpaid leave a year for eligible employees.
- A **kick-start programme** to identify and test a range of new and existing interventions and services that support unpaid carers.
- A **focus on respite** to better understand how respite services are currently accessed by carers and any barriers to accessing these services.
- **Improving the identification, recognition and involvement of unpaid carers** including through increasing the use of unpaid carer markers in health records.
- **Upskilling staff at carers organisations** on social prescribing as an intervention for loneliness, and to increase unpaid carer health and wellbeing.



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Better information

- Building on the “Making it Real framework” (good information and advice is about “having the information I need, when I need it”) to **make the experience of accessing care and support as simple and informative as it can be.**
- Dedicated funding for local organisations to pilot and evaluate new ways to provide **personalised advice** to help people navigate local adult social care systems.
- A **national website** providing information and simple explainers about adult social care reform.



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Housing

- **Making every decision about care a decision about housing** to ensure people, wherever they live, have choice over their housing arrangements.
- **More supported housing** for those who need it to help them live as independently as possible.
- **Increasing supply of specialised housing** for older people and people with a physical or learning disability, autism or mental health needs.
- Increasing the amount the **Disabled Facilities Grant (DFG)** can pay for an individual.
- **A new practical support service to make minor repairs and changes to homes** to help people remain independent and safe at home.



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Data, Digital and Performance

- New national reporting frameworks; ASCOF, service user and carer surveys, shared outcomes framework with NHS
- Regular data to ADASS/LGA to support assurance framework
- Residents to have access to their health and care record
- **Statutory duty** for organisations within health and care to share anonymous data
- Providers to have a digitised care record allowing real-time sharing of information about someone's care underpinned by legislation for providers to share data
- 80% adoption of digital social care records among CQC-registered social care providers by **March 2024**
- Data to support an understanding of **population health** fully across NHS and local authorities.



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