Care Act 2014

The Care Act 2014 is the biggest change to English adult social care law in over 60 years, reforming the law relating to care and support for customers and carers.

The Care Act became effective from 1st April 2015 and replaces a number of different pieces of legislation with a single modern law and a new legal framework that affects how councils support people with care and support needs and carers.

As a result of the implementation of the Care Act, We have reviewed and refreshed the following key operational policies and produced an internal staff Personal Budget guidance document.

MAKING CHANGES FOR A BETTER BURY

Care Act 2014

2 revised and refreshed policies

Charging and Financial Assessment Policy

Personal Budget Policy

2 new policies

Residential Care Top Up Policy

Assessment and Eligibility Policy

1 Personal Budget Policy staff guidance document

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What is the Care Act trying to Achieve?

That care and support:

- is clearer and fairer
- promotes people’s wellbeing
- enables people to prevent and delay the need for care and support, and carers to maintain their caring role
- puts people in control of their lives so they can pursue opportunities to realise their potential

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Framework of the Act

Underpinning Principle

Wellbeing

General responsibilities and key duties

Prevention
Integration, Partnerships and transitions
Information, advice and advocacy
Diversity of provision and market oversight
Safeguarding

Key Processes

Assessment and eligibility
Charging and financial assessment
Care and support planning
Personal budgets and direct payments
Review

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Changes to Assessment and Eligibility

To introduce a national eligibility criteria which will apply to all councils in England. This will bring consistency as everybody will be subject to the same determination wherever they live in England. This has been implemented since May 2015. All assessment officers have received appropriate training but this is now being reviewed in the light of strengths based assessment transformation activity.

All carers to be offered an assessment and the development of a national eligibility criteria for carers which will apply to all councils in England. Although Bury has always undertaken carers assessments, some councils do not.

Specialist assessments must be provided for people with autism and adults who are deaf blind. This now applies across England. Bury is already doing this

Council has to ensure there is an appropriate individual who can facilitate involvement in the assessment process for people who would have substantial difficulty, if no suitable individual is available the Council must facilitate access to an independent advocate. There is an advocacy service in place for Bury which can also be accessed by carers in their own right.

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Replacement Care

Replacement care is a significant part of the Act, which removes the ability to have services delivered to a customer on the basis of a carers' assessment. This has now to be incorporated into the customers support plan and financially assessed accordingly.

This will impact upon all current carers who have replacement care on their support plans although in most cases this will be transferred to the cared for support plan with no changes to services or additional payments. If a cared for person has been financially assessed and has reached the maximum contribution they can pay towards services there will be no additional payments.

This has applied to all new customers since May 2015 and the majority of existing customers have now had an annual review and replacement care has been transferred across to the cared for support plan.

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Charging and Financial Assessment Policy

Social Care services are not free and the Government expects councils to charge and collect income to help provide these services. Social Care Services might include, for example, care at home, day services, or residential care services. The Council has to make sure that it follows the rules that the Government has set in the Care Act 2014.

People who only receive a Day Service will now be asked to pay a charge but will have the opportunity to have a financial assessment of their ability to pay. Some people will already be paying their individual maximum amount if they are receiving other services and have already had a financial assessment. Therefore they will pay no more. Some people will already be receiving services with no charge because of the result of their financial assessment. This will not change.

To remove from the calculation an allowance of the amount between the Disability Living Allowance (DLA) higher/middle rate where night sitting services are not received. This allowance will now be removed from the financial assessment and this may increase charges for some people

The charge and financial assessment will be worked out against 100% of the value of the personal budget package. People whose elements of the support plan are not personal care will now be charged, previously these non - personal care elements were left out of the financial calculations.

Charges will be for the total time for all carers required to carry out the task. People who receive more than one carer at the same time may now be required to pay an increase in charges, people with only one carer or who already pay the maximum financially assessed amount will not be affected.

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Residential Care Top Up Policy

The person (third party) agreeing to pay the extra amount will have to sign a legal agreement with the Council, agreeing to meet the extra costs and agreeing to provide details of their personal information. This will affect people who have agreed to meet the extra costs on behalf of a resident in a care home, that charges more that the agreed rate, where previously the person contracted directly with the care home but will now contract with the Council.

The person (third party) must provide financial details to confirm they have;

At least 3 year’s worth of savings to cover the extra costs, or they have enough weekly income above this weekly expenditure to meet the extra costs. This calculation and the process are new and pathways and procedures will need to be developed.

To introduce a way of calculating that the person (first party) living in the care home can pay this extra cost themselves, this is usually only when they have a house to sell. Checks will need to be made that there is enough capital within the property to offset the additional costs for at least 3 years.

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Personal Budget Policy

Clarifies the amounts allowed to be spent from the personal budget to purchase services needed, the budget will be generated using a series of established fees and will apply to all people who receive direct payments. This makes sure it is fair and consistent approach compared with those people who chose to have their services provided to them by the Council. Further details are contained in the appendices of the Personal Budget Policy

If a person chooses a service at a higher rate it must be identified who will be willing and able to meet the additional costs. This will apply to all people receiving direct payments who choose services higher than standard rate. This makes sure it is a fair and consistent approach compared with those people who choose to have their services provided to them by the Council.

MAKING CHANGES FOR A BETTER BURY

The Engagement Process - 1

The engagement exercise began in the second week of September 2017 and ran until the 18th of January 2018. The following engagement methods were used.

An engagement booklet was produced with details of the process, all of the changes, how people could let us know about any particular issues, details of a number of public drop in sessions and where further information could be found.

5000 hard copies of the engagement booklet were designed and printed and 4500 were distributed to various sources including through the post to current customers and carers, or their nominated representatives, where we had the information on our systems.

Hard copies were also made available at all libraries, the Town Hall, Knowsley Place, Whittaker Street and Humphrey House reception areas, Connect and Direct Hub and the Carers Centre on Silver Street.

The engagement booklet, draft copies of the four policies and the Care Act guidance were available to read or download on the Bury Directory.

Comments could also be provided on line through survey monkey, the link to the survey was widely advertised amongst partners and all council staff and via social media by the Social Development Team

A designated telephone line was provided and advertised widely so that people could contact the Council if they had any queries, wanted copies of the draft policies, or needed the information in a different format. A number of people used this method to find out how the changes in policies would affect them personally.

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The Engagement Process - 2

A number of public drop in sessions, one in each township, were held where people could drop in and find out more. Most of the people attending the drop ins wanted to know how the changes would impact upon them personally.

Appropriate staff also attended a number of targeted forums where the changes were discussed in detail. One coffee morning at the Carers Centre where over 50 carers attended, one session at the Carers Forum at which over 40 people were in attendance, two provider forums.

Officers also attended other forums that were already booked and initiated discussions around the changes.

All Bury Council staff with internet access were sent an electronic copy of all of the engagement information and given the opportunity to feed back any comments.

Electronic information was sent to all care at home, residential and nursing and supported living providers registered with Bury Council, to Bury Clinical Commissioning Group for distribution to their staff, Bury Dementia Action Alliance members and to the local Dementia Champions network.

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The Engagement Process - 3

45 people attended drop in sessions set up at Radcliffe Library, Elms Community Centre, Ramsbottom Centre, Elton Community Centre, The Mosses Centre and the Green Room Textile Hall.

2 provider forums were held at which 60 representatives from various providers attended

Over 110 people attended the two carers events.

The dedicated phone line received 34 calls and 40 responses were received back from either online survey monkey or hard copies sent pre - paid back to the Council.

The Bury Directory received 447 views between 1st September to 31st December 2017 which was up by 200.65% on the site average

The majority of people who contacted the Council or attended an event wanted to know how the changes would affect them personally. Where this was the case officers contacted them personally and discussed these issues in private.

The most common themes from the drop ins were;

People's concerns about Residential Care Top Ups and the financial checks that would be required to check sustainability.

A number of people wanted to let us know that they were currently being charged a top up by care homes for their relatives.

MAKING CHANGES FOR A BETTER BURY

Current activities and Next Steps

An implementation plan has been drawn up highlighting all of the key actions that need to take place between now and January 2019 (item 6 in the background papers).

Eligibility and Assessment

- Update all leaflets, booklets, print, circulate and publish on Bury Directory

Residential Care Top Up Policy

- Create the Bury legal agreement for 3rd parties to sign
- Create Top-Up application form
- Speak to providers and request details of who has existing top-ups, copies of pricing policy, how much each top-up is worth and what the top-up is for
- Write to 3rd parties to inform of the change and request financial details
- Calculate affordability assessment and write to inform of decision/outcome
- Arrange for legal agreement to be signed
- Set up internal financial systems
- Update all leaflets, brochures, print, circulate and publish on Bury Directory

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Current activities and Next Steps

Charging and Financial Assessment Policy

- Recruit 2 new temporary financial assessment officers
- Establish who attends day care and contact details and check details in support plan and Protocol
- Establish who already has a current valid financial assessment and/or do a DWP CIS check
- Notify customer of any new charges and amount to be paid
- Set up internal changes to systems - ABACUS
- Arrange for a new financial assessment to be carried out if needed
- Remove DLA allowance/charge against 100% of package
- Charge for 2nd carer if required and any cancelled visits
- Write to affected customers with details of new personal charges
- Update all leaflets, booklets, print, circulate and publish on Bury Directory

Personal Budget Policy

- Update agreement and all PBST letters, leaflets and forms
- Publish the approved list of Managed Account Companies
- Transfer cases with non-approved providers
- Create a new Direct Payment booklet, print, circulate and publish on Bury Directory

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Any Questions?

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Conclusion