

9th September 2013**Agenda Item: 11****REPORT OF SERVICE DIRECTOR, JOINT COMMISSIONING, QUALITY AND
BUSINESS CHANGE****RESPONSE TO NATIONAL CONSULTATIONS ON ELIGIBILITY FOR
SOCIAL CARE SERVICES AND FUNDING REFORM****Purpose of the Report**

1. To inform Members of the consultations being run by the Department of Health on the introduction of national minimum eligibility criteria for social care services and on funding reform.
2. To seek Committee approval for the department to respond to the consultations and to seek Member involvement in the responses.

Information and Advice

3. The Care Bill introduces major changes to the social care system and a raft of new and enhanced duties and responsibilities about care and support for local authorities. The key elements are:
 - a legal entitlement to a personal budget
 - a right for all carers to receive assessment and support
 - a duty for local authorities to prevent, delay or reduce the need for care and support
 - a duty for local authorities to undertake responsibilities with the aim of integrating services with Health
 - safeguarding adults to be put on a statutory footing – local authorities responsible for convening adult safeguarding boards and involving police and the NHS
 - the introduction of a national eligibility threshold for care and support
 - a requirement for local authorities to develop and maintain a diverse range of high-quality care providers in their area

- local authorities will have protection in place to ensure care is not disrupted for service users if a provider goes out of business
 - introduction of Ofsted-style ratings for hospitals and care
4. The Department of Health has launched a number of consultation processes in relation to the major changes that are being introduced. At present there is a consultation open on the draft regulations which will provide for the national minimum criteria and on the reform of the funding of social care.
 5. Currently eligibility for social care services is determined by Fair Access to Social Care Services (FACS) criteria. The thresholds are low, moderate, substantial and critical risks to independence and each local authority sets its own threshold. In Nottinghamshire the threshold has been set at critical and substantial since April 2011.
 6. At present, local authorities have the ability to adjust their own eligibility criteria or thresholds. The Government is seeking to introduce national eligibility criteria for social care services because this can lead to inconsistency in what people receive according to where they live.
 7. The consultation invites feedback from local authorities and other stakeholders on draft regulations (attached as appendix one for Committee members only). This consultation runs until 29th November 2013 and a further version of the criteria will be published for public consultation in spring 2014, with a view to the final version being implemented by local authorities from April 2015.
 8. The Care Bill also introduces funding reforms which will require local authorities to assume financial responsibility for people who have eligible needs where they fund their own social care and support, once they reach a cap. The reforms also increase the upper threshold for means tested services. The changes include:
 - introducing a cap on the costs that people will have to pay for their care (set at £72,000 in April 2016 and adjusted annually thereafter)
 - a lower cap for adults of a working age who have eligible care and support needs
 - free care for adults who have eligible care and support needs before the age of 18
 - a universal Deferred Payment Scheme (to be implemented from April 2015) which means that people will not have to sell their home during their lifetime to pay for their care – local authorities will be able to charge interest on these payment arrangements
 - an increase in the upper capital threshold for state support from £23,250 to £118,000 and an increase in the lower capital threshold for phased state support from £14,250 to £17,500 for adults in care homes

- a requirement for people in care homes to contribute to general living expenses at £12,000 per year
 - people with an eligible need will have a 'care account' which shows the care costs that they have accrued and which tracks their progress towards the costs cap - this will enable local authorities to identify the point at which they will need to assume funding responsibilities for the individuals' eligible needs.
9. The consultation on funding reform and how this will work in practice is open until 25 October 2013. The consultation document has been attached as appendix two for Committee members only.
10. The Council feels it is important to submit a response to both consultations as these are major changes which will have a significant effect on how social care is provided and managed. The department will be inviting staff to provide their views and comments to contribute to a co-ordinated response on behalf of the Council, and would also like to involve Members in this process.
11. Information on the eligibility criteria consultation has already been circulated to Members of the Committee following its publication in July. If the recommendation for Member involvement is approved by Committee the department can arrange meetings for interested Members to allow for discussion of the issues in the consultations and to obtain the views of Members for incorporation within a final response on behalf of the Council.

Other Options Considered

12. It is not mandatory for the Council to submit a response to national consultations. However, the Care Bill and reform of social care funding will involve radical changes to adult social care so it is considered to be in the Council's interests to provide feedback on how the changes are implemented in practice.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

14. The introduction of national eligibility criteria will mean clarity for people about whether they are eligible for social care services from their local authority, wherever they live. Funding reform will clarify the financial responsibility of the individual and the state in terms of the cost of adult social care services.

Financial Implications

15. The financial implications of the Care Bill for local authorities are still being worked out. There will be additional costs associated with increased assessment activity for self-funders and carers; provision of advice and information and introduction of a deferred payments scheme, amongst other things. The Government has committed to provide additional funding to support the implementation of the Bill but it is not yet clear if this will cover all the new costs.

Equalities Implications

16. As already stated the national criteria and new funding system will offer greater clarity for people about their entitlement for support and what they have to pay. There will be free care for people who have eligible social care needs before the age of 18 in recognition of their considerably reduced opportunity to earn and save money. There will also be a lower cap on care costs for adults of working age who have eligible social care needs, on the same basis.

Human Resources Implications

17. Increased activity in terms of assessments, financial assessments and development and oversight of the care account may have implications in terms of number and skill set of staff required.

RECOMMENDATION/S

It is recommended that the Adult Social Care and Health Committee:

- 1) Notes the contents of the report.
- 2) Gives approval to the Council submitting a response to both consultations.
- 3) Gives approval for Members to contribute to the consultation responses.

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Constitutional Comments (LM 20/08/13)

18. The Adult Social Care and Health Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 19/08/13)

19. The financial implications are contained within paragraph 15 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- a. [Draft national minimum eligibility threshold for adult care and support – A discussion document.](#)
- b. [Caring for our future: Consultation on what and how people pay for their care and support.](#)

Electoral Division(s) and Member(s) Affected

All.