

<b>1.</b>	<b>Meeting:</b>	<b>Health Select Commission</b>
<b>2.</b>	<b>Date:</b>	<b>13th September, 2012</b>
<b>3.</b>	<b>Title:</b>	<b>Care for our Future White Paper and Draft Care and Support Bill</b>
<b>4.</b>	<b>Directorate:</b>	<b>Resources</b>

## **5. Summary**

The Government have published their vision for a reformed care and support system in a white paper and draft Bill; which is currently being consulted on.

This report summarises the key headlines from both documents and outlines the themes and questions in relation to the Bill which the Government is seeking views on.

The consultation is in an online format, therefore it is being proposed that a separate group of scrutiny members, from both the Health and Lives commissions, be established to look at this in detail and respond accordingly.

## **6. Recommendations**

**That the Health Select Commission:**

- **Agrees to establish a sub-group to consider the consultation and submit a formal response by 19 October 2012**
- **Agrees to issue an invitation to join this group to members of the Improving Lives Select Commission**

## 7. Proposals and details

### White Paper

The Government have published their white paper for adult social care in England; Caring for Our Future: Reforming Care and Support, which sets out a new vision for a reformed care and support system.

The measures in the white paper have been categorised using five outcome statements from people who use services and carers:

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 and responsibilities are"
3. "I am happy with the quality of my care and support"
4. "I know the person giving me care and support will treat me with dignity and respect"
5. "I am in control of my care and support"

The key actions under these themes include:

- Stimulating the development of initiatives that help people share their time, talents and skills with others in their community
- Developing and implementing new ways of investing in supporting people to stay active and independent
- Establishing a new capital fund, worth £200 million over five years, to support the development of specialised housing for older and disabled people
- 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
- 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
- Extending the right to an assessment to more carers
- 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
- Placing dignity and respect at the heart of a new code of conduct and minimum training standards for care workers
- 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
- Legislating to give people an entitlement to a personal budget
- Improving access to independent advice to help people eligible for financial support from their local authority to develop their care and support plan
- Developing, in a small number of areas, the use of direct payments for people who have chosen to live in residential care, to test the costs and benefits
- 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.

## Draft Care and Support Bill

The draft Bill, which in large accepts the recommendations of the recent Law Commission review, aims to bring together all the underlying rights and powers that underpin the national legislative framework for social care which has been set out in the white paper.

The draft Bill includes the following key provisions:

- **new statutory principles which embed the promotion of individual wellbeing** as the driving force underpinning the provision of care and support;
- **population-level duties on local authorities** to provide information and advice, prevention services, and shape the market for care and support services. These will be supported by duties to promote co-operation and integration to improve the way organisations work together;
- **clear legal entitlements to care and support**, including giving carers a right to support for the first time to put them on the same footing as the people for whom they care;
- **set out in law that everyone, including carers, should have a personal budget** as part of their care and support plan, and give people the right to ask for this to be made as a direct payment;
- **new duties to ensure that no-one's care and support is interrupted when they move home** from one local authority area to another; and
- **a new statutory framework for adult safeguarding**, setting out the responsibilities of local authorities and their partners, and creating Safeguarding Adults Boards in every area.

The Government is seeking views on the draft Bill through an online consultation. Comments can be posted on the website either clause by clause or under specific topic headings as follows:

### **Q 1. Role of the local authority** (refers to clauses 2-7)

*Do the opening clauses sufficiently reflect the local authority's broader role and responsibilities towards the local community?*

### **Q 2. Individual rights to care and support** (refers to clause 17 and 19)

*Does the draft Bill clarify individual rights to care and support in a way that is helpful?*

### **Q 3. Grouping carers** (refers to clauses 9 – 33)

*The law for carers has always been separate to that for the people they care for. Is it helpful to include carers in all the main provisions of the draft Bill, alongside the people they care for, rather than place them in a separate group?*

### **Q 4. The wellbeing principle and care and support planning**

*Does the new well-being principle, and the approach to needs and outcomes through care and support planning, create the right focus on the person in the law?*

### **Q 5. Portability of care** (refers to clauses 31-33)

*Do the "portability" provisions balance correctly the intention to empower the citizen to move between areas with the processes which are necessary to make the system fair and workable?*

This report is recommending that to ensure a good discussion in relation to the specific sections within the Bill and to support Members in submitting a formal response, a separate group of Members is convened to look at this outside of the Health Select Commission meeting. This meeting will enable a detailed look at the Bill and clauses, with opportunity to seek clarification on what the specific implications are for Rotherham. It is also suggested that an invite goes out to the Improving Lives Select Commission to ensure a coordinated response.

A set of factsheets have been produced by the Department of Health on key aspects of the Bill, to help in understanding the proposals and in forming a response to the consultation (attached to this report).

Deadline for responding to the consultation is 19 October 2012.

## **8. Finance**

There are no direct financial implications associated with this report, although the proposals in the Bill will have implications for Rotherham and therefore need to be considered when forming a response to the consultation.

## **9 Risks and Uncertainties**

The proposals set out in the white paper and draft Care and Support Bill have implications for service delivery and financial arrangements in Rotherham.

Forming a group to consider these in more detail will help in understanding these implications, allowing for an informed response to be submitted and enabling scrutiny members to support the implementation of the proposals going forward.

## **10 Policy and Performance Agenda Implications**

The implications of white paper and Bill will need to be taken into consideration in respect of the Joint Health and Wellbeing Strategy, the Rotherham Carers' Charter and Joint Action Plan for Carers (currently being developed).

## **11 Background Papers and Consultation**

Caring for our Future: reforming care and support white paper  
<http://www.dh.gov.uk/health/2012/07/careandsupportwhitepaper/>

Draft Care and Support Bill  
<http://www.dh.gov.uk/health/2012/07/careandsupportbill/>

DH Factsheets (attached)  
<http://www.dh.gov.uk/health/2012/07/cs-bill-factsheets/>

LGiU Policy Briefing – Draft Care and Support Bill (attached)

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