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**To: Health and Social Care Scrutiny Board (5)**

**Date: 30 April 2014**

**Subject: Overview of the Care Bill and Coventry's preparations for when this becomes legislation**

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**1 Purpose of the Note**

- 1.1 To provide Health and Social Care Scrutiny Board (5) with an overview of the Care Bill and Coventry's preparations for implementation when this becomes legislation.

**2 Recommendations**

- 2.1 Health and Social Care Scrutiny Board (5) to note the work in progress and plans in place to ensure delivery of the requirements of Care Bill legislation.

**3 Information/Background**

- 3.1 The Care Bill is currently going through the House of Commons, having completed its House of Lords stages on 31 October 2013, and is expected to receive Royal Assent in 2014. Subject to the Care Bill being enacted, from April 2015 Local Authorities Adult Social Care services will be legally required to work to this new legal framework. The Bill focuses on putting the wellbeing of individuals at the heart of care and support services and will replace many pieces of existing legislation.
- 3.2 The Care Bill sets out key proposals for reforming the way in which adult social care is funded. As a result, much of the discussion and analysis of the Care Bill has been in relation to the proposed Care Cap (which limits the lifetime costs an individual has to pay for their care) and the infrastructure required to manage this.
- 3.3 The Care Bill will also impact upon the duties and functions of adult social care services. Processes and practices must be reviewed to ensure that they are compliant with the new legislation and are able to deliver the changes required.

**4 Requirements and timescales**

- 4.1 Subject to the passage of the Care Bill, the majority of new legislation will come into effect in April 2015. Requirements relating to the Care Cap and extended means test will come into effect in April 2016. A summary of key requirements and timescales for implementation is provided below in Table 1.

**Table 1: Key requirements and timescales**

Key Requirements	Timescale
Duties on prevention and wellbeing	From April 2015
Duties on information and advice (including advice on paying for care)	
Duty on market shaping	
National minimum threshold for eligibility	
Assessments (including carers assessments)	
Personal budgets and care and support plans	
New charging framework	
Safeguarding	
Universal deferred payment agreements	
Extended Means Test	From April 2016
Capped charging system	
Care Accounts	

Although there are a number of requirements, the Bill has not yet been passed, and therefore detailed guidance is not currently available on the application of these requirements. It is usual that once a bill becomes an act a number of guidance notes will be available.

**4.2 Duties on Prevention and Wellbeing**

There are proposed new statutory principles which embed the promotion of individual wellbeing as the driving force underpinning the provision of care and support. The Care Bill recognises local authorities' broader care and support role in their wider local community through provisions which focus on the more universal, population-level activities, and which are aimed at a wider group of people, rather than based on individual needs.

**4.3 Duties on information and advice (including advice on paying for care)**

There is a proposed new duty to provide an information and advice service to help people understand how the care and support system works, what services are available locally, and how to access the services they need now and might do in the future.

**4.4 Duty on market shaping**

There is a proposed new duty to promote the diversity and quality of local services, so that there are a range of high quality providers in all areas allowing people to make the best choice to satisfy their own needs and preferences.

**4.5 National minimum threshold for eligibility**

There is a proposed new eligibility framework in legislation for the first time, to provide clarity through regulations on what constitutes 'eligible' needs and how decisions are made about support, and to allow for national eligibility to be set in the future. This proposed new framework appears to be broadly similar to Coventry's existing eligibility criteria.

#### **4.6 Assessments (including carers assessments)**

There is a proposed single right to an assessment for adults, and one for carers, based on the need for care and support. One of the key aims of the proposed new statute is to remove anomalies and differences resulting from the type of care or setting, and provide a single route through which consistent entitlements to care and support can be established. This duty is likely to increase the number of people requiring a carer's assessment.

#### **4.7 Personal budgets and care and support plans**

The Care Bill sets out what must happen after the conclusion of an assessment. This includes the process of care and support planning to determine how needs should be met, the requirement for on-going review of care and support plans. This process includes the requirement for a personal budget, captured in legislation for the first time for both adults needing care and carers, to help people understand the costs of meeting their needs and what public funding is available to help them.

#### **4.8 New charging framework**

The proposals will simplify rules regarding charging and financial assessment, so people understand any contributions they have to make to the cost of their support.

#### **4.9 Safeguarding**

The Care Bill sets out a statutory framework for adult safeguarding, which stipulates local authorities' responsibilities, and partner organisations with whom they work, to protect adults at risk of abuse or neglect. These provisions require the local authority to carry out enquiries into suspected cases of abuse or neglect, and to establish Safeguarding Adults Boards in their area. The role of these Boards will be to develop shared strategies for safeguarding and report to their local communities on their progress.

#### **4.10 Universal deferred payment agreements**

The Care Bill proposes a "deferred payment" scheme, subject to certain criteria, which allows people to postpone paying their care costs till after they die. It sets out legally the existing practice providing a framework for application.

#### **4.11 Capped charging system, Extended Means Test and Care Accounts**

The Care Bill proposes the introduction of a cap to the costs incurred by individuals on their care and support. This means a council would not be able to charge a person for meeting their eligible care needs after a certain sum has been incurred.

The cap would be set at £72,000 in April 2016 and increase annually.

The Care Bill proposes that an individual will be able to track the cost of their care to date and their progress towards the cap, by the introduction of a care account.

### **5 Preparation undertaken in Coventry to date**

5.1 The City Council's People Directorate has established a Care Bill Implementation Board, which is responsible for:

- overseeing and co-ordinating the implementation of the new legislation in Coventry in accordance with required timescales;
- assessing which services in the Council may be affected by the changes;
- analysing the potential impact that the changes will have and managing any associated risks
- providing strategic direction to the range of work required to implement the legislation successfully.

5.2 The Board has established six key workstreams to plan and implement the changes required in the following areas:

- **Charging/Paying for Care** - understanding the implications of the Care Cap and the new legal basis for charging and applying this in practice
- **Care Markets** - ensuring that there is an improved commissioning approach that meets the legislative requirements
- **Assessment and Eligibility, Personalisation and Support Planning** – understanding and implementing the practice changes required
- **Information, Advice and Prevention** - ensuring information and advice is available to support people to remain independent and prevent/delay the need for care services
- **Safeguarding** - ensuring Coventry is compliant in all aspects of safeguarding relating to the new legislation
- **Information Technology** - identifying and implementing required IT solutions in order to meet the range of legislative requirements

**List of appendices included**

None

**Other useful background papers**

None

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