

ADULT CARE AND WELL BEING OVERVIEW AND SCRUTINY PANEL 24 MARCH 2023

UPDATE ON SOCIAL CARE REFORMS

Summary

1. The Panel will consider an update on the Government's reforms for Adult Social Care and its potential impacts for Worcestershire.
2. The Cabinet Member with Responsibility (CMR) for Adult Social Care and the Strategic Director for People have been invited to the meeting in order to respond to any queries the Panel may have.

Background

3. The key areas of reform, focused within this update are:
 - a) Charging Reform and the introduction of a lifetime cap on the amount people will need to spend on their personal care, alongside a more generous means-test for local authority support.
 - b) Establishment of a Fair Cost of Care.
 - c) Introduction of Care Quality Commission (CQC) Assessment Regime on how Local Authorities discharge their duties under Part 1 of the Care Act (2014).
4. The Panel has been kept informed of reforms taking place in adult social care, with the most recent update on 23rd January 2023 . Panel members will therefore be aware of the complexity of the reforms. The change in direction by Government including the delay of introducing the reforms has caused confusion with staff, residents and providers, although great care has been taken to communicate the change.

Charging Reform

5. On 7 September 2021, the Government set out its new plan for adult social care reform in England. This included a lifetime cap on the amount anyone in England would need to spend on their personal care, alongside a more generous means-test for local authority financial support.
6. In December 2021, a white paper, People at the Heart of Care (see background papers), outlined a 10 year vision that put personalised care and support at the heart of adult social care.
7. On 18 July 2022, the Panel received an overview of the Government's review of charging for Adult Care Services.
8. The Government originally proposed that the adult social care charging reforms would be implemented from October 2023. However, at the Autumn Statement

2022, delivered on 17 November 2022, the Chancellor announced that the reforms would be delayed for two years, with the funding allocated “to allow local authorities to provide more care packages.”

9. The Strategic Director for People (DASS) ensured a robust approach was adopted to understanding the Council’s requirements to respond to the change in legislation and a detailed plan of required changes to policy, procedure and processes was developed and communicated.
10. Ahead of the Autumn Statement, officers had commenced activity to ensure all appropriate requirements were in place for the original planned go live date of October 2023.
11. Whilst the timeline for implementation of charging reform changes to be enacted, has been delayed for 2 years, Adult Social Care are continuing to plan and implement changes that will support the introduction of the reforms, whilst also improving accessibility for Worcestershire residents. These improvements include:
 - a) Comprehensive data cleansing – ensuring the Council has accurate and comprehensive data available for all clients
 - b) Re-Design of the Adults Front Door – ensuring capability, skills and capacity to effectively manage all demand into Adults Social Care
 - c) Website refresh – ensuring improved accessibility for residents
 - d) Self Service enablement - enabling professionals and residents to refer and assess their eligibility for care and support on-line.
 - e) Self Service financial assessments – enabling residents to understand their expected contribution towards the costs of their care
12. This activity will further support the Council’s preparation for CQC Inspection which is covered later in this report.
13. Further guidance and confirmation of the revised go live date is awaited from the Government. When this is confirmed, further work will continue in relation to:
 - a) Introduction of a solution for residents to have their care accounts established and available on-line
 - b) Further revision to the Charging Policy – in line with the introduction of the care cap and revised means test
 - c) Review and refresh of current customers’ financial assessments and levels of contribution towards their care.

Fair Cost of Care

14. Key to the implementation of the Care Cap will be calculating the median cost of care in Worcestershire, which was captured under the initiative “fair cost of care.”
15. Now, with the Government decision to delay the adult social care charging reforms for two years, the requirement to move towards the median cost of care was removed, along with any ring-fenced grant for the purpose.

16. Nationally, £162 million was allocated for 2022/3 for Market Sustainability. Worcestershire's proportion of this was £1.6 million which was fully passported to providers and none reserved for undertaking the Department for Health and Social Care (DHSC) exercise. As a result of changes made at the Autumn Statement, the funding from 2023/24 onwards will be allocated in the form of the Market Sustainability and Improvement Fund. Nationally this equates to £400 million for 2023/4, in addition to the £162 million which is recurrent from 2022/3. For Worcestershire this provides a further £4 million of funding in 2023/24, all of which will be passported to providers as part of the annual fee uplift. Indications are for this grant to increase in 2024/25 (to £683 million nationally), and an assumption has been made that this could result in a further £2.8 million of funding for Worcestershire.
17. The DHSC confirmed, just prior to Christmas 2022, that Local Authorities should use this grant to "make tangible improvements to Adult Social Care and in particular address discharge delays, social care waiting times, low fee rates, workforce pressures and promote technological innovation within the sector". The Council's duty has therefore been to ensure that this is how the grant is used, across *all* care sectors to meet the aims set by the DHSC.
18. Establishing a median cost of care, through the analysis of provider submitted data was the first step in the adult social care charging reforms. The cost of care exercise focussed solely on the 18+ domiciliary care markets and the 65+ general and nursing residential care markets.
19. Local authorities were required to submit a range of documents to the DHSC no later than 14 October 2022 in respect of this exercise, with further requirements to be confirmed. The Council met all requirements and received no comments or requests for points of clarification. Fulfilment of all conditions as set by the DHSC was essential in order to receive funding from a specific grant for use in these two market sectors in relation to market shaping, sustainability and fees.
20. The DHSC has been absolutely clear in its communication that the exercise to calculate the median cost of care was not, and is not, intended to replace the Council's duties under Section 5 Care Act 2014 when setting the level of fees for the funding of care in the County.
21. Whilst movement towards the fair, or median, cost of care as originally communicated has now been essentially stalled, local authorities are still required, in order to meet grant conditions to publish some of the documents submitted. The requirements for content of these Annex documents, have been clearly prescribed by the DHSC.

CQC Inspection

22. Since 2010 local authorities have worked together to support their own performance through 'sector-led improvement', typically on a regional basis and involving sharing information and data, and teams of local authority practitioners and managers conducting peer reviews of other authorities. However, from April 2023 the CQC will review and assess the performance of

local authorities in discharging their 'regulated care functions' under Part 1 of the Care Act 2014. Additionally the CQC will have a duty to review how partners are working together across Integrated Care Systems (ICS).

24. The CQC will assess local authorities using a new single assessment framework that builds on the approach that is currently used to assess providers (following five key lines of enquiry: Safe, Effective, Caring, Responsive, and Well-led). They will also draw upon 'I' quality statements used in Think Local Act Personal, 'Making it Real' framework (see background papers), that reflects the most important aspects of personalised and culturally appropriate care. Themes that will be assessed are:

Theme 1: How We Work with People: How local authorities work with people (assessing needs (including unpaid carers, supporting people to live healthier lives, prevention, well-being, information, and advice).

Theme 2: How We Support People: How local authorities provide support (market shaping, commissioning, workforce equality, integration and partnership working).

Theme 3: Ensuring safety: How Local Authorities ensure safety within the system (safeguarding, safe systems, and continuity of care).

Theme 4: Leadership and workforce: Leadership capability within Local Authorities (capable and compassionate leaders, learning, improvement, and innovation)

25. Preparatory works, for the CQC Assurance Readiness Self-Assessment Programme, took place between January and March 2022 which included the development of a range of assessment tools and audits including the CQC Assurance Readiness Self-Assessment Tool which regional and national ADASS has stated is a *“robust approach to self-assessment, the tool represents an excellent aide memoire for the type of evidence that is likely to be considered by CQC in their online and field-based assessments”*.
26. To prepare for CQC assurance, the People Directorate undertook an ambitious self-assessment assurance programme which ran from April to October 2022. This has entailed completing the 'Towards Excellence in Adult Social Care (TEASC) Tool with members of the senior leadership team and Cabinet Member with Responsibility for adult social care, focus groups, surveys, CQC assurance readiness workshops, specialist service area reviews, audits, and assurance tasks with staff, those who use services and their carers, providers, partners, and residents.
27. Completion of the assurance programme has provided the Directorate with an 'as is' picture of the current level of assurance in relation to the Council's regulated care functions under Part I of the Care Act 2014. The assurance programme has enabled the Directorate to evaluate and judge its performance based on local evidence and the viewpoints' of individuals receiving services and support, their caregivers, and partner agencies. The following outcomes of the assurance programme include:

- Further embed self-evaluation for improvement
 - Provide evidence of the organisation's strengths and areas for improvement
 - Further promote a culture of coproduction with service users, their caregivers and residents to support ongoing adult social care improvement.
 - Promote and strengthen partnership working by fostering interorganisational knowledge and trust
 - Enhance the ability to meet the needs of the local community and learners through high-quality, experiential staff development
 - Enhance employee autonomy, leadership, and confidence
28. The CQC Published interim guidance on 24 February 2023. This interim guidance has been approved by the Secretary of State for Health and Social Care as required by the Health and Care Act 2022. Its aim is to help local authorities understand more about the approach during the pilot phase. They will expand and update this interim guidance in collaboration with stakeholders as they develop their model over the coming months and transition to ongoing assessment. It will form the basis for the more detailed guidance about the process due later in the year.
29. The CQC have confirmed that between April 2023 to September 2023 they will begin to review data and published documentary evidence across all local authorities. They will focus on themes in these two quality statements:
- Care provision, integration and continuity
 - Assessing needs
30. They will also look at themes and insight on:
- Access
 - Commissioning
 - Market shaping
 - Workforce
 - Personalisation
31. The CQC **will not** publish this data and evidence at an individual level but instead use their independent voice to publish findings at an overall national level as a collection of overall evidence. This may be through an annual statutory state of care report for Parliament. This national review of adult social care regulatory functions will be the first of two elements towards full assessment of these two quality statements. It will also support the CQC in developing judgements for individual local authorities and provide a context and opportunity to benchmark data collated.
32. Also from April, the CQC will undertake a limited number of pilot assessments with local authorities (they think 5 local authorities will be chosen) and this will take place between April and September 2023.
33. From September to December 2023 formal assessment of local authorities will commence and the aim is to complete 20 assessments. Discussions are still

taking place on what the initial assessment will look like and the best way to publish findings from the pilot assessments.

34. From early 2024, formal assessments will continue and the Government has requested that individual ratings, of local authorities who took part in the pilots, along with assessments, will be published with a description of findings.

In Summary

35. The change in direction by Government, including the delay of introducing reforms has caused confusion with staff, residents and providers.
36. The Council is also currently responding to the findings of the self-assurance process, against the CQC Inspection and has areas of improvement that are being planned and delivered.
37. An added complication for the fee review process has been the changed emphasis as regards the Fair Cost of Care exercise undertaken during 2022 in respect of 18+ domiciliary care services and 65+ residential and nursing care.
38. These changes have not been well understood (or accepted) by providers although great care has been taken to communicate the change.

Purpose of the Meeting

39. The Panel is asked to consider the update provided regarding the Government's reform for Adult Social Care and its potential impacts for Worcestershire and:
 - comment on the approach taken by the Council to meeting the requirements of the reform;
 - consider the impact of the reforms within Worcestershire; and
 - determine whether any further information or scrutiny is required

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance), the following are the background papers relating to the subject matter of this report:

- Government guidance documents:
 - [People at the Heart of Care: adult social care reform white paper - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/people-at-the-heart-of-care)
 - [Market sustainability and fair cost of care fund 2022 to 2023: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/white-papers/market-sustainability-and-fair-cost-of-care-fund-2022-to-2023)
- [Making it Real - Think Local Act Personal](#)
- Agenda and Minutes of the Adult Care and Well-being Overview and Scrutiny Panel on 23 January 2023 and 18 July 2022

All agendas and minutes are available here: [agendas and minutes](#)