



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
7 NOVEMBER 2022

PROGRESS IN DELIVERING THE SOCIAL CARE REFORM PROGRAMME
REPORT OF DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of the report

- 1 The purpose of this report is to update the Committee with the progress on the Social Care Reform Programme in respect of charging policy reform, digital and system development, and assurance.

Policy Framework and Previous Decisions

- 2 The “People at the Heart of Care” White Paper sets out the Government’s 10-year vision of how it proposes to transform support and care in England. The proposals contained within the White Paper include:
 - i. Enabling individuals to navigate the system to find the right care and support and setting a cap on what individuals will need to pay towards their care;
 - ii. An emphasis on the duty of a Local Authority to shape healthy and diverse social care markets;
 - iii. Supporting local authorities to deliver reform by giving the Care Quality Commission (CQC) the power to assure the quality of local authority social care;
 - iv. Initiatives to support the social care workforce, emphasising transferable learning and wellbeing.
- 3 Social care reform has been discussed at several previous Committee meetings. An overview of the social care reform proposals was presented on 24 January 2022. On 6 June 2022, the Committee considered a report which set out the policy background to the Charging Reform and the proposed Assurance Criteria which the CQC will use when visiting local authorities.
- 4 On 5 September 2022, the Committee received a report setting out the policy background to the Charging Reform and the key implications for adult social care in Leicestershire. The Committee was also provided with information on the nationally mandated Fair Cost of Care (FCOC) analysis in preparation for a report being presented to the Cabinet in September to seek approval for submission to the Department of Health and Social Care (DHSC) for the FCOC analysis and Market Sustainability Plan (MSP).
- 5 On 23 September 2022, the Cabinet agreed that the Director of Adults and Communities, in consultation with the Director of Corporate Resources and following consultation with Lead Members for Adults and Communities and Resources, be authorised to:

- a) submit a response to the Government consultation on the distribution of funding to support the reform of the Adult Social Care Charging System in 2023 to 2024;
- b) submit the final version of the outcome of the FCOC exercise for care homes and home care and the initial MSP, including commissioning proposals for 2023/24 and 2024/25, to the DHSC before the 14 October 2022 deadline.

Background

Key implications of Social Care Reform

- 6 As noted in the previous reports, the Government has set out a vision for Social Care Reform which has several implications for local government, including:
 - i. The requirement to complete a FCOC and produce a MSP by 14 October 2022 (covered above).
 - ii. The introduction of Charging Reform, the Care Cap, and the greater requirement to support self-funders purchase care, requires local authorities to establish systems for metering against the Cap, and look at ways to help self-funders navigate how to access support and purchase appropriate care.
 - iii. The CQC will be given powers to assure the effectiveness of local authorities in delivering adult social care (initial proposals for which were set out in the report to this Committee on 6 June 2022).
 - iv. Funding issues resulting from the potential costs of the FCOC exercise, implementing Charging Reform, including new technological tools to help self-service and meter the Care Cap, additional staffing required to support self-funders, and resources to support and prepare for the CQC assurance visit.

Progress in Delivering the Social Care Reform Programme

- 7 Robust programme management governance structures have been put in place to manage the requirements of Social Care Reform. Seven workstreams have been established, each led by a member of the Departmental Management Team, to manage specific aspects of the programme which are accountable to a monthly Programme Board. A Programme Manager has been appointed to manage programme risk and have strategic oversight of the workstreams and ensure that the programme deliverables are delivered to target dates in the most cost-effective way possible.
- 8 The work programme for the Social Care Reform Programme is progressing well and to target. During the next three months there are a number of deliverables to be achieved and key milestones for the Social Care Reform Programme, summarised in the table overleaf:

Workstream	Key Milestones	Current status
Assurance	Initial draft self-assessment in preparation for CQC Quality Assurance to Programme Board on 8 November 2022	Green
	Draft Assessment to be discussed at East Midlands Association of Directors of Social Services annual conversation on 19 December 2022	Green
Market Shaping and Sustainability	Initial MSP Submission to DHSC - 14 October 2022 (includes Spend Report, Annex A and B)	Green
	Self-Funder Wealth Analysis to be presented at Programme Board on 8 November 2022	Green
	Workforce Demand and capacity Management Programme Board on 8 November	Green
Supporting Social Care Workforce	Soft Market Questionnaire responses shared with Programme Board on 8 November 2022	Green
	Demand and Capacity findings to be shared with Programme Board on 8 November 2022	Green
Systems And Digital	First Party Top Ups Process defined in December 2022	Green
	Purchase order for Care Account functionality (including client finance portal) in November 2022	Green
Charging Reforms	Demand and Capacity analysis, initial analysis of numbers for the financial model in November	Green
	Charging Policy consultation next steps identified by end of November	Green
	Charging policy changes business case for Corporate Resources Departmental Management Team in December	Green
Policy, Communications and Engagement	Invitation to quote starts for specialist consultant to support - Consultation, Engagement and Co-Production support is launched 11 October 2022	Green
	Invitation to quote ends 1 November 2022 - Consultation, Engagement and Co-Production	Green
	Kick Off meeting with awarded consultancy - early November	Green
	CQC preparation position to Programme Board around the collation of the evidence base of relevant Policies and Strategies/Gap analysis by mid-November	Green
	Share draft Equalities Review with Adult Social Care Programme Steering Group on 18 November 2022	Green
	Departmental Equalities Group sign-off Equalities Review on 29 November 2022	Green
	Launch revised Fairer Outcomes Policy in December 2022	Green

Progress in delivering Charging Reform and consultation on changes to the Adult Social Care Charging Policy

- 9 Work continues on the scoping of the key deliverables to ensure that the Charging Reforms are successfully implemented by October 2023.

- 10 Key changes include the Cap on care costs, the introduction of associated care accounts needed to track spend, and the more generous thresholds which increases the capital limits from £14,250-£23,250 to £20,000-£100,000. This means that the Council's Adult Social Care Charging Policy will need to be revised to meet new legislative requirements. The key proposed changes to policy, to take effect from October 2023, can be summarised below:
- i. Additional definitions added to clarify new issues:
 - Administration/arrangement fees;
 - New capital limits;
 - Care Accounts;
 - Care costs cap;
 - Daily living costs;
 - Tariff income.
 - ii. Added care and support services when a person has reached their 'care costs Cap' to the care and support which the Council will not charge for.
 - iii. Top-up Section – redrafted based on current guidance, July 2022 - will need to be further reviewed against new Care and Support and After-care (Choice of Accommodation) Regulations – expected to be issued in Autumn 2022.
 - iv. Right of Appeal and Waiver Section separated into two sections for clarity.
- 11 The Council is required to consult on the changes being proposed to the Adult Social Care Charging Policy. This consultation will also seek to include questions that consider the impact of the current cost of living crisis and operational issues/decisions that may affect the proposed charging policy, such as:
- charging model for respite stays;
 - First party and Third party top-up payments;
 - Disability Related Expenditure (DRE);
 - Charges when absent from services.
- 12 Consideration will be given to the Council's Public Sector Equality Duty to ensure the policy is fair, equitable and non-discriminatory in line with statutory guidance and regulations, and case law.
- 13 More detailed analysis of the current DRE self-assessment levels will take place to provide an evidence base for consultation consideration.
- 14 Subject to further Government announcements regarding the implementation timeline for the reforms, indicative timescales are for a formal launch of an eight-week consultation exercise during January 2023, with the consultation due to close in March 2023. Subject to Cabinet approval the policy could be formally adopted in May 2023.

Technical readiness

- 15 The level of additional demand as a result of the introduction of Care Accounts and the Care Cap is still being assessed. However, it is apparent that the level of demand

is likely to overwhelm the Council's services and potentially lead to a backlog of assessments.

- 16 Therefore, a robust digital first approach needs to be taken with self-funders who approach the Council to complete assessments, and set up and maintain a Care Account on their behalf.
- 17 System suppliers have developed additional capability that will enable the Council to incorporate the new functionality within the case management system. There is also an additional module to provide the self-serve elements.
- 18 The annual cost of this to the Authority is a further £74,000 per annum. It is anticipated that these additional modules will be released in April/May 2023. The supplier is currently putting together a deployment plan for all of its 70+ customers.
- 19 In the interim, self-assessment forms can be designed and processes developed in readiness for the system modules to be installed.
- 20 The self-service functionality will enable people to do 'light touch' assessments that will enable them to get an indicative position on their eligibility and a likely timeframe for when they would reach the Care Cap. Once an account has been set up, people will be able to go online to see the contributions that are being counted towards their Care Cap and be able to produce and download statements at any time.

Digital Readiness

- 21 In order for the Authority to be able to respond to the new demand without adversely affecting the timeframes for all financial assessments, the take-up of digital technology is vital. A robust approach will be taken to make the digital channel the primary means to access Care Accounts.
- 22 Many Government services are further ahead on their journey in moving to online provision. For example, Driver and Vehicle Licensing Agency, Passport Office and Department of Work and Pensions where Universal Credit applications are predominantly online.
- 23 The Authority will maintain an alternative option for those who do not have access to digital tools and/or have no one to support them or where this is required for other accessibility reasons in line with duties in the Equality Act 2010.
- 24 The workforce challenge is twofold, firstly, training in the changes to policy and practice and secondly embedding changes in culture to adopt a digital first approach.
- 25 Staff will continue to be encouraged to use the digital tools available to them, and to promote digital first alternatives that already exist for people such as online care and support assessments and financial assessments.

Preparing for a CQC Assurance Visit

- 26 The CQC will begin Assurance Visits to local authorities regarding their adult social care functions in April 2023. Adult social care services will receive a rating ranging

from Outstanding, Good, Requires Improvement, to Inadequate. The last may trigger intervention either via peer support or directly from the Government.

- 27 In October 2022, the CQC released updated proposals for the four main themes which form the assurance and inspection process and clarified what it considers to constitute good practice. These are:
- *Working with people (including unpaid carers)* – assessing needs, care planning and review, supporting people to live healthier lives, prevention, well-being, information and advice.
 - *Providing support* – market shaping, commissioning, workforce capacity and capability, integration and partnership working.
 - *Ensuring safety* – through safeguarding enquiries, reviews, Safeguarding Adults Board, safe systems and continuity of care.
 - *Leadership* – culture, strategic planning, learning, improvement, innovation, governance, management and sustainability.
- 28 The CQC has provided detailed proposals on the best practice evidence it will be looking for in each of the four themes.
- 29 At the start of the assessment process, the Council will be asked to complete and submit a Local Authority Self-Assessment and Information Return. This requests several contextual documents and information items for the local authority to provide to the CQC Assessment Team.
- 30 The Council will also be required to undertake a self-assessment of performance in relation to the quality statements. The purpose of this is to enable the Council to assess and make judgements about its performance in relation to the quality statements, using evidence to support those judgements, highlight key successes and identify any mitigating actions being taken to address areas for improvement.
- 31 Work has been undertaken to identify policies and documentation produced by the Adults and Communities Department and corporately which are relevant to the evidence which CQC will use to review service performance. An initial self-assessment is currently being developed, aimed at identifying the strengths of the Department's adult social care services, any potential areas of improvement and improvement plans. This will be produced by the end of November 2022, followed by further engagement with staff and refinement of the self-assessment, with a second iteration completed by the end of March 2023.
- 32 Some areas have already been identified as a focus for improvement, including:
- How well the Council engages with people who access services and the co-production of policies, strategies and service design;
 - Feedback on satisfaction with services and access to information and advice;
 - Development of joint-commissioning strategies with partner agencies;
 - Addressing the delays/people waiting for assessments and reviews.
- 33 A programme of engagement activities to engage partners, providers, residents, service users and carers in drafting the self-assessment and to raise awareness of the assurance process will take place from January-March 2023. In February or

March 2023, it is proposed to share the draft self-assessment with the Committee to provide the opportunity for the Committee to review its contents around strengths, areas for improvement and improvement plans.

Consultation

- 34 As set out in paragraph 14 above, it is intended to consult with the public on the changes required to the Adult Social Care Charging Policy. Indicative timescales are for a formal launch of the eight-week consultation to commence in January 2023, subject to Cabinet approval.
- 35 It is also intended to carry out engagement with Adults and Communities staff, Elected Members, the voluntary sector, and partner organisations on the contents of our self-assessment (paragraph 31 above).

Resource Implications

- 36 The programme continues to take up significant resources across the Department and within the Transformation Unit.
- 37 Considerable work continues to monitor and model the financial implications of Social Care Reform to inform the Medium Term Financial Strategy for 2023/24 to 2026/27. Analysis of the implications of the additional care and financial assessments is underway to help plan for any additional staff required to undertake this increased workload. The financial position of self-funders is being modelled so that the Council can forecast how many are expected to reach the Care Cap and how many will come under the new £100,000 threshold for means-tested support.
- 38 The system supplier has now released costs of their module that will be required to deliver the base Care Account functionality. This is an annual charge based on population and, for Leicestershire, the annual cost is £50,000 per annum. There is a further annual charge of £23,700, as referenced in paragraph 18 above, for an optional module that will enable self-service functionality for people. Both modules are required if the Council is to avoid more recruitment of staff to process applications and Care Cap statements.
- 39 The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

- 40 It is intended that the proposed approach for consulting on the Charging Policy will be presented to the Cabinet on 13 January for approval.
- 41 The Committee will continue to receive regular updates with the next report scheduled for January 2023.

Conclusions

- 42 The Social Care Reform Programme brings challenges for its successful implementation around the cost of the changes required, staffing capacity, the

charging reforms, and meeting tight government deadlines. A robust programme management structure is in place to minimise and mitigate risk where possible. Considerable progress has been made within the programme workstreams in delivering Social Care Reform which is highlighted in this report.

- 43 There remains significant work to complete all the requirements of Charging Reform, market sustainability and assurance.
- 44 Lobbying continues from the local government on the pressures Social Care Reforms are bringing to local authorities at a time of significant fiscal challenge. With rising inflation and uncertainty as to how the reforms will be funded, it is unclear if the timescales initially set by the Government will change. Members will be kept informed should any changes to the programme be announced in the next few months.

Background Papers

“People at the Heart of Care” White Paper

<https://bit.ly/3TWwXg7>

Report to the Adults and Communities Overview and Scrutiny Committee: 24 January 2022 – Adult Social Care Reform and Charging

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6838&Ver=4>

Report to the Adults and Communities Overview and Scrutiny Committee: 6 June 2022 – Update on the Social Care Reform Programme

<https://politics.leics.gov.uk/ieListDocuments.aspx?MId=6840>

Report to the Cabinet: 23 September 2022 – Adult Social Care Reform – Market Shaping and Charging Reform

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=6776&Ver=4>

Circulation under the Local Issues Alert Procedure

- 45 None.

Equality and Human Rights Implications

- 46 A review of the equalities implications of the implementation of the Social Care Reform Programme will be undertaken through workshops with officers and individuals with lived experience of accessing adult social care services and/or who represent different protected characteristics. The findings of this review will be presented to the Programme Board for approval in January 2023.

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