

	<p align="center">Adults and Safeguarding Committee</p> <p align="center">19 March 2015</p>
<p>Title</p>	<p>Implementing the Care Act 2014: Carers; Prevention; Information, Advice and Advocacy</p>
<p>Report of</p>	<p>Dawn Wakeling (Adult and Health Commissioning Director) Mathew Kendall (Adults and Communities Director)</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix 1 – Duties of Carers Appendix 2 - Prevention Policy Appendix 3 – Information, Advice and Advocacy Policy</p>
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Summary

This report describes the joint work that Adults and Communities is undertaking with Family Services to deliver a holistic approach to supporting carers and the changes arising from the Care Act 2014 and the Children and Families Act 2014.

It also presents new policies setting out Barnet Council's approach to:

- (a) Prevention services, and
- (b) Information, advice and advocacy.

All aspects have been developed to meet the requirements described in the Care Act 2014, associated Regulations and the Care and Support Statutory Guidance. All statutory duties commence on 1 April 2015.

Recommendations

- 1. That the Adults and Safeguarding Committee note the new rights of carers to care and support under the Care Act 2014 (Appendix 1).**
- 2. That the Committee note the joint working between Adults and Communities and Family Services with respect to Carers and Young Carers (paragraphs 2.1 to 2.2).**
- 3. That the Adults and Safeguarding Committee approve the adoption of the Prevention Policy (Appendix 2).**
- 4. That the Adults and Safeguarding Committee approve the adoption of the Information, Advice and Advocacy Policy (Appendix 3).**

1. WHY THIS REPORT IS NEEDED

- 1.1. The Care Act 2014 sets out new requirements for carers services and prevention, information, advice and advocacy applicable to all councils in England.
- 1.2. Prevention, information, advice and advocacy are universal services provided for all people in Barnet and are not limited to those with care and support needs or those already known to adult social services. Public Health are a key partner in delivering these services.

Carers

- 1.3. Carers have rights in current social care law which offer access to information, advice, assessment and support, to enable them to continue in their caring role. The Care Act 2014 sets out further new duties to carers. These are described in Appendix 1 and have previously been reported to committee. The previous Committee Reports are attached as background papers.
- 1.4. Under the Care Act 2014, carers will have legal rights similar to those of an adult in need. This shift is significant and will underpin new ways of working with carers.
- 1.5. Because the new rights of carers are similar to those of an adult in need, the Prevention Policy and the Information, Advice and Advocacy Policy reflect the duties to carers as well as to adults in need. An Assessment & Eligibility Policy has been developed specifically for Carers and this is being presented to Committee in a separate report (*“Implementing the Care Act 2014: Eligibility; Carers contributions; Care arrangement fees; Increased demand”*)
- 1.6. This paper describes joint working between Adults and Communities and Family Services with respect to Carers and Young Carers.

Prevention

- 1.7. Under the Care Act 2014 Section 2, from April 2015, all councils in England will be required to have in place a range of ‘prevention’ services, facilities and resources to prevent, reduce and delay people’s need for care and support. This is a new requirement in primary legislation.
- 1.8. A prevention policy is needed to ensure that the Council has a clearly documented statement on how it will fulfil these duties. The purpose of this report is to seek approval for Barnet Council’s Prevention Policy. The policy takes into account the requirements of the Care Act 2014, the Regulations and the Care and Support Statutory Guidance. The Act seeks to consolidate good practice and Barnet Council’s Prevention Policy builds on the range of quality prevention services currently in place.
- 1.9. The Prevention Policy is presented to the Committee for approval because this is a new statutory duty. There is no discretion for members to exercise in relation to this new duty.

Information, Advice and Advocacy

- 1.10. Under the Care Act 2014 Section 4, from April 2015, all councils in England will be required to establish and maintain a service for providing people with information and advice relating to care and support for adults and support for carers. This duty applies to all people in Barnet and is not limited to those with care and support needs or those already known to Adults and Communities in Barnet. This is a new requirement in primary legislation.
- 1.11. Under the Care Act 2014 Section 67, from April 2015, all councils in England will be required, when certain conditions are met, to arrange for an independent advocate to represent and support an individual's involvement in assessment, planning and review processes.
- 1.12. An Information, Advice and Advocacy policy is needed to ensure the Council has a clearly documented statement on how it will fulfil these new duties. The Act seeks to consolidate good practice and Barnet Council's Information, Advice and Advocacy Policy builds on the range of quality services currently in place.
- 1.13. A policy covering information, advice and advocacy duties is presented to the Committee for approval because these are new statutory duties. There is no discretion for members to exercise in relation to these new duties.

2. REASONS FOR RECOMMENDATIONS

Carers

- 2.1. The Adults and Communities Delivery Unit is developing a work programme jointly with Family Services. The programme will address the operational changes required from the Care Act 2014 and Children and Families Act 2014 into a Carers Strategy with associated procedures, training and guidance which will ensure that the Council is compliant with its statutory duties
- 2.2. This approach reflects the Council's commitment to carers in Barnet who have a significant and valued role in sustaining people's independence and wellbeing in their communities. Supporting carers to fulfil this role, alongside identifying how best to promote their own health and wellbeing through an effective range of support services, is integral in delivering this vision.

Prevention

- 2.3. The Adults and Communities Delivery Unit is currently working effectively with partners and commissioned providers to deliver preventative services. The Delivery Unit also works with other parts of the Council to meet prevention duties, for example through the Sport and Physical Activity Project and work with Public Health to increase physical activity. All of these are established arrangements, and are reviewed through a range of controls, for example the Health and Wellbeing Board. Such arrangements enable the Council to achieve value for money, and meet the priorities set out in the Corporate Plan.

2.4. There is no single definition for prevention, meaning that it is wide ranging, and it should not be seen as a one off event, but rather an on-going activity. It is often described in the following ways:

- Primary prevention ('prevent') covers a universal 'available to all' approach. Examples of primary prevention in Barnet include instructor led health walks; leisure centres; outdoor gyms and Barnet stop smoking service.
- Secondary prevention ('reduce) refers to more targeted interventions for those people at increased risk of developing needs. Examples of secondary prevention in Barnet include dementia cafes and the handyperson scheme.
- Tertiary prevention ('delay') is aimed at those people with long term and complex health conditions and social care needs. Examples of tertiary prevention in Barnet include reablement and the Barnet Integrated Locality Team (BILT).

2.5. A detailed gap analysis was completed to identify where current prevention services needed to be developed to meet the requirements of the Care Act 2014. As part of understanding the current picture, evidence was reviewed from a range of sources. This included the Joint Strategic Needs Assessment, feedback from people who use Council services such as compliments and complaints, social care user and carers surveys and contract management meetings. The range of prevention services in place is broad and inclusive, with new tenders and contracts (e.g. Neighbourhood Services) being fully compliant with the relevant procurement and legal requirements.

2.6. Feedback from the Care Act 2014 public consultation was also used to shape the approach. Only 9% (4) respondents disagreed with the proposed plans to improve prevention services in Barnet. Respondents offered some practical suggestions on how improvements could be made to the services. Comments included:

- *"It's no use having a good 'prevention' strategy if it doesn't apply to everyone who might benefit."*
- *"An independent monitoring unit which will publicise when the process is not working or not happening"*

Responses to the consultation are presented in a background document (Responses to the Barnet Public Consultation on the Care Act 2014).

2.7. The Prevention policy will be supported by staff training and the development of new operational guidance to promote best practice, so that staff will be able to inform people of the range of support that is available to them throughout their contact and involvement with services. For instance, people receiving care and support through adult social care services will have a support plan that will make use of preventative services, as well as other identified and targeted interventions. This will contribute to more effective support planning that is tailored to the person's needs and circumstances.

- 2.8. The Prevention policy will also be supported by an outcomes framework against which performance will be monitored and analysed. This will contribute to a local evidence base of understanding of what works, which will further inform prevention service planning and commissioning.
- 2.9. The Care and Support (Preventing Needs for Care and Support) Regulations 2014 sets out where councils may and may not make a charge for preventative services. Barnet Council's current social care contributions policy is in line with the Regulations and no change to that is required; nevertheless, an explanation of the rules is included in the proposed Prevention Policy.

Information, Advice and Advocacy

- 2.10. The new information and advice duty requires the Council to have services in place which are accessible, provide good quality information and advice and which are available to all borough residents. The Information, Advice and Advocacy policy considers each of the Council's duties in relation to information and advice and sets out to whom, when and the most appropriate ways to provide them to the residents of Barnet.
- 2.11. The new advocacy duty requires the Council to arrange for an independent advocate to represent and support an individual's involvement in assessment, planning and review processes when they would experience substantial difficulty understanding or retaining information, using that information or communicating their views, wishes or feelings. The primary legislation sets out the conditions when councils must arrange for the support of an independent advocate. The policy sets out Barnet's position that this will be considered from the first point of contact in every instance.
- 2.12. Feedback from the Barnet Care Act 2014 public consultation was used to shape the approach. Only 4% (2) of respondents disagreed with the proposed plans to improve information and advice services in Barnet. Comments from respondents offered some practical suggestions on how improvements could be made to the services. Many respondents emphasised that many people who need information and advice services were unable to use the internet and that alternatives should be available. Responses to the consultation are presented in a background document (Responses to the Barnet Public Consultation on the Care Act 2014).

- 2.13. It is intended that responses from the public consultation will help to shape the operational implementation of the policy through a local approach aimed at improving people's (including carers) access to and experience of information and advice services. This approach will aim to ensure that the provision of information and advice takes into account individual circumstances and needs. It will include printed information, advising people face to face and over the phone as well as online. In addition, people will be encouraged to develop digital skills. A directory of services will be made available on the internet (Social Care Connect) to both to staff and the public. Information from the catalogue can be printed for those without online access and who wish to peruse options in writing. In addition, there will be new training and operational guidance for all staff in Adults and Communities and staff who provide the first point of contact for people who may need care and support.
- 2.14. Information and advice is important to enabling people, carers and families to take control and make well-informed choices about their care and support and how they fund it. It also promotes wellbeing by increasing an individual's ability to exercise choice and control and is vital part of preventing or delaying people's need for care and support.
- 2.15. The Information, Advice and Advocacy policy will be supported by an Outcomes Framework to coordinate information on how well services are working and further inform service planning and improvement.
- 2.16. Staff training has been updated to cover the changes to the advocacy duties. This training now gives an awareness of the advocacy duties and what services are available, including the new Information, Advice and Advocacy contract. It complements existing training about mental capacity.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1. Adults and Communities and Family Services have considered various approaches to working together to meet the carers and young carers duties arising from the Care Act 2014 and Children and Families Act 2014. Working separately to deliver two separate strategies, one for Carers and another for Young Carers was rejected as it would not adequately address the breadth and impact of the changes for residents, carers, council and its partners, nor would it reflect the holistic approach that is needed to support all carers.
- 3.2. The engagement plan for developing the Carers Strategy involves working with the CCG (Clinical Commissioning Group) as a key and critical partner and this will be addressed further through the Health and Social Care integration programme.
- 3.3. A single policy covering prevention, information, advice and advocacy was considered because of the linkages between these areas, however, this would not provide as much clarity as separate policies would on the level of compliance and where any specific gaps in provision may be.

- 3.4. However, a co-ordinated action plan will be considered as officers review and consult on how work should proceed towards delivering the particular objectives described in the policies.

4. POST DECISION IMPLEMENTATION

Carers

- 4.1. The development of a new Carers Strategy 2015-18 and Carers Strategy Action Plan for all carers including young carers is sponsored by the Commissioning Director for Adults and Health and will have the support and leadership of the Directors of Adults and Communities and Family Services. The governance arrangements of the group and its membership will be set out using corporate project methodology. The group will deliver the following:

- Carers Strategy 2015-18 and Action Plan,
- Carers policy,
- Young Carers Policy,
- Associated operational guidance and training for staff.

Prevention

- 4.2. The Prevention Policy will be implemented from 1 April 2015 through:

- A Prevention Strategy and Action Plan, with an Outcomes Framework to monitor and analyse the impact of the prevention duties,
- The usual channels of induction, training and continuous learning and development with staff,
- The Council website,
- Effective strategic and operational partnership working with partners and providers,
- Reviewed on an annual basis by the Head of Prevention and Wellbeing to ensure that it continues to be fit for purpose,
- A Quality Assurance Framework for Adults and Communities staff that includes an audit of activity and promotion of good practice and robust contract management,
- The progress made against the identified actions will be published in the Annual Local Account.

Information, Advice and Advocacy

- 4.3. The Information, Advice and Advocacy Policy will be implemented from 1 April 2015 through:
- An Information, Advice and Advocacy Strategy and Action Plan, with an Outcomes Framework to monitor and analyse the impact of the Information, Advice and Advocacy duties,
 - The usual channels of induction, training and continuous learning and development with staff,
 - The Council website,
 - Effective strategic and operational partnership working with partners and providers,
 - Reviewed on an annual basis by the Head of Prevention and Wellbeing to ensure that it continues to be fit for purpose,
 - A Quality Assurance Framework for Adults and Communities staff that includes an audit of activity and promotion of good practice and robust contract management,
 - The progress made against the identified actions will be published in the Annual Local Account.

5. IMPLICATIONS OF DECISION

5.1. Corporate Priorities and Performance

- 5.1.1. Successful implementation of the Care Act 2014 will help to support and deliver the following 2013/16 Corporate Plan priority outcomes:
- “To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health
 - “To promote a healthy, active, independent and informed over 55 population in the borough so that Barnet is a place that encourages and supports residents to age well”.
 - “To promote family and community well-being and encourage engaged, cohesive and safe communities”.
- 5.1.2. The Health and Well-being Strategy 2012-15 echoes many themes of the new policy framework with its emphasis on promoting independence and wellbeing whilst ensuring care when needed. The reform agenda links directly with three of the main strands of the strategy: Well-being in the community; How we live; and Care when needed. In particular, ‘Care when needed’ identifies plans for developing increased independence for older people, improving support for residents in care homes and improving support for carers.

5.2. Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

Carers

5.2.1. Costs of the current carers services are contained within the Adults and Communities Delivery Unit and Family Services Delivery Unit budgets. As part of the Care Act implementation, funding of £432k was given to the Council to contribute to the costs of carers; however, our modelling indicates the costs are likely to be more. This will be monitored by the Adults and Communities Senior Management Team.

Prevention

5.2.2. Costs of the current prevention services are contained within the Adults and Communities Delivery Unit budgets. At this point there would be no financial implication to the Council to enact the new policy and procedure.

Information, Advice and Advocacy

5.2.3. Costs of the current information, advice and advocacy services are contained within the Adults and Communities Delivery Unit budgets. At this point there would be no financial implication to the council to enact the new policy and procedure.

5.3. Legal and Constitutional References

5.3.1. The Care Act 2014 consolidates and replaces several different pieces of legislation into one legislative framework. The majority of provisions come into force from April 2015.

5.3.2. The Department of Health issued the Care and Support Statutory Guidance and Regulations on 23 October 2014, which all local authorities in England are required to follow. The regulations which are relevant to this paper are:

- The Care and Support (Children's Carers) Regulations 2014;
- The Care and Support (Preventing Needs for Care and Support) Regulations 2014.

5.3.3. The Care and Support (Children's Carers) Regulations 2014 come into force at the same time as the Care Act 2014. They make provision for when a local authority can exercise the power to meet the support needs of the carer of a child.

5.3.4. Under the Care Act 2014 Section 2, there is a specific legislative requirement for all councils in England to provide or arrange for the provision of services, facilities or resources, or take other steps which it considers will:

- (a) contribute towards preventing or delaying the development of needs for care and support,
- (b) contribute towards preventing or delaying the development by carers of needs for support,
- (c) reduce the needs for care and support of adults,
- (d) reduce the needs for support of carers.

5.3.5. Under the Care Act 2014 Section 4, there is a specific legislative requirement for all councils in England to establish and maintain a service for providing people in Barnet with information and advice relating to care and support for adults and support for carers.

5.3.6. The Care and Support (Preventing Needs for Care and Support) Regulations 2014 come into force at the same time as the Care Act 2014. They make provision for when a local authority can make a charge for the provision of preventative services.

5.3.7. The responsibilities of the Adults and Safeguarding Committee are contained within the Council's Constitution - Section 15 Responsibility for Functions (Annex A). Specific responsibilities for those powers, duties and functions of the Council in relation to Adults and Communities including the following specific functions:

- Promoting the best possible Adult Social Care services.

5.3.8. As outlined in this section of the Constitution, the Adults and Safeguarding Committee is responsible for – and has delegated authority for – the following:

- Working with partners on the Health and Well-being Board to ensure that social care interventions are effectively and seamlessly joined up with public health and healthcare, and promote the Health and Well-being Strategy and its associated sub strategies.
- Ensuring that the local authority's safeguarding responsibilities is taken into account.
- To approve any non-statutory plan or strategy which falls within its remit, as outlined at 5.3.7.

5.4. **Risk Management**

5.4.1. Whilst the overall direction of the Care Act 2014 is positive for people receiving care and their carers, there are risks which centre on resources and financial implications of implementing the Care Act 2014. Risk management information is reported quarterly to the Care Act 2014 Programme Board which in turn feeds into the reports to the Strategic Commissioning Board and Committee.

5.5. Equalities and Diversity

- 5.5.1. On 1 October 2012, new provision in the Equality Act came into force banning age discrimination in health and social care. This is in line with the duties incumbent on all public bodies through s149 of the Equalities Act 2010. Adult Social Care works within LBB policy framework for equalities, offer's services to users within this framework, and undertakes relevant positive action to ensure social care is accessible to groups with different equalities characteristics; for example producing easy read information for people with learning disabilities and offering interpreters for service users.
- 5.5.2. Age discrimination should be considered broadly: younger people may perceive that older people receive more favourable treatment from services as well as older people perceiving that they are less favourably treated. The prohibition does not mean that all age group should therefore be offered identical support or services. However, it does require the local authority to have a transparent and fair rationale for different approaches or support offered to different age groups, just as it already does for current positive action in place, such as providing interpreters.
- 5.5.3. However, there is a general risk from this prohibition applicable to all local authorities, which may face an increased level of potential legal challenge from individual users or groups, using this prohibition as its basis. Nationally there have been legal challenges based on equalities legislation: for example the 2011 challenge to Birmingham City Council on its proposed change to its adult social care eligibility criteria.
- 5.5.4. An Equalities Impact Assessment has been undertaken on the areas of discretion and is presented as a background document.

5.6. Consultation and Engagement

- 5.6.1. The main proposals contained within this report were subject to public consultation. Consultation questions primarily focussed on the areas of discretion which councils are required to consider exercising when implementing. Responses to the consultation are presented in a background paper.

6. BACKGROUND PAPERS

- 6.1. Special Safeguarding Overview and Scrutiny Committee on 24 September 2012 received a report on the 3 key adult social care policy documents published in July 2012: Caring for Our Future (White Paper); the draft Care and Support Bill; and the Government's interim statement on funding reform for Adult Social Care. The Committee endorsed Officers undertaking further work to assess the potential impact of these policy changes on Barnet. [Adult Social Care and Health \(1.1\)](#)
- 6.2. Cabinet on 18 April 2013 received a report describing the main impact of the White Paper, Caring for Our Future, and the draft Care & Support Bill, both published in July 2012; and of the policy statement on Care and Support Funding Reform, presented to Parliament on 11 February 2013. The report set out the implications for Barnet based on empirical data and modelling where appropriate. [Social Care Funding Reform and the Draft Care and Support Bill: Implications for the London Borough of Barnet \(3.1\)](#)
- 6.3. Health and Well-being Board on the 27 June 2013 received a report which summarised the implications of the Care Bill and a further report on 21 November 2013 to update the Board on progress made locally to prepare for the implementation of the new legislation. [Social Care Funding ; Care and Support Bill Update \(1.1\)](#)
- 6.4. The Safeguarding Overview and Scrutiny Committee on the 10 April 2014 received a report setting out the main points from the forthcoming changes to social care legislation as set out in the Care Bill, the implications for Barnet and the approach being taken to prepare for the new requirements. [The Care Bill Update Report \(2.1\)](#)
- 6.5. The Adults and Safeguarding Committee received a report on the implementation of the Care Act on the 2 July 2014. [The Implementation of the Care Act](#)
- 6.6. The Adults and Safeguarding Committee received a report on the Consultation on the Statutory Guidance on the 31 July 2014. [Response to Consultation on the Care Act Guidance](#)
- 6.7. The Adults and Safeguarding Committee received a report on Implementing the Care Act on the 2 October 2014. [Implementation of the Care Act 2014.](#)
- 6.8. The Adults and Safeguarding Committee received a report on the Universal Deferred Payments scheme on 26 January 2015. [Implementation of the Care Act - Adult Social Care Deferred Payment Policy](#)
- 6.9. The Adults and Safeguarding Committee received a report setting out the service development challenges required in adult social care in order to respond to the challenges of increasing growth in demand, enhanced statutory duties and continued financial austerity on 26 January 2015. [The Implications of the Commissioning Plan and The Care Act 2014 for Adult Social Care in Barnet](#)

- 6.10. Responses to the Barnet Public Consultation on the Care Act 2014. [Responses to the Public Consultation](#)
- 6.11. Equalities Analysis (EqA) on local policies to support implementation of the Care Act 2014. [EqA on Local Care Act policies](#)
- 6.12. The Care Act received Royal Assent on 14 May. [The Care Act 2014](#)