

Service and Community Impact Assessment (SCIA)

Front Sheet:

Directorate and Service Area:

Social and Community Services, Joint Commissioning

What is being assessed?

The Adult Social Care Policy Framework

Responsible owner / senior officer:

John Jackson

Date of assessment:

13 February 2015

Summary of judgement:

This assessment considers the impact of the proposed Adult Social Care Policy Framework on individuals, communities, staff, other council services and providers. The new policies in the framework consolidate the council's existing approach to adult social care and incorporate changes brought in by the Care Act 2014. They strongly support the council's commitment to helping people live independently, personalisation and giving people greater choice and control over how they live their life.

The policy changes are likely to have a positive impact on most service users, enabling broader access to care and support and more equitable distribution of resources. Carers will be significantly impacted by the policies, as they have been put on the same legal footing as those they care for, becoming entitled to receive care and support in their own right.

Whilst the council is likely to see an impact on the demand for services, including an increase in the number of assessments and a responsibility to arrange care for self-funders where they ask for this, this has been mitigated by the introduction of streamlined processes and a new IT system.

Potential impacts on staff, other council services and providers are associated with implementing the policies and focus on workforce capacity and capability. The council is making additional funding available for service areas that will be significantly affected, has detailed training and implementation plans and will

continue to work in partnership with providers to ensure that they are prepared for the changes.

Detail of Assessment:

Purpose of assessment:

This assessment considers the impact of a new Adult Social Care policy framework for Oxfordshire, developed to consolidate the council's existing approach to supporting people with care and support needs and to address changes brought in by the Care Act 2014. It includes changes to current policy and practice in some areas that will affect service users, providers and council services and staff.

This assessment also fulfils the council's requirements under Section 149 of the Equalities Act 2010, as set out below.

Section 149 of the Equalities Act 2010 ("the 2010 Act") imposes a duty on the council to give due regard to three needs in exercising its functions. This proposal is such a function. The three needs are:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic, and those who do not.

Complying with section 149 may involve treating some people more favourably than others, but only to the extent that that does not amount to conduct which is otherwise unlawful under the new Act.

The need to advance equality of opportunity involves having due regard to the need to:

- remove or minimise disadvantages which are connected to a relevant protected characteristic and which are suffered by persons who share that characteristic,
- take steps to meet the needs of persons who share a relevant protected characteristic and which are different from the needs other people, and
- encourage those who share a relevant characteristic to take part in public life or in any other activity in which participation by such people is disproportionately low.
- take steps to meet the needs of disabled people which are different from the needs of people who are not disabled and include steps to take account of a person's disabilities.

The need to foster good relations between different groups involves having due regard to the need to tackle prejudice and promote understanding.

These protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation
- marriage and civil partnership

Social Value

Under the Public Services (Social Value Act) 2012 the Council also has an obligation to consider how the procurement of services contracts with a life value of more than £173,934¹ might improve the economic, social, and environmental well-being of the area affected by the proposed contract, and how it might act to secure this improvement. However, it is best practice to consider social value for all types of contracts, service delivery decisions and new/updated policies. In this context, 'policy' is a general term that could include a strategy, project or contract.

Context / Background

The Care Act 2014 modernises the legal basis for adult care and support in England, providing a single statute that replaces most of the existing adult social care legislation and good practice, and bringing greater clarity, consistency and equality of access to care and support. It focuses on improving outcomes for individuals and families and increasing their wellbeing through the personalisation of services and by giving people greater choice and control over how they achieve what they want to in day to day life.

To reflect the changes within the Care Act 2014 the council must also update and consolidate its policy and practice.

The Adult Social Care Policy Framework is composed of five high level policies designed to define the council's approach to adult social care in Oxfordshire:

- Assessment and Review
- Support Planning
- Contributions Policy
- Appeals, Complaints and Compliments
- Safeguarding Adults

The policies are based on the council's strategies, which set out its vision to deliver a 'thriving Oxfordshire'. This includes supporting and promoting strong communities, so that people live their lives as successfully, independently and safely as possible.

¹¹ [EC Procurement Threshold for Services](#)

The specific changes brought in by the Care Act 2014 that are taken account of in the development of this policy framework relate to:

- Duties relating to information and advice, prevention and integration with health and other partners;
- Reinforcing that the individual's wellbeing is at the heart of care and support;
- Putting carers on the same legal footing as the people they care for;
- National eligibility criteria.

The funding reform elements of the Care Act are planned to come into force from April 2016. This includes the introduction of a 'cap' on what people will have to pay towards the cost of their care. The policy framework will be updated to incorporate these changes at a later stage, once the government has finalised the associated guidance.

Proposals

The direction and ethos of the Care Act 2014 is not a change from how Oxfordshire has been developing its adult social care services over the last decade. However, existing policy on assessment and support planning for adult social care is patchy and tied to a raft of operational guidance and professional toolkits, some of which are out of date.

The framework consists of the following policies:

Assessment and Review;

Support Planning;

Contributions Policy;

Appeals, Complaints and Compliments; and

Safeguarding Adults.

They are based on the adaptation of current practice and aim to formalise this in compliance with legislation, whilst also encompassing changes developed through the Adult Services Improvement Programme. With clear adult social care policies in place, consistent and up-to-date guidance and training for staff can be established and cascaded. The policies will also provide the public with clear and transparent information on what they can expect from the council when applying for care and support to meet their needs.

Whilst the Department of Health's Care and Support Statutory Guidance issued under the Care Act 2014 has been heavily relied upon to ensure that the new policies are compliant with legislation, guidance on funding reform and proposals for managing appeals and complaints under the new statutory regime has just been put out to consultation. As such, the Contributions Policy and the Appeals, Complaints and Compliments Policy will be reviewed once the proposals become clearer later in 2015. The Appeals, Complaints and Compliments Policy in the framework does not incorporate any significant changes from current practice.

However, there are a number of proposed policy changes incorporated in the Framework. A summary of each policy, highlighting the changes to current policies and practice, is provided below:

Assessment and Review

- There is no significant change to existing policy around Assessment and Review. All individuals are able to access an assessment of their needs to understand their level of need, outcomes that they want to achieve and the impact of these on their wellbeing. People will be offered an appropriate and proportionate assessment depending on their level of need. The policy therefore treats people fairly by applying the same principles to everyone regardless of their characteristics.
- Review of support plans will be appropriate and proportionate to the person's needs and be fair and equitable towards individuals.
- New national eligibility criteria will be applied to everyone when determining which needs the council can offer support for. These are similar to the current criteria used in Oxfordshire.
- The council may authorise others to carry out reviews on its behalf when appropriate, whilst maintaining overall responsibility and oversight.

Support Planning

- There is no significant change in existing policy for support planning except in relation to overarching issues - carers' entitlements, independent advocacy and information and advice.
- People whose eligible needs for care and support are being met by the council will have a Support Plan that details how their needs will be met, and where applicable, a Personal Budget to set out the cost of their care and support. This process enables the person to make decisions about how their needs will be met. The Support Plan will be reviewed regularly, to ensure it is meeting the person's needs and enabling them to achieve their outcomes.
- Collaboratively developing Support Plans and providing Personal Budgets for everyone with eligible needs is current good practice in Oxfordshire. This will apply for all who are newly eligible, and will be introduced for any existing clients who do not already have this at review stage.

Contributions

- Most people who receive social care via the council pay something towards the costs. The Contributions Policy sets out how this is worked out fairly, starting with a financial assessment to see what a person can afford. The Care Act introduces changes in this area.
- Deferred Payment Agreements are a way of releasing financial resources held within a person's home to pay for care. With the introduction of the national scheme, there will be some changes to how the existing discretionary scheme in Oxfordshire operates. These include proposals to charge the nationally-set maximum interest rate, introducing an arrangement fee to cover the costs incurred by the council and passing on any property valuation costs incurred to the individual.
- The council can now charge people who pay the full cost for their care and support, other than in a care home, a fee for arranging this. A one-off fee at two levels is proposed, reflecting the differing cost to the council incurred when simply

negotiating a contract with a provider or actively helping to manage the relationship between the provider and the individual.

- The council now has discretion to backdate charges for support and care at home and other non-residential care services as well as residential care to the point at which the person started receiving services, rather than the point at which they were informed of the outcome of their financial assessment.
- The council now has to take account of Higher rate Disability Living Allowance and Attendance Allowance in financial assessments, whereas previously these had to be disregarded.
- The council can no longer take personal injury awards that have been settled or are held in trust into account in financial assessments.

Appeals, Complaints and Compliments

- The council can now accept complaints from people paying for their own care, including through Direct Payments, as well as those receiving care paid for by the council. These people will be signposted to the appropriate body for their complaint to be investigated.

Adult Safeguarding

- There are no significant changes to existing policy, although the Care Act makes the current Safeguarding Adults Board a statutory entity and makes it clear that a person does not need to be eligible for or receiving care and support through the council to be subject to a safeguarding investigation. The Care Act guidance helps to further define what constitutes a safeguarding issue.

There are a number of universal duties brought in by the Care Act that affect the council and are reflected across all the policies in the Framework:

Information, Advice and Guidance

There is already extensive provision of information, advice and guidance in Oxfordshire about care and support. Further work is being done to ensure this is as comprehensive as it can be and that people know how to access it.

Independent Advocacy

The scope for arranging advocacy is broadened; the council will need to arrange an independent advocate in situations where a person has 'substantial difficulty' taking part in the assessment, planning and review of their care and support, and has no one else who is able to support them in this.

Carers

The Care Act puts carers on the same legal footing as people who have support and care, whether or not the person they care for has needs which are eligible. Carers will be entitled to an assessment of needs in their own right and may be eligible for a support plan and personal budget of their own, taking into account their caring role.

Oxfordshire has made a strong commitment to supporting people who care for others, in recognition of their essential and vital role both in caring and in keeping people as well and as independent of services as possible. As such, the council will continue not to charge carers for support.

Evidence / Intelligence

The proposed policy framework has been developed to address changes arising from the Care Act 2014, alongside other relevant legislation (including the Children and Families Act 2014 where appropriate), government directives and the council's Adult Social Care Business Strategy and commissioning strategies.

The framework and impact assessment below are informed by the expertise and views of front line staff and people who have adult social care, their families, friends and carers. We have worked in partnership with the Local Government Association, the Association of Directors and Adult Social Services (ADASS), and the Department of Health. We have also been involved in national and local partnerships to support local implementation of the care and support reforms, and have benefited from conversations with other local authorities in formulating a coherent interpretation of the national reforms.

Much of what is proposed consolidates the approach which is already being taken in Oxfordshire, and as such the policy framework formalises existing good practice in Oxfordshire. This includes consultation on the Contributions Policy in 2013.

The impact assessment below also uses data from financial and demographic modelling we have undertaken, to ensure we are prepared for the impact of the changes.

Alternatives considered / rejected

The Care Act 2014 is a comprehensive reform of adult social care that

- replaces existing provisions with updated provisions that retain the same effect,
- brings the existing best practice into statute, and
- introduces substantial policy reforms.

Two options have been considered to implement these reforms and formalise existing good practice in Oxfordshire:

Option 1: Do nothing. At present, the council's approach to adult social care is defined in a number of different policies and guidance documents. Many of these would not be compliant with the Care Act and need updating to reflect current practice.

Option 2 (preferred option): Develop a new adult social care policy framework which simplifies practice for care professionals, empowers individuals to better understand their rights and responsibilities, and further focuses local policies and practice around the person's wellbeing.

The framework brings together existing adult social care policies and underpins the changes being introduced as a result of both the Care Act 2014 and the Adult Services Improvement Programme. The policies in the framework provide principles

on which operational guidance can be built and communicate clear messages to Oxfordshire residents. The simple structure of the framework will enable the council to review and update the policies easily when required.

Impact Assessment:

Impact on Individuals and Communities:

The policies affect everyone equally, regardless of an individual's age, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, sexual orientation, marriage and civil partnership.

However, they do take account of factors that influence an individual's care and support needs, such as disability and any dependents. Where people would otherwise be disadvantaged by their situation (e.g. sight and hearing impairment) the council will continue to provide additional support to ensure equal access to Oxfordshire's adult social care system. Information which the council provides will continue to be made available in alternative formats and languages.

The policies reflect the Care Act's and the council's own emphasis on personalisation, choice and control, a focus on outcomes and meeting individual's needs, which will benefit all adults with protected characteristics. For example, the discretion to pay family members living in the same household to manage their relative's direct payment where this is considered necessary is likely to benefit people who might have specific needs around how their money is managed and by whom.

A number of policy changes incorporated in the framework will positively impact all people with care and support needs:

Independent advocacy

The Care Act requires that, unless a person has someone appropriate to help them, (which could be a family member, friend or neighbour), the council must arrange independent advocacy for anyone who has 'substantial difficulty' taking part in their assessment, support planning or reviews, in understanding information and advice, or in taking part in a safeguarding investigation. This applies regardless of whether they have had a mental capacity assessment under the Mental Capacity Act 2005 and broadens the council's current scope of advocacy provision.

Currently the council does not involve independent advocates except in specific circumstances (for example in relation to the Mental Capacity Act or when someone is making a complaint). There is likely to be an increased demand for independent advocacy; we estimate that 160 additional adults and carers per year are likely to require independent advocacy support.

The impact of this increased demand will be mitigated through the commissioning of advocacy services. We have allocated £70,000 in 2015/16 to support this and the chosen provider has recruited a temporary member of staff to co-ordinate the start of the new service. The policies emphasise that all other options for the provision of appropriate support will be considered first, with independent advocacy as a 'last resort'. This message will be cascaded to front-line staff through training and communication to protect resource for those who most need it.

Emphasis on fairness, equity, and choice

One of the overarching principles of the policy framework is the fair and equitable access to and apportionment of care and support, depending on the level of need and regardless of a person's characteristics. Although this has been the existing good practice in Oxfordshire, the policy framework will further support consistent implementation.

Policies also emphasise personalisation and choice, such as opting for self-assessment, self-review, having a personalised support plan to meet assessed needs, and access to a wide range of services to make informed choices about their day to day lives. Although most of this has been the practice previously, the policy framework and the recent changes to IT systems, simplifying processes and forms, will mean people receive consistent messages and a more effective service overall.

Appeals, Complaints and Compliments

The Department of Health is currently consulting on proposals for introducing a new appeals system for adult social care from April 2016., The Appeals, Complaints and Compliments policy reflects current statutory guidance, and will be reviewed as new guidance is introduced.

It is important that people have the opportunity to get help when something goes wrong with their care and support, wherever they are receiving it. The council policy is to accept appeals and complaints from people paying for their own care whether or not they have been assessed as having eligible needs, as well as those who are receiving services from the council. This provides a universal benefit to adults receiving care and support in Oxfordshire, as people have the opportunity to raise their concerns and get support to address them.

This will also enable the council to have an overview of the whole picture for people who have care and support in Oxfordshire, where organisations are not working so well, and where systems and processes need to change or improve. It is likely to increase the number of complaints received by the Complaints Service.

To mitigate an increase in workload the Complaints Service will encourage the person making the complaint to resolve their issue with the provider in the first instance. Where a resolution cannot be reached we will work closely with the Contracts Monitoring Team to investigate the complaint further. Where the complaint relates to care and support that is not provided by the council, we will signpost people to the appropriate body for their concerns to be investigated.

There are also specific groups of Oxfordshire residents that will be affected by the new adult social care policy framework:

Carers

'Carers' refers to people providing necessary care and support, but not as a paid or unpaid worker. The Care Act puts carers on the same legal footing as people who need support and care, whether or not the person they care for has eligible needs, and makes the process of accessing support simple and straightforward. This is reflected in the framework.

Carers will now be entitled to an assessment of their own need for support and their own eligibility will be assessed taking into account their caring role, their wellbeing and the outcomes they want to achieve. If a carer is eligible, they will be entitled to a support plan and where applicable, a Personal Budget to meet their needs.

It is anticipated that more carers will come forward for an assessment as a result of these changes. The council is currently aware of around 16,000 carers, and modelling suggests this could increase by up to 5,000 in the first year and an additional 600 per year thereafter.

Currently carers' assessments take place both within adult social care teams (usually by a social worker or occupational therapist) and the Customer Services Centre (customer service advisors supported by a social worker/occupational therapist). 5,697 carers received an assessment during 2013/14. The numbers of carers who will come forward for assessment and become eligible for support under the new, national criteria is very difficult to predict due to behavioural factors. However our current estimates are:

- a. A further 5,000 adult carers may become eligible for assessment and some form of support during the year 2015/16. This data is based on modelling from the council's record system.
- b. This number will continue to increase as more people who carry out a caring role become aware that they can apply for support.
- c. A further 1,000 young carers may become eligible for support during the year. This is based on national research and current numbers in Oxfordshire.

This makes a total of 10,697 possible adult carers and 1,000 young carers who could come forward for an assessment of needs. Modelling suggests that, of this number, an additional 1,000 carers could become eligible for support from the council.

We anticipate that when grant funding for carers is replaced with personal budgets from April 2015, half of those currently receiving grants would qualify for a Personal Budget under the new system. There may be some variation in the level of Personal Budget awarded as compared to the grant. This will be monitored and if an appeals process is necessary, this will be considered.

We have allocated £1,209,000 for the new carers' assessments and to meet the needs of those who are assessed as eligible. This includes the anticipated cost of Personal Budgets, and preparing and reviewing Support Plans. Please refer to the

'impact on staff' section for more information on how the increase in demand will be managed.

People who pay the full costs of their care and support (self-funders)

It is anticipated that more people will come to the council to have their needs assessed and to ask for help arranging their care and support. However, this will depend on national and local publicity around the Care Act reforms and when the funding reform aspects planned to come into effect from April 2016 are finalised and publicised.

The people most likely to come forward are those who currently pay for their support and care, but have not yet been in touch with the council. These people are sometimes known as 'self-funders'. From April 2015, self-funders with eligible needs can request that the council meet their needs, where this is to be through non-residential care and support. The council already helps to meet the needs of self-funders in some circumstances, such as supporting someone to leave hospital in a timely way. The council will continue to help self-funders to arrange and purchase both residential care and non-residential care, where appropriate.

The introduction of the respective arrangement fees for brokering or managing non-residential care for self-funders with eligible needs will be introduced from 1st April 2015 and will not affect existing service users. The council will ensure that there is clear information, advice and guidance on care and support options available to people, including to those who already do or will pay full cost for their care. It will make clear to individuals that they can request the council meets their eligible needs for support where they are to be met through non-residential care. It will make equally clear to individuals that there will be an arrangement fee for this, the level of which will depend on whether the individual is requesting the council brokers their care, or manages it on their behalf. The council will notify individuals in writing whenever they are liable for an administrative charge.

Young people transitioning to adulthood from Children's Social Care

The Assessment and Review and Support Planning policies clarify existing best practice on supporting young people in transition to adulthood, their carers and young carers, reflecting the strengthened legal basis of the Care Act and the Children and Families Act.

Prisoners

People with care and support needs in prison, approved premises and bail accommodation now have the same rights to access social care as other adults (apart from the ability to receive a direct payment, unless they have yet to be convicted, and to choose accommodation). This will ensure their eligible needs for care and support are effectively met, taking into account the agreed outcomes for day to day life they want to achieve.

There are two prisons in Oxfordshire, Bullingdon and Huntercombe. We estimate that about 26 people currently in these prisons will require assessments, and may be eligible for care and support. We have allocated £207,000 for assessing, meeting and reviewing the eligible needs of prisoners. This figure includes the extra staff resources we estimate we need to allocate, the anticipated cost of meeting

prisoners' eligible social care needs and some reserve to allow for possible increases in demand in future.

The council is working closely with both prisons to prepare for this. As part of its information and advice strategy, it will ensure that prisoners are directly informed of this change and are aware of how to access care and support.

People who lack mental capacity

Previously people who did not have capacity under the Mental Capacity Act 2005, could not access Direct Payments. Reflecting the change introduced by the Care Act, the Support Planning Policy makes it clear that it is now possible for people who lack mental capacity to receive Direct Payments, via an authorised person. This enables people in this situation to have maximum control over their care and support.

People choosing a Deferred Payment Agreement

The Universal Deferred Payments Agreement scheme will replace the current discretionary Deferred Payment Scheme which the council has offered to individuals since 2001.

It is proposed to introduce a charge of £680 for arranging a Deferred Payment Agreement, and that interest will be charged on the deferred sum at a rate set nationally. Individuals considering Deferred Payment Agreements will be made aware of these charges in advance. Those individuals who are currently supported by the council with a Deferred Payment Agreement will remain unaffected by this change. The range of information and advice will include informing service users of the option of Deferred Payment Agreement. The proposed charge reflects the costs to the council of making these arrangements; including the cost of staff engaged in administering the scheme, legal services, contracting with the care provider and monitoring the accruing deferred debt.

With regard to property valuations, the council does not propose to require or commission formal valuations in the majority of cases. However in cases involving unusual properties or title holding or restricted equity available to support a Universal Deferred Payment Agreement, it will commission formal valuations using its retained valuers and pass on the cost to the individual. It is expected that this will apply in only a small number of cases, less than ten a year. The service user will be presented with an estimate of these expected costs in advance of the valuations being commissioned.

People paying towards their care and support

The following sets out the impact on people of the contributions changes set out above.

Backdating charges

The backdating charges changes will be introduced from 1st April 2015, and will not affect existing service users. The council is committed to carrying out financial assessments as soon as possible so that people know what they can expect to pay and there are no surprises or large bills at a later date. Work will continue to make sure processes allow for financial assessments to take place as early as possible

and that people are informed of the outcome in a timely way. The council will ensure individuals are made aware of the possibility of backdated charges, prior to care being put in place. Where the council does need to backdate charges, it will notify the individual in writing and as early as possible.

Higher rate Disability Living Allowance and Attendance Allowance

Individuals going into permanent residential care are likely to have to pay a maximum additional £320 in total as a result of these benefits now having to be taken into account in a financial assessment. This is because the Department of Work and Pensions should cease payment of the benefit no later than four weeks after that placement begins, or sooner if the person has been in hospital previously. This will require the individual to have two financial assessments. This is expected to have minimal impact on the individual, as the necessary information will be collected during the first assessment. The individual will be informed at the outset that the change will occur no later than four weeks after admission, and will be notified in writing of the revised outcome. People receiving care and support at home are likely to have to pay an additional £20 per week in contributions.

This change will also apply to existing service users, who will be reassessed. This will affect approximately 2,000 service users, who the council will be contacting prior to April 2015.

Personal Injury Awards

Legislative changes will benefit individuals who have personal injury awards which have been settled or are held in trust, as it means that these financial resources will not be taken into account in their financial assessment from April 2015 onwards.

However, if the council is involved in proceedings prior to settlement it may still be possible to build additional money into the settlement to cover the cost of care without reducing the amount of compensation paid directly to the individual. Although this will apply to a small number of cases, the council will continue to be involved in proceedings as early as possible.

Risks	Mitigations
Service users do not understand the new policies or their implications	<ul style="list-style-type: none"> • Guides for service users will be produced as part of the implementation of the policy, including summary and easy read versions • All existing printed and online information provided to service users will be revised to ensure it communicates policy clearly • Alternative formats of the policies will be made available on request. These include other languages, large print, easy read or Braille.
Increases in contributions and introduction of fees as a result of policy changes	<ul style="list-style-type: none"> • Some people new to receiving support from the council may have to pay some fees and charges, which existing service users have not had to. They

are unaffordable for individuals	<p>will have a choice over this, as they can opt for a different way of having their needs met.</p> <ul style="list-style-type: none"> • Where changes to what is taken into account in a financial assessment adversely affect existing and new service users this will be mitigated, as maximum contributions cannot reduce a person's income below a certain threshold. • Implementation of the policies will not be until 1st April 2015, allowing time to prepare and work with those who will be adversely affected to limit impact.
Increased complaints in response to new policies and their implementation / impact on service users, including carers	<ul style="list-style-type: none"> • Majority of proposed changes have a positive impact for service users • Carers who have previously received a grant have been informed about the new carer's eligibility criteria as part of wider engagement with carers.

Impact on Staff

There are various parts of the council's adult social care workforce that will be affected by the new adult social care policies, incorporating changes brought in by the Care Act 2014. They include staff in:

- the Social and Healthcare team,
- the Financial Assessments team,
- the adult social care teams, including the locality teams, hospital teams, mental health and learning disability teams, and care sourcing and purchasing team
- the children's social care teams, in relation to transition into adulthood,
- joint commissioning, including commissioners, procurement and contracting officers, and the comments and complaints team,
- various services available to people with care and support needs, including equipment and the health and wellbeing centres,
- the Oxfordshire Safeguarding Adults Board.

We have modelled the impact on staff and services as above, and additional funding has been made available to the areas where we anticipate the most significant impact on workload. We have retained some of the national government funding made available for the implementation of the Care Act; this will be allocated as the impact of the changes is realised.

The main impacts on staff are anticipated to be awareness and understanding of the new policy framework, and responding to additional demand from carers and self-funders. This will have implications for staff capacity to carry out assessments, support planning and reviews.

Additional capacity will be required, including in the Social and Healthcare team and the locality teams. We are confident that these teams can manage the increased demands without recruiting additional staff as a result of improvements that have

been introduced to our systems by the Adult Services Improvement Programme, In particular we will achieve efficiencies and release capacity through the application of more streamlined working processes and new IT components.

A new assessment form for carers in accordance with the policy framework and the Care Act has been developed and will be available to be used for carers' assessments from 1st April 2015. The form will also be embedded in our new IT system that will enable people to assess their needs themselves. The council will encourage and provide carers with support to undertake self-assessments to lower the impact of increased demand on our staff.

The council now has a legal responsibility to assess the needs of a person turning 18 if there is a significant benefit to that person in doing so and regardless of whether they currently receive services from us. We do not anticipate a large impact on staff to support this, as Adult's and Children's services already work closely to ensure young people are supported through their transition into adulthood. We believe our current work will be strengthened by the recent legislative changes.

Increased demand, the introduction of fees, and changes to the Deferred Payment Agreement scheme and charging will impact on the Financial Assessments team. The council will ensure revised guidance is developed for staff, and that they are trained in the new processes. It will monitor impact and allocate additional capacity if required.

The policy framework has been developed in close cooperation with operational leads to ensure that good practice in Oxfordshire has been incorporated in the policies and staff implications have been taken into account. There remains a risk however, that frontline staff may not be fully aware of the new policies, or confident in implementing them effectively and consistently. In addition to a communication plan, there will be a detailed implementation plan for the new policies following their agreement by Cabinet that will include appropriate briefings and training sessions for staff. There will also be a review of other policies, procedures and guidance available to staff, including the council intranet and internet sites, to ensure that they align and consistently enforce the new policies.

Risks	Mitigations
<p>Staff are not aware of the new policy framework, and how to implement it using new processes / communicate it to service users appropriately</p>	<ul style="list-style-type: none"> • Staff have been involved in Care Act briefings to increase their awareness of the reforms • Policies have been developed in close collaboration with staff • Briefings and training for staff as part of implementation plan following agreement of policy framework • Staff have been involved in the development of processes and procedures to support the implementation of the new policies (e.g. new carer's assessment form, Resource Allocation System, etc.)

	<ul style="list-style-type: none"> • Review of other policies, procedures and guidance available to staff, including the Council intranet and internet sites, to ensure that they align and consistently enforce the new policies
Resource is not sufficient to meet the increased demand for assessment, support planning and review	<ul style="list-style-type: none"> • The Adult Services Improvement Programme is implementing a LEAN approach, which will release additional staff capacity to handle the increased demand. • The introduction of a new IT system for adult social care will make processes more efficient, releasing staff time. • Implementation and training plan will be developed for staff in bringing in the new policy framework

Impact on other Council services

It is possible that implementing the new policies could lead to increased complaints from people being cared for and carers, and legal challenge if it does not resolve issues with fair application of charging policies. However, the changes in the policy are broadly positive for both people being cared for and carers.

The changes introduced in the revised Contributions Policy will have implications for the Financial Assessments team, legal services and the council's income.

Deferred Payment Agreements

The council estimates the following additional requests for Deferred Payment Agreements, in light of increased public awareness: 30 in 2014/15, 60 in 2015/16 and 100 in 2016/17. This will have implications for financial assessments and legal teams in drawing up these agreements. The council will monitor capacity and respond accordingly, and has allocated approximately £90,000 for additional costs arising. The impact on the council's financial resources should be neutral, as the fees and charges are intended to cover the costs incurred. These will be reviewed at least annually, to ensure the council continues to charge the right amount to reflect incurred costs.

Arrangement fee for non-residential care for self-funders

The impact on the council's financial resources should be neutral, as the arrangement fees for brokering or managing non-residential care are intended to cover the costs incurred. These will be reviewed at least annually, to ensure the council continues to charge the right amount to reflect incurred costs.

Backdating charges

The backdating of non-residential care charges extends what is already existing practice for residential care. The council does not expect activity levels to increase significantly as a result; however, it will monitor capacity and respond accordingly to any issues arising.

Personal Injury Awards

This change is expected to have minimal impact on the Financial Assessments and legal teams, as it does not represent a significant change to existing practice.

Risks	Mitigations
Increased complaints in response to new policies and their implementation / impact on service users and carers	<ul style="list-style-type: none">• Majority of proposed changes have a positive impact for service users• Those likely to be adversely affected because of changes in the Contributions Policy will be contacted as part of implementation to offer a re-assessment and help to consider alternative care provision to reduce costs if appropriate• A clear communications plan will ensure that people are aware of the changes and informed about the impact, including what it will mean for them

Impact on providers

The policies emphasise providers' and the local authority's role in creating a vibrant and sustainable social care market. We already work closely with providers and will continue to do so.

The main risks are that providers are not clear about what is expected of them as a result of the changes from the Care Act and our policies. We will use existing working relationships and partnerships with providers and their representatives to ensure that knowledge and information is shared with them and our intentions as a commissioning authority and expectations on them to deliver delegated functions are clear.

We have published Market Position Statements on Home Care, Extra Care Housing and Care Homes that provide information and data on current demand for and supply of services as well as the council's commissioning intentions. Hosting an annual provider conference enables us to keep abreast of the pressures facing providers and communicate our approach to commissioning adult social care services.

We have been in regular contact with providers to discuss the main changes the Act brings that will have an impact on them, which are reflected in the policy framework:

Market shaping

With a fresh focus on promoting wellbeing and personalisation, the council's policy is to commission quality, outcome-based adult social care services. Providers need to have greater focus on the outcomes they are delivering for adults in their care and provide a greater variety of services. There may also be the opportunity to develop new services for carers, who are now entitled to have their own needs assessed and to receive services in their own right.

The council's market position statements outline its direction of travel for providers. We have been working on an Adult Social Care Workforce Strategy which will provide the direction required to develop workforce capacity and capability. We are also working closely with the Oxfordshire Association of Care Providers, whose members are care home, community support and home care providers, to enable providers to access the relevant training to develop their workforce.

Continuity of care

The policy framework reflects the council's duty to meet the eligible care and support needs of Oxfordshire's adult population. This includes a temporary duty to step in and ensure that needs continue to be met where a provider experiences business failure, affecting their clients' wellbeing. This duty applies irrespective of whether the council has a contract with the provider or whether the people affected are self-funders. Going forward the council will require evidence of providers' business continuity plans when commissioning care and support.

Statutory safeguarding

Providers need to share information and co-operate with the council when taking action in relation to a safeguarding issue and the council in turn, will make providers aware of any safeguarding allegations made against them. This may have an impact on staff training and require the revision of key provider policies and procedures.

Risks	Mitigations
Providers do not have the necessary capacity to meet demand	<ul style="list-style-type: none"> The council is developing an Adult Social Care Workforce Strategy which will provide the direction required to develop workforce capacity and capability.
Providers do not have a workforce with the skills, knowledge or culture to implement the required changes	<ul style="list-style-type: none"> Existing partnerships and working relationships with providers will be used to clearly communicate our expectations, share knowledge and help them understand our policy framework and the impact of the Care Act. (e.g. publishing market position statements, using provider forums and the provider conference to engage with providers) The council will support providers to undertake workforce capacity planning and meet learning and development needs. This will mainly be through the Oxfordshire Association of Care Providers

Action plan:		
Action	By When	Person responsible
Cabinet approval of new policies following consultation	24 th February 2015	Ben Threadgold
Implementation of communications and stakeholder engagement plan, including targeted individuals	March 2015 (subject to Cabinet's approval of policies)	Marie Cacace, Ben Threadgold
Staff training	March 2015 (subject to Cabinet's approval of policies)	Mel Pearce, Ben Threadgold
Development of implementation plan for policies, and accompanying procedures and guidance	March – April 2015	Ben Threadgold
Implement new policy	1 st April 2015	Seona Douglas, Kate Terroni
Review of policies	No later than March 2016	Ben Threadgold

Monitoring and review:

Person responsible for assessment:

Version	Date	Notes (e.g. Initial draft, amended following consultation)
Version 1	13.02.2015	Initial draft
Version 2	16.02.2015	Second draft (comments from BT & JJ)