



ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE
6 MARCH 2023

SOCIAL CARE REFORM PROGRAMME UPDATE

REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES

Purpose of the report

1. The purpose of this report is to update the Committee on the progress of the Social Care Reform Programme, particularly the re-focusing of the programme following the Government's postponement of the proposed Charging Reforms, which formed a key element of the programme, until at least 2025.

Policy Framework and Previous Decisions

2. The remit of the Social Care Reform Programme is the Government's 10-year vision for Social Care. The "People at the Heart of Care" White Paper released in December 2021 sets out how the Government proposes to transform support and care in England. The vision revolves around three objectives:
 - People have choice, control, and support to live independent lives;
 - People can access outstanding quality and tailored care and support;
 - People can find social care fair and accessible.
3. As part of the proposals, the Government introduced a duty for the Care Quality Commission (CQC) to independently review and assess local authority performance and put in place new legal powers for the Secretary of State for Health and Social Care to intervene, to ensure improvement where there are significant concerns in a local authority undertaking its duties.
4. In October 2022, local authorities were required to submit to the Department of Health and Social Care (DHSC), a 'Fair Cost of Care' analysis that reflects local costs such as staff pay and travel time; and in March 2023 local authorities will submit a final Market Sustainability Plan (MSP) setting out a local strategy for the next three years. The MSP is the subject of a separate report on the agenda for this meeting.
5. The Committee has considered regular updates on the Social Care Reform Programme at its meetings on 7 November 2022, 5 September 2022, 6 June 2022, and 24 January 2022.

Background

6. The Government published its "Build Back Better: Our Plan for Health and Social Care Command Paper" in September 2021. The paper proposed that from October

2023, no eligible person starting to receive adult social care services will have to pay more than £86,000 for personal care over their lifetime.

7. However, on 17 November 2022, as part of the Government's Autumn Budget Statement, the Chancellor confirmed that the social care Charging Reforms will be delayed for two years in light of concerns as to capacity for local authorities to be able to deliver these changes to the original timescales and the potential costs of implementing the Charging Reforms. This means that the £86,000 'Care Cap' and metering towards this will not now be implemented until at least October 2025.
8. In the light of these changes the Department undertook a review of its Social Care Reform Programme. The Programme Board and workstream members were involved in several workshops during December 2022 to look at what worked well and less well, lessons for the future and shape what programme governance should look like in 2023.
9. In addition, the County Council's Internal Audit Team conducted an audit of the Social Care Reform Programme with the aim of providing assurance to management that the social care reforms, as included in the 'People at the Heart of Care' and 'Integration and innovation: working together to improve health and social care' White Papers published by Government during 2021 have been considered and that arrangements are in place to make sure that actions to ensure compliance will be fully and promptly achieved.
10. The audit took place between July and August 2022 and a report made to the Director in early December. The overall finding from the audit was a rating of *Substantial Assurance*, and it was reported by audit that 'based on the answers provided during the audit and the testing undertaken, substantial assurance can be given that the internal controls in place to reduce exposure to those agreed risks currently material to the system's objectives are adequate and being managed effectively.' The Internal Audit report made some recommendations on improvements to programme planning and governance such as version control of the programme plan and ensuring the Terms of Reference for all workstreams are up to date to ensure that the Programme is effective in how change is recorded and logged. These recommendations have been addressed within the revised Programme, detailed below.
11. This report sets out the changes to the Social Care Reform Programme resulting from the delay to Charging Reforms and the Internal Audit recommendations outlined above. A copy of the revised Programme is appended to this report, and presents a slimmed down, more focused workstream structure, developed to deliver the remaining parts of the programme. The new structure will also help in moving programme actions and deliverables into business as usual in preparation for programme closure in October 2023 at the latest.

The Revised Programme

12. Following the review, the focus of the Programme was revised to cover aspects of the reforms still required to be delivered following the Government's Autumn Budget Statement. This includes:

- i. delivery of the CQC assurance process and any improvement plans identified during the production of the self-assessment,
 - ii. delivery of the Fair Cost of Care exercise and MSP report to be submitted to Government in March 2023,
 - iii. delivering a wider improvement programme for adult social care finance.
13. A proposal to reduce the number of workstreams to the three set out above was approved by the Social Care Reform Programme Board in December. The workforce workstream was disbanded and made a common thread in the remaining three workstreams and, given the financial modelling required to implement charging reform was no longer required by October 2023, the Strategic Finance workstream was paused.
 - i. CQC Assurance and Self-Assessment report
14. Since the programme was reviewed, the Assurance workstream has expanded to include Policy, Co-Production, Communications and Information, Advice and Guidance workstream.
15. A draft of the self-assessment for the CQC has been produced. Staff surveys have been carried out to assist this process and identify what works well and areas for development. A report on the Adult Social Care Assurance Self-Assessment is also on the agenda for the Committee to consider.
 - ii. Fair Cost of Care and MSP report
16. On 1 February 2023, the 'Fair Cost of Care' information was published on the Council's website and in an edition of Provider News. The results of the Cost of Care surveys for residential and home care are described in the published reports. In addition, the papers also discuss some of the difficulties faced during the exercise, and the need for caution when interpreting the findings. Nevertheless, the surveys provided insightful data that was incorporated into the MSP and will aid future fee rate determination in these markets.
17. The DHSC provided an update about the completion and submission of final MSPs, the submission deadline for which is now 27 March 2023. No significant modifications are anticipated to the draft version submitted to DHSC in October 2022.
18. The Government's decision to pause the implementation of its proposed Charging Reforms until 2025 has meant that work on preparing the Department for those reforms has also paused.
 - iii. Adult Social Care Finance
19. The Fairer Charging and Digital and Access workstreams were combined and an updated programme of work is now in place to examine and implement financial pathway changes. The revised aim of this initiative will be to improve the throughput, effectiveness, and efficiency across the financial pathway to maximise the collection of social care-related income. Further information is included in the MSP report for Members' consideration on the agenda.

Resource Implications

20. The resources required to deliver the current staffing of the Social Care Reform Programme are contained within existing budgets, however, grant conditions relating to MSP are still awaited.
21. The Director of Corporate Resources and Director of Law and Governance have been consulted on the content of this report.

Timetable for Decisions

22. A report on the Adult Social Care Assurance Self-Assessment in preparation for CQC Assurance is also on the agenda for the Committee to consider.
23. A report on the MSP will be submitted to the DHSC by 27 March.

Conclusions

24. The Committee is asked to comment on the revised Social Care Reform Programme. The changes made reflect that the Government's Autumn Budget Statement has now delayed the implementation of Charging Reforms for Social Care until at least 2025. As a result, the Programme has been reviewed and refocused to fewer workstreams (delivering the CQC assurance process; implementing improvements to the Adult Social Care Financial Pathway and producing an MSP to be submitted to DHSC at the end of March 2023). The programme remains on course to end by October 2023 at the latest.

Background papers

“People at the Heart of Care” White Paper: December 2021

<https://www.gov.uk/government/publications/people-at-the-heart-of-care-adult-social-care-reform-white-paper/people-at-the-heart-of-care-adult-social-care-reform>

Build Back Better: Our Plan for Health and Social Care

<https://www.gov.uk/government/publications/build-back-better-our-plan-for-health-and-social-care>

Government Autumn Budget Statement

<https://www.gov.uk/government/publications/autumn-statement-2022-documents/autumn-statement-2022-html>

‘Integration and innovation: working together to improve health and social care’

<https://www.gov.uk/government/publications/working-together-to-improve-health-and-social-care-for-all/integration-and-innovation-working-together-to-improve-health-and-social-care-for-all-html-version>

Fair Cost of Care and Market Sustainability Plan

<https://resources.leicestershire.gov.uk/adult-social-care-and-health/communication-and-engagement/fair-cost-of-care-and-market-sustainability-plan>

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?MId=6838>

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 Adults and Communities Overview and Scrutiny Committee: 5 September 2022 – Adult Social Care Reform – Market Shaping and Charging Reform
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6841&Ver=4>

Report to the Adults and Communities Overview and Scrutiny Committee: 7 November 2022 – Progress in Delivering the Social Care Reform Programme
<https://politics.leics.gov.uk/ieListDocuments.aspx?MId=6842>

Equality Implications

25. Work is underway as part of identifying the deliverables of the Social Care Reform Programme to examine their equalities impact.

Human Rights Implications

26. There are no human rights implications arising from the recommendations in this report.

Appendix

Social Care Reform Programme workstream structure

Officers to Contact

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