


<p>Non-Executive Report of the:</p> <p>Health Scrutiny Subcommittee</p> <p>17th January 2017</p>	
Report of: Denise Radley – Director Adults’ Services	Classification: Unrestricted
Health Scrutiny Challenge: Progress on Action Plan – Carers	

Originating Officer(s)	Barbara Disney, Service Manager, Strategic Commissioning
Wards affected	All wards

Summary

This paper outlines the background to the Health Scrutiny Subcommittee’s *Unpaid Carers’ Scrutiny Challenge Session* and provides an update on progress against the recommendations contained in the Action Plan.

Recommendations:

The Health Scrutiny Subcommittee is recommended to:

1. Note the contents of this report and the Action Plan (Appendix Two)

1. DETAILS OF REPORT

- 1.1 As part of its work programme for the municipal year 2014-15, the Health Scrutiny Panel was keen to see how the Care Act 2014 was being implemented locally with a specific focus on the council's statutory duty to assess unpaid carers (a carer is someone of any age who provides unpaid support to family or friends who could not manage without this help. This could be caring for a relative, partner or friend who is ill, frail, disabled or has mental health or substance misuse problems). .
- 1.2 A scrutiny challenge session held that the Carers' Centre, on 13th May 2015, focused on a number of key questions, which resulted in a series of recommendations. The key questions were:
 - What are the council's proposals for supporting carers in the light of the Care Act 2014?
 - How has the council supported service users previously, is there going to be any reduction or access to services and what new measures is the council proposing to put in place?
 - Is the carer's plan being refreshed or reviewed and how will it change in line with the new regulations?
 - Which partners are providing carers' services currently and will there be a new commissioning strategy for carers' services in light of changes?
 - What feedback do we have from carers to understand how support services enable them to continue with their caring role (this should include details of things that work and areas for improvement)?
 - How are carers engaged and involved in the design, delivery and scrutiny of services to carers?
 - What will the council and its partners do to raise the voice of the carers and ensure their involvement in the decision-making process?
- 1.3 The challenge session was attended by a range of stakeholders, who included Councillors, officers from Adult Social Care, providers of carers' support services and local carers. The discussions focused on how the council and its partners could improve services for carers to enable them to continue with their caring role and maintain their health and wellbeing.
- 1.4 Seven recommendations were developed and presented to the Health Scrutiny Panel on 9th September 2016.
- 1.5 At this meeting, the Health Scrutiny Panel identified two critical areas missing from the original challenge session report. Firstly, there are many carers who do not recognise themselves as a carer because they see the support they provide as a duty or are supporting their family or a friend. This lack of self-recognition means that carers do not always access appropriate support, which may put their health and wellbeing at risk. It was felt that the CCG should look at how GPs might increase the identification and recording of carers. Additionally, as many carers were not aware of the benefits they can access, it was noted that additional financial stress of the caring role can have

an adverse impact on their health and wellbeing. Two further recommendations were added in relation to these points.

- 1.6 The Health Scrutiny Panel (9th September 2016) recommendations are attached as Appendix One. Progress against each recommendation is recorded in the accompanying Action Plan Update (Appendix Two).

2. COMMENTS OF THE CHIEF FINANCE OFFICER

The Census of 2011 identified 19,356 unpaid carers in Tower Hamlets. Without their services the local authority would have to provide additional resources to meet their clients' needs. Therefore this Carer's Action Plan is important to ensure their services are maintained and supported.

Any increase in carers' support will have a financial implication. The Current cost on carers services is shown below:

Services	Expenditure (£)
Care Act Services	330,700
Commissioned Carer services	664,413
Direct Payments	10,602
Respite in Care packages	187,000
Carers Assessments Costs	636,930
Carers Package Costs	434,449
Other Carers Provision Costs	21,600
Total spent on Carers	2,285,694

There has not been a significant increase in the number of carers or their costs since the implementation of the Care Act 2014 and this is expected to remain the same going forward.

3. LEGAL COMMENTS

- 3.1. The Care Act 2014 (the 2014 Act) aims to bring about a greater emphasis on individuals, their families and networks to be in control over their situations and the legislation attempts to rebalance the role of the state in the process. One important change the 2014 Act brings about is placing the right to an assessment for carers, and consideration of their wellbeing, on an equal statutory footing as those being cared for.
- 3.2. S.10(3) of the 2014 Act defines a carer as 'an adult who provides or intends to provide care for another adult'. S 10 (11) clarifies that providing care includes 'providing practical or emotional support'. S.63(6) of the 2014 Act defines a young carers as 'a person who is under 18 who provides or intends to provide care for an adult'. Both definitions exclude situations where the carer is providing care under or by virtue of a contract or as voluntary work.

- 3.3. The duty to assess applies irrespective of the level of expected need. The duty to provide support for an identified need is determined by the eligibility criteria in regulation 3 of the Care and Support (Eligibility Criteria) Regulations 2014. This criterion reflects the approach applied to the eligibility of individual's with care and support needs. The focus of the eligibility is on the impact of a carer's need for support on their own wellbeing.
- 3.4. Section 17ZA-ZC of the Children Act 1989 (as amended by the Children and Families Act 2014) imposes a duty on the Council to assess any young person under the age of 18 if it appears that they are providing support, or if they request an assessment. This is known as a 'young carer's needs assessment'. The assessment must consider whether the young person wishes to take on a carer's role, whether this is appropriate, what impact it has on the young person's ability to participate in education, training, recreation or employment. The assessment must also consider whether the young person requires support, and if so, whether that support can be met through the Council's powers to provide services to a child in need under section 17 of the 1989 Act.
- 3.5. In respect of adult carers it is important to note that the duty of the Council to carers is determined by the ordinary residence of the person cared for rather than that of the carer. For example, if a carer lives in Norwich but the cared for person lives within the Borough, the legal duty to assess and determine eligible needs will rest upon the Council. Equally, it is important to direct those who live within the Borough but are caring for others who are not ordinarily resident within Tower Hamlets to the appropriate authority.
- 3.6. When undertaking young carers or parent carers needs assessments, the responsibility to assess will be with the local authority in which the young carer or parent carer is 'within their area' (s 17ZA and s 17ZD). In a number of s17 Children Act 1989 cases, the court has found that 'within their area' refers to whether a child is physically present in the authority's area.
- 3.7. Where a duty to meet eligible needs does not arise, the Council retains the power to meet a need where it judges there is a reason to do so.
- 3.8. In relation to charging carers to provide support to them, s.14(1) of the Act provides a power for the Council to charge. The Care and Support Statutory Guidance (2014) recognises that '*Local Authorities are not required to charge a carer for support and indeed in many cases it would be a false economy to do so*', para 8.50. In the event that the Council does take a decision to charge a carer it must do so in accordance with the non-residential charging rules set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014.
- 3.9. In developing its approach to the assessment and eligibility of carers the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010 (e.g. discrimination), the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality

duty). The level of equality analysis required is that which is proportionate to the function in question and its potential impacts.

4. ONE TOWER HAMLETS CONSIDERATIONS

- 4.1 Services for carers are being developed to ensure that they are appropriate to meet identified needs across all Tower Hamlets diverse communities.

5. BEST VALUE (BV) IMPLICATIONS

- 5.1 It is envisaged that the involvement and the co-production work with carers, particularly around service specifications for new contracts, will enable much better targeted solutions to meet needs. All new procurement will meet Best Value requirements.

6. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 6.1 There are no direct environmental implications arising from the report or review of the recommendations.

7. RISK MANAGEMENT IMPLICATIONS

- 7.1 There are no direct risk management implications arising from the report or review of the recommendations. Carers provide significant levels of support to vulnerable people and there are risks if carers are not identified and supported appropriately. Promoting the identification and support of carers is part of a holistic approach to prevention and early intervention which reduces risk for individuals, their families and the Council.

8. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 8.1 There are no direct implications for crime and disorder as a result of the review of the recommendations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix One: The Health Scrutiny Panel (9th September 2016)
- Appendix Two: Scrutiny Challenge Session Action Plan Update: Unpaid Carers.

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

- NONE

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