


<p><b>Cabinet</b></p> <p>5 January 2016</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Melanie Clay, Corporate Director Law, Probity &amp; Governance &amp; Luke Addams, Interim Director of Adult Services</p>	<p><b>Classification:</b> Unrestricted</p>
<p>Health Scrutiny Challenge Session – Unpaid carers report and action plan</p>	

<b>Lead Member</b>	<b>Councillor Amy Whitelock Gibbs, Cabinet Member for Health &amp; Adult Services</b>
<b>Originating Officer(s)</b>	Afazul Hoque, Senior Strategy, Policy & Performance Officer
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Community Plan Theme</b>	<b>A healthy &amp; supportive community</b>

### **Executive Summary**

This paper submits the report and recommendations of the Health Scrutiny Panel Challenge Session on unpaid carers. It also provides an action plan responding to the recommendations on how the council and NHS can better support unpaid carers in Tower Hamlets.

### **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note the scrutiny challenge session report as agreed by the Health Scrutiny Panel on 9<sup>th</sup> September 2015 (**Appendix 1**) and agree the action plan in response to the review recommendations. (**Appendix 2**).

## **1. REASONS FOR THE DECISIONS**

- 1.1 Unpaid carers provide crucial support to vulnerable residents in Tower Hamlets. The Care Act 2014 made it a legal requirement for the council to assess unpaid carers who may be impacted by their caring role.
- 1.2 The Health Scrutiny Panel undertook a challenge session in May 2015 looking at how the council was implementing this legislation. This report presents the report and action plan responding to the recommendations which Cabinet is required to consider.

## **2. ALTERNATIVE OPTIONS**

- 2.1 To take no action. This is not recommended as the recommendations from the scrutiny challenge session aim to allow carers continue with their caring role. The development of a new Carers Plan allows the council to develop a new strategy to support carers.
- 2.2 To agree some, but not all recommendations. All of the recommendations are achievable within existing resources as outlined in the action plan.

## **3. DETAILS OF REPORT**

- 3.1 The Health Scrutiny Panel as part of its work programme for the municipal year 2014-15 was keen to see how the Care Act 2014 was been implemented locally and specifically the duty in relation to unpaid carers. A scrutiny challenge session was held on Wednesday 13<sup>th</sup> May 2015 at the Tower Hamlets Carers Centre. The challenge session focused on a number of key questions:

- What are the council's proposals for supporting carers in light of the new Care Act 2014?
- How has the council supported service users previously, and 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 conjunction to 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?

- 3.2 The Care Act 2014 consolidated all previous legislations around carers, support services and social care into one overarching statute. The Act for the first time has made it a statutory duty requiring local authorities to assess all carers who appear to have a need for support. It has been described as the biggest change to the law in 60 years and has brought new responsibilities for local authorities, and has major implications for adult social care and support providers, the people who use services and their carers. The Act came into force in April 2015.
- 3.3 The challenge session was attended by a range of stakeholders which included councillors, officers from social services, providers of carers support services and local carers. The discussions focused on how we can improve services for carers which enables them to continue with their caring role and improve their health and wellbeing.
- 3.4 The report with recommendations is attached at **Appendix 1**. Nine recommendations have been made:

**Recommendation 1:**

That the Carers Plan be developed in partnership with local carer service providers, carers' forum and in consultation with local carers.

**Recommendation 2:**

That carers assessments are completed in a timely manner to ensure carers are supported to continue in their caring role.

**Recommendation 3:**

That the council's social care staff are trained to support carers effectively by being aware of various services available in the borough to support carers including information, advice and guidance. This should also include managing expectations of carers.

**Recommendation 4:**

That carers are provided clear and substantive feedback when they are not eligible for services and appropriately signposted to universal and preventative services they can access.

**Recommendation 5:**

The range of carers services available are publicised on the internet. We will review our investment in those services in response to feedback from carers through the assessment process and ensure that any new provision is appropriately publicised and that carers and relevant organisations are made aware of such changes.

**Recommendation 6:**

That the council in partnership with Tower Hamlets CCG develop a manual handling training course for local carers to prevent long term harm and injuries to carers.

**Recommendation 7:**

That consultation and engagement be undertaken with carers to better understand need for respite services and ensure these are designed to meet local needs.

**Recommendation 8:**

That work is undertaken by primary health care service and the council to help carers that do not recognise their role as carer to better support them to enable them to continue with their caring role.

**Recommendation 9:**

That welfare benefit support to carers is strengthened to ensure carers are accessing all available benefits that they are entitled to and do not have additional financial stress.

3.5 The Challenge Session report concludes that the council has refreshed the Carers Plan to take account of the implication of the Care Act and services have been reviewed to enable the council to meet its duty. The views from carers support organisations and more importantly local carers that were able to attend the meeting highlighted areas where further improvements are needed.

3.6 The Action Plan attached in **Appendix 2** outlines the response from the Council and Tower Hamlets CCG. The Council will be developing a new Carers Plan and will work with partner organisations, local voluntary and community organisations and carers support services. A key component of this will involve engagement with carers in Tower Hamlets. This will enable further consideration to be given to the issues raised by the scrutiny challenge report and develop a longer term strategy to address these and ensure carers receive the support to continue with their caring role.

**4. COMMENTS OF THE CHIEF FINANCE OFFICER**

4.1 The National Census 2011 indicated there are around 19,356 unpaid carers in Tower Hamlets. The Care Act 2014 introduces new duties on Local Authorities to treat carers the same as the clients they care for in terms of assessment and care package support.

4.2 Within the Better Care Fund there are two funding streams to cover costs linked to new carers' duties:

- Implementation fund £733k
- Carers Support Fund £697k

4.3 Current information indicates that demand for carers assessments and care package costs will increase as a result of the new duties, however the increase in demand is likely to be gradual with rising demand expected during the second half of 2015/16 and in 2016/17.

## **5. LEGAL COMMENTS**

- 5.1 This report correctly describes the changes brought about by the Care Act 2014 (the Act) with regards to the changes in the legal duty towards carers. S.10 of the Act places a duty upon the Council to undertake an assessment where it appears that a carer 'may have needs for support'.
- 5.2 A carer is defined in the Act as 'an adult who provides or intends to provide care for another adult', s.10(3) of the Act. An adult is not to be considered as a carer if that adult provides or intends to provide care by virtue of a contract or as voluntary work but the Council has a power to disregard this if it considers it appropriate to do so.
- 5.3 S.63(6) of the Act defines a young carers as 'a person who is under 18 who provides or intends to provide care for an adult'.
- 5.4 A carers eligible need is defined by s.13 of the Act and further set out 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. Where a need has been assessed as eligible there is a duty to meet that need under s.20. Where a need is not eligible there remains a power to meet that need.
- 5.5 The recommendations and action plan may contribute to the Council meeting its general duties under the Care Act 2014 (the Act), which include –
- To promote an individual's well-being. Well-being is defined in the 2014 Act and includes control by the individual over day-to-day life. In exercising this general duty the Council must have regard to the importance of preventing or delaying the development of needs for care and support as well as and the importance of the individual participating as fully as possible.
  - To promote integration of care and support. The statutory guidance supporting the Act includes guidance for Council departments working more closely together and in a joined up manner.
  - To establish and maintain a service for providing people in its area with information and advice relating to care and support. This service should include information about the choices and types of care and support available, choices of providers available and how to access the care and support.
  - To promote diversity and quality in the provision of services within the locality. Under this section the Council must ensure that commissioning and procurement practices deliver the services that meet the requirements of the Act.
- 5.6 The Care and Support Statutory Guidance 2014 recommends that local strategies are developed through engagement with local people, carers and

their families. A co-produced approach stresses the value of meaningful engagement with people at all stages of the process rather than simply as feedback. The Health Scrutiny Panel work is evidence of the Councils commitment to this approach and in accordance with the statutory framework.

- 5.7 In developing any strategy and plan 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.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The scrutiny report makes a number of recommendations to improve support services to unpaid carers. A key focus is the engagement and involvement of carers in the design and delivery of services. The report also makes a recommendation to enable hard to reach carers to identify themselves and access support services.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 There are no direct best value implications arising from this report or recommendations. However, ensuring carers are supported to continue with their caring role will ensure in the long term a reduction in demand on health and social care services.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no direct environmental implications arising from the report or recommendations.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 There are no direct risk management implications arising from the report or recommendations.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no direct crime and disorder implications arising from the report or recommendations.

## **11. SAFEGUARDING IMPLICATIONS**

- 11.1 The report makes a number of recommendations to support unpaid carers who are supporting vulnerable residents. There are no direct safeguarding implications from this report or recommendations although ensuring carers are supported adequately will ensure better outcomes for vulnerable residents and their carers.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix One – Challenge Session Report
- Appendix Two – Challenge Session Action Plan

### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None

### **Officer contact details for documents:**

N/A