

# Safer Stockton Partnership

## Care Act 2014

Liz Hanley



Stockton-on-Tees  
BOROUGH COUNCIL

Adult Services

Big plans for the care we provide

# Background

- 2012 : Government set out a programme to reform Adult Social Care
- 2013 : Care Bill placed before Parliament
- The Bill became an Act on 16 May 2014 : Implementation from April 2015
- Funding Reforms to be implemented in April 2016

# General Responsibilities

There are five general responsibilities :

1. Promoting wellbeing;
2. Preventing, reducing or delaying needs;
3. Providing information and advice;
4. Market-shaping and commissioning of adult care and support;
5. Managing Provider Failure and other service interruptions.

# Other Requirements

- National Standards for assessment and eligibility
- Assessments will be focused on outcomes :
  - will consider the whole family
  - will meet the needs of Carers in their own right
- Requirement to provide independent advocacy :
- Guidance on charging for services
  - including a national scheme for deferred payment agreements
- Person-centered care and support planning :
  - personal budgets / direct payments
- Statutory requirements for adult safeguarding

# Adult Safeguarding

## Current Legal Framework

(pre Care Act Implementation)

- **No Secrets (2000)** : Department of Health : is statutory guidance (not legislation as in children);
- **Section 47 of the NHS & Community Care Act 1990** gave Local Authorities the responsibility assess the needs of adults in their area. **Critical** and **Substantial** needs include specific reference to abuse and neglect;
- Local Authority Staff, Members : Services have responsibilities under the **Human Rights Act 1998**;
- **Mental Capacity Act 2007**;
- Deprivation of Liberty Safeguards;
- Ill-treatment or neglect.



# Care Act : Adult Safeguarding

- Definitions of 'abuse' and 'neglect'
- The Local Authority Role : new duty to carry out enquiries where there is risk of abuse or neglect. May require independent advocate.
- Multi-agency working : roles, responsibilities and information-sharing.
- Requirement for all areas to establish a Safeguarding Adults Board (SAB) : to co-ordinate activity of partners to protect adults from abuse and neglect.
- LA, NHS and Police as core members of SAB : local discretion for others.
- SABs to carry out Safeguarding Adults Reviews into cases of concern, to ensure lessons are learned.
- New ability for SABs to require information-sharing from other Partners to support reviews or other functions.
- Designated Safeguarding Adults Manager.

# In Prisons and approved premises

Provision of care and support varies across the estate with confusion over responsibility and no National Policy.

Some high profile criticisms :

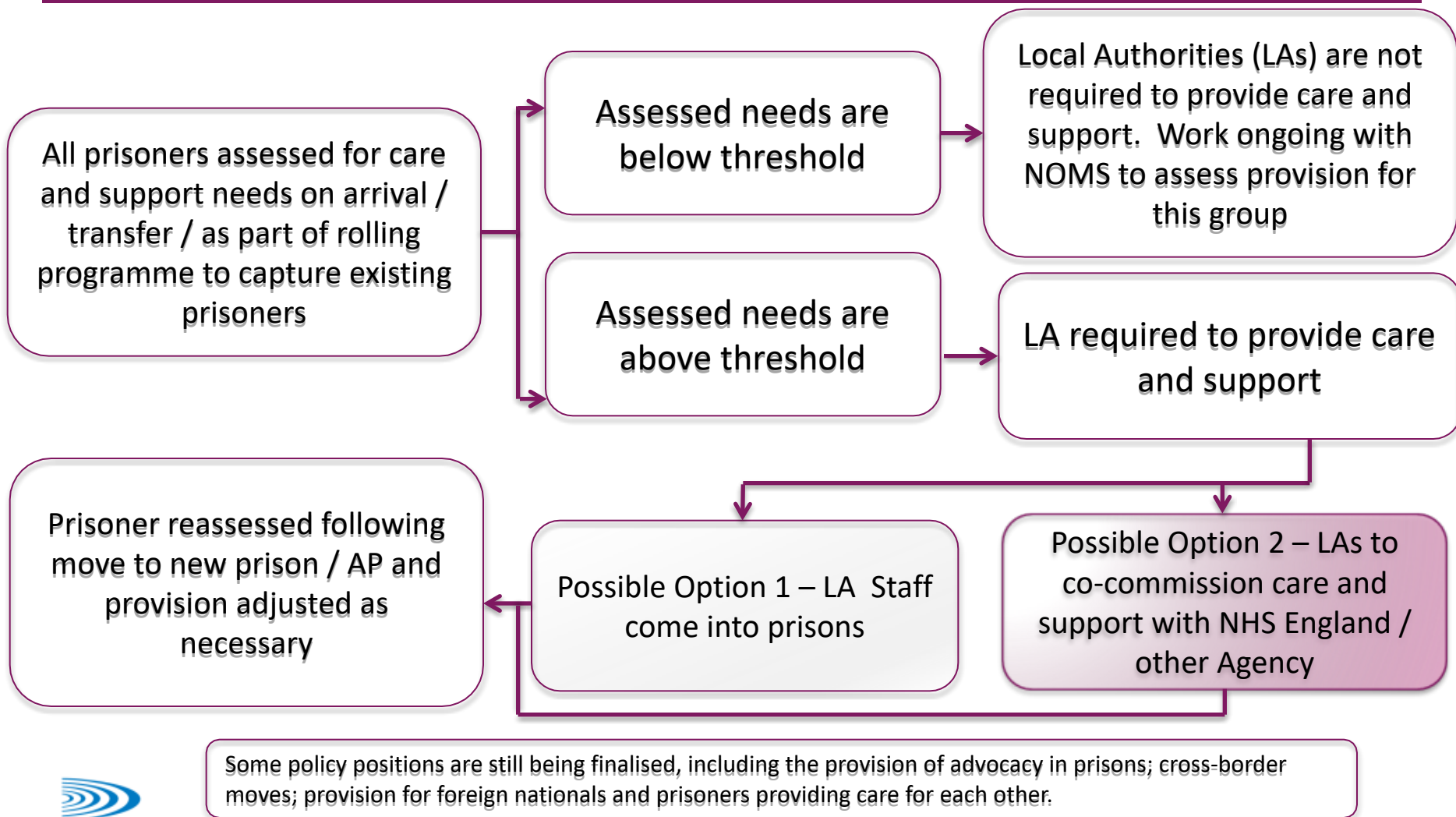
1. *“The lack of provision for essential social care for older prisoners; the confusion about who should be providing it, and the failure of so many Authorities to accept responsibility for it have been disgraceful.”* (Justice Select Committee)
2. *“ . . . at Winchester we found two older, severely disabled men who spent all day together in a small dark cell; who had not been able to shower for months and who faced problems that staff were unaware of.”* (HM Inspectorate of Prisons)

## In Prisons and approved premises (continued)

- Each Local Authority responsible for the social care needs of prisoners in custodial settings in its area;
- Principle of equivalence with those in the community, however complicated in some areas e.g. aids & adaptations;
- Initial assessment is key as prisoners move often;
- Prisons can be invited to join Safeguarding Adults Boards.



# How it might work from April 2015



# Points raised so far . . . . .

- Ordinary Residence – in terms of resettlement;
- Managing a personal budget rather than a direct payment;
- Assessment Process – what triggers an assessment?
- Financial allocations;
- Suitability of equipment in prisons;
- Safeguarding in prisons – governance;
- Regional protocols / communication agreements are key.