Briefing – Caring for our Future: reforming care and support

Social Care White Paper and the draft Care and Support Bill

Contact: Amy Swan

Team: Care and support

Tel: 020 7067 1090

Email: amy.swan@housing.org.uk

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1.0 **Key messages**

This briefing outlines the key announcements in the White Paper, *Caring for our Future*, and the draft Care and Support Bill for housing associations and the Federation’s response.

The White Paper shows clear support for the integration of housing with health and social care. It explicitly states that “housing plays a critical role in supporting people to live independently, and helping carers to support others more effectively ... Fragmented health, housing, care and support are letting people down. A failure to join up also means that taxpayers’ money is not used as effectively as possible, and can lead to increased costs for the NHS.” Throughout the White Paper, the role of housing features heavily as part of an integrated health and social care system, which prioritises preventative care and speeds recovery to independence.

Positive announcements in the White Paper include:

- **Government has set up a new care and support housing fund, which will provide £200 million of capital funding** over five years from 2013/14 to encourage providers to develop new accommodation options for older people and disabled adults.

- **A further £300 million between 2013 and 2015 will be transferred to local authorities from the NHS Commissioning Board** to fund reablement services and promote joint working between health and care to help people live independently in the community for as long as possible.

- **The social care White Paper has set out an expectation on NHS organisations to “give particular consideration to developing housing for older and disabled people” in their disposal of land.**

In the draft Care and Support Bill, Government includes:

- new duties on local authorities to ensure that adult social care and housing departments work together,
- a duty on local authorities to commission and provide preventative services,
- a duty on the local authority to promote the integration of services.

The National Housing Federation welcomes the recognition in the White Paper that housing is crucial to improving health and social care outcomes. We need a social care system that helps people live independently, access more personalised care and avoid more intensive and expensive stays in hospital or care homes. In response to the launch of the White Paper, David Orr, the Chief Executive of the National Housing Federation, said:

“The future of social care is critical to the country’s long-term economic stability. We need a health service that invests in services that keep people out of hospital, not one that simply treats them when they get there.”
The National Housing Federation welcomes the Government’s commitment to adopt the principles of the Dilnot Commission that an individual's lifetime contribution should be capped. Government has also announced that from 2015, there will be a national standard which will set out a universal minimum eligibility threshold set at ‘substantial’. However, the Federation is disappointed the Government has delayed their proposals on funding until the next spending review, which does not have a clear timetable yet. Without a clear funding framework, some local authorities could struggle to meet this eligibility threshold without making further cuts to other areas such as housing-related support.

The Federation welcomes the announcements in the White Paper, but in order to achieve the vision for social care, and to integrate housing, health and social care, Government needs to consider the full costs of reform and how they will be funded.

2.0 Background

The Government has now published the long-awaited White Paper, *Caring for our future: reforming care and support*, on the reform of adult social care. It is accompanied by a draft Care and Support Bill and a suite of other documents including a progress report on Government’s response to the Dilnot Commission, a summary of the ‘Caring for our future’ engagement exercise, and Government’s response to the Health Select Committee's reports on social care.

In 2011, Andrew Dilnot's Commission reported to Government on the funding of care and support, and the Law Commission completed its review of current social care legislation. In response, the Government launched an engagement exercise, *Caring for our future*, which looked at how to integrate health and social care. The National Housing Federation responded to this by supporting the findings of the Dilnot Commission and urged Government to use legislation and guidance to join up housing, health and care.

The Federation have produced a number of publications, including *Health and Housing: World’s Apart* and *On the Pulse*, which set out how housing associations are working to integrate with health and social care. In 2012, the Health Select Committee published reports on social care. The Federation gave evidence to the Select Committee, and was encouraged to see the Committee’s report on social care call for more ambitious integration to connect health and care with housing.

The Federation lobbied Government officials for the reform of social care to meet a number of expectations, which were summarised in an article for the *Guardian*:

- Join up housing, health and care
- Stimulate the local market for specialist housing
- Build on the recommendations in the Dilnot report
- Incentivise a focus on prevention
- Promote more effective ways of delivering adaptations services

It is therefore vital that the integration of housing with health and social care is at the heart of the debate on implementing the White Paper and the draft Care and Support Bill.
3.0 **Community care and support**

3.1 **Care and support housing fund**

To help stimulate the development of more housing options, Government has set up a new care and support housing fund, which will provide £200 million of capital funding over five years from 2013/14 to encourage providers to develop new accommodation options for older people and disabled adults. This money is likely to come through the Homes and Communities Agency bidding process, with criteria for bidding put together by the HCA and the Department of Health. The exact detail of this will be announced in October this year.

The White Paper states that there is a particular need for housing for older people who are home owners and the new care and support housing fund will encourage the development of specialist housing for this group. The Federation welcomes this much needed investment in supported housing, having long campaigned for better housing options for older and vulnerable people. We are keen to see this money used to improve a variety of affordable housing options for older people and younger people with disabilities, including mixed tenure and shared ownership.

3.2 **The use of NHS land for housing older and disabled people**

The Federation is pleased to see the White Paper set out an expectation on NHS organisations to “give particular consideration to developing housing for older and disabled people” in their disposal of land. In order to achieve the £20 billion efficiency saving from the NHS budget, the NHS is disposing of land which is surplus to requirements. The Federation believes the NHS should aim to achieve ‘best value’ by ensuring the land delivers better NHS outcomes. The land should be disposed of in a way that provides the housing and services necessary to reduce demand for institutional care, promoting greater independence for older people and vulnerable adults and releasing money back to the NHS to fund services. This would allow the NHS to make better overall use of its asset base in ways that improve health outcomes and deliver a financial return.

3.3 **Aids and adaptations**

The White Paper does not make any new announcements on adaptations and is continuing to support people to adapt their homes through the Disabled Facilities Grant, worth £745 million over the four years to 2014/15. However, Government will be working with Foundations, the national body for Home Improvement Agencies, to extend their services to more people who fund their own adaptations, helping to develop better links to these services through GPs and hospital staff. The Federation are keen to ensure this work also takes into account the work of housing associations who are extending their support and handyperson services to people in the wider community.
3.4 Telehealth and telecare

The Department of Health launched the Three Million Lives campaign in 2011 to accelerate the roll-out of telehealth and telecare in the NHS and social care during a five-year programme to develop the market. Telehealth and telecare services range from personal alarms, motion sensors and health-monitoring devices. The White Paper reinforces Government’s commitment to this programme, and the investment of £18 million by the Technology Strategy Board to demonstrate how assistive technology can be delivered at a greater scale. The Federation is eager to hear about any good practice among housing associations in using assistive technology to highlight to Government and the Technology Strategy Board.

3.5 Use of community hubs and volunteers

The White Paper highlights the importance of community networks and venues, outlining an expectation on local authorities, together with their local communities, to maximise the potential for spaces and buildings in a community to act as centres for activity. The White Paper also explores the role of residential care providers as neighbours and partners in local communities. The Federation view this as a good opportunity for housing associations to make best use of the shared facilities in specialist housing and will be highlighting good practice in how our members work with partners to open out local facilities to the wider community.

Building on this, the White Paper also sets out opportunities to develop local volunteer networks to improve the health and care of our communities through a Community Service Volunteer ‘call to care’. The Department of Health has launched its third Health and Social Care Volunteering Fund, which provides start-up funding for the development of locally owned and sustainable giving schemes such as time sharing. Many housing associations have explored the role of volunteers in delivering care and support, such as Caldmore Housing and MHA (Methodist Homes). Housing association tenants could be key brokers of these schemes, working with the housing associations to deliver care and support services into the wider community.

3.6 Investment in prevention

The White Paper announces a number of trailblazer areas, in which they will look to develop new approaches to investment in prevention and early intervention, such as social impact bonds. More information on the trailblazers will be published in autumn 2012. Given the sector’s expertise in preventative support, the Federation is keen for housing associations to be involved in the trailblazers.

3.7 Evidence on care and support

As part of the reform on social care, Government will launch a national care and support library in 2013 to provide a single bank of evidence for preventative interventions in care and support. This library could be very useful to housing associations working with local commissioners in social care and health in terms of providing the evidence to show the impact of specialist housing and housing-based care and support in meeting NHS, public health and social care outcomes. The Federation will be exploring how this library will collate housing and care evidence, as well as identifying gaps in our current evidence base for development.
4.0 Regulatory framework

The White Paper sets out a series of changes and enhancements to the current regulatory framework for care providers. The Federation will be monitoring these changes to ensure this framework effectively supports the work of housing associations in meeting the care needs of older and vulnerable people.

Most significantly, Government has started a review of the regulations that underpin the registration system operated by the Care Quality Commission and will be consulting on proposals for changes that may emerge from the review towards the end of this year. The Federation is keen to use this opportunity to debate the difficulties arising from the separation of housing and care provision under the Care Quality Commission system of registration.

Since the launch of the White Paper, every registered residential or home care provider will have a profile on the NHS and social care information website. From April 2013, this profile will also contain information on:

- the quality of care, collected as part of the provider transparency and quality compact;
- whether the care provider meets new NICE quality standards, as well as other recognized quality charter marks such as the Dementia Care and Support Compact;
- staff training;
- information on complaints;
- views of service users;
- and feedback from local Healthwatch if available.

This information will help inform a range of care comparison websites over the next two years. Housing associations will need to connect with these websites and local online sources of information to make sure services are properly publicised and feedback managed.

The Government has also set out plans to produce a code of conduct and recommended minimum training standards for adult social care workers and healthcare support workers, published in September 2012. The Care Quality Commission will also play a role in ensuring providers use appropriately trained staff, as part of enforcing the quality standards.

5.0 The local care market

The White Paper sets out plans to support all local authorities to create a market position statement to promote the diversity and quality of services locally, a duty set out in the draft Care and Support Bill. The Federation is keen to ensure that housing options and housing-based services are a key part of the market position statement, which should aim to look broadly at the local market for care and support for all people accessing care.

Part of these improvements to the local care market is a review of local commissioning practices with the Association of Director of Adult Social Services (ADASS) and care providers, which will consider the sustainability and capacity of small and medium providers. The Federation is pleased to see this work supported by Government and support commissioning structures, which are based on outcomes and quality rather than the number of hours. This could offer housing associations greater flexibility in delivering services.
6.0 Entitlements and responsibilities

7.0 Assessment and eligibility

The Federation welcomes the announcements in the White Paper on assessment, eligibility and portability of care, which echo our calls in this area. However, we are urging Government to set out their proposals on the future of funding for social care. Government has announced that from 2015, there will be a national standard which will set out a universal minimum eligibility threshold set at ‘substantial’. Without a clear funding framework, some local authorities could struggle to meet this eligibility threshold without making further cuts to other areas such as housing-related support. There also is a risk that those councils that are more generous now will end up tightening their criteria under the change.

Government has also announced that they will legislate to require local authorities to continue to immediately meet the assessed needs of people who have moved into their area, with the draft Care and Support Bill setting out duties on local authorities to share information to support the portability of care.

Government will also be developing options for a new assessment framework centered on the skills and goals of people seeking to access care and support.

7.1 Information and advice

From April 2013, Government will provide a national online portal about the health, care and support system. This portal will consolidate online services such as NHS Choices and NHS Direct, and will provide comprehensive information about how the care system work, who is eligible, as well as details such as how to access housing support in their area. The Federation hope the portal will connect with other services, such as FirstStop – a housing and care advice line for older people.

There are also plans to legislate so that all people are able to access information on care and support from their local authority. Government will be providing £32.5 million of start-up funding to local authorities to support them in improving their online information services. The Federation is keen to ensure information services build on people’s understanding of the housing, care and support options that are available to them. This in turn will help to increase demand for products such as specialist housing and housing-based support as a preventative alternative to more intensive care, such as the move to a residential home.
8.0 Giving people control and reassurance

8.1 Personal budgets

The White Paper reasserts the goal of giving everyone entitled to non-residential care a personal budget by 2013. The draft Care and Support Bill would ensure that everyone is entitled to a personal budget, setting out a duty on local authorities to inform people about which of their needs could be met through a direct payment. Housing associations will need to ensure they are on track to support users of community-based services to move to personal budgets by April 2013. The draft Bill also sets out plans to enable everyone to request the assistance of their local authority with the development of a care and support plan for their eligible needs.

Government are also piloting the use of direct payments for people living in residential care. Pilots will begin in 2013. The Department of Health will shortly be inviting expressions of interest from local authorities to participate in this initiative, and housing associations with care homes could look to get involved.

8.2 End of life care

The Government fully supports the Palliative Care Funding Review in July 2011, which recommended that social care at the end of life should be free. The White Paper has announced an increase of funding to £3.6 million for pilots, which are looking at how to implement the findings of the Review, and understand the barriers to more integrated care at the end of life. The pilots will inform any decision on free end of life care at the next spending review. Housing associations should look to get involved in these pilots where locally available and relevant. Given the range and scope of housing and services our members provide for older and vulnerable people, they are well placed to support the end of life care pilots.

8.3 Safeguarding

The draft Bill will legislate to establish safeguarding boards where they do not already exist, with core membership from police and NHS organisations, which would have a responsibility to carry out safeguarding reviews. The draft Care and Support Bill will also look at the option of a new power for local authorities to access and see a person who may be at risk of abuse or neglect.

9.0 Integrating housing, health and social care

9.1 Pooling NHS and local authority budgets

The Federation welcomes the announcement of a further £300 million between 2013 and 2015 to be transferred from the health system to deliver social care services. This funding builds on the previous funding streams of £1 billion to fund reablement services and is intended to promote joint working between health and care to help people live independently in the community for as long as possible. The full funding of £1.3 billion will be transferred to local authorities from the NHS Commissioning Board in 2013/14. Given the role of specialist housing, housing-related support and adaptations in achieving these outcomes, this is a good opportunity for housing associations to work with health and wellbeing boards to highlight any local need for intermediate care and housing related support services.
9.2 **The framework for integration**

The White Paper makes a clear commitment to integration, stating that "people will not have to fight against the system: health, housing and care services will join up around them." The Government has announced that it will be publishing a framework to support the removal of barriers to integrating care and support. The Federation will work with Government to ensure this framework provides full detail on and incentives for the integration of housing, health and social care needed to meet people's care and support needs in a coordinated way. Housing must be integrated in needs assessment, care pathways, commissioning structures, as well as the outcomes frameworks for health and social care.

10.0 **The draft Care and Support Bill**

The Care and Support Bill provides the legislation for the social care reforms set out in the White Paper. The Bill aims to review and consolidate social care legislation following the Law Commission review. The Bill was published at the same time as the White Paper for pre-legislative scrutiny and will be introduced into Parliament in late 2013 with a view to completing its passage by autumn 2014. Most changes requiring legislation will be implemented from April 2015 at the earliest.

The draft Care and Support Bill sets out a number of duties, which would support the integration of housing with health and social care and promote better coordination between NHS, housing and social care services. For example, it would help to identify local needs for a range of specialist housing, it would join up adaptations services with broader re-ablement services, intermediate care and support services and it would promote the role of good, settled housing in achieving and maintaining good health.

The Federation supports three key areas in the draft Care and Support Bill:

- **New duties on local authorities to ensure that adult social care and housing departments work together.** These duties would ensure local authorities and the NHS consider housing needs and resources when assessing the needs of their local area. Prioritised needs are then taken account of in local commissioning plans.
- **A duty on local authorities to commission and provide preventative services.** This duty would support the transfer of public health to local authorities, meaning that local authorities would work with their communities to commission support that helps to keep people well and independent.
- **A duty on the local authority to promote the integration of services.** This already exists in the Health and Social Care Act 2012, which places the duty on the local NHS. In essence this duty would encourage local partners to work together to improve the wellbeing of local people, creating a more joined-up service.

The Federation will be working with Government to ensure the draft Bill works together with the Health and Social Care Act to provide leadership to local government and the NHS in pooling budgets and bringing staff together to jointly commission preventative services with an emphasis on housing and independent living.
The value of housing must be understood throughout the planning, commissioning and delivery of care services. This includes linking housing with health and well-being boards, and incorporating the need for housing and related services in local commissioning strategies and needs assessments for care and support. A diversity of provision is central to personalisation and choice.

11.0 Funding social care reform

Although the Government published a progress report alongside the White Paper, it has not set out its proposals for the future funding of social care and will delay doing so until the next spending review, which does not have a clear timetable yet. However, if the draft Care and Support Bill is introduced in the third parliamentary session, there would be more clarity around funding in the latter part of 2013.

In principle, Government has accepted the proposal from the Dilnot Commission to cap an individual's lifetime care cost and increase the means-test threshold above which people must fully fund their own care, but there is no commitment to introduce this cap.

However, Government have made the deferred loan scheme available to those who need to pay for residential care. Those who are not entitled to state funding and have to pay the highest costs will be able to defer payment until after death when the money will be recovered from their estate.

The Federation will continue to call on Government to set out its full proposals for the funding of social care.

12.0 Next steps

The Federation will be working with Government to implement the White Paper, ensuring housing is part of the broader integration framework to be published by the Department of Health. We will be monitoring and feeding into the development of the draft Care and Support Bill to ensure it supports the integration of housing with health and social care. We will monitor any changes to the regulatory and commissioning framework for care to ensure they are not prohibitive to the work of housing associations in meeting the care needs of older and vulnerable people. The Federation will continue to call on Government to set out its full proposals for the funding of social care.

The Federation is engaging members in our work on the future of social care through our care and support advisory group. We will continue to work more broadly with our members to ensure they understand the new commissioning structures and are equipped to influence them at a local level. If you would like to discuss the content of this briefing, talk about the Federation's work on the future of social care or provide case studies highlighting good practice in your organisation in meeting people’s health and social care needs, please contact Amy Swan, policy officer (amy.swan@housing.org.uk). We will be regularly updating our website with details of our work in this area and any relevant policy announcements for members.