

**SOUTH EAST ENGLAND COUNCILS  
EXECUTIVE COMMITTEE MEETING**



Date: 19 March 2015  
 Subject: **Care Act 2014: Care cap consultation**  
 Report of: Heather Bolton, SEEC Director

**Recommendations:**

SEEC Executive members are asked to:

- i) Discuss and agree key points for a joint SEEC-SESL and SECASC response to government consultation on implementing a cap on social care costs
- ii) Agree that the final response is approved by the SEEC leadership team to meet the Department of Health's 30 March deadline.

**1. Background**

- 1.1 SEEC, SESL and SECASC (South East Councils' Adult Social Care group) are working together to respond jointly to Department of Health consultation on how to implement changes set out in the Care Act 2014. The consultation covers regulations and guidance for the cap on social care costs from April 2016 and proposals for a new appeals system. This response builds on joint input in 2013 via the 'Caring for our Future' consultation.

**2. Care cap consultation**

- 2.1 The consultation asks for views on detailed guidance for implementing the cap on social care costs. In addition to headline messages suggested below, advice will also be sought from a group of South East specialist officers to address any technical concerns.
- 2.2 Member views are invited on the following points and any additional comments to include:
  - Welcome work to streamline and modernise the legal position on care and provide greater clarity for individuals on the costs of care.
  - The importance of recognising the significant increase in burdens, resource demands and costs that the care cap will bring for South East local authorities. The impact is particularly marked in the South East, which has the UK's largest, fastest growing elderly population and up to 80% care self funders in some areas. In addition to funding care costs for a very large number of residents (many of whom previously funded themselves), South East councils will also face a heavy cost burden in administration, training and developing IT systems to deliver measures set out in the draft guidance. Examples include preparation of annual financial care account statements and calculating average personal budgets. Deadlines for new IT systems are a concern and Government could do more to encourage providers to respond.
  - While we welcome additional funding to prepare for the changes, the amount will not reflect costs faced in the South East. We want to see a sustainable future for councils in funding our residents' ongoing social care needs, so would welcome a review – as proposed by the Independent Commission on Local Government Finance and the Barker Commission – to advise on funding social care from the public purse.
  - Consider whether nationally-set notional amounts for weekly care home and living costs reflect the real costs in the South East as one of the UK's highest cost areas.
  - Consider the impact that a greater proportion of council-commissioned care will have on local authority costs. Currently self funders often pay higher prices, subsidising council-funded care. With more care likely to be commissioned at council rates in future this could force costs up as the market loses higher paying private customers.
- 2.3 The consultation also includes proposals for new care appeals. Member views are welcome on whether an appeal process is necessary, or could be postponed. If there is support for appeals, views are invited on how to minimise bureaucracy, cost & delay that could arise from independent reviews. Is there time to implement a system by April 2016? Could building on existing good practice could provide a simpler, cheaper solution?