

Explanatory Memorandum to The Care and Support (Care Planning) (Wales) Regulations 2015

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Care and Support (Care Planning) (Wales) Regulations 2015. I am satisfied that the benefits outweigh any costs.

Mark Drakeford
Minister for Health and Social Services

21 May 2015

Part 1 – OVERVIEW

1. Description

The Social Services and Well-being (Wales) Act 2014 provides a single Act that brings together local authorities' duties and functions in relation to improving the well-being of people who need care and support and carers who need support. The Act provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, and support people as part of families and communities.

These regulations impose a duty on local authorities to prepare and maintain a care and support plan for an adult or child to whom it owes a duty to meet needs under section 35 or 37 of the Act and to prepare a support plan for a carer to whom it owes a duty to meet needs under section 40 or 42 of the Act.

This Explanatory Memorandum should be read in conjunction with Explanatory Memorandum to The Care and Support (Eligibility) (Wales) Regulations 2015 and the Explanatory Memorandum to the Care and Support (Assessment) (Wales) Regulations 2015.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

No specific matters identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in sections 54 (5) and (6) of the Social Services and Well-being (Wales) Act 2014. The Act imposes a duty on the local authority to prepare and maintain a care and support plan for an adult or child to whom it owes a duty to meet needs under section 35 or 37 of the Act, and to create a support plan for a carer to whom it owes a duty to meet needs under section 40 or 42 of the Act.

This instrument is subject to the annulment procedure by the National Assembly for Wales (the negative procedure).

The regulations will come into force in April 2016.

4. Purpose & intended effect of the legislation

Current legislation

The current legislative framework is complex and the provision for social care is currently found within a number of Acts, which legislate separately for children and adults.

Adults

Section 47 (1) (b) of the NHS and Community Care Act 1990 places a duty on local authorities to decide whether, following assessment, an adult's needs require a service to be provided.

The basis for that decision is provided in statutory guidance only - in Wales we published *"Creating a Unified and Fair System for Assessing and Managing Care"* (WAG 2002) issued under section 7 of the Local Authority Social Services Act (LASSA) 1970. Paragraphs 2.40 to 2.49 and chapters 6 and 7 of that guidance set out the requirements for personal plans of care for adults. For adults over 65 that guidance has been replaced by *"Integrated Assessment, Planning and Review Arrangements for Older People"* issued under section 7 of LASSA 1970 in December 2013. No primary vires exist in relation to care plans or the review of plans.

The guidance is broad in its scope and there are many assessment and care planning frameworks in operation in Wales for people with health, care and support, and well-being needs to be met. Many of these are used by specific professional disciplines (e.g. occupational therapy) or for people with certain identified needs (e.g. substance misuse) and are considered fit for purpose.

The guidance provides at minimum what should be in the plan, who should be involved in the production of the plan, and guidance about the review of the plan. The guide recommends an initial review at three months of the provision of services and annually thereafter.

Local authorities are also bound by duties under the Mental Health Measure and respective regulations prescribe care and treatment plans and the review of those plans (section 18 of the Mental Health (Wales) Measure 2010).

Children

For Children, section 17, Part 3 of the Children's Act 1989 and regulations made under that Part, set out the assessment, care planning, placement and case review procedures to provide a framework for local authorities to discharge their duties in respect of children. Section 31A of the 1989 Act places a duty on local authorities to plan for the future care of the child in the case of a child in care. This is also the plan that must be provided to court for consideration under care proceedings. Section 31A also has the power to prescribe in regulations the content of the care plan. In Wales we have not exercised this power. Regulations have been in place in England since April 2011.

For children accommodated under section 20 or 21 of the Adoption and Children Act 2002, section 26 (2) (f) CA 89 [as amended by section 118 ACA 2002] provides powers to require local authorities to prepare a plan for the future care of the child. Like section 31A regulations, we have not in Wales enacted these powers but relied on the requirements for planning under the statutory guidance: *Framework for Assessment of Children in Need and their Families (2001)*, and *"Safeguarding Children: Working*

Together Under the Children Act 2004” (2006). Through these guides local authorities are required to prepare a number of plans for; a child in need of protection, a child in need, and a child who is looked after. Additionally, since the introduction of the Children and Families (Wales) Measure 2010, statutory guidance under section 65 of the Measure and section 7 of LASSA 1970 requires Family Plans for children and families that are subject to IFSS.

Carers

There are three Acts of Parliament directly concerned with the needs of Carers.

- Carers (Recognition and Services) Act 1995
- Carers and Disabled Children Act 2000
- Carers (Equal Opportunities) Act 2004

Each of these pieces of legislation places duties on local authorities with respect to the right of carers to an assessment of their needs. However there are no current statutory duties to provide services to carers, although there are powers to provide services which a) the local authority sees fit to provide and b) will in the local authority's view help the carer care for the person cared for (section 2 of the Carers and Disabled Children Act 2000). As there is no statutory duty to provide services there is no statutory duties with respect to the planning or review of those services.

Proposed legislation

The new legislation will introduce greater consistency of practice across Wales by introducing changes to the way care and support plans are prepared and maintained for adults and children, and the way support plans are prepared for carers.

The regulations set out the duties and functions on local authorities with respect to care and support planning and the review arrangements. A local authority must prepare and maintain a care and support plan for an adult or child, and prepare a support plan for a carer whose needs the local authority is required to meet. If the local authority believes that a person's circumstances have changed in a way that affects the plan, it must conduct a review and such assessments as it considers appropriate and revise the plan in the light of those assessments.

The regulations make provision:

- about the training and expertise of persons who prepare, maintain and revise plans;
- about the content of plans;
- about the review of plans;
- for who can request a review of a plan;
- for the action a local authority must take following a review; and
- for the persons to whom copies of the plan, revised plan closure statements and other records must be given.

Intended effect of the Regulations

The overall effect of the regulations is to require local authorities to prepare, maintain, and keep under review, a care and support plan, or a support plan in the case of a carer, for those whose needs the local authority is required to meet. The regulations will provide greater clarity, consistency and quality of care and support plans for adults and children, and support plans for carers.

The regulations enable care and support planning to be the process by which a local authority helps a person (and any carer they may have) to decide which services will best meet their assessed needs.

A care and support plan is created when an assessment identifies that services cannot be delivered without a plan or where the service can be delivered without a plan but the individual needs on-going support to access these services.

It records a person's assessed and 'eligible needs' and describes how a local authority plans to meet, or make arrangements to meet, those needs. Plans are reviewed to ensure that they remain effective and current.

A care and support plan must identify the personal outcomes and set out the best way to help achieve them. It is not the intention to try to replace existing local and specialist arrangements for care and support planning, nor to require a single national template for a 'care and support plan', although there will be certain minimum requirements about the content. The complexity or severity of the individual's need will determine the scope and detail of the care and support plan and the range of interventions.

The current care management and review of services for children and adults has been criticised as disjointed and often producing overlapping arrangements. In her review of Child Protection¹, Professor Eileen Munro states: "Invariably the social worker has to work with a range of these other agencies to construct a care package for each child or family, which requires skills in negotiating, persuading and influencing as well as in monitoring and reviewing the care plan and actions of those partners".

This has led to inefficiencies and fragmentation within the current system causing difficulties for services users, as well as for practitioners, regulators and the judiciary in seeking to apply the law fairly and equitably.

The Assessment and Planning Technical Group² noted the many different local or specialist assessment and care planning arrangements currently in operation in Wales for people with different health, care and support, and well-being needs and recommended: "... the purpose of regulations and code of practice should not be to replace such arrangements, but rather seek to set an overall framework within which these specialist assessment and care planning arrangements should be expected to operate, and be linked together".

1 The Munro Review of Child Protection, Part One: A Systems Analysis - Professor Eileen Munro. DfE 2010

2 Assessment and Planning Technical Group – Final Report – Welsh Government - September 2014

The regulations address these concerns through the introduction of a simplified (and where possible common) approach to care and support planning.

These provisions create an opportunity to reduce overlapping arrangements and will ensure integrated planning and delivery of care to individuals to enable them to maximise their well-being. The aim is to simplify an individual's journey to receiving care and support that is better tailored to their needs, and more likely to achieve their identified outcomes.

Care planning is the central tool of care management and is intrinsically linked to the assessment of people's needs for care and support and the determination of eligibility for local authorities to meet those needs. Together these three processes form the structure of the delivery of care and support to individuals and to families. The cost of the current model for delivering these 'core processes' is currently too great. The care planning regulations will support a whole system change designed to enable the delivery of a more sustainable approach to meeting people's needs for care and support. The regulations are designed to simplify the process of care and support planning, and thereby contribute to the sustainability of the Care and Support system as a whole.

Consultation

Draft regulations were consulted upon on, together with other regulations, and codes of practice relating to assessing and meeting needs as part of a 12 week consultation that ran from 6 November 2014 to 2 February 2015.

The draft regulations issued for consultation were informed by the report of the Assessment and Care Planning Technical Group³ which advised that "... the Welsh Government should not, through the development of regulations under the Act, try to replace existing local and specialist arrangements for care and support planning, nor should it produce a single national template for a 'care and support plan'. However, it is recommended that the regulations require that such care and support planning – by which it is meant any planning process involving a public agency and pertaining to the care support of an individual, their family or a carer – should be required to meet a set of criteria". The regulations and associated Code of Practice have been informed by the set of criteria recommended in the report.

There were 300+ substantive written responses to the consultations received, from a wide range of individuals, representative groups, duty bearers and professional organisations. Overall response to the consultations was positive and there was a clear level of interest in and commitment to the changes we are taking forward.

Further details on the consultation process are set out in the Regulatory Impact Assessment in Part 2.

³ Assessment and Care Planning Technical Group (Welsh Government) (September 2014)

PART 2 – REGULATORY IMPACT ASSESSMENT

This Regulatory Impact Assessment should be read in conjunction with the Regulatory Impact Assessment for the Care and Support (Eligibility) (Wales) Regulations 2015 and the Regulatory Impact Assessment for the Care and Support (Assessment) (Wales) Regulations 2015.

Care planning is intrinsically linked to the assessment of people's needs for care and support and the determination of eligibility for local authorities to meet those needs. Together these three processes form the structure of the delivery of care and support to individuals and to families.

The proposed new process for care and support planning refine existing practice to create a more simplified and nationally consistent model for care and support planning which will be applied proportionately through a person centred process.

Research shows that social workers currently spend more time on administrative work and less time on face to face contact with service users. A UNISON survey indicated that 96% of practitioners felt that too much of their time was spent with paper work. Of those surveyed, 73% felt the time they had available to spend with service users was "insufficient" or "very insufficient".⁴

The new process will enable resources currently focussed on process and paperwork to be re-invested in supporting people to meet their identified personal well-being outcomes.

The Regulatory Impact Assessment presents two different options in relation to the policy objectives of the proposed Regulations. Both of the options are analysed in terms of how far they would achieve the Welsh Government's objectives, along with the risks associated with each. Both options have been explored to identify the costs and benefits. However, it is recognised that there are limitations and challenges with projecting future demand for social care in Wales.

- Option 1: Do the minimum and retain the current approach to care planning.
- Option 2: Introduce the new regulations, and create a simplified and national system for care and support planning for both carers and those in need of care

⁴ UNISON, *Not Waving But Drowning: Paperwork and Pressures in Adult Social Work Services* (2009), <http://www.unison.org.uk/acrobat/B4710a.pdf> (last visited 4 April 2011). These figures relate to all social work, not just adult social care. We see no reason to suppose there is a significant difference between child work and adult work.

Options

Option 1: Do the minimum and retain the current approach to care planning.

Under this option the current approach to Care Planning will remain, with the exception of the introduction of the process in relation to carers. Primary legislation, contained in sections 40 and 42 of the Act, sets out additional duties to meet the support needs of carers and the Act introduces a wider definition of carers. The regulations reflect this primary legislation.

On the whole, if the current approach is retained, there will be no positive impact on the costliness and complexity of the care planning process and the process will not complement the new proportionate approach to assessment and meeting needs which is designed to support people to achieve their well-being outcomes, enable people to maintain their independence or support families to stay together.

The Assessment, Eligibility and the Care Planning Regulations are intrinsically linked so as to effect a whole-system change to the delivery of social care in Wales. The regulations for Assessment and Eligibility will directly impact the Care Planning process. If the regulations for care planning do not complement the regulations for assessment and eligibility there will be no requirement for local authorities to change their current practice; variations in what service users can expect in different parts of the country will remain and the service provided to individuals in Wales whose needs meet the eligibility criteria will be inconsistent.

Costs

In the short term this option would avoid all transitional costs associated with implementing a new system, which include costs to local authorities associated with training and may include changes to system processes. However, in the longer term costs will be intensified as not making the whole systems change will result in more individuals receiving directly provided or arranged local authority social care services. In the last decade the gross expenditure of adult social services has risen by 67%. There is no additional funding available sufficient to meet this predicted rise in expenditure should this trend continue.

The process of care planning is intrinsically linked with the models of eligibility and assessment that supports it. An analysis of the impact of any change in the approach to eligibility and assessment must factor in the impact of the required changes to the care planning process that enables the delivery of that eligibility framework.

Assessment and Care Management Expenditure

Based on the data provided in Table 5, Option 1 is likely to preserve the 11.1% of gross expenditure being spent on assessment and care management combined at an annual cost of £154,000,000.

The Local Government Association estimated that there would be a spending gap in the budget for adult social care in England of 29% by 2019/20⁵. Using the same assumptions, and applying this figure of 29% to Wales's budgets, this would represent an additional shortfall of £44m that local authorities would need to find.

Population Projections

As evidenced in table 2, the population is rising, particularly in relation to the age group of over 65s. It is crucial that local authority social care becomes more efficient to ensure that all those who require services are provided with good quality services. The cost of providing these services to the growing population is too great. A transformation in the delivery of social care services is required to meet the needs of the ageing population and to respond to the changing burden of rising public expectations.

If no changes are made to the care and support system the cost of providing care and support plans to all those who are eligible to receive local authority social care services will rise significantly. It is difficult to accurately predict the increase in this expenditure, as evidenced in the report by the Institute for Fiscal Studies⁶. If it is assumed that there will be no significant changes to the adult social services budget in Wales, there would need to be a decrease in the estimated spend per head of adults receiving local authority social care services – if no other changes in service design or provision are effected.

The continuing cost of providing social care for adults in Wales is considered high, particularly in relation to those aged over 85 years and expected to receive local authority social care services in 2030⁷. The projections currently estimate that the number of those aged 85 years and over and in need of social care will increase by 45% between 2013 and 2030. As shown in annex 1 the estimated total cost of care management for all adults is likely to increase by £56m between 2013 and 2030 (see Annex 1, Table 7).

Carers

5 Adult social care funding: 2014 state of the nation report – Local Government Association - October 2014 - http://www.local.gov.uk/publications/-/journal_content/56/10180/6659174/PUBLICATION

6 Scenarios for the Welsh Government , Budget to 2025-26, Institute for Fiscal Studies

7 Lord Filkin, Chair of the Lords Committee on Public Service and Demographic Change.

Irrespective of the regulations for care and support planning being introduced, a new duty to provide services to meet the needs of a carer for support will be placed upon local authorities. The duty is comparable to that for the people they support and has removed the existing requirement that the carer must be providing “a substantial amount of care on a regular basis”. From April 2016 it will be sufficient only that the carer “provides, or intends to provide, care”. This change in primary legislation will provide all carers with the right to an assessment and a determination of eligibility for local authority provided or arranged support. Therefore the approach to providing support plans for carers will need to mirror the approach to providing care and support plans.

Table 2b in annex 1 shows the population receiving local authority social care services by age. This table has been interpreted as not including those people who receive support services solely as a carer. The current legal situation is that local authorities are required to assess the needs of carers, but there is no commensurate legal requirement to meet those identified needs. It is therefore unlikely that the amount of the population predicted to receive local authority social care services has included any increase in demand as a result of carers requiring support plans.

In Wales there are 30,000 individuals providing unpaid care⁸. In 2001 it was estimated that in Wales the care that unpaid carers provide would cost £5.69 billion per year to deliver through paid support.⁹ If the process for providing social care for carers is to remain the same, with no preventative work put in place, it is probable that an unintended consequence of this is likely to be many of the individuals providing care, without any support in place, will come to need social care services themselves provided through care and support plans or support plans.

However, it is not possible to quantify these effects other than to note that following the introduction of the Carers Strategies (Wales) Measure in 2010/11 there was an increase in the number of carers requesting an assessment, presumably due to a sharp rise in people’s awareness of their rights as carers. There was, however a significant decrease in the numbers the following year after the first ‘wave’ of assessment requests had subsided. It is reasonable to assume that the same pattern will occur with the implementation of the Act, but we have no comparative experience of the relationship between the request for an assessment and the requirement for a support plan as there has been no previous legislative requirement to provide services to carers.

Benefits

There are no extensive benefits under this option, other than if the system remains the same it will not place any additional burdens on local authorities nor require any further training of staff that are already working in the social care system.

⁸ Office for National Statistics - 2011 Census: Provision of unpaid care
⁹ Carers, Employment and Services in Wales - Carers UK - 2011

Risks

If the current system remains it will continue to provide complexities for the social worker or social care professional when carrying out an assessment for individuals. The Independent Commission on Social Services in Wales¹⁰ commented that “Proper assessment and proper records are important but it is about finding the right balance in professionals’ workloads, particularly at a time of rising demand and shrinking resources. In our view there are important opportunities for streamlining the processes.” and recommended that the Welsh Government should “review systems for both adults and children as a significant contribution to improved efficiency and the better use of professional time and skills”.

As currently designed the suite of care and support processes (assessment, eligibility, and care planning) cannot deliver Welsh Government commitments to equality of provision set out in the Sustainable Social Services framework. The different systems for children, adult and carers do not provide an integrated service for all people. If the system is not changed, in light of the evidence for the need for change, there is a risk of reputational damage for the Welsh Government.

Retaining the existing system may create further unnecessary burdens on local authorities and impede individuals in accessing support services. The Report of the Independent Commission on Social Services in Wales¹¹: “From Vision to Action” observed that “Helping to make service users co-producers in their own solutions wherever possible is also much more likely to help people to retain or regain whatever degree of independence is achievable rather than allow them to slip into avoidable dependency. Avoidable dependency is a poor outcome for individuals as well as a continuing drain on resources.

Without a more simplified and nationally consistent model for care and support planning the current weaknesses within the system are likely to become more evident as more people are anticipated to be receiving social care services in the future. This in turn may lead to resources becoming more limited and may lead to more care and support needs being judged as ineligible as local authorities attempt to manage their limited resources. The Care and Social Services Inspectorate Wales (CSSIW) has already reported this trend in their publication *National Review of Access and Eligibility Criteria in Adult Social Care, Sept 2010*¹² where it was reported that the current system is a potential barrier to individuals receiving services and screening individuals out of eligibility.

Ultimately, the current system is unlikely to cope with an increased number of people needing care and support, and the pressure on the system, in future years, will result in system failure and people not being supported to achieve their outcomes.

10 From Vision to Action: The Report of the Independent Commission on Social Services in Wales, November 2010

11 “From Vision to Action”: The Report of the of the Independent Commission on Social Services in Wales – November 2010

12 National Review of Access and Eligibility Criteria in Adult Social Care, Care and Social Services Inspectorate Wales, September 2010

Option 2: Introduce the new regulations, and create a simplified and national system for care and support planning for both carers and those in need of care

Under this option new duties will be contained in regulations to promote a simplified (and where possible common) approach to care and support planning.

Introducing the regulations will enable Ministers to meet their legislative duties under section 32 of the Act. The overall effect of the regulations is to require local authorities to prepare and maintain a care and support plan, or a support plan in the case of a carer, which must be kept under review.

The new duties will ensure greater consistency for care and support plans for adults and children, and support plans for carers. The regulations will introduce clarity around the content, review and closure of the plans. It will introduce a process for care and support planning based on transparency and promoting voice and control for the service user.

When enacted alongside new regulations regarding assessment and eligibility, the introduction of the regulations for care planning will promote a nationally consistent approach to the delivery of care and support for adults, children and carers.

The Care and Support plan will be person centred and must be proportionate to the individual's needs. Additionally, the care and support plan will be owned by the individual whose needs are being met through that plan.

Costs

Although demands on social services are increasing, there is no commensurate increase in the routine funding to support service delivery. The current financial settlement for 2015-2016 has been decreased by 3.4% compared to 2014/15, as a consequence of the large scale budget reductions by the UK Government.

The Association of Directors of Social Services outlined the challenges with projecting future demand for social care in Wales. The report recognised the complexities within the process and recognised that the projections may be affected in part by the way in which local authorities shape their services.

Making assumptions for the future delivery of social care is complex on multiple levels. However, as a basis for making projections to the future expenditure of social care under each scenario, the actual expenditure for 2010/2011 (as reported on in the Community Care Statistics report¹³) and 2013/14 (most recent data collection) have been used to make estimates on the predicted expenditure for 2030, to correspond with baseline projections by the House of Lords Committee on Public Service and Demographic Change¹⁴.

¹³ Community Care Statistics, Social Services Activity, England - 2013-14

¹⁴ <http://www.parliament.uk/business/committees/committees-a-z/lords-select/public-services-committee/report-ready-for-ageing/overview/>

Under this option the Welsh Government considers that there will be long term cost savings through an approach to preparing and agreeing care and support plans that is proportionate to the presenting needs and circumstances of the individual. Also through a whole systems approach to meeting needs which will reduce the number of people requiring care and support plans by supporting individuals and families at an earlier stage through the Information, Advice and Assistance Service and preventative services.

All local authorities in Wales currently operate an information system, although these differ in structure and approach.¹⁵ Although there is an expectation that local authorities will need to invest to further to develop and expand these into an Information, Advice and Assistance Service as detailed under the Act it has not been possible to quantify what this will mean because the starting points for local authorities will be different.

Adults

As noted in annex 1, currently on average 48% of adults over the age of 85 receive local authority social care services all having completed the Unified Assessment Process, which is known to be time consuming for both individuals and practitioners¹⁶. By 2030 the numbers of individuals requiring a care and support plan is likely to equate to around 160,000 individuals (table 2). The proposed new model will deliver efficiencies by simplifying the structure of the assessment process and by placing a focus on early intervention and prevention services. It is therefore predicted that the percentage of these individuals who will receive local authority social care services will be reduced. The 2011 SSIA Report: *“Better Support at Lower Cost”* concluded that “Typically, a council which has an effective domiciliary care re-ablement service can expect to see a 10% reduction in demand for domiciliary care through a combination of [preventative] measures”

Annex 1 shows the cost savings that could be reached if local authorities reduced expenditure on assessment and care management (which includes care and support planning) from the current 11.1% to 8%. Under Option 2, the expectation is that local authorities in Wales would follow this pattern and realise similar efficiencies. If these efficiencies can be met, they could represent savings amounting to £43m based on the gross social services expenditure in Wales in 2013/14. This is the difference between spending at 8% and spending at 11.1% of the gross expenditure for adult social services as at 2013/14 (Table 5). If these savings were realised then these costs could be reallocated for service delivery.

Children

The new care and support planning process proposed under Option 2 for children is considered to be in keeping with the process that is currently in place under the Children Act 1989. As a result it is anticipated that costs for children’s services will not be expected to alter significantly.

15 Provision of Information Advice and Assistance on Social Services and Well-being across Wales – SSIA – April 2014

16 UNISON, *Not Waving But Drowning: Paperwork and Pressures in Adult Social Work Services* (2009)

Carers

In practice, the proposed system under Option 2 could address the needs of many carers through the initial Information Advice and Assistance service. Carers will be provided with access to relevant, accurate, high quality and timely information, advice and assistance, which may meet their needs without the requirement for a support plan. Where support plans are required these will be proportionate in scale and complexity to the circumstances and presenting support needs of the carer; but there are no specific costs that can be evidenced.

Benefits

The critical benefit, under Option 2, is the expectation that there will be fewer individuals needing to receive a disproportionately complex plan for care and support, or support if they are a carer. The proposed approach will offer a proactive approach which encourages people to seek help earlier and supports them to help themselves to retain their independence in a proportionate way.

Individuals will be provided with a greater voice and control over their care and support arrangements and there will be an expected reduction in the amount of time practitioners spend in completing paper work. Research from Portsmouth in 2013, demonstrates that it is possible to achieve a 70% reduction in the time practitioners spend on assessment meetings and associated paperwork¹⁷.

The first report of the Review of Child Protection undertaken for the Department of Education in England by Professor Eileen Munro¹⁸ commented that: “social workers are required to spend too much time completing documentation”

The proposed regulations will bring greater clarity, consistency and improved quality of care and support for all individuals.

The approach will support people to remain in control of decisions about their own care and how they will be supported to achieve their outcomes.

Risks

The proposals under Option 2 are based on a new model of social care, for which there is no precedent. This includes the assumptions that have been made in Annex 1, which are based on data that has not been fully tested. The risk is that potential outcomes may differ from those that have been predicted. However, we know that the current model of assessment and care and support planning is too costly, with respect both to its operation and to its effectiveness as a method for ensuring that people are accessing the right care, in the right place, at the right time. The cost and efficacy of the existing processes is a significant factor in the analysis that leads to the conclusion that the current model for identifying needs and delivering social care is not a sustainable model in the long term.

Preparing the workforce and the population is a key element to ensuring that there is a

¹⁷ <http://www.communitycare.co.uk/blogs/adult-care-blog/2013/09/saying-goodbye-to-unnecessary-paperwork-in-personalisation/>

¹⁸ The Munro Review of Child Protection. Part One: A Systems Analysis - Professor Eileen Munro – Department of Education 2010

smooth transition to the new system. There will be considerable transitional costs associated with the training / re-training of local authority staff and producing associated supporting resources associated with this option. As the care and support planning process is such a fundamental part of the proposed new social care system, the costs of introducing these regulations will consume a greater proportion of the overall transitional costs.

To militate against this risk Welsh Government has commissioned the Care Council for Wales to lead on the development and implementation of a national learning and development strategy.

The strategy is critical to the implementation of the Act and will need sustained, deliberate and high-profile leadership, which can reach out across a wide range of organisations and partners beyond the boundaries of the traditional social care sector.

The Care Council has developed this work with key stakeholders to ensure that the strategy covers all of those involved in the provision of social care, together with their key partners, and that it is delivered jointly and in collaboration with those partners.

The strategy includes a training deployment plan and the development of a one-stop-shop resource hub, playing a key supporting role for the sector in readiness for the changes and a place where Care Council for Wales can host their training resources. The Care Council for Wales will also update and promote the basic awareness raising materials. These awareness raising materials will be a common tool for use across partners to support and encourage delivery. The resources and material developed by the Care Council will be made available free of charge to all organisations and will be published online.

These developments have been supported by £1m in 2015/16 through the Social Care Workforce Development Programme (SCWDP). A further £7.1m has been made available through the programme, in previous years, together with the local authority match funding - making a total of some £11m which will support the development and implementation of cross-sector regional training plans, which align with both the national strategy and regional implementation plans.

In 2013/14 and 2014/15, a Delivering Transformation Grant was made available to the six regional partnerships, and selected national partners, to enable local government and its partners to put in place the requirements of the new Act. The Welsh Government has doubled the funding available through this grant to £3m in 2015/16. This is in addition to the £20m already announced this year to carry on the work of projects funded through the Intermediate Care Fund, and the £10m increase in the Revenue Support Grant for Social Services. To ensure that support for implementation of the Act evolves into support for the embedding process post April 2016 a further £3m in grant funding will be made available in 2016/17, subject to budgetary decisions.

The Welsh Government intends to commission an evaluation to enable the impact of the new national model of assessment and eligibility to be considered.

Summary and preferred option

Welsh Government considers that Option 1 - retaining the current model, is not sustainable. The costs of providing social care using the current model are too high and the option does not meet the requirements or principles of the Social Services and Well-being (Wales) Act 2014 and does not support the enactment of the Care and Support (Eligibility) (Wales) Regulations 2015 and the Care and Support (Assessment) (Wales) Regulations 2015.

The Welsh Government considers Option 2 to be the preferred option to ensure greater clarity, consistency and quality of care and support planning for adults, children and carers.

The current framework of guidance requires the use of care and support planning and new regulations are necessary to ensure that the practice of care and support planning is in keeping with both the text and the spirit of the Social Services and Well-being (Wales) Act 2014. New regulations are also required to complement the regulations for eligibility and assessment. Option 2 requires local authorities to refine existing practice rather than to introduce systems that are fundamentally new or different from existing arrangements - the new duties with respect to support plans for carers being the exception. For this reason both impacts and costs are anticipated to be minimal, although some savings are expected through the introduction of a more integrated, streamlined and proportionate system of care and support planning and through a whole systems change designed to reduce the proportion of people whose needs are met through the care and support planning process.

The care planning regulations will support a whole system change designed to enable the delivery of a more sustainable approach to meeting people's needs for care and support and will simplify the process of care and support planning, thereby contributing to the sustainability of the Care and Support system as a whole.

The introduction of the regulations will ensure that the care and support planning process is proportionately applied, so that it is appropriate to the needs of the individual, and considers the individual's circumstances.

The regulations introduce a simplified (and where possible common) approach to care and support planning, that will reduce fragmentation within the system and enable arrangements for care planning across the sector to dovetail so as to be easier to use and understand for both practitioner and service user. They will support integrated planning and delivery of care to individuals to enable them to maximise their well-being, and simplify an individual's journey to receiving care and support that is better tailored to their needs, and more likely to achieve their identified outcomes.

Option 2 is also consistent with case for change as set out in the reports that have been referenced in the Explanatory Memorandum.

	Current model: at 2013/14	Option 1: at 2030	Option 2: at 2030
Total cost for Assessment and Care Management expenditure (noted in table 1)	£153m	£235m	£110m

Consultation

The Welsh Government undertook a 12 week consultation on the regulations between 6 November 2014 and 2 February 2015. The consultation on parts 3 and 4 covered ‘assessing the needs of individuals, eligibility, direct payments and care planning’.

There were 103 responses received from a variety of stakeholders, including the Welsh Local Government Association (WLGA), The Children’s Commissioner, The Older People’s Commissioner, Social Services Improvement Agency (SSIA), Local Government representatives and Third Sector Organisations

There was general support for the proposed system change to an outcomes-based approach with a simplified assessment and care planning process and greater integration of services.

The responses supported the approach to eligibility, assessment, and care planning with general agreement that it is clear and simple to apply. There was strong support for this statement from both statutory services and voluntary organisations

In response to points raised during the consultation process, amendments were made to the regulations, and the codes of practice were re-drafted to ensure that the process for care planning is clear to follow.

The Care Council for Wales, as the lead body for workforce development, has been commissioned to lead on the development and implementation of a national learning and development strategy. The strategy is critical to the implementation of the Act and will need sustained, deliberate with high-profile leadership, which can reach out across a wide range of organisations and partners beyond the boundaries of the traditional social care sector.

Following the consultation process the following changes were made to the regulations:

- Regulations 5 (1) (a) and 5 (1) (b) have been made clearer to set out that carers are entitled to request a review of a carers support plan.
- Regulation 6 (2) has been amended to include confirmation and closure of plans, alongside revision of plans as actions which must be informed by the stipulated considerations.
- Regulation 6 has been amended to require the local authority to prepare a revised plan where a decision to revise a plan has been made.

- Regulations 7 and 8 have been amended to require that where the adult lacks capacity to be able to request a person to act on their behalf and there is no person authorised to act on their behalf, the local authority must give a copy of the care and support plan (or care plan) to any person who the local authority considers to be acting in the best interests of the adult, child or carer.

A detailed consultation response report is being published on the Welsh Government's website.

Competition Assessment

Competition Filter Test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulations do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of businesses/organisations?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector characterised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

The filter test shows that it is not likely that the regulation will have any detrimental effect on competition; therefore a detailed assessment has not been conducted.

Post implementation review

The Social Services and Well-being (Wales) Act 2014 contains provisions to allow for Ministers to monitor functions of the Act carried out by local authorities and other bodies. Ministers may require these bodies to report on their duties in implementing these regulations.

The Welsh Government intends to commission an evaluation to enable the impact of the new national model of assessment and eligibility to be considered.

Additionally, the Welsh Government will continue to monitor the impact of the regulation on areas such as the Welsh language, the UN rights of the child and Older People and Equality.

Annex 1
Evidence Paper

Annex 1. Evidence Paper

The Care and Support (Care Planning) (Wales) Regulations 2015

The Regulatory Impact Assessment presents two different options in relation to the policy objectives of the proposed Regulations. Both of the options are analysed in terms of how far they would achieve the Welsh Government's objectives, along with the risks associated with each. Both options have been explored to identify the costs and benefits. However, it is recognised that there are limitations and challenges with projecting future demand for social care in Wales.

- Option 1: Do the minimum and retain the current approach to care planning.
- Option 2: Introduce the new regulations, and create a simplified and national system for care and support planning for both carers and those in need of care

Option 1: Do the minimum and retain the current approach to care planning.

Under this option the current approach to care planning will remain, with the exception of the process in relation to carers. Primary legislation, contained in sections 40 and 42 of the Act, sets out additional duties to meet the support needs of carers. This primary legislation will be introduced regardless of the regulations being introduced.

Together the Assessment, Eligibility and the Care Planning Regulations will ensure a full system change. The regulations for Assessment and Eligibility will directly impact the Care Planning process. Therefore if the regulations are not introduced there will be an inconsistent service provided to individuals in Wales who meet the eligibility criteria

Section 32 of the Act requires regulations to be made. Not making regulations will place the Ministers in a position of not meeting their legislative duties and would have the effect that the Act is not implemented

If these regulations are not introduced there will be no requirement for local authorities to change their current practice. Variations in what service users can expect in different parts of the country will remain, as evidenced by the Independent Commission on Social Services in Wales and the Care and Social Services Inspectorate for Wales.

Option 2: Introduce the new regulations, and create a simplified and national system for care and support planning for both carers and those in need of care

Under this option the new duties will introduce greater consistency of practice across Wales by introducing changes to the way care and support plans are prepared and maintained for adults and children, and the way support plans are prepared for carers.

The overall effect of the regulations is to require local authorities to prepare and maintain a care and support plan, or a support plan in the case of a carer, for those whose needs they are required to meet, and to keep this plan under review.

A fundamental change which has been introduced through the Social Services and Well-being (Wales) Act 2014 is that, for the first time, a carer with needs for support will be eligible for a support plan in their own right. The regulations need to reflect this new right.

Introducing the regulations will allow Ministers to meet their legislative duties under section 32 of the Act. The introduction of the regulations will promote a nationally consistent approach to the delivery of care and support when enacted alongside new regulations regarding assessment and eligibility.

The regulations support an approach to care and support planning that is person centred and appropriate to the needs of each individual. A fundamental principle is that the care and support plan is owned by the individual whose needs are being met through that plan.

Ultimately, the proposed new model will simplify the current process for the planning of care and support.

Baseline Evidence and Projections

Although demands on social services are increasing, there is no commensurate increase in the routine funding to support service delivery. The current financial settlement for 2015/16 has decreased by 3.4% compared to 2014/15, as a consequence of the large scale budget reductions.

A 2011 report from the Social Services Improvement Agency (SSIA)¹⁹ outlined the challenges in projecting future demand for social care in Wales. The report recognised the complexities within the process and recognised that the projections may be affected, in part, by the way in which local authorities shape their services. The report also suggested that building a care and support system that focuses on keeping older people out of residential care, and using re-ablement models of care, may assist not only in achieving better outcomes for individuals, but also in reducing demand for services.

A report by the Institute for Fiscal Studies²⁰ summarises the challenges in predicting the allocation of funding for social care. The report outlined that there is substantial uncertainty about how much the Welsh Government will have to spend over the next 12 years. The most optimistic scenario is that the Welsh block grant will only be around 8% higher in real terms in 2025/26 than in 2010/11: this represents an annual average growth rate of just 0.5%. Given population growth, the block grant available per person would be just 1% higher per person than 15 years earlier. With regard to social care, the projections are subject to wide margins of error, reflecting uncertainty about future demands for health and social care, and the future costs of providing these services.

It is recognised, therefore, that making assumptions for the future delivery of social care is complex on multiple levels. However, as a basis for making projections about the future expenditure of social care under each option, the actual expenditure for 2010/11

¹⁹ Better Support at Lower Cost: Improving efficiency and effectiveness in services for older people in Wales - SSIA – April 2011
²⁰ 20 Scenarios for the Welsh Government, Budget to 2025/26, Institute for Fiscal Studies – September 2013

(as reported on in the Community Care Statistics report²¹) and 2013/14 (most recent data collection) have been used to make estimates on the predicted expenditure for 2030. These projections correspond with baseline projections by House of Lords Committee on Public Service and Demographic Change²² used in its 2013 report “Ready for Ageing”²³.

To date, England and Wales have used the same legislation and virtually the same model for care planning in social care. Based on these similarities, and for the purposes of illustrating cost savings and expenses, assumptions have been based on Welsh figures wherever possible. Where these figures are not available, the most comparable English data sets have been used.

Calculations have been based on data provided by StatsWales,²⁴ Health and Social Care Information Centre (HSCIC)²⁵, and on direct comparisons to calculations made for the Care Act 2014 in England, much of which have been based on HSCIC data. Information based on the existing Fairer Access to Care (FACS) model has also been used.

The following sections convey the population projections which have been used to make assumptions on expenditure for both options 1 and 2.

As a baseline, data for 2013/14 has been used (as it is the most recent available).

Population Projections for Wales

Adults

Projections²⁶ show that by 2030 there will be twice the number of people aged over 65 than there were in 2010 living in England. If existing rates of prevalence, for various health conditions and care needs, are applied to this changing demographic, then this implies that there will be a significant increase in the demand for social care services in the future. However, improvements in health and care services, including better prevention, could play a role in counteracting some of these pressures²⁷.

The census collection for Wales was reported on in 2011 and the population projections for 2013 and 2030 have been used to make assumptions of the population.

21 Community Care Statistics, Social Services Activity, England – 2013/14 – July 2014

22 <http://www.parliament.uk/business/committees/committees-a-z/lords-select/public-services-committee/report-ready-for-ageing/overview/>

23 <http://www.parliament.uk/business/committees/committees-a-z/lords-select/public-services-committee/report-ready-for-ageing/overview/>

24 Welsh Government’s online repository for detailed statistical data for Wales. The data is updated by the Knowledge and Analytic Services (KAS), Welsh Government.

25 Health and Social Care Information Centre (HSCIC) - The national provider of information, data and IT systems for health and social care in England

26 Report: Ready for ageing? | Committee on Public Service and Demographic Change | House of Lords - 2012/13 (Lord Filkin, chairman of the Lords Committee on Public Service and Demographic Change)

27 Future of Paying for Social Care in Wales – LE Wales – April 2014

Table 1: Population projections for Wales (Adults)

	2011 ²⁸	2012	2013	2014	2015	2030 (Estimated)
Number of adults aged 18-64 living in Wales	1,867,505	1,857,283	1,853,049	1,851,715	1,852,593	1,814,014
Number of adults aged 65 – 74 living in Wales	300,550	318,140	329,161	337,726	345,293	380,617
Number of adults aged 75 – 84 living in Wales	187,434	190,806	193,832	197,447	200,549	286,975
Number of adults aged over 85 living in Wales	74,560	76,932	77,332	78,952	80,972	141,037
Total	2,430,049	2,443,161	2,453,374	2,465,840	2,479,407	2,622,643

The figures in table 1 demonstrate that there is expected to be a 55% rise in those aged over 65 years, living in Wales from 2011 to 2030. These estimates are consistent with the projections for England, where there is a predicted 50% increase of those aged over the age of 65 years living in England.

The predictions also show that there is likely to be a slight decline (-3%) in the number of adults aged 18 - 65 years living in Wales between 2011 and 2030.

On average, about 1.5% of adults aged 18-64 years, and about 14% of over 65s in Wales receive local authority social care services. For the group of people aged 65 and over there is significant variation across age bands in the proportion of individuals receiving local authority social care services: the ratio share of the population aged 65-74, 75-84 and 85+ years is around 5%, 16% and 48% respectively. These ratios have stayed broadly constant over the last six or seven years.²⁹

Table 2 has used these average projections to estimate the population who are likely to receive a local authority social care service in the years between 2011 and 2015, and then used these figures to estimate the population receiving local authority social care services in 2030.

28 Stats Wales: 2011 Census: Usual resident population by single year of age and sex, Wales

29 Future of Paying for Social Care in Wales – LE Wales – April 2014

Table 2: Population projections for adults receiving local authority social care services – using 2011 census as base.

	2011 ³⁰	2012	2013	2014	2015	2030 (Estimated)
Number of adults aged 18-64 living in Wales (1.5% of population)	28,013	27,859	27,796	27,776	27,789	27,210
Number of adults aged 65 – 74 living in Wales (0.5% of population)	15,028	15,907	16,458	16,886	17,265	19,031
Number of adults aged 75 – 84 living in Wales (16% of population)	29,989	30,529	31,013	31,592	32,088	45,916
Number of adults aged over 85 living in Wales (48% of population)	35,789	36,927	37,119	37,897	38,867	67,698
Total Predicted numbers of adults receiving local authority social care services	108,818	111,223	112,386	114,151	116,008	159,855

³⁰ Stats Wales: 2011 Census: Usual resident population by single year of age and sex, Wales

Table 2b: Actual numbers of adults receiving local authority social care services³¹

	2011 ³²	2012	2013	2014	2015	2030
Actual total number of adults receiving local authority social care services	109,334	111,810	110,895	110,415	Not known	Not known

If the current model of social care remains, overall there is like to be a 45% increase in those receiving local authority social care services between 2011 and 2030 (as noted in table 2).

Table 2 has used the average projections as noted in the *Future of Paying for Social Care in Wales* report³³ to work out the percentage of the population who are likely to receive a local authority social care service in the years between 2011 and 2015, and then used these figures to estimate the proportion of population receiving local authority social care services in 2030.

Table 2b reflects the actual number of adults receiving local authority social care services, as reported upon by Stats Wales.

The figures in both tables are broadly consistent; therefore the estimates from the report on the *Future of Paying for Social Care in Wales* have been used to illustrate variations in expenditure when the options are applied in practice. These variations have been used throughout the Regulatory Impact Assessment to provide cost effectiveness of the proposed options.

Children

Table 3 - Population projections for Wales (Children)

	2011 ³⁴	2012	2013	2014 ³⁵	2015	2030 (Estimated)
Number of children aged 0-18 living in Wales	632,433	630,906	630,211	629,235	627,758	652,571

The figures in table 3 demonstrate that between 2011 to 2030 there is expected to be a 3% rise in those aged under 18 years and living in Wales.

31 Stats Wales – CARE0013: Adults assessed and care plans reviewed during the year

32 Stats Wales: 2011 Census: Usual resident population by single year of age and sex, Wales

33 Future of Paying for Social Care in Wales – LE Wales – April 2014

34 Stats Wales: National level population estimates by year, age and UK country

Mid-Year population estimates (1991 onwards), by Welsh local authorities, English regions and UK countries, for single year of age and gender (2011, 2102 and 2013 data)

35 Stats Wales: Population projections - 2012-based national population projections for Wales, 2012-2037

Table 4 - The rate of looked after children per 10,000 under 18 years in England and Wales

Years	Wales	England
<u>2003</u>	64	Not known
<u>2004</u>	66	Not known
<u>2005</u>	67	Not known
<u>2006</u>	70	Not known
<u>2007</u>	72	Not known
<u>2008</u>	72	Not known
<u>2009</u>	73	54
<u>2010</u>	81	57
<u>2011</u>	85	58
<u>2012</u>	90	59
<u>2013</u>	91	60
<u>2014 (As of 31 March 2014)</u>	91	60

Table 4 demonstrates that the rate of ‘Looked After’ children per 10,000 people under 18 years has risen steadily in Wales in the last 10 years, and is around 50% higher than the rate in England³⁶.

This is a significant cost to the Welsh public purse: Estimates in England gives the annual cost of a Looked after Child in 2013-14 as £36,524.³⁷ If that cost is replicated in Wales it would represent an annual expenditure of over £210m.

Assessment and Care Management Expenditure

Based on evidence from the Audit Commission (2012)³⁸ report spending on assessment and care management in English local authorities represented an average of 12% of gross spending on adult social services. It further stated that this spend varied across local authorities, between 8% and 17%.

Using data provided by StatsWales the following table 5 explores the different levels of spending on assessment and care management that local authorities could work towards achieving in Wales. On average Welsh local authorities currently spend 11.1% of their gross adult social care budget on Assessment and Care Management, at £153m annually.

36 British Association for Adoption and Fostering (BAFF) - <http://www.baaf.org.uk/res/stats>

37 Children's Services Estimates England , Chartered Institute of Public Finance and Accounting

38 Value for money in assessments and reviews - Audit Commission – August 2012

Table 5: Gross Social Service expenditure³⁹ in Wales 2013 /14: £1,380m

Total spend on assessment and care management⁴⁰ at:	
8% of expenditure	£110m
10% of expenditure	£138m
11.1% of expenditure (current position in Wales)	£153m
12% of expenditure	£166m
17 % of expenditure	£235m

Table 6 – The cost of Assessment and Care Management

	Wales 2013/14	English comparable data (2013/14)⁴¹
Gross Social Service expenditure (for all adults in Wales, over the age of 18, including carers)	£1,400,000,000 ⁴²	£17,250,000,000
Gross expenditure for adult cost of Assessment and Care Management ⁴³ (for all adults in Wales, over the age of 18, including carers)	£153,000,000 ⁴⁴	£2,070,000,000
Percentage of gross Social Services expenditure used for adult assessment and care management (see text below)	11.1%	12%
The number of adults assessed during the year	96,547 ⁴⁵	1,193,540
Estimated cost of assessment and care management per adult receiving a service in Wales	£1,585 ⁴⁶	£1,734

39 Stats Wales – Revenue outturn expenditure: Social Services – 2013/14

40 Stats Wales - LGFS0015: Social services revenue expenditure by client group (£ thousand)

41 Community Care Statistics, Social Services Activity, England - 2013-14, Final release
<http://www.hscic.gov.uk/catalogue/PUB16133>

42 Stats Wales –Revenue outturn expenditure – Social Services. <https://statswales.wales.gov.uk/Catalogue/Local-Government/Finance/Revenue/Social-Services/social-services-socialservicesrevenueexpenditure-by-clientgroup> - to the nearest million

43 Assessment and care management - Include costs of commissioning services for older people, specifically the process of receiving referrals, assessing needs, defining eligibility and arranging for packages of care to be provided and reviewing the quality of and continued relevance of that care for older people. This includes field social work costs (including hospital social workers); other social services staff based in primary healthcare settings; occupational therapy services to older people; and relevant support staff costs.

44 Future Paying for Social Care in Wales – LE Wales – 2014 - <https://statswales.wales.gov.uk/Catalogue/Health-and-Social-Care/Social-Services/Adult-Services/Service-Provision/AdultsReceivingServices-by-LocalAuthority-Measure>

45 Stats Wales – CARE0013: Adults assessments plus carers assessments or reviews

46 This cost for calculation – as the cost for care planning only is unknown

The data available through StatsWales reports details the costs of assessment and care management across authorities and for particular categories of needs. However this data is not separated into the cost of assessment as distinct from care management. To address this question, an approach has been taken to identify the average costs of assessment, and this cost has then been used to identify the cost of care management. The cost of care management includes, but is not limited to, the cost of care and support planning. Based on the data in table 6 the average expenditure of providing assessment and care management for each individual receiving an assessment in Wales is £1,585⁴⁷. Based on the comparable data of England it is estimated that the expenditure in England represents £1,734⁴⁸.

The Impact Assessment of the Care Act 2014⁴⁹ states that the average cost of assessment in England is £450. Based on the calculations (Table 6) for England, this cost is 26% of the estimated cost of assessment and care management expenditure of £1,734.

If the same assumptions are applied to the Welsh figures it can be estimated that the average cost of an assessment for care and support per adult receiving a service in Wales is £412 (26% of £1,585).

The cost of assessment has, at £412, has been subtracted from the cost of assessment of care management to establish a cost for providing care management (care and support planning). Therefore the estimated cost of providing care management per adult in Wales is estimated to be £1,173.

Social worker time

Research shows that social workers currently spend a great deal of time on administrative work and less time on face to face contact with service users. A UNISON survey indicated that 96% of practitioners felt that too much of their time was spent with paper work. Of those surveyed, 73% felt the time they had available to spend with service users was “insufficient” or “very insufficient”.⁵⁰

Similarly, research from 2003 found that three of the activities most frequently reported by social workers were office-based paperwork relating to caseload, negotiating and arranging social services for users, and completing assessment documentation in the office.⁵¹

Professor Eileen Munro in her review of Child Protection⁵² argued that “There is a need to strip away much of the top-down bureaucracy that previous reforms have put in the way of frontline services. Giving professionals greater opportunity for responsible innovation and space for professional judgment is fundamental if the child protection

47 £153,000,000/96,547

48 £2,070,000,000/1,193,540

49 The Care Act: Impact Assessment number 6107. <http://www.legislation.gov.uk/ukpga/2014/23/impacts>

50 UNISON, *Not Waving But Drowning: Paperwork and Pressures in Adult Social Work Services* (2009), <http://www.unison.org.uk/acrobat/B4710a.pdf> (last visited 4 April 2011). These figures relate to all social work, not just adult social care. We see no reason to suppose there is a significant difference between child work and adult work.

51 A Weinberg and others, “What Do Care Managers Do? A Study of Working Practice in Older Peoples’ Services” (2003) 33 *British Journal of Social Work* 901, 914.

52 The Munro Review of Child Protection: Final Report A child-centred system - Professor Eileen Munro - Department of Education – May 2011

system is to realise the improvements that have been lacking following previous reforms” and referenced a London School of Economics and Human Reliability evaluation which identified that a reduction of bureaucratic constraints on practice enables practitioners to spend more time (working) with families. Professor Munro also referenced a 2010 study showed that some social workers were spending up to 80 per cent of their time on paperwork but this had developed gradually making it hard for those involved to notice⁵³.

Cost

Option 1

As illustrated in tables 1 and 2 there is predicted to be a significant rise in the adult population who received social care services by 2030. An assessment cost and care management cost of £1,173 (see table 6) has been used to predict the possible increase in expenditure required to provide care management to the increased population⁵⁴.

Table 7: Total predicted cost of assessment and care management for all adults receiving social care services

	Total predicted number of adults receiving local authority social care services (as illustrated in table 2)	Total predicted cost of care management for all adults receiving social care services
2011	108,818	127,643,514
2012	111,223	130,464,579
2013	112,386	131,828,778
2014	114,151	133,899,123
2015	116,008	136,077,384
2030	159,855	187,509,915

As illustrated above the estimated cost of the total amount of care management for all adults is likely to increase by around £56m between 2013 and 2030.

Table 5 and the assumptions derived from it, shows that by retaining the current approach to assessment and care management it is expected that 11.1% of gross

53 White, S., Wastell, D., Broadhurst, K. & Hall, C. (2010), 'When policy o'erleaps itself: The 'tragic tale' of the Integrated Children's System', *Critical Social Policy*, 30, pp405–429.

54 Any financial projections in this Impact Assessment are based on the most recent identified costs - adjustments for inflation have not been taken in to account.

expenditure on adult social services will be spent on assessment and care management. However, given the predicted large increase in the population of those over the age of 85, there is likely to be a larger proportion of the overall social services budget requiring to be spent on assessment and care management. On this basis, if the current approach remains, local authorities may need to use larger proportions of the budget in order to provide services to all those that require them. If the proportion of spending on assessment and care management in Wales reached the highest level (17%) currently reported in England, this element of the service would have cost an extra £82m across Wales in the year 2013/14.

Children

Although the data collected for Children’s Services is not directly comparable to Adult Services it is likely that there will be similar patterns followed. The census collection for Wales was reported on in 2011, and the population projections for 2013 and 2030 have been used to make assumptions of the population of those aged 18 and under.

Table 8 – Number of Looked After Children in Wales

	2011 ⁵⁵	2012	2013	2014 ⁵⁶	2030 (Estimated)
Number of children aged 0-18 living in Wales	632,433	630,906	630,211	629,235	652,571
The rate of looked after children per 10,000 under 18 years in Wales (as demonstrated in table 4)	85	90	91	91	135
Estimated number of children under the age of 18 expected to be considered ‘looked after children’ (based on table 4).	5,376	5,678	5,735	5,726	8,810 ⁵⁷
Estimated cost of care and support planning for Looked after Children in Wales (based on table 3 - £1,173)	6,306,048	6,660,294	6,727,155	6,716,598	10,334,130 ⁵⁸

The Welsh Government’s Children in Need Census reported that there were 20,145 children in need at 31 March 2014⁵⁹, which accounts for 3% of the under 18s population

⁵⁵ Stats Wales: National level population estimates by year, age and UK country
Mid-Year population estimates (1991 onwards), by Welsh local authorities, English regions and UK countries, for single year of age and gender (2011, 2102 and 2013 data)

⁵⁶ Stats Wales: Population projections - 2012-based national population projections for Wales, 2012-2037

⁵⁷ Calculated – using the no of children, divided by 10,000 then multiplied by the rate of LAC

⁵⁸ Calculated the estimated number of LAC by 1585 (cost of assessment and care management)

⁵⁹ Stats Wales: Summary of Children in Need data

in Wales. The data in the first row in table 8 demonstrates that between 2011/12 to 2030 there will be a 3% rise in those living in Wales aged 18 years and under. Therefore, if the approach to assessment remains static, it can be expected that there will be a proportionate rise in the number of children entering the social care system by 2030.

As demonstrated in table 4 the rate of 'Looked After' children per 10,000 people under 18 has risen in Wales over the last 10 years. In the period between 2003 and 2013 the number has risen by 26 per 10,000, an average of 2.6 children (per 10,000) per year. If it was assumed that a similar increase would continue over the next 15 years, the rate could reach 135 per 10,000 children by 2030, and will result in the number of Looked after Children rising to 8,810.

However, there is no evidence that the rate of Looked after Children will continue to increase at a linear rate. The rate has levelled out since 2012, at 90-91 per 10,000 children. If the rate has reached its peak and the current level of 91 per 10,000 children is to remain static, there will be no significant impact on the cost of providing social care to Looked after Children in Wales.

Carers

Irrespective of the regulations for care and support planning being introduced, a new duty to provide services to meet the needs of a carer for support will be placed upon local authorities. The duty is comparable to that for the people they support and has removed the existing requirement that the carer must be providing "a substantial amount of care on a regular basis". From April 2016 it will be sufficient only that the carer "provides, or intends to provide, care". This change in primary legislation will provide all carers with the right to an assessment and a determination of eligibility for local authority provided or arranged support. Therefore the approach to providing support plans for carers will need to mirror the approach to providing care and support plans.

In Wales, there are 30,000 individuals providing unpaid care⁶⁰. In 2001 it was estimated that in Wales the care that unpaid carers provide would cost £5.69 billion per year to deliver if using paid support⁶¹. If the process for assessing carers' needs for support is not amended to fit with the whole system change introduced through the Act, it is probable that the consequence will be that many carers, without any support in place, will need the provision of substantial support to meet their own needs following an extensive and bureaucratic assessment that does not emphasise supporting carers through preventative and early intervention approaches.

A similar projection to the ones used above can be used to estimate the rising costs of assessment and care management for carers.

Welsh Government collected data on the number of carers of adults who had an assessment or review of their needs in their own right during the year (first data collection 2008/09). The data shows that there was an increase in carers requesting an

⁶⁰ Office for National Statistics - 2011 Census: Provision of unpaid care
⁶¹ Carers, Employment and Services in Wales - Carers UK - 2011

assessment following the introduction of the Carers Strategies (Wales) Measure 2010 and this is evidenced in table 10. No figures are available for the number of carers receiving support plans as this is not currently a statutory duty.

Table 9: Carers assessments

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
Number of carers of adults who had an assessment or review of their needs in their own right during the year	5,484	5,916	6,335	6,978	6,968	7,163
Annual % rise in adults who had an assessments or review of their needs in their own right during the year	NA	8%	7%	10%	0%	3%
Number of carers or adults who were assessed or reassessed in their own right during the year and who were provided with a service	2,281	2,755	3,690	4,298	4,373	4,570
Percentage of carers assessed or reassessed in their own right during the year and who were provided with a service	42%	47%	72%	62%	59%	57%

Option 2: Create a national system for care planning for both users and carers through regulations

Under this option Welsh Government considers that there will be long term cost savings as individuals will be supported at an earlier stage through the Information, Advice and Assistance service and through preventative services. Wider access to a more supportive and open system will enable people to get the help they need earlier. As a result fewer individuals will need to have a care plan. This argument is reinforced by the Social Services Improvement Agency (SSIA)⁶² report which sets out that early intervention and prevention will help local authorities to meet their savings targets whilst improving outcomes for individuals.

The cost of the current assessment and care management processes is too great.

In the last decade the gross expenditure of adult social services has risen by 53%⁶³. There is no additional funding available to meet this predicted rise in expenditure should this trend continue. As demand and service user expectation increases, and budgets are constrained, the current approach to social services has to be changed.

Population Projections

Adults

As noted in table 7, the continuing cost of providing social care for adults in Wales is too high, particularly in relation to those estimated to be aged over 85 years, and expected to receive local authority social care services in 2030. The projections currently estimate the number of those aged 85 years and over to increase by 45% between 2013 and 2030.

The proposed approach to assessment and care management that will be introduced through the regulations will recognise that needs can be met not only through support and services provided by the local authority but also through a person's abilities to support themselves or with support from their friends, family, and / or preventative and community based services focused on helping people to meet well-being outcomes. Table 2 identified a relatively consistent ratio of 48% of the population aged over 85 as needing to use directly provided or arranged local authority social care services in the future.

The proposed approach to care planning will encourage local authorities to assist individuals to access preventative well-being community based services themselves or support people to develop the skills and confidence they need through early intervention and prevention.

The report to Welsh Local Government Association and NHS Confederation on the transitional and longer-term implications of the Social Services and Well-being (Wales) Bill⁶⁴ commented:

62 Social Services Improvement Agency – Better Support at Lower Cost - Improving efficiency and effectiveness in services - for older people in Wales - 2011

63 Stats Wales – Revenue outturn expenditure: Social Services

64 Transitional and longer-term implications of the Social Services and Well-being (Wales) Bill 2013 – Welsh Local Government Association and NHS Confederation – IPC September 2013.

“Notwithstanding the potential impact anyway of the likely increase in the numbers of people requiring assessments, due to the projected increase in older people across Wales, there is no reason to assume that changes in assessment requirements will inevitably lead to greater costs in the longer term for local authorities. Indeed, it could lead to downward pressure on overall costs:

- More responsive information services, early support, informal assessments and preventative community support will result in fewer people needing to secure a formal care and support assessment and plan, thus reducing transaction costs.
- Better quality early intervention and prevention services will reduce the need for more costly acute and substitute care”.

Assessment and Care Management Expenditure

The Audit Commission (2012)⁶⁵ reported that the total spend on assessment and care management represented 12% of the gross adult social care budget. It further evaluated that this varied across local authorities, with some local authorities working at 8% spending on Assessment and Care Management. The report evidenced that 8% is an achievable target for local authorities to work to and that it is feasible to reduce expenditure to 8% by streamlining processes, reducing bureaucracy and applying assessment proportionately. As evidenced by the Social Services Improvement Agency (SSIA)⁶⁶ early intervention and prevention helps local authorities to meet their savings targets whilst improving outcomes for individuals. The introduction of the regulations will assist local authorities in this agenda, with the likelihood that the spending on assessment and care management will move closer to 8% of the gross expenditure on adult social care.

The data provided in Table 5 demonstrates the cost savings that could be reached if local authorities reduced the expenditure on assessment and care management to 8%. Under option 2 the expectation is that local authorities in Wales would follow this pattern and realise similar efficiencies. If these efficiencies can be met, they could represent savings amounting to £43m in 2013/14, and these costs could be reallocated to the £44m funding gap, as evidenced earlier.

The Association of Directors of Social Services⁶⁷ reported that local authorities can meet their savings targets whilst improving outcomes for users by planning to deliver more cost effective services. The report stated that the main approach for achieving such savings is through preventive services focusing on helping people stay out of longer term care, consequently reducing the demand for longer term care.

Children

The assessment and care planning process proposed under Option 2 for children is considered to be in keeping with the process that is currently in place under the Childrens Act 1989. As a result Welsh Government do not anticipate that costs for

47 Value for money in assessments and reviews - Audit Commission –August 2012

66 Social Services Improvement Agency – Better Support at Lower Cost - Improving efficiency and effectiveness in services - for older people in Wales - 2011

67 Better Support at Lower Cost: Improving efficiency and effectiveness in services for older people in Wales - ADSS Cymru – April 2011

children's services will alter significantly except that the regulations are designed to promote a model of early intervention and prevention that will reduce the numbers of children who are looked after by their local authority. If the rate of children who are 'looked after' in Wales could be brought in line with the rate of Looked After Children in England expenditure on Looked After Children could be reduced by up to a third. If the costs of maintaining children as looked after in Wales is comparable to the costs estimated for this in England, this would result in an annual saving to Wales of £70m (see notes and commentary to table 4 above)

Carers

It is anticipated that more carers will be eligible for a care and support plan under the new legislation. Even so, it is not estimated that the aggregated cost of providing the care and support plans will increase in direct proportion to the increase in the number of people seeking assessment. It is anticipated that carers will be supported through early intervention, the provision of Information, Advice and Assistance, and preventative services as referred to under the earlier section on adults. This earlier intervention will reduce the number of people needing to access managed care and support.

StatsWales provides data on the number of carers of adults who had an assessment or review of their needs in their own right during the year. This data shows that there was an increase in carers requesting an assessment following the introduction of the Carers Measure – but national figures are not available for the numbers of carers who receive a support plan following assessment as this is not currently a statutory responsibility of local authorities.

In practice, the proposed system under Option 2 could address the needs of many carers through the initial Information Advice and Assistance service. Carers will be provided with access to relevant, accurate, high quality and timely information, advice and assistance. Even where carers support needs are being met by the delivery of support plans the regulations enable support plans that are proportionate in scale to the need being met and the process of reviewing these plans is also underscored by the principle of proportionality.