

Minutes



Joint meeting of the APPGA and the APPG on Learning Disability on the Care Bill

4 March 2014

14:30-15:30, Committee Room 11, House of Commons

Chair: Robert Buckland MP (Chair, APPGA)

Speakers: Norman Lamb MP (Minister for Care and Support)

Sue Brown, Vice Chair of the Care and Support Alliance (CSA) and Head of Public Policy at Sense

Robert Buckland MP welcomed and thanked visitors for attending the meeting before inviting Sue Brown to speak.

Sue Brown

- Sue introduced the Care Bill as a piece of legislation currently going through the debate stages in the House of Commons that will transform the social care system in England when it becomes law. The CSA has had a role in contributing to its development.
- Clause 1 covers the key purpose of the Bill – to ensure wellbeing is incorporated into the system so that as well as the support that people receive for more obvious social care needs, there is also a focus on living a full and active life.
- The Bill also sets out a variety of changes around assessment. It is important to note that assessments for care should be focused on the outcomes that an individual wants to achieve and that the individual is involved in the decision-making process. A positive to take from the Bill is that a right to independent advocates has now been included, which is a provision that the CSA has been lobbying on for some time.
- Progress has also been made in addressing transition from children's services to adult social care. The effects can be damaging for young people with a disability if appropriate support is not in place. Provisions have been included that are intended to bridge the gap between children's and adult services.
- The Bill, regulations and guidance have been and will be developed by the Department of Health in cooperation with the CSA, local authorities and other stakeholders.
- The final draft of the regulations and guidance will be published in October, and the Bill will be passed in April.
- Overall, there has been real progress in the Bill in putting individuals at the centre of the system that makes decisions about their care. However, local authorities are experiencing a funding crisis, which means that this purpose may not be achieved. The CSA argues that without adequate funding in the system, the purpose of the Bill cannot be fully realised.

Robert Buckland thanked Sue and introduced the Care and Support Minister, Norman Lamb MP.

Norman Lamb MP, Minister for Care and Support

- The Care Bill is about to go into Report Stage. Throughout the passage of the Bill, the Department of Health has listened to compelling cases for change and tried to work collaboratively with internal and external stakeholders to get the legislation right.
- The Department of Health is keen to continue working with the CSA on the regulations and guidance that will follow the Bill.
- Wellbeing is a key principle in the Bill, and this must be at the heart of what reform is aiming to achieve. The focus should be on the happiness of the individual and support should enable people to do what they want to do.
- The purpose of the reforms is also to prevent ill health and the deterioration of health. Integration of the health and social care system will play a key role in this, and joined up care has to be at the heart of a new system. This is why the Government is introducing the 'Better Care Fund', a £3.8billion pool of different budgets from within the department to deliver a more integrated approach.
- Government needs to think about spending money more wisely and making better use of it. This is why the Department of Health has also introduced personal budgets and direct payments that give people greater choice over their social care. This will soon be extended to individuals on the NHS Continuing Care scheme, and the Minister would like to see it extended even further to mental health in the near future.
- Another positive development is the emergence of adult safeguarding boards across the country. Abuse is also appropriately covered in the Bill.

Robert Buckland invited questions from the meeting attendees.

Ismail Kaji from Mencap asked why safeguarding against financial abuse was explicit in the Bill, but not other forms of abuse.

The Minister said that the advice that the Department had received from their legal team was that the language in the Bill was clear enough to cover all forms of abuse, and this was to ensure that financial abuse was a clearly identified form. The safeguarding board would also serve as an extra safety net.

Improvements were also being made to corporate accountability and prosecution procedures following the events at Winterbourne View. Accountability would now sit with companies, NHS trusts and individual directors.

Lord Rix, Co-chair of the APPG on Learning Disability followed up the question from Ismail and suggested that the same outcome could be reached by including 'abuse' rather than 'financial abuse' in the Bill. The current wording makes it seem like financial abuse is prioritised above other forms of abuse.

The Minister reiterated that 'financial abuse' was specified in the Bill because there is a risk that it might not be considered without this, and including it in the guidance alone would not be enough. The legal team have suggested that adding too much definition to the term abuse, can lead to the opposite of what is intended and actually restrict the provision, rather than expand it.

Baroness Hollins suggested that perhaps the reason why other forms of abuse, like physical or sexual, were not included was because these situations make people feel uncomfortable, but reiterated that this is an issue that needs to be addressed. Following on from this statement, **Baroness Uddin** said that the wording of abuse in the Bill in its current form lacks the full power needed to ensure that vulnerable people are prevented from all forms of abuse.

The Minister promised to seek further legal guidance on abuse to ensure that prioritisation of one form over another would not be a risk.

Maria Nash expressed concerns about the comments that the Minister made in his speech about mental health and people with autism.

The Minister clarified that in his speech he was referring to the intended roll out of personal budgets and direct payments to the NHS and mental health.

A question was asked about competent assessments of support for people with autism. **Sue Brown** stated that specialist community care assessors for people with autism is essential and provision for this should be set out in the guidance that will follow the Bill.

In reply, **the Minister** said that the Department would be keen to engage with organisations seeking to influence the content of the guidance when the consultation opens later this year.

Helen Backus from Buckinghamshire County Council asked the Minister to clarify where education for adults sits within the new social care system. There is some confusion on a local level around how the two systems will join up.

The Minister said he did not have the answers to hand but would follow up with Ms Backus privately in order to clarify the position.

Sara Truman cited the report from the National Audit Office about savings that could be made across government if appropriate measures were put in place to provide appropriate support for people with autism. She asked why the Government was reluctant to provide this support when it can provide long term financial benefits.

The Minister agreed with this point and stated that he would like Government to consider such savings as a positive in general, rather than seeking to maintain expenditure and savings within each department. He said that he finds the idea of community budgets for local areas an interesting concept.

Pauline said there is a lot of rhetoric coming from decision-makers but it still is not entirely clear who is responsible for ensuring that the system works, and proper accountability is difficult to find.

The Minister admitted that integration of key social and health services is not happening fast enough on the ground. It is successful in some areas but there is a need to spread the approach, through the Better Care Fund for example, across the whole country.

Rita Grootendorst asked the Minister what support there was for older adults who do not have a diagnosis for autism and are unable to access support from health and social services.

The Minister highlighted the Autism Act 2009 and the adult autism strategy as good tools for reform but he admitted that historically implementation of these provisions has been patchy. The revised strategy, due to be published shortly, offers an opportunity to address this.

In closing, Robert Buckland thanked the Minister for attending the meeting and listening to the concerns of individuals and representative organisations. He briefly mentioned concerns around the eligibility criteria and the 'duty to report' in the Care Bill as further issues that would be raised by the CSA and other organisations in the near future.

Robert Buckland thanked Sue Brown for speaking, and observers for attending. He reminded the group that another joint meeting of the APPGA and the APPG on Learning Disability will take place on **Tuesday 25th March from 1-2.30pm in Committee Room 9 at the House of Commons** and the focus of the discussion would be **hate crime**.