



Royal College  
of Nursing

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# RCN Policy Unit

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## **Policy Briefing 06/2010**

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### **Social Care reform in England – Where are we now?**

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## Introduction

On the 30<sup>th</sup> March 2010 the White Paper *Building the National Care Service (NCS)* was unveiled. Described as “an historic reform”<sup>1</sup> and “the biggest change to the welfare state since 1948”<sup>2</sup>, the White Paper is the current Government’s blueprint for fundamental reform of the social care system in England.

It follows the Green Paper *Shaping the Future of Care Together* and builds on the consultation responses that a wide range of stakeholders - including the RCN - and the general public were involved in.

In recent years, the issue of social care reform has gathered momentum and a clear **consensus has emerged that reform is both necessary and urgent**, with the case for reform clearly acknowledged in the White Paper. The White Paper’s vision is to establish a comprehensive NCS that is ‘*for all adults in England with an eligible care need, free when they need it, whoever they are, wherever they live and whatever condition leads to their need for care*’.

Following consultation with its members, the RCN has welcomed the White Paper. Nursing has a critical relationship with social care, in delivering frontline care and providing healthcare for unmet social care needs, and social care reform is crucial for high quality care provision. However, in light of the current changing political and challenging economic context the future of the White Paper is uncertain, and so too its vision.

To view the ***Building the National Care Service*** White Paper, please see [http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_114923.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_114923.pdf)

## Significant developments to date

### **The Green Paper: *Shaping the Future of Care together* (July 2009)**

*Shaping the future of care together*, the Green Paper on social care reform aimed to uncover the views of the public and key stakeholders about how the existing social care and support system should be reformed. The Government called the overarching consultation process on social care reform the *Big Care Debate* (see here for more: <http://careandsupport.direct.gov.uk/>)

A broad consensus emerged throughout the course of the consultation around building a high quality, fair and comprehensive NCS. Many respondents asked that the Government reconsiders the general taxation funding option.

### **Personal Care at Home Bill (September 2009)**

A commitment to the Personal Care at Home Bill - a right to free care at home, starting in October 2010, for service users with ‘critical’ care needs - came as a surprise for many people and stakeholders, who had not expected a piecemeal approach to reform.

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<sup>1</sup> Foreword of *Building the National Care Service* White Paper

<sup>2</sup> Andy Burnham, Secretary of State for Health, launching *Building the National Care Service*

Although the principle of free care was supported, many concerns were raised - including by the RCN - about the timescale, the potential impact on current service users and the funding and administrative implications for local government.

The House of Lords amended the Personal Care at Home bill. The House of Commons accepted two of these amendments, including a new implementation date of 1<sup>st</sup> April 2011 and the right for any forthcoming Government to reconsider its implementation. **The amended bill was passed by the House of Lords and is part of the White Paper.**

## RCN members' perspectives

Before the White Paper's launch, the RCN asked its members for their views on the 2009 Green Paper and the wider social care system. Almost **1500 members** responded online, showing how important the issue is for RCN members, who either work in the social care setting or closely with it.<sup>3</sup>

Members told us about the current system's problems, which prevent integrated health and social care delivery and leave many social care needs unmet. On a daily basis members have to deal with issues like bed-blocking, whilst NHS demand rises in the face of inadequate social care provision.

Members raised concerns by the complexity of the current social care funding system and by the postcode care lottery and resulting inequalities across England. They felt it was unfair that some people have to sell their homes or use their lifelong savings to fund their care. Many members wanted to see a new system based on fairness, equal access, transparency and simplicity and, integrated, high quality care.

In response to reform options, members indicated a clear preference for a **comprehensive NCS (62.8%), funded through state insurance system (57.9%).**<sup>4</sup>

## The Case for reform

There are many reasons why the current social care system is no longer considered to be fit for purpose and why reform is deemed not only necessary but urgent, including:

### System problems

- **Postcode care lottery, high levels of unmet need and unmanageable care costs.** Eligibility criteria for free social care are decided locally, resulting in a postcode lottery or unequal service provision across the country.
- **Complex and confusing funding system.** Since there is no clear line between where social and health care start and end, service users are often confused about how their care will be funded.

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<sup>3</sup> For more information on the Green Paper and the RCN members' consultation, see: [http://www.rcn.org.uk/\\_\\_data/assets/pdf\\_file/0005/276314/12.09\\_Care\\_and\\_Support\\_Green\\_Paper\\_vs\\_2\\_3.pdf](http://www.rcn.org.uk/__data/assets/pdf_file/0005/276314/12.09_Care_and_Support_Green_Paper_vs_2_3.pdf)

<sup>4</sup> 29.9% of members who responded supported a new system funded through general taxation. There was little preference for making contributions to a private insurance scheme (6%).

### Demographic changes

- **An ageing population.** For the first time, there are now more people aged over 65 in the UK than there are aged under 15. The younger population will remain roughly stable over the next 30 years, whilst the older population is predicted to double in size. Two in three women and one in two men will develop high care needs during their retirement, thus **increasing demand for care and support and, levels of funding consequently.**
- **More people living with long-term and chronic illnesses,** thanks to new and developing technological and medical advances. This achievement brings with it further demand on social care services.

### Changing expectations

- **Rising expectations amongst service users.** Service users are rightly demanding greater dignity, respect and support to allow them to live as independently as possible. Under the current system, the postcode care lottery and substantial unmet need means that it neither fully nor fairly meets the aspirations of service users and their families.

### Economic pressures

- The problems with the current system, increasing demand and rising expectations means **social care requires more funding** - even if the current levels of provision remained the same as today's.
- Current financial restraint and with a target of halving the national deficit over 4 years, means any system reform requires a fair and sustainable funding solution.
- With the **working age population decreasing as a proportion** of the total population, politicians have concerns about placing additional financial burden on the working population to pay for a reformed system.

## The NCS vision: Key points of the White Paper

The White Paper is a 'blueprint' for a NCS and it leaves many questions unanswered about the future of social care reform. However, reflecting the general consensus among stakeholders (including the RCN) and the general public consulted on the Green Paper, the White Paper does commit to building a **comprehensive care system.**

It also sets out a vision that addresses many of RCN members' concerns about equal access to high quality, integrated care and a fair, simple and transparent system in three main parts: NCS Principles, NCS Pillars and High quality services.

## NCS Principles

Firstly, the White Paper sets out key principles on which the NCS would be founded including **universality** (equal care entitlement for all adults with an eligible need), **free at the point of use** (based on need, not the ability to pay) and **working in partnership**. Working in partnership seeks to improve the delivery of integrated service provision, including with the NHS, and there is commitment to **a new duty for NHS bodies and local authorities to deliver integrated adult care services**.

## NCS Pillars

Secondly, the White Paper sets out what people could expect from the NCS - 'the pillars':

1. **Information and advice about care and support.** Addressing concerns about the lack of transparency in the current system.
2. **Nationally consistent eligibility criteria for social care in law.** This is an important step in increasing national consistency in decisions around eligibility to help address concerns about 'fairness' or variation based on where people live. The criteria would mean that a result of an individual's needs assessment should be consistent wherever they live in England, and, if eligible, that they would receive the same provision of free care. It should be noted that where a person's primary need is a health need, the responsibility remains with the NHS, even when the individual has been placed in a home by a Local Authority.<sup>5</sup>
3. **A joined-up service user assessment** that crucially would be:
  - **Portable:** An individual will be legally entitled to take their assessment results with them when they move (thanks to the national criteria).
  - **Joined-up:** Whilst the White Paper rules out any changes to Disability Living Allowance (DLA) and Attendance Allowance (AA) in the next Parliament, a Commission would be asked to look at how these benefits are accessed with a view to aligning them in the future. There was much concern over people losing DLA and AA in the Green Paper consultation, hence why decision on alignment has been deferred.
  - **Regularly reviewed and reassessed:** On request and at least annually, to ensure the correct level of care is being received.
4. **Personalised care and support.** The personalisation agenda continues to be important. The White Paper states that by the time the NCS is introduced, every eligible person will be offered a personal budget, to give people more control over how their care entitlement is spent. Importantly, **personal budgets will still be optional**, reflecting RCN concerns that personal budgets are not appropriate for all service users and should be set up on a case-by-case basis.
5. **Prevention and wellbeing services to keep people independent.** There is little detail about how to meet the objective of supporting more people to be cared

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<sup>5</sup> For more on this please see Department of Health guidance, URL:  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_076288](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_076288)

for in their own homes. The White Paper does commit to helping people regain their independence, by making **reablement free for everyone who could benefit from it when they need home care**. It is not clear what reablement means here (i.e. what is and is not included). The RCN would seek to have an input into defining what reablement means, to ensure that the reformed system reflects best practice in preventative care.

6. **Fair funding, with collective, shared responsibility for paying for care and support.** Whilst the White Paper commits the Government to putting in place a comprehensive system, it **has not answered how individuals will contribute to the system**. This would be explored and decided by a Commission.

**Accommodation costs in residential care** (defined as costs not associated with the care individuals receive, but accommodation costs such as food and utilities) - **would continue to be paid for by individuals in residential care**. However, where accommodation costs threaten people's savings, there will be the option of a universal deferred payment system.

## High Quality services

Finally, although absent from the NCS principles and pillars, ensuring high quality care is a key theme of the White Paper. Like RCN members, respondents of the Green Paper consultation identified quality as a chief concern for system reform. The aim in the White Paper, therefore, is for people to 'experience high quality services every time they come into contact with the NCS'.

The White Paper proposes to meet this ambition by better integrating services and ensuring that the NCS can maintain and attract sufficient numbers of staff with the right skills. It introduces a quality framework for care and support, to be designed by a panel of experts at a later date. The White Paper also outlines plans for a **voluntary licensing scheme for all social care workers**, in residential care, homecare or as personal assistants. The White Paper proposes that a regional pilot should be carried out by the Health Professions Council. The RCN has called for regulation of Health Care Support Workers on the basis of patient safety and public protection, and believes the Nursing and Midwifery Council is the appropriate body to regulate this role.

## The NCS Timeline

The White Paper outlines a three-staged approach to system reform. The timeline is not fixed, perhaps reflecting the White Paper's political context and providing some flexibility.

The Personal Care at Home Bill is seen as the first of these transitional stages, to be introduced in 2011.

From 2014, the second stage - **free care after two years of residential care** - would be introduced. In this stage, many of the unanswered questions or detail would be fleshed out by expert panels and a Commission would decide how to fund the new system.

The final stage of reform would be **after 2015**, when a comprehensive system would be established for '*all adults in England with an eligible care need, free when they need it, wherever they are, wherever they live and whatever condition leads to their need for care*'.

## Political party proposals (April 2010)

The three main political parties' manifestos include the following on social care reform:

### Labour Party Manifesto:

- Commits to a **comprehensive system** as set out in *Building the National Care Service* White Paper.

### Conservative Party Manifesto:

- Would create a system "based on choice and which rewards the hundreds of thousands of people who care for an elderly relative full-time."
- **Voluntary** one-off insurance premium (£8,000) to fund residential care.
- **Voluntary** premium top-up system to cover care at home costs.

### Liberal Democrat Manifesto:

- Commits to establishing an independent commission, with cross-party support, to develop proposals for long-term care of the elderly. A **partnership scheme** is favoured by the Party.
- Proposes to integrate social and health care systems.

## Next steps

It is likely that the political context of the White Paper's launch - in a run up to a general election - has constrained the Paper's detail. 'Historic' reform or any reform of the care system certainly still depends on continued political will and sustained pressure from stakeholders and the general public, as the White Paper itself acknowledges:

*Introducing the National Care Service is the most fundamental and ambitious change to the welfare state since the creation of the National Health Service and it will require all efforts and our commitment to working in partnership to deliver the range and quality of care and support services that everyone in England has a right to expect.*

Owing to the critical relationship Nursing has with social care - in delivering frontline care and providing healthcare for unmet social care needs - the RCN has played a significant role in this debate so far. **The RCN will continue to push for reform and ensure its members' views are heard.** The current social care system is not fit for purpose and current challenges and increasing demands are placing too much pressure on the staff, service users and the quality of care.

If the blueprint outlined in the White Paper is implemented by a future Government, the RCN will seek to have a voice on the Commission on funding and on the Leadership Group advising on its implementation. The RCN will call for more detail on and influence in any reablement policy.

The Policy Unit will keep members updated on social care reform as and when necessary through briefings like this one, through Bulletin and the website. **Please contact us at [policycontacts@rcn.org.uk](mailto:policycontacts@rcn.org.uk)** if you have any questions or comments about this subject.