CONSIDERATION OF BILL

CARE BILL, AS AMENDED

National framework for local authority fees for care providers

Paul Burstow
Andrew George

To move the following Clause:—

‘(1) The Secretary of State shall establish an indicative national formula with which local authorities shall determine the costs of care provision in their area.

(2) In having regard to the matters mentioned in section 5(2)(b), a local authority must derive fee levels for independent providers of care and support services from the formula mentioned in subsection (1).

(3) The Secretary of State shall make arrangements for the audit of local authority fee levels to determine their compliance with the duty mentioned in subsection (2) and the extent to which this contributes to the effective delivery of the requirements of section 5(2), with particular reference to paragraphs (b), (d), (e) and (f).

(4) The formula in subsection (1) shall be made by regulations laid in pursuance of section 123(4) of this Act.’.

Powers of local commissioners in relation to TSA recommendations

Paul Burstow
Andrew George

To move the following Clause:—

‘(1) In section 65DA(1) of the National Health Service Act 2006 (Chapter 5A of Part 2: Objective of trust special administration) omit “objective” and insert “objectives” and omit “is” and insert “are”.

(2) After subsection (1)(a) insert—
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“(b) the continued provision of such of the services provided for the purposes of the NHS by any affected trust at such level, as the commissioners of those services determine.”.

(3) After subsection 1(b) omit “(b)” and insert “(c)”.

(4) In subsection (2) of that section after “The commissioners” insert “of the trust in special administration and any affected trust”.

(5) In subsection (4) of that section after “the commissioners” add “of the trust in special administration and any affected trust”.

(6) In subsection (9) of that section after “‘commissioners’ means the persons to which the trust provides services under this Act” add “and the commissioners of services at any affected trust”.

(7) In section 65F insert—

“(2E) Where the administrator is considering recommending taking action in relation to another NHS foundation trust or an NHS trust which may become an affected trust, the administrator shall engage with the commissioners of services at any such NHS foundation trust or NHS trust in order to enable those commissioners to make decisions pursuant to the matters set out in section 65DA.”.

(8) In section 651(1)—

(a) after “action which the administrator recommends that the Secretary of State” insert “or the commissioners of any affected trust”; and

(b) after “should take in relation to the trust” insert “or any affected trust”.

(9) In section 65K add—

“(3) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of services at that affected trust shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.

(10) In section 65KA add—

“(7) Where the final report contains recommendations for changes to be made to services provided by an affected trust, the commissioners of those services shall make a decision within 20 working days whether they wish to undertake public and patient involvement regarding all or any of the recommendations and, if they are so minded, shall comply with any arrangements for patient and public involvement agreed by those commissioners under this Act before making any final decision concerning the said recommendations.”.

(11) In section 65KB(1)(d) after “that” insert “to the extent that the report recommends action in relation to the trust in administration”.

(12) In section 65KB(2)(a) after “decision” insert “in relation to any recommendations made the in relation to the trust in administration”.

(13) In section 65O add—

“(4) In this chapter “affected trust” means—

(a) where the trust in question is an NHS trust, another NHS trust, or an NHS foundation trust, which provides goods or services under this Act that would be affected by the action recommended in the draft report; and
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(b) where the trust in question is an NHS foundation trust, another NHS foundation trust, or an NHS trust, which provides services under this Act that would be affected by the action recommended in the draft report.

(14) In section 13Q(4) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.

(15) In section 14Z2(7) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.

(16) In section 242(6)(b) at the end insert “save to the extent required by section 65K(3) or 65KA(7)”.

**Member’s explanatory statement**

This Clause ensures that all commissioners of services affected by a trust special administrator’s report have the right to define local specified services; clarifies that, save for the trust in administration, local commissioners remain the decision makers for services they commission; and restores public engagement for changes other than for a trust in administration.

Liz Kendall
Mr Jamie Reed

Clause 90, page 81, line 27, at end insert—

‘(2A) The Commission must, in respect of such English local authorities as may be prescribed—

(a) conduct reviews of the provision of such adult social services provided or commissioned by the authorities as may be prescribed;

(b) assess the performance of the authorities following each such review; and

(c) publish a report of its assessment.

(2B) Regulations under subsection (2A) may prescribe—

(a) all adult social services of a particular description; and

(b) all local authorities or particular local authorities.’.

**Duty to review economic, financial and other factors affecting provision of care services**

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) The Secretary of State shall make arrangements for—

(a) a review of the economic and financial factors affecting the employment (including recruitment, training and development, effective deployment and retention) of care sector workers and the extent to which current policies, mechanisms and relevant compliance by regulated providers of care services make it more or less likely that the objectives of this Act will be realised; and

(b) a public consultation on the conclusions and recommendations of the review.

(2) The Secretary of State shall lay a report of the review and public consultation before each House of Parliament by 1 September 2014.’.
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Impact of working conditions on quality of care

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) In exercising their functions under Part 1 local authorities must assess and consider how working conditions for people employed in care and support services impact on the fulfilment of local authority duties under Part 1 of this Act.

(2) “Care and support services” means—
(a) services provided by a local authority; and
(b) services commissioned by a local authority.

(3) Regulations may specify particular matters local authorities must have regard to in relation to subsection (1).’.

Promoting health of carers

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) In exercising their functions health bodies shall—
(a) promote and safeguard the health and well-being of carers;
(b) ensure that effective procedures exist to identify patients who are or are about to become carers;
(c) ensure that appropriate systems exist to ensure that carers receive appropriate information and advice; and
(d) ensure that systems are in place to ensure that the relevant general medical services are rendered to their patients who are carers.’.

Local authorities: duties with respect to young carers

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) A local authority must ensure that it takes all reasonable steps to ensure that in relation to—
(a) any school within its area and under its control; and
(b) any functions it discharges in pursuance of its responsibilities as a children’s services authority, there is in place a policy that both identifies young carers and makes arrangement for the provision of support for pupils who are young carers.

(2) In discharging its duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Secretary of State.’.
Further and higher education: duties with respect of student carers

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) The responsible body of an institution to which this section applies must identify or make arrangements to identify student carers and have a policy in place on providing support for student carers.
(2) This section applies to—
(a) a university;
(b) any other institution within the higher education sector; and
(c) an institution within the further education sector.
(3) A responsible body is—
(a) in the case of an institution in subsection (2)(a) or (b), the governing body;
(b) in the case of a college of further education under the management of a board of management, the board of management; and
(c) in the case of any other college of further education, any board of governors of the college or any person responsible for the management of the college, whether or not formally constituted as a governing body or board of governors.’.

Duty for Financial Services Consumer Panel

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) The Financial Services Consumer Panel at the Financial Conduct Authority shall have a duty to review the availability, quality, adequacy and effectiveness of financial advice being provided to care users and their families on the implications of the relevant provisions of this Act, and make an annual report thereon to the Secretary of State containing recommendations for steps to take to remedy any deficiencies identified by the Panel.
(2) The Secretary of State shall lay a copy of the report mentioned in subsection (1) before each House of Parliament. The first such report must be so laid within 12 months of this Act receiving Royal Assent.’.

Financial advice for care users: qualification to provide

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) The Financial Conduct Authority shall prepare and conduct a review of the implications of the relevant provisions of this Act for—
(a) training and development; and
(b) the level of the required qualifications
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for advisers seeking licences to provide financial advice to care users and their families.

(2) The Authority shall submit a report of the findings of the review mentioned in subsection (1) to the Secretary of State, along with recommendations.

(3) The Secretary of State shall lay a copy of the report mentioned in subsection (2) before each House of Parliament. The first such report must be so laid within 12 months of this Act receiving Royal Assent.’.

Public awareness

Liz Kendall
Mr Jamie Reed

To move the following Clause:—

‘(1) Local authorities shall have a duty to prepare, publish, consult on and implement a plan for raising and maintaining awareness amongst the residents of their areas of the arrangements for social care, and in particular of any changes to such arrangements brought about by Part 1 of this Act.

(2) The Secretary of State shall prepare and lay before each House of Parliament an annual report on the level of public awareness and understanding of the arrangements for social care, in particular—

(a) awareness and understanding of the changes brought about by the provisions of this Act; and

(b) the effectiveness of local authorities’ implementation of their plans for raising public awareness in their areas.’.

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