

Care Act 2014

Briefing For Councillors November 2014

Care Act 2014

This is a very important piece of legislation, which will transform the practice of adult social work and care in England when it is implemented in April 2015. **It received Royal Assent on 14 May 2014 and the final regulations were published on the 23 October 2014.**

The Care Act:

- Will apply from April 2015.
- Is a new law about care and support for Adults in England.
- Brings all the different laws on care and support together to make one new law instead.
- Says what people mainly over 18, who need care and support should be able to get.
- says what council's will have to do and gives clear guidance about the law.

Why does it matter?

The Care Act means:

- The council will need to work in different ways, which means a cultural change for staff and partners. Social workers will be required to actively support people to choose, control and manage their own care.
 - People who need care and support will need to think differently about how the council and their partners can help them make their lives better, and remain independent as long as possible.
 - The council will need to make changes to IT systems.
 - Councils must think about education, training and work when they look at a person's care and support needs.
 - Services like Health, Housing, Children's Services, employment and training and the police will need to co-operate with the council and work much closer together.
 - Adults Social Care will need to work with Children's Services before children are 18, to help children and their carers' plan for the future and the support they might need as an adult, this may include training or/and employment.
- All these changes means there will be major impacts on the council's costs and on the workforce.

What are the Key changes

General responsibilities

- **Well-being:** councils must always consider how to give people the care and support to make their lives better in all decisions regarding an individual's care and support needs.
- **Prevention and reduce:** councils must think about services that stop problems before they start, or stop them getting worse as early as possible.
- **Joining up care and support:** new duties on councils to join up care and

support with health and housing (**Better Care Fund**)

- **Information advice service for everyone:** councils must give information and advice to everyone who wants it, not just people who have their care and support paid for by the council. This now also includes independent financial advice to help people understand what support they'll need to help them better plan for the future. The council will need to provide information on how the system operates in their area, the choice and types of care and support, how to access care and support, how to access independent financial advice on care issues, and how to raise issues of concern.

Assessing needs

- **Carers rights to assessments:** For the first time carers have rights to assessments and eligibility for services from local authorities. All council's will follow the same criteria.
- **Independent advocacy:** for people who find it very difficult to be involved at any stage of their assessment or care planning, and there is no-one else to speak for them then the council must find them an independent advocate.
- **A new national eligibility threshold:** There is a new national eligibility criteria for adults who need care and support, which is similar to the council's current 'critical and substantial' threshold and so is not expected to lead to greater numbers of people being eligible. All local authorities will have the same rules to follow. Adults and carers who are not eligible for care and support will have to have written advice on 'what can be done to meet or stop them getting worst.'

Funding and charging

- **Limit on how much a person will have to pay:** If people have enough money they will need to pay for their care and support, however, from April 2016 there will be limit or cap on how much a person will have to pay during their lifetime for their care and support. The Care Act Introduces a £72,000 cap on lifetime costs of care. There will be a lower limit for people of working age who develop care needs before retirement age (details are still being worked out). A zero cap for people aged 18 who are eligible; they will receive free care and support to meet those needs for the rest of their lives. The Government is considering extending this to 25.
- An increase to £118,000 on the upper threshold for receiving means tested support.
- **Universal deferred payment scheme:** People who need residential care and own their own home may not have to sell their home to pay for their care straight away. They can make an agreement with the council.
- **Gives new rights to self-funders** – people who pay for their own care and support and have eligible needs must be given an independent personal

budget, which tells them the amount of money that the council has worked out it will cost to arrange the necessary care and support. The council must also give them an Individual care account to keep a record of how much they have spent on their care and support and inform them when they reach their limit or cap.

Moving to a different area

- **If a person wants to move to a new area:** the council will have to, for the first time, inform the relevant council in the area the person wants to move to. The new council will have to carry on meeting the person's needs straight away until such time as they are able to review the person's needs.

Keeping adults safe

- **Safeguarding:** For the first time there is a law telling councils what to do to help keep adults safe from abuse or neglect. The council already has a Safeguarding Board, however, this is now a statutory requirement.

Transition from Children Services

- Sets out a new range of duties to support transitions from children's to adults services **including carers of children and young people**. It will aim to support independence and help them gain training and employment. There are Significant links with the Children's and Families Act 2014 - [See SEND Code of practice 0-25 years](#)

Choice of high quality providers

- **A new duty requiring local authorities to promote the diversity and quality of local services;** councils must make sure there are lots of different care and support services in their area, so that there is a range of high quality providers in all areas allowing people to make the best choice to satisfy their own needs and preferences. This should be provided for all residents including self-funders and direct payment recipients.

In ensuring this variety of services, council's must have regard to the importance of enabling carers or people with care needs who wish to participate in work, education or training to do so.

Market Oversight and provider failure

- Introduces a **new regime to oversee the financial stability of the most hard to replace care providers**, and ensure that care will not be interrupted if providers fail.
- The **CQC** has published guidance on the new system for regulation and inspection of adult social care services in England, which will be rolled out from October 1.

	<ul style="list-style-type: none"> • Sets out Ofsted-style ratings for hospitals and care homes so that patients and the public can compare organisations or services in a fair and balanced way and make informed choices about where to go. • Makes it a criminal offence for health and care providers to supply or publish false or misleading information <p><u>Delegation of local authority functions</u></p> <ul style="list-style-type: none"> • This allows local authorities to authorise a person to exercise certain functions on its behalf and could pave the way for external organisations to provide support assessment and support planning functions
When will the changes come into effect?	The majority of the new duties and responsibilities of the Care Act will come into effect in April 2015 and the major financial reforms i.e. Cap on Care costs, duty to provide care accounts and duty to provide independent personal budgets in April 2016 .
Final Regulations and Guidance	Following consultation in June 2014 the final statutory guidance and regulations were released on 23 October 2014 .
Further details for councillors	<p>If you need further information about any of the Care Act please contact Gwen Doswell, Programme Manager Transformation, Tel: 0116 4542302 gwen.doswell@leicester.gov.uk.</p> <p>To help Councillors deal with constituent enquiries, Councillors will be sent briefings on the Care Act between now and 1 April 2015.</p>
Further Information	<p>Care Act 2014 http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted</p> <p>The Department of Health has produced 19 Fact sheets at : https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets Government response to draft regulations and guidance 23 October 2014 NHS Choices – Social Care Services directory</p> <p>The Children’s and Families Act 2014: Code of practice: https://www.gov.uk/government/publications/send-code-of-practice-0-to-25</p>
Progress by Leicester City Council	Leicester City Council is preparing for the changes planned from April 2015 and has set up a programme board to oversee implementation and compliance. The work of the programme is co-ordinated by Gwen Doswell, Programme Manager to ensure that change is aligned across the department’s major change programmes.
councillors briefing was produced by	Adult Social Care, Transformation Team, Bosworth House, Tel: 0116 454 2302 Email: gwen.doswell@leicester.gov.uk 20 November 2014