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The Care Act 2014

INTRODUCTION

The Care Act 2014 is a very important law that is bringing major changes to Adult Social Care services. It is having a big impact on how Councils provide or arrange for care and support services.

The Act aims to strengthen the voice of service users and their carers. It also widens out who can access care assessments. It brought together over 60 pieces of older law with the aim to simplify the provision of social care for vulnerable adults.

The Care Act 2014 covers 12 main areas:

1. Wellbeing principle

This broad principle underpins the Act. It means looking after people well, with respect and dignity opening up opportunities for them to lead full lives.

Wellbeing is a very broad concept, from good housing, to accessing work, education and meeting wider family needs. The key features of wellbeing are:

- ▶ Having a sense of personal dignity

- ▶ Having good physical and mental emotional wellbeing
- ▶ Being able to contribute to society
- ▶ Having suitable living accommodation
- ▶ Being protected from abuse and neglect.
- ▶ Having control over day to day life.
- ▶ Having a sense of social and economic wellbeing
- ▶ Being able to experience domestic, family and personal relationships.

2. Prevention Duty

- ▶ This duty (a requirement on the Council) reflects a shift in focus to maintaining independence of people. It is about trying to reduce ill health or to prevent people becoming dependent.
- ▶ Councils are required to provide or arrange services. These services should aim to prevent or delay the development of, or reduce the need for care and support of adults.

3. Integration with the NHS

- ▶ Another new duty on Councils requires them to promote integration with the NHS.
- ▶ Councils are required to promote the well-being of adults and of carers.
- ▶ The emphasis on integration highlights the importance of preventing care and ill health needs from emerging.

4. Information and Advice

- ▶ Councils are under a duty to ensure the provision of good advice to ensure that people can make choice about the services available to them.
- ▶ They need to provide information covering the range of care and support available to choose from.
- ▶ Councils have to provide information on safeguarding and make information on financial advice available.

5. Needs Assessment

- ▶ The Care Act introduces a new assessment for people linked to wellbeing criteria.
- ▶ A persons financial position is not a factor in the needs assessment. But a separate process. This means needs assessments and services may be offered to people who would fund their own care. Known as 'self funders'.
- ▶ A needs assessment is available to service users and to carers. This is a new feature that could offer help to those supporting vulnerable people.

6. One eligibility criteria

- ▶ The Act introduces a single national level for eligibility. This means any person meeting that level of need must be offered care and support options.
- ▶ Councils have a responsibility to that person.

- ▶ If eligible, Councils then have to undertake a Financial assessment.

The 'eligibility criteria' are as follows:

The person must have needs as a result of a physical or mental disability or illness.

The disability or illness must result in them being unable to achieve one or more of the following outcomes:

- ▶ Being able to carry out 'some or all' basic activities (see below for explanation of what these are)
- ▶ Maintaining family or personal relationships
- ▶ Working, volunteering or taking part in training or education
- ▶ Accessing community services or facilities (including leisure and having fun)
- ▶ Caring for a child
- ▶ Eating, drinking and preparing meals
- ▶ Personal hygiene – i.e. washing
- ▶ Going to the toilet
- ▶ Getting up and dressed
- ▶ Getting around the home
- ▶ Cleaning and maintaining the home

The Care Act has therefore introduced the same eligibility threshold across the country.

7. Planning services people need

- ▶ Councils need to provide people with Care/Support plans if they have eligible needs.
- ▶ Whilst this was the position before the Care Act the new requirement is that they have to offer Personal Budgets.

Personal Budgets

A Personal Budget is a regular sum of money that can be used to buy the social care you need. Having a Personal Budget can help you to meet your personal and social needs. It is about passing control to you, the service user.

8. Charging and Financial Assessment

- ▶ Once a service user and / or their carer has had a Needs Assessment , the Council then needs to undertake a Financial Assessment.
- ▶ A Financial Assessment is carried out to see how much money a person has and what they can afford to pay.
- ▶ The Council may meet the full costs of a person's care or part of the costs. In some cases the Council will not contribute at all.
- ▶ It is expected that, over time, more people will have their needs assessed and planned for, but they will be 'self funders'. That means they have to fund their own care.
- ▶ Councils can also make a small charge for costs incurred in providing the assessments and care planning.

9. Promoting Providers

- ▶ The Care Act requires Councils to promote choice by developing a market in care providers.
- ▶ The idea being that by offering a choice of providers the price of care will be reduced and the quality improved.
- ▶ The role of Councils is to promote high quality providers and to take action if a provider is not performing.
- ▶ Many community based services are monitored by the Care Quality Commission. They work closely with local Councils.

For more information, search:

Care Quality Commission

Website: <http://www.cqc.org.uk/content/community>

10. Continuity of Care Duty

“Continuity” means making sure that there are no gaps in care when an adult who is receiving care moves home from one local authority area to another. This also applies to the needs of any carer moving with the person. The continuity duty continues until the second authority has carried out its own assessment and put in place all necessary care and support.

11. Carers Rights

Wellbeing is now included in the law. For the first time, carers will be recognized in the law in the same way as those they care for. A carer is someone (non-professional) who helps another person - usually a friend or relative - in their day to day life. The Care Act now gives carers a legal right to be assessed for local authority support,

something which they previously did not have. Once assessed, the Local Authority will use similar eligibility criteria as used for people receiving care to decide whether the carer is entitled to support. Usually, if eligible, this support is provided for free, in recognition of the valuable contribution made by carers. But sometimes, a financial assessment may be carried out to see if the carer should be charged for any support provided. If supporting the carer means providing care to the person they look after, then the person they look after would need to have a financial assessment. Whether to charge carers for support provided to them personally is at the local authority's discretion.

12. Safeguarding

The Care Act placed new duties on Local authorities. They must:

- ▶ Lead a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens

- ▶ Make enquiries, or request others to make them, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed

- ▶ Establish Safeguarding Adults Boards, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy

- ▶ Carry out Safeguarding Adults Reviews when someone with care and support needs dies as a result of neglect or abuse and there is a concern that the local authority or its partners could have done more to protect them

- ▶ Arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required.

This fact sheet is one of a series, providing information and advice on a number of topics.

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