

CARE ACT OVERVIEW

Introduction

The Care Act 2014 **consolidates** more than 60 years of previous health and social care laws, regulations and guidance, with the aim of providing a **coherent** approach to adult social care. As an **integrated** piece of legislation, different sections of the Act are designed to work together, and will encourage local authorities to **collaborate** and **cooperate** with other public authorities including the NHS, Housing, the Third Sector, Care providers, other services, and local communities.

Principles of the Care Act

The Care Act aims to make adult social care **clearer** and **fairer**. The physical, emotional and mental **wellbeing** of both the person needing support and their carer is at the centre of the Act. The Act focuses on **preventing and delaying** the need for care and support, so that people can maintain their independence for as long as possible.

The Act recognises the importance of individuals **being in control** of their lives and puts the principles of **personalisation** at the heart of the Care Act.

Important Dates

Local Authorities are preparing to implement the Care Act in **2 phases: Part 1** comes into effect in **April 2015** and **Part 2** in **April 2016**.

The majority of the changes are included in Part 1 of the Act while the Care Cap and Care Account—will not come into operation until April 2016. There are a number of additional key dates which local authorities have to work to, to ensure that they are ready to implement the changes as required.

What will be Different?

Information, advice and advocacy: an information and advice service is to be available to all people in the local authority area. There are additional provisions for advocacy services to be made available in certain circumstances.

Assessment and eligibility: Anybody, including a carer, who appears to need care or support, is entitled to an assessment, regardless of financial resources. **Self-funders** have the option to ask their local authority to arrange their care (even if they pay for it themselves).

Carers Assessment: The Act removes the existing requirement that a carer must be providing "a substantial amount of care on a regular basis"; the carer is now eligible for an assessment independent of the person they are caring for. There is a new duty for local authorities to meet carers needs.

Care and Support planning: A transparent **personal budget** will form part of a new care and support plan. A person including a carer, can choose to take a personal budget in the form of a **direct payment**. People with eligible needs who are not supported by the local authority (e.g. with means above the financial threshold) can have an **independent personal budget** to record how much is being spent on care and support that will potentially count towards the **care cap**.

Charging and financial assessment: People with eligible needs following an assessment will be offered a **care account** to set out the notional costs to accumulate towards to the new **cap on care costs**. If a person with eligible need wants local authority support then a **financial assessment** must be carried out.

Cap on Care: a cap will be introduced that sets a limit on the amount a person pays towards their care costs in their lifetime. **Safeguarding:** statutory Safeguarding Adults Boards will be set up to protect adults from neglect and abuse in every area.

Who will be Affected by the Care Act?

General Public: will have a universal entitlement and access to up-to-date advice and guidance.

Carers: the Act strengthens the rights and recognition of carers, giving them a right to an assessment based on the appearance of need. Carers will be entitled to have their eligible needs and support plan met by the local authority.

People self-funding their care: will have the option to ask the local authority to arrange their care and support, and will be able to register for a care account which will establish a limit on the amount that adult's can be required to pay towards the costs of care over the course of their lifetime.

Local Authorities: will have new duties and responsibilities towards all local people, and will face many changes to how care and support is assessed and implemented. These will have an impact on the workforce, who will require training and development to understand their future role and how they can fulfil the requirements of the Act.

LA Partners and Care Organisations: will share the duty to integrate services and support, and to work towards principles of wellbeing, safeguarding, and prevention and delay. Will need to respond to responsibilities to promote diversity and quality in the market.

Young People: will be affected by two pieces of legislation: the Care Act 2014 and the Children and Families Act 2014. Young people will have the right to have a Child's Needs Assessment (CNA) carried out by the LA if they are likely to have needs post-18. To best support young people with a disability under the age of 25 through the transition from children's to adult services, both functions will have to work together closely. Education, Health and Care Plans are an example of how all stakeholders will work towards supporting the person to achieve their agreed outcomes.