

Care Act 2014

Key Points

Care Bill

Basis for the Care Bill

1. Reform of Care & Support
2. Response to the Francis Inquiry on failings at Mid-Staffordshire Hospital
3. Health Education England and the Health Research Authority

Aim of the Care Bill

- Improve people's independence and wellbeing;
- Give people more control over their choices;
- Transparency – sets out the legal entitlements, LA duties and what people can expect;
- Fair and consistent across England;
- Same rights for carers as for the people they care for.

Overall Wellbeing of an Individual

needs, views, feelings, wishes



12 Reforms

- New functions:
 - Receive services that prevent their care needs from becoming more serious
 - Can get the information they need to make good decisions about care and support
 - Have a good range of providers to choose from
- Improve people's independence and wellbeing
- LAs will work with with communities to get the support that helps to keep people well and independent

1. Improving Information

- Access services – prevention;
- Access good information – informed choice;
- Have a range of good care providers to choose from;
- Know how to access independent financial advice;
- Know how to raise concerns over safety of wellbeing of someone with care needs

2. Entitlements to public care and support

Introduces same rights for carers:

- Initial assessment of needs;
- Financial assessment;
- Needs assessment:
 - Appropriate care/support to suit them and their individual needs whilst helping prevent or delay increasing support requirements;
- Right to ask LA to arrange their care irrespective of who is funding the care package.

3. Assessment of Eligibility

- Duty to provide as assessment to anyone who appears to need care /support regardless of financial circumstances;
- New rules on assessment and eligibility to provide clarity;
- Assessment must involve the individual together with their carer or another nominated adult;
- Assessment must take into account the needs of the family.

4. Personalisation

- Responsibility to provide each individual with a care/support plan or support plan in the case of carer;
- If person has no eligibility needs they should be given support and information to prevent further needs developing;
- Right for individual to receive their Personal Budget – full costs of their requirements irrespective of who meets the costs – gives individuals greater control over their own care;
- Responsibility to review the plan to ensure needs continue to be met over time

5. Financial Assessment

- Ensure everyone has their finances assessed in the same way and will take into account income and assets;
- Regulation will say how much money they must be left with after the LA has charged them.

6. Capping Costs

- Cap on care costs in the region of £72,000 from April 2016 – to adjusted in line with inflation;
- Extended ‘means-test’;
- LA responsible for taking over the full costs of care package although the individual will still be responsible for payment their general living costs;
- Health Secretary to review capped costs system every five years.

7. Deferred Payments

- From April 2015 a legal right for people to defer paying care home costs - do not have to sell their own home during their lifetime
- LA will pay care home costs during this time and reclaim on sale of property after person has died
- LA will be able to charge interest on these payments to cover costs.

7. Deferred Payments

- From April 2015 local authorities have a duty to operate a deferred payment scheme and are required to offer Deferred Payment Agreements (DPAs) when the person:
 - has adequate financial security
 - meets the acceptance criteria for the scheme, and
 - will agree to the DPA terms and conditions
- The amount is dependent on there being adequate security, and whether the amount deferred is sustainable
- Interest on deferred costs, and administrative costs can be charged, but the scheme should run on a cost neutral basis. Maximum interest rates set by government Jan & June (initially 2.6%)

7. Deferred Payments

Project team in Place

- **First draft of policy complete**
- **Key issues**
 - Consultation, Equality Impact Assessment
 - Information & advice requirements including signposting to independent financial advice
 - Outline legal agreement
 - Administration and staffing (FAB team & Legal)
 - Statement & review process (to meet national requirements)
 - Potential new clients and on-going numbers under new scheme
 - Overall cost of administering scheme/potential income from fees and interest charges, Cash flow and cost implications of the scheme
 - IT Hardware & Software
- **Target date for approval - March 2015**

8. Short Breaks Update:

- The Draft Policy for Short Breaks is now open for public consultation
- The Draft Policy readies TSDHCT for The Care Act and streamlines current practice
- Our commitment to the importance of flexible short breaks for carers is re-confirmed
- Short Breaks are included in the personal budget for service users
- Short Breaks are considered a service for the vulnerable person and are chargeable.
- After the draft policy is finalised the next steps for delivery will be considered

9. Carers

- LA duty to provide carers with their own assessment of support needs:
 - Impact on the carer
 - What they want to achieve
 - Whether able and willing to continue in their caring role
 - Entitled to support if they have eligible needs, the person they care for lives in LA area
- LA may make a charge for services after a full financial assessment;
- Carer to receive personal budget - ask for direct payments to manage their own support in line with that available to person being cared for;
- Does not relate to young carers.

10. Moving Areas

- Sets out guidelines for continuity of care for people wishing to move between LA areas within England. Applies to both individual and carer
- Supports
 - Collaborative working of both LAs
 - Sharing of all relevant information
 - Clear accountability of each LA

11. Provider Failure

- Sets out practice to oversee the financial stability of the 'most hard to replace' care providers and gives new responsibilities to LA if care providers should fail.
- LA clear responsibility to ensure both residential care and care provided in a person's home continues if a care provider fails – regardless of who pays.
- CQC new responsibilities:
 - Direct oversight of financial stability of the most hard to replace care providers
 - Power to request information from any provider which they think is likely to fail and to share that information with LA to ensure care and support is protected.

12. Transition from Child to Adult

- Right for young people and their carers to request an assessment prior to the child turning 18;
- Young person should be provided with information, advice and eligibility and benefits once cared for person turns 18 or themselves if they are a young carer;
- No-one reaching the age of 18 and who is already receiving any support under children's legislation, will suddenly find themselves without the care/support they need at the point of becoming an adult;
- LA to continue providing a person with children's services until adult care and support is in place to take over with no gaps.

13. Safeguarding

- Clear framework for the protection of vulnerable adults at risk of abuse or neglect
- Legal requirement to set up SAB:
 - ✓ Include LA, NHS, Police;
 - ✓ Work with local people to develop plans to protect vulnerable adults;
 - ✓ Publish plans and review them annually and report on progress
 - ✓ Arrange SA Review – obligation for organisations to share information;
 - ✓ LA to investigate, or get others to make enquiries, if anyone is at risk of neglect of abuse – regardless of whether LA are paying for services;
 - ✓ SABs to get full picture of what went wrong, so that organisations involved can improve as a result.

Timescales

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| Duties on prevention and wellbeing | From April 2015 |
| Duties on information and advice | |
| Duty on market shaping | |
| National minimum threshold for eligibility assessments | |
| Personal budgets and care and support plans | |
| New charging framework | |
| Safeguarding | |
| Universal deferred payment agreements | |
| Extended means test | From April 2016 |
| Capped charging system | |
| Care Accounts | |

The Bill states clearly that a person will be entitled to have their needs met when:

- The adult has “eligible” needs;
- The adult is “ordinary resident” in the LA areas (established home is);
- Any one of five situations apply to them.

The five situations:

- There is no charge for the type of care/support they need;
- The person cannot afford to pay the full cost of their care and support;
- The person asks the LA to meet their needs;
- The adult does not have mental capacity and has no one else to arrange for them;
- When the cap on care costs comes into force, their care/support costs exceed the cap.

Some types of care/support are provided free of charge depending upon an individual’s financial resources:

- LA may ask an individual to contribute towards the cost of their care;
- Where the costs of care would reduce an individual’s income below a set level,

An adult can ask the LA, regardless of finances, to arrange their care/support for them.

