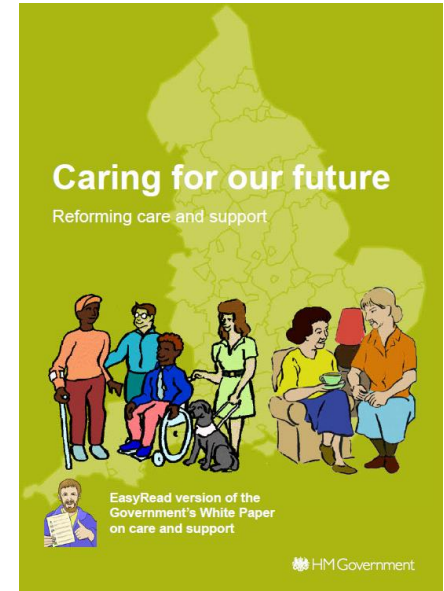




The Care Act – An Overview
Health and Partnerships Scrutiny
Committee
January 2015

What is the Care Act ?

- The Department of Health are reforming Adult Social Care.
- The Government wrote a white paper called Caring for our Future, it states that:
 - older people and people with disabilities, mental health needs and carers too, should be supported by their local council.
 - People should be supported in ways **they** choose by a personalised service.
 - People should have care that meets their needs, it should be planned well and meet agreed outcomes.
 - Support should help people stay independent, it should be preventative
- The government needed a law to make their ideas become real. This is the Care Act.



Why is the Act needed?

The Care Act 2014 is the biggest change to adult health and social care law in over 60 years. The Act replaces lots of other care laws, many were old fashioned or confusing

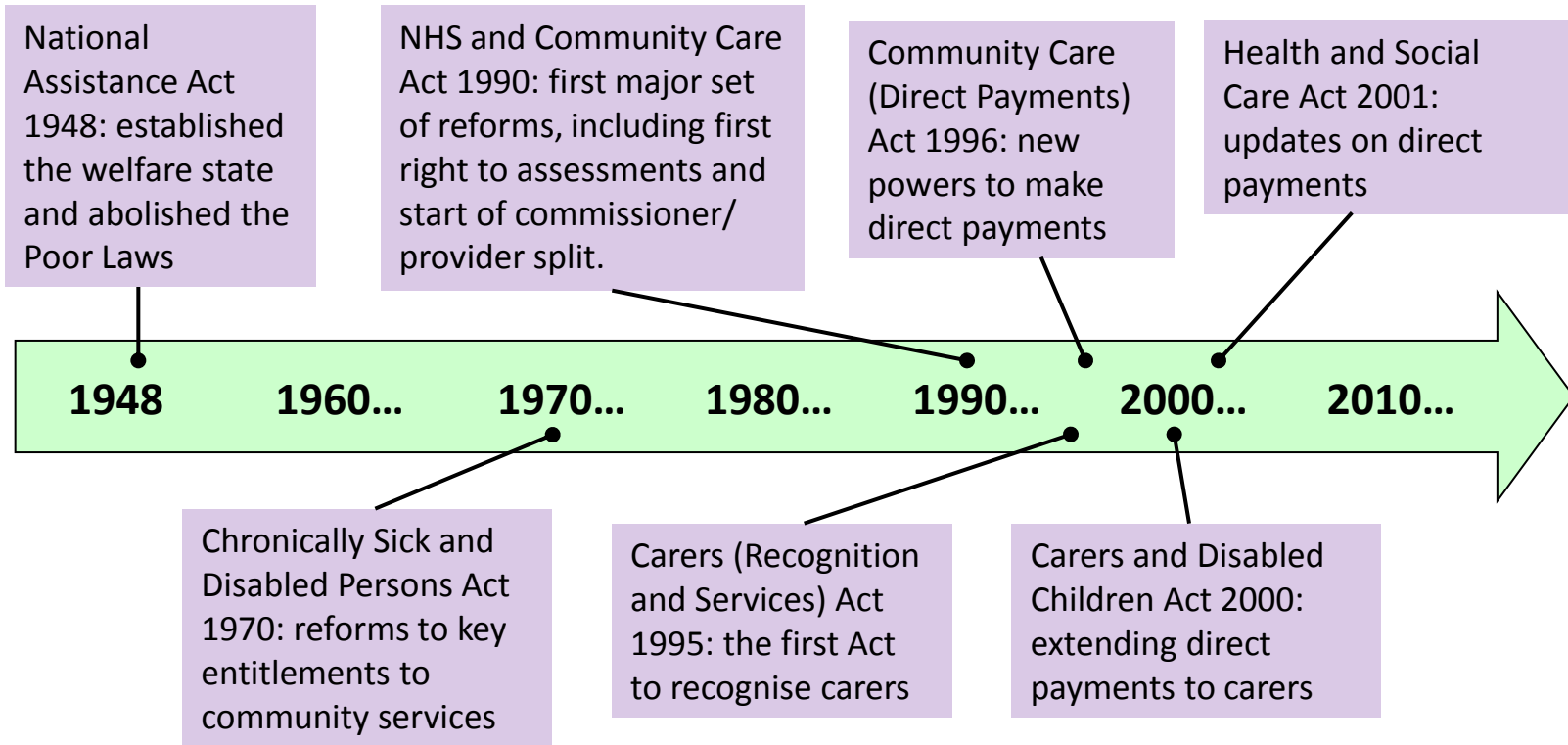
If adult care and support in England is going to respond to challenges it must:

- help people to stay well and independent
- Promote people's **wellbeing**
- Enable people to **prevent and postpone** the need for care and support
- Put **people in control** of their lives so they can pursue opportunities to realise their potential



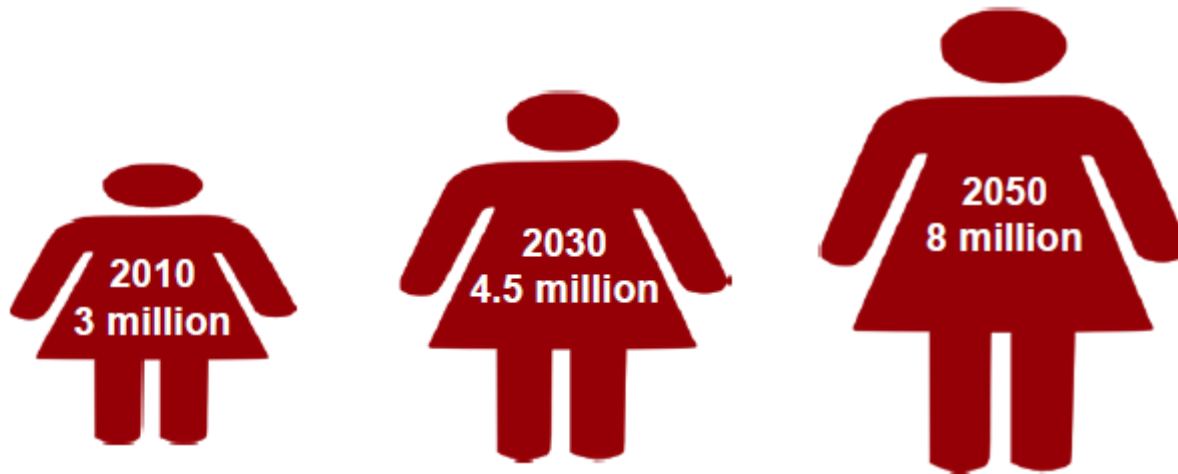
A brief history of care and support

Social care law and policy has evolved over more than 65 years, incorporating around 30 Acts of Parliament, but reform has usually been piecemeal.



Demographic Changes

- Care and Support has never been free
- Current system was created in 1948 when average life expectancy was 68
- Average life expectancy is now 80 and rising:



A quarter of all children born in 2012 are expected to reach their 100th birthday



What does the Care Act do?

*The Act is **built around people**, it:*

- ensures that people's **well-being**, and the outcomes which matter to them, will be at the heart of every decision that is made;
- puts **carers** on the same footing as those they care for;
- creates a new focus on **preventing and delaying needs for care and support**, rather than only intervening at crisis point;
- puts **personal budgets** on a legislative footing for the first time, which people will be able to receive as direct payments if they wish.

*The Act makes care and support **clearer and fairer**, it:*

- reforms the funding system for care and support, by introducing a **cap on the care costs** that people will incur in their lifetime.
- will ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new **universal deferred payments scheme**;
- provides for a **single national threshold for eligibility** to care and support;
- gives new guarantees to ensure **continuity of care** when people move between areas, to remove the fear that people will be left without the care they need;
- includes new protections to ensure that **no one goes without care if their providers fails**, regardless of who pays for their care;
- has new provisions to ensure that young adults are not left without care and support during their **transition to the adult care and support** system.



Main changes

The Act tells people how their care and support should be paid for in the future.

- Care Cap set at £72,000 (April 2016)
- Deferred Payments (April 2015)
- Changes to Eligibility & Assessments (April 2015)
- Duty on Council to provide Advice & Information (April 2015)
- Commissioning – Market Position Statement (April 2015)

Other changes:

- More rights for Carers
- Working together with other organisations – NHS, Police, Public Health or Housing Departments
- More focus on Prevention



Care Cap

- Many people currently pay for their own social care support. In the future there will be a limit to how much people pay for their care. This limit is called the '**Care Cap**'.
- The cap will become law from 1st April 2016.
- The cap will be £72,000 if you are assessed as having an eligible need for adult social care support when you are of pensionable age.
- The government has not yet said what the cap on care costs will be for someone who is assessed as having eligible needs when they are aged between 18 and pensionable age.
- The cap will only begin after you have been assessed as having an eligible need for Social Care Support from April 2016.
- It will not count money you have spent before 1st April 2016, and does not include living costs (ie food, rent, electricity and gas) of staying in a residential home.
- Progress towards the cap will be monitored through a **Care Account**.



Deferred Payments

- A deferred payment allows you to delay part of your payment for permanent residential accommodation.
- People who enter permanent residential care and wish to delay the sale of their home can do so under the Deferred Payment agreement.
- A legal charge is placed on the property (through Land Registry), this means that the property cannot be sold whilst the person is in residential care.
- At the end of the deferred payment agreement the full amount of care costs must be repaid to the Council.
- Deferred Payments are already offered by the Council there is an expectation that demand will rise due to National Communications Strategy



Eligibility & Assessments

- The level of need that triggers support will change, which means there will be the same rules about who can get care and support, all over the country.
- At the moment responsibilities for assessments are set out in a number of different laws. The Care Act brings these together and simplifies them to make it more understandable.
- Assessments currently focus on what service should be provided, rather than on what the person actually needs and wants. The Care Act focusses on the individual and what they want to achieve, placing their well-being at the heart of their care needs.
- The assessment will also take into account the needs of the whole family as well as carers.



Advice & Information

- Information will be available to all, regardless of how their care is paid for.
- Good quality, comprehensive and easily accessible information will help people to make good decisions about the care and support they need.
- Councils have a key role in ensuring good quality advice is available locally and for sign posting people to independent financial advice.



Commissioning

- A wide range of good quality care and support services will give people more control and choice and ensure better outcomes.
- Councils have an important role in developing the quality and range of services that local people want and need.
- Closer working with key partners, including health and housing will ensure quality as well as value for money and improve user satisfaction



Carers

- For the first time, carers will be recognised in the same way as those they care for.
- The Care Act now gives carers a legal right to be assessed for Council support, something which they previously did not have.
- Once assessed, the Council will use similar eligibility criteria as used for people receiving care to decide whether the carer is entitled to support.
- 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.



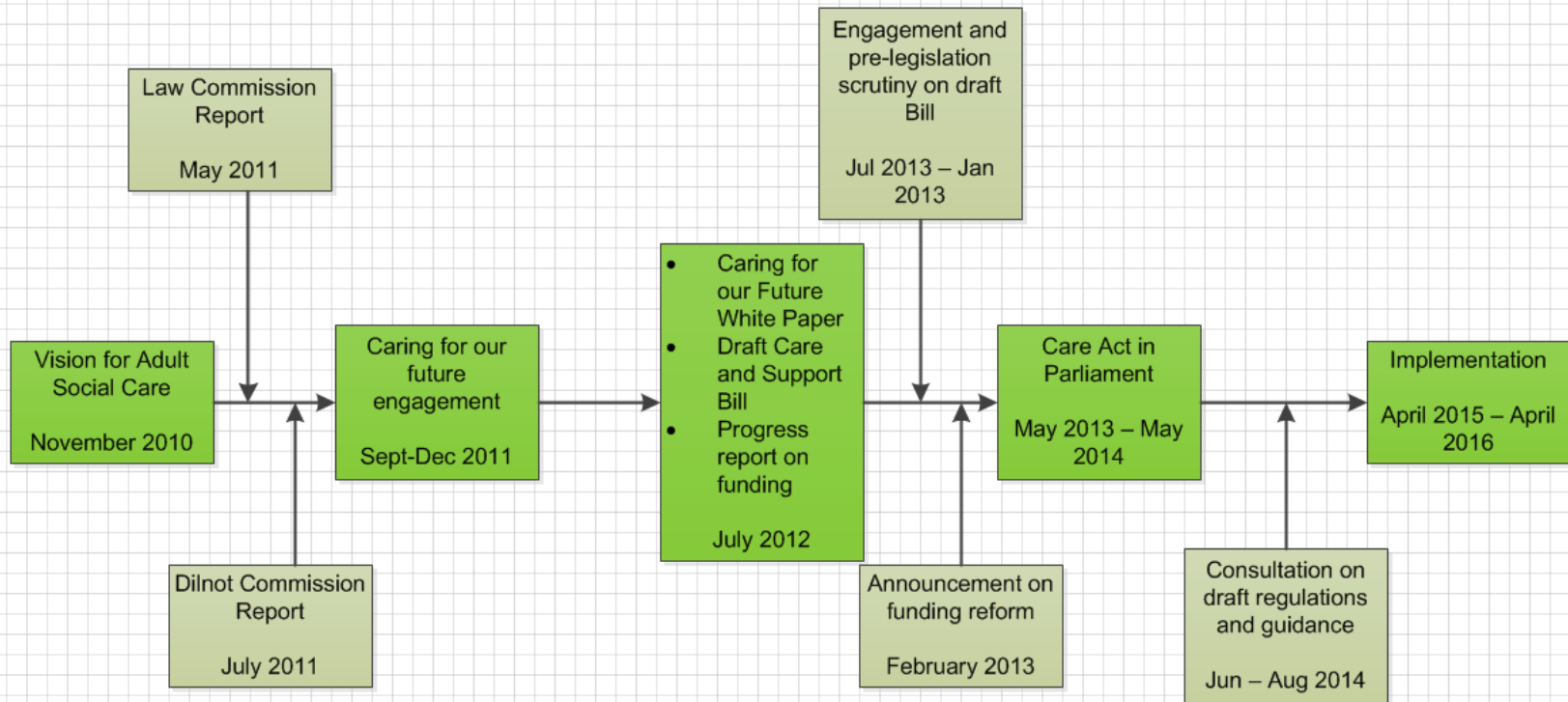
Challenges

- Funding – unknown burden
- Capacity – Adult Social Care and beyond
- Training & Development – Existing and new workforce
- Communications
- Systems readiness



Timeline of Implementation

The Care Act: Timetable



Next Steps

- By 2015 most changes will be in place. The Guidance was approved in October 2014
- By 2016 the final arrangement for funding will be ready to go (we await the start of the consultation)
- We will be communicating lots more about these changes over the coming months through a variety of methods
- The Council is in the process of reviewing its current care management system

