



RBKC Advice Forum

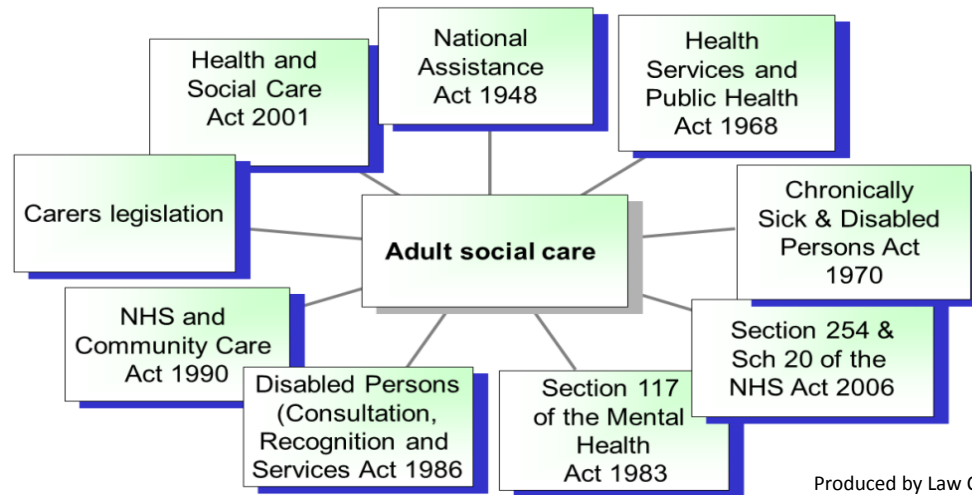
Care Act 2014

12th March 2015

Background

The Care Act - A result of a number of separate Government commitments around social care

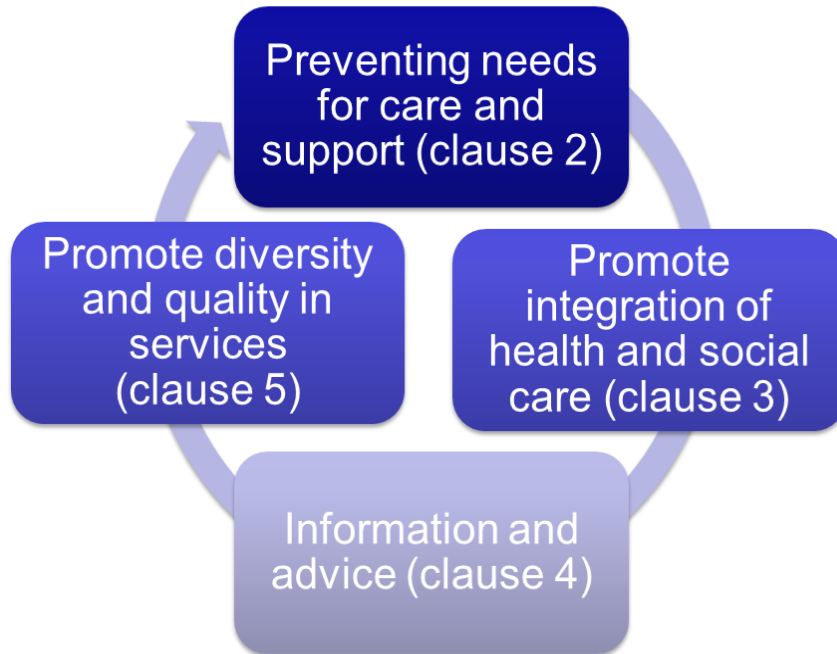
- A full review of adults' legislation - Care Act consolidates existing legislation into one single modern law.



- Driving up the quality of care following the Francis Inquiry.
- Take forward recommendations made by the Dilnot Commission.
- Delivers commitments made in the 'Care for our future: reforming care and support' White Paper.
- Strengthens rights for carers to access support and introduces a new safeguarding framework.

Overview

Key Principles



Produced by Law Commission

Key Requirements & Timescales

Key Requirements	Timescale
Duties on prevention and wellbeing	From April 2015
Duties on information and advice (including advice on paying for care)	
Duty on market shaping	
National minimum threshold for eligibility	
Assessments (including carers assessments)	
Personal budgets and care and support plans	
New charging framework	
Safeguarding	
Universal deferred payment agreements	
Extended means test	
Capped charging system	
Care Accounts	

Strategic issues

Key principles of the Care Act

- The person knows best
- Person's views, wishes feelings and beliefs should always be considered
- The focus should be on prevention or delaying the development of the need for care and support and reducing needs
- Decisions should be made taking all circumstances into consideration
- Decisions **with** the person's participation
- We need to balance the person's wellbeing with that of family and friends involved with the person
- We need to protect people from abuse and neglect
- We need to minimum restriction of rights or freedom of action
- A strength based approach is critical to assessment and promoting independence

Strategic Issues Care Act

- Promoting wellbeing is at the heart of the Care Act
- Outcome focused rather than service focused
- Clear definition of “wellbeing”
- Key shift is in meeting needs rather than providing services
- Modern care and support can be provided in many different ways-do things differently

Duty to Promote Wellbeing

Key Points

- Local authorities **must** promote wellbeing when carrying out any of their care and support functions in respect of a person. This may sometimes be referred to as “the wellbeing principle” because it is a guiding principle that puts wellbeing at the heart of care and support.
- The core purpose of adult care and support is to help people to achieve the outcomes that matter to them in their life.

What is Wellbeing?

“Wellbeing” is a broad concept, and it is described as relating to the following areas in particular:

- personal dignity (including treatment of the individual with respect)
- physical and mental health and emotional wellbeing;
- protection from abuse and neglect;
- control by the individual over day-to-day life (including over care and support provided and the way it is provided);
- participation in work, education, training or recreation;
- social and economic wellbeing;
- domestic, family and personal;
- suitability of living accommodation;
- the individual’s contribution to society.

Prevention

- **Critical to the vision in the Care Act that the care and support system works actively to promote wellbeing and independence**
 - Primary prevention / promoting wellbeing
 - Secondary prevention / early intervention
 - Tertiary prevention / intermediate care and reablement
- **Consider local approaches and work with strategic partners to focus on prevention.**

Prevention

Key Points

- Provide or arrange for services, facilities or resources which would prevent, delay or reduce individuals' needs for care and support, or the needs for support of carers
- Take steps to identify and understand both current and future demand for preventative support, and the supply in terms of services, facilities or other resources available.
- Consider how to identify 'unmet need' and share this with local partners to contribute to wider intelligence and strategies

Duty to Provide Information & Advice

Key Points

- Local authorities **must**: *“establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers”*.
- The local authority **must** play an active and critical role in the provision of information and advice
- This duty to relates to the whole population of the local authority area, not just those with care and support needs or in some other way already known to the system.

Duty to Provide Information & Advice

Key Points

- In discharging this duty, local authorities must ensure that information and advice is provided on:
 - *the care and support system locally*
 - *how to access the care and support available locally*
 - *the choice of types of care and support, and the choice of care providers available in the local authority's area*
 - *how to access independent financial advice on matters relating to care and support*
 - *how to raise concerns about the safety or wellbeing of an adult with care and support needs (and also consider how to do the same for a carer with support needs)*

Duty to Provide Information & Advice

Key Points

- The duty does not require they provide all elements of this service.
- However, local authorities are expected to understand, co-ordinate and make effective use of other high quality statutory, voluntary and/or private sector information and advice resources available to people within their areas.

Duty to Assessments

Key Points

- Local authorities **must** undertake an assessment for any adult with an appearance of need for care and support, regardless of whether or not the local authority thinks the individual has eligible needs or of their financial situation.
- The purpose of an assessment - *to identify the person's needs and how these impact on their wellbeing, and the outcomes that the person wishes to achieve in their day-to-day life.*

Duty to Assessments

Key Points

- Where a person has both health and care and support needs, local authorities and the NHS should work together effectively to deliver a high quality, coordinated assessment.
- Shape the process around the person, involving the person and considering their experience when coordinating an integrated assessment;
- Link together various care and support plans to set out a single, shared care pathway, for example when following the **Care Programme Approach** for people with a severe mental disorder who need multi-agency support or intensive intervention, under the direction of a named care coordinator.

Assessments

Key Points

- From their very first contact with the local authority, the person **must** be given as much information as possible about the assessment process, as early as possible, to ensure a personalised approach to the assessment.

Assessments

- **An ‘assessment’ must always be appropriate and proportionate. It may come in different formats and can be carried out in various ways, including but not limited to:**
 - **A face-to-face assessment** between the person and an assessor,
 - **A supported self-assessment**, which should use the same assessment materials as a face-to-face assessment, but where the person completes the assessment themselves
 - **An online or phone assessment**, which can be a proportionate way of carrying out assessments (for example where the person’s needs are less complex)
 - **A joint assessment**, where relevant agencies work together to avoid the person undergoing multiple assessments (
 - **A combined assessment**, where an adult’s assessment is combined with a carer’s assessment and/or an assessment relating to a child so that interrelated needs are properly captured and the process is as efficient as possible.

Eligibility

Key Points

- In considering whether an adult with care and support needs has eligible needs, local authorities must consider whether:
 - The adult's needs arise from or are related to a physical or mental impairment or illness.
 - As a result of the adult's needs the adult is unable to achieve two or more of the specified outcomes (which are described in the guidance below).
 - As a consequence of being unable to achieve these outcomes there is, or there is likely to be, a significant impact on the adult's wellbeing.
- An adult's needs are only eligible where they meet all three of these conditions.

Eligibility

Key Points

- **The eligibility threshold for adults with care and support needs is set out in the Care and Support (Eligibility Criteria) Regulations 2014 (the ‘Eligibility Regulations’).** The threshold is based on identifying how a person’s needs affect their ability to achieve relevant outcomes, and how this impacts on their wellbeing.
- **Carers can be eligible for support in their own right.** The national eligibility threshold for carers is also set out in the Care and Support (Eligibility Criteria) Regulations 2014. The threshold is based on the impact a carer’s needs for support has on their wellbeing.

Integration, Cooperation & Partnerships

Key Points

- A local authority **must promote integration** between care and support provision, health and health related services, with the aim of joining up services.
- **Local authorities, together with their partners, should consider combining or aligning key processes** in the care and support journey, where there may be benefit to the individual concerned from linking more effectively.
- **All public organisations should work together and co-operate where needed**, in order to ensure a focus on the care and support (including carers' support) and health and healthrelated needs of their local population.

Integration, Cooperation & Partnerships

Key Points

- **Planning** – using adult care and support and public health data to understand the profile of the population and the needs of that population.
- **Commissioning** – building on joint strategic needs assessments, joint commissioning can ensure better outcomes for populations in an area.
- **Assessment and information and advice** – this may include integrating an assessment with information and advice
- **Delivery or provision of care and support** – that is integrated with an assessment of the home, including general upkeep or scope for aids and adaptations, community equipment or other modifications could reduce the risk to health, help maintain independence or support reablement or recovery.

Recap

The Care Act represents the largest change in social care for sixty years – it will require significant resources to fully implement within challenging timescales.

Catering for the health and care needs of our growing and ageing population is a national priority. Reforming our care and support system is vital for us to be able to meet this challenge. The Care Act will provide a modern single law, putting people's wellbeing at the heart of the care and support system and introducing legislation to provide protection and support to the people who need it most.

Information from the national PMO

<http://www.local.gov.uk/care-support-reform>

