

# The Care Act

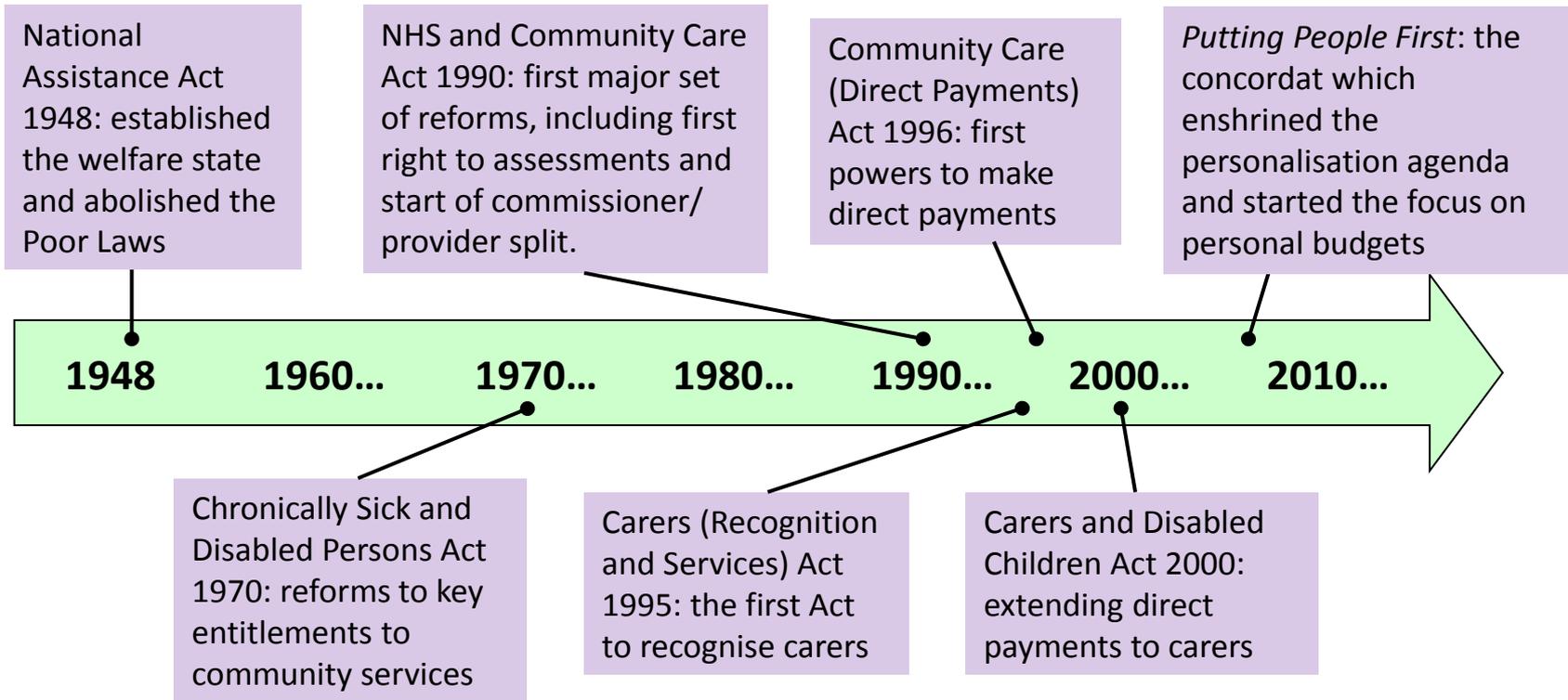
## Health and Adult Social Care Select Committee

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# 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.



“Personalisation” has evolved as social care policy has evolved – and whilst some elements are now common practice, there remains little legal basis.

# Context for change: demands on the system

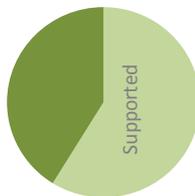
## Care and support affects a large number of people

In England there are...

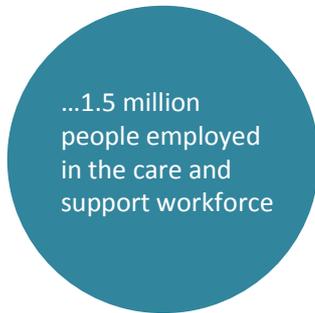
...around 400,000 people in residential care, 56% of whom are state-supported



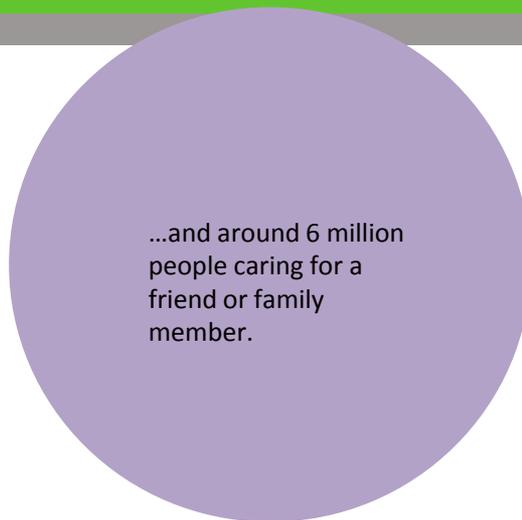
...around 1.1 million people receiving care at home, 80% of whom are state-supported



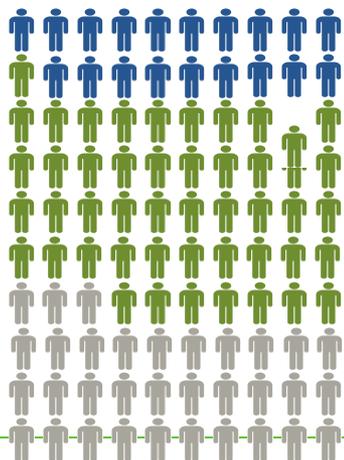
...1.5 million people employed in the care and support workforce



...and around 6 million people caring for a friend or family member.



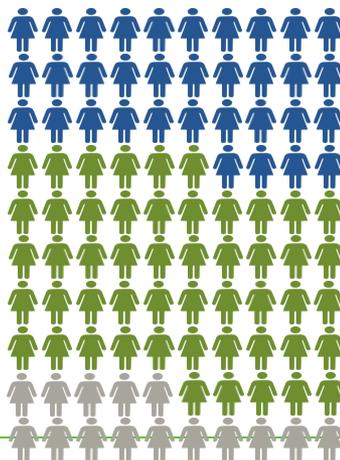
## Three-quarters of people aged 65 will need care and support in their later years



19 per cent of men and 34 per cent of women will need residential care

48 per cent of men and 51 per cent of women will need domiciliary care only

33 per cent of men and 15 per cent of women will never need formal care



**Older people are the core user of acute hospital care** - 60% of admissions, 65% of bed days and 70% of emergency readmissions.

**72% of recipients of social care services are older people**, accounting for 56% of expenditure on adult social care.

# Section 1: Promoting individual well-being

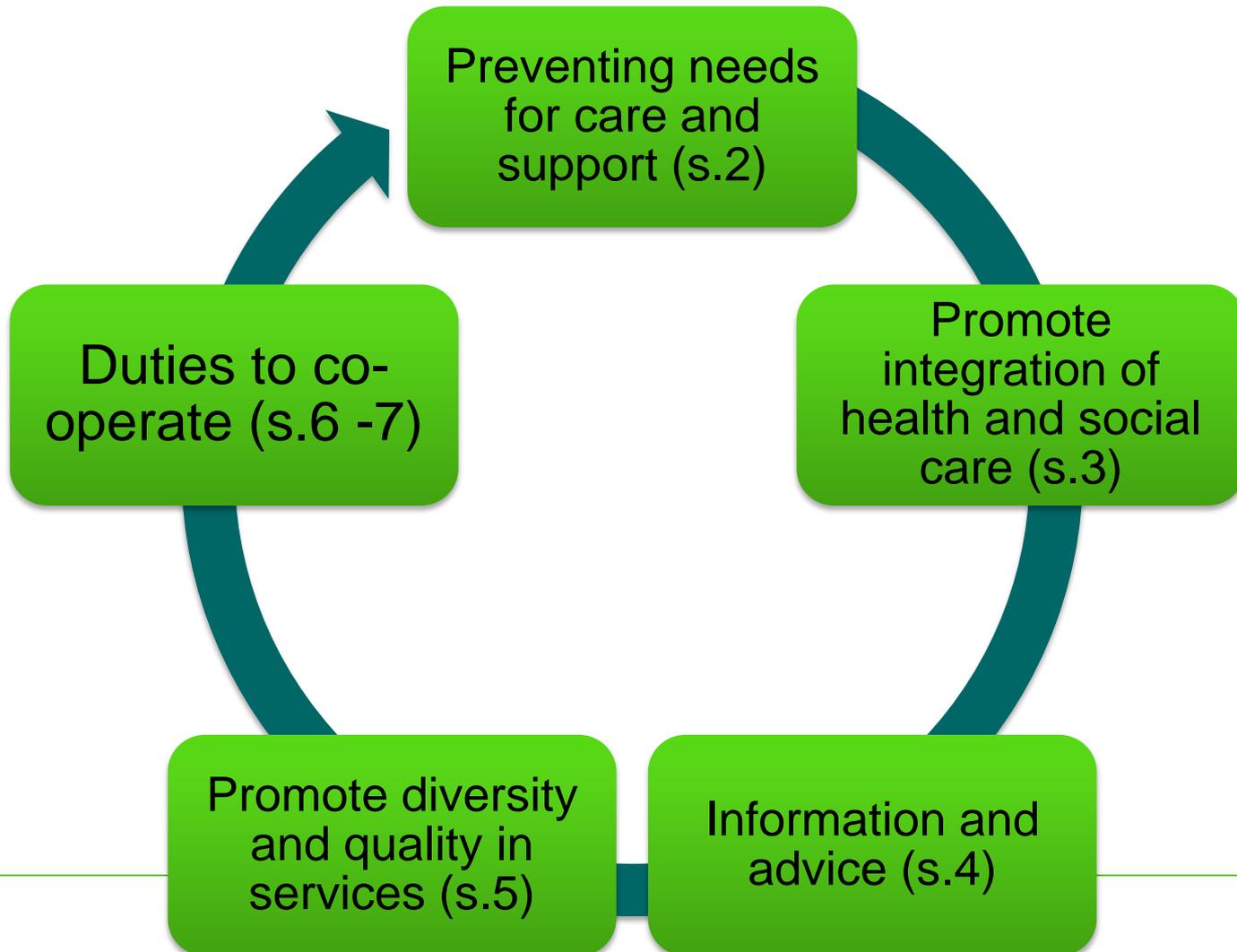
## OUTCOMES

- personal dignity
- physical and mental health, & emotional well-being
- protection from abuse & neglect
- control over day-to-day life
- participation in work, education, training or recreation
- social & economic well-being
- domestic, family & personal relationships
- suitability of living accommodation
- individual's contribution to society

## WELL-BEING CHECKLIST

- assumption that the person is the best judge of their well-being
- person's views, wishes and feelings
- importance of preventing or delaying needs
- all the person's circumstances
- full participation in decision-making
- balance with well-being of carers
- protect from abuse and neglect
- minimum restrictions

# General Duties



- **Requirement to deliver quality information and advice**
  - Universal duty, but tailored information and advice for specific groups will be vital.
  - Role of financial information and advice and how to help people benefit.
- **Duty on market shaping - To support a market that delivers a wide range of high quality services**
  - Commissioning focused on outcomes and promoting wellbeing.
  - Promoting choice to drive quality and sustainability.
- **Managing provider failure**
  - Local authorities' responsibilities to meet needs in cases of provider failure. Emphasis on contingency planning and early warning. New CQC oversight regime of financial health of "difficult to replace" providers.

# Key Requirements Timescale April 2015

- **Assessment and eligibility**
  - Duty to assess on appearance of need – for people who use care and carers.
  - Consider how to prevent or delay needs, and whether other types of support available locally may also benefit, alongside the assessment.
  - New national minimum eligibility threshold ensures more consistency, designed to maintain existing levels of access. Local authorities can meet other needs.
  - Threshold based on “significant impact on wellbeing”.
- **Personal budgets and care and support plans**
  - People have choice of care and support services, continuity of care and support for people who move geographical locations to different local authority areas

- **Carers Rights**

- Duty to assess any carer who appears to have needs for support
- No need to request the assessment
- No need to be providing substantial and regular support
- New eligibility criteria for carer's services
- Duty to meet a carer's eligible needs

- **Independent advocacy**

- Duty to provide an independent advocate where someone has substantial difficulty being involved in the process and there is no one to act on their behalf.

# Key Requirements Timescale April 2015

- Universal Deferred Payments Agreements

A person can 'defer' paying the costs of their care and support, so they do not have to sell their home at a point of crisis.

- Prisons and approved premises

- Each local authority responsible for prisoners in custodial settings in its area.
- Principle of equivalence with those in the community, however complicated in some areas, e.g. aids & adaptations. Some rights do not apply.

## Transition to adult care and support

- Duty to assess young people and their carers in advance of transition from children's to adult services, where likely to need care and support as an adult.
- Sets out the process for providing services to adult carers of children.

## Continuity of care

- When someone moves area, current local authority must share the care and support plan and other information relating to the person and their carer.
- Information before the move, assessment and arranging to meet the needs on the day of arrival, based on the previous care and support plan.

- **A statutory framework for adult safeguarding**
  - Requirement for all areas to establish a Safeguarding Adults Board (SAB): to coordinate activity of partners to protect adults from abuse and neglect.
  - Multi-agency working: roles, responsibilities and information-sharing.
  - LA, NHS and police as core members of SAB: local discretion for others
  - SABs to carry out safeguarding adults reviews into cases of concern, to ensure lessons are learned.

# Section 42: safeguarding enquiries

The local authority must make enquires it considers necessary (or cause enquiries to be made)

care and  
support needs

abuse or  
neglect

unable to  
safeguard  
themselves

## Key principles

- Financial protection: everyone will know what they have to pay towards the cost of meeting their eligible needs for care and support.
- People will be protected from having to sell their home in their lifetime to pay for any care home costs.
- People will be helped to take responsibility for planning and preparing for their care needs in later life.

## **The Cost Cap, care accounts and extended financial support**

- An individual's contribution to their 'eligible' care and support costs will be capped at £72,000.
- People who develop care needs at working age, will have a lower cap and those who have care needs when they turn 18 will have the cap set at zero.
- For adults in residential care, the upper means-tested threshold will increase from £23,250 to £118,000. This means people entering a care home with assets less than this value will not have to pay the full cost of their care.
- The lower means-tested threshold will increase from £14,250 to £17,000. People with assets less than this value will receive full support for their care costs.

# Funding Reforms

## ***Cap on care costs:***

- £72, 000 cap for older people
- Lower cap for people of a working age
- £0 cap for 18 year olds

## ***Financial assessment:***

£118,000 upper limit, £17,000 lower limit

## ***Mandatory deferred payment scheme***

## ***Duty to meet needs of self-funders***

# Care Act Local Authority Funding

- The Government has made available a number of funding streams for local authorities transitional arrangements of implementing the Care Act.
- At this stage, the Government has yet to confirm funding allocations for the additional on-going costs of the Care Act.

# Care Act Revenue Funding

Funding Source	Purpose	National Funding (£m)	MKC (£m)	Estimate
New Burdens	Cost of assessments and reviews Capacity building, including recruitment and training of staff Financial assessment staff	175		0.580
New Burdens	Cost of administering deferred payments and the loans themselves	109		0.337
New Burdens	Cost of assessments and care provision for individuals in prison	11.2		0.092
Better Care Fund	Carers Advocacy Information and advice safeguarding	135		0.526
<b>Total</b>		<b>430.2</b>		<b>1.535</b>

# Care Act Capital Funding

Funding Source	Purpose	National Funding (£m)	MKC Estimate (£m)
Better Care Fund	IT investment	50	0.194

# Care Act Implementation – Governance and Work Streams

## Care Act Programme Board



**Project 1 Assessment, Eligibility, Support Planning**

**Project 2 Commissioning and Market Shaping**

**Project 3 Finance and Charging**

**Project 4 IT/Systems**

**Project 5 Safeguarding**

**Project 6 Strategy, Policy and Operational Procedure Lead**

**Project 7 Workforce**

**Project 8 Information and Advice**

**Communications**

Any questions, comments?