Fact Sheet: Overview of the Care Act

"Until now it's been almost impossible for people who need care, carers, and even those who manage the care system, to understand how the previous law affecting them worked. Over nearly 70 years it has been added to again and again and is out of date and confusing. The Care Act has created a single, modern law that makes it clear what kind of care people should expect." - Care Minister Norman Lamb

Introduction

The Care Act 2014 builds on recent reviews and reforms, replacing numerous previous laws, to provide a coherent approach to adult social care in England. Part one of the Act (and its Statutory Guidance) consolidates and modernises the framework of care and support law; it set out new duties for local authorities and partners, and new rights for service users and carers.

What does the act aim to achieve?

- **clearer, fairer** care and support
- **wellbeing** – physical, mental and emotional – of both the person needing care and their carer
- **prevention and delay** of the need for care and support
- **people in control** of their care.

A new emphasis on wellbeing

The new statutory principle of individual **wellbeing** underpins the Act, and is the driving force behind care and support.

Prevention

Local authorities (and their partners in health, housing, welfare and employment services) must now take steps to **prevent, reduce or delay** the need for care and support for all local people.

Integration

The Act includes a statutory requirement for local authorities to **collaborate, cooperate and integrate** with other public authorities e.g. health and housing. It also requires seamless transitions for young people moving to adult social care services.

Information, advice and advocacy

The Act places a duty on local authorities to ensure that information and advice on care and support is **available to all** and **when they need it**. Independent **advocacy** must also be arranged if a person would otherwise be unable to participate in, or understand, the care and support system.

Diverse care markets

There must be **diversity and quality in the market** of care providers so that there are enough high-quality services for people to choose from. Local authorities must also step in to ensure that no vulnerable person is left without the care they need if their service closes due to business failure.

Safeguarding

A new statutory framework **protects adults from neglect and abuse**. Safeguarding Adults Boards will be set up in every area.

Assessment and eligibility

Anybody, including a carer, who appears to need care or support is **entitled to an assessment**, regardless of financial resources. The assessment, which starts at first contact with the council, must focus on **outcomes** important to the individual. Any needs currently being met by a carer should still be included in the assessment. The local authority must then apply a **national eligibility threshold** to determine whether the individual has eligible needs.

Charging and financial assessment

If the type of care being considered is chargeable, then the local authority must carry out a **financial assessment**. From April 2015, all councils must offer deferred payments and from April 2016, all people with eligible needs will have a **care account** to set out the notional costs accumulated to date towards their **cap on care costs**.

Care and support planning

A local authority must help a person decide how their eligible needs will met through the preparation of a care and support plan or support plan for carers, and review it regularly.

Personal budgets & direct payments

A **personal budget** will form part of the care and support plan or support plan. Where a person, including a carer, has a personal budget, they can have a **direct payment**. From April 2016, self-funders with eligible needs will have an **independent personal budget (IPB**) to record the notional cost of meeting their eligible needs.

When will the Act become effective?

Most of the changes take effect **from April 2015**. However, the major reforms to the way that social care is funded – including the care cap and care account – will not come into operation until **April 2016**.

Summary

The Care Act consolidates good practice in statute as well as bringing in new reforms. It should embed and extend **personalisation** in social care as well as increasing the focus on wellbeing and prevention. It should also enable local authorities and partners to have **a wider focus on the whole population** in need of care, rather than just those with eligible needs and/or who are state-funded.

For people who need care and support, and their carers, there will be:

- **better access to information and advice**, preventative services, and assessment of need
- an **entitlement to care and support**
- a new model of paying for care, with a **cap** on the **care costs** for which an individual is liable
- a **common system** across the country (**national eligibility threshold**).