

# The Care Act 2014

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# The Care Act 2014

**The Care Act 2014 is an historic piece of legislation, not only because it includes the first overhaul of social care statute in England for more than 60 years, but also because of the collaborative nature of its passage through parliament.**

(David Brindle 5/06/14 The Guardian)

# The Care Act 2014

- Introductions
- Housekeeping
- What is today about?
- What will you learn?
- Over view of the Act
- Skimming the surface
- You are guinea pigs for this!!!

# The Care Act 2014

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- **Good information and advice are at the heart of personalised care ----- Local authorities will need to provide comprehensive, and accessible information and advice about care and support services in their area. These are regarded by the government as key aspects of the wider prevention agenda.**

(Department of Health, 'think local act personal ' 2014)

# Five Principles of The Care Act 2014

1. Promote well being
2. Prevent and reduce the need for care and support
3. Promote integration
4. Provide information and advice
5. Market shaping

# The Care Act 2014

- **Legislation to be repealed**
- National Assistance Act 1948
- Health Services & Public Health Act 1968
- Chronically Sick and Disabled Persons Act 1970 (but only for adults)
- Health & Social Services & Social Security Adjudications Act 1983
- Disabled Persons (Services, Consultation and Representation) Act 1986
- NHS & Community Care Act 1990
- Carers Acts (but not the 1995 Act section 1)
- Health & Social Care Act 2001 (DPs)

# The Care Act 2014

## Definitions

### Adult

- 'in need'
- has 'a physical or mental impairment or illness'.

### Carer

- an adult who provides or intends to provide care for someone but is not contracted to provide the care or providing the care as formal 'voluntary work' (s10).



# The Care Act 2014

- Create a legal framework that is clear and easy to navigate.
- Modernise the law not only to meet eligible need, but to focus on putting the person in control of their life and to achieve the outcomes they have identified are important to them.
- Address areas of unfairness

# Five Principles of The Care Act 2014

1. Promote well being
2. Prevent and reduce the need for care and support
3. Promote integration
4. Provide information and advice
5. Market shaping

# Promote well being

“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;
- social and economic wellbeing

# Promote well being

- domestic, family and personal relationships;
- 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;
- suitability of living accommodation;
- the individual's contribution to society.

# Prevent and reduce the need for care and support

- provide universal access to good quality
- information;
- support safer neighbourhoods;
- promote healthy and active lifestyles (e.g. exercise, smoking cessation);
- reduce isolation (e.g. befriending schemes)

# Prevent and reduce the need for care and support

- encourage early discussions in families or groups about potential changes in the future, e.g. conversations about potential care arrangements or suitable accommodation should a family member become ill or disabled.

# Integration, co-operation and partnerships

Integrating care and support with other local services;

- Strategic planning;
- Integrating service provision and combining and aligning processes
- Co-operation of partner organisations
- General duty to cooperate
- Who must cooperate
- Co-operation within local authorities departments
- Co-operating in specific cases

# Integration, co-operation and partnerships

- Working with the NHS;
- The boundary between the NHS and care and support;
- Delayed transfers of care from hospitals;
- Working with housing authorities and providers;
- Working with welfare and employment support.



# Provide information and advice

- The duty placed on local authorities to ensure the availability of information and advice services for all people in its area;
- The broad audience for the information and advice service;
- The local authority role with respect to financial information and advice;
- The accessibility and proportionality of information and advice;
- The development of plans/strategies to meet local needs.

# What is Market Shaping?!

- High quality, personalised care and support can only be achieved where there is a vibrant, responsive market of service providers
- Leading to a sustainable and diverse range of care and support providers
- Improving quality and choice and delivering better, innovative and cost effective outcomes that promote the wellbeing of people who need care and support

## Example

- Working with local businesses to provide smaller residential facilities for older people

# Market-shaping

- Focusing on outcomes and wellbeing;
- Promoting quality services, including through workforce development and remuneration and ensuring appropriately resourced care and support;
- Supporting sustainability;
- Ensuring choice;
- Co-production with partners

# Assessment and Eligibility

- The Act acknowledges the importance of appropriate and proportionate assessment
- Including supporting the person through the assessment process
- Taking into account the 'wider picture' like fluctuating needs and any impact on the family
- The Act also recognise the sometimes dual role of a carer as paid and unpaid
- Ensuring that assessors are trained, and have appropriate skills and knowledge
- Ensuring that the eligibility framework is clear and consistent and available

# Assessment and Eligibility

The purpose:

- Identify needs and the impact on wellbeing
- What the person's wishes and feelings are
- Whether the above are eligible for the support from the local authority
- To be person centred
- Any decisions made have to be based on the assessment
- That the person has every opportunity to take part in the process, with support if necessary
- To ensure that the person has a capacity assessment if necessary and access to an IMCA

# Assessment and Eligibility and Carers

- No different to the previous slide

PLUS

- Carers need for support
- Sustainability of the caring role
- Practical and emotional
- Impact on work, education, training
- Activities outside of the caring role
- Have access to the assessment docs before it takes place
- Self assessment
- Supported self assessment

# Assessment and Eligibility and Carers

The carer's assessment must also consider the outcomes that the carer wants to achieve in their daily life, their activities beyond their caring responsibilities, and the impact of caring upon those activities.

(Care and Support Statutory Guidance, DOH 2014)

# Assessment and Eligibility and Carers

Where an individual provides or intends to provide care for another adult and it appears that the carer may have any level of needs for support, local authorities must carry out a carer's assessment.

- Not when the carer is paid for example under direct payments or cares in a voluntary capacity

**HOWEVER**



# Assessment and Eligibility and Carers

- A carer may be providing care for the same adult outside of those arrangements. In such a circumstance, the local authority must consider whether to carry out a carer's assessment for that part of the care they are not providing on a contractual or voluntary basis

# Independent Advocacy

Local authorities must arrange an independent advocate (IA) to facilitate the involvement of the person in their assessment, the care and support plan and any reviews.

## **HOWEVER**

Independent advocates will only be available under certain conditions:

- The person have 'substantial' difficulties being involved
- If the person did not have an IA then they would have 'substantial' difficulty taking part in their assessment process
- If there is no one appropriate to support the person, and represent their wishes

# Safeguarding

- Before the Care Act Safeguarding Adults was under the 'No Secrets' guidance
- Safeguarding Adults is now law

The new safeguarding duties apply to an adult who:

- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
- is experiencing, or at risk of, abuse or neglect; and
- as a result of those care and support needs is unable to protect themselves from either
- the risk of, or the experience of abuse or neglect.

# Other areas that the Care Act covers

- National eligibility
- Direct Payments
- Moving between local authorities

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- [www.legislation.gov.uk/ukpga](http://www.legislation.gov.uk/ukpga)
- [www.scie.org.uk/care-act-2014](http://www.scie.org.uk/care-act-2014)
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Thank you

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