

The Care Act in a nutshell



What's it all about?

The Care Act 2014 is the most significant change to adult social care in over 60 years. The focus is about supporting people to maintain their independence and take control of their care and support. The Act will:

- **Bring about major changes in the way social care is funded**
- **Introduce a new approach to assessments and provision of services**
- **Create a consistent, fair and streamlined legal framework which focuses on individual needs and outcomes**

The majority of the Act will take effect from April 2015. However, major reforms to the way social care is funded will take effect from April 2016 (this part is subject to consultation)

What will happen in April 2015?



- **A comprehensive information and advice service must be in place**
The Act places a duty on local authorities to ensure that information and advice on care and support is available to everyone when they need it. This includes signposting people to independent financial advice.
- **A new emphasis on wellbeing will be introduced**
The Act presents a new statutory principle of individual wellbeing as the driving force behind care and support.
- **We will have new responsibilities for early intervention and prevention**
Hartlepool Borough Council, along with our partners, will take steps to prevent, reduce or delay the need for care and support for residents.
- **Eligibility for social care will change**
Currently, each local authority can set their own eligibility criteria for social care, which means that someone eligible for care in one area may not be eligible in another. The Act replaces this 'postcode lottery' and national minimum eligibility threshold will be in place to determine whether the individual has eligible needs.
- **There will be changes to assessments and who we will assess**
This means that anyone, including carers, who appear to need care and support, will be entitled to an assessment, regardless of their financial situation. The assessment will focus on outcomes and wellbeing. Any needs currently being met by a carer will be included in the development of a care and support plan. Care and support plans (or support plans for carers) will be in place and reviewed regularly. There will also be new arrangements for transition services, and duties towards prisoners with eligible needs.

- **Adults with eligible needs will have a legal right to Personal Budgets and requests for Direct Payments**

The Act formalises the 2008 Putting People First guidance creating the right to a personal budget based on the cost that the Local Authority would incur in meeting eligible needs. It consolidates the 1996 Community Care (Direct Payments) Act and confirms the automatic right to Direct Payments. Local authorities have to approve any payment to relatives who carry out administration of Direct Payments on someone's behalf.

- **A diverse range of quality care providers must be available**

The Act is clear that there should be enough high-quality services for people to choose from and Hartlepool Borough Council has a duty to ensure that eligible care needs are met.

- **Deferred payment arrangements will change**

Anyone in a care home who cannot meet the full cost of their care and has a property will be able to request a deferred payment if they meet the eligibility criteria and can provide adequate security. This means that a person, if they qualify, can defer paying some of their care costs so that they do not have to sell their home during their lifetime.

- **New legal duties to safeguard adults will be in place**

A new statutory framework will protect adults who need care and support. This means there will be a duty to make enquiries into concerns of abuse and neglect and partner organisations will be required to cooperate in such enquiries. It introduced a statutory framework for the council's existing Safeguarding Adults Board.

- **Better planning of the transition between children's and adults services**

This is essential to assist young people and their families to move from children's services and prepare for adulthood in the best way possible with the help and support of adults services.

- **Unpaid carers will be formally recognised as having their own needs**

This will give unpaid carers comparable rights to adults with care and support needs.

What will happen in April 2016?

(Please note that the following may be subject to change following consultation at the beginning of 2015)



- **A new 'care cap' and care account will be introduced**

This means that no adult will have to spend more than £72,000 (current estimate) on meeting their assessed eligible social care needs. This is called the care cap. If a person has care and support needs which are funded by a combination of local authority and the person's own contribution, the total cost counts towards the cap. Once this cap is reached, the council will pay for the person's care and support. For those in residential care, "hotel costs" such as food and lodgings are excluded in the cap and a resident remains responsible for meeting these costs even after they have reached the cap, so that everyone is treated fairly.

- **There will be an increase in capital limits**

This will be £27,000 for people living at home and those in residential care whose home is disregarded and £118,000 for people in residential care whose home is taken into account.

Additional information will be shared once confirmed.