

The Care Act

What it is and how we are
responding in Surrey



SURREY

What does the Care Act do?



Part 1 of the Care Act sets out to reform adult care and support in England:

- ➔ It delivers many of the commitments in the *Caring for our Future* White Paper.
- ➔ It provides for a new capped costs system for funding care and support, based on the recommendations of the Dilnot Commission.
- ➔ It achieves a fundamental reform in its own right, to simplify and clarify over 60 years of legislation, following the recommendations of a three-year review by the Law Commission.

The well-being principle

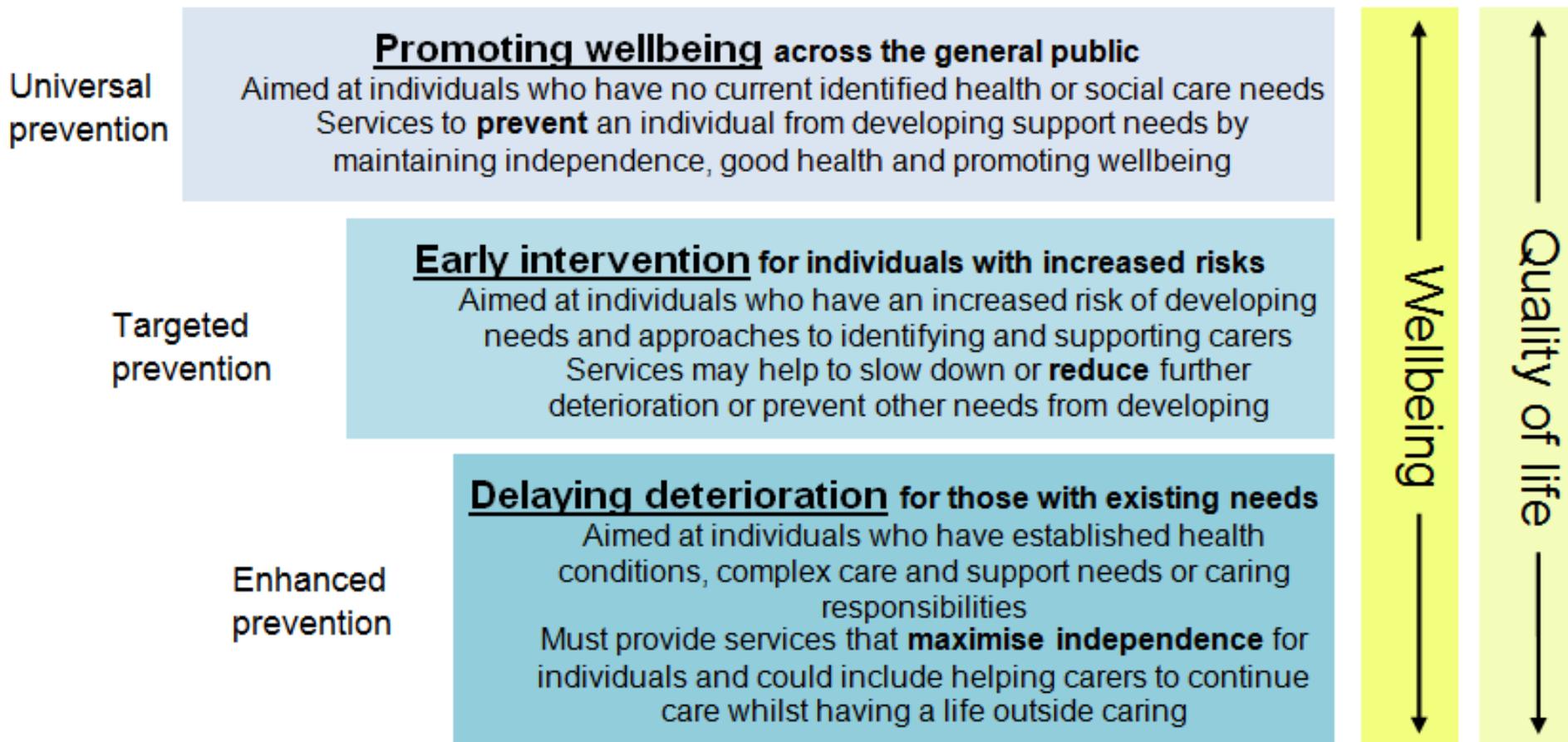
The well-being principle is part of the general responsibilities of local authorities towards all people:

“Wellbeing” is a broad concept, 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 relationships;
- suitability of living accommodation;
- the individual’s contribution to society.

Prevention

Prevention is part of the general responsibilities of local authorities towards all people:

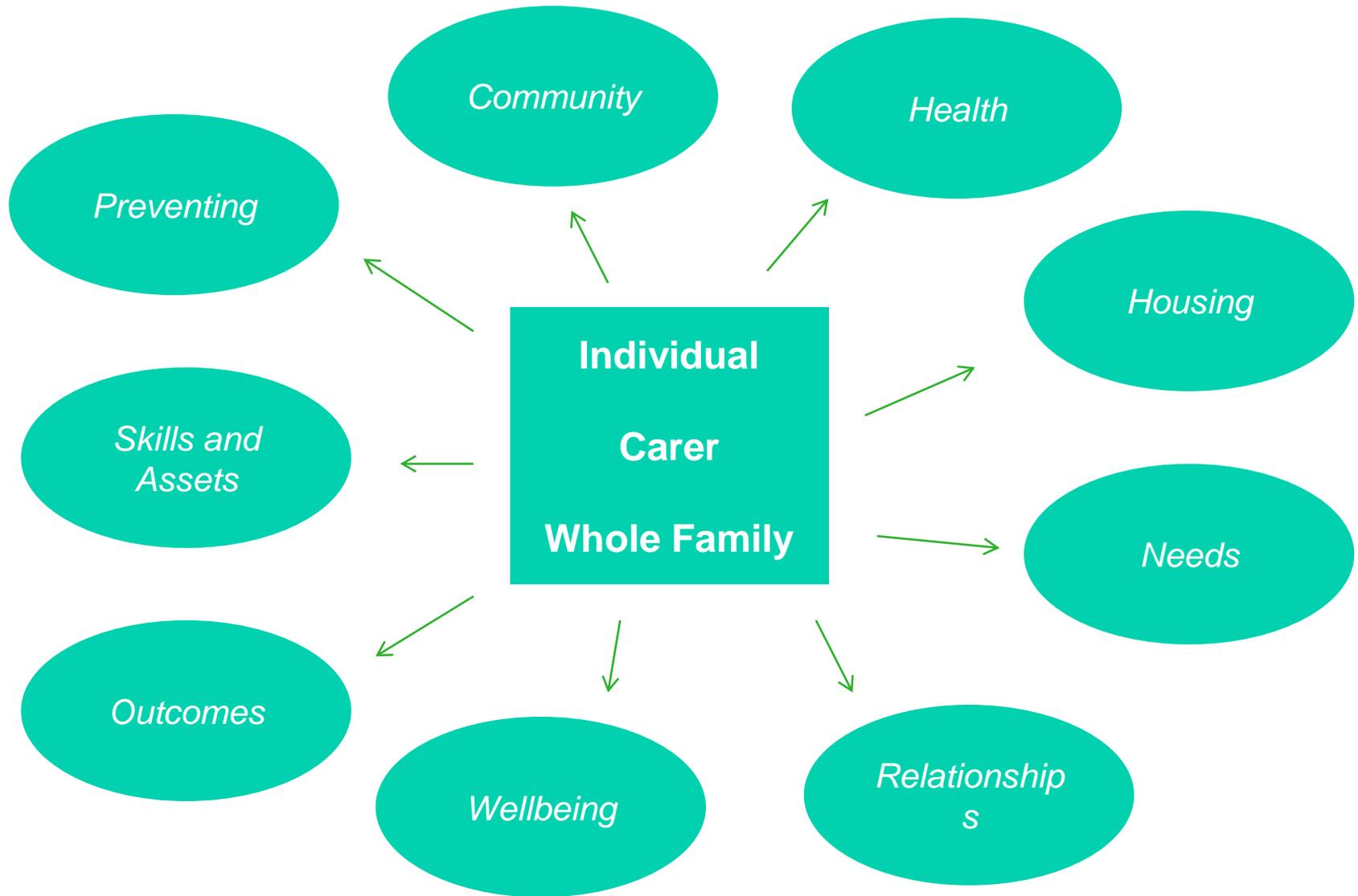


General responsibilities



Other key areas under general responsibilities include:

1. Information and advice
2. Promoting diversity and quality in the market
3. Requirement to work collaboratively and cooperate with other public authorities, including duty to promote integration with NHS and other services.



Care Act Assessment Approach

Eligibility

1. Needs caused by a physical or mental impairment or illness
2. As a consequence the adult is unable to achieve an outcome:
 1. Carrying out some or all basic care activities
 2. Maintaining family or other significant relationships
 3. Accessing and engaging in work, training, education or volunteering
 4. Accessing necessary facilities or services in the local community
 5. Carrying out any caring responsibilities the adult has for a child
3. As a consequence there is, or is likely to be, a significant impact on the adults wellbeing

Planning Support



- Personal budget produced
- Co-production of care and support or support plan
- Details ALL needs regardless of eligibility and how these will be met
- Must address fluctuating needs
- Direct payments

Carers

- "Carer" means an adult who provides or intends to provide care for another adult"
(But not those who are paid and have a contract or doing voluntary work)

Carers assessments will explore:

Whether the carer is able , and is likely to continue to be able, to provide care for the adult needing care

Whether the carer is willing and is likely to continue to be willing to do so,

The impact of the carers needs for support on their wellbeing

The outcomes that the carer wants to achieve in day to day life

Whether, and if so to what extent the provision of support could contribute to the achievement of these outcomes.

Independent advocacy support



The Care Act extends entitlement to advocacy to a broader group of people (inc. carers) – both those who **do** and **do not have capacity** but experience substantial difficulty in any of the following where there is no one else appropriate to support them:

- Understanding relevant information
- Retaining information
- Using or weighing the information as part of engaging in the process
- Communicating their views, wishes or feelings

The new duty requires staff to establish the need for an advocate immediately and then to identify an advocate who can be involved in supporting engagement in the assessment and support planning process.

Advocates will also need to be available for some safeguarding cases and applies to people in prisons.

We anticipate there will be a significant increase in the number of people eligible for independent advocacy.

Other clauses

Transition

- Duty for local authorities to assess young people in advance of their 18th birthday, if they are likely to have ongoing needs for care and support.
- A duty to assess the adult carers of young people, if the latter are likely to have ongoing needs for care and support after their 18th birthday, plus powers to provide support to meet the needs of adult carers of children.
- A duty to assess a young carer, if they are likely to have ongoing needs for support after becoming 18.

Ordinary Residence

- New duty to ensure continuity of care when moving between areas:
 1. Current local authority must share the care and support plan and other information relating to the person and their carer.
 2. New local authority must provide information before the move, assess the person's needs, and then arrange to meet their needs on the day of arrival based on the previous care and support plan.

Other clauses

Safeguarding

- The first statutory framework for protecting adults from abuse and neglect.
- All areas to establish a Safeguarding Adults Board (SAB).
- New duty for local authority to carry out enquiries (or cause others to) where it suspects an adult is at risk of abuse or neglect.

Market failure and oversight

- Clarifying protections when a care and support provider fails.
- Duty for local authority to temporarily meet needs if a care provider suffers a business failure.
- The Care Quality Commission will have a new responsibility in relation to financial oversight of certain care providers.

Prisons



The Act establishes that the local authority in which a prison, approved premises or bail accommodation is based will be responsible for assessing and meeting the care and support needs of the offenders residing there.

- The provision of care and support for those in custodial settings is based on the principle of equivalence to provision in the community.
- There is a high prevalence of mental ill health, substance misuse and learning disability in the custodial population
- Prisoners move prison relatively frequently compared to people in the community, so the Act states the importance of ensuring a prisoner is referred for assessment in their first prison where they are likely to have some care and support needs on which the local authority can advise, even if they do not have eligible needs.

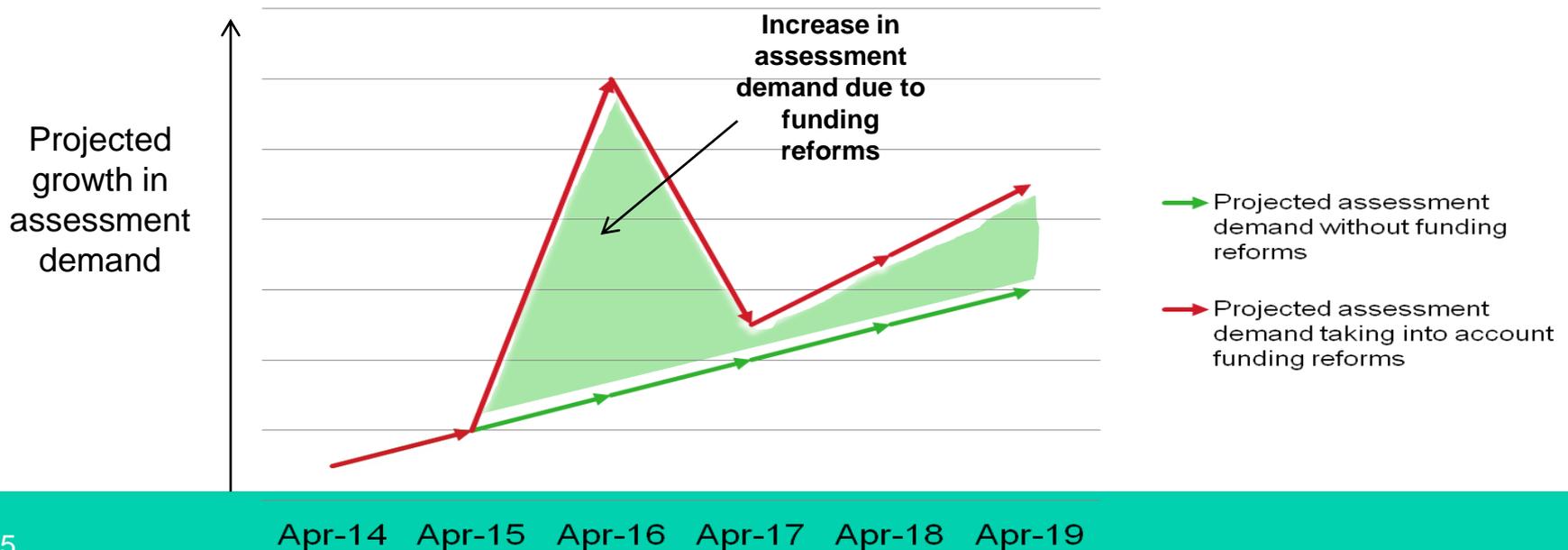
Paying for Care



Change	Notes
Separate general living costs	<ul style="list-style-type: none">• A new power to charge for general living costs (food, energy bills, accommodation) if a person is in residential care.• From April 2016 this figure is expected to be around £12,000 per year and is subject to a means test.• Living costs do not contribute towards the cap and are not age specific.
Rise in the capital threshold for residential care	<ul style="list-style-type: none">• The capital threshold from April 2016 will rise to £27,000, if a person has savings / cash• It will rise to £118,000 if they have a property.
Universal deferred payments	<ul style="list-style-type: none">• From April 2015, local authorities must offer deferred payments in circumstances set out in regulations.• Local authorities will be able to charge interest
Independent financial advice	<ul style="list-style-type: none">• New duty on local authorities to signpost people to independent financial advice from April 2015

Funding reforms: Cap on care costs

- From April 2016, people of state pensionable age receiving care which has a cumulative value of around £60k (equivalent to £72k in 16/17) will be entitled to state support for reasonable care costs to meet their eligible needs.
- People of working age who develop eligible care needs before retirement age will benefit from a cap that is lower.
- Young people who are assessed before they turn 18 as having ongoing eligible care needs will benefit from a cap set at £0.
- People in residential care will make a contribution towards 'daily living' costs - such as on food, energy bills and accommodation.
- We predict a surge in the number of people approaching us for an assessment



What are our options?

Grow Personal Care and Support

- A dedicated team or grow locality resources?

Commission a 'trusted assessor' service

- Provided by voluntary/private organisations, individuals and other partners?

Commission agencies to do assessments on our behalf

- On a "payment per assessment" basis?

Online assessment

- How could this fit with our principles and legal duties?
- How could we ensure quality?

Cap on Care pilot

- Piloting all options with self-funders in a phased approach from mid-July to October 2014
- Each phase will provide learning and development for the next
- Report to ASC Select in Autumn 2014

Elmbridge Locality
Team
July-Sept

Voluntary
organisations –
trusted assessors
Sept-Oct

Private providers –
trusted assessors
July-Oct

Assessment
agencies

Online assessment (in progress)

Our draft principles for Care Act implementation



We will meet our duties	Complying with the law in a way that is consistent with our vision for Adult Social Care in Surrey
We will support the 'General' responsibilities in the Act	Promoting individual wellbeing, prevention, providing information and advice, promoting quality and diversity of services, cooperating with partners
We will promote a Whole Family Approach	Treating carers with the same esteem as the people that they care for and being aware of the needs of children in the household
We will act fairly	Ensuring an equal value on access and outcomes for all regardless of reason for need or ability to pay
We will be clear and transparent	Making it as easy as possible for people to have the information that they need, at the right time and in the best way for them
We will put personalisation at the centre of what we do	Enabling people to be in control of their own care and support
We will behave proportionately	Responding flexibly and appropriately to people's needs
We will work together with the 'Surrey community'	Responding in a way that takes account of and uses our community and partner needs, expertise and resources

Implementation Board

Governance

Project Board

Workstreams

Assessment, Eligibility and
Personalisation

Cap on care costs

Charging and direct payments

Commissioning

Information and Advice

Ordinary Residence

Policy

Safeguarding

Transition

Carers, workforce, info and advice, IT, finance, legal are cross-cutting.
Co-design with residents and partners embedded throughout approach.

Cross-cutting workstreams

Further information

- Final version of the Care Act is available at:
<http://services.parliament.uk/bills/2013-14/care.html>
- Department of Health factsheets on the Act are available at:
<https://www.gov.uk/government/publications/the-care-bill-factsheets>
- Department of Health consultation on the draft regulations and guidance is available at:
<http://careandsupportregs.dh.gov.uk/>
- We have a Surrey Care Act webpage with Care Act animation video:
www.surreycc.gov.uk/careact
- If you would like to know more regarding Surrey's response, contact:
careact@surreycc.gov.uk