

Care Act presentation transcript

The Care Act 2014 is the most significant piece of legislation in our sector since the establishment of the welfare state. It builds on a patchwork of legislation built up since the 1948 National Assistance Act.

The Act begins by defining the primary responsibility of local authorities as the promotion of individual wellbeing.

There is a shift from the duty to provide services to meeting needs. Of course everyone has individual needs so local authorities won't be able to comply with the Act by providing one size fits all services but by putting the person at the centre of their offer.

A key part of the Act is a focus on preventing or delaying the need for support. This might mean investing in preventative services and fully utilising any existing community resources, facilities and assets to prevent people's needs escalating unnecessarily.

Carers (who are people who provide unpaid care and support, often a family member or friend) are given significant new entitlements under the Act. It's hoped that they will be supported to maintain their caring role for longer.

Local authorities must establish and maintain an information and advice service. They must provide this to everyone in the area not just people who are entitled to funding or support from the council. The service should cover the new rights and entitlements that people have under the Act and how they can access them in their local area, this should include financial advice. Information should be provided in accessible ways not just on a website, or leaflets in a GPs office, but tailored to the needs of local people.

Local authorities must facilitate a diverse, vibrant and sustainable market for care and support services that benefit the whole population. Good commissioning, as outlined in the Act and guidance, should follow some key principles. It should focus on wellbeing, workforce development, pay and appropriate pricing of services. It should support sustainability and ensure choice. This should be done through strategic planning, supporting providers and good contracting mechanisms co-produced with local people who use services.

The Act requires local authorities to promote integration with the NHS and other key partners – this will include working through local health and wellbeing boards.

The Act aims to put people at the centre of their care and support and maximise their involvement.

Some people can have real difficulty being involved in social care processes and don't have someone appropriate to support them. If this is the case then the local authority must arrange

an independent advocate to help them be involved in assessment, planning, appeals or safeguarding.

Needs or carers assessments must be carried out where it appears to an authority that they are necessary. The assessment should be appropriate, proportionate, person-centred and ensure a focus on the duty to promote wellbeing.

The Act establishes a national minimum threshold at which people will be eligible for support. Instead of a council assessing levels of need, it will ask if people can achieve certain outcomes.

Once an assessment has been made there's a duty on local authorities to produce care and support plans and to offer a personal budget. This should focus on keeping people directly involved. The Act also sets out a duty to review Care and Support plans to ensure that they continue to meet the needs of the person.

The funding reforms hope to ensure that people will be protected from having to sell their homes and lose their assets in order to pay for care. To do this the Government will place a cap on how much people pay over their lifetime. This means that councils will need to establish accounts so that they know when people will have reached this cap. They will also have to provide something called a deferred payment scheme, assisting people with payment if they go into a care home.

Local authorities expect a rise in demand for assessments because of the changes to funding and entitlement. The focus on wellbeing and possible increased demand challenges the way local authorities have come to approach the traditional care management cycle. This means going beyond 'business as usual' and thinking about different forms of assessment, including doing it yourself online or going to a drop-in centre.

Adult safeguarding is, for the first time, spelt out in the law in the Care Act. Local authorities must make enquiries if they believe an adult is, or is at risk of, being abused or neglected. They must also set up a safeguarding adults board including key stakeholders. This board will carry out safeguarding adults reviews when people die as a result of neglect or abuse and there's a concern that the local authority, or its partners, could have done more.

Local authorities will be preparing to implement most of the provisions of the Act by April 2015, the following year in April 2016 the funding reforms will come into place and with them the expected rise in demand for assessments.

The Social Care Institute for Excellence is working closely with central and local Government to produce useful resources. Our initial work is focused on commissioning advocacy services, safeguarding duties, assessment and eligibility, transition to adulthood and, evidence and examples of preventative services.

Thanks for listening. If you'd like more information please see the Care Act page on the SCIE website, that's www.scie.org.uk or email us at info@scie.org.uk

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