

Implementation of the Care Act 2014

Briefing for the Parish Council Liaison meeting 25th Feb 2014

This is the first substantive change in Adult Social Care since 1990; some would argue the end of the approach initiated in 1834 through the Poor Law Amendment Act. The Act does repeal many provisions of the 1948 National Assistance Act which has been the basis for care provision in England.

When?

Changes in the law relating to practice come in from April 2015, funding changes happen a year later.

Who does it apply to?

Applies to all adults needing care and support, although the main focus is the increasing number of older adults needing care and support. For the first time there will be a national criteria for agreeing eligibility, in the past it varied between councils. Carers are all now able to ask for an assessment of their needs and if eligible they can receive services in their own right.

How the resident is seen

The Care Act assumes that many people who need care are able to articulate what care and support they need and the role of the council is to facilitate it. This places the resident in the position of becoming an informed consumer not a passive recipient of services. There is a strong emphasis on councils providing people with good information on what is available and how to get it. In all contacts between the resident and care services the expectation is that the person will do as much of the planning for themselves as they can manage, with social workers being focussed on those most in need of support.

Making care personal

Traditionally services have tended to be allocated by social workers according to local criteria and protocols. The Care Act places a much stronger emphasis on Direct Payments, where the person has a cash payment to use themselves for buying services (within reason). These payments do vary according to the needs of the individual. Where the individual cannot manage this approach the Council can offer them a range of services and will arrange them on their behalf.

People who pay for their own care

About half the social care services in Bath and North East Somerset are paid for by the person needing support, what is referred to as self-funded care. This has often been arranged without professional support and results in poorly developed support or paying more than is necessary. In future the council will offer to support people managing their own care, although at a cost.

How does this support rural communities?

In the past rural services have been difficult to commission as staff have to travel long distances, the time and cost of which are often not paid for. The move towards Direct Payments and Individual Service Funds means that people can opt for local care arrangements that best suit them. For example, using a Direct Payment to employ someone in the village to provide their care. The challenge to local communities is the development of local opportunities that can be flexible around the individual, such as encouraging a list of people who could offer care or supporting businesses who could offer a payroll service.

The financial compact

The increase in the funding for local authorities to support their new duties is about 3% of current spend – the total gain for people is expected to be modest. From April the current arrangement that allows people to defer their care cost in a care home becomes a statutory duty. This is essentially a loan, with costs, that is repaid out of the person's estate. This avoids people having to sell their home in their own lifetime. For B&NES this is a particular risk as many people will be eligible for this scheme.

From April 2016 the personal contribution towards care will be limited to £72,000. The BBC has published a tool to estimate what this means at <http://www.bbc.co.uk/news/health-30990913>

For B&NES this tool estimates that it would take nearly 3 years to reach the cap.

However the good news is that the level of capital when the local authority starts to contribute is to increase from the current £23,500 to £118,000.

Look out for:

The Council is developing a new website for Adult Social Care that is due to be launched in late March - <http://www.bathnes.gov.uk/services/adult-social-care-and-health/my-care-my-support>

There are various clips that explain a bit more, try:
https://www.youtube.com/watch?v=mOyLON0pH_s

The Department for Health has published factsheets that are quite readable:
<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

For those that want to see the full detail of what is proposed (but be warned it is about 500 pages long): <https://www.gov.uk/government/publications/care-act-2014-statutory-guidance-for-implementation>

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