

Care Bill 2013

Summary for the
Leicestershire Learning Disabilities
Partnership Board
Carers Group

The Care Bill was introduced into Parliament in May 2013. It had its third reading in the House of Lords on October 29th and is likely to become an Act of Parliament in 2014. The expectation is that it will be implemented by April 2015.

The Bill is a single, modern law for adult care and support that replaces existing outdated and complex legislation. The Bill also includes a small number of critical health measures.

The main elements of the Bill focus on wellbeing, prevention, carers' rights, choice and personalisation. It places the wellbeing, needs and goals of people at the centre of the legislation to create care and support which fits around the individual and works for them. It provides a new focus on preventing and reducing needs, and putting people in control of their care and support.

'Care and support' covers different types of help

- financial, practical and emotional

- that allow people to manage day-to-day living.

The Bill looks at many of the main aspects of social care legislation and provision including

- Information and advice
- Assessment and eligibility
- Personalisation
- Financial assessment, capping costs and deferred payments
- Safeguarding
- Support for carers
- Transition to adult life
- People moving areas

Some of the key aims of the Care Bill

1. Carers should be better supported
2. There should be improved clarity in eligibility of care, with a national minimum threshold
3. The CQC will be enabled to develop an OFSTED style ratings system
4. An element of continuity of care - if a person moves between local authority areas their care will be provided in the new area, at the same level, until a reassessment takes place.
5. The cap on how much individuals pay for their social care (as recommended by Dilnot) and deferred payments of social care, so that your house doesn't need to be sold within your life time.

There are several clauses of particular relevance to carers:

Clause 1: Promoting individual well-being

The wellbeing principle frames how the Department must carry out their care and support functions to adults needing care but also to carers. The concept relates to any of the following -

- (a) physical and mental health, emotional well-being and personal dignity;
- (b) protection from abuse and neglect;
- (c) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
- (d) participation in work, education, training or recreation;
- (e) social and economic well-being;
- (f) domestic, family and personal relationships;
- (g) suitability of living accommodation;
- (h) the individual's contribution to society.

Clause 2: Preventing needs for care & support

This clause states that the Department must provide or arrange for the provision of services, facilities or resources, which it considers will

- (a) prevent or delay carers needs for support;
- (b) reduce the needs for support of carers in its area.

Clause 3: Promoting integration of care & support with health services etc

This clause places a duty on local authorities to carry out their care and support functions with the aim of integrating services with those provided by the NHS or other health-related services e.g. contribute towards the prevention/delay of carers requiring support.

Clause 4: Providing information & advice

This clause places a duty on local authorities to provide an information and advice service in relation to care and support. For the first time the Department must provide information regarding how to access independent financial advice.

Clause 5: Promoting diversity and quality in provision of services

This clause places a duty on local authorities to promote diversity and quality amongst care and support providers in the local area. This means that providers should be a mix of large, medium and small businesses and the voluntary sector should be encouraged to participate in relevant tendering activities.

Clause 6: Co-operating generally

This clause requires local authorities and their partners, to co-operate in carrying out functions relevant to care and support. This does not supersede Data Protection legislation but should make information sharing easier.

Clause 7: Co-operating in specific cases

This clause is intended to be used by local authorities or partners where their co-operation is requested in relation to an individual adult or carer.

Clause 10: Assessment of a carer's needs for support

This clause creates a single duty to undertake a “carer's assessment”. The aim of the assessment is to determine whether the carer has support needs and what those needs may be.

Clause 13: The eligibility criteria

Where at least some of a carer's needs for support meet the eligibility criteria, the local authority must

- (a) consider what could be done to meet those needs that do, and
- (b) establish whether the adult needing care is ordinarily resident in the local authority's area.

The ‘Draft National Minimum Eligibility Threshold for Adult Care and Support’ (June 2013) cites regulations specifically regarding eligible needs for carers, there are separate criteria for adults needing care. The criteria focus on assisting the carer to continue caring.

Clause 14: Power of local authority to charge

This clause gives local authorities a general power to charge for certain types of care and support, at their discretion. The power extends to all types of care and support, unless regulations state that the specific type must be provided for free.

Clause 17: Assessment of financial resources

This clause requires a local authority to carry out a financial assessment if they are likely to charge for meeting the individual's needs.

Clause 20: Duty and power to meet a carer's needs for support

This establishes common requirements for entitlement to support: that the carer must have eligible needs, and the adult for whom they care must be ordinarily resident in the local authority's area, or have no settled residence but be living there at the time.

Clause 24: The steps for the local authority to take

This clause sets out the next steps, following the determination of whether the carer has eligible needs. It provides that where a local authority is going to meet needs, it must provide a support plan for a carer, and help the carer decide how to have their needs met.

Clause 25: Care and support plan, support plan

This clause sets out the minimum content that local authorities must include within the plan. In particular, the plan must include a **personal budget**. Local authorities can choose to include additional information at their discretion to reflect the circumstances of the person. Such plans must be produced in consultation with the adult, and focus on the outcomes the person wishes to achieve. The plan will be the formal record kept by the adult and the local authority, following the end of the process of care and support planning. Where an adult with needs for care and support has a carer, the local authority may combine a care and support plan with a support plan if the adult needing care and the carer agree.

Clause 27: Review of care and support plan, support plan

The plan must be reviewed. The Bill does not state how often the Plan should be reviewed but it does stipulate that the carer can make a reasonable request for a review at their discretion.

That's a very quick scamper through the Bill as it is at present. For further information, there's a handout if you would like one