

Explaining the Care Act 2014 –

The future of care and support in RBWM

What is the Care Act and what will it mean for residents?

From April 2015 the Care Act places a series of new duties and responsibilities on local authorities about care and support for adults. This is to make sure that people:

- are supported to keep as well as possible;
- get the services they need to help prevent or delay their care needs from becoming more serious;
- can get the information, advice and guidance they need to make good decisions about care and support; and
- have a good range of providers to choose from.

This fact sheet will give you an overview of the positive changes you can expect in the Royal Borough of Windsor and Maidenhead.

Information and advice for all

Under the Act, all local authorities will have to provide comprehensive information and advice about care and support services in their local area to all their residents. In RBWM we will do this through the following:

- A new RBWM Adult Services Web Directory at www.rbwm.gov.uk
- My Care, My Home, a new care funding and advice scheme
- New leaflets and web pages delivering high quality and practical information
- Training for all staff to be able to provide better information and advice



We must also ensure that a wide range of sustainable, high-quality care and support services are available to our communities and that we provide the right care for the right people.

National eligibility criteria

Local authorities will continue to have a duty to carry out a needs assessment to determine whether an adult needs care and support. This must be provided to anyone who requests it and who appears to need care and support, regardless of their finances or whether the local authority thinks their needs will be eligible.

The Care Act 2014 also proposes a national minimum threshold for eligibility, which will be consistent across England. This aims to ensure that people are treated the same wherever they live.

Carers will also have new rights and local authorities will be required to provide support to them following assessments.

Charging and financial assessments

The government wants to protect people from the risk of incurring 'catastrophic' care costs. It proposes to do this by:

- Introducing a lifetime cap of £72,000 on the amount that people are required to contribute towards the cost of their care. This is sometimes called the 'care cap'.
- Increasing the amount of money that people can have in assets before they need to meet the full cost of their care. Currently people with assets of more than £23,250 (including savings) are responsible for paying for their social care costs in full (property is only included if someone is going into residential care). From April 2016 it is proposed that if someone has between £17,000 and £118,000 in savings and investments, they will be entitled to some financial support from the local authority to help meet the cost of their social care needs. This will continue to be determined by a 'means-test'.

Based on the legislation it is important to know:

- The lifetime cap will cover actual care costs only and must relate to 'eligible care needs' as set out by the national eligibility criteria.
- If people living in a care home can afford to, they will have to contribute towards general living costs, such as for food and accommodation, at a rate expected to be around £12,000 per year. This will not count towards the care cap and is the reason why some recent media reports have suggested that many people will actually spend around £140,000 before they reach the £72,000 cap.
- Costs will be charged against the lifetime cap at the rate normally paid by the local authority. Any additional costs, for example a more expensive option, will be payable by the individual.
- The lifetime cap will not apply retrospectively. Only expenditure incurred after 1 April 2016 will be included.
- Anybody with assets of less than £17,000 will only be required to contribute towards their care costs from their available income.
- From 2015, people who own their own home will be able to request a deferred payment agreement to avoid having to sell their home during their lifetime, to pay their care home costs. Interest can be charged which will cover the administration costs that local authorities will face - so, in effect, the agreement will become a loan.
- It is anticipated that there will be a lower cap for working age people who develop care needs.
- It is anticipated that people who have eligible care needs when they reach 18 years old will receive free care and support.

The government estimates that 16% of older people will face care costs of more than £72,000. Although some people will undoubtedly gain from the reforms, that benefit will only happen in certain circumstances and many people will continue to contribute significantly towards the cost of their care.

Personalisation

The Care Act 2014 gives people the legal entitlement to a 'personal budget'. This is the amount of money that the local authority has worked out it will cost to provide care and support for a person with eligible social care needs.

This adds to a person's right to ask for a 'direct payment' to meet some or all of their needs. A direct payment is where funding is paid directly to the person, or to someone on their behalf, to purchase support to meet their needs.

Carers

The Care Act puts carers on an equal legal footing to those they care for and puts their needs at the centre of the legislation. The Act sets out:

- New rights for carers – to assessments and a support plan
- A new framework for carers eligibility criteria
- A duty to promote well-being, provide information and advice and focus on prevention
- The first ever entitlement to support for carers.

Safeguarding – everyone's business

'Adult safeguarding' is the process of protecting adults at risk from abuse or neglect. The Care Act requires local authorities to set up a Safeguarding Adults Board (SAB) in their area, giving these boards a clear basis in law for the first time. There is an existing Safeguarding Adults Partnership Board in RBWM.

The Care Act also requires local authorities to make enquiries when they think that an adult may be at risk of abuse or neglect in their area and to find out what, if any, action may be needed.

This applies whether or not the authority is actually providing any care and support services to that adult.

For more information, the Department of Health has produced a series of helpful factsheets - www.gov.uk/government/publications/care-act-2014-part-1-factsheets

What will people say when the changes have been made?

