

## The Care Act 2014: Briefing Note

November 2014

This briefing is a short summary of the key points for Part One of the Care Act that relate to adult social care and support. Other parts of the Act relate to care standards and are connected to how the NHS and other health providers deliver their services.

The Care Act is designed to bring the current laws related to adult social care together in one Act. The aims of these changes are to:

- Create a legal framework that is clear and easy to navigate;
- Bring the law up to date to reflect a focus on the outcomes that people want, rather than their disabilities, and put the individual in control of their life; and
- Address areas of unfairness.

The majority of the changes contained within the Act are set to take place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

### **Key areas of change within the Act**

- General responsibilities including promoting people's wellbeing, focusing on prevention and providing information and advice,
- The introduction of a consistent, national eligibility criteria,
- New rights to assessment and support for carers and young carers,
- Legal right to a personal budget and (if appropriate) a direct payment,
- Entitlement to an independent advocate for people who experience substantial difficulty in engaging with the care and support process,
- The extension of local authority adult social care responsibility to include prisons, and
- New responsibilities regarding provider failure, support to people who move between local authority areas, safeguarding and deferred payments.

Major reforms to the way that social care is funded will be effective from April 2016, including:

- A lifetime 'cap' of no more than £72,000 for individuals on reasonable care costs to meet their eligible needs (see detail below), and
- An increase in the capital threshold for people in residential care who own their own home.

The Department of Health has produced fact sheets on major areas of the Act, which can be found at <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

### **How the Care Act will impact Surrey**

There are some really good things about the Act:

- The Care Act brings together into one place most adult social care law, making it simpler and easier to understand,
- The Act improves rights for carers and young carers, giving them the right to have an assessment of their support needs,
- The Act improves and clarifies the duty to promote all people's wellbeing (both adults and carers) when providing support.

- The Act provides a greater clarity about safeguarding responsibilities, and how the local authority and partners work to protect the vulnerable.
- The Act is making paying for the cost of a person's care fairer. This includes the introduction of a cap of £72,000 on how much reasonable care costs people will have to pay to meet their eligible care needs in their lifetime. The cap does not include general living costs in residential care. The Government is suggesting this could be set at £12,000 a year.
- The Act will give us better opportunity to give information and advice to self funders who previously might not have contacted the Council.

However, there are also challenges, such as:

- We are still waiting for confirmation from the Department of Health as to how much money we will receive to support the introduction of the Care Act changes. We are concerned that we will not receive enough money, and have been working with other authorities to feedback our concerns.
- The funding reforms are complicated and we need to make sure our residents understand them. For example, a resident's progress towards the cap on care will be based on the Council's cost of care calculation, not necessarily what an individual resident pays. This will affect how long it takes for an individual to reach the cap, and may mean they spend more than their cap limit before the local authority begins to contribute towards their costs.
- The combination of the cap, separation of the general living costs in residential care, and rise in the capital eligibility threshold for residential care is likely to have a significant impact on the care market in Surrey. We will need to work closely with providers to prepare for these changes.
- The funding reforms will likely mean the Council must assess more people in the future, and there is a need to plan and work with partners and providers on how we respond to this extra demand.
- Local authorities will have specific responsibilities around how we prevent or delay the development of support needs. There could be changes to how we commission services in order to ensure that we are achieving the best outcomes from co-operative working.
- We will need to work closely with our partners to ensure Surrey prisoners are able to access adult social care support. Surrey has one of the highest prison populations in the country.

## **What we are doing to prepare for the Care Act**

Generally, Surrey County Council is already offering many of the services which are becoming law under the Care Act. However, there are some areas (particularly the impact of the new cap on care costs), which we need the people closest to that change to be involved in and inform our approach. This includes staff, providers, partners, residents and carers. The Care Act Project Team is working with a wide range of people to make sure this happens.

We are also planning a countywide information and advice campaign to raise residents' and carers' awareness of the Act as we get closer to April 2015.

The final regulations and guidance on the Act are available at:

<https://www.gov.uk/government/consultations/updating-our-care-and-support-system-draft-regulations-and-guidance>

More information on the impact of the Care Act on Surrey is available at: [www.surreycc.gov.uk/careact](http://www.surreycc.gov.uk/careact)

Please contact us if you have any queries, or think you may have something to contribute to our work preparing for the changes contained Care Act. You can email us at [careact@surreycc.gov.uk](mailto:careact@surreycc.gov.uk), or write to us at: The Care Act Project Team, Room G34, Surrey County Council, County Hall, Penhryn Road, Kingston-upon-Thames, KT1 2DN