

Overview

The Care Act consolidates over a dozen pieces of social care legislation into a single law and represents the most significant change to adult social care in over 60 years. Most of the provisions in the Act will come into effect in April 2015, with some of the funding reform changes taking effect in April 2016.

At its heart, the Act is person-centred; it places the wellbeing of the individual at its core and emphasises the need for greater integration and cooperation between agencies. The Act attempts to rebalance the focus of social care on preventing and delaying needs rather than only intervening at crisis point.

Some of the key duties and changes introduced by the Act

Provision of comprehensive information & advice for all	New duties of market shaping , prevention & wellbeing	Carers treated as equal to the person they care for	Changes to assessments and who we will be assessing	Introduction of the care cap & care accounts (April 2016)
Changes to deferred payment agreements	National minimum eligibility threshold	Safeguarding Adults Board to become statutory	Improved transitions for young adults	Changes to financial means testing (April 2016)

Implications for Herefordshire residents, including service users and their families and carers

- A simpler care and support system which focusses on individual needs and outcomes
- Greater clarity on what people can expect and be entitled to from the care and support system
- Information and advice about care and support will be easily accessible to everyone
- A person-centred care and support system which is built around the needs of individuals
- Eligibility threshold criteria for care and support will be the same nationwide
- Support to help people maintain their independence and take control of their care and support
- A greater choice of quality and sustainable care and support services
- Greater support for carers – including the right to an assessment in their own right
- Co-ordinated whole-family approach, with better links between adults and children’s services

Implications for Herefordshire Council

- Potential additional costs in region of £1.9m in 2016/17 for Herefordshire (top level calculation using national estimates)
- Increased demand for assessments from both self-funders and carers, which will generate significant workforce capacity and financial pressures
- Changes to the ability to secure a debt through the placing of legal charges when debt arises
- Our IT systems, particularly the adult social care case management system, will need investment and development to ensure they meet the requirements of the Care Act
- Considerable learning and development and shaping will be required across the whole social care workforce

What is the Council doing to prepare?

Following an initial analysis of the council’s current position, a Project Group with dedicated Project Manager has been established to ensure the council meets all aspects of the Act. This includes

- Planning and undertaking required workforce shaping and learning and development
- Ensuring all our policies and procedures are up-to-date and reflect the Act appropriately
- Making sure our IT systems are capable of meeting the requirements of the Act
- Ensuring all commissioning activity bears appropriate consideration to the Act
- Developing a communications strategy which keeps everyone informed and involved

Key Care Act terms and concepts explained

Care cap

No adult will have to spend more than £72k on meeting their assessed eligible needs. Once the cap is reached, the council will pay for their care and support. Some important details of the cap are:

- The cost is based on what the local authority would pay to meet assessed eligible needs
- If the care and support needs are funded by a combination of local authority and the person's own contribution, the total cost counts towards the cap
- For most adults in residential care, "hotel costs" are excluded (e.g. food, utility bills etc.). This is so that those receiving care at home are not unfairly treated (as they would still be paying these costs). Adults in residential care will continue to pay their "hotel costs" after the £72k limit is reached; this is likely to be set at £12k per annum.

The most significant implication of the cap is that it incentivises self-funders to approach the council for assessment, thus increasing demand on social care assessment functions. National analysis and modelling of how the cap will operate indicates that many individuals will not reach the £72k in their lifetime.

Care account

For every individual with assessed eligible needs, the council will hold a care account which shows the total accrued costs towards that individual's care cap. The council will need to monitor and review this account as well as provide annual individual account summaries.

Deferred Payment Agreement

People entering residential care will have a new legal right to defer paying for their care costs, meaning they will not have to sell their home during their lifetime. The council will pay the care costs during this time and then reclaim the costs incurred on the sale of the property after the person has died. The council will be able to charge administration and interest payments and secure the debt by placing a legal charge against the asset. Herefordshire already operates a deferred payment scheme but cannot charge interest under current regulations – the Care Act makes it a duty for all councils to provide them and existing schemes will need revising to ensure they meet the requirements of the Act.

Financial means testing

Following assessment, if an adult has eligible care and support needs they are then offered a financial assessment to determine how much financial support from the local authority they are eligible for. For adults receiving care and support at home or in the community, those with assets over £23,250 (excluding the value of their home) are not entitled to any financial support. Through the Care Act it is proposed this limit be raised to £27,000. The Care Act also proposes that those in residential care with assets over £118,000 (including the value of their home) will not be eligible for financial support.

Minimum eligibility threshold

Currently local authorities choose at what level they set their eligibility criteria for social care. Like Herefordshire Council, most authorities set this at "critical and substantial" needs. The Care Act makes provision for this system to be replaced with a standard national eligibility threshold, so as to remove any variation between authorities. Draft guidance indicates this will be set at a level equivalent to the existing "substantial and critical" levels.

Market shaping

The council is expected to play a pivotal role in ensuring there is an efficient and effective market of high quality and sustainable care and support services from which people can choose.

Useful links

- The Care Act - <http://services.parliament.uk/bills/2013-14/care.html>
- Care Act Draft Regulations and Guidance - <http://careandsupportregs.dh.gov.uk/>
- Care Act (easy read) - www.gov.uk/government/uploads/system/uploads/attachment_data/file/317822/Care_Act_easyread.pdf
- DH Factsheets - www.gov.uk/government/publications/care-act-2014-part-1-factsheets