

Presentation to
Health and Wellbeing Board
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The implications of the Care Act for Manchester

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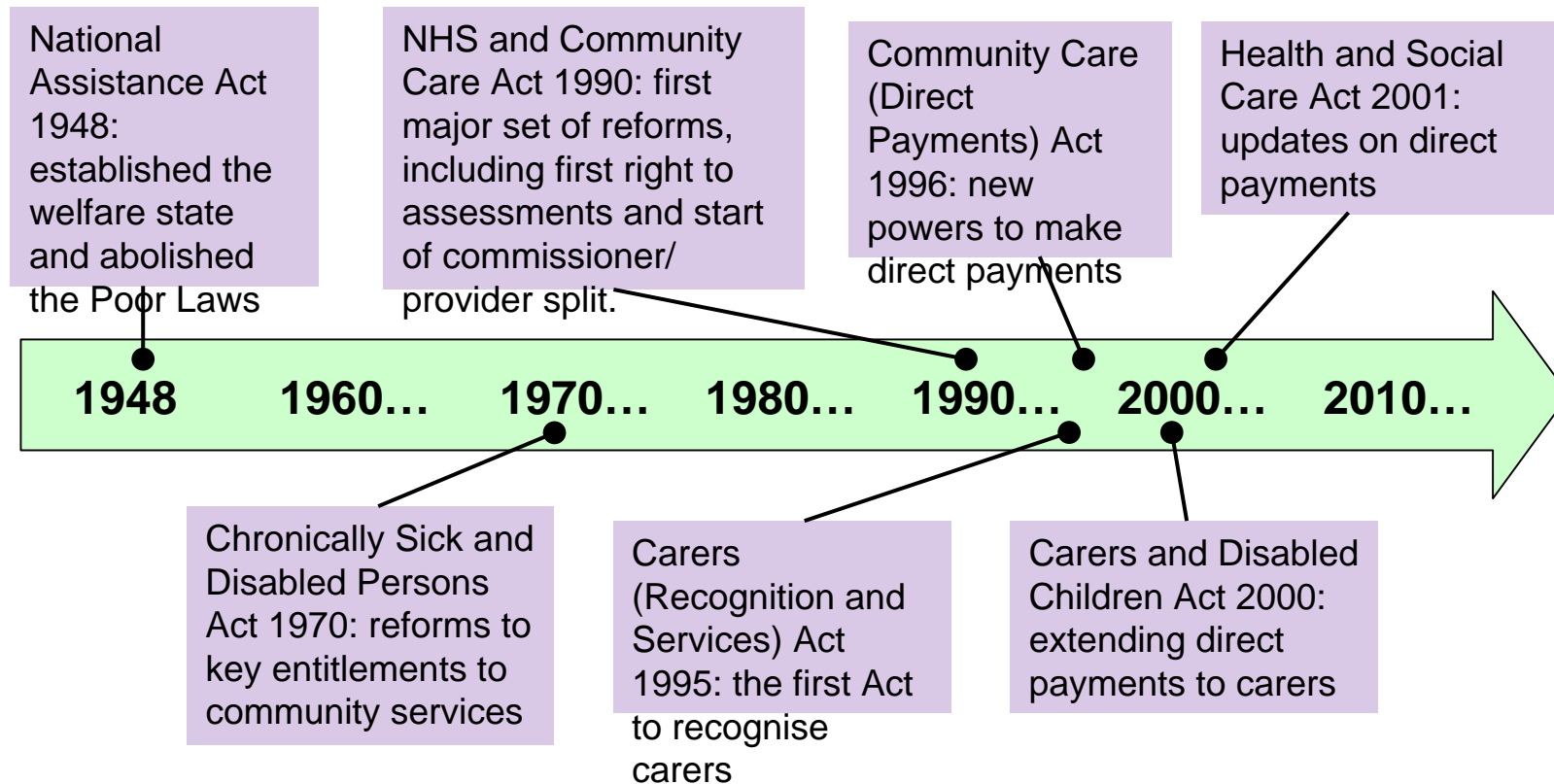
Overview

The Care Act

- An Act to make provision to reform the law relating to care and support for adults and the law relating to support for carers
- The act does not speak of disabled, elderly or ill people – and instead uses the generic term adult

A brief history of care and support

Social care law and policy has evolved over more than 65 years, incorporating around 30 Acts of Parliament, but reform has usually been piecemeal.



New Directions via the Care Act

“The principle of personalisation is at the core of these reforms. Rather than the state deciding what people need, people themselves will be able to shape their care and support around what they want, to achieve the outcomes that matter to them. To help them do this, the Act ensures that people will have clearer information and advice to help them navigate the system, and a more diverse, high quality range of support to choose from to meet their needs. The Act places more emphasis than ever before on prevention – shifting from a system which manages crises to one which focuses on people’s strengths and capabilities and supports them to live independently for as long as possible”

Norman Lamb, Minister for Care and Support



What does the Care Act do?

The Act is built around people, it:

- ensures that people's **well-being**, and the outcomes which matter to them, will be at the heart of every decision that is made;
- puts **carers** on the same footing as those they care for;
- creates a new focus on **preventing and delaying needs for care and support**, rather than only intervening at crisis point, and building on the strengths in the community;
- embeds rights to choice, through care plans and **personal budgets**, and ensuring a range of high quality services are available locally.

What does the Care Act do?

(cont ...)

The Act :

- extends financial support to those who need it most, and protects everyone from high level care costs through a **cap on the care costs** that people will incur.
- will ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new **deferred payments** scheme;
- provides for a **single national threshold for eligibility** to care and support;
- supports people with **information, advice and advocacy** to understand their rights and responsibilities, access care when they need it, and plan for their future needs;
- gives new guarantees to ensure **continuity of care** when people move between areas, to remove the fear that people will be left without the care they need;
- includes new protections to ensure that **no one goes without care if their provider fails**, regardless of who pays for their care.
- The Act establishes that the local authority in which a prison, “approved premises” or bail accommodation is located, will be responsible for assessing and meeting the care and support needs of the offenders residing there if they meet the eligibility criteria.

Overview of the Care Bill

Financial assessments

From April 2016 the Local Authority will:

- Financially assess all existing clients to determine revised contribution towards care costs based on revised income and capital thresholds of from £23,250 to £27k (income) and £118k (income and property). This will need to be done by 1st April 2015.
- Carry out a financial assessment to determine how much the individual and the LA will contribute towards the chargeable cost of care.
- During the financial assessment, where appropriate, inform person of their right to a deferred payment and help the person access independent financial advice.
- Accept self certifications for people that do not want a financial assessment and will pay for their own care.
- Undertake reviews of a person's financial circumstances to reflect changes in the contribution towards their care.

Overview of the Care Bill

Personal Plans

From April 2015 the Local Authority will:

- For a person that meets eligibility criteria provide a Care and Support Plan or a Support Plan for carers:
 - Ensure the care and support plan describes what needs the person has and which needs the LA will meet.
 - Agree with the person how needs are to be met and what type of care and support they want.
 - Set up a Personal Budget for the cost of the plan, setting out what the Local Authority will pay for.
 - Provide a direct payment if requested

Personal Plans (cont)

- Determine if the individual requires LA support to implement the support plan, what support would be appropriate and if that support would be chargeable.
- For those that do not want LA support, provide information and advice on how to meet needs and how to prevent or delay future needs and set up Independent Personal Budget.
- Review the Care and Support Plan to ensure needs continue to be met to include a review of the value of the personal budget.

Overview of the Care Bill

Personal Budgets

From April 2016:

- For those with assets below the specified threshold, meet the costs of their identified care needs.
- For those with assets above the specified threshold that have to contribute to their care cost, provide the support identified through the Care and Support Plan but (can) charge the individual an admin fee.
- Provide an Independent Personal Budget to those people that have chosen to arrange their own care.
- Provide a Care Account for each person with assessed eligible needs setting out the notional costs accumulated towards the cap on care, currently set at £72k.
- Update the Care Account and personal budget annually to reflect indexation of care cost and inform the person of the changes.
- Undertake a review of needs and financial assessment when people reach the cap on care account.

The Well-Being Principle

Intrinsic within the Act is the Well-Being Principle

- The wellbeing principle is intended to cover the key components of independent living, as expressed in the UN Convention on the Rights of People with Disabilities (in particular, Article 19 of the Convention). Supporting people to live as independently as possible, for as long as possible, is a guiding principle of the Care Act.

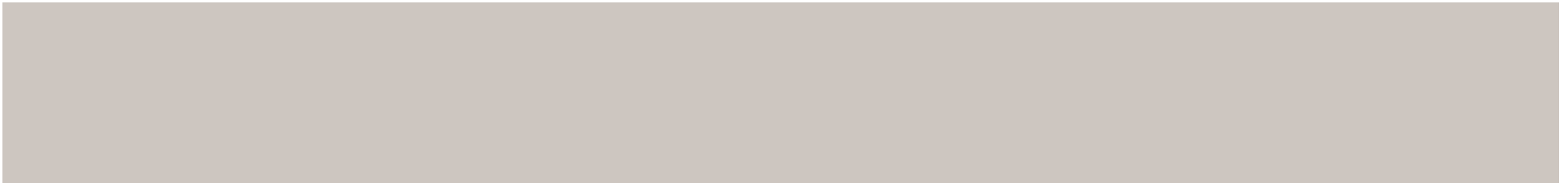
When discharging obligations under the act

The LA must have regard to:

- the individual's views, wishes, feelings and beliefs;
- the need to prevent/ delay the development of needs for care and support;
- the need to make decisions that are not based on stereotyping individuals;
- the importance of individual's participating as fully as possible in relevant decisions (including provision to them of necessary information and support);
- the importance of achieving a 'balance between the individual's wellbeing and that of any friends or relatives who are involved in caring for the individual';
- the need to protect people from abuse and neglect;
- the need to ensure that restrictions on individual rights /freedoms be kept to the minimum necessary.

Some Strategic Context

- Particularly relevant to Health and Well-Being Board



Adult safeguarding

Safeguarding – The Detail

- Definitions of “abuse” and “neglect”.
- The local authority role: new duty to carry out **enquiries** where risk of abuse or neglect. May require independent advocate.
- Requirement for all areas to establish a **Safeguarding Adults Board** (SAB): to coordinate activity of partners to protect adults from abuse and neglect.
- Multi-agency working: roles, responsibilities and information-sharing.
- LA, NHS and police as core members of SAB: local discretion for others?
- SABs to carry out **safeguarding adults reviews** into cases of concern, to ensure lessons are learned.
- New ability for SABs to require information sharing from other partners to support reviews or other functions

Prevention

Local authorities will be under a general duty to provide a range of preventative services that they 'consider' will:

- (a) contribute towards preventing or delaying the development by adults in its area of needs for care and support;
- (b) contribute towards preventing or delaying the development by carers in its area of needs for support;
- (c) reduce the needs for care and support of adults in its area;
- (d) reduce the needs for support of carers in its area.

Integration with the NHS

Section 3 places a duty on local authorities to promote integration with health provision where it would be:-

- (a) Promote the well-being of adults with needs and carers in its area; or
- (b) Contribute to the prevention of the development of needs in adults/carers; or
- (c) Improve the quality of care for adults/carers, provided;

Implications

- It is clear that the Care Act with its key theme of wellbeing will make a positive contribution to the priorities set out in the Joint Health and Wellbeing Strategy.
The definition of wellbeing set out in the Act together with its practical impact will greatly assist in the delivery of the key priorities

And in conclusion

- The Act naturally aligns with the aspirations of the Health and Wellbeing partners around the city through priorities set out in the Joint Health and Wellbeing Strategy.
- It will make a major contribution to the priorities set out in the strategy and the wider transformational change programme within Manchester