



Policy

**THE CARE ACT 2014:
CARERS OF ADULTS**

Statutory Basis for Policy

The Care Act 2014

<u>Version History</u>				
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CARE ACT 2014: CARERS OF ADULTS POLICY

1. INTRODUCTION & BACKGROUND

The Care Act 2014 replaces numerous previous laws and builds on recent reviews and reforms to provide a single, coherent approach to adult social care in England. The aims of the Act include:

- a clearer and fairer approach to care and support;
- an approach that focuses on the physical, mental and emotional wellbeing of both the person needing care and their carer;
- the prevention and delay of the need for care and support;
- giving people control over their care; and
- collaboration and integration between local authorities and other public authorities, including health and housing to work seamlessly to meet care and support needs.

To achieve these aims, the Care Act outlines a number of changes in law and/or in practice that will affect all local authorities. The Act is divided into three main parts. Part One of the Act details the reform of adult social care legislation, and describes the journey through the reformed system for both the person receiving care and support and their carer. Part Two of the Act seeks to enhance the quality of care, by increasing transparency and putting people and their carers in control of their care and support. Part Three establishes Health Education England and the Health Research Authority.

This policy statement refers to Stockport Metropolitan Borough Council's statutory obligations regarding the sections of the Care Act that refer to the new duties to meet the support needs of carers.

This policy should be read in conjunction with the Transitions Policy and the Children and Families Act 2014 regarding young carers.

2. STATUTORY BASIS FOR THE POLICY

The Care Act was published as a Bill in the House of Lords in May 2013, and received Royal Assent on the 14th May 2014.

The Care Act consolidates existing social care legislation into a single statute.

The Act places a number of new legal requirements on all local authorities in relation to carers.

Section 10 places a duty on local authorities to undertake a 'carer's assessment', on the basis of the appearance of a need for support. This removes the existing requirement that the carer must be providing "a substantial amount of care on a regular basis," so many more carers will be entitled to an assessment of their needs. The duty is similar to that for the

people they support i.e. it is based on the appearance of need.

Section 12 allows for regulations to specify further detail about the assessment process, including requiring the assessment to be appropriate and proportionate, specialist assessments, self-assessment, and considering the needs of the whole family.

Section 13 requires local authorities to determine whether a person has eligible needs after they have carried out a needs assessment or a carer's assessment. The national minimum eligibility threshold for carers replaces existing local thresholds and current statutory guidance, and is set out in the Care and Support (Eligibility Criteria) Regulations 2014.

A carer's needs are eligible if they meet the following three criteria:

- (a) the needs arise as a consequence of providing necessary care for an adult;
 - (b) the carer is unable to achieve any of the 8 outcomes set out in the Regulations;
- and
- (c) as a consequence there is, or is likely to be, a significant impact on the carer's well-being.

Section 20 introduces a new duty on local authorities to meet a carer's needs for support (on a similar basis to those needing care in section 18 – Duty to meet care needs). The key conditions for a carer's entitlement is that they have assessed eligible needs for care and support and that the person for whom they care is ordinarily resident in the local authority area (or present there but of no settled residence). Where a local authority is meeting the needs of a carer by providing a service directly to a carer, it has the power to charge them.

Sections 24 and 25 outlines the steps local authorities must take after carrying out the needs assessment or carer's assessment (and the financial assessment where relevant). The duty to prepare a support plan is a new legal duty, which reflects established practice in local authorities and existing case law. The required detail of the plans reflects existing best practice in care and support planning. The duty to provide a personal budget (which is a statement which provides an indication of the cost of meeting a carer's support needs) is also a new requirement.

Section 27 requires local authorities to keep carer's support plans under review and to carry out an assessment where they are satisfied that the person's circumstances have changed. The carer can also make a reasonable request to have a review.

General responsibilities under the Care Act that will affect carers include:

Under **Section 2**, local authorities must ensure the provision of preventative services that prevent or delay the development of care and support needs, including carer's support needs.

Under **Section 4**, local authorities must also establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers.

3. POLICY STATEMENT

Stockport Metropolitan Borough Council will provide accurate and accessible information and advice relating to support for carers, irrespective of eligibility, and will work with partners to ensure consistency.

Stockport Metropolitan Borough Council will seek to support carers through the provision of preventative support and short term support where appropriate to enable them to continue in their caring role.

Stockport Metropolitan Borough Council will provide a carer's assessment to adults who provide or intend to provide care for another adult and appear to have support needs; providing the person cared for is ordinarily resident in Stockport.

Stockport Metropolitan Borough Council will explore alternative ways of undertaking or facilitating proportionate and personalised approaches to assessing carers care and support needs, including self-assessment.

Carers will be able to receive a separate assessment or a joint assessment with the person for whom they care, according to their wishes and the wishes of the cared for person.

Stockport Metropolitan Borough Council will assess a carer's eligibility for support according to the national minimum eligibility threshold for carers.

Stockport Metropolitan Borough Council will work with carers who have eligible needs to develop and agree a support plan. Carers can receive their own separate support plan or a joint plan with the person for whom they care for, according to their wishes and the wishes of the cared for person.

Stockport Metropolitan Borough Council will not charge for any services provided to carers to meet their needs and outcomes. Services provided directly to the cared for person where the carer also benefits from such provision will remain chargeable to the cared for person in accordance with the local authorities charging policy for residential and non-residential support.

Stockport Metropolitan Borough Council will determine an indicative personal budget figure for eligible carers; this will be calculated locally. A final budget figure will be reached during the support planning process. Carers will be offered the most appropriate support to meet their identified needs and outcomes; this may include a direct payment to the carer.

Stockport Metropolitan Borough Council will review a carer's support plan after twelve months, and every twelve months thereafter. A new assessment will be carried out if the person's circumstances have changed.

Stockport Metropolitan Borough Council is committed to providing a responsive service that meets the needs of carers, and will regularly review the arrangements in consultation with local carers, in order to refine and improve practice.

Stockport Metropolitan Borough Council will undertake a review and recommissioning exercise of carer's support services currently commissioned by the Council, in order to ensure the effective provision of preventative support for carers.