

The Care Act 2014

Top tips for family carers

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The Well-being Principle

The fundamental duty in the Care Act (Section 1): in everything a local authority does under the Act: they must promote the well-being of the individual, including:

- personal dignity and treating you with respect
- physical and mental health and emotional well-being
- protection from abuse and neglect
- control over day-to-day life including care and support and the way in which it is provided
- participation in work, education, training or recreation
- social and economic well-being
- domestic, family and personal relationships
- suitability of living accommodation
- contribution to society



Well-being

The Local Authority must have regard to -

- The assumption that the ‘individual’ is best placed to judge well-being
- The individual’s views, wishes and feelings.
- Take into account all the individual’s circumstances and be non discriminatory in terms of stereotyping etc.
- Individual’s been able to participate (with support if needed) as fully as possible in decisions about them
- A balance between the individual’s well being and that of any relative or friend involved in their care
- The need to protect people from abuse and neglect
- Any restrictions kept to a minimum

Getting a care needs assessment:

- You can request a care needs assessment for your relative – this can now be done online but you can also request a face to face assessment.
- The council cannot refuse to assess a person's need for care/support (unless there is a valid refusal).

(The LA is required to assess If the adult lacks capacity to refuse and it is in their best interest or is experiencing, or is at risk of, abuse or neglect).

- The local authority cannot reduce support of services to your relative without a new care needs assessment of their needs and a new support plan must be produced
- Any review, annual or otherwise cannot change the support provided without a new care needs assessment and a new care and support plan
- If you have not had a review for 3 years or more, it should trigger a new care needs assessment automatically

Eligibility

- The care needs assessment should identify **all needs**. These are the **assessed needs** but not all will necessarily lead to support being provided. The council will usually only provide for eligible needs. Although local authorities should consider meeting non eligible needs if it will help prevent them escalating and getting worse.
- The decision about eligible needs must be **'carer-blind'**. This means any help provided by carers whether paid or unpaid, must be ignored when determining whether your relative has eligible needs.
- The Care Act introduced a new single, national eligibility framework for all local authorities.
- To be eligible for support your relative must meet three requirements...
 - Their needs must result from a physical or mental impairment or illness
 - They must be unable to achieve **two or more** of the **outcomes** set out in the eligibility criteria, and
 - As a consequence there is likely to be a **significant** impact on their well-being

Eligibility

- ‘Unable to achieve’ an outcome includes being able to achieve it but:
 - only with assistance, or
 - doing so (without assistance) takes much longer than for someone else, or
 - doing so (without assistance) causes a lot of pain, distress or anxiety, or
 - doing so (without assistance) might put your relative or someone else in danger
- If your relative has fluctuating needs, the local authority must look at them over a longer period of time

The eligible outcomes are

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of your home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Using necessary facilities or services in the community including transport and recreation

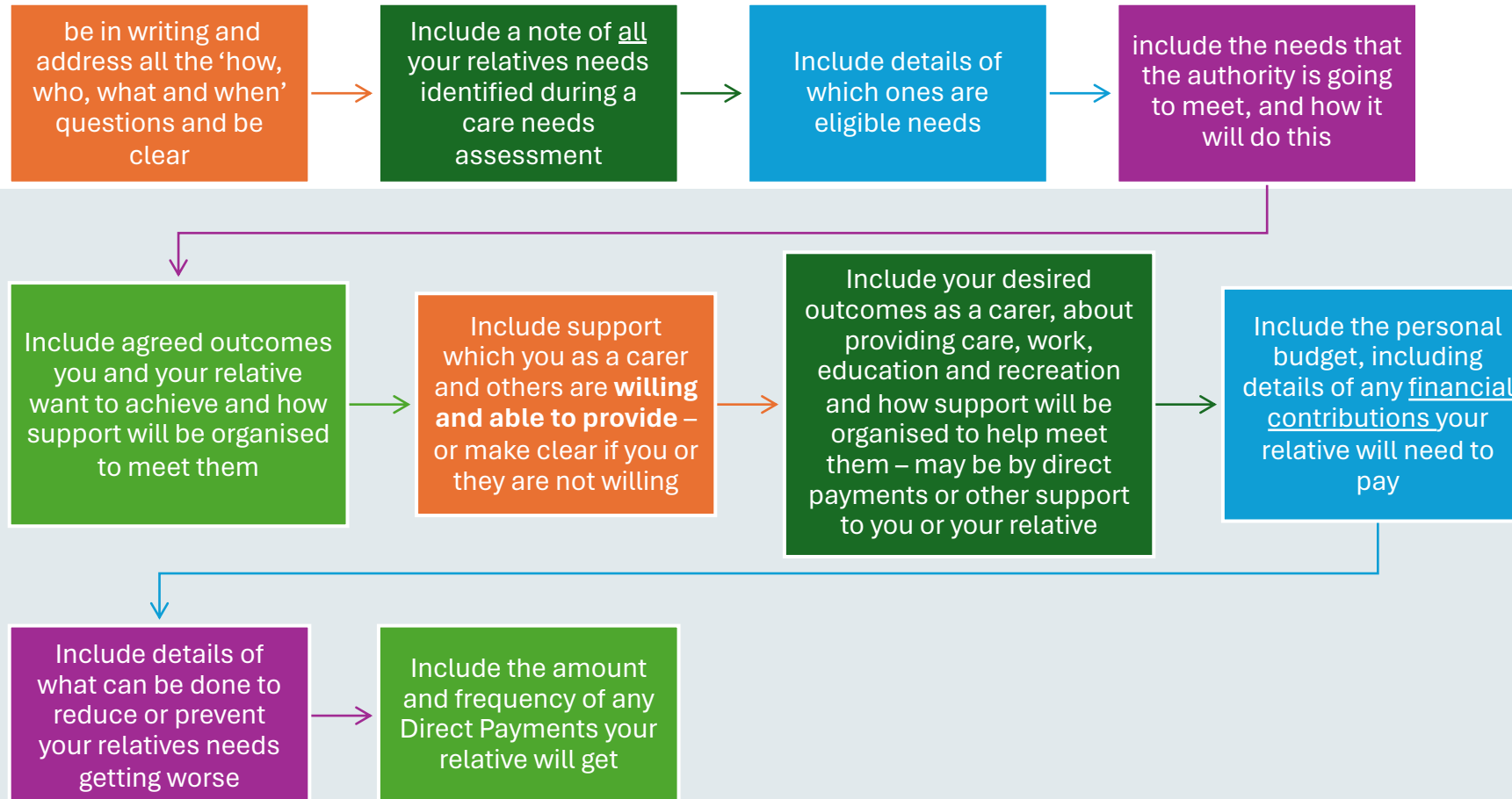
Example of Weekly Planner

Weekly Schedule

Name:

Time / period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6.00am – 7.30 am	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum
7:30 am – 8.00 am	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Picked up by transport for YS Breakfast Club	Picked up by transport for YS Breakfast Club	Main Carer - Mum	Main Carer - Mum
8:00 am – 9.30 am	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Breakfast Club 8.00 am – 9.45am	Breakfast Club 8.00 am – 9.45am	Main Carer - Mum	Main Carer - Mum
9:30 am – 3:30 pm	Picked up by transport at 9.15. In college until 3.15.	Taken by Mum to YS Compass in Oxford Compass. Picked up by Main Carer at 3.30pm.	Picked up by transport at 9.15. In college until 3.15	College 9.45 – 3.15	College 9.45 – 3.15	ICE Social Club 10 am – 3pm. Taken and picked up by main Carer – Mum Rest of day – Main Carer - Mum	Witney Wolves Tag Rugby 10.00 – 12.00. Main Carer: Mum in attendance at all times Rest of day – Main Carer Mum
3.30 pm – 5.00 pm	Drama at Springfield School 3.30 – 5.00pm	Main Care Mum	Main Carer - Mum	Movement to Music 3-30 – 4.30 Picked up by Main Carer – Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum
5.00 pm – 5.30 pm	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum
5.30 pm – 9.00 pm	MNC – Yellow Submarine	Main Carer Mum – sometimes ICE Youth Club in Carterton 7.00 – 9.00pm	Main Carer - Mum	Main Carer – Mum Once a month – Welcome Group at Laurel leaves.	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum
9.00 pm – 6.00 am	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum	Main Carer - Mum

A Care and Support Plan must:



Remember...

- If you are opting for a Direct Payment. The amount of a Direct Payment must be enough to cover all the associated costs, for example... Recruitment costs, payroll services, DBS checks on employees
- National Insurance, VAT, statutory holiday pay, sick pay, maternity pay and pensions
- Employers' liability insurance, public liability insurance
- Start-up costs, training
- Brokerage/advocacy
- Hourly rate – enough to get (and keep) suitably skilled staff

Local authorities

- Must adjust provision to meet your needs – not the other way round.
- Cannot have ‘blanket policies’
- Cannot impose an upper limit on help
- Disabled people should be able to choose where they live on an equal basis with other people
- May include the cost as a relevant factor in deciding between suitable alternative options for meeting your relatives needs. This does not mean choosing the cheapest option but the one which delivers the outcomes desired for the best value (Para 10.27 of The Care Act)
- **Local authorities cannot say:**
- “We don’t have anything suitable, so you will either have to use a service outside our area” or ...
- “You will have to arrange this yourself using a personal budget”
- ‘We have funded you in an out of area care home and you are settled and happy there but now you must come back’
- “Although there is an ideal service for you (such as a respite care home) we are not going to fund it because it is out of area”

Local Authorities Continued.....

- It's important to question and check how the local authority say the needs can be met for the money – don't just accept it if you disagree.
- Think again about the consequences/risks if needs are not met properly – tell them.
- If nothing suitable is available locally for you, ask for evidence that your council is taking steps to arrange or commission a new service

Carers needs and eligibility for support

You will be eligible if...

- Your needs arise as a consequence of providing **necessary** care to an adult
- The effect of your needs is that:
 - Your physical or mental health is deteriorating or at risk of deteriorating
 - You are unable to achieve one or more of the outcomes including carrying out caring responsibilities for others, maintaining a habitable home environment, maintaining nutrition, family or personal relationships, work, training or volunteering, recreation or using local facilities or services.
- As a consequence there is likely to be a **significant** impact on your well-being

Carers Assessments

- The care you provide does not need to be ‘regular and substantial’
- The authority must not assume that you are willing or able to provide any care including additional care arising from a reduction in the care package
- Carers Assessments in Oxfordshire are carried out by [Carers Oxfordshire](#). You can either complete an online carers assessment or contact them and someone will get in touch.

Email: carersinfo@carersoxfordshire.org.uk

Carers Line: 01235 424715 (9.00 – 5.00 Monday to Friday)

Going to 'Forum'

- Once a care needs assessment has taken place it will go to a 'forum' of people in the local authority. Senior people, who make the decisions about funding.
- The 'forum' should not simply refuse to approve proposals put forward by the social worker who has done a detailed care needs assessment of your needs, because of the cost.
- 'Forums' must provide reasons for any decision to reduce a care package as well as having a 'proper record' of what information it took into account when reaching its decision

Action:

- Request a written response from the 'forum' which details how the council will fulfil its duty to meet the assessed need.
- If the decision feels unjustified, challenge and/or make a formal complaint. Ask for a copy of the Council's complaints procedure and make sure you follow it.
- A template complaint letter is available from the [CEREBRA website](#)

You don't have to do this alone – Family Advocacy

- Independent Advocacy – for you and your relative
- With the implementation of the Care Act, individuals who require support with the process of the care and support assessment and planning can get independent advocacy arranged for them by their local authority.

This applies to:

- Adults who need care & support
- Carers of adults including young carers
- Carers of children in transition
- Children who are going through transition to adult services

Advocacy cont.

- Your local council has a legal duty to provide an independent advocate for the cared for person if they do not have an appropriate person to represent their wishes

The Care Act highlights four situations, any one of which may result in difficulty in being involved:

1. Understanding relevant information
2. Retaining information
3. Using or weighing up the information
4. Communicating views, wishes and feelings

Where to get further information & advice

OxFSN's ['A Guide to the Care Act: Top Tips for Family Carers of People with Learning Disabilities'](#) which also includes a list of useful organisations/ websites on the back of the guide.

Mencap's ['Social Care Needs Assessments: Information Pack'](#)

Home Farm Trust's ['A guide to the Care Act 2014 and other laws, for family carers of an adult with learning disabilities and/or autism'](#)

