The Care Act

Implications for housing with care

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Context for Change

- In England there are around 400,000 people in residential care, of whom 56% are state supported
- 1.1 million people are receiving care at home of whom 80% are state supported
- Around 6 million people are caring for a family member or friend
- Three quarters of people aged 65 will need care and support in their later years
- Older people are the core users of acute hospital care
- 72% of people receiving social care services are older people, accounting for 56% of expenditure on adult social care
The Care Act will transform the system for care and support and will have profound implications for local authorities.

It presents huge opportunities for the housing sector

The Care Act:

I. **consolidates** all existing legislation into one, single statute, supported by new regulations and statutory guidance.

II. is built around **people** – their needs and outcomes – rather than based on disability, setting or types of service.

III. treats **carers** as equal to the person they care for – putting them in the centre of the law and on the same legal footing.

IV. is **clearer and easier to navigate** – a simple legal framework which people who need care, carers and those who manage and work in the system can understand.

V. **modernises** the law to reflect the priorities and focus of care and support – shifting the balance away from crisis management towards prevention.
## Implementing the reforms

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Primary legislation – the Care Act</strong></td>
<td>The legal duties and powers</td>
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<tr>
<td><strong>Secondary legislation – the regulations</strong></td>
<td>More detail on critical requirements, often related to processes.</td>
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<tr>
<td><strong>Statutory guidance</strong></td>
<td>Guidance on how to meet legal obligations in the Act. Sets out at a high-level the expectations of local authorities when exercising their functions.</td>
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<tr>
<td><strong>Practice guidance</strong></td>
<td>Best practice guidance, toolkits and other products which help support implementation. These do not have any legal status, so may be used by LAs, or not. They will vary from one area to another, and should be agreed/co-produced with stakeholders to ensure buy-in.</td>
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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, are at the heart of every decision that is made;

- takes a historic step for carers, putting them 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;

- puts personal budgets on a legislative footing for the first time, which people will be able to receive as direct payments if they wish.
What does the Care Act do?

*The Act makes care and support *clearer and fairer*, it:

- reforms the funding system for care and support, by introducing a *cap on the care costs* that people will incur in their lifetime.

- will ensure that people do not have to sell their homes in their lifetime to pay for residential care, by providing for a new *universal deferred payments scheme*;

- provides a framework to support *integration and cooperation* with the aim of joining up services.

- 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;
Implementing the reforms

• Recognise that the reforms will involve significant changes to how local authorities operate currently
• Public finances have been extremely challenging, local government more than most
• Support for integration through pooling of money into the £3.8bn Better Care Fund
• Commitment of funding for implementation of Care Act – some from 2015/16 other’s and 2016/17.
What does this mean?
The new care and support system from April 2017...

You may need care and support if you have a condition such as dementia, or other problems that affect your quality of life or ability to carry out daily activities.

If you have a care and support need, you should contact your local authority, which can provide...

...an assessment of the care and support you need, what services are right for you and whether you are eligible for state support

...info & advice on the services available to help you stay well

...reablement, rehabilitation & other free services

...advice on local services and how much they cost

Every year your local authority will review your care needs and your financial situation. From April 2016 they also keep a record of how much eligible care you have needed in total.

You pay what you can afford towards the cost of your care but from April 2015 you will be able to defer the payment of residential care fees so that you don’t have to sell your home in your lifetime to pay for care.

Your local authority helps with costs you can’t afford if you have less than £23k of wealth. From April 2016, if you have less than £118k you could receive some financial help with residential care costs.

Care costs after April 2016 are capped at £72k, which is the limit on what you will have to spend on eligible care over your lifetime. Once you have reached the cap your local authority will pay the reasonable costs to meet your eligible care needs for the rest of your life. If you receive financial support then you could spend less than this amount.

You will still be responsible for some care-related expenses...

If you are in residential care, you will pay a contribution towards your general living expenses, just like you would if you were living in your own home. This contribution is expected to be around £12k a year in 2016.

You are responsible for the cost of any additional services that you choose to have beyond what the local authority would provide, such as having a second bedroom in a care home, or help with lower level care needs.
Housing in the Care Act – Key touch points

• The provision of **suitable accommodation** is an integral part of care and support and runs through the Care Act.

• Housing is fundamental to the general duty to promote **wellbeing** and on **prevention** which promotes independence.

• Housing is defined clearly within the Care Act as a **health related service**. It must be considered in any **assessment**.

• Care and support should be delivered in an **integrated** way, by integrating service provision through the **co-operation** of partner organisations, including housing partners.

• Suitable living accommodation and housing options should be reflected in the provision of **information and advice**.
A vital role for Housing

- should support an individual and carer’s needs and wellbeing
- can be a way of meeting or preventing needs for care and support
- delivering integrated services through joint working with providers, including housing and other partners
- broadly defined and includes the physical accommodation, design, modifications, adaptations, assistive technology, and information and advice on housing options.
- can be integrated with care & support in joint strategic needs planning, commissioning, assessments and provision (e.g. specialised housing or home improvements) as well as advice & information.
The right time

- The legislative framework in place
- Recognition, support and encouragement for the housing sector
- Integrated commissioning
- Better Care Fund
- Market shaping duties
- Information and advice
Challenges

• improving the perception of available housing options

• simplifying and demystifying the available housing options, helping people understand the options

• creating opportunities to highlight the benefits and showcase the excellent provision which is vital in a modern health and care system

• making links that haven’t been made before

• providing evidence of what works