



# One minute guide

## Care Act

No. 137, October 2016

### What is the Care Act?

The [Care Act 2014](#) sets out the vision for adults in England who need care and support.

The aims of the act are to:

- Make care and support clearer and fairer;

- Promote people's wellbeing; to enable people to prevent and delay the need for care and support; and

- Put people in control of their lives so they can pursue opportunities to realise their potential.

The act outlines a single national eligibility threshold for care and support and is in three parts: 1- Care and Support; 2 – Care Standards; and 3 – Health.

This guide will focus on part 1 - Care and Support which consolidates and modernises care and support legislation with new duties for local authorities and new rights for service users and carers.

### Why was the act introduced?

The act was introduced to be both a reforming piece of legislation (it changes the law) and a consolidating piece of legislation (it repeals many previous laws relating to care and support and replaces them with this Act). It builds on the ['Vision for Adult Social Care'](#) document and ['Caring for Our Future – Reforming Care and Support'](#) White Paper.

The government's vision in the Care Act is to redefine the relationship between the state, local authorities, citizens, service users and carers with the expectation that we all think differently about adult social care to:

- To one that asks "what can you do for yourself, within your local community, to help meet your own care needs".

- Rather than one that asks: "how much care and support do you need" and "what can the state do for you"

Under the Care Act, local authorities must ensure that people who live in their areas:

- Receive services that prevent their care needs from becoming more serious, or delay the impact of their needs;

- Can get the information and advice they need to make good decisions about care and support; and

- Have a range of provision of high quality, appropriate services to choose from.

## What are the new duties and functions for local authorities?

The new duties and functions for local authorities include:

The **promotion of wellbeing** duty – personal dignity; physical and mental health and wellbeing; protection from abuse and neglect etc.;

The **prevention** duty – arranging services or taking other steps to prevent, reduce or delay people's need for care and support;

Provide **information and advice** – essential in enabling people to take control and make informed choices about their own care and support needs – there is the [Leeds Directory](#) in place to support this;

**Assessment** – using a person centred approach to identify the needs and outcomes adults wish to achieve in their day to day lives; includes the duty to carry out a needs assessment regardless of the level of the adult's needs or their level of financial resources;

**Eligibility** - decided through the [National Eligibility Threshold](#). The criteria includes physical or mental impairment or illness; unable to achieve one or more defined outcomes; as a consequence likely to be a significant impact on their wellbeing;

**Carers** assessment and provision of services – [Carers Leeds](#) provide information, advice and support to Carers. Where a Carer's assessment is needed, this is carried out by Adult Social Care;

**Young Carers** – assessments of young carers to establish whether they: are able and willing to care now and when they turn 18; and work or participate in education training or recreation or wish to do so;

**Prisoners** (adults)– duty to assess and provide care and support. Includes prisons, approved premises and bail hostels;

**Safeguarding** – duty to protect from abuse and neglect; [Making Safeguarding Personal](#); the act cited some other areas of abuse: Modern slavery; Domestic Abuse ([guide](#)); and Self Neglect;

**Transitions** – Person centred assessments at the right time so that the local authority can anticipate the needs of the young person as an adult. This will include young people: with a learning or physical disability; who have a sensory impairment; in Young Offender Institutions, Secure Children's Homes, Secure Training Centres or other places of detention as well as in the youth justice system; or who are vulnerable to a range of risks and vulnerabilities such as Child Sexual Exploitation ([guide](#));

Other duties and functions relate to: **Self funders**; **Duty to Promote Integration**; **Charging**; and **Shaping the Market** through commissioning.

## For more information

You can read '[A guide to Adult Social Care](#)' and [The Care Act and Whole Family Approaches](#). For further information in relation to the Care Act email: [Care.Act@Leeds.gov.uk](mailto:Care.Act@Leeds.gov.uk).