



The Care Act 2014



Derby and Derbyshire
Integrated Care Board



Derby City Council

**citizens
advice**

Mid Mercia

WHAT IS THE CARE ACT?

The Care Act became law in April 2015 and outlined statutory requirements by local authorities.

It replaced all previous legislation relating to carers and the cared for.

It outlines how -

- *local authorities should carry out carers assessments*
- *local authorities should carry out needs assessments*
- *local authorities determine who is eligible for support*
- *local authorities charge for residential and community care*



LOCAL AUTHORITIES STILL HAVE TO...

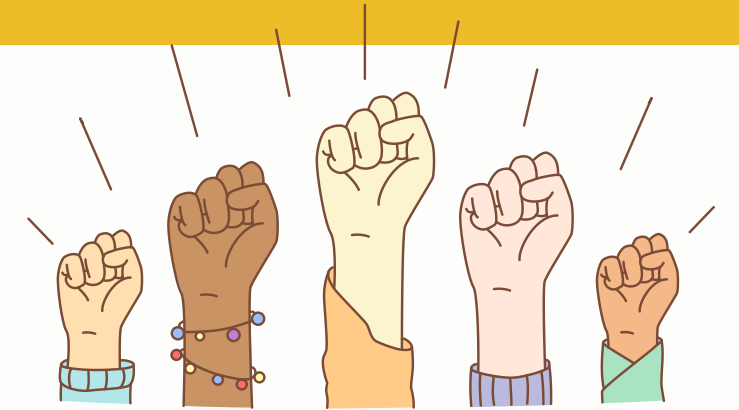
Assess, decide and provide

The duty on local authorities is to prevent, reduce and delay the needs for care and support.

The local authority should provide and arrange service and support to prevent or delay the need for support by carers.



YOUR RIGHTS AS A CARER



- If you provide unpaid care or support to an adult family member or friend you will be able to get helpful signposting and information and may, following a carer's assessment, be eligible for practical support to help you carry on with your caring role.
- Carers are now recognised in the law in the same way as those they care for.
- There are approximately 5.8 million carers providing unpaid care to a family member, neighbour or friend in their day-to-day life across the UK.
- Carers now have a legal right to assessment and support – they have their own eligibility process.
- Carers can be eligible for support whether or not the adult for whom they care has eligible needs.

YOUR RIGHTS AS A CARER - UNPAID LEAVE

As a carer you are entitled to one week of unpaid leave across a 12 month period from the first day of your employment.

This can be taken as one week or spread across individual days over the 12 months.

If you are caring for more than one person, you are still only entitled to one week of unpaid carers leave.

Employees do need to give their employer notice before taking the leave. If it is for a day or less, the notice period is 3 days or more. If for more than a day, the notice period must be twice as long as the requested leave.



THE ELIGIBILITY CRITERIA

The carer's needs for support arose because carers are providing necessary care to an adult.

As a result of their caring responsibilities, the carer's physical or mental health is either deteriorating or is at risk of doing so or the carer is unable to achieve any of the outcomes as specified in the regulations.

As a consequence of being unable to achieve these outcomes, there is, or there is likely to be, a significant impact on the carer's wellbeing



THE WELLBEING PRINCIPLES

The Care Act introduced a general duty on local authorities to promote an individual's 'wellbeing'.

This means that they should always have a person's wellbeing in mind and when making decisions about them or planning services.

WELLBEING CAN RELATE TO:

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional wellbeing
- Protection from abuse and neglect
- Control by the individual over day-to-day life (including over care and support)



WELLBEING CAN RELATE TO:

- Participation in work, education, training or recreation
- Social and economic wellbeing
- Domestic, family and personal relationships
- Suitability of living accommodation
- The individual's contribution to society

The wellbeing principles are also part of the eligibility criteria. Local authorities have to consider the impact of your role as a carer on your wellbeing. Similarly, they have to consider the impact of a disabled person's needs on their wellbeing. If the impact is significant then the eligibility criteria are likely to be met.

DUTY TO PROVIDE INFORMATION AND ADVICE

To enable people to make good decisions about their care and support - local authorities must ensure that information is accessible and that it meets the needs of the local people, including those that do not have eligible needs.

There is a duty to provide information about:

- How the local care and support systems work
- The types of support available
- Independent financial information and advice
- How to raise concerns about someone's safety or wellbeing



AS A CONSEQUENCE OF THE CARE ACT 2014

- There is now a national eligibility threshold which will make the process clearer and fairer.
- The Care Act focuses on wellbeing, prevention and is person-centred.
- Local authorities and partners will have a wider focus on the whole population in need of care, rather than just those with eligible needs and/or who are state-funded.
- For people who need care and support, and their carers, there will be better access to information and advice, preventative services, and assessment of need.

FURTHER INFORMATION

Universal Services for Carers

01332 228 777

carers@citizensadvicemidmercia.org.uk

www.derbycarers.co.uk

Derby City Council Adult Social Care

01332 604777

Care Act factsheets - GOV.UK (www.gov.uk)



FURTHER INFORMATION

There is a raft of legislation and social policy that recognises both the invaluable contribution that informal carers make to their loved ones and the wider caring economy and also highlights the duty to recognise and support them in their caring roles.

The Care Act 2014.	The Carers and Disabled Children Act 2000	NHS England Commitment to Carers, 2014.
The Mental Health Act 1983.	Developing services for carers and families of people with mental illness, 2002	An integrated approach to identifying and assessing carer health and wellbeing, 2016.
The Children Act 1989.	The Carers (Equal Opportunities) Act, 2004	Dept of Health and Social Care Carers Action Plan, 2018-20.
The Carers (Recognition and Services) Act 1995.	The Mental Capacity Act, 2005	NHS Long Term Plan 2019.
The NHS and Community Act 1990.	Carers at the heart of 21st century families and communities: a caring system on your side, a life of your own, 2008.	The Community Mental Health Framework for Adults and Older Adults 2019.
Caring About Carers (National Strategy) 1999.	Recognised, valued and supported: next steps for the Carers Strategy, 2010.	Nice Guidelines: Supporting Adult Carers 2020.
The National Services Framework for Mental Health Services 1999.	Equality Act, 2010.	NHS England and NHS Improvement Position Statement – Care Programme Approach, 2021.
Effective Care Co-ordination - Modernising the Care Programme Approach, 1999.	The Triangle of Care, 2010.	Think child, think parent, think family, 2012.
National Priorities Guidance 1999/2000 Modernising Health and Social Services.		

FURTHER INFORMATION

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NHS commissioning » Carer Facts – why investing in carers matters (england.nhs.uk).

There is a legal duty on NHS Trusts to identify, recognise and signpost carers to a formal assessment of their needs in the context of their caring relationship/s.

The NHS logo, consisting of the letters 'NHS' in a bold, blue, sans-serif font.

In addition to this - Section 91 of the Health and Care Act - July 2022.

It revokes procedural requirements in Schedule 3 to the Care Act 2014 which require local authorities to carry out long-term health and care needs assessments, in relevant circumstances, before a patient is discharged from hospital.

Section 91 of the Act also introduces a new duty for NHS trusts and foundation trusts to involve patients and carers (including young carers) in discharge planning. This applies in situations where an adult patient is likely to need care and support after their hospital discharge, and the trust considers it appropriate to involve them or their carers in planning their hospital discharge. The new duty states that this should be done as soon as is feasible after the trust begins making any plans relating to the patient's discharge.

Under this duty, a carer is defined as an individual who provides or intends to provide care for an adult, otherwise than by virtue of a contract or as voluntary work.