



Department  
of Health

# Making sure the Care Act works



How to tell us what you think

**August 2014**

M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Please let us know what you think by  
**15<sup>th</sup> August 2014**



EasyRead version of: Consultation on  
regulations and guidance for the Care Act  
2014 (Part 1).



## What is in this booklet

The 2014 Care Act 1



What is Care and Support 3



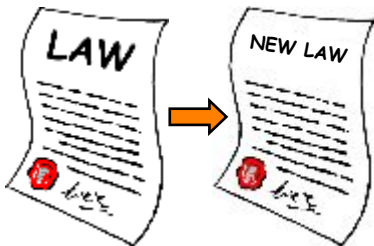
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# The 2014 Care Act

This booklet is an EasyRead version of a paper about the **Care Act**.



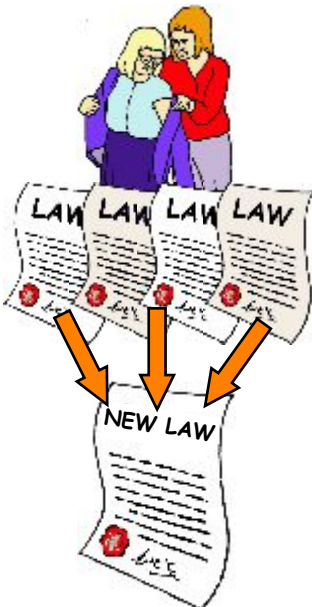
It is written by the Government. When we say 'we' in this booklet, we mean the Government.



Difficult words are written in **bold**. There is a list of what the words mean at the end.

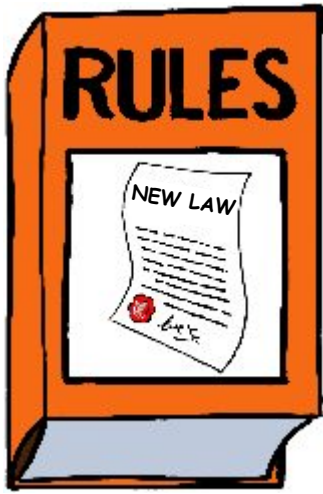


The Care Act is a new law about care and support for adults in England.



We have lots of different laws on care and support. This makes it difficult to know what care and support you could get.

The Care Act will bring them together to make just one new law instead.



There will be clear and simple rules and **guidance** about the law. They will say:



- what people should be able to get



- what councils will have to do.



**Guidance** is information to tell councils how to use the Care Act properly.

# What is Care and Support?



Care and support means lots of different things for different people.

It depends on what you need but can include things like:



- help to get out of bed, get dressed or washed



- help with eating or cooking meals



- help with seeing friends and family



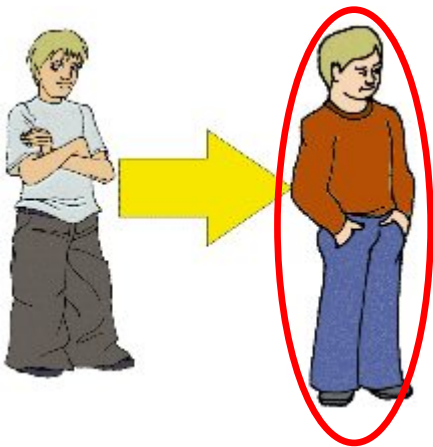
- help with caring for others.



Care and support comes from lots of different people; family, friends, people in the community.



The Government help to pay for some care and support, depending on how much money you have.



The Care Act is mainly about people who are 18 and over and need care and support.

# What this booklet is about



The plan is that from April 2015 local councils will have to do what the Care Act says.



It is important to have rules and **guidance** to:



- tell councils how to do this properly



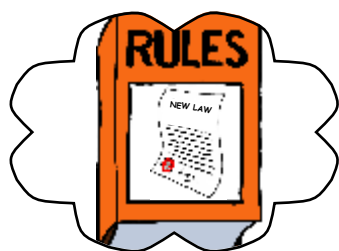
- help people who get care and support and their families understand the new law



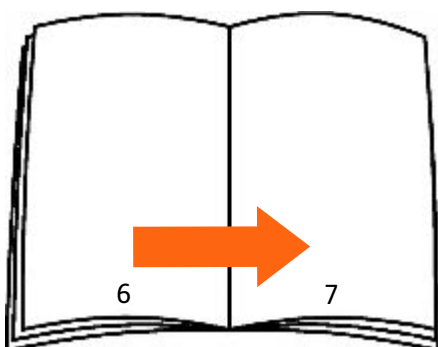
- help voluntary groups and other organisations understand the new law



- help courts decide if a council kept to the law or not.



This booklet is about our ideas for these rules and **guidance**.



The next page says how to tell us what you think.



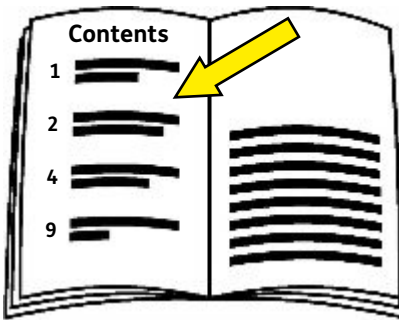


# How to tell us what you think

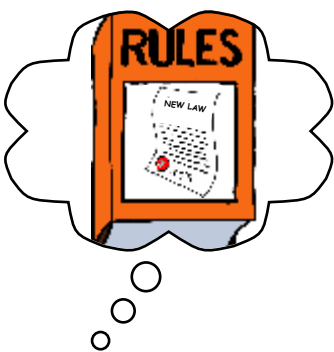
We want to know what you think about our ideas to make the Care Act work well.



There are a lot of details in this draft guidance.

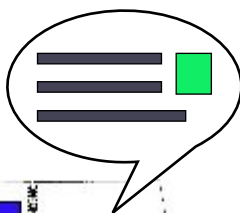


If you need to know more about anything please look for it in the contents page at the front of the full version of the guidance.



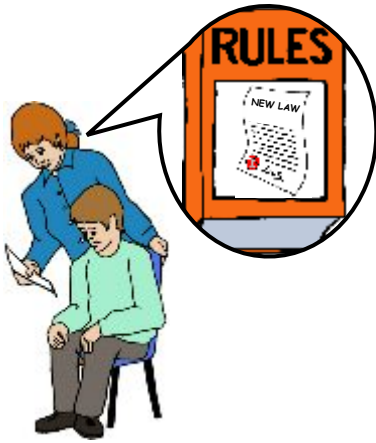
Please tell us about:

- our ideas for the rules and **guidance**



- anything you think we have missed out

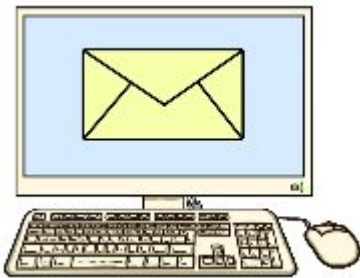




- how we explain the rules and guidance



- any ideas or examples of good ways for councils to do things the law says they have to do.



You can email your ideas to:  
**[careactconsultation@dh.gsi.gov.uk](mailto:careactconsultation@dh.gsi.gov.uk)**



Or write to us at:  
**Care and Support Consultation Team  
Department of Health  
Room 313B  
Richmond House  
79 Whitehall  
Westminster  
SW1A 2NS**



You must reply before 15<sup>th</sup> August 2014.



## The rules

In this part of the booklet we talk about the rules and **guidance** for each part of the law.

## Supporting the community



### 1. Well-being

Local councils must have services to meet different people's needs.



They must always think about your **well-being**.



We will say:

- what **well-being** means
- how to give people the care and support to make their lives better.



## 2. Stopping problems before they start



Local councils must think about services that stop problems before they start, or stop them from getting worse as early as possible.

We will say:



- what **prevention** means



- councils must have these services for everyone, not just people who use care and support services



- how to find out who needs these services



- what happens if you have to pay for these services.

### 3. Information and advice

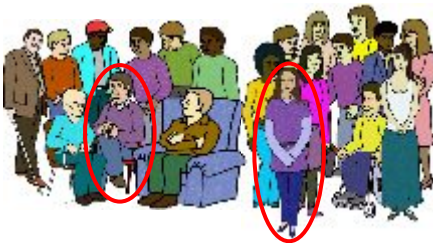
Local councils must have good information to help people choose the right care and support.



We will say:



- councils must give information and advice to everyone who wants it, not just people who have their care and support paid for by the council



- which people might need information and advice



- what councils can tell people about paying for care



- how to plan to give local people the type of information they need.

## 4. Having all the services people need



Local councils must make sure there are lots of different care and support services in their area.



We will say:

- councils must plan services thinking about **well-being** and what is important to people who use them



- councils must think about services having the right staff and enough money to give good support



- councils must work with people who use services and other organisations to plan the right services



- councils must understand what you need and have plans about services that give good support.



There are rules about:

- councils having plans about what to do if a service has to stop giving care and support.

## Understanding the care and support people need

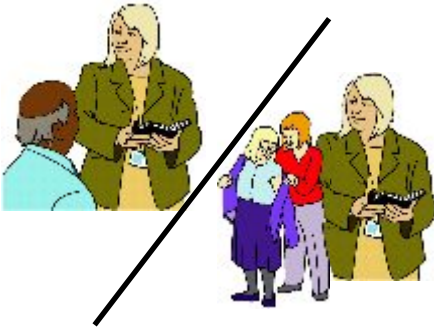
### 1. Finding out what needs you have



When you first get in touch with the council, they check to see what you need. This is called an **assessment**.



The law says all carers can have an assessment too, even if the council thinks they or the person they care for can pay for their support.



We will say:

- what different assessments are for



- what training people need to do assessments.

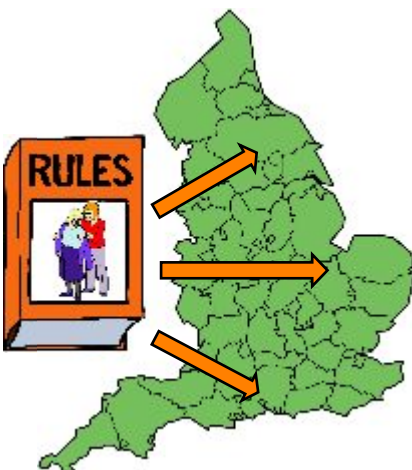


There will be rules about:

- how to involve people and their families and do good assessments



- how to work out what your needs are.

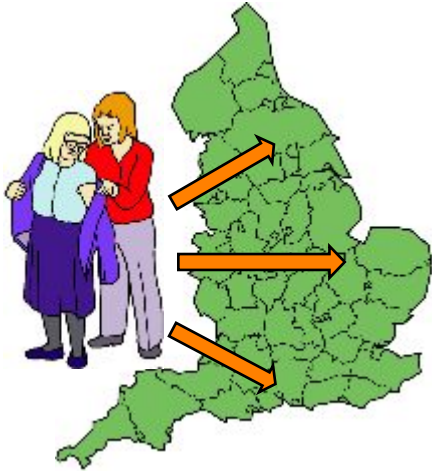


## 2. Deciding if you need a service

We will have the same rules about who can get care and support all over the country.



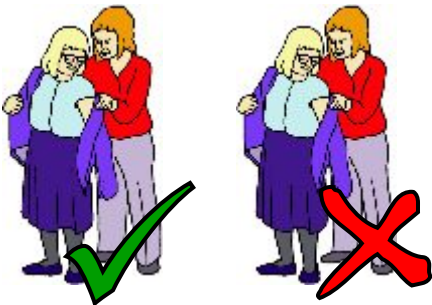
We will say:



- who can get care and support, wherever you live



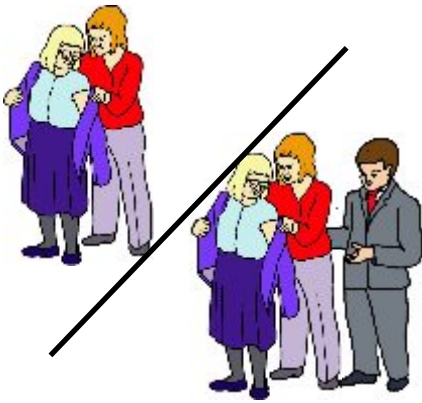
- how to decide if carers can get a service



- how to tell you if you can get a service or not



- how to complain if you are not happy with what the council decides.



There will be new rules about:

- when you or your carers can get care and support.

### 3. Independent advocacy

Councils must involve you in **assessments** and in planning and checking your care and support.



If you find it very difficult to be involved and there is no-one else to speak for you, they must find you an independent **advocate**.

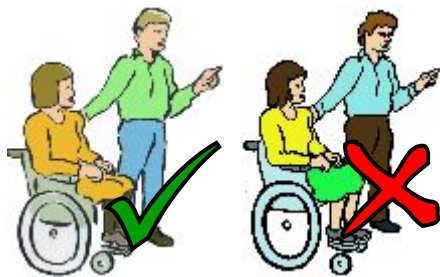
We will say:

- what councils need to think about when they decide if you need an advocate



- who independent advocates are and what they do

There will be rules about:



- who can be an independent advocate and how they work



- deciding if you need an independent advocate



- when you must have an independent advocate, even if there is someone who can speak for you.

## Paying for your care and support



You will have to pay for most sorts of care and support if you have enough money.

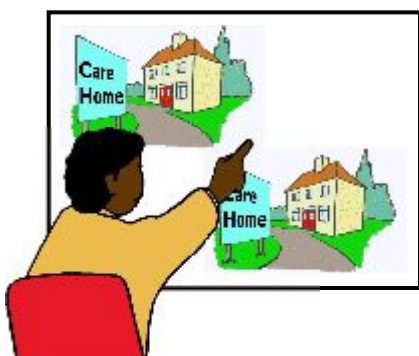


The council will check to see how much money you have and ask you to pay what you can afford.



We will say:

- how councils must decide what you pay towards your care and support

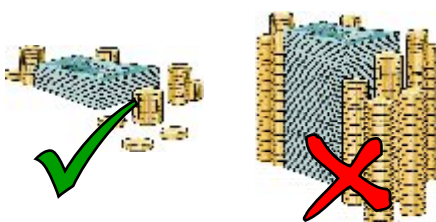


- your right to choose a care home if you need one and to sometimes pay towards this if it costs more than the council want to pay



- how councils can get money that people owe them.

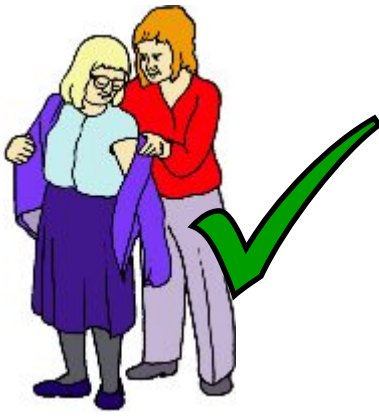
There will be rules about:



- the most a council can charge you



- how councils work out what money you have.



## Person-centred care and support

Person-centred care is when people understand what is important to you and give you the right care and support to do the things you want.



### 1. Care and support plans

Your care and support plan says how people will support you to do the things that are important to you.



The council must involve you in writing and checking your plan.

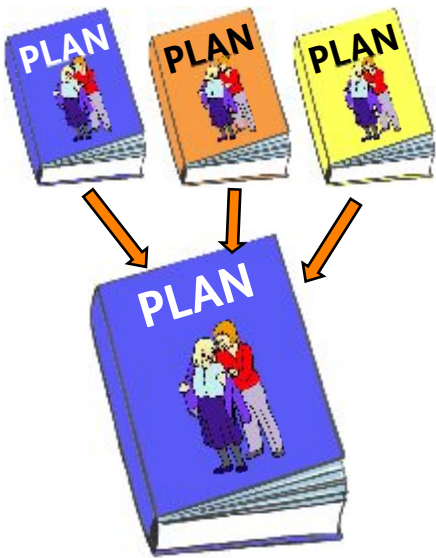


We will say:

- how to involve people and write good plans



- how to plan with people who find it hard to make decisions for themselves



- how to bring different plans together into one person-centred plan.



## 2. Personal budgets

A personal budget is the money used to buy your care.

It helps you know how much different services cost and choose how the money is spent.





We will say:

- how councils should work out your personal budget



- about personal budgets for carers



- what happens if you are not happy with what the council decides.



### 3. Direct payments

You can choose to take some (or all) of your personal budget as a direct payment.



This means you, or someone else, is given the money to spend on care and support you choose.



We will say:

- how councils should give people a direct payment



- how people can use the money



- how to stop direct payments.



There will be rules about:

- when councils do not have to give you a direct payment



- making direct payments to people who cannot make decisions for themselves





- direct payments for residential care



- checking how people use direct payments.

#### 4. Selling your home to pay for your care



If you own your own home you will not have to sell it to pay for care straight away if you make an agreement with the council.

We will say:



- when you can choose to put off paying for your care



- what advice and information people need to decide what to do



- what agreements councils need with people who do this.



There will be rules about:

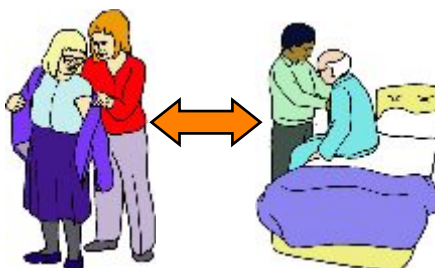
- when a council has to let you do this



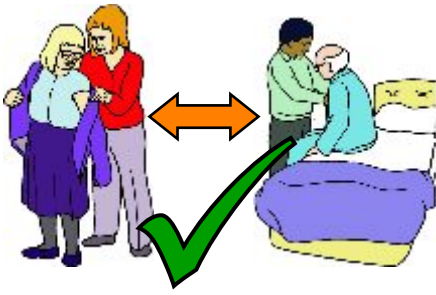
- agreements about paying for care later when you sell your home.

## Services working together

### 1. Services working together



Services need to get better at working together to give good care and support.



We will say:

- how and when services should work together



- how services can plan together and work in the same ways.



## 2. Working with NHS services



Councils cannot give healthcare that you should get from the NHS.

We will say:



- how to decide whether the council or NHS should give or pay for healthcare.

There will be rules about:



- agreeing who gives healthcare



- nursing care for people who live in a care home



- what happens if services cannot agree about this.

### 3. Care when you leave hospital



If you need care from the council to stay safe when you leave hospital this needs to be ready on time.



There will be rules about:

- finding out what care and support people need

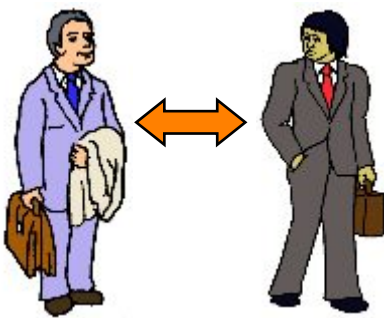


- telling the council when you are ready to leave hospital.



## 4. Housing services

Having the right place to live can be an important part of your care and support.



There will be rules about:

- how housing services and other services work together



- housing and **well-being**.



## 5. Work and having a job

Councils must think about education, training and work when they look at the care and support you need.



We will say:

- how councils should think about work and training in their area.

## 6. Moving from children's services to adults services

Before someone is 18, councils need to help them and their carers plan for the future and the support they might need as an adult.



We will say:

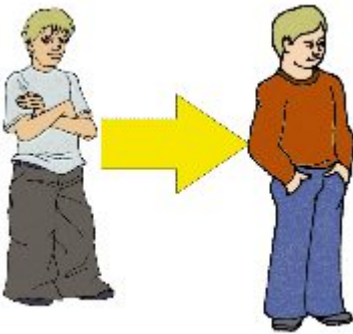
- when councils must do an assessment



- how to do assessments with carers and young people who are carers



- how councils can make sure they have the right services for young people



- what happens when the person is 18.



There will be rules about:

- care and support for people who care for children.



## 7. Prison services

The new law says local councils must assess and give care and support to people in prisons in their area (or other services where they are sent by a court).



We will say:

- how this will work



- how to work with people in prisons



- how to check services and deal with complaints.



## 8. Asking other organisations to do the work



Councils can ask other organisations to do things the law says they must do. It is their job to check they do it properly.





We will say:

- what this means and how it is different from buying services



- how to have good agreements with other organisations



- which things councils cannot ask other organisations to do



- how to make sure the work does not cause problems with other things the organisation is doing (**conflict of interest**).



## Keeping adults safe

This is the first time we have had a law telling councils what to do to help keep adults safe from abuse or neglect.

We will say:



- what abuse and neglect is



- how councils can help to make sure people are safe



- how organisations can work together to help keep people safe



- how the group in each area that works on keeping people safe, called an **adult safeguarding board**, will work



- when people need independent advocates to help them speak up about being safe.

## Moving to a different area

### 1. Which council pays for your care and support?



The council where you usually live must plan and pay for your care and support if you meet the rules for getting a service.



We will say:

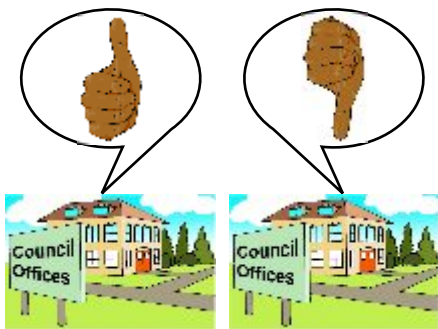
- how to decide who pays for your care and support.



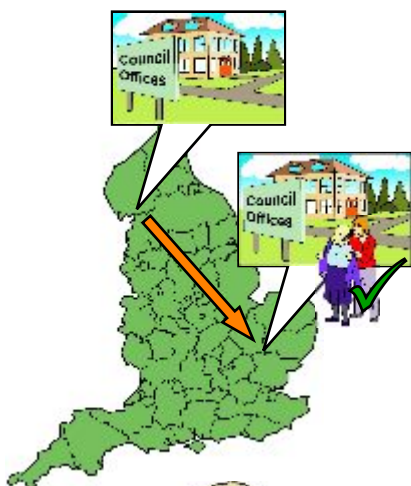
There will be rules about:

- deciding which council has to plan and pay for your care





- what to do if councils cannot agree about this.



## 2. Making sure you still get care

If you move to another area the new council must carry on meeting your needs straight away, as long as you have told them you are coming.

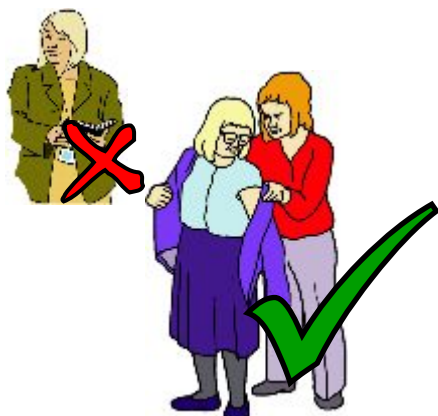


They must do this until they do their own check on your needs.

We will say:



- what you need to plan and think about when you move



- how to make sure you still get care if the new council cannot do an **assessment** before you move.



There will be rules about:

- what the new council must do if it has not done an **assessment** before you move.



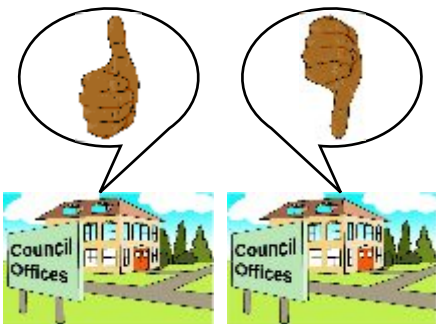
### 3. If your council finds you somewhere new to live

If your council finds you somewhere to live in another area they must keep meeting your needs, just as if you were living in their area.



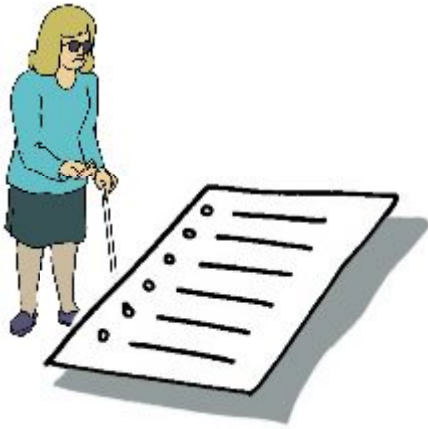
We will say:

- what councils have to do if they move you to another area.



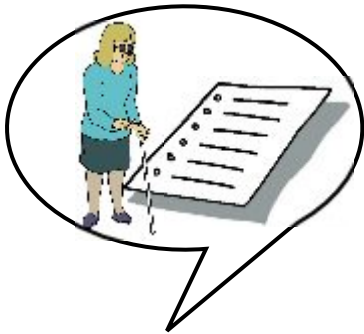
There will be rules about:

- what happens if councils cannot agree.



#### 4. Lists of people who need care and support

Each council must have a list of people in their area who cannot see well or are blind, so it is easier for them to get services.

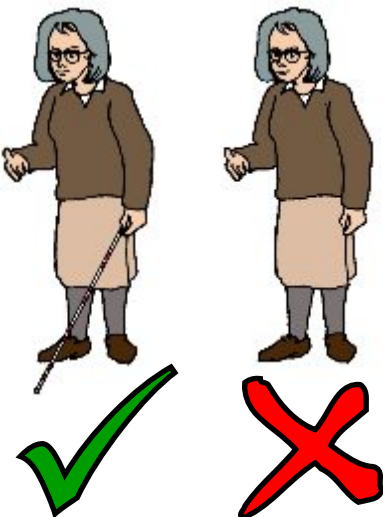


We will say:

- how councils should do this

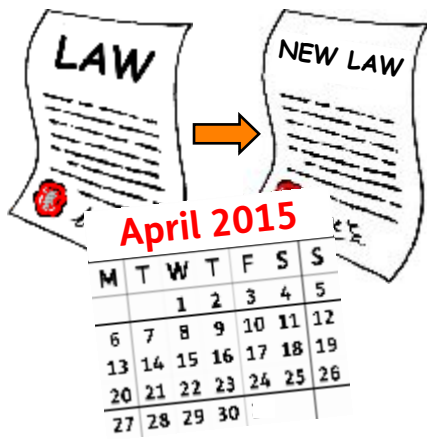


- other people councils should have lists about.



There will be rules about:

- who should be counted as people who cannot see well or are blind.



## Changing to the new law

We need to explain what happens when we change to the new law in April 2015.

We will say:



- what happens with assessments that happened before the law changed



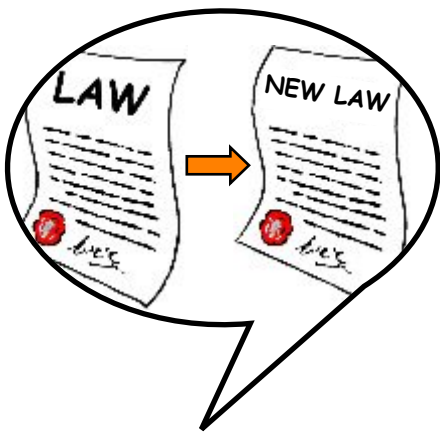
- what the change means for social workers



- what the change means for people who use services and carers



- what the law means for money to pay for care



- how to tell people about the changes.



There will be rules about:

- what to do if you are not happy with what the council decides about your care and support.





# What the words mean

## Abuse

Abuse is when someone hurts or uses you, it can be lots of different ways like:



- hitting you



- making you have sex when you do not want to



- stealing your money

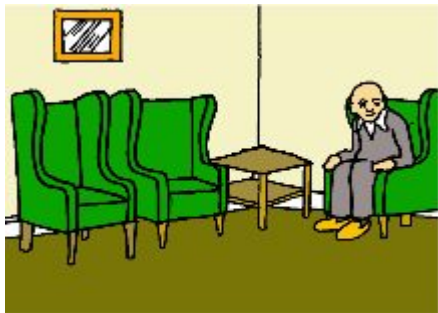


- upsetting you on purpose.



## Adult Safeguarding Board

A board is a group of people who meet to look at how they can work together to help people in their area who need care and support keep safe.



People who might not always be able to keep themselves safe.

Each area will have its own board.



## Independent advocate

An advocate is someone who understands what is important to you and speaks up for you or supports you to speak for yourself.



An independent advocate is someone who does not work for the council or the services that give you care and support.



## Assessment

An assessment is a check on something.



You need an assessment to see what you need and get a service.



Other assessments check how much you can afford to pay.



## Direct payment

Support money from the council that is given straight to you to spend on support that meets your needs.

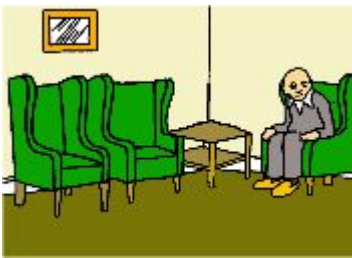


## Guidance

Guidance is information to tell the council how to do something.



The guidance we talk about in this booklet will help councils use the Care Act properly.



## Neglect

Neglect is when someone is not looked after properly. Things like:



- not having enough food or the right sorts of food



- not being helped to keep clean



- not being cared for properly.



## Person-centred care

This is care that is right for you.



You, and people close to you, will help plan it to make sure it is what you want and need.



## Personal budget

The total amount of money you have for your support. It can come from different places and is all put together.



## Well-being

Well-being is about making life better for you.

It is important because it will be the main thing the council needs to think about when it makes decisions about care and support.





## White Paper

A white Paper is a government plan that says what we plan to do about something.



White Papers are often turned into law to make sure the things we want to do happen.



## Credits

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