

Andrew Cozens

**THE CARE BILL: IMPLICATIONS
FOR CARERS AND SERVICES
USERS**

Summary of the Bill

- The Bill will implement Dilnot and the Law Commission recommendations.
 - New rights for carers.
 - Emphasis on the need to prevent and reduce care and support needs.
 - National eligibility threshold for care and support.
 - Cap on the costs that people will pay for care.
 - Universal deferred payment scheme so that people will not have to sell their home in their lifetime to pay for residential care.
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Bill will respond to Francis Inquiry

- Patients are the first and foremost consideration of the system and all who work in it.
 - Ofsted-style ratings for hospitals and care homes so that patients and the public can compare organisations or services in a fair and balanced way and make informed choices about where to go.
 - New Chief Inspectors of Hospitals, Social Care and Primary Care appointed by CQC, will be able to trigger a process to deal with unresolved problems with the quality of care more effectively.
 - Criminal offence for health and care providers to supply or publish false or misleading information.
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Bill highlights

- (Clause 1) Statutory principle is to “embed individual wellbeing as the driving force behind care and support”.
 - (Clause 2) Councils role in preventing, reducing or delaying need for support
 - (Clause 3) Duty on councils to carry out their functions with the aim of integrating services with NHS and other health-related services e.g. housing etc. – counterpart to duty on NHS in Health and Social Care Act 2012.
 - (Clause 4) High level requirements for what local authority universal information and advice services should include.
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Bill highlights

- (Clause 5) Market shaping duty on councils to promote the diversity and quality of local services, so that there is a range of high quality services to allow people to make own choices.
 - (Clause 8 - 13) Specifies single right to assessment for adults, and one for carers based on appearance of need; provides for eligibility framework and national regulations to set minimum threshold.
 - (Clause 14 – 16) Power and rules for charging; cap on care costs and extended means test through regulation making powers for Secretary of State'; general living costs (room and board of around £12,000 in 2016/17; provision for inflation and maintaining rate of progress to cap.
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Bill highlights

- (Clause 28) Requires councils to give everyone who has eligible care needs (but not being met by council) a personal budget (and to review it) to set out what it would notionally spend so it counts towards cap.
 - (Clause 29) Requires councils to keep a care account for those whose costs count towards cost cap., adjusted annually by same measure as the cap.
 - (Clause 34) Covers *universal deferred payments scheme* for chargeable services for people going into residential care – details to be covered in regulations.
 - (Clause 36 – 37) Ensures continuity of care when moving between areas.
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Bill highlights

- (Clauses 41 – 46 and Schedule 2) **First ever statutory framework for adult safeguarding**. These require councils to *look into allegations* of abuse or neglect; set up *Safeguarding Adults Board* in their area; *report progress* annually; carry out *reviews* with other Board members where there is concern about how agencies acted.
 - (Clauses 47 – 49) Provide for new approach to managing oversight of registered providers and councils' responsibilities for **ensuring continuity of care when a provider fails** or ceases to provide a service.
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