

The Care Act

Frequently asked questions for care users and carers

Introduction to the Care Act FAQs

Welcome to the South Gloucestershire Council Care Act FAQ edoc.

This is our new way of providing information in an accessible and updated format. It allows you to translate the document into a number of languages, change the look to ease reading and to share it with others. You can find out about edocs and how to use them by [clicking on the Help link at the top of any page](#).

These frequently asked questions (FAQs) provide answers to questions you may have about the national changes the Care Act will bring and what they mean to people in South Gloucestershire and their carers. They cover the main Care Act changes being introduced in April 2015.

The FAQs will be updated based on feedback we receive from the public, our staff and stakeholders about the questions you want answers to, as the Care Act changes happen from April 2015.

Please give us your comments on how helpful these FAQs are to you, questions you have that you haven't found the answers to, or inform us of any inaccuracies or problems with broken links: Email CareActFAQ@southglos.gov.uk.

Note: this email address is for feedback on the Care Act frequently asked questions only. To contact the council regarding any safeguarding concerns or individual care and support needs including eligibility and assessments call 01454 868007.

You can view the contents page at any point using the '[Contents](#)' link at the top of each page. This will take you to the topics that most interest you.

Section 1: General FAQs

1.1 What is care and support?

1.1.1

'Care and support' is the term used to describe the help some adults need to live as well as possible with any illness or disability they may have. It can include help with things like getting out of bed, washing, dressing, getting to work, cooking meals, eating, seeing friends, caring for families and being part of the community.

It might also include emotional support at a time of difficulty and stress, helping people who are caring for an adult family member or friend or even giving others a lift to a social event.

1.1.2

Care and support includes the help given by family and friends, as well as any provided by the council or other organisations.

1.2 What is changing?

1.2.1

From April 2015, the new Care Act will help make care and support, and the way everyone pays for it, more consistent across the country. This should help make things fairer and simpler if you move from one council area to another as the assessment will be 'portable'. Also, the changes mean that a council can ask other public bodies to assist in meeting your needs and they will do so if it does not conflict with their own duties.

The ongoing responsibility for meeting your needs rests with the council where you ordinarily reside and which arranged your care and support even if your care and support is delivered in a residential care home outside of that council's area. From April 2015 the same rule will apply for other accommodation such as supported living schemes including Extra Care Housing.

1.2.2

The new national changes are designed to put you in control of the help you receive.

Any decisions about your care and support will consider your wellbeing and what is important to you and your family, so you can stay healthy and remain independent for longer.

At South Gloucestershire Council we have been planning the changes locally, building on the changes we have already put in place to personalise adult care and in our approach to supporting carers. Our aim is to give people greater flexibility, choice and control over the support they receive, so that they continue to lead full and active lives – contributing to their community and benefitting from employment opportunities where they wish to.

1.2.3

A cap on care costs was due to be introduced in April 2016, but this has now been delayed until April 2020. The Government remains committed to introducing a cap on social care costs, but has said that the delay will allow time to be taken to ensure that everyone is ready to introduce the new system and to look at what more can be done to support people with the costs of care.

1.3 What was wrong with the old system?

1.3.1

As people are now living longer and with a better quality of life, the care and support needs they have are different. The way care and support is provided has to change to reflect this. A new Care Act has been passed to make care and support, and the way we pay for it, clearer, easier to access and more consistent across the whole of England.

1.4 Will the changes affect me?

1.4.1

You may benefit from the changes to care and support if you:

- receive care and support from the council or another organisation, either at home or in a care home
- give unpaid care and support to an adult family member or friend
- think you may need care and support in the near future, either for yourself or for someone you help

1.5 How will the changes make things better?

1.5.1

The changes mean that more people will be able to get the care and support they need, either from the council or from other organisations in the community. Different ways to pay for care and support will be available across the whole of England, so people should not have to sell their home in their lifetime to pay for care. People who receive care and support from the council will have more say over what sort of help they get and what they want to achieve. And there will also be more help available for people who give unpaid care and support to an adult family member or friend.

1.6 What's the difference between care and support from the council and the care I receive at home from NHS?

1.6.1

Care and support organised by the council can include help with everyday things like washing and dressing, getting in and out of bed, and keeping your home clean and safe.

[See section 3 for further information on needs and eligibility.](#)

1.6.2

As well as care and support organised by us, some people are also eligible to receive help from the NHS. This help may be a nursing service for people who are ill or recovering at home after leaving hospital. It could include things like changing the dressings on wounds or giving medication. If you are eligible for this kind of help, a health professional such as your GP or Community Nurse should be able to tell you. Increasingly, we are working more closely with our health partners in geographical 'cluster' areas so as to join up care so that people only have to tell their story once and that we can more effectively co-ordinate how we support people.

1.6.3

In exceptional circumstances, where an adult has a complex medical condition and substantial on-going care needs, the NHS provides a service called NHS Continuing Healthcare. NHS Continuing Healthcare provides care and support in a person's home, care home or hospice.

1.6.4

You can [find out more about NHS Continuing Healthcare](#).

1.7 Where can I find out more?

1.7.1

To find out how the changes are being introduced in this area, get in touch with us:

- For information on how the new Care Act can help you and your options for getting advice and support, including eligibility and assessments visit www.southglos.gov.uk/CareAct
- to find out more about **support for carers** call the Carers Support Centre's Carers Line on 0117 9652200 or visit www.carerssupportcentre.org.uk. If the person you care for lives outside of South Gloucestershire visit <http://www.nhs.uk/conditions/social-care-and-support-guide/pages/carers-direct-helpline.aspx> or contact the council of the person you are caring for.
- for **general information and advice on health and wellbeing**, contact Well Aware: Freephone 0808 808 5252 or visit www.wellaware.org.uk
- for **independent financial information and advice to help you choose the right care services** go to www.moneyadvice.service.org.uk (Care and Disability pages) or call 0300 500 5000.
- **for information and advice on choosing a financial advisor** contact the Money Advice Service as above, or contact The Society of Later Life Advisers (SOLLA) that specialises in retirement and later life: www.societyoflaterlifeadvisers.co.uk, tel: 0845 303 2909
- For information and advice on eligibility and assessments contact South Gloucestershire Council www.southglos.gov.uk/CareAct or call 01454 868007.

Further information is available below:

- [Social Care Institute for Excellence](#)

Useful information, tools and guidance relating to commissioning advocacy, assessment and eligibility, safeguarding adults and more.

Where can I find out more?

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- for **general information and advice on health and wellbeing**, contact Well Aware: Freephone 0808 808 5252 or visit www.wellaware.org.uk
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Section 2: Deferred payment agreement

2.1 What is a deferred payment agreement?

2.1.1

A deferred payment agreement is an arrangement with the council that will enable people to use the value of their homes to help pay care home costs. If you are eligible, we will help to pay your care home bills on your behalf. You can delay repaying us until you choose to sell your home, or until after your death.

2.1.2

Deferred payment agreements will suit some people's circumstances better than others. We charge interest on the amount owed to us, and there is a fee for setting this arrangement up. See 2.3.3. for more information on deferred payment agreement interest charges and set up costs.

2.1.3

A deferred payment agreement is only one way to pay for care.

For **independent financial information and advice to help you choose the right care services** go to www.moneyadvice.service.org.uk (Care and Disability pages) or call 0300 500 5000.

For information and advice on choosing a financial advisor contact the Money Advice Service as above, or contact The Society of Later Life Advisers (SOLLA) that specialises in retirement and later life: www.societyoflaterlifeadvisers.co.uk, tel: 0845 303 2909

2.2 Why have they been introduced?

2.2.1

A deferred payment agreement, from 1 April 2015, means that people should not have to sell their home in their lifetime to pay care home bills.

For **independent financial information and advice to help you choose the right care services** go to www.moneyadvice.service.org.uk (Care and Disability pages) or call 0300 500 5000.

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2.3 Who is eligible for a deferred payment agreement?

2.3.1

Deferred payment agreements will suit some people's circumstances better than others' and not everyone will be eligible. You should be eligible for a deferred payment agreement if:

- you are receiving care in a care home (or you are going to move into one soon)
- you own your own home (unless your partner or certain others live there)
- you have savings and investments of less than £23,250 (not including the value of your home or your pension pot)

2.3.2

You can use our [free online eligibility checker](#) to see if a Deferred Payment Agreement may be available to you, or get in touch to find out about your circumstances and whether you might be eligible. For example, the council currently offers deferred payment agreements to people in ExtraCare Housing accommodation.

2.3.3

We charge a fee to set up a deferred payment agreement and interest on the amount that is owed to the council. These charges have been agreed by South Gloucestershire Council's Adults, Housing and Public Health Committee following a public consultation exercise, and apply from 1 April 2016 for Deferred Payment schemes arranged with us:

- An initial set up fee of £500.00
- An annual administration fee of £100.00
- Interest on deferred payment accrued debt 1.15%

The maximum interest rate is fixed by the Government. The maximum rate to be charged is linked to the cost of Government borrowing. The rate will change on 1 January and 1 July every year. The interest will be compounded on a daily basis. The interest will apply from the date of the Deferred Payment Agreement. We will provide regular statements to inform service users or the legal representative how the charge is being calculated and what the outstanding sum is.

2.3.4

A deferred payment agreement is only one way to pay for care.

For **independent financial information and advice to help you choose the right care services** go to www.moneyadvice.org.uk (Care and Disability pages) or call 0300 500 5000.

For information and advice on choosing a financial advisor contact the Money Advice Service as above, or contact The Society of Later Life Advisers (SOLLA) that specialises in retirement and later life: www.societyoflaterlifeadvisers.co.uk, tel: 0845 303 2909

2.4 When can I apply for a deferred payment agreement?

2.4.1

From April 2015, they will be available from all councils across England.

2.5 How do I apply for a deferred payment agreement?

2.5.1

Contact the council's Financial and Benefits Team on 01454 864269 or by e-mail to fabteam@southglos.gov.uk

2.6 When will I have to repay the deferred payment agreement?

2.6.1

You can sell your home and repay the deferred payment agreement at any point. Or you can have a deferred payment agreement for the full length of your stay in a care home and pay it back out of your estate, following your death.

2.7 How much can I defer?

2.7.1

The amount you can defer will depend on the value of your home, which determines your 'equity limit'. As a guide, most people can use around 80-90% of the equity available in their home. The limit on equity is to protect you from not having enough money to pay sale costs of the property (like solicitor's fees,) and to protect the council against a drop in housing prices and the risk that we may not get all of the money back.

2.8 What if my husband/wife/civil partner lives in my house?

2.8.1

If you need care in a care home but your partner lives in your own home then the council will consider your partner's circumstances as well as your own. Depending on your partner's circumstances, we may decide to exclude the value of your home when we assess your finances to work out how much you will have to pay towards the costs of your care. This means that you will not face having to sell your home to pay for care and will not need a deferred payment agreement.

2.8.2

If your partner has circumstances that mean the council decides that the value of your home is not excluded, you should still be able get a deferred payment agreement, provided your partner is willing to sign the agreement too.

2.9 I pay for my own care at home, can I apply for a deferred payment agreement?

2.9.1

A deferred payment agreement is designed for people who are most at risk of selling their home to pay care fees. If you are still living in your own home, you should not need a deferred payment agreement, and there are other ways for you to pay for your care (including council support if you have less than £23,250 in savings and investments). You could speak to a financial adviser or an independent organisation to find out more.

2.10 I already live in a care home. Can I apply for a deferred payment agreement?

2.10.1

If you have savings and investments of less than £23,250, excluding the value of your home, and you do not have a partner or dependent living in your home, you could be eligible for a deferred payment agreement.

2.11 My partner's share of our savings are in my name, will that be taken into account?

2.11.1

This will depend on how the savings are held – contact the council or an independent financial adviser for guidance.

2.12 How much will it cost me to set up a deferred payment agreement?

2.12.1

Every council is entitled to charge an administrative fee for setting up a deferred payment agreement. This fee is to cover the costs we incur in setting up your deferred payment agreement and not to make a profit.

See 2.3.3 for more information regarding deferred payment agreement interest charges and set up costs.

2.13 What is the interest rate on a deferred payment agreement?

2.13.1

We can charge interest on the amount owed to us whilst we are helping to pay your care home bills on your behalf. Interest is charged to cover our costs and not to make a profit.

See 2.3.3. for more information regarding deferred payment agreement interest charges and set up costs.

2.14 Will the council make a profit out of deferred payment agreements?

2.14.1

No. We need to make sure that we can invest in the scheme so that people can benefit from it for many years to come. The interest rate and administrative fee will cover our costs, and we won't make a profit from them.

2.15 Who will live in my home if I have a deferred payment agreement?

2.15.1

This is up to you – though there are benefits to keeping your home occupied. It must be maintained and insured for as long as you have the deferred payment agreement, and this can be cheaper and/or easier if someone is living there. You might choose to rent it out and use the income to reduce the amount you have asked the council to defer.

The council's Empty Homes project provides assistance and action to bring empty private properties back into use to meet local housing need. Call 01454 868005 or email emptyhomes@southglos.gov.uk for further information.

2.16 Can I avoid selling my home if I get a deferred payment agreement?

2.16.1

If you have a deferred payment agreement, it means you should not have to sell your home in your lifetime unless you decide you want to.

2.16.2

The money owed to the council from care home bills paid on your behalf during the deferred payment agreement will need to be repaid eventually. This can either be repaid by selling your house or you can arrange another way to pay if you are able to. For example, someone else could pay the money owed, or your family could use any pay-out from your life assurance after your death.

2.16.3

Your deferred payment agreement will end automatically following your death, and your executor will have 90 days to arrange payment of the money owed. If someone else (like a friend or relative) chooses to pay the bill, then your home will not have to be sold.

2.17 Can I still get a deferred payment agreement if I have gifted money or my home to my children?

2.17.1

Your home and your money still belong to you if you have a deferred payment agreement, so you can of course make gifts to your children. But a deferred payment agreement for care costs will always need to be repaid – either by the sale of your home after your death, by someone else, or by something like the pay-out from a life assurance policy. If the council

believes that your home or your money have been given away deliberately to avoid paying care charges, then we have the power to recover any money that we are owed.

2.18 How long does it take to set up a deferred payment agreement?

2.18.1

During the first twelve weeks you are in a care home, your home is ignored for the purposes of calculating what you might pay and a DPA would usually start after that period. If you are eligible, we should be able to set up a deferred payment agreement within twelve weeks of you moving to a care home but some will be arranged more quickly than this.

2.19 Who will value my home?

2.19.1

The council will make a valuation of your property and you can also request an independent valuation if you disagree with that valuation.

2.20 Can the terms of my deferred payment agreement be changed at any time?

2.20.1

The maximum amount of costs that the council will pay on your behalf, along with the interest rate and any administrative fees, will be set out at the start of the deferred payment agreement. These will be reviewed regularly and can be changed.

Any other conditions – for example how the property should be maintained – will also be written down in your agreement. Make sure that you understand the full terms and conditions and get independent advice from a solicitor, financial advisor or an independent organisation before signing a deferred payment agreement.

2.21 Can I get a deferred payment agreement if my house is in a flood risk area?

2.21.1

In order to be eligible for a deferred payment agreement your property will need to be insured. Please contact us if you have specific concerns about this.

2.22 What will happen to my home after my death?

2.22.1

The executor of your estate should arrange repayment of the money owed to the council, either by putting your home up for sale, or by arranging for another person, such as your heir, to pay. This will usually need to be done within 90 days. If the money owed is repaid without your home being sold, then your property will be dealt with according to any instructions you have left.

2.23 Who decides on the price my home will be sold at after my death?

2.23.1

Your executor will arrange the sale and repayment of the money owed to the council.

2.24 How long will my heirs have to pay back the deferred payment agreement without incurring extra charges?

2.24.1

Your heirs will usually have 90 days to repay the deferred payment agreement. Interest charges will continue to be added during this period.

2.25 What will happen if my heirs don't pay back the deferred payment agreement within the 90 days? Will they be charged extra?

2.25.1

If, after 90 days they haven't taken reasonable steps to repay the deferred payment agreement, then the council has the power to recover the amount owed through the courts.

2.26 Are all heirs equally liable for the repayment of a deferred payment agreement?

2.26.1

Any money that is left after the money owed to the council has been repaid from your estate will be divided up according to any instructions that you leave.

2.27 How is the money reclaimed?

2.27.1

You may need to name someone (usually the executor of your will) in your deferred payment agreement, who will help us to reclaim our costs in the event of your death.

2.28 Can a family member apply for a deferred payment agreement if a person needing care has dementia or does not have the capacity to understand?

2.28.1

Carers and families can help people to make decisions about their care and how to pay for it. If we are concerned that the person applying for the deferred payment agreement does not have the capacity to understand, or won't have capacity to understand in the near future, then another person may need to represent them. Only a person that is properly authorised, like someone with legal power of attorney, can represent someone in applying for a deferred payment agreement.

2.29 Where can I find out more about deferred payment agreements?

2.29.1

To find out how the changes are being introduced in this area, contact the council's Financial and Benefits Team on 01454 864269 or by e-mail to FABTEAM@southglos.gov.uk.

2.29.2

A deferred payment agreement is only one way to pay for care. To find out more about the options available, you can speak to a financial adviser or seek advice from an independent organisation.

For **independent financial information and advice to help you choose the right care services** go to www.moneyadvice.service.org.uk (Care and Disability pages) or call 0300 500 5000.

For information and advice on choosing a financial advisor contact the Money Advice Service as above, or contact The Society of Later Life Advisers (SOLLA) that specialises in retirement and later life: www.societyoflaterlifeadvisers.co.uk, tel: 0845 303 2909

Section 3: Needs and eligibility

3.1 What is a needs assessment?

3.1.1

A needs assessment is a discussion between you (or the person you look after if you are a carer) and a trained person either from the council or another organisation that the council works with, where you will talk about the care and support needs you have and the goals you want to achieve. In most cases assessments will be undertaken face to face. We will use the assessment to identify your care and support needs, and to discuss how these could be met. This might mean that the council will give you help or put you in touch with other organisations, such as local charities, that you can talk to.

3.1.2

Assessments must be carried out by trained assessors and will consider a number of factors, such as:

- the person's needs and how they impact on their wellbeing – for instance, a need for help with getting dressed or support to get to work
- the outcomes that matter to the person – for example, whether they are lonely and want to make new friends
- the person's other circumstances - for example, whether they live alone or someone supports them

The aim of an assessment is to get a full picture of you and what needs and goals you may have.

3.2 Who should have a needs assessment?

3.2.1

If you think you have any care and support needs, you can contact the council to ask for an assessment. If you are a carer and you need some support, get in touch with the council covering the area where the person you care for lives. The council will be able to give you information and advice about how the assessment will work.

3.3 What will be considered during the needs assessment?

3.3.1

The needs assessment will consider what care and support needs you have and how these affect your wellbeing. This will include identifying any physical needs, such as whether you need help to wash or dress, get in and out of bed or keep your home safe to live in. The assessment will also look at your mental and emotional needs and ask what is important to you in how you live your life, such as being able to carry on working or volunteering, or being able to meet your friends.

3.3.2

Everyone's needs and the ways they affect people's wellbeing are different. Identifying your needs and the things you want to achieve will help us to decide if we can help. Depending on what needs you have, we may give you information and advice about other kinds of support available locally that can help you, such as charities or community groups.

3.3.3

If an individual who is having an adult social care assessment takes regular medication how should this be taken account of in the assessment and in the application of the eligibility criteria?

The statutory guidance is clear that medication should only be 'incidental or ancillary' to the meeting of eligible care and support needs. If an individual has a need for assistance with the administering of medication this is considered a health need and is not to be taken into account as part of the eligibility criteria for care and support. In some cases where a person has been assessed as having eligible care and support needs it would be possible to include prompting the person to take their medication, if this is required, as part of their care and support plan.

3.4 Is a needs assessment the same as a carer's assessment?

3.4.1

A 'needs assessment' is an assessment of an adult who may need care and support. A 'carer's assessment' is for someone who gives care and support to an adult family member or friend. Caring can include lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious.

3.4.2

Find out more about a carer's assessment in [Support for Carers](#)

3.5 Can I get someone to help me with my assessment?

3.5.1

The assessment is about you and we will make sure that you are able to be involved. If you wish, then your carer, a friend or family member can help and represent you. If you don't have a carer, family member or friend who you can ask, and you have a lot of difficulty doing the assessment yourself, the council will find an independent advocate to help you.

3.6 Will I need to be re-assessed?

3.6.1

The council believes that it already meets the new national minimum criteria.

So, if you are already receiving care and support from us, you will continue to receive this support

and you do not need to ask for a reassessment. We will contact you if there are any changes that affect you. If your needs have changed recently and you feel like you need more care and support, you can ask for a new assessment.

3.7 Who will do the assessment?

3.7.1

Lots of different people can carry out assessments - as long as they have the right training. The person doing your assessment could be a social worker, a social work assistant, an occupational therapist or an occupational therapy assistant. We will make sure that whoever carries out your assessment has the right training. You could also be offered a supported self-assessment. This means you do your assessment yourself with help from the council.

3.8 Will the council look into my finances?

3.8.1

If you are eligible for care and support from the council, you may have to pay something towards the cost. To find out how much you might need to pay, we will ask you to do a financial means test and you would then need to disclose details about your savings, assets and income.

3.9 How will I know if I have eligible needs?

3.9.1

For the first time, there will be a national level of care and support needs that all councils will consider when we assess what help we can give you. See 3.9.2 for eligibility criteria.

3.9.2

The council will assess your care and support needs with you, and decide if they meet the Care Act's eligibility criteria. Your needs could be eligible if you are not able to do a combination of certain things that seriously affect your wellbeing. This may include washing yourself, getting dressed, getting in and out of bed or keeping your home safe for you to live in.

To meet the Care Act's eligibility criteria a person's needs must meet the three following conditions:

1. They have care and support needs as a result of a physical or mental impairment or illness
2. Because of those needs, they cannot achieve two or more of the outcomes specified below
3. As a consequence of being unable to achieve these outcomes there is or there is likely to be a significant impact on the adults
 - to carry out basic self-care activities as part of normal daily life, such as eating, drinking, toileting, dressing etc.
 - maintaining a habitable home environment
 - being able to make use of the home safely

- to maintain family and other significant personal relationships with a focus on those relationships which if not maintained would significantly impact on a person's wellbeing
- to access and engage in work, training, education and volunteering
- to access the facilities and services in the community, including recreational opportunities, important to the individual, and
- to carry out any caring responsibilities for a child

3.9.3

After the assessment we will write to you about our decision and give you reasons to explain what we have decided.

3.9.4

If you have eligible needs, we will contact you to discuss what help might be available. This will be based on the information you gave us during your assessment. As far as possible the council will agree your care and support plan with you.

3.9.5

If you do not have needs that are eligible, we will give you information and advice about what care and support is available to help you locally. This could be help from local charities or voluntary organisations for example.

3.10 What happens if my needs are not eligible for care and support from the council?

3.10.1

Everyone's needs are different. They may be physical, mental or emotional. You may find that the support you need could be met by something going on in your local community, for example services organised by local charities or other support networks. Whatever your level of need, we will give you information and advice that can help you. We might also be able put you in touch with other organisations who can support your wellbeing and help you remain independent for longer.

3.11 I pay for my own care, do I need to be assessed by the council?

3.11.1

If you have arranged care and support yourself, either in your own home or in a care home, you do not need to be assessed by the council.

3.12 Must I have a needs assessment to get a deferred payment agreement?

3.12.1

Not necessarily. We may decide that we don't need to do an assessment.

3.13 How will the new national level of needs affect you if you are planning to move?

3.13.1

The new national level will give you peace of mind that if you decide to move to another area in England, the new council will meet at least the same minimum level of care and support needs as your old one. Councils will also have to work together to make sure that there is no gap in your care.

3.14 If I am receiving care and support and decide to move, will I lose the help I currently get?

3.14.1

If you have needs that meet the new national level, you will be able to get some help from your council wherever you live in England. Although the level of need councils use to decide whether or not they can help will be the same across the country, the help they give you might be different in different areas. For example, one council might provide a buddying service to stop people from feeling lonely, whilst another might help people to stop feeling lonely by introducing them to community events in their area.

3.15 What is care and support planning?

Care and support planning is about you working with a care and support partner to think about:

- what is important to you
- things you can do to live well and stay well
- what care and support you might need from others
- care and support planning is for anyone who has health and care needs over time.

3.16 What must be included in an individual's care and support plan?

The council must prepare a care and support plan (or a support plan, in the case of carers) that sets out the detail of how a person's needs will be met. The plan will detail the needs to be met and how they will be met, and link back to the outcomes that you want to achieve in your day-to-day life. It's important that your care and support plan and your assessment reflect your needs and aspirations, and what matter most to you.

Good care and support planning is central to the provision of person-centred care and support that provides people with choice and control over how to meet their needs. The council will take all steps to agree a care and support plan with the person concerned. We will involve them and anyone else they ask to be involved in the production of the plan.

The council also recognises that it has a legal responsibility to review care and support plans to make sure that needs and outcomes continue to be met over time.

Section 4: Support for carers

4.1 What is a carer?

4.1.1

From April 2015, for the first time, carers will be recognised in law in the same way as those they care for. If the person you care for is an adult (aged 18 or over) you may be able to get practical help to carry on caring and look after your own wellbeing.

4.1.2

In England, millions of people provide unpaid care or support to an adult family member or friend, either in their own home or somewhere else.

4.1.3

'Caring' for someone covers lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious. Local authorities must consider whether the carer's needs for support arise as a consequence of providing necessary care for an adult.

4.1.4

If this sounds like you, you are considered to be a 'carer.'

4.2 What is 'support for carers'?

4.2.1

'Support for carers' is what we mean by the help and advice that carers can get from the council, national services and local networks. As a carer, you may be able to get help so that you can carry on caring and look after your own wellbeing.

4.3 What is changing?

4.3.1

From April 2015, changes to the way care and support is provided in England mean you may be eligible for support, such as a direct payment* to spend on the things that make caring easier; or ways you can strike a better balance between caring and your life outside of being a carer. Or you may prefer to be put in touch with local support groups so you have people to talk to.

*A direct payment means that the money the council contributes towards meeting your care and support needs is paid directly to you, for example into your bank account or the bank account of someone else you choose, to give you control over how it is spent.

4.3.2

The council covering the area where the person you care for lives can help you find the right support and you can ask them for a carer's assessment.

4.3.3

A carer's assessment will look at the different ways that caring affects your life and work out how you can carry on doing the things that are important to you and your family. Your physical, mental and emotional wellbeing will be at the heart of this assessment. As a result, you may be eligible for support from the council, who will also offer you advice and guidance to help you with your caring responsibilities. This approach to carers' assessments is already part of 'Getting Help and Connected', our local process for assessing carers.

4.3.4

You can have a carer's assessment even if the person you care for does not get any help from the council, and they will not need to be assessed.

4.4 Am I eligible for support?

4.4.1

The council covering the area where the person you care for lives can help you find the right support and you can ask them for a carer's assessment. The carer's assessment will help to decide what care and support you need and how much help the council can give you.

If carers needs meet the new national eligibility threshold for carers, they qualify for help from the council and we will offer to undertake a Carer's Assessment. In considering whether a carer has eligible needs, all local authorities must consider whether:

- the needs arise as a consequence of providing necessary care for an adult
- the effect of the carer's needs is that any of the circumstances specified in the Eligibility Regulations apply to the carer; and
- as a consequence of that fact there is, or there is likely to be, a significant impact on the carer's wellbeing

4.5 What about parents caring for disabled children, or young carers who are under 18?

4.5.1

If you are a young carer yourself, or if you are a parent caring for a disabled child, you have similar rights to assessment and support but they are covered by the Children and Families Act, not the new Care Act.

4.5.2

If you or the person you are caring for is about to reach the age of 18 years, you will be able to get

a 'transition assessment' which will let you know whether you or they are likely to be eligible for support. A transitional plan will be developed via the education health and care plan, which will be reviewed annually.

4.5.3

The Department for Education will soon be publishing further information on the rights of parent carers and young carers and how councils should support them.

To find out more about support for parent carers and young carers

visit: <https://www.nhs.uk/Conditions/social-care-and-support-guide/Pages/carers-direct-helpline.aspx>

4.6 How might a carer's assessment help me?

4.6.1

If you provide care and support to an adult friend or family member, you may be eligible for support, such as a direct payment to spend on the things that make caring easier; or practical support, or ways you can strike a better balance between caring and your life outside of being a carer. Or you may prefer to be put in touch with local support groups so you have people to talk to.

4.6.2

A carer's assessment will consider the impact the care and support you provide is having on your own wellbeing and important aspects of the rest of your life.

4.7 When can I request a carer's assessment?

4.7.1

You can ask for a carer's assessment at any time, even if you have already had a carer's assessment but your circumstances have changed. You should contact the council covering the area where the person you care for lives, if it is not the same as your own. If you live in a different area to the person you care for, it is the local council for the person you care for that is responsible for assessing and supporting your needs, as well as signposting you to advice and information about local support should you not want a carer's assessment.

4.8 What will be considered during the assessment?

4.8.1

A carer's assessment will look at the different ways caring affects your life and work out how you can carry on doing the things that are important to you and your family. It should cover your caring role, your feelings about caring, your physical, mental and emotional health, and how caring affects your work, leisure, education, wider family and relationships.

4.8.2

Your physical, mental and emotional wellbeing will be at the heart of this assessment. This means that you will be able to tell the council how caring for someone is affecting your life and what could make things better for you and the person you look after.

4.9 Will I be asked about my finances?

4.9.1

You won't need to do a financial means test as part of the carer's assessment but you might be asked about what impact the cost of caring is having on your finances. The carer's allowance that some people receive for caring on a full-time basis is different and does require a means test.

4.9.2

The Care Act allows councils, if they wish, to charge for services for carers in a similar way to people who are cared for. The council's current position is not to charge carers and as a result carers will not have to do a financial assessment. This will be reviewed autumn 2015. Councils may also need to look at the finances of the person that you care for if they are going to provide support directly to that person.

4.10 Does having a carer's assessment affect my right to get carer's allowance?

4.10.1

Not at all. Having a carer's assessment will not affect your right to receive a carer's allowance.

4.11 Does having a carer's assessment mean the council is judging the quality of care that I provide?

4.11.1

A carer's assessment is about you and your wellbeing. It will consider the impact that caring is having on your life and what support might be available for you. Its purpose is not to judge the care that you provide.

4.12 Can I have a carer's assessment if the person I care for does not currently get help from the council?

4.12.1

Yes. But you will need to do this through the council of the person that you support, if it is not the same as your own. You can also ask for an assessment for the person you care for, if you want to.

4.13 I share providing care with other family members/ friends. Can all of us have a carer's assessment?

4.13.1

Everyone who gives unpaid care to an adult over the age of 18, and has some need for support, can request an individual carer's assessment. They do not have to be done together.

4.14 I share providing care with other family members/ friends and we disagree about who provides the most. Will this affect the support that I may be offered?

4.14.1

This should not affect the support you may be offered. If you care for an adult family member of friend, and you feel like you need some support, you can contact the council covering the area where the person you care for lives to ask for a carer's assessment.

If the council decides that you have needs that meet the new national level they will discuss with you what support they can provide.

4.14.2

If your needs are not eligible, the council will give you information and advice about other types of support that are available in your area. This may include putting you in touch with local charities or community organisations.

4.15 The person I am caring for will not agree to a needs assessment themselves. Could I still be offered support as a carer?

4.15.1

You don't need the permission of the person you are caring for to request a carer's assessment. You are entitled to ask for one in your own right.

4.16 If my assessment recommends a short break from caring, who will pay for the cost of services that cover for me?

4.16.1

Each person's situation is different. The cost would either be covered by the council, or a contribution would need to be paid by the person receiving the care. You as a carer cannot be charged for any support provided directly to the person you care for, even if it helps you to take a break.

4.17 What happens if my needs change or if I need more support?

4.17.1

If either of these things happen, the council of the person that you support will be able to discuss your situation with you and agree the next steps to take.

4.18 Where can I find out more about support for carers?

4.18.1

To find more about support for carers visit:

<https://www.nhs.uk/Conditions/social-care-and-support-guide/Pages/carers-direct-helpline.aspx> or contact the council of the person you are caring for.

4.18.2

If the person you are caring for lives in South Gloucestershire: visit

www.carerssupportcentre.org.uk, call the Carers Support Centre's Carers Line on 0117 9652200 or go to the council's carers web pages: www.southglos.gov.uk/carers.

4.18.3

You can also see more detailed information in the Care Act factsheets. These provide an overview, and describe the duties and powers of councils to carry out the changes.

Further information is available below:

- [Social Care Institute for Excellence](#)

Useful information, tools and guidance relating to commissioning advocacy, assessment and eligibility, safeguarding adults and more.

Section 5: Cap on care costs

A cap on care costs was due to be introduced in April 2016, but this has now been delayed until April 2020. The Government remains committed to introducing a cap on social care costs, but has said that the delay will allow time to be taken to ensure that everyone is ready to introduce the new system and to look at what more can be done to support people with the costs of care.

5.1 Which elements of the Care Act have been delayed?

Three elements of the Care Act have been delayed:

- the Cap on Care Costs (to April 2020)
- the extension to the Means Test Thresholds (to April 2020)
- the Appeals system (pending the Comprehensive Spending review).

5.2 When will the appeals system for care and support be introduced – will this be delayed until 2020?

The Government will make a further announcement on the new appeals system following the Spending Review in the Autumn (due to be published on 25 November). The timetable for appeals implementation will be confirmed after this date. In the meantime, those using care and support will continue to be able to make use of the existing complaints system and ultimately, the Local Government Ombudsman.

5.3 What does the delay to the introduction to the cap on care costs mean for me?

5.3.1 Does the delay mean I will now have to pay for all of my care?

Everyone's situation is different both in terms of their financial situation and the type and cost of care they may need. Most people currently pay something towards their care and support costs, and will continue to do so. We can advise you on how much you may have to contribute towards the cost of your care. We may also help you find out if there are any additional benefits or financial support you may be entitled to.

5.3.2 Will I have to sell my home to pay for care?

For those who do have to pay the full amount for their own care, there is now a national scheme called deferred payment agreements which means that you should not have to sell your home within your lifetime to pay for your care. You can find out more about deferred payment agreements in Section 2 of this document.

5.3.3 I think I will have to pay for the full costs of my care, will I have to wait until April 2020 to get my care costs account started?

Yes, once we know the exact implementation timetable, you will receive details about how and when to start your care account. In the meantime, we may be able to provide you with information

and advice about things like choosing a care provider.

5.3.4 I was told that there would be changes to the means test in April 2016. Has this also been delayed?

Yes, a means test is where a person's finances and assets are looked at to decide how much they will be asked to contribute towards their care. At the moment, if you have capital and savings above £23,250 you will fund all of your social care.

5.3.5 Are all the rules for working age adults including a nil-cap for under 25s deferred until 2020?

Yes, this has been deferred.

5.3.6 Is the principle of £230 as a daily living allowance deferred until 2020?

Yes, this has been deferred.

5.4 I have requested a care assessment, but haven't yet had one. Will this still happen?

Yes, you are entitled to an assessment of your care needs regardless of your financial circumstances. If you are a carer you are also entitled to an assessment of your needs. The delay in the cap on care costs does not affect your entitlement to an assessment. You can find out more about needs assessments in Section 3 of this document.

Section 6: Safeguarding

6.1 What new Safeguarding duties does the Care Act place on councils?

All of the new duties cover things that South Gloucestershire Council, often in partnership with other local agencies, is already doing. However the Care Act makes these a statutory duty (must do) instead of a discretion or a power (can do). The new duties are to:

- lead a multi-agency local adult safeguarding system that seeks to prevent abuse and neglect and stop it quickly when it happens
- make enquiries, or request others to make them, when they think an adult with care and support needs may be at risk of abuse or neglect and they need to find out what action may be needed
- establish Safeguarding Adults Boards, including the local authority, NHS and police, which will develop, share and implement a joint safeguarding strategy
- carry out Safeguarding Adults Reviews when someone with care and support needs (whether or not those needs are being met) either dies, or is still alive and has experienced serious abuse or neglect, and there is a concern in either case that the local authority or its partners could have done more to protect them
- arrange for an independent advocate to represent and support a person who is the subject of a safeguarding enquiry or review, if required

Section 7: Support in prisons

7.1 Care and support for people in prisons

The council will be responsible for assessing the care and support needs of adults in custody or prison in South Gloucestershire and deciding if they are at a level where they need help. If someone has eligible needs the council will agree their care and support plan with them and arrange for services to meet their needs. Care and support in the prisons can come from healthcare, volunteers, other prisoners, or staff who are paid to provide care and support.

If someone's needs are not at a level where they can be given council help we can provide them with information about what can be done to meet or reduce their needs and what other support is available.