

SOCIAL CARE

FACTSHEETS

sia spinal
injuries
association
FOR LIFE AFTER SPINAL CORD INJURY



THE CARE ACT 2014

The Care Act 2014

The Care Act was intended to consolidate and simplify a lot of complex historic legislation, regulations, guidance and caselaw on adult social care through local authorities into a single, clear, modern act, with its own regulations and guidance. Mostly it confirmed the previous law, but it also included a few changes.

The [new statutory guidance \(click here to go to it\)](#) is not only for local authorities, it is also helpful for people who use social care - to understand the law and good practice, and if necessary to challenge local authority decisions.

Most of the Act came into effect on 1st April 2015, including some small changes to the law. Further changes, originally intended for April 2016, have now been postponed until 2020.

What was new from April 2015?

There were [new national minimum eligibility criteria \(click here for more information\)](#). These were designed to more-or-less include the same people who were assessed as in “substantial” or “critical” need under the old eligibility criteria, known as “Fair Access to Care services” or FACS. Under the old criteria, because of cuts to local authority budgets, many councils had already raised their eligibility criteria over the years, until most only met substantial or critical needs, so the new minimum criteria unfortunately consolidated substantial cuts to social care.

Where a large and complex [Direct Payments](#) care package is administered by a family member, there was a new discretionary power for councils to agree to that person being paid for this work, through the direct payment.

When you move from one local authority area to another, the new authority must follow the assessment from the old one, until it has completed its own.

Regulations require assessors to have appropriate training, skills, knowledge and competence, and to “consult a person who has expertise in relation to the condition or other circumstances of the individual” where necessary. This should be helpful in ensuring that assessments take account of the unique qualities of spinal cord injury.

If the council decides not to meet some of your needs, the Act gives them a duty to provide written reasons, and advice on how you can meet them. This should be helpful where you are challenging such a decision.

The guidance notes that annual reviews of care and support “must not be used as a mechanism to arbitrarily reduce the level of a person’s personal budget” (13.4.), should be “proportionate”, and “For example, where the person has a stable, longstanding support package with fixed or long term

outcomes, they may wish to complete a self-review at the planned time which is then submitted to the local authority to sign-off, rather than have a face to face review with their social worker.” (13.16.). This may be helpful where your needs are not changing, yet you still find you have to fight to retain your support every year.

The Act extended the Human Rights Act 1998 to cover private providers funded or arranged by the local authority.

People with low savings in residential care homes can cover their contribution to care costs, by allowing the council to recover the money from the sale of their house later on through deferred payment agreements. (This does not apply if a relative has the right to live in the house).

There is a new right to advocacy, for those who cannot self-advocate, and do not have a suitable family member or friend to advocate for them.

There are stronger rights to assessments and support for (unpaid) carers.

There are specific duties and powers around preventative services, information and advice, shaping the market to promote diversity and quality in the market of care and support, and managing provider failure, cooperation with other relevant authorities and partners (including adult care and support, housing, public health and children’s services), transitions from children’s to adults’ services, prisons, and the delegation of local authority functions. The Act, along with its regulations and guidance, gave a statutory basis for the first time to:-

- Personal Budgets (the right to a statement showing the total cost of meeting your eligible needs, how much the council pay, and how much you pay)
- Care and support planning (which should include doing your own, in a form determined by you, and with support from whom you choose)
- The right to an “indicative budget” (an upfront estimate of how much it is likely to cost to meet your eligible needs, before you plan your care and support)
- The right to carry out your own “supported self-assessment” (but using the same questionnaire form the council use, and with the council retaining the final say),
- Assessment and care and support planning processes which are not unnecessarily complicated, which allow you to meet your agreed needs in any reasonable way, and which are not micro-managed by decision-making panels

Future changes?

It was at first intended that there should be a cap on the how much anyone is expected to spend on meeting their eligible social care needs in their lifetime, starting from April 2016. Following lobbying by the Local Government Association, this has been postponed until 2020 because of

the financial pressure already on social care. Also postponed are a statutory appeals process for social care, and other possible measures considered along with the cap, including reductions in charges from income for working age adults & free social care for life for anyone under 25

More information

You can get further advice and information from SIA's Social Care Advice Service. Contact Simon Legg, the Social Care Caseworker on **07535 774135** or s.legg@spinal.co.uk, or via the SIA Freephone Advice Line

Disclaimer

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ABOUT SIA



The Spinal Injuries Association (SIA) is the leading national user-led charity for spinal cord injured (SCI) people. Being user led, we are well placed to understand the everyday needs of living with spinal cord injury and are here to meet those needs by providing key services to share information and experiences, and to campaign for change ensuring each person can lead a full and active life. We are here to support you from the moment your spinal cord injury happens, and for the rest of your life.

For more information contact us via the following:

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MK6 2HH

T: 01908 604 191 (Mon – Fri 9am – 5pm)

T: 0800 980 0501 (Freephone Advice Line, Mon – Fri, 11am – 1pm/2pm – 4.30pm)

W: www.spinal.co.uk

E: sia@spinal.co.uk

Charity No: 1054097

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PLEASE SUPPORT SIA

SIA relies on fundraising, donations and gifts in wills to provide services that help spinal cord injured people rebuild their lives.

With your help, we can provide the right support to spinal cord injured people and their families and friends so they can enjoy a full and independent life after injury. Your donation today will go towards changing someone's life.

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