

Quality and cost-effectiveness in long-term care and dependency prevention



POLICY SUMMARY: England

Care Act 2014 – Provision for Carers

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Policy theme	Unpaid carers
Design and implementation level	National design, locally implemented
Policy objective	To define the principles and eligibility criteria for the support given to unpaid carers by local authority social care departments
Start date – End date	April 2015 – No end date

Aims

The Care Act 2014 represents the most important reform to social care regulations for the last sixty years. It has reformed the law relating to care and support for adults and carers; it made provisions about eligibility, assessment, care planning, personal budgets, financing, safeguarding adults from abuse or neglect, care standards, integrating care and support with health services.

In the area of unpaid care, the Care Act 2014 gave carers in England new rights to assessment of their needs and clarified their entitlements to public support. It aimed to make support for carers more consistent and accessible. For carers, the Care Act 2014 brings enhanced recognition of their legal status of carers in England, giving them equal rights with service users to a needs assessment, and clarifying the factors that determine their eligibility for care and support. In contrast with the previous system, the Care Act 2014 places a duty on local authorities to carry out an assessment of the needs of carers on the appearance of need for support, regardless of the intensity of the care provided.

The Care Act 2014 also introduced a new legal duty on local authorities to provide support to meet carers' needs identified through carers' assessments (even if the person that they care for is not eligible themselves for statutory care and support from their local authority). The 2014 Act does not define 'care', although the Statutory Guidance notes that it includes both practical and emotional support.

The Care Act guidance also highlights that in assessing carers' needs local authority must consider whether the person would benefit from prevention either provided by the local authority or in the community. Overall, local authorities must promote carers' wellbeing when carrying out any of their care and support functions. Local authorities must also provide information and advice to carers, which may include topics such as: breaks from caring, health and wellbeing of carers themselves, carers' wider family relationships, carers' financial and legal issues, caring and employment, and carers' need for advocacy.

Implementation

Responsibilities for implementation lie with local authorities, and the Care Act implementation guidance notes that local authorities should develop local approaches to prevention and should consider the range of options available, and how those different approaches could support the needs of their local communities.

The Care Act guidance notes that in identifying carers a local authority must cooperate with NHS bodies and also must set up arrangements between relevant partners in relation to its care and support functions – including those which relate to supporting carers.

Target group

Overall, the duties imposed on local authorities by the Care Act 2014 apply to the following carers:

- A those who may be about to take on a caring role or who do not currently have

any needs for support, and

- B those with needs for support which may not be currently met by the local authority or other organisation.

Eligibility criteria

The new right to receive a carer's assessment is triggered by the appearance of need and is no longer dependent upon the carer providing (or intending to provide) regular/substantial care or on the carer making a request.

Where an assessment identifies that the carer has needs for care/support, then the authority must decide if these needs are sufficient to meet the eligibility criteria which are spelled out in Eligibility Regulations. The eligibility criteria for carers (broadly speaking) assess whether, as a consequence of providing care, the carer is unable to undertake certain key roles/tasks (ie household activities, other caring responsibilities, employment, education, recreation) or that their health is at significant risk.

Needs eligibility for carers should then be determined on the basis of three "conditions":

- The carer's needs for support arise because he/she provides necessary care to an adult
- As a result of their caring role, the carer's physical or mental health is affected or is at risk of deteriorating, or the carer is unable to achieve any of the outcomes 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.

Resources

Overall additional monies were allocated to meet the new statutory duties related to Care Act but they were not ring-fenced for support of carers. There was some concern

from commentators that costs related to carers, in terms of providing assessments and associated services, posed a financial risk to the reforms (LGA & ADASS, 2014).

Performance assessment and monitoring

Support for carers is monitored as part of the overall monitoring of the outcomes of social care and more specifically through user experience surveys of carers in contact with their local authority.

Evidence of success

The implementation of duties related to carers is still at an early stage and there is as yet little evidence of success.

A national evaluation of the impact of Care Act 2014 on carers has been commissioned

Transferability/ Uniqueness

The wide range of local approaches to meet carers' needs makes it difficult to draw conclusions about its transferability.

Is this an emergent practice? (degree of innovation)

Prior to the Care Act 2014 local authorities were required to provide services to meet the needs of some carers e.g. when carer's employment was at risk.

Councils could also provide support to carers at their discretion: this meant that access to support for carers depended on the area where they lived.

Sustainability

The support provided for carers is expected to lead to a decrease in (future) demand for formal care. Care Act is a measure to increase carers' wellbeing and prevent their

burnout, and to help carers to combine caring and employment. Therefore it is hoped that the policy will assist the sustainability of the adult social care system.

Critical assessment

The statute has a symbolic value for carers as, for the first time, they were put on the same legal footing as the people they care for. Although there is some evidence that following Care Act obligations, councils focus on providing carers with information

and advice, rather than other services (Carers Trust, 2015). However, longer-term, the statute may create an expectation that councils will develop a wide range of services to support carers.

Academic literature on this action

Some reports and academic papers discuss the new duties related to carers overall, or as a part of Care Act 2014 debate (LGA & ADASS, 2014, Pickard et al., 2016, Clements, 2017).

Documents

www.legislation.gov.uk/ukpga/2014/23/contents/enacted
www.legislation.gov.uk/ukdsi/2014/9780111124185