

Summary of conditions and requirements set out in the Care Act 2014

The Care Act 2014 received royal assent in May 2014. The Care Act covers adult social care in England only. The Children and Families act 2014 includes new duties for the assessment of young carers and the parent carers of children under 18. Part one of the new Act consolidates and modernises the framework of social care law. The Care Act brings those funding their own care into the care system with obligations on local authorities relating to information and advice, universal services, assessments and market shaping. The act strengthens the rights and recognition of carers in the social care system, including, for the first time giving carers a clear right to receive services.

Section 1 establishes the 'well-being principle' – an overarching approach that local authorities should take when exercising their responsibilities under the Act. Well-being covers a range of outcomes such as physical, mental and emotional well-being. It also covers participation in work, education and training and social and economic well-being

Section 2 places a new duty on local authorities to provide or arrange for services, facilities or resources which prevent or delay the development of, or reduce the need for care and support of adults. The Act requires local authorities to provide information and advice relating to care and support locally, including types of care and support, the provider's people can choose from, how to access care and support, how to raise concerns about safeguarding and how to access independent financial advice.

The Act makes it clear that both adults (needs assessments) and carers (carers assessments) should be assessed on the appearance of need and regardless of what the local authority thinks the level of their need and regardless of their financial resources. The assessment must consider how the person's needs impact upon their well-being and the outcomes they wish to achieve in day to day life. The adult's needs assessment must focus on the outcomes of the person and the authority must also consider the carer. For carers this means 2 significant changes, it removes the requirement to ask for an assessment and it removes the requirement for the carer to be providing substantial care on a regular basis.

Section 14 of the Act sets out that a local authority may charge for services including carers' services. It gives local authorities the power to charge for services it is under duty to provide, i.e. those that meet the eligible needs of either the adult needing care for their own services or the carer for their own services. Such a charge can only cover the cost that the local authority incurs in meeting the needs.

Under the Act local authorities can delegate a majority of their functions with the exception of safeguarding, charging and duties to co-operate and integrate. A local authority may also authorise a third party to exercise on its behalf its functions relating to direct payments.