

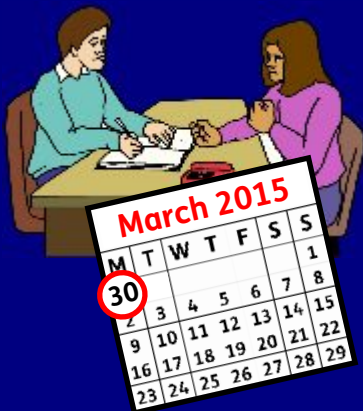


Department
of Health



The Care Act 2014

New rules about how much you pay for care:
that will happen from April 2016



Please tell us what you think.

You need to tell us by:
Monday 30th March 2015



This is an EasyRead version of:

The Care Act 2014: Consultation on draft regulations and
guidance to implement the cap on care costs and policy
proposals for a new appeals system for care and support

What is in this paper?



Part 1. The Changes

A few words from Norman Lamb MP **1.**



About this pack **3.**



About the Care Act 2014 **6.**



How to tell us what you think **10.**



Our ideas about:

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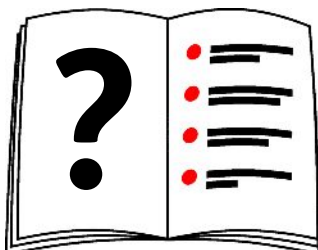
How long will appeals take?

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How much will appeals cost?

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What the words mean

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Part 1. The changes



A few words from Norman Lamb MP Minister for Care and Support



Care and support helps people live as independently as possible.



Everyone must pay what they can afford towards their care costs. But it can be difficult to understand what you have to pay. This can be frightening.



The Care Act will help people understand the costs of care and know how to plan for them.



We worked with people who use services and carers to write the new law.



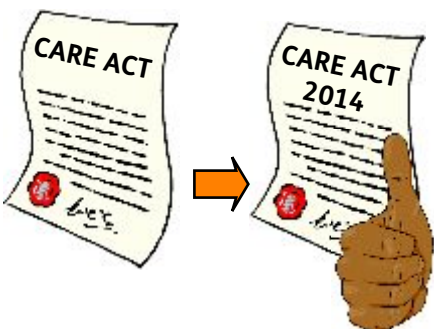
Now we are asking what you think about the rules about:



- how people pay for care and support



- how to **appeal** if you think a decision about care is unfair.



We need your help to make these changes work and your ideas about how to make them better.

About this pack



The Department of Health wrote this pack.



It is about the Care Act 2014 and changes to the way people pay for adult care and support in England.

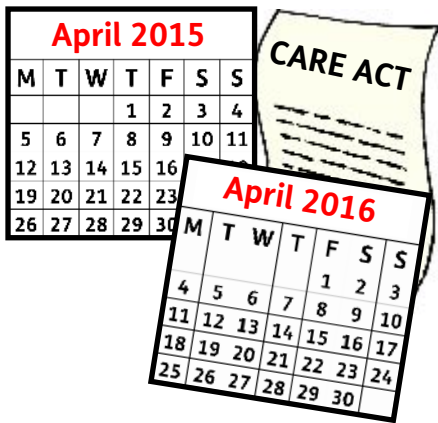


Part 1 of this pack tells you our ideas for:

- changes to rules about how you pay for care



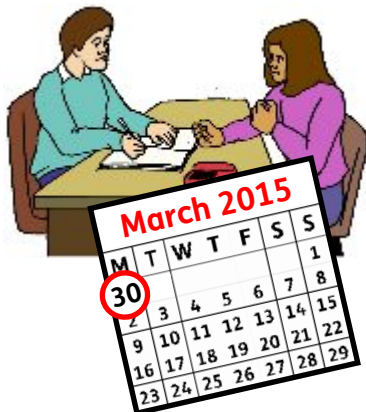
- appeals



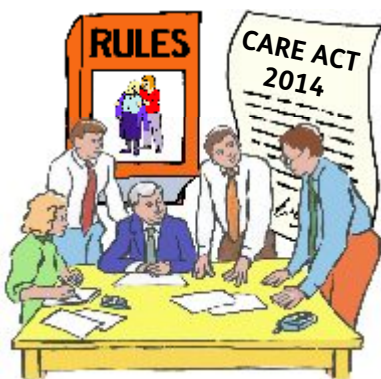
Many Care Act changes start in April 2015. These changes will not happen until April 2016.



Part 2 has questions about these changes.



Please tell us what you think before **Monday 30th March 2015.**



We will look at what people say and then write the final rules and **guidance.**



Parliament must agree to them before they become part of the new law.

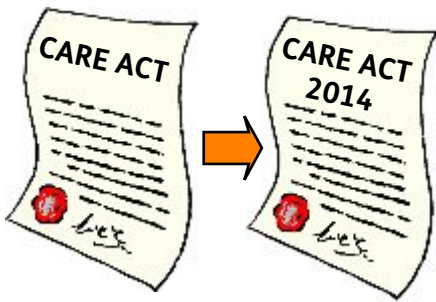


Difficult words are written in **bold**. There is a list of what the words mean at the end of Part 1.



When we say **care costs**, we mean the cost of care and support. If you are paying to have care in a care home it doesn't include the cost of living there.

About the Care Act 2014



The Care Act is a new law about care and support for adults in England.



Care and support means help with things like:

- washing



- dressing



- eating



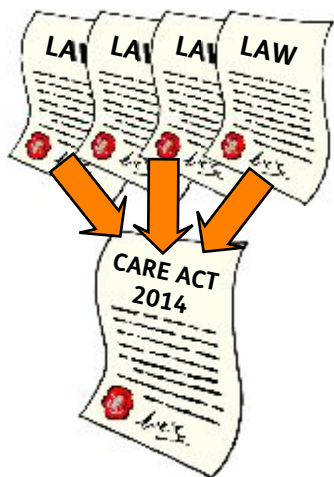
- getting out and about



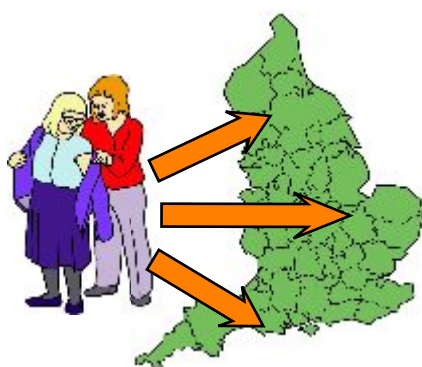
- seeing friends or family



- caring for a friend or someone from your family.



We have lots of different laws on care and support. This can be confusing. The Care Act brings them together so we have just one new law instead.



The changes will help everyone in England get the same care and support wherever they live.



This pack is about the rules and **guidance** to make sure the new law works well.



Guidance is information to tell councils how to use the Care Act 2014 properly.



The **guidance** will say:

- what people should be able to get



- what councils have to do



- how to tell us what you think.



We need people who know about care and support to help us get things right.



We want to hear from:

- people who use care and support services



- carers



- people who work in care and support services



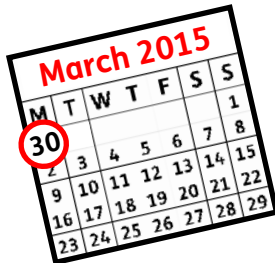
- people who run care and support services.



Part 1 of this booklet tells you about our plans.



Part 2 asks what you think about them.



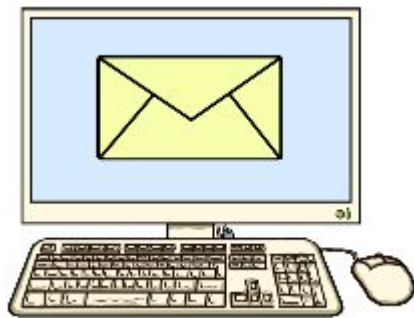
You can tell us what you think until
Monday 30th March 2015.



There are 3 different ways to get involved:

On our website:

www.careact2016.dh.gov.uk



By email to:

careactconsultation@dh.gsi.gov.uk



Fill in the answer booklet and post it to:

Care and Support Funding Reform

and Appeals Consultation

Department of Health

Room 313B

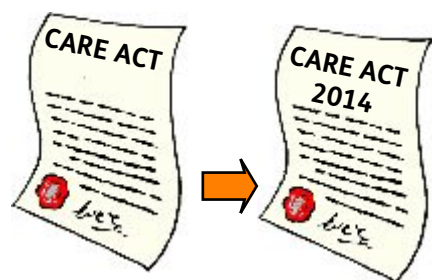
Richmond House

79 Whitehall

London

SW1A 2NS

Our ideas



1. Changes to rules about how you pay for care



The rules and **guidance** will tell councils how to make sure people:



- know how much their care will cost



- can plan how to pay for it.



Councils must stick to the **guidance** unless they have a good legal reason not to.



The guidance will also help people who use care services and people who run them.



Why things need to change

We all have to pay something for our care.



People without much money get help with their care costs.



Other people pay for everything themselves. This can cost them a lot of money.



The changes will make it easier to plan how to pay for care you might need in the future.



How things will change

We want to stop people worrying about paying for care by:



- having a **cap** for care costs – this is the highest amount you will have to spend on your care in your lifetime



- changing how we decide how much you can afford to pay so more people get help with care costs.

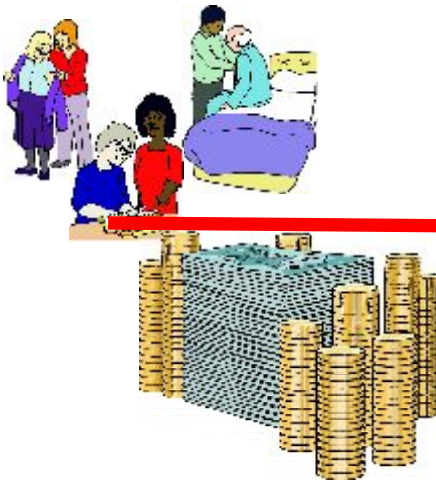


Capping care costs

People are living longer and might have to pay for care for a long time.

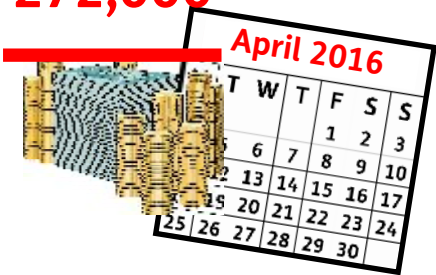


They often have to sell their home or use their savings before the council helps to pay for their care.



The **cap** is the highest amount you will ever have to spend on the care your council agrees you need. They find out what care you need by doing an assessment.

£72,000



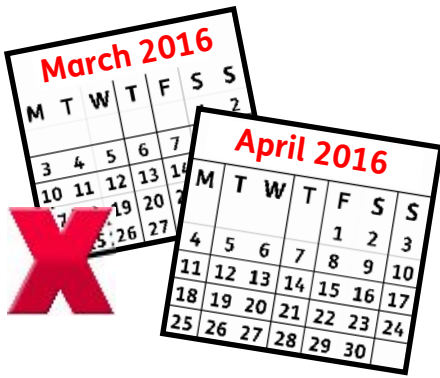
From April 2016 this will be £72,000. Many people will pay less than this because the local authority will help them to pay.



If you need care before you are 25, you will never have to pay anything for care your council agrees you need.



Only the cost of care the council agrees you need will count towards the cap amount.

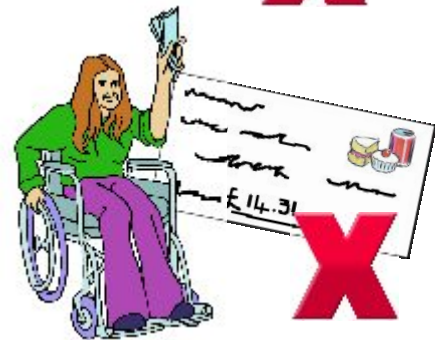


It will not include:

- the cost of care you get before April 2016



- paying for care the council has not agreed you need



- the money you need to live every day (daily living costs)



- any **top up** for a better care home or room



- anything that is not in your **personal budget**



- any money you pay for a **deferred payment agreement** so you do not need to sell your home

NHS



- nursing care that the NHS pays for.



When it thinks you will reach £72,000 in 18 months, the council will write to you and say:



- what happens next
- what you need to do



- the choices you will have when the council starts to pay for your care.



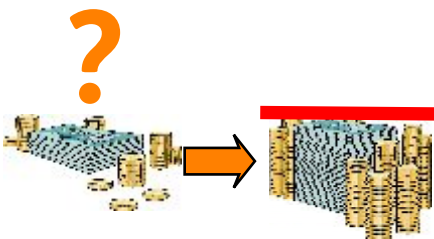
When the council pays for your care, you will still have to pay your **daily living costs** and any **top up** for a better room or care home.



There are rules about what happens if we change the highest amount you will have to spend.



Question 1 asks what you think about the cap.



How much counts towards the cap



If the council pays towards your care

The council works with you to write a plan for your care and support.



Your personal budget says:

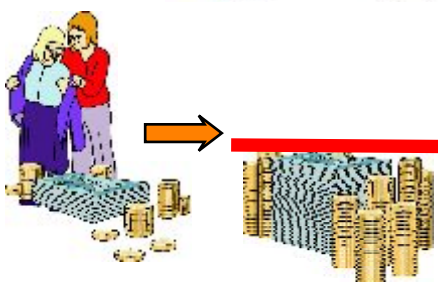
- how much it will cost for all the care the council agrees you need



- how much you will pay



- how much the council will pay.



It is the cost of your care that counts towards the cap, not just what you pay.



It will not include **daily living costs** or any **top up** you pay for a better care home or room.



You can choose:

- how to use the money to meet your needs



- to take some or all of your personal budget as a **direct payment**



- to use your own money to pay for care that is not in your personal budget.



The council will use your **personal budget** to work out when you reach the **cap**. When you do, they will pay for your care.



If you pay for and arrange your own care

The council will give you an **independent personal budget**.



This says what your care and support would cost if the council paid for it.



They work this out by looking at what they pay for other people who have needs like yours.



Questions 2 and 3 ask about independent personal budgets.



Care accounts

Your **care account** says how much your care has cost.



It helps you see when you will reach the **cap**.



Every year the council must tell you:

- the **cap** or highest amount you will ever have to spend on all your care
- how much has counted towards this



- how much has been spent so far





- any costs that do not count towards the cap.



Councils must show how they work this out.



They should give you this information in the way that works best for you.

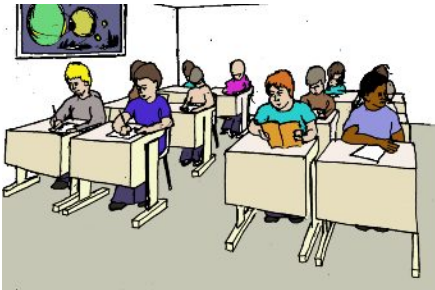


Questions 4 and 5 ask about care accounts.

People who are working age



Many older people have worked, planned and saved for the future.



Younger people who need care might miss out on:

- school



- college or university



- training



- having a job.



This can make it hard to save money to pay for care.



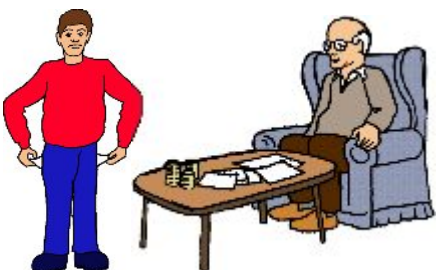
We want to make the **cap** on care fair to younger people who may not be able to work and save:



- if you start to need care before you turn 25, you will never have to pay for care to meet your needs



- if you start to need care after you turn 25, you will have a cap of £72,000.



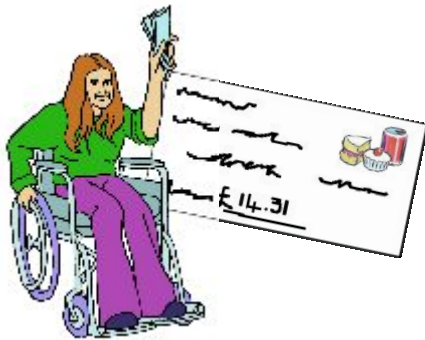
People who are working age and are not in a care home have less money left after paying for care than an older person. The new rules make this fairer.



We need to make sure people of working age can save for the future. We want your ideas on how the rules can help.



Questions 6 and 7 ask about care costs for people who are working age.

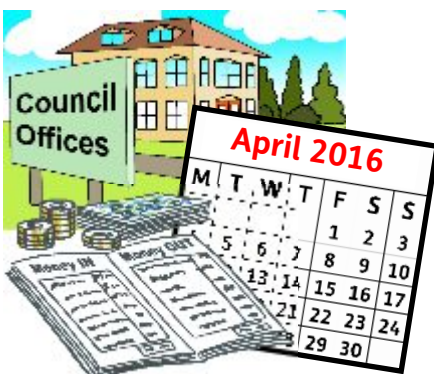


Daily living costs

Whether you live at home or in a care home you have to pay for things like food, rent and bills.



These are your **daily living costs** and not part of your care. They do not count towards your care.



From April 2016 your council will work out how much your care costs. If you are in a care home your council will take away £230 a week for **daily living costs**.



If you cannot afford to pay £230 a week yourself, the council can help you.



Question 8 asks about daily living costs.



Top ups



Your care plan says what type of service and support the council thinks you need.



If you or your family choose to pay extra for a better room, care home or service this is a **top up**.



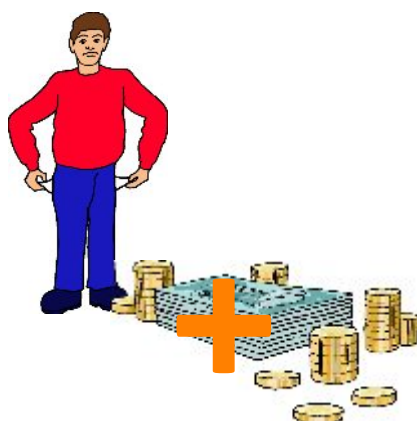
At the moment you can't normally pay this yourself but family members can pay it for you.



The new rules will make it easier for you to use your own money to pay a **top up**.



You have to sign an agreement with the council to say you can afford this.



This agreement says what will happen if you cannot afford the **top up**.



It keeps you and the council safe.



Question 9 asks about top ups.

Means testing



When the council decides about what you can pay for care, it thinks about the money you have.



This includes things that you own like your home.

£23,500



At the moment, people with things worth more than £23,250 do not get help with care costs.



The new rules will make things fairer.



Care in a care home

If you are in a care home and you do not own a home the council will help you pay for your care if your things are worth less than £118,000.



If you do own a home the council will not count the cost of your home:

12 WEEKS						
M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- for the first 12 weeks; or



- if someone is still living there who meets the council's rules. For example, your husband or wife if they are over 60 years old or disabled.



If the council doesn't count the cost of your home they will be able to help you if your things are worth less than £27,000.



If it does count the cost of your home they will be able to help you if your things are worth less than £118,000.



This means more people will get help with care home costs.



Care at home

If you need care at home the council will help you to pay for your care if your things are worth less than £27,000.



If you own your home and you are living in it the council won't think about it when they work out what you can pay.



Question 10 asks about means testing.

Part 2. Appeals



If you think the council's decision about your care is unfair, you can ask them to look at things again.



At the moment you:

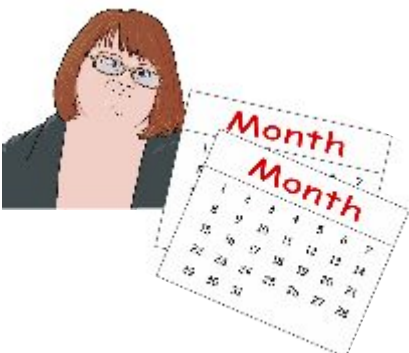
- make a complaint to your local council



- ask the **Local Government Ombudsman** (LGO) to look at your complaint if you think the council has made a mistake



- go to court.



This can take a long time and is not very independent (from the council).



We need a system that:

- is fair



- treats everyone equally



- is independent (not part of the council)



- is easy for people to use and councils to run.



Questions 11 and 12 ask about the new way to complain about decisions about care and support.

Making it easier to appeal



We want people to sort things out quickly and easily. There would be 3 steps:

1. You and the council talk about things and try to agree. If you cannot agree, the council must move to stage 2 on the next working day



2. An **Independent Reviewer** looks at the council's decision and says what they think should happen.



3. The council thinks about what the **Independent Reviewer** says and decides what to do.





The appeal would be about a decision made about your care and support that you think is wrong.



Councils must help you understand when you can **appeal** about a decision.



The **Independent Reviewer** can ask to meet you and the council to help them understand everything.



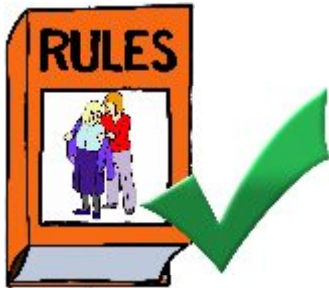
You can stop the appeal at any time.

What would be covered?

We think you should be able to appeal about decisions about:



- assessment – deciding what care you need



- whether you meet the rules about needing care



- care planning



- direct payments



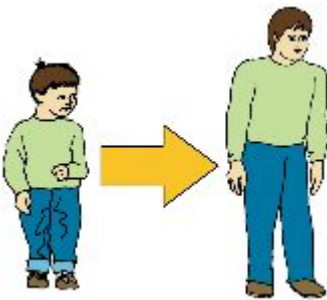
- personal budgets or independent personal budgets



- care accounts



- deferred payment agreements



- moving from children's services to adult services



- independent advocacy support.



Questions 13 and 14 ask about appeals and what they should be about.

The Independent Reviewer



We think this person should:

- be independent (nothing to do with the council or the person who made the decision)



- be honest and not take sides



- understand the Care Act 2014 and know about care and support



- know how to look at information and say what they think should happen.



If the person used to work for the local council, we think they should wait 3 years before being an **Independent Reviewer**.



It is important for all **Independent Reviewers** make decisions in the same way.



They could work together in groups to check each other's work and make sure their decisions are fair.



Questions 15, 16, 17, 18 and 19 ask about the Independent Reviewer.



How long will appeals take?

Things need to happen as quickly as possible so you get a final decision about your care.



If you are unhappy with a decision, the council must write to you within 3 days to say this is an **appeal**.

6 WEEKS						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

We think each stage should take no more than 6 weeks (30 working days).



The council or **Independent Reviewer** can ask for more time if the decision is complicated.



They must:

- write and tell everyone what is happening



- think about how it will affect you if they take longer to decide about your care.



How much will appeals cost?

These changes could be much quicker and cheaper than going to court to decide things.



Local councils will get money from the Department of Health to run the appeals system.



What the words mean

Appeal

Ask the council to look at things again if you think a certain decision about your care is unfair

Assessment

How the council find out what care you need

Cap

The highest amount you will ever have to spend on your care in your lifetime

Care

Support to help you live independently

Care account

This says how much your care has cost so far

Daily living costs

The cost of things like food, rent and bills

Deferred payments scheme

This scheme helps people who need to sell their home to pay to live in a care home

You do not have to sell your home straight away. The council pays for your care and gets the money back when your home is sold later or after you die

Direct payments

You can choose to take some, or all of your personal budget as a direct payment to plan and pay for your own care. This care must meet the needs the council agreed to support you with

Guidance

Information that tells councils how to use the Care Act properly

Independent Reviewer

Someone who looks at a decision about your care and says what they think should happen

Local Government Ombudsman

An organisation that looks at complaints about councils in a fair and independent way

Means testing

When the council looks at the money you have to decide how much you can pay for care. This includes things like your home

Personal budget

Your personal budget says how much it will cost for all the care the council agrees you need

Independent Personal Budget

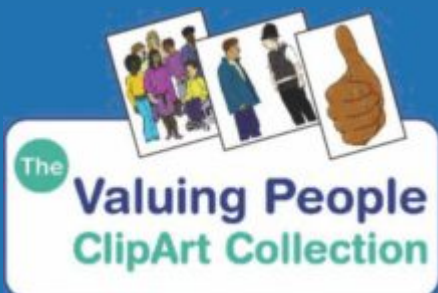
This says what your care and support would cost if the council paid for it

Top up

When you or your family choose to pay extra for a better room or extra service



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