

A Draft Bill on Care and Support



EasyRead version of the
Draft Care and Support Bill

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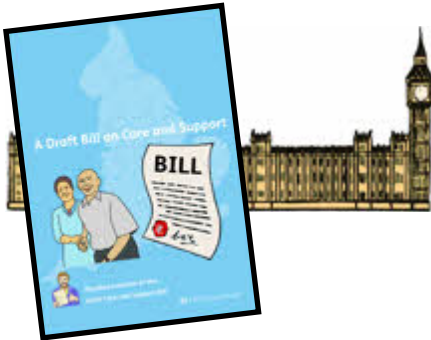


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Draft Care and Support Bill

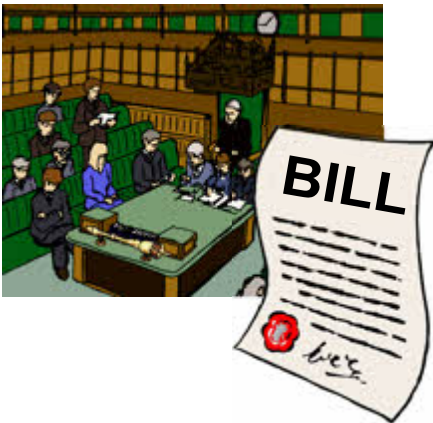
This is an EasyRead version of our draft Care and Support **Bill**.



It is written by the Government. When we say 'we' in this booklet we mean the Government.



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

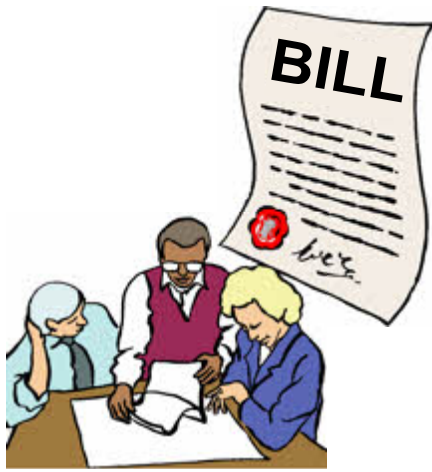


A Bill is a Government plan for a new law we want to make about something.

A Bill lets Parliament say what they think about it so it can be changed.

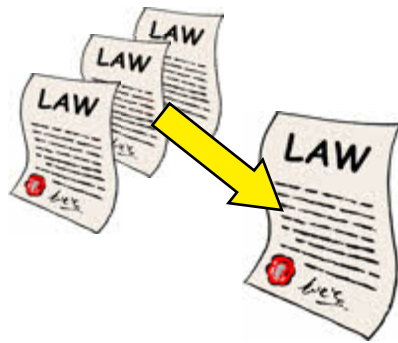


When it has all been agreed it changes into a new law and is then called an Act.



Sometimes a Bill is published in draft to give people the chance to look at it and talk about it and make changes before it is final.

This draft Bill is about Care and Support for adults in England.



At the moment we have lots of different laws on care and support. This Bill brings them together to make just one new law instead.



There is also a **White Paper** about Care and Support. A White Paper is a Government paper that says what we plan to do about something.



The White Paper gives more details about how we want to see care and support working. There is an EasyRead version of it here:

www.tinyurl.com/CareAndSupportWP



For more information about our Care and Support plans please go to our website:

caringforourfuture.dh.gov.uk



What is care and support?

Care and support means lots of different things for different people.



It depends on what each person needs, but can include things like:

- help to get out of bed, get dressed or washed



- help with eating or cooking meals



- help with seeing friends and family





- caring for others.



We all know someone who needs care and support, and most people will need some care and support themselves at some time in their lives.



Care and support comes from lots of different people; family, friends, people in the community.



The Government help to pay for some sorts of care and support, depending on how much money people have.



This Bill is mainly about people who are 18 and over who need care and support.



This includes:

- older people



- people with learning disabilities



- people with a physical disability



- people with mental health problems



- people with drug or alcohol problems.



People have told us there are lots of problems with care and support at the moment.



These are things like:

X people do not understand how it works



X it is unfair



X you cannot get help at the right time



X you cannot get the right support



✘ some services are not good enough



✘ people are sometimes not treated as well as they should be



✘ it does not support people to be independent or have choice and control.



We need a big change to care and support to make sure people are able to live the lives they want in the future.



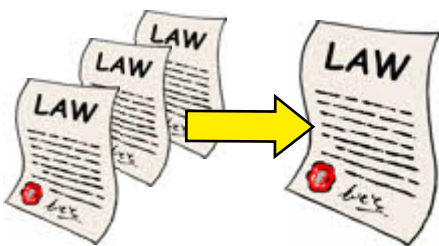
Why are we changing the law?



The **Law Commission** looked at the laws we have about care and support at the moment.



They said the laws are confusing and this makes it difficult for people to know what they might get.



They said all of the different laws should be put together into one new law.



There is an EasyRead version of the Law Commission's report here:

www.tinyurl.com/LawCommPlanER



We agree with the Law Commission, which is why we have written this draft Bill to make just one new law.



As well as the new law, there will also be clear and simple new rules about:

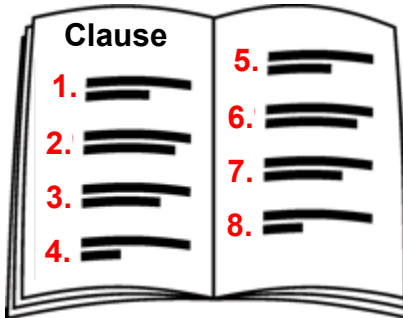
- what people should be able to get



- what councils will have to do.



What the draft Bill will do for care and support



There are a lot of details in this draft Bill with **53 clauses** about care and support.



If you need to know more about any subject please look for it on the contents page at the front of the full version of the Bill. Or if you know which clause you want, you can look up the clause number.

Well-being

Clause 1



The draft Bill starts with an important new law. This says that all decisions by councils to do with your care and support must think about your **well-being** and how to make life better for you.



Well-being is about getting the care and support you want to make life better for you.



The sorts of things that councils should think about are:

- keeping people fit and well in their body and mind



- making sure people are safe and not **abused** or **neglected**



- making sure people have control over their lives



- work, learning, training and hobbies



- friends and family.



Councils should start by thinking that everyone knows best about their own well-being.



Supporting the community

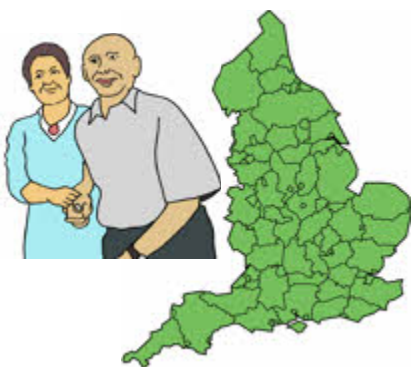
Clauses 2-7

Care and support is about supporting the community as well.



Councils will have to:

- have an information and advice service, that explains how the care and support system works



- tell people what services there are in the area



- tell people how to get their care and support needs met.



- have services that stop problems before they start, or stop them from getting worse as early as possible



- make sure there is a choice of good services in the area that people can choose from



- work with local organisations to make services better, keep people safe and improve people's well-being



- join up local care and support services with the NHS and things to do with Health.



Different ways to meet people's needs

Clause 8



There are lots of different ways to meet people's needs.



The draft Bill gives some examples, including:

- care in a care home



- support to help people to live at home



- counselling



- equipment



- information and advice.



We need to make sure the law lets the council meet peoples' needs in the best way.

Understanding care and support

Clauses 9 – 30



We need to help make sure people understand how care and support works. So this section says what should happen at each stage of social care from **Step 1 to 6**.



It starts at the beginning, when you first get in touch with a council and goes through each step of the way.



The law will be for carers as well as people who need support.



Step 1. What needs do you have? (Clauses 9-12)

We start with a check to see what you need, this is called an **assessment**.



The assessment will say what you need and what you want to see happen. It is not about other things like what money you have.



Step 2. Are your needs high enough to get social care? (Clause 13)

We will have the same rules about who can get care and support for everyone all over the country.



Your council will work out how high your needs are, and whether you need a service.

Step 3. Will you have to pay? (Clauses 14-16)



You will have to pay towards most sorts of care and support if you have enough money. If you cannot afford it, you do not have to pay for it. The council will need to do a check to see how much money you have.



If you own your own home, you will not need to sell it to pay for care straight away if you do not want to.

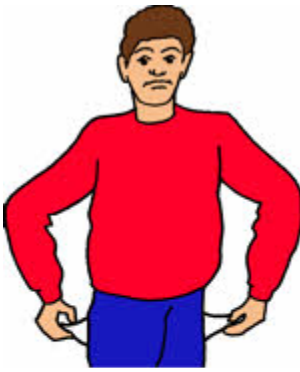
Step 4. Who must get care and support? (Clauses 17 -19)



If your needs meet the rules about getting your needs met, and you normally live in the area, then the council must meet your needs if:

- the service you need is free of charge





- you do not have the money to pay for the service you need



- you are not able to make your own decisions and there is no one else to help, or



- you ask the council to arrange it for you.



The council will also be able to give you a service even if you do not fit into all these rules, if it thinks it is the right thing to do.



If you are a carer, the council can give a service to the person you are caring for as well as to you.



Step 5. When can you not get a service? (Clauses 20-22)

Sometimes your needs mean you should get a service from someone else like the health service. You cannot get these services from social care.



Step 6. Who plans your service? (Clauses 23-30)

Even if you cannot get a service you should still be given information and help about how to meet your needs, support yourself and stop things getting worse. (clause 23)



After it has been decided a council is going to give you a service they must help you to plan it. This is called **person centred care**.



You will have: (clauses 24-25)

- a care and support plan. This says what needs you have and what you have agreed with the council about services
- a **personal budget**, this is a sum of money to use to buy care.





- the choice of a **direct payment**, this allows you, or someone else, to have the council money to spend yourself on care and support (clauses 28-30)



- if you need to go to a care home, you will have a choice about where you go as long as you pay any extra fees if there are any



- a **review**, when your plan is checked to see if it is working well. (clause 26).

Moving to another area

Clauses 31-32



If you move to another area the new council must carry on meeting your needs straight away as long as you have told them you are coming.



This is until they are able to do their own check on your needs.



There is also a rule that says if your council sorts out somewhere for you to live in another area they must carry on meeting your needs just the same as if you were still living in their area (clause 32).



There are also rules for sorting out arguments between councils if they disagree about who is responsible for you (clause 33).

Keeping people safe

Clauses 33-37



We have not had a law about keeping adults safe from abuse or neglect before. This part of the draft Bill will make it a law.



It will say that:

- councils are in charge of checking people are safe (clause 33)



- organisations must work together to keep people safe (clauses 4-5)



- each area will have a group that works on keeping people safe, called an **adult safeguarding board** (clause 35)



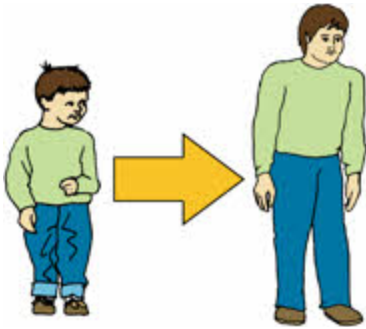
- the group will look at what has happened if someone is not kept safe or is hurt and they die, or they are worried about how they have been treated to see if anything could have been done better (clause 35)



- councils will not be able to remove an adult from their home anymore (clause 37).



But because some people are worried about this we will be asking if something else needs to be done about when councils think someone is not being kept safe.



Moving from children's to adult services

Clauses 38-42

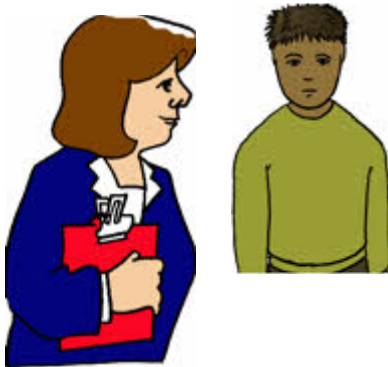


This has caused lots of problems in the past.

The draft Bill says:



- before someone is 18 councils need to help them plan for the future and the support they might need as adults.



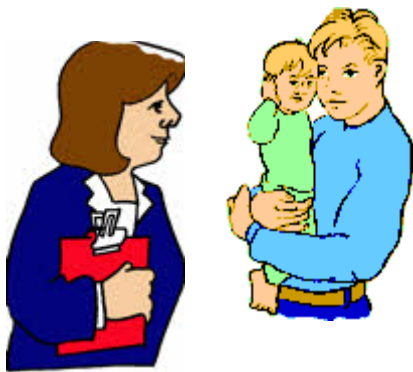
- young people will be able to ask for an assessment (clause 39)



- young carers and parent carers can ask for an assessment (clauses 40-41)



- care being provided by children's services has to carry on until adult services are able to do their own check on your needs (clause 43)



- adults caring for children can have their needs checked under adult and children's services so they can get a service from either (clause 44).

Other areas in the draft Bill

Clauses 45-53



The draft Bill includes details about:

- how councils can go to court to get any money back they are owed for care (clauses 45-46)



- how to help people move from hospitals as quickly as possible (clause 47)



- making sure there are less differences between some mental health services and social care (clause 48)



- each area having a list of people who cannot see well or are blind so they can more easily get services (clause 49)



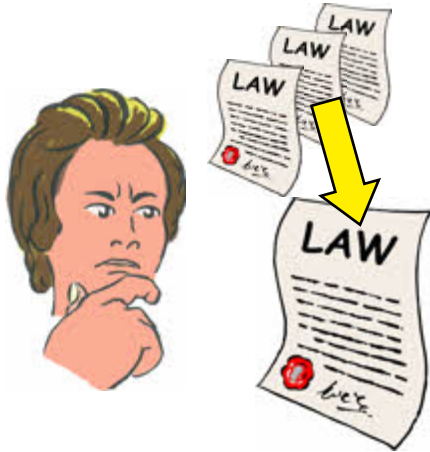
- how Government can tell councils how they should be doing some things (clause 50)



- how councils can agree with other organisations to do some things for them (clause 51).



What happens next?



The old laws were complicated, so bringing them together in one new law is not easy.



We want everyone to have a say about what is in this draft Bill to be able to get it right.

There will be a chance for people to have a say on the **Caring for our future** website:

caringforourfuture.dh.gov.uk



If you would like to tell us what you think, you can also e-mail us:

draftcareandsupportbill@dh.gsi.gov.uk



or write to us:

**Draft Care and Support Bill Team
Department of Health
Richmond House (6th Floor)
79 Whitehall
London
SW1A 2NS**



We would like to hear from you before 19 October 2012.



A committee will be set up in Parliament to look at the draft Bill and what people have to say about it. This should start in the Autumn and finish in early 2013.



We want to make this Bill a law as soon as we can.



Things that are not in this draft Bill

There are some things that are not in this draft Bill because we are doing other work on them.

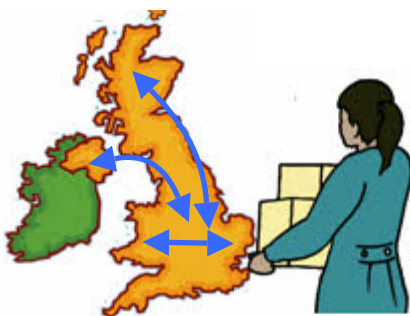
These are:



- asking about extra new laws for going into people's homes to check that they are safe



- asking about what happens when places like care homes have to close down because they have a problem like running out of money



- helping people move between England, Northern Ireland, Scotland and Wales



- changes to the way social care is paid for. There is a separate paper on how far this work has got.

What the words mean

Abuse

Abuse is when someone hurts or uses you, it can be in lots of different ways like:

- hitting you
- making you have sex when you don't want to
- stealing your money
- upsetting you on purpose.

Adult Safeguarding Board

A board is a group of people who meet to look at something. This group looks at keeping people safe. People who might not always be able to keep themselves safe. Each area will have their own board and should be told about if anyone thinks someone is not safe.

Assessment

An assessment is a check on something. You need an assessment to get a service. It checks what you need and should include what you want to see happen. Other assessments check to see how much money you have.

Bill

A Bill is a Government plan for a new law. It lets Parliament say what they think about it so it can be changed. A draft Bill lets more people have a say about it first.

Clause	A clause is one section of a Bill. Each one has a number so you can find the one you want more easily.
Direct payment	Support money from Government that is given straight to people to spend on support that meets their needs.
Law Commission	The Law Commission is a group that checks on the law and says when they think it needs changing.
Neglect	<p>Neglect is when someone is not looked after properly. Things like:</p> <ul style="list-style-type: none"> • not having enough or the right sorts of food • not being helped to keep clean • not being cared for properly.
Person centred care	This is care that is right for you. You, and others close to you, will help plan it to make sure it is what you want and need.
Personal budget	A personal budget is the total amount of money people have for their support. It can come from several different places and is all put together.
Review	A review is a check to see how things have gone after a while.

Well-being

Well-being is about making life better for you. It is important to think about well-being because it will be the main thing that the council needs to think about when making decisions.

White Paper

A White Paper is a Government paper that says what we plan to do about something. White Papers are often turned into law to make sure that what we want to do happens.



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