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The Care Act



The Care Act came into effect on 1st April 2015. It is a major and important reform and will affect anyone living in England who has care needs now and in the future.

The 'Wellbeing Principle' is a new and important concept. It covers a wide range of factors including: personal dignity; physical, mental and emotional wellbeing; protection from abuse and neglect; accommodation; family, domestic and personal wellbeing. There is an attempt to recognise that different people have different needs rather than just considering which Local Authority ("LA") service they will fit into. There is a move away from only providing residential (i.e. care home) and domiciliary (i.e. at home) care. There are a wide range of assessment methods now available.

The important changes that you should know about are:

- The legal right to a Care Assessment. The LA must provide this to anyone who appears to need care or support. This is regardless of their finances and even if they are paying for their own care. If someone is eligible for support, a Support Plan will be agreed and they will receive a Personal Budget. It is important to have an assessment as this will have an impact on how much one ends up paying for care over a lifetime. It should help people to plan their care and ensure that they get the right support.
- New means-testing thresholds. The LA will arrange a financial assessment to decide what someone can afford to contribute towards their care costs. The thresholds are £118,000 if in a care home and £27,000 if living their own home. Below these thresholds the financial contribution decreases on a sliding scale as assets get less. There is also the Minimum Income Guarantee to ensure that whatever is paid towards care does not cause the person's income to fall below a certain level.
- Carers have a right to an assessment of their needs. Anyone who provides unpaid care has a right to this as a carer. If the carer is eligible for support from the LA, a Support Plan will be agreed and the carer should receive a Personal Budget.

Other changes will only come in from 1st April 2016 and these will be explained in a further issue.

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If you require advice on this matter please contact Miranda on 01328 710210. If you require advice on any other legal matter please telephone our Wells office on 01328 710210 or email law@hayes-storr.com.