

**Updated March 2015**

## **Care Act FAQs from our residents**

The latest Frequently Asked Questions (FAQs) and other information on the Care Act can be found by searching for 'Care Act' on the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk).

If you have any further questions around the Care Act contact us on:

- Email: [careact@lbhf.gov.uk](mailto:careact@lbhf.gov.uk), or write to:

Adult Social Care  
Customer Feedback Team  
Town Hall Extension  
London Hammersmith & Fulham Council  
King Street, London W6 9JU

### **What is the Care Act?**

The Care Act 2014 represents the most significant reform of care and support in more than 60 years and brings the current laws relating to adult social care together in one law. The Act will also change many aspects of how support is arranged and aims to give greater control and influence to those in need of support.

### **What are the changes in the Care Act?**

The Care Act aims to improve care and support for those who need it and their carers. This includes:

- supporting people who fund their own care to plan and manage it;
- new rights for carers, supporting them in their ability to care;
- better information and advice to help people make informed choices; and
- a new national eligibility criteria about who will qualify for services.

### **When will the changes to the Care Act happen?**

The majority of the Care Act changes will become effective from April 2015. The Care Act funding changes are due to become law from April 2016.

## Assessments

### What is the assessment and eligibility process?

The assessment is a meeting between you, the assessor and anyone you would like to be present - this could be a carer, family member or friend. The assessment involves looking at your needs and what you want to achieve, including changes you want to make in your life. From this, the council decides how to meet your care and support needs to help you live your day-to-day life and maintain your independence. Assessments are carried out by a trained assessor, who will consider:

- your needs and how they impact on your wellbeing; and
- the needs of anyone who is caring for you if you live alone or anyone who supports you.

This is to get a full picture of you and what needs you may have.

### How does the council assess who is eligible for care and support?

Your needs could be eligible if you are not able to do a combination of certain things that seriously affect your wellbeing. These may include washing yourself, getting dressed, getting in and out of bed or keeping your home safe for you to live in.

After your assessment, the council decides whether you are eligible for care and support or not and will write to you about their decision and give you reasons to explain what they have decided. If you have eligible needs, the council will discuss with you what help might be available. This will be based on the information you have given during your assessment.

### I pay for my own care and support. How does the Care Act affect me?

Under the Care Act, everyone is entitled to an assessment, information and advice and if eligible, support from the council regardless of whether you can afford to pay for your own care and support.

Your finances will be assessed to see if you may be entitled to financial support from the council. Depending on your financial assessment, you may need to pay all or some of your care costs. If you need more information, visit the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk)

### What will happen if I am not eligible for care and support?

Whatever your level of need, your council will give you information and advice that can help you. This may include details about other organisations who can support your wellbeing and help you remain independent for longer such as activity or support groups and services organised by local charities. Visit the People First

website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk) to see what is going on in your local community.

### **If I decide to move, will I lose the help that I am getting?**

If you have needs that meet the new national level and are eligible, you will be able to get some help from your council wherever you live in England. Although the level of need each council uses to decide whether or not they can help you will be the same across the country, the help that is given to you might be different in different boroughs. For example, one council might provide a buddying service to stop you from feeling lonely, while another might help you stop feeling lonely by introducing you to community events in the local area.

## **Direct Payments**

### **What about identifying my care and support planning?**

The care and support planning process is put in place to help decide the best way to meet your needs. It considers a number of things such as; what you want to achieve, what you can do by yourself and what types of care and support might be available to help you in your local area.

Your council must produce a care plan that sets out the detail of what has been agreed. This is called your personal budget. Using information from your personal budget, you can ask your council for a direct payment.

A direct payment is a payment of money from your council to you or to someone else acting on your behalf, to pay for all or part of your own support. Your council must provide a direct payment to you if you meet the conditions in the Act and regulations.

## **Adult Safeguarding**

### **What is safeguarding?**

Adult safeguarding is working with adults with care and support needs to keep them safe from abuse or neglect. It is an important part of what many public services do, and a key responsibility for each council.

### **Why do we need to change the law for safeguarding?**

Although all councils have been responsible for safeguarding for many years, there has never been a clear set of laws behind it. As a result, it is often unclear who is responsible for what, in practice.

The Act aims to put this right by creating a legal framework so key organisations and individuals with responsibilities for adult safeguarding can agree on how they must work together and what roles they must play to keep adults safe from harm.

## **Caring for someone**

### **As a Carer, how does the Care Act affect me?**

From April 2015, you will be entitled to an assessment of your own needs, regardless of whether the person you are caring for has eligible needs. If you have eligible needs of your own, you will have the right to support to help you carry on caring and look after your own wellbeing.

### **Why do I need to have an assessment?**

A carer's assessment will look at the different ways that caring affects your life and work out how you can carry on doing the things that are important to you and your family. Your physical, mental and emotional wellbeing will be at the heart of this assessment.

As a result, you may be eligible for support from the council, who will also offer you advice and guidance to help you with your caring responsibilities.

You will be able to have a carer's assessment even if the person you care for does not get any help from the council, and they will not need to be assessed.

### **Where can I find out more about support for carers?**

More information can be found on the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk). Alternatively, if you are a Hammersmith & Fulham or Westminster resident, contact Carers Network at [info@carers-network.co.uk](mailto:info@carers-network.co.uk) and for Kensington and Chelsea residents contact Carers UK at [kandc@carersuk.org](mailto:kandc@carersuk.org) who provide information and advice and care services on behalf of the council.

## **Paying for care**

### **Do I have to pay for my own care?**

Care and support is not a free service like the NHS and under the Act councils have the power to charge following a person's needs assessment. Whilst some types of care and support are provided free (for instance, information and advice), most types of care will be subject to a charge.

You are not required to pay a contribution if:

- you receive 'intermediate' care including reablement (community independence) services. These are short-term services usually provided for a maximum of six weeks, for example, to help you recover when you are being discharged from hospital;
- you receive mental health 'after care' services (under Section 117 of the Mental Health Act 1983 these services must be provided free of charge regardless of your ability to pay for them);
- you suffer from Creutzfeldt Jacob Disease (CJD);
- your services are provided as 'continuing healthcare' by the NHS; or
- you receive equipment or have minor adaptations to your home to increase your independence.

How we charge depends on whether you are receiving care in a care home, in your own home, or another setting.

For more information on about contributing to the cost of your care, visit the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk)

## **Paying for care in a residential or nursing home**

### **Do I need to pay for care in a residential or nursing home?**

People in a care home are expected to contribute most of their income except for a Personal Needs Allowance to spend on personal items such as clothes and other items that are not part of their care.

If you have savings or investments in excess of the upper capital limit of £23,250 you will be required to pay for the full cost of care.

If you are eligible for nursing care in a home you may be eligible for some of the cost of care paid by the NHS, known as Free Nursing Care.

## **Deferred payments**

If you are a home owner when admitted to a residential or nursing home, and your home doesn't qualify for a disregard, you can enter into a Deferred payment

Agreement with the your council and defer or delay paying the costs of your care and support until a later date.

### What is a deferred payment agreement?

A deferred payment agreement is an arrangement with the council that enables you to use the value of your home to pay for your residential or nursing care home costs. If you are eligible, the council will help to pay your care home bills on your behalf. You can delay repayment to the council for doing so until you choose to sell your home, or until after your death.

### How will I know if I am eligible for a deferred payment agreement?

You should be eligible for a deferred payment agreement if you:

- are receiving care in a care home or you will be moving into one soon;
- own your own home (unless your partner or certain others live there); or
- have savings and investments of less than £23,250 (not including the value of your home or your pension pot).

### What if my spouse/civil partner live in my home?

If you live in a care home, but your spouse/civil partner lives in your home, then the council may disregard the value of the property from your financial assessment.

### What will happen to my home after my death?

If you have agreed to defer your charge, the executor of your estate should arrange repayment of the money owed to the council, either by putting your home up for sale, or raising funds differently. This will usually need to be done within 90 days.

### Are there any related charges to a deferred payment agreement?

The council may charge an administration fee to set up and run the scheme. Interest will be charged on the amount owed to it. These will be set only to cover the council's costs and risks and not to make a profit.

You can visit the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk) and search 'Paying for your care' or/and 'Care Act' for more detailed information.

## Cap on care costs from April 2016

### What is the cap on care cost?

Currently there is no limit to what care and support can cost and this means that if you have very high care needs, you may have to pay expensive bills. From April 2016, there will be a new form of protection from unlimited costs. This protection is called '**cap on care costs.**'

This means that no one will have to pay more than £72,000 towards the cost of their eligible care and support needs in their lifetime, and many people will pay much less. This applies to you if you are funding your own care and support as well as for those individuals who are helped by the council.

### **When does it start?**

The Care Act introduces a cap on care costs from April 2016.

### **How can I find out more information?**

You can visit our People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk), or view the Department of Health's up-to-date national information at [www.gov.uk/careandsupport](http://www.gov.uk/careandsupport)

## **Information and Advice**

### **What are the councils doing to inform residents about the Care Act?**

We are working hard to ensure that a full range of information and advice is available, as required by the Act, in a range of formats.

You can visit the People First website at [www.peoplefirstinfo.org.uk](http://www.peoplefirstinfo.org.uk). People First website is easy to use for searching for information and help on a wide range of social care issues. It is provided in association with Hammersmith & Fulham Council, the Royal Borough of Kensington and Chelsea and Westminster City Council's Adult Social Care teams. The aim of the website is to give you a jargon-free source of information, ideas, events and activities and service information to help maintain your independence and wellbeing.