

The Care Act 2014

From April 2015, care and support in England is changing. The Care Act 2014 will help make the care and support system more consistent across the country. Many of us will need care and support at some point in our lives, and most people will pay at least something towards the cost of their care. The new national changes are designed to help you plan for the future and put you more in control of the help you receive. Any decisions about your care and support will consider your wellbeing and what is important to you and your family, so you can stay healthy and remain independent for longer. If you receive care and support, or you support someone as a carer, you could benefit from the changes.

Below is an overview of the changes covering:

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1. Explaining care and support

'Care and support' is the term used to describe the help some adults need to live as well as possible with any illness or disability they may have.

It can include help with things like:

- getting out of bed
- washing
- dressing
- getting to work
- cooking meals
- eating
- seeing friends
- caring for families
- being part of the community

It might also include emotional support at a time of difficulty and stress, helping people who are caring for an adult family member or friend or even giving others a lift to a social event.

Care and support includes the help given by family and friends, as well as any provided by the council or other organisations.

1.1 Changes to care and support in England

From April 2015, care and support in England is changing for the better. The new Care Act will help make care and support more consistent across the country.

The new national changes are designed to put you in control of the help you receive.

Any decisions about your care and support will consider your wellbeing and what is important to you and your family, so you can stay healthy and remain independent for longer.

Some changes will be introduced in April 2015 and others in April 2016.

In April 2015 we will be introducing:

- a new national level of care and support needs to make care and support more consistent across the country
- new support for carers
- deferred payment agreements for care costs

As part of the 2016 changes, there will also be more financial help for those who need it and people with modest means will benefit too. There will also be a new form of protection from unlimited care costs.

1.2 The reasons for the changes

As people are now living longer and with a better quality of life, the care and support needs they have are different. The way care and support is provided has to change to reflect this. A new Care Act has been passed to make care and support, and the way we pay for it, clearer, easier to access and more consistent across the whole of England.

1.3 People affected by the changes

You may benefit from the changes to care and support if you:

- receive care and support from your council or another organisation, either at home or in a care home
- give unpaid care and support to an adult family member or friend
- think you may need care and support in the near future, either for yourself or for someone you help

1.4 Care and support is changing for the better

The changes mean that more people will be able to get the care and support they need, either from the council or from other organisations in the community. Different ways to pay for care and support will be available across the whole of England, so people should not have to sell their home in their lifetime to pay for care. People who receive care and support from the council will have more say over what sort of help they get. And there will also be more help available for people who give unpaid care and support to an adult family member or friend.

From April 2016, financial support will be available to more people, and everyone will be protected from unlimited care and support costs.

1.5 Care and support from the council and the care people receive at home from the NHS

Care and support organised by the council can include help with everyday things like washing and dressing, getting in and out of bed, and keeping your home safe for you to live in.

As well as care and support organised by the council, some people are also eligible to receive help from the NHS. This help may be a nursing service for people who are ill or recovering at home after leaving hospital. It could include things like changing the dressings on wounds or giving medication. If

you are eligible for this kind of help, a health professional such as your GP or community nurse should be able to tell you.

In exceptional circumstances, where an adult has a complex medical condition and substantial ongoing care needs, the NHS provides a service called NHS Continuing Healthcare. NHS Continuing Healthcare provides care and support in a person's home, care home or hospice.

Find out more about [NHS Continuing Healthcare](#).

2. Deferred payment agreements

From April 2015, deferred payment agreements will be available from all councils across England.

A deferred payment agreement is an arrangement with the council that will enable people to use the value of their homes to help pay care home costs. If you are eligible, the council will help to pay your care home bills on your behalf. You can delay repaying the council until you choose to sell your home, or until after your death.

Deferred payment agreements will suit some people's circumstances better than others'. Councils may charge interest on the amount owed to them, and there may be a fee for setting this arrangement up. This is to cover the costs the council incurs in setting up your deferred payment agreement, and not to make a profit.

A deferred payment agreement means that people should not have to sell their home in their lifetime to pay care home bills.

2.1 How to find out if you're eligible for a deferred payment agreement

Deferred payment agreements will suit some people's circumstances better than others' and not everyone will be eligible. You should be eligible for a deferred payment agreement if:

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

Get in touch with your local council to find out about your circumstances and whether you might be eligible for a deferred payment agreement.

Councils may charge a fee to set up a deferred payment agreement and can also charge interest on the amount that is owed to them.

A deferred payment agreement is only one way to pay for care. To find out more about the options available, you can speak to a financial adviser or seek advice from an independent organisation.

2.2 When to repay a deferred payment agreement

You can sell your home and repay the deferred payment agreement at any point. Or you can have a deferred payment agreement for the full length of your stay in a care home and pay it back out of your estate, following your death.

2.3 The amount you can defer by having a deferred payment agreement

The amount you can defer will depend on the value of your home, which determines your 'equity limit'. As a guide, most people can use around 80% to 90% of the equity available in their home. The limit on equity is to protect you from not having enough money to pay sale costs of the property (like solicitor's fees) and to protect the council against a drop in housing prices and the risk that it may not get all of the money back.

2.4 Applying for a deferred payment agreement if your husband/wife/civil partner lives in your house

If you need care in a care home but your partner lives in your own home then the council will consider your partner's circumstances as well as your own. Depending on your partner's circumstances, it may decide to exclude the value of your home when it assesses your finances to work out how much you will have to pay towards the costs of your care. This means that you will not face having to sell your home to pay for care and will not need a deferred payment agreement.

If your partner has circumstances that mean the council decides that the value of your home is not excluded, you should still be able to get a deferred payment agreement, provided your partner is willing to sign the agreement too.

2.5 Applying for a deferred payment agreement if you pay for your own care at home

A deferred payment agreement is designed for people who are most at risk of selling their home to pay care fees. If you are still living in your own home, you should not need a deferred payment agreement, and there are other ways for you to pay for your care (including council support if you have less than £23,250 in savings and investments). You could speak to a financial adviser or an independent organisation to find out more.

2.6 Applying for a deferred payment agreement if you already live in a care home

If you have savings and investments of less than £23,250 and you do not have a partner or dependant living in your home, you should be eligible for a deferred payment agreement. If you have more than £23,250, the council may still offer you a deferred payment agreement. Contact your council directly to find out more.

2.7 Joint savings/savings held in your name that belong to your partner

Whether or not savings belonging to your partner and held in your name will be counted when deciding if you're eligible for a deferred payment agreement will depend on how the savings are held – contact the council or an independent financial adviser for guidance.

2.8 The cost of setting up a deferred payment agreement

Every council is entitled to charge an administrative fee for setting up a deferred payment agreement. This fee is to cover the costs the council incurs in setting up your deferred payment agreement, and not to make a profit. If you are thinking about setting up a deferred payment agreement, contact your local council to find out how much you may be charged.

2.9 Interest rate on deferred payment agreements

The council can charge interest on the amount owed to them while they are helping to pay your care home bills on your behalf.

The maximum interest rate they can charge is currently 2.6% and will be reviewed every 6 months. Interest is charged to cover their costs and not to make a profit. To find out if your council charges interest on deferred payment agreements, contact them directly.

2.10 Why councils charge set up fees and interest rates

Councils need to make sure that they can invest in the deferred payment scheme so that people can benefit from it for many years to come. The interest rate and administrative fee will cover their costs, and they won't make a profit from them.

2.11 Deciding who can live in your home if you have a deferred payment agreement

It is up to you who can live in your home if you have a deferred payment agreement – though there are benefits to keeping your home occupied. It must be maintained and insured for as long as you have the deferred payment agreement, and this can be cheaper and/or easier if someone is living there. You might choose to rent it out and use the income to reduce the amount you asked the council to defer.

2.12 Deferred payment agreements and selling your home

If you have a deferred payment agreement, it means you should not have to sell your home in your lifetime unless you decide you want to.

The money owed to the council from care home bills paid on your behalf during the deferred payment agreement will need to be repaid eventually. This can either be repaid by selling your house or you can arrange another way to pay if you are able to. For example, someone else could pay the money owed, or your family could use any pay-out from your life assurance after your death.

Your deferred payment agreement will end automatically following your death, and your executor will have 90 days to arrange payment of the money owed. If someone else (like a friend or relative) chooses to pay the bill, then your home will not have to be sold.

2.13 Gifting money or your home to your children

Your home and your money still belong to you if you have a deferred payment agreement, so you can of course make gifts to your children. But a deferred payment agreement for care costs will always need to be repaid – either by the sale of your home after your death, by someone else, or by something like the pay-out from a life assurance policy. If the council believes that your home or your money have been given away deliberately to avoid paying care charges, then they have the power to recover any money that they are owed.

2.14 The time it takes to set up a deferred payment agreement

If you are eligible, the council should be able to set up a deferred payment agreement within 12 weeks of you moving to a care home but some will be arranged more quickly than this.

2.15 How your home will be valued

The council will arrange to have your property valued and you can also request an independent valuation if you disagree with that valuation.

2.16 Changes to the terms of your deferred payment agreement

The maximum amount that the council will pay on your behalf, along with the interest rate and any administrative fees, will be set out at the start of the deferred payment agreement. These will be reviewed regularly and can be changed.

Any other conditions – for example how the property should be maintained – will also be written down in your agreement. Make sure that you understand the full terms and conditions and get independent advice from a solicitor, financial adviser or an independent organisation before signing a deferred payment agreement.

2.17 Getting a deferred payment agreement if your house is in a flood risk area

In order to be eligible for a deferred payment agreement your property will need to be insured. Please contact the council if you have specific concerns about this.

2.18 Repaying the deferred payment agreement after your death

The executor of your estate should arrange repayment of the money owed to the council, either by putting your home up for sale, or by arranging for another person, such as your heir, to pay. This will usually need to be done within 90 days. If the money owed is repaid without your home being sold, then your property will be dealt with according to any instructions you have left.

Your heirs will usually have 90 days to repay the deferred payment agreement. Interest charges will continue to be added during this period.

If, after 90 days they haven't taken reasonable steps to repay the deferred payment agreement, then the council has the power to recover the amount owed through the courts.

2.19 Dividing the rest of your estate after a deferred payment agreement has been repaid

Any money that is left after the money owed to the council has been repaid from your estate will be divided up according to any instructions that you leave.

2.20 Repaying the council

You may need to name someone (usually the executor of your will) in your deferred payment agreement who will help the council to reclaim its costs in the event of your death.

2.21 Deferred payment agreements for people with dementia or who do not have the capacity to understand

Carers and families can help people to make decisions about their care and how to pay for it. If the council is concerned that the person applying for the deferred payment agreement does not have the capacity to understand, or won't have capacity to understand in the near future, then another person may need to represent them.

Only a person that is properly authorised, like someone with legal power of attorney, can represent someone in applying for a deferred payment agreement.

2.22 More information on deferred payment agreements

To find out how the changes are being introduced in your area, get in touch with your council.

A deferred payment agreement is only one way to pay for care. To find out more about the options available, you can speak to a financial adviser or seek advice from an independent organisation.

3. Needs and eligibility

3.1 What to expect from a needs assessment

A needs assessment is a discussion between you (or the person you look after) and a trained person either from the council or another organisation that the council works with, where you will talk about the care and support needs you have and the goals you want to achieve. It could be done face to face, over the telephone or online. The council will use the assessment to identify your care and support needs, and to discuss how these could be met. This might mean that the council will give you help or put you in touch with other organisations, such as local charities, that you can talk to.

3.2 When to ask your council about having a needs assessment

If you think you have any care and support needs, you can contact the council to ask for an assessment. If you are a carer and you need some support, get in touch with the council covering the area where the person you care for lives. The council will be able to give you information and advice about how the assessment will work.

3.3 Factors the needs assessment will consider

The needs assessment will consider what care and support needs you have and how these affect your wellbeing. This will include identifying any physical needs, such as whether you need help to wash or dress, get in and out of bed or keep your home safe to live in. The assessment will also look at your mental and emotional needs and ask what is important to you in how you live your life, such as being able to carry on working or volunteering, or being able to meet your friends.

Everyone's needs and the ways they affect people's wellbeing are different. Identifying your needs and the things you want to achieve will help the council to decide if they can help. Depending on what needs you have, they may give you information and advice about other kinds of support available locally that can help you, such as charities or community groups.

3.4 The difference between a needs assessment and a carer's assessment

A 'needs assessment' is an assessment of an adult who may need care and support. A 'carer's assessment' is for someone who gives care and support to an adult family member or friend. Caring can include lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious.

Find out more about a carer's assessment in [Support for carers](#).

3.5 Help with your assessment

The assessment is about you and the council will make sure that you are able to be involved. If you wish, then your carer, a friend or family member can help and represent you. If you don't have a carer, family member or friend who you can ask, and you have a lot of difficulty doing the assessment yourself, the council will find an independent advocate to help you.

3.6 What to do if you are already receiving care and support

If you are already receiving care and support from your council, you do not need to ask for a reassessment. The council will contact you if there are any changes that affect you. If your needs have changed recently and you feel like you need more care and support, you can ask for a new assessment.

3.7 Who carries out assessments

Lots of different people can carry out assessments - as long as they have the right training. The person doing your assessment could be a social worker or care manager, or it could be someone else. Your council will make sure that whoever carries out your assessment has the right training. You could also be offered a supported self-assessment. This means you do your assessment yourself with help from the council.

3.8 The needs assessment and your finances

A needs assessment won't ask about your finances. But if you are eligible for care and support from the council, you may have to pay something towards the cost. To find out how much you might need to pay, they may ask you to do a financial means test and you would then need to disclose details about your savings, assets and income.

3.9 Deciding if you have eligible needs

The council will assess your care and support needs with you, and decide if they are at the level where you need help from them. Your needs could be eligible if you are not able to do a combination of certain things that seriously effects 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 the assessment your council will write to you about their decision and give you reasons to explain what they have decided.

If you have eligible needs, your council will contact you to discuss what help might be available. This will be based on the information you gave them during your assessment. As far as possible the council will agree your care and support plan with you.

If you do not have needs that are eligible, your council will give you information and advice about what care and support is available to help you locally. This could be help from local charities or voluntary organisations for example.

3.10 Other types of care and support

Everyone's needs are different. They may be physical, mental or emotional. You may find that the support you need could be met by something going on in your local community, for example services organised by local charities or other support networks.

Whatever your level of need, your council will give you information and advice that can help you.

The council might also be able put you in touch with other organisations who can support your wellbeing and help you remain independent for longer.

3.11 Assessments for people who pay for their own care

If you have arranged care and support yourself, either in your own home or in a care home, you do not need to be assessed by the council.

3.12 People who pay for their own care and the cap on care costs

To benefit from the cap on care costs from April 2016, you will need to get in touch with your council. The council will assess you to see if you have any eligible needs. If you do have eligible needs, they will work out if they can help you and they will calculate how much it should cost to meet your needs. This amount will count towards your cap.

3.13 Needs assessments and getting a deferred payment agreement

You will not necessarily have to have a needs assessment in order to be eligible for a deferred payment agreement. Depending on your circumstances, your council may decide that they don't need to do an assessment.

4. Support for carers

4.1 People who could benefit from 'support for carers'

In England, millions of people provide unpaid care or support to an adult family member or friend, either in their own home or somewhere else.

'Caring' for someone covers lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious.

If this sounds like you, you are considered to be a 'carer.'

From April 2015, care and support in England is changing for the better, and if the person you care for is an adult (aged 18 or over) you may be able to get more help to carry on caring and look after your own wellbeing.

4.2 Explaining 'support for carers'

'Support for carers' is what we mean by the help and advice that carers can get from the council, national services and local networks. As a carer, you may be able to get more help so that you can carry on caring and look after your own wellbeing.

4.3 Changes that may affect carers

From April 2015, changes to the way care and support is provided in England mean you may be eligible for support, such as a direct payment to spend on the things that make caring easier; or

practical support, like arranging for someone to step in when you need a short break. Or you may prefer to be put in touch with local support groups so you have people to talk to.

The council covering the area where the person you care for lives can help you find the right support and you can ask them for a carer's 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 can 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.

4.4 How to find out if you are eligible for support

The council covering the area where the person you care for lives can help you find the right support and you can ask them for a carer's assessment. The carer's assessment will help to decide what care and support you need and how much help the council can give you.

4.5 Parents caring for disabled children, or young carers who are under 18

If you are a young carer yourself, or if you are a parent caring for a disabled child, you have similar rights to assessment and support but they are covered by the Children and Families Act, not the new Care Act.

If you or the person you are caring for is about to reach 18, you will be able to get a 'transition assessment' which will let you know whether you or they are likely to be eligible for support as an adult caring for another adult.

The Department for Education will soon be publishing further information on the rights of parent carers and young carers and how councils should support them.

Find out more about [support for parent carers and young carers](#).

4.6 How a carer's assessment might help you

If you provide care and support to an adult friend or family member, you may be eligible for support, such as a direct payment to spend on the things that make caring easier; or practical support, like arranging for someone to step in when you need a short break. Or you may prefer to be put in touch with local support groups so you have people to talk to.

A carer's assessment will consider the impact the care and support you provide is having on your own wellbeing and important aspects of the rest of your life.

4.7 When to request a carer's assessment

You can ask for a carer's assessment at any time. You should contact the council covering the area where the person you care for lives, if it is not the same as your own. If you don't want a carer's assessment but you are looking for advice and information about local support, your local council will be able to help you.

4.8 Factors the carer's assessment will consider

A carer's assessment will look at the different ways caring affects your life and work out how you can carry on doing the things that are important to you and your family. It should cover your caring role, your feelings about caring, your physical, mental and emotional health, and how caring affects your work, leisure, education, wider family and relationships.

Your physical, mental and emotional wellbeing will be at the heart of this assessment. This means that you will be able to tell the council how caring for someone is affecting your life and what could make things better for you and the person you look after.

4.9 The carer's assessment and your finances

You won't need to do a financial means test as part of the carer's assessment but you might be asked about what impact the cost of caring is having on your finances. The carer's allowance that some people receive for caring on a full-time basis is different and does require a means test.

Councils may charge a fee for some of the support services they offer. If they think you might benefit from one of these services, the council might ask to look at your finances to see whether you can afford to pay. If you can't afford to pay, they might offer you the service for free. Councils may also need to look at the finances of the person that you care for if they are going to provide support directly to that person.

4.10 Carer's assessments, the carer's allowance and your rights

Having a carer's assessment will not affect whether or not you receive a carer's allowance.

A carer's assessment is about you and your wellbeing. It will consider the impact that caring is having on your life and what support might be available for you. Its purpose is not to judge the care that you provide.

4.11 Carer's assessments for carers of people who do not get help from the council

If you provide unpaid care to an adult over the age of 18, and you have some need for support, you can ask for a carer's assessment, even if the person you look after gets no help from the council. But you will need to do this through the council of the person that you support, if it is not the same as your own. You can also ask for an assessment for the person you care for, if you want to.

4.12 Carer's assessments for people who share providing care with other family members/ friends

Everyone who gives unpaid care to an adult over the age of 18, and has some need for support, can request an individual carer's assessment. They do not have to be done together.

4.13 What to do if you share providing care with other family members/ friends and you disagree about who provides the most

Disagreements between people providing care should not affect the support you may be offered. If you care for an adult family member or friend, and you feel like you need some support, you can contact the council covering the area where the person you care for lives to ask for a carer's assessment.

If the council decides that you have needs that meet the new national level they will discuss with you what support they can provide. If your needs are not eligible, the council will give you information and advice about other types of support that are available in your area.

This may include putting you in touch with local charities or community organisations.

4.14 Being offered support as a carer if the person you care for will not agree to a needs assessment

You don't need the permission of the person you are caring for to request a carer's assessment. You are entitled to ask for one in your own right.

4.15 Deciding who pays if your assessment recommends some support for you

Each person's situation is different. The cost would either be covered by the council, or a contribution would need to be paid by the person receiving the care. You as a carer cannot be charged for any support provided directly to the person you care for, even if it helps you to take a break.

4.16 What to do if your needs change or you need more support

If either of these things happen, the council of the person that you support will be able to discuss your situation with you and agree the next steps to take.

4.17 More information about support for carers

To find more about support for carers visit: www.nhs.uk/carersdirect or contact the council of the person you are caring for. You can also see more detailed information in the [Care Act factsheets](#). These provide an overview, and describe the duties and powers of councils to carry out the changes.

5. Cap on care costs

5.1 Protection from unlimited care costs

At the moment there is no limit to what care and support can cost, and this means that people with very high care needs may have to pay expensive bills. But care and support is changing for the better, and from April 2016 there will be a new form of protection from unlimited costs. This protection is called the 'cap on care costs.' The cap on care costs will protect those who may need many hours of care a day from unlimited care bills. It will also help people to plan for future care costs.

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

Alongside the cap on care costs, extended financial support should ensure that more people are eligible for help with care and support costs. The council will assess your finances and it may be able to offer extra help if you cannot afford to pay. But most people will still have to contribute something towards the cost of their care and support.

5.2 How to benefit from the cap

From April 2016, you will be able to register with the council to keep track of how much your care and support costs. The council should still be able to help you even if you are only paying part of your care and support costs, or paying everything yourself. If you get help from the council with your care and support costs already, they will start to count how much is being spent on your care straightaway. If the amount the care element of the cost of meeting your eligible needs reaches £72,000, the council will step in and pay for the rest of your care costs.

If you pay for all of your care and support costs yourself, you can still benefit from the cap on care costs. You can contact the council to register and they will assess you to decide if you have eligible needs. If you do have eligible needs, the council will decide how much they would normally contribute towards meeting those needs if they were paying for your care and support. This amount will be counted towards your cap. If the amount counted towards your cap reaches £72,000, the council will step in and pay for the rest of the care costs that go towards meeting your eligible needs.

To benefit from the cap on care costs you will need to register with the council so that they can begin to keep track of how you are progressing towards the cap. This will need to be discussed and agreed.

5.3 Costs that are excluded from the cap on care costs

If you choose to spend more on care and support than the council would normally pay, for example moving to a more expensive care home, those extra amounts you spend will not count towards your cap on care costs.

If you live in a care home, you will also have to pay something towards the costs of food, energy bills and accommodation, just as you would if you were living in your own home. These are known as 'daily living costs' and an amount for this will be set nationally. There are also some types of service that are not covered by the cap on care costs, for example the cost of a cleaner or gardener that you employ privately.