

Care Act FAQ

Eligibility Criteria – Rules about who is entitled to help from KCC from April 2015

1. I have heard that the Eligibility Criteria for adult social care is changing in April this year

OR

I have heard that the rules are changing in April on who the council will help with care

OR

In April are the rules on who is entitled to care going to be the same throughout the country?

In April 2015, for the first time, there will be a national level of care and support needs that all councils must consider when we assess what help we can give you. The current rules are being replaced by new national minimum eligibility criteria. In Kent we do not expect this to lead to reduction in the care and support offered (see questions below for further details).

Under the new rules all councils must provide care and support based on the new national minimum eligibility criteria. So it is more likely than now that the level of care and support will be similar throughout the country. However each council may have different types of services and support available.

2. Can you tell me what the new eligibility criteria say in more detail. I want to work out if I might be eligible.

There are three conditions in the new eligibility test and to be eligible a person has to satisfy all three.

Condition 1: Have needs related to a physical or mental impairment

Condition 2: Be unable to achieve at least 2 outcomes (see below)

Condition 3: As a consequence there is, or is likely to be, a significant impact on their wellbeing (see below).

When deciding if someone is eligible we ignore what a carer can or cannot do (if there is one). This is only taken into account when it is decided how any eligible needs are going to be met

List of outcomes

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of the adult's home safely

- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community including public transport, and recreational facilities or services
- Carrying out any caring responsibilities the adult has for a child

Definition of Well-being

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional well-being
- Protection from abuse and neglect
- Control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided)
- Participation in work, education, training or recreation
- Social and economic well-being
- Domestic, family and personal relationships
- Suitability of living accommodation
- The individual's contribution to society

3. I already receive care from KCC. Will the new criteria be applied to me?

OR

I already receive services via KCC. Will I have to be reassessed on the 1st April in order to continue to receive services?

Everyone who currently receives care and support from KCC will continue to receive this help on 1 April without the need for a reassessment. In other words you will be automatically transferred to the new eligibility criteria. You will only be reassessed against the new rules at your next scheduled review, which usually takes place every year. However, if your needs change before this you can ask for a reassessment and this will be done according to the new rules.

4. When is my next review? I have not been told when it is.

Your Case Manager will write to you to let you know when this will take place. It is usually within 1 year of your last assessment or review. However you can request an earlier reassessment if you think your needs have changed.

5. I do NOT currently receive any care and support/services from KCC. Should I wait until 1 April to ask for a care assessment or should I request an assessment now?

OR

Are the rules more generous now or will they be more generous after 1 April?

Kent County Council believes that the new eligibility criteria are broadly on the same level as the current criteria (but we cannot guarantee this in individual cases).

If you think you need care and support now you should not wait until April to ask for an assessment. If you do qualify under the current rules (i.e before 1 April 2015) you will automatically be transferred to eligibility under the new rules on 1 April. See question 3 above.

6. What happens if my needs are not eligible for care and support from the council?

Whatever your level of need, we will give you information and advice that can help you. We might also be able put you in touch with other organisations who can support your wellbeing and help you remain independent for longer.

7. I have been told the new rules apply to people who are 18 and above (i.e. adults). I am not yet 18 but do have care and support needs. What about me?

If you have a need for care and support now, whilst under 18, you should ask for an assessment from Children's Services. HOWEVER, if you think you will need care and support after the age of 18 you should ask for a "transition assessment" by Adult Services so that we can decide what help we should give you once you do reach the age of 18.

You can ask for a "transition assessment" whether you currently get help from Children's Services or not – it doesn't matter.

Transition assessments are already good practice and happen under the current rules but the Care Act puts a legal duty on the council to carry these out at an appropriate time for the young person.

8. What happens if I am eligible under the new rules but my carer can meet some of my needs?

We will first check that your carer is able to go on providing the care. Once we have done this we will then be responsible for meeting your eligible needs that are not being met by your carer (i.e. your unmet eligible needs). We will discuss and agree with you how that should happen.

In addition we may be able to provide support directly to your carer (see below).

9. If I am eligible for help in Kent and I move to another area what will happen?

We will provide, with your permission, the other council with the details of your assessment and what care and support you are provided with. Once you move, they will be under a duty to provide the same level of support until they have carried out a reassessment using their own staff. It is likely that the other council will decide that you need the same level of care and support that you were provided with in Kent. There may be some differences in how this is provided because of the different services available. For example, one council might provide a buddying service to stop people from feeling lonely, whilst another might help people to stop feeling lonely by introducing them to community events in their area.

Carers from April 2015

10. What is a “carer”?

OR

Am I a “carer” as I only provide care part-time?

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.

You are a carer if you provide help and support, unpaid, to a family member, friend or neighbour who would otherwise not be able to manage. ‘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’ even if you only provide care on a part-time basis.

11. Are there any new rights for carers under the new Care Act?

OR

I have heard that there will be more support for carers from 1 April. Is this true?

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.

For the first time, carers will be recognised in the law in the same way as those they care for, giving what the Government call “parity of esteem” for those in receipt of care and the people who care for them.

You may be able to get more help so that you can carry on caring and look after your own wellbeing. You may be eligible for support, taken 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.

You may prefer to be put in touch with local support groups so you have people to talk to. We can help you find the right support and may suggest that you have 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.

12. I am a carer but the person/people I care for does/do not receive any care and support from KCC. They have been told in the past that they don’t qualify because their needs are not great enough. Does this mean I cannot get any support myself as a carer? OR

Will the person I care for need an assessment?

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

You may still qualify for support as a carer even though the people you care for are not eligible for help from KCC. You will need to request a Carer’s Assessment so we can decide

if we need to provide any support to you. We will assess you against the new Eligibility Criteria for Carers (see next question for details).

13. What is the new eligibility criteria/the new rules for carers?

Carers meet the eligibility criteria if:

- the needs arise as a consequence of providing necessary care for an adult
- the carer's physical or mental health is, or is at risk of, deteriorating OR they are unable to achieve any of the specified outcomes (see separate list)
- as a consequence there is, or is likely to be, a significant impact on the carer's well-being.

14. What are the outcomes referred to above?

- Carrying out any caring responsibilities the carer has for a child
- Providing care to other persons for whom the carer provides care
- Maintaining a habitable home environment in the carer's home (whether or not this is also the home of the adult needing care)
- Managing and maintaining nutrition
- Developing and maintaining family or other personal relationships
- Engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community, including recreational facilities or services
- Engaging in recreational activities

15. What does wellbeing refer to?

- Personal dignity (including treatment of the individual with respect)
- Physical and mental health and emotional well-being
- Protection from abuse and neglect
- Control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided)
- Participation in work, education, training or recreation
- Social and economic well-being
- Domestic, family and personal relationships
- Suitability of living accommodation
- The individual's contribution to society

16. What will be considered during the assessment?

The above sections cover the new rules in detail. In summary, 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.

17. What sort of help and support could I get?

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.

18. What about 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. You need to contact Children's Services if you need help.

If you or the person you are caring for is about to reach the age of 18 years, 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. This will be done by Adult Services.

19. Will I be asked about my finances?

For the year 2015/16 Kent County Council will be continuing with the current policy which is NOT to charge carers for the support services we offer.

20. Does having a carer's assessment affect my right to get carer's allowance?

Not at all. Having a carer's assessment will not affect your right to receive Carer's Allowance.

21. Does having a carer's assessment mean the council is judging the quality of care that I provide?

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.

22. I share providing care with other family members/friends. Can all of us have a carer's assessment?

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.

23. The person I am caring for will not agree to a needs assessment themselves. Could I still be offered support as a carer?

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.

24. If my assessment recommends a short break from caring, who will pay for the cost of services that cover for me?

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.

The Cap on Care Costs from April 2016

25. I've heard I can get free care from April 2015

OR

Is it true that there is going to be a limit on how much I have to spend on care in my lifetime?

Unfortunately care is not going to be free from April this year or even next year. But from April 2016 there will be a cap on how much an individual will have to spend in their lifetime on care costs. So when a person reaches the cap some of their care costs (the ones that are eligible) will be free.

26. How will it work?

Only people who meet the minimum national eligibility threshold for social care will be entitled to have a cap on their care costs, from April 2016.

To get the clock ticking on your spending towards the cap, you will need to contact us / Kent County Council to have a needs assessment and set up a 'care account', which is how spending will be tracked. If you have eligible needs, we will tell you what your Personal Budget or, if you fund yourself, your Independent Personal Budget will be. This is the amount that it would cost us to meet your care costs, regardless of whether you are paying the full cost yourself or only making a means-tested contribution towards it.

Once you have spent up to the limit (expected to be £72,000 for people over 25*), we would pay for meeting your eligible needs, up to the cost of your Personal Budget or Independent Personal Budget. However, you would still need to pay for:

- any extra care costs (for example, if you choose a more expensive care option)
- any support that is not covered in the care and support package
- if you are in a care home, a contribution to general living costs (if you can afford it – this will be means-tested).

**This has not yet been confirmed – see below.*

27. When does it start?

The Care Act introduces a cap on care costs from April 2016. Only eligible spend from that date onwards will count. Anything spent before that date will not count.

To get the clock ticking on your spending, you will need to contact us /Kent County Council to have a needs assessment and set up a 'care account', which is how spending will be tracked.

We are not yet in a position to be able to assess and record your needs for the care account but we expect to be able to do this from October/November 2015.

28. How much do I have to spend?

The amounts have not been confirmed by the Government yet.

The Department of Health is currently consulting on this and the final amounts may not be confirmed until after the general election in May 2015. Here is what we know so far:

It is expected that the cap for people aged over 25 will be £72,000, but so far this figure has only been confirmed for people over pension age. **Some people will reach the cap without having to actually spend £72,000 because they will only ever pay a means-tested contribution to the cost of their care.**

It is likely that the cap will be zero (ie, the local authority must automatically meet someone's eligible care costs free of charge) if an individual has care needs that have developed before the age of 25 (but this has not yet been confirmed).

29. So does any cost count?

We do not yet have all the details but we expect that the following will not count towards the cap:

- any extra care costs (for example, if you choose a more expensive care option)
- any support that is not covered in the care and support package
- if you are in a care home, a contribution to general living costs (if you can afford it – this will be means-tested).

30. If I choose more expensive options, will that mean I reach the cap more quickly?

No. We/KCC will only count what you spend up to what we would pay, if we were meeting your eligible care costs.

See answer to 'So does any cost count?'

31. Where can I find more information?

The Department of Health has up to date national information www.gov.uk/careandsupport