



Guide on The Care Act 2014 for Commissioners

The Care Act 2014 is a comprehensive legislation in England that sets out a framework for the care and support of adults with care needs. It aims to improve the well-being of individuals, promote independence, and provide a clear, consistent legal framework for care and support. Commissioners play a vital role in implementing the provisions of the Act to ensure high-quality, person-centred care services.

Key Provisions and Their Implications

General Responsibilities of Local Authorities

Duty to Promote Well-being: The Act places a duty on local authorities to promote the well-being of individuals.

Implications: Commissioners must ensure that services focus on improving physical, mental, and emotional well-being, promoting independence and preventing the escalation of needs.

Eligibility Criteria

National Minimum Eligibility Threshold: The Act introduces a national minimum eligibility threshold for care and support.

Implications: Commissioners need to ensure that assessments are conducted consistently and fairly, providing support to all eligible individuals while managing resources effectively.

Assessments and Support Plans

Duty to Assess Needs: Local authorities must assess the care and support needs of individuals.

Implications: Commissioners should ensure that assessment processes are thorough and person-centred, leading to the development of tailored support plans that meet individual needs.

Deferred Payment Agreements

Purpose: The Act allows individuals to defer the payment of care home costs, enabling them to avoid selling their home during their lifetime.

Implications: Commissioners need to facilitate the implementation of deferred payment schemes and provide clear information to individuals and families about their options.

Legal Safeguards and Rights

Safeguarding Adults

Duty to Safeguard: The Act requires local authorities to establish safeguarding boards and conduct safeguarding enquiries.

Implications: Commissioners must ensure robust safeguarding policies and procedures are in place to protect vulnerable adults from abuse and neglect.

Advocacy

Right to an Advocate: Individuals who have substantial difficulty in being involved in care and support processes have the right to an independent advocate.

Implications: Commissioners should ensure the availability of advocacy services to support individuals in understanding their rights and participating in decision-making.

Information and Advice

Duty to Provide Information and Advice: Local authorities must provide comprehensive information and advice to individuals and carers.

Implications: Commissioners must ensure accessible and accurate information is available to help individuals make informed choices about their care and support.

Implementation and Compliance

Integration and Cooperation

Duty to Cooperate: The Act requires local authorities to cooperate with other organisations to promote the well-being of individuals.

Implications: Commissioners must ensure accessible and accurate information is available to help individuals make informed choices about their care and support.

Market Shaping and Commissioning

Duties of Market Shaping: The Act places a duty on local authorities to ensure a diverse and sustainable care market.

Implications: Commissioners must work to develop a robust care market, encouraging innovation and ensuring that high-quality care options are available.

Preventative Services

Focus on Prevention: The Act emphasises the importance of preventative services to reduce or delay the development of care and support needs.

Implications: Commissioners should invest in preventative measures, such as community-based support and early intervention programs, to enhance individual well-being and reduce long-term care costs.

Strategic Priorities

Promoting Independence and Well-being

Objective: Encourage services that support independence and enhance well-being.

Implications: Commissioners should prioritise services that help individuals live independently, such as reablement and assistive technology.

Personalisation and Choice

Objective: Ensure that individuals have control over their care and support.

Implications: Commissioners must promote personalised care planning and support the use of personal budgets, allowing individuals to choose the services that best meet their needs.

Supporting Carers

Objective: Provide comprehensive support for carers.

Implications: Commissioners should develop services and resources to support carers, recognising their critical role in the care system and addressing their needs for respite, information, and training.

Ensuring Quality and Accountability

Objective: Maintain high standards of care and accountability.

Implications: Commissioners should implement quality assurance processes, including regular inspections and feedback mechanisms, to ensure that care providers deliver safe and effective services.

Conclusion

The Care Act 2014 is essential for establishing a fair and consistent framework for adult care and support. Commissioners play a crucial role in ensuring its effective implementation, which requires strategic planning, resource allocation, and collaboration with various stakeholders. By focusing on the key provisions legal safeguards, and strategic priorities outlined in this guide, commissioners can enhance the quality and accessibility of care services, ultimately improving outcomes for individuals with care needs.

