

Introduction to the Care Act 2014



The **Care Act** is a new law about the **care and support** of adults and carers. It brings lots of pieces of legislation into **one new law**.

The Care Act is the **biggest change** in Adult Social Care legislation for **60 years**. It includes **everyone**.



The main purpose of the Care Act is to **support people** to get the **outcomes** that matter to them in **their life**.

It has to focus on the **needs and goals** of the person and **put them at the centre**.



The Care Act says **local authorities** must make sure **all adults** in their area have **access to information and advice** on their **care and support** and to keep them **safe from abuse and neglect**.

The Care Act includes **prisoners**.

What does the Care Act do?



The Care Act applies **equally to adults with care and support needs and their carers**. In some cases, it applies to **children and young carers**. It also applies to young people **over 16** who are in **transition to adult services**.

The person's **wellbeing** has to be at the **centre of every decision** that is made.

role

Who are advocates?

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Wellbeing covers a big area, the Care Act guidance says it covers **9 areas**

- **personal dignity** and treating the person with **respect**
- **physical and mental health** and **emotional wellbeing**
- **protection from abuse and neglect**
- **control** by the person of their everyday life. This includes **how and where** their **support is provided**
- being involved in **work, education, training and leisure**
- **social and economic wellbeing**
- **domestic, family and personal relationships**
- **living in a suitable place**
- **being involved in the community**

The **local authority** needs to look at the parts of the person's **wellbeing** that are **most important to them**.

Local authorities must

- **involve people in decisions** that are made about them and their **care and support**
- help people to **express their wishes and feelings**. Support people to make **choices** and help them to make their own **decisions**.



Care Act Advocacy



Independent advocacy is about giving the person as much **control** as possible over their life. It helps them **understand information, say what they want and what they need.**

Not everyone is entitled to advocacy under the Care Act. There are 2 conditions



- the person has **substantial difficulty** in being fully involved with their **assessment, care and support planning and review or safeguarding**
- there is **no one appropriate and available to support and represent their wishes**

what does **substantial difficulty** mean?

- **understanding relevant information**
- **remembering information**
- **using information** to help them be **involved in making decisions**
- **communicating their views, wishes and feelings**



what does **appropriate to support** mean?

The Care Act says it is **not enough** to love the person and **know them well**. They have to be able to **support** the person to be **involved in their care and support**. They **cannot be employed** by the **local authority** or **paid to support** the person in another role.



Some people may **not have anyone suitable** or the person may **not want them to be involved.**

Referral Form

1. Name of person referred: _____

2. Date of referral: _____

3. Referring agency: _____

4. Referral made by: _____

5. Referral made on behalf of: _____

6. Referral made for the purpose of: _____

7. Referral made for the purpose of: _____

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18. Referral made for the purpose of: _____

19. Referral made for the purpose of: _____

20. Referral made for the purpose of: _____

If the person meets these **2 conditions**, the **local authority must refer for an independent advocate.**



There are **3 situations** where an **advocate must be involved** even if there is an appropriate individual to support them. These are

- if a person is in **hospital for more than 4 weeks**
- if a person is in a **care home for more than 8 weeks**
- if there is a **disagreement** between the **local authority** and the **appropriate individual** and **all agree** that the involvement of an **advocate would benefit the person**





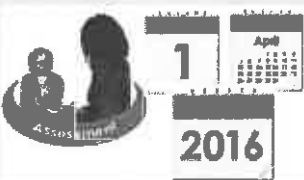
When to refer for an advocate



Referrals should be made as soon as it is clear that someone will have **substantial difficulty** being involved and **no appropriate individual** has been identified to support them. Advocacy should be considered from the **first point of contact, request or referral** (including self-referral) and at any **subsequent stage** of the care and support process



If a referral is not made immediately, perhaps because advocacy was not required at that time, a **referral can be made at any stage** in the care and support process.



To support the **transition** of people currently receiving council arranged care in England to the Care Act, **reassessment** of eligibility will not be required until the **next care review**. However, any **reassessment** must be carried out **before 1 April, 2016**.



The **right to an advocate** applies in **all settings** regardless of whether the person lives in the **community** or a **care home**, and includes **prisons** (except with safeguarding enquiries or Safeguarding Adult Reviews).

What is the advocate's role?



Advocates get involved in

- a **needs assessment**
- a **carer's assessment**
- a **transition assessment**
- the **preparation** of a **care and support or support plan**
- a **review** of a **care and support or support plan**
- a **safeguarding enquiry**
- a **safeguarding adult review**



- an **appeal** or **complaint** about a **local authority decision**



Advocates have the **right** to look at the person's **health or social care records** to support people with their

- **assessments**
- **care planning**
- **reviews**
- **safeguarding**

Who are advocates?



Advocates **must have**

- a suitable level of **experience**
- **appropriate training** and the **National Advocacy Qualification within 1 year**
- **integrity and good character**
- **be independent**
- have **regular supervision**



Advocates **do not**

- **choose** for the person
- be their **friend**
- **give advice**
- **take other people's side**

Some useful links



Below are some **useful links**. These will tell you more about the **Care Act 2014** and **Care Act Advocacy**.

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/317822/Care_Act_easy_read.pdf

<http://www.local.gov.uk/care-support-reform>

<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>

<http://www.scie.org.uk/care-act-2014/advocacy-services/commissioning-independent-advocacy/>

How to contact us?



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