

Overview

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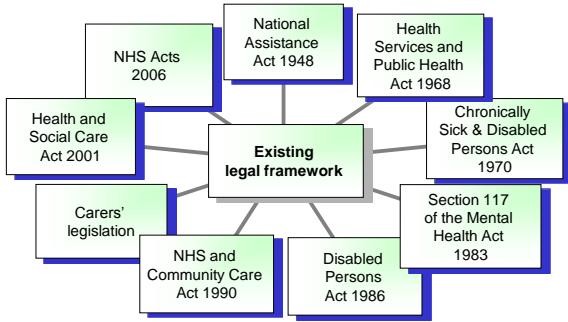
Outline of the project

Adult social care project

A project to review and reform the law for the provision of adult social care in England and Wales

Sponsored by the Department of Health and supported by the Welsh Assembly Government

Adult social care statutes



Public consultation



- ❖ February to July 2010
- ❖ Over 70 events
- ❖ Over 230 written responses
- ❖ Analysis published March 2011



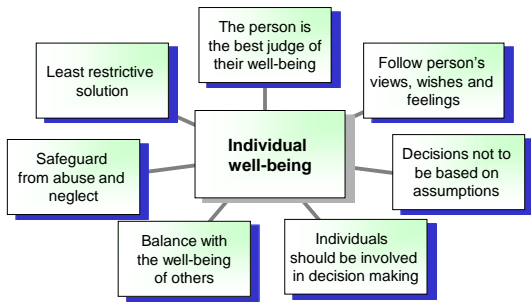
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Final Recommendations

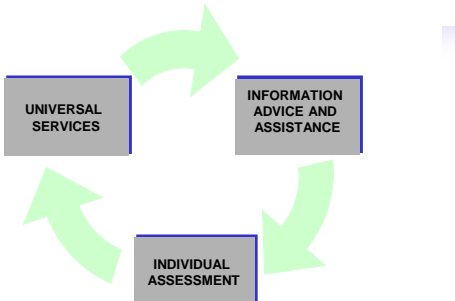
Structure of reform

- ❖ Single statutes for each of England and Wales
- ❖ Repeal the general power to issue directions
- ❖ A single code of practice

The well-being principle



The place of assessment



Individual assessment

- ❖ Single duty to assess based on appearance of need
- ❖ Right to refuse an assessment
- ❖ Duty to consult service users and carers
- ❖ Community care assessment regulations

Eligibility for services

- ❖ A single eligibility framework for all services
- ❖ Duty on Government to set out the framework in regulations
- ❖ Councils to set eligibility criteria
- ❖ Enforceable duty to meet all eligible needs

Carers' rights

- ❖ A single duty to assess any carer providing care to another person
- ❖ No need to request an assessment - duty to be triggered by the appearance of need
- ❖ Mandatory eligibility framework for carers' services and duty to meet eligible needs of carers

“Community care services”

List of services:

- Residential accommodation
- Community and home-based services
- Advice, social work, counselling and advocacy
- Financial and other assistance

List of outcomes:

- Health and emotional well-being
- Protection from harm
- Education, training and recreation
- Contribution made to society
- Securing rights and entitlements

The provision of services

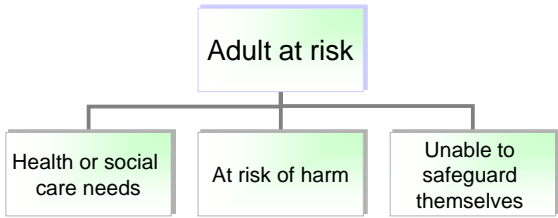
- ❖ Right to a care and support plan
- ❖ Personal budgets in regulations
- ❖ Direct payments extended to residential care
- ❖ Choice of accommodation provisions in regulations
- ❖ Charging rules in regulations

Safeguarding

Social services have lead co-ordinating responsibility for safeguarding

A duty on social services to investigate or cause an investigation to be made by other agencies

Safeguarding (2)



And – the local authority believes it is necessary to make enquiries

Safeguarding (3)

- ❖ No emergency and compulsory powers unless the Government wants them
- ❖ Repeal of section 47 of the National Assistance Act 1948
- ❖ Statutory Adult Safeguarding Boards (social services, NHS and the police)

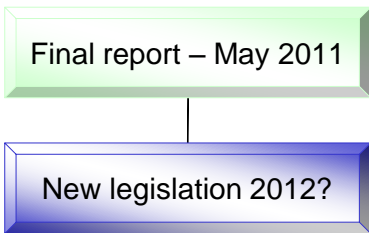
Other recommendations

Portable assessments		Transitional services for young people	
Duties to co-operate		Reform of section 117 of the Mental Health Act	
Ordinary residence to apply to all services		Section 21 of the National Assistance Act retained	
Clarification of health and social care divide		Statutory advocacy services	

Dilnot Commission on funding

- ❖ Cap on lifetime contributions at £35,000
- ❖ Means test threshold increased to £100,000
- ❖ Free care for disabled people under 40
- ❖ National assessment, national eligibility criteria and portable assessments
- ❖ Duty to provide information and carers' rights
- ❖ Extra £1.7b a year Government spending
- ❖ Can be achieved by the Law Commission statute

Next steps





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What next for adult social care law?

Presented by Frances Patterson QC

Date: Friday 15 July 2011

Venue: ORT House Conference Centre, London NW1
