

Introduction and welcome to **Luke Clements – Maurice Collins**

History of Law involvement of parents over the last 4 years

The Kith and Kids book

Disability Law, started by parents – free legal advice service

Action 19 plus

This seminar will give us the tools for the future

LUKE BEGINS ON THE CARE ACT 2014:

There has been an improvement – not a bad Act, but comes without resources

Possible new money coming into social care

It's a good act in principle coming into force next week

D.O.L.S not clever being bolted onto the Mental Capacity Act

Principals are aspirational

Big book on Community Care Act and new book and Children's Act all free on Luke's site

Hand-out updated on site

Act pushed through far too quickly

All old legislation gone

This act reforms the law for adults and carers.

Children's and families act he will speak about later – but no more statements, they are being replaced by health and care plans, spells on what's to be provided health, social and education till 25

Social care costs only 16 billion

Being pushed through in 5 months – LA's have had no time to implement it

Biggest thing changed eligibility criteria – change the landscape

The Act is all about carers improving their legal rights

The word adults means adult people with Learning Disability in the Act

(Adults in need, physical and mental impairment)

The adult has an absolute right if you are eligible they must provide the service as previous

Mental Capacity Act clear and understandable, code of practice

Statutory guidance 500 pages on Luke's website on Act

Waiting for more guidance re 'ordinary residence'

Every carer has rights under this Act

Direct payments will be encouraged

You can now pay people that live in your house as carers

Carers can now be paid for their effort – any care, including domestic care

Those who get service from the pre-acts will continue to get the same until re-assessed

That assessment is in normal cycle **BUT NOT FOR ANY FINANCIAL REASON, THEY CANNOT DO IT!**

All reviews **must not** be based on finance

You must now be given a copy of the assessment and it must be accessible (depending on capacity)

if a problem a 'Best Interest' meeting needed – one assumes that family should share information, they must be involved to put the families point across

Care plan must be reviewed within a year

LA's duty to provide 'wellbeing'

Independent living – being able to live with support – not listed but in guidance – fundamental principal – able to make choices

Integration is the big thing – merge – but research shows it's a disaster, bad idea

Social Service needs to collaborate not merge

When an individual needs – it must be provided they must get care and support arrangements

Under section 8 can be charged for – will they charge, stupid if they do



Assessments can be delegated to the private sector, cannot be charged for plan can be charged just for self-funders including social work those with assets over £23,250

Adults start at 18th birthday.

BREAK FOR COFFEE

The eligibility criteria – FACS goes

There is a duty to assess – visit and get information which must involve the carer, anybody who provides care – they are carer blind must ignore completely what the carer delivers – no obligation on carers to provide – all the care plans must be met – must ignore all input regardless that given by the carer for being eligible

Carers have legal enforceable rights for the first time

Carer criteria is generous use the carers assessment to make GOOD FOR THE ADULT

Human rights criteria as a back up to eligibility criteria

New criteria has to jump 3 hurdles any impairment,

Can't achieve certain outcomes – only eligible two or more from the 10 listed

Outcome's that can't be achieved

THE 10 CRITERIA DISCUSSED IS LISTED IN THE HANDBOOK AND SHOULD BE READ WHILST VIEWING OR LISTENING also can be seen below

You must achieve 2 or more of the outcomes, when decided the LA must provide the support

Lot's not in the criteria – clarified in guidance

Biggest problem 2 or more from 10 outcomes

The government say what the outcomes which is good

The Elaine McDonald case – told she should wear nappies so that they shouldn't need to pay for a night carer – the new act ensures she should get the service

There are letters on all issues for families to use on his Luke's website that can be used

THE CRITERIA (READ FOR FULL CRITERIA)

- Maintaining nutrition (preparing food)
- Maintains hygiene
- Appropriately clothed/dressed
(choice doesn't trump)
- Being able to move around safely (being safe in your home)
- Habitable home sufficiently clean (advice on finances)
- Maintaining family relationships plus – safeguarding
- Access to work and local community

END TAPE 1



The criteria for eligibility for adults in full

The broad definition of inability to achieve – has also led commentators to suggest that even in this final formulation, the eligibility remain more generous than under the FACS guidance.⁹²

Regulation 2 details ‘outcomes’ as being:

- (a) managing and maintaining nutrition;
- (b) maintaining personal hygiene;
- (c) managing toilet needs;
- (d) being appropriately clothed;
- (e) being able to make use of the adult’s home safely;
- (f) maintaining a habitable home environment;
- (g) developing and maintaining family or other personal relationships;
- (h) accessing and engaging in work, training, and education or volunteering;
- (i) making use of necessary facilities or services in the local community including public transport, and recreational facilities or services; ⁹³ and
- (j) carrying out any caring responsibilities the adult has for a child.

Remember to meet the criteria it’s 2 of any of the above

