



How will the Care Act affect my day-to-day living situation, and how will my local authority support me with these changes?

We have provided some information below about the wellbeing section of the new Care Act. The wellbeing section focuses on the support that should be provided by your local authority, for yourself or a carer.

The Care Act 2014 consolidates a lot of the existing laws, rules and regulations in relation to adult social care. It also sets out several key new principles which will be of general importance when decisions are made in relation to adults and carers with care needs.

The wellbeing principle

Section 1 of the Care Act sets out the 'wellbeing principle', local authorities will be under a general duty to promote an individual's well being; this applies when they are making any decisions under the Care Act.

The Act says that 'well-being' can relate to any of the following:

- 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.

Section 1(3) of the Act states that the local authority must have regard to several key considerations when considering the individual's well-being, including their own wishes and feelings, the need to protect people from abuse and neglect, and the assumption that the individual themselves is the person best placed to understand their own needs.

The statutory guidance emphasises that the purpose of the well-being principle is to ensure that people's individual needs are met and accommodated, rather than people 'fitting into' a particular type of service that the local authority can offer. For different people, the well-being principle will apply in different ways. For example, there may be some people whose religious beliefs are of great significance when decisions are taken in relation to their care and support.

The well-being principle should be imbedded in all aspects of the local authority's decision making, and applies equally to people who are not eligible for care and support. For example, the local authority must have regard to the well-being principle through the provision of universal services.

Preventing needs for care and support

Under section 2 of the Care Act, a local authority must provide services or take steps which it considers will contribute towards preventing or delaying the development by adults or carers of the need for care or support, and it must try to reduce the need for care and support by adults or carers in its area. This duty applies to all adults in the local authority's area. The statutory guidance emphasises the sort of steps that the local authority might want to take in ensuring it has services available to prevent, reduce, or delay needs.

This can include:

- Providing universal access to good quality information
- Supporting safer neighbourhoods
- Promoting health and active lifestyles
- Reducing loneliness or isolation
- Providing support at an early stage to stop needs developing or becoming worse
- Early intervention, such as fall prevention clinics, adaptations to housing, handyman services, and short term provision of wheelchairs or telecare services
- Services that maximise the independence for those already with complex needs, such as rehabilitation services, aids and equipment, adaptations, and joint case-management
- Provision of services to support carers, such as peer support groups or stress management classes.

The focus of the prevention duty is to look at a person's life holistically, and promote that person's well-being. Local authorities may want to work jointly with the local NHS services in order to develop a programme of local services to prevent, reduce, or delay needs.

The statutory guidance emphasises that there may be occasions where a person is not eligible for care and support services to meet their needs; however preventative measures could be taken even at this stage to prevent or delay their needs from developing to the extent that further support will be necessary later on.

Promoting integration of care and support

Local authorities will be under a duty to ensure the integration of care and support services along with health provision and health-related provision, where it considers that this would promote the wellbeing of adults in its area, contribute to the prevention or delay in the development of needs for adults in its area, or that it would improve the quality of care and support for adults that is offered.

This places local authorities under a duty to liaise and coordinate services with the local Clinical Commissioning Groups and NHS bodies, to ensure a comprehensive programme of support can be provided.

Providing information and advice

Under section 4 of the Act, local authorities are under a duty to establish and maintain an information and advice service for all people in its area, relating to care and support for adults and carers. This should cover a wide range of subject matters rather than a narrow definition of care and support.

The advice services must provide information as to how care and support is provided in the local authority's area, the choice of support that is available and how it can be accessed, and how to raise concerns about the safety or wellbeing of an adult who has needs for care and support.

Promoting diversity and quality in provision of services

A local authority must promote the efficient and effective operation of a market in care services, and should ensure that people have a variety of providers and qualities to choose from, and have sufficient information to make informed decisions about how to meet the needs in question.

All of the duties outlined in this factsheet apply to all aspects of a local authority's decision making in relation to adult social care and support – they are the general duties that underpin all decisions that are made, and are of key importance to the provision of care and support for adults and carers after April 2015.

“Irwin Mitchell were a great help and very friendly. They made me feel totally at ease.”

- Anonymous

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