

Frequently asked Questions about the Care Act

These FAQs provide answers to questions about changes to care and support with the Care Act, how these reforms will affect care users and informal carers and where to go for further information.

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General FAQs

What is care and support?

Care and support is the term used to describe the help some adults need to live as well as possible with any illness or disability they may have. It can include help with things like getting out of bed, washing, dressing, getting to work, eating, caring for families and being part of the community.

Care and support includes the help given by family and friends, as well as any provided by the council or other organisations. It might also include helping people who are caring for an adult family member or friend.

What is changing?

The Care Act represents the biggest consolidation of social care legislation over the past 60 years; it brings existing social care law up-to-date and introduces some new duties and responsibilities for local authorities.

The most significant changes resulting from the Care Act include:

- A national eligibility threshold – this will mean that your eligibility won't be affected by where you live
- A duty to provide information and advice to all citizens of Nottinghamshire
- If you care for someone, you will have the same rights to assessment and support as those you care for
- An increased emphasis on people's wellbeing and a formal duty to take steps to reduce or prevent care needs
- If you move between local authorities your care and support should continue without disruption (this is known as portability)
- If you are a young person with likely needs once you turn 18, you should be identified early
- Better integration between social care, housing and the NHS.

When is it changing?

Changes to social care will begin	from 1 April 2015
Integration between social care, housing and the NHS	by 1 April 2018
Changes to how you pay for care and support	from 1 April 2020

Will the changes affect me?

The Council have, for some time, offered a deferred payments scheme, assessments and services for carers and access to personal budgets and direct payments. Therefore, if you are an existing service user or carer, the Council do not expect your services to change.

The Council are going to be focusing, as in previous years, on working more closely with you to enable you to remain independent for as long as possible and to prevent and reduce your need for care and support. The Council will be offering you different ways to get the information and advice you need more easily by an improved information and advice service. We also want to shift the choice and control back to you by supporting you to complete a referral (and assessment if appropriate) online. You will, of course, still be able to complete a referral and assessment over the phone if that is your preferred method or have a face to face assessment.

What's the difference between care and support from the council and the care I receive at home from NHS?

Care and support organised by the council can include help with everyday things like washing and dressing, getting in and out of bed, and keeping your home habitable and safe.

As well as care and support organised by us, some people are also eligible to receive help from the NHS. This help may be a nursing service for people who are ill or recovering at home after leaving hospital. It could include things like changing the dressings on wounds or giving medication. If you are eligible for this kind of help, a health professional such as your GP or Community Nurse should be able to tell you.

In exceptional circumstances, where an adult has a complex medical condition and substantial on-going care needs, the NHS provides a service called NHS Continuing Healthcare. NHS Continuing Healthcare provides care and support in a person's home, care home or hospice.

You can find out more about NHS Continuing Healthcare here:

<http://www.nhs.uk/CarersDirect/guide/practicalsupport/Pages/NHSContinuingCare.aspx>

Needs and eligibility FAQs

Needs assessment

What is a needs assessment?

A needs assessment is a discussion between you (or the person you look after if you are a carer) and a trained person either from the council or another organisation that the council works with, where you will talk about the care and support needs you have and the goals you want to achieve. It could be done online, over the telephone or face to face. The Council will use the assessment to identify your care and support needs, and to discuss how these could be met. This might mean that the council will give you help or put you in touch with other organisations that you can talk to.

Who should have a needs assessment?

If you need information on how to keep independent, then visit our website. If you would like an assessment to work out what help you need to meet your care and support needs, then contact the Council either by filling in an online contact form or phoning our Customer Service Centre.

If you are a carer and you need some support, get in touch with the council covering the area where the person you care for lives.

What will be considered during the needs assessment?

The needs assessment will consider what care and support needs you have and how these affect your wellbeing. This will include identifying any physical needs, such as whether you need help to wash or dress, get in and out of bed or keep your home safe to live in.

Everyone's needs and the ways they affect people's wellbeing are different. Identifying your needs and the things you want to achieve will help the Council to decide if the Council can help. Depending on what needs you have, the Council may give you information and advice about other kinds of support available locally that can help you, such as community groups.

Is a needs assessment the same as a carers' assessment?

A needs assessment is an assessment of an adult who may need care and support. A carers' assessment is for someone who gives care and support to an adult family member or friend. Caring can include lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious.

Find out more about a carers' assessment in Support for Carers here:

<http://www.nottinghamshire.gov.uk/caring/adultsocialcare/whoneedssupport/carers/>

Can I get someone to help me with my assessment?

The assessment is about you and the Council will make sure that you are able to be involved. If you wish, then your carer, a friend or family member can help and represent you. If you don't have a carer, family member or friend who you can ask, and you have a lot of difficulty doing the assessment yourself, the council will find an independent advocate to help you.

Will I need to be re-assessed?

If you are already receiving care and support from us, you do not need to ask for a reassessment. The Council will contact you if there are any changes that affect you. If your needs have changed recently, you can ask for a new assessment.

Will the council look into my finances?

A needs assessment won't ask about your finances. But if you are eligible for care and support from the council, it is likely you will have to pay something towards the cost. To find out how much you might need to pay, the Council may ask you to do a financial means test and you would then need to disclose details about your savings, assets and income.

How will I know if I have eligible needs?

For the first time, there will be a national level of care and support needs that all councils will consider when assessing what help the council can give you.

The council will assess your care and support needs with you, and decide if they are at the level where you need help from us. Your needs could be eligible if you are not able to do a combination of certain things that seriously affects your wellbeing. These may include washing yourself, getting dressed, getting in and out of bed or keeping your home safe for you to live in.

After the assessment the Council will write to you about our decision and give you reasons to explain what the Council have decided.

If you have eligible needs, the Council will contact you to discuss what help might be available. This will be based on the information you gave the Council during your assessment. As far as possible the council will agree your care and support plan with you.

If you do not have needs that are eligible, the Council will give you information and advice about what care and support is available to help you locally. This could be help from voluntary organisations for example.

What happens if my needs are not eligible for care and support from the council?

Everyone's needs are different. They may be physical, mental or emotional. You may find that the support you need could be met by something going on in your local community. Whatever your level of need, the Council will give you information and advice that can help you. The Council might also be able put you in touch with other organisations who can support your wellbeing and help you remain independent for longer.

I pay for my own care, do I need to be assessed by the council?

If you have arranged care and support yourself, either in your own home or in a care home, you do not need to be assessed by the council.

Must I have a needs assessment to get a deferred payment agreement?

Not necessarily. The Council may decide that the Council don't need to do an assessment.

If I am receiving care and support and decide to move, will I lose the help I currently get?

If you have needs that meet the new national level, you will be able to get some help from your council wherever you live in England. Although the level of need councils use to decide whether or not they can help will be the same across the country, the help they give you might be different in different areas. For example, one council might provide a buddying service to stop people from feeling lonely, whilst another might help people to stop feeling lonely by introducing them to community events in their area.

Paying for care and support FAQs

From 1 April 2015 eligible homeowners were able to defer paying the care home costs. This scheme is already available in Nottinghamshire, but some small changes were made to make sure it is in line with national guidelines. This is called the **deferred payments scheme**.

Further changes were expected to be implemented in April 2016 as a second phase of the Care Act including a cap on care costs and care accounts which would largely affect how people paid towards their care and the cost of it. The Department of Health announced on 17 July 2015 that it was postponing these changes until April 2020.

Deferred payment agreements

What is a deferred payment agreement?

A deferred payment agreement is an arrangement with the Council that will enable some people to use the value of their homes to fund care home costs. If you are eligible, the Council will help to pay your care home bills on your behalf. You can delay repaying the Council until you choose to sell your home, or until after your death.

Would I benefit from a deferred payment agreement?

Deferred payment agreements will suit some people's circumstances better than others'. A deferred payment agreement is only one way to pay for care. To find out more about the options available, you should speak to a financial adviser or seek advice from an independent organisation.

<http://www.nottinghamshire.gov.uk/caring/adultsocialcare/somewheretolive/care-homes/payingforacarehome/>

Who can ask for a deferred payment agreement?

You can ask for a deferred payment if:

- your needs assessment shows that you would benefit from moving in to a care home or you are already residing in a care home
- you have savings and investments of less than £23,250 (aside from the value of your home or your pension pot)
- you own your own home (unless there are dependent relatives living in your home - in which case, the Council would disregard the value of your property when working out what you should pay towards your care home fees).

How much can I defer on a deferred payment agreement?

There is a maximum amount that you can defer paying. This is 90% of the value of your property, minus £14,250 (for 2015/16 - this figure will change every year). Once you have deferred 70% of the cost of your property, the council should talk to you about whether the deferred payment agreement is still the best way to meet your care costs, and talk to you about meeting your care costs in the future when the full amount available has been deferred.

Is there a charge for a deferred payment agreement?

The Care Act allows local authorities to charge interest on deferred payments to cover its costs. The national maximum interest rate is set by the Government and will change every six months.

Councils must charge the same amount of interest for all the deferred payment agreements they have under the new scheme.

Charging for the set-up of a deferred payment is allowed, but this must not be more than what it costs the Council.

Nottinghamshire County Council will be consulting on charges for a deferred payment agreement in the coming months. This section will be updated accordingly.

I already have a deferred payment agreement. Will the Care Act change this agreement?

If you are already on a deferred payment scheme with Nottinghamshire County Council, there will be no changes.

What if my husband/wife/civil partner lives in my house?

If you need care in a care home but your partner lives in your own home then the council will consider your partner's circumstances as well as your own. Depending on your partner's circumstances, it may be decided to exclude the value of your home when assessing your finances to work out how much you will have to pay towards the costs of your care. This means that you will not face having to sell your home to pay for care and will not need a deferred payment agreement.

If your partner has circumstances that mean it is decided that the value of your home is not excluded, you should still be able to get a deferred payment agreement, provided your partner is willing to sign the agreement too.

I pay for my own care at home, can I apply for a deferred payment agreement?

A deferred payment agreement is designed for people who are most at risk of selling their home to pay care fees. If you are still living in your own home, you should not need a deferred payment agreement, and there are other ways for you to pay for your care (including council support if you have less than £23,250 in savings and investments). You could speak to a financial adviser or an independent organisation to find out more.

I already live in a care home. Can I apply for a deferred payment agreement?

If you have savings and investments of less than £23,250 and you do not have a partner or dependent living in your home, you should be eligible for a deferred payment agreement. If you have more than £23,250, the Council may still offer you a deferred payment agreement. Contact the Council directly to find out more.

My partner's share of our savings is in my name, will that be taken into account?

This will depend on how the savings are held – contact an independent financial adviser for guidance.

When can I apply for a deferred payment agreement?

Nottinghamshire County Council already offers a deferred payments scheme but from April 2015, they will be available from all councils across England.

How do I apply for a deferred payment agreement?

If you are about to move into long term residential care, or if you already live in residential care and your savings have dropped to below the savings threshold of £23,250, the Council will

complete a financial assessment with you. At this point you will be told about Deferred Payments Agreements and told how to apply. Alternatively you can call our Residential Assessments Team on 0115 9775760 (Option 4) or email acfsproperty.ss@nottsc.gov.uk .

When will I have to repay the deferred payment agreement?

You can sell your home and repay the deferred payment agreement at any point. Or you can have a deferred payment agreement for the full length of your stay in a care home and pay it back out of your estate, following your death.

Who will live in my home if I have a deferred payment agreement?

This is up to you – though there are benefits to keeping your home occupied. It must be maintained and insured for as long as you have the deferred payment agreement, and this can be cheaper and/or easier if someone is living there. You might choose to rent it out and use the income to reduce the amount you asked the council to defer.

Can I avoid selling my home if I get a deferred payment agreement?

If you have a deferred payment agreement, it means you should not have to sell your home in your lifetime unless you decide you want to.

The money owed to the Council from care home bills paid on your behalf during the deferred payment agreement will need to be repaid eventually. This can either be repaid by selling your house or you can arrange another way to pay if you are able to. For example, someone else could pay the money owed, or your family could use any pay-out from your life assurance after your death.

Your deferred payment agreement will end automatically following your death, and your executor will have 90 days to arrange payment of the money owed. If someone else (like a friend or relative) chooses to pay the bill, then your home will not have to be sold.

Can I still get a deferred payment agreement if I have gifted money or my home to my children?

Your home and your money still belong to you if you have a deferred payment agreement, so you can of course make gifts to your children. But a deferred payment agreement for care costs will always need to be repaid – either by the sale of your home after your death, by someone else, or by something like the pay-out from a life assurance policy. If the Council believe that your home or your money have been given away deliberately to avoid paying care charges, then the Council have the power to recover any money that the Council are owed.

How long does it take to set up a deferred payment agreement?

During the first twelve weeks you are in a care home, your home is ignored for the purposes of calculating what you might pay and a deferred payment agreement would usually start after that period. If you are eligible, the Council should be able to set up a deferred payment agreement within twelve weeks of you moving to a care home but some will be arranged more quickly than this.

Who will value my home?

The Council will arrange to have your property valued and you can also request an independent valuation if you disagree with that valuation.

Can the terms of my deferred payment agreement be changed at any time?

The maximum amount of costs that the Council will pay on your behalf, along with the interest rate and any administrative fees, will be set out at the start of the deferred payment agreement. These will be reviewed regularly and can be changed.

Any other conditions – for example how the property should be maintained – will also be written down in your agreement. Make sure that you understand the full terms and conditions and get independent advice from a solicitor, financial advisor or an independent organisation before signing a deferred payment agreement.

Can I get a deferred payment agreement if my house is in a flood risk area?

In order to be eligible for a deferred payment agreement your property will need to be insured. Please contact the Council if you have specific concerns about this.

What will happen to my home after my death?

The executor of your estate should arrange repayment of the money owed to us, either by putting your home up for sale, or by arranging for another person, such as your heir, to pay. This will usually need to be done within 90 days. If the money owed is repaid without your home being sold, then your property will be dealt with according to any instructions you have left.

Can a family member apply for a deferred payment agreement if a person needing care has dementia or does not have the capacity to understand?

Carers and families can help people to make decisions about their care and how to pay for it. If the Council are concerned that the person applying for the deferred payment agreement does not have the capacity to understand, or won't have capacity to understand in the near future, then another person may need to represent them. Only a person that is properly authorised, like someone with legal power of attorney, can represent someone in applying for a deferred payment agreement.

How to find out more

More details will be available from January 2015 when the Government releases its draft guidance and you will have a chance to send your comments on the changes to the government.

Carers FAQs

What is a carer?

In England, millions of people provide unpaid care or support to an adult family member or friend, either in their own home or somewhere else. 'Caring' for someone covers lots of different things, like helping with their washing, dressing or eating, taking them to regular appointments or keeping them company when they feel lonely or anxious.

What is changing for carers?

The Council have, for some time, offered information and advice, assessments and services for carers and access to personal budgets and direct payments. Therefore, if you are an existing carer, the Council do not expect your services to change.

The Council are going to be focussing, as in previous years, on working more closely with you to enable you to continue in your caring role for as long as you wish to. The Council will also be working with you to prevent and reduce your need for care and support due to your caring role. You will be offered the option to self-serve more easily via an improved information and advice service and by completing your referrals online.

Am I eligible for support?

A carers' assessment will help to decide what care and support you need and how much help the Council can give you.

What about parents caring for disabled children, or young carers who are under 18?

If you are a young carer yourself, or if you are a parent caring for a disabled child, you have similar rights to assessment and support but they are covered by the Children and Families Act, not the new Care Act.

If you or the person you are caring for is about to reach the age of 18 years, you will be able to get a 'transition assessment' which will let you know whether you or they are likely to be eligible for support as an adult caring for another adult.

The Department for Education will soon be publishing further information on the rights of parent carers and young carers and how councils should support them.

To find out more about support for parent carers and young carers visit:

<http://www.nhs.uk/CarersDirect/Pages/CarersDirectHome.aspx>

When can I request a carers' assessment?

You can ask for a carers' assessment at any time by either completing a contact form online yourself or by ringing our Customer Service Centre. If you don't want a carers' assessment but you are looking for advice and information about local support, the Council will be able to help you either through our new information and advice website or our Customer Service Centre.

What will be considered during the assessment?

A carers' assessment looks at the different ways caring affects your life and work out how you can carry on doing the things that are important to you and your family. It will cover your caring role, your feelings about caring, your physical, mental and emotional health, and how caring affects your work, leisure, education, wider family and relationships.

Your physical, mental and emotional wellbeing will be at the heart of this assessment. This means that you will be able to tell the Council how caring for someone is affecting your life and what could make things better for you and the person you look after.

Will I be asked about my finances?

You won't need to do a financial means test as part of the carers' assessment but you might be asked about what impact the cost of caring is having on your finances. The carers' allowance that some people receive for caring on a full-time basis is different and does require a means test.

The Council may need to look at the finances of the person that you care for if the Council are going to provide support directly to that person.

Does having a carers' assessment affect my right to get carers' allowance?

Not at all. Having a carers' assessment will not affect your right to receive a carers' allowance.

Can I have a carers' assessment if the person I care for does not currently get help from the council?

Yes. But you will need to do this through the council of the person that you support, if it is not the same as your own. You can also ask for an assessment for the person you care for, if you want to.

I share providing care with other family members/ friends. Can we all have a carers' assessment?

Everyone who gives unpaid care to an adult over the age of 18, and has some need for support, can request an individual carers' assessment. They do not have to be done together.

The person I am caring for will not agree to a needs assessment themselves. Could I still be offered support as a carer?

You don't need the permission of the person you are caring for to request a carers' assessment. You are entitled to ask for one in your own right.

If my assessment recommends a short break from caring, who will pay for the cost of services that cover for me?

Each person's situation is different. The cost would either be covered by the Council, or a contribution would need to be paid by the person receiving the care. You, as a carer, cannot be charged for any support provided directly to the person you care for, even if it helps you to take a break.

What happens if my needs change or if I need more support?

If either of these things happen, the council of the person that you support will be able to discuss your situation with you and agree the next steps to take.

Where can I find out more about support for carers?

To find more about support for carers visit: www.nhs.uk/carersdirect or contact the council of the person you are caring for.

You can also see more detailed information in the Care Act Factsheets. These provide an overview, and describe the duties and powers of councils to carry out the changes.

If you would like advice and information on help to keep independent then visit our website at: <http://www.nottinghamshire.gov.uk/caring/adultsocialcare/supporttoliveathome/>

If you would like your own needs assessment to work out what help you need to meet your eligible needs, then contact the Council at:

Online: Use our [online form](#) to contact our customer service centre.

By email: You can email your enquiry to enquiries@nottsc.gov.uk.

By phone: 0300 500 80 80

By minicom: 01623 434993

You can call us: Monday to Friday: 8am to 8pm and Saturday: 8am to 12 noon.

Calls cost no more than calls to standard geographic numbers (01 or 02) and will also be included in inclusive minutes and discount schemes.