

Care and Statutory Guidance – September 2016 update

REVIEW

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Summary

The Department of Health published an updated version of the Care and Support Statutory Guidance on 26th September 2016.

The changes are all relatively minor clarifications, updates and format changes, unlike the revision published in March 2016 that made a number of significant changes in relation to safeguarding and introduced content on the role of the principal social worker.

This review aims to help people gain a better understanding of this revision by setting out the following:

- a) the relationship between the version published on March 2016 and the original version published in October 2014
- b) distinguishing between changes in content and changes to the format between the current version and the previous version
- c) identifying unreported changes

This review considers what is described on the DH website as the 'List of changes made to the Care Act guidance'. It also identifies changes that have been made but are not reported, and some additional formatting problems.

Content changes

1. Paragraph 2.60 - clarifies that 'aids' must be provided free of charge regardless of the cost, and the limit of £1000 only applies to adaptations. This brings the guidance into line with the relevant section of The Care and Support (Charging and Assessment of Resources) Regulations 2014, set out below:

Services to be provided free of charge

3.—(1) A local authority^(c) must not make a charge for meeting needs under section 14(1) of the Act where the care and support, or support which is provided to an adult, under section 18, 19 or 20 of the Act, is a service specified in paragraph (2)(a) or (b).

(2) The following are specified—

- (a) a service which consists of the provision of community equipment (aids and minor adaptations);
- (b) intermediate care and reablement support services for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period.

(3) In this regulation—

“community equipment (aids and minor adaptations)” means an aid, or a minor adaptation to property, for the purpose of assisting with nursing at home or aiding daily living and for the purposes of this paragraph, an adaptation is minor if the cost of making the adaptation is £1,000 or less;

2. Paragraph 6.128 - the description of outcomes and wellbeing is simply going back to how it was set out in the original guidance of October 2015.
3. Paragraph 8.34 now more accurately reflects the distinction between charging for temporary or short-term stay in a care home as set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014.
4. Paragraph 23.53 – the reference to care accounts is updated to be in line with those parts of the Care Act than have been deferred to 2020.
5. Paragraph 33 of Annex C applies increases to the rates of partially disregarded income and removes an out of date reference.

Unreported content changes

In the March update paragraph 6.121 stated the following in relation to carer eligibility and ‘maintaining a habitable home environment’:

“local authorities should consider whether the the (sic) carer is able to maintain a safe home which is an appropriate environment to live in and whether it presents a significant risk to the carer’s wellbeing”.

In the corresponding paragraph of the September update (paragraph 6.123) the wording is subtly different, as follows:

“Local authorities should consider whether the condition of the carer’s home is safe and an appropriate environment to live in and whether it presents a significant risk to the carer’s wellbeing”.

This change is going back to the wording of the original guidance.

Formatting changes

1. Paragraph 6.71 has been split into 3 separate paragraphs 6.71, 6.72 and 6.73 (although the DH wrongly says it has been split into 2 paragraphs), but this simply reverts to the paragraph layout of the original guidance issued in October 2015.

2. The change to paragraph 6.99 is a return to the layout of the original guidance.
3. The replacement of 6.121 by 6.123 removes the formatting error that appeared in the March update. However when the web version of the statutory guidance is copied to a pdf a formatting error appears, as follows:

6.123 The following section of the guidance provides examples of how local authorities should consider the outcomes set out in the Eligibility Regulations when they determine whether a carer meets the eligibility criteria. To be eligible, a carer must be unable to achieve any of the following outcomes:

1. (i) carrying out any caring responsibilities the carer has for a child Local authorities should consider any parenting or other caring responsibilities the carer has for a child in addition to their caring role for the adult. For example, the carer might be a grandparent with caring responsibilities for their grandchildren while the grandchildren's parents are at work.
2. (ii) providing care to other persons for whom the carer provides care Local authorities should consider any additional caring responsibilities the carer may have for other adults. For example, a carer may also have caring responsibilities for a parent in addition to caring for the adult with care and support needs.
3. (iii) maintaining a habitable home environment Local authorities should consider whether the condition of the carer's home is safe and an appropriate environment to live in and whether it presents a significant risk to the carer's wellbeing. A habitable home should be safe and have essential amenities such as water, electricity and gas.
4. (iv) managing and maintaining nutrition Local authorities should consider whether the carer has the time to do essential shopping and to prepare meals for themselves and their family.
5. (v) developing and maintaining family or other significant personal relationships Local authorities should consider whether the carer is in a position where their caring role prevents them from maintaining key relationships with family and friends or from developing new relationships where the carer does not already have other personal relationships.
6. (vi) engaging in work, training, education or volunteering Local authorities should consider whether the carer can continue in their job, and contribute to society, apply themselves in education, volunteer to support civil society or have the opportunity to get a job, if they are not in employment.
7. (vii) making use of necessary facilities or services in the local community Local authorities should consider whether the carer has an opportunity to make use of the local community's services and facilities and for example consider whether the carer has time to use recreational facilities such as gyms or swimming pools.

8. (viii) engaging in recreational activities Local authorities should consider whether the carer has leisure time, which might for example be some free time to read or engage in a hobby.

(n.b. this formatting error also occurs elsewhere when creating a pdf version)

Unreported formatting changes

In what was paragraph 7.14 of the March update, the last sentence: "Communicating their views wishes and feelings" has been changed to a heading following paragraph 7.13. This is a return to the layout of the original guidance.

Remaining formatting error

1. In Paragraph 7.10 the last sentence: 'Understanding relevant information' should have been changed to a heading, as in the layout of the original guidance.