

Briefing: Care Act Guidance

‡ *Making the Connection to Housing* ‡

At a Glance

- The Care Act 2014 set out the framework for the future provision of adult social care
- Dept of Health has now published the *Care and Support Statutory Guidance & associated Regulations*. These come into effect from April 15
- Housing &/or accommodation is mentioned in the majority of chapters & there is a specific housing section in *Chapter 15: Integration, co-operation & partnerships*
- There is extensive reference to information & advice, including integration with housing advice; adaptations & home improvement agencies are also specifically mentioned.

Weblink: www.gov.uk/government/news/final-care-act-guidance-published

1. What is happening to Social Care?

- 1.1. The Care Act 2014 ('the Act') aims to radically transform the provision of adult social care. It is 'wipe clean' legislation ie all previous social care law was repealed.
- 1.2. The Care & Support Statutory Guidance and Regulations have now been published by the Dept of Health (Oct 2014) which tells local authorities how they have to implement the new law. The Guidance sets out in detail how the Act should be implemented, including defining terminology used in the Act (eg. *wellbeing, prevention, integration*).
- 1.3. Both during the passage of the Care Bill and in subsequent negotiations & consultations about content of the Statutory Guidance, housing organisations, including Care & Repair England, made the case for the specific inclusion of housing.
- 1.4. In particular, we highlighted the critical role of practical help to live independently at home in achieving the main aims of the Act, including provision of adaptations & community equipment, alongside integrated information and advice about housing, care and related financial options.
- 1.5. Housing is extensively referenced throughout the Guidance and included in the key definitions of wellbeing, prevention and integration.

2. What are the main headline references to housing in the Guidance?

- 2.1. **Chapter 1 starts with the definition of wellbeing**, which is a guiding principle throughout the Act. Local authorities **must** promote wellbeing when carrying out any of their care and support functions.
- 2.2. There is a nine point definition of 'wellbeing' in the Care Act (Clause 1(2)) which includes point (h) *suitability of living accommodation...* . A full definition is in the Guidance, para 1.5.
- 2.3. **Independent living**, whilst not part of the legal definition of wellbeing, is set out in the Guidance as a 'core part' of this principle (para 1.18). Again, suitability of living accommodation is specifically noted as important in enabling people to live independently.
- 2.4. **Chapter 2 explains how Prevention** is seen as critical to the vision of the Care Act. The new care and support system must actively promote wellbeing and independence and aim to prevent need, not just wait to respond when people reach a crisis point.
- 2.5. **Prevention** is described in terms of three general approaches – *primary, secondary and tertiary prevention*.
 - **Primary** - interventions to prevent development of needs eg advice, befriending aimed at individuals who have no current particular health or care needs
 - **Secondary** - targeted interventions aimed at individuals who have an increased risk of developing needs, where the provision of services, resources or facilities may help slow down or reduce further deterioration or prevent other needs from developing
 - **Tertiary**- are interventions aimed at minimising the effects of disability or deterioration for people with established or complex health conditions, supporting people to regain skills/manage or reduce need where possible
- 2.6. **Home adaptations, falls prevention, handyman & telecare** are cited as examples of secondary prevention (para 2.8) and adaptations/equipment as tertiary (para 2.9).
- 2.7. The local authority **must** provide or arrange for services, facilities or resources which would **prevent, delay or reduce** individuals' needs for care and support and should involve **housing** services (para 2.23).
- 2.8. Throughout Chapter 2 there is a strong emphasis on working in partnership to '*ensure prevention*' eg:
 - *Local authorities **must** ensure the integration of care & support provision, including prevention with health & health-related services, which include **housing** (para 2.34)*
 - *A local authority's commissioning strategy for prevention should consider the different commissioning routes available, and the benefits presented by each. This could include connecting to other key areas of local preventative activity outside care, including **housing**, planning and public health (para 2.24).*

2.9. **Chapter 3 explains in detail the duty** placed on local authorities to establish and maintain **information and advice** services relating to care and support for all people in its area. There are many references to housing in relation to provision of information and advice in this section:

- *The local authority **must** establish and maintain a service for providing people in its area with information and advice relating to care and support for adults and support for carers (para 3.2)*
- *The local authority **must** ensure that information and advice services...cover more than just basic information about care and support ... should also address prevention of care and support needs, finances, health, **housing**, employment, .(para 3.5)*
- *Local authorities **must** ensure that information and advice covers.... **housing and housing-related support options** (para 3.24)*

2.10. The national sources of housing & related information from **EAC FirstStop and Foundations** (for home improvement agencies) are specifically mentioned (para 3.67).

2.11. **Chapter 4 covers 'Market Shaping and Commissioning'**. Local authorities must have regard to '*sufficiency of provision*', including **housing**/related provision, in terms of both ensuring a range of housing/accommodation types and related housing services (paras 4.40, 4.43), and should '*encourage the development of accommodation options that can support choice and control and promote wellbeing*' (4.45).

2.12. Chapter 4 also further defines '**integration**', specifying that the Act places a **duty** on local authorities '*to carry out their care and support functions with the aim of integrating services with those provided by the NHS or other health-related services, such as **housing***' (para 4.88).

2.13. The importance of the home in delivery of integrated services is noted:

- *Integrated services built around an individual's needs are often best delivered through the home. The **suitability of living accommodation** is a core component of an individual's wellbeing and when developing integrated services, local authorities should consider the central role of housing within integration...(para 4.90)*

2.14. **In Chapter 6**, which covers **Assessment & Eligibility**, reference is made to integrated assessment which includes **housing**. **Chapter 8** sets out charging & financial assessment in detail, which includes use of **housing assets**, hence is a key chapter for the providers of information and advice about care, housing and finance.

2.15. Of the remaining chapters (the Guidance is over 500 pages long) the key section on housing is included in **Chapter 15: Integration, cooperation and partnerships**. This housing section is reproduced in full in Appendix A.

3. What does the main section in Chapter 15 say about housing?

- 3.1. **Chapter 15: Integration, co-operation and partnerships** includes two specific housing sections - 'Working with Housing Authorities and Providers' (paras 15.48-15.59) and 'Housing to Support Prevention of Needs' (paras 15.60-15.68) described in detail below - but there are also other important housing references in this Chapter.
- 3.2. The Care Act places a legal requirement on local authorities to carry out their care and support responsibilities with the aim of joining-up services/activities with those provided by the NHS and other health-related services [*note that **Housing** is defined as a health related service*].
- 3.3. The Guidance emphasises that the local authority must promote this integration with health/health related services (ie including housing) (para15.7) in all its activities. The **Commissioning** sub-section (b) notes that:

*'Ways to achieve this [integration] include jointly-commissioned advice services covering healthcare and **housing**, and services like **housing-related** support that can provide a range of preventative interventions...'*

The **Assessment** and information & advice sub-section (c) notes:

*..this may include integrating an assessment with information and advice about **housing options** on where to live, and **adaptations** to the home, care and related finance to help develop a care plan (if necessary), and understand **housing** choices..*

Whilst integrated **Delivery or provision** of care and support sub section (d) states *'..assessment of the home, including **general upkeep** or scope for aids and **adaptations**, community equipment or other modifications could reduce the risk to health, help maintain independence or support reablement or recovery. For example, some specialist housing associations and **home improvement agencies** may offer a support service which could form part of a jointly agreed support plan. A **housing** assessment should form part of any assessment process, in terms of suitability, access, safety, repair, heating and lighting ...'*

- 3.4. The first local model of integration cited in Chapter 15 is that of Leicestershire's 'Housing offer to health', which includes housing options advice in hospitals, home adaptations, equipment and handy person services (p 283).
- 3.5. **Co-operation** is also a legal duty under the Act, and the local authority **must** co-operate with external partners (eg NHS, housing) (para 15.21). Authorities **must** also ensure co-operation by officers responsible for a range of functions within their authority, eg. including housing, public health & children's services (para 15.23).
- 3.6. Working arrangements with the **NHS** are set out in Chapter 15 (paras 15.29 - 15.47), including **hospital discharge** responsibilities and recharging issues. This section does not refer to housing but would be of interest to those involved in Home 2 Hospital provision.

4. What about Adaptations, Equipment and Repairs?

- 4.1. **'Working with housing authorities and providers'** (15.48 - 59) underlines the key role of housing in delivering care & support. It makes the housing link to key principles which underpin the Act as set out in other chapters, notably:

*'Housing is therefore a crucial health-related service which is to be **integrated** with care and support and health services to promote the **wellbeing** of adults and carers....'* (15.50)

*'Housing plays a critical role in enabling people to **live independently** and in helping carers to support others.....Suitability of living accommodation is one the matters local authorities must take into account as part of their duty to promote ...**wellbeing**.'* (15.53)

- 4.2. The housing sub section states that the Care Act recognises that suitable accommodation is one way of meeting care & support needs, but notes that if a housing authority has legal obligations with regard to meeting accommodation related needs under the **Housing Act 1996** then the [social services] authority does not have to meet those needs (para 15.51). The Housing Act 1996 is the law that defines **Disabled Facilities Grants** and these are the responsibility of the housing authority, albeit administered with reference to social services.
- 4.3. However, it also states that the intention of 15.51 is to clarify responsibilities and is not intended to prevent joint working. It gives the example of housing authorities & social care authorities working together to provide specific services such as **housing adaptations**.
- 4.4. Provision of **Community Equipment** is covered in **Chapter 8: Charging and Financial Assessment**. This clearly states that the local authority must not charge for certain types of care and support and that this includes Community Equipment (**aids and minor adaptations**) - *'Aids must be provided free of charge whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1,000 or less'* (para 8.14).
- 4.5. The sub section **'Housing to support prevention of needs'** (15.60-15.68) is a useful section for any providers of housing services eg. those enabling independent living. Whilst Chapter 2 sets out local authorities' new obligations with regard to prevention in general and mentions housing, this subsection expands on that key connection including:

*Getting housing right and helping people to choose the right housing options for them can help to **prevent falls**, prevent **hospital admissions** and readmissions, **reduce the need for care** and support, improve wellbeing, and help **maintain independence at home**.* (15.61)

*Community **equipment**, along with telecare, aids and **adaptations** can support reablement, promote independence contributing to preventing the needs for care and support.* (15.62)

*The links between living in **cold and damp homes** and poor health and wellbeing are well-evidenced (15.64). Local authorities may ..consider opportunities to prevent the escalation of health & care.. needs through....**affordable warmth measures**....* (15.64)

5. What about integrated housing, care & financial information & advice?

- 5.1. We noted in 2.9 above that the Care Act places new obligations on authorities concerning the provision of **information and advice** (Chapter 3) and that **housing** is a key element.
- 5.2. This is reinforced in para 15.55 stating '*.. information and advice can help people make early choices about their **housing options** and related services in advance of a potential crisis.*'
- 5.3. The sub section makes very clear statements about such integrated provision:

*A local authority must establish and maintain a service for providing information and advice relating to care and support, and this **must include advice on relevant housing and housing services** which meet care and support needs.(15.65)*

*...information and advice on **housing**, on **adaptations** to the current home, or alternative **housing options** or housing related services **should** be included.. (15.66)*

*People's care and support needs, their **housing** circumstances and financial resources are closely interconnected. It is only with full knowledge of ...care & support options... including **housing options and related financial** implications that people will be able to exercise informed choice. (15.68)*

- 5.4. The local authority does not have to be the provider of information and advice, but is obliged to ensure co-ordinated delivery and to make use of existing information and advice (local and national), listing EAC FirstStop and Foundations as examples. (15.67)

6. What next?

- 6.1. The Local Government Association is taking the lead on further publications & support for implementation - see www.local.gov.uk/care-support-reform.
- 6.2. Identifying the key obligations placed on local authorities by the Care Act and Guidance which local housing services are helping to meet, as well as building the evidence for this will be key to continuation. Providing service planners and commissioners with such information may help to secure provision at a time of major funding constraints.
- 6.3. Care & Repair England will continue to produce information to support the case for housing related practical support and integrated info & advice for older people.

This Briefing is produced by Care & Repair England

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Appendix A: Statutory Guidance, Chapter 15, Housing sub sections 'Working with housing authorities and providers' & 'Housing to support prevention of needs' reproduced in full (all paras p.294-6)

Working with housing authorities and providers

15.48. Housing or suitable living accommodation is a place which is safe, healthy and suitable for the needs of a person, so as to contribute to promoting physical and emotional health and wellbeing and social connections. For example, a healthy home would be dry, warm and insulated and a safe home would meet particular needs, e.g. of an older person. Housing refers to the home and the neighbourhood where people live, and to the wider housing sector including staff and services around these homes.

15.49. Suitable living accommodation includes all places where people live; for example a house, flat, other general dwelling or an adult placement or other specialist housing.

15.50. Housing and the provision of suitable accommodation should be considered when considering the provision of care and support and carers' support. The setting in which a person lives, and its suitability to their specific needs can have a major impact on the extent and means to which their care and support needs can be met, or prevented, over time. Housing is therefore a crucial health-related service which is to be integrated with care and support and health services to promote the wellbeing of adults and carers and improve the quality of services offered.

15.51. Local authorities have broad powers to provide different types of accommodation in order to meet people's needs for care and support. The Care Act is clear that suitable accommodation can be one way of meeting care and supports needs. However, the Act is also clear on the limits of responsibilities and relationship between care and support and housing legislation, to ensure that there is no overlap or confusion. Section 23 of the Care Act clarifies the existing boundary in law between care and support relevant housing legislation, such as the Housing Act 1996. Where a local authority is required to meet accommodation related needs under housing legislation as set out in the Housing Act 1996 or under any other legislation specified in regulations (and in the case of two tier authorities it would include "another local authority") then the local authority must meet those needs under that housing legislation. Where housing forms part of the solution to meeting a person's needs for care and support, or preventing needs for care and support, then a local authority may include this in the care or support plan even though the housing element itself is provided under housing legislation. Any care or support needed to supplement housing is covered by this Act.

15.52. The purpose of this is to clarify the boundary in law between a local authority's care and support function and its housing function. It does not prevent joint working, and it does not prevent local authorities in the care and support role from providing more specific services such as housing adaptations, or from working jointly with housing authorities.

15.53. Housing plays a critical role in enabling people to live independently and in helping carers to support others more effectively. Poor or inappropriate housing can put the health and wellbeing of people at risk, whereas a suitable home can reduce the needs for care and support and contribute to preventing or delaying the development of such needs. Housing services should be used to help promote an individual's wellbeing, in which people in need of care and support and carers can build a full and active life. Suitability of living accommodation is one of the matters local authorities must take into account as part of their duty to promote an individual's wellbeing.

15.54. Consideration of housing issues in relation to a local authority's reasonableness is an integral part of the health and care system and a local authority's responsibility for care and support. This could be in relation to a local authority's duty on prevention (see chapter 2) or through the duty to assess an adult or carer's needs for care and support (see chapter 6), or in providing advice and information (see chapter 3).

15.55. Enabling individuals to recognise their own skills, ambitions and priorities and developing personal and community connections in relation to housing needs can help promote an individual's wellbeing. Supporting people through the provision of good quality information and advice can help people make early choices about their housing options and related services in advance of a potential crisis. This avoids making such decisions when a person is in crisis or when such decisions have to be taken by relatives or carers. People can be helped to stay independent longer through adaptations and modifications to their homes or extra care or support being offered in their home.

15.56. Health, care and support and housing services should centre on the individual and family, by helping them to articulate the outcomes they want to achieve a local authority can consider what support it can provide in or through the home. Considering accommodation within the wellbeing principle.

Considering accommodation within the wellbeing principle

15.57. Local authorities have a general duty to promote an individual's wellbeing when carrying out their care and support functions. The Act is clear that one specific component of wellbeing is the suitability of living accommodation. A local authority should consider suitable living accommodation in looking at a person's needs and desired outcomes.

15.58. Housing has a vital role to play in other areas relating to a person's wellbeing. For example access to a safe settled home underpins personal dignity. A safe suitable home can contribute to physical and mental wellbeing and can provide control over day to day life and protection from abuse and neglect. A home or suitable living accommodation can enable participation in work or education, social interactions and family relationships.

15.59. In relation to housing, a local authority can make an important contribution to an individual's wellbeing, for example by providing and signposting information that allows people to address care and support needs through specific housing related support services, or through joint planning and commissioning that enables local authorities to provide (or arrange for the provision of) housing and care services or housing adaptations to meet the needs of the local population.

Housing to support prevention of needs

15.60. In many cases, the best way to promote someone's wellbeing will be through preventative measures that allow people to live as independently as possible for as long as possible.

15.61. A local authority must provide or arrange for the provision of services that contribute towards preventing, reducing or delaying the needs for care and support (see chapter 2). Housing and housing related support can be a way to prevent needs for care and support, or to delay deterioration over time. Getting housing right and helping people to choose the right housing options for them can help to prevent falls, prevent hospital admissions and readmissions, reduce the need for care and support, improve wellbeing, and help maintain independence at home.

15.62. Housing and housing services can play a significant part in prevention, for example, from a design/physical perspective, accessibility, having adequate heating and lighting, identifying and removing hazards or by identifying a person who needs to be on the housing register. In addition, housing related support, i.e. services that help people develop their capacity to live in the community, live independently in accommodation, or sustain their capacity to do so, such as help with welfare benefits, developing budgeting skills, help with developing social networks or taking up education, training and employment opportunities can prevent, reduce or delay the needs for care and support. Community equipment, along with telecare, aids and adaptations can support reablement, promote independence contributing to preventing the needs for care and support.

15.63. A local authority may wish to draw on the assistance of the housing authority and local housing services. Housing-related support staff and scheme managers can contribute to prevention, for example by being alert to early signs of ill health, e.g. dementia, and signposting or supporting individuals to access community resources which may prevent, reduce or delay the need for care and support or a move into residential care.

15.64. The links between living in cold and damp homes and poor health and wellbeing are well-evidenced. Local authorities may wish to consider the opportunities to prevent the escalation of health and care and support needs through the delivery or facilitation of affordable warmth measures to help achieve health and wellbeing outcomes.

Integrating information and advice on housing

15.65. A local authority must establish and maintain a service for providing information and advice relating to care and support, and this must include advice on relevant housing and housing services which meet care and support needs. The authority is not required to provide all elements of this service, rather, they are expected under this duty to understand, coordinate and make effective use of other statutory, voluntary and or private sector information and advice resources within their area in order to deliver more integrated information and advice.

15.66. A person-centred approach to information and advice will consider the person's strengths and capabilities and the information or advice that will help them to achieve their ambitions. Information and advice should include services in the home that bring health, care and housing services together. This means that information and advice on housing, on adaptations to the

current home, or alternative housing options or housing related services should be included. This will enable a person to choose how best they can meet or prevent their needs for care and support. (See chapter 3 on information and advice).

15.67. A person using care and support or carer should be supported to make fully informed decisions about how to prevent or meet their needs for care and support. A local authority should make use of information and advice that is already available at local and national levels.

Examples of some national resources are;

www.firststopcareadvice.org.uk

www.moneyadviceservice.org.uk

www.nhs.uk/CarersDirect/Pages/CarersDirectHome.aspx

wwwFOUNDATIONS.uk.com

15.68. People's care and support needs, their housing circumstances and financial resources are closely interconnected. It is only with full knowledge of the care and support options open to them, including possible housing options and the related financial implications that people will be able to exercise informed choice. For example, some people with their families have made early decisions about moving into residential care possibly sooner than is necessary. Information and advice about the full range of accommodation/housing options and how these might be funded can contribute to more informed decision making for individuals and can extend independent living. Carers in their local population when drawing up Joint Strategic Needs Assessments, including their need to participate in paid employment alongside caring responsibilities.