

CARERS look after family, partners or friends in need of help because they are ill, frail or have a disability. The care they provide is unpaid.

POLICY BRIEFING

Free Carers and Community Care Services Through Intermediate Care

Community Care (Delayed Discharges etc.) Act 2003

June 2003

Relevant to: England

Summary

Regulations have now been laid bringing Part II of the Community Care (Delayed Discharges etc.) Act 2003 into force. These regulations mean that, from 9 June 2003, certain community care and carers' services provided through intermediate care, must be provided free of charge to the disabled or older person and carer. Carers UK successfully campaigned for carers' services to be included and has welcomed the changes.

Which equipment services are free?

Section 15(1) of the Community Care (Delayed Discharges etc.) Act states that qualifying services must be provided free of charge to the person to whom they are provided. These 'qualifying services' are intermediate care and community equipment (aids and 'minor' adaptations) services.

Aids and adaptations, according to the regulations, must assist with nursing at home or aiding daily living. Adaptations are considered 'minor' if they cost £1,000 or less. According to local authority guidance (LAC (2003)14, these costs also include the costs of buying and fitting the equipment. This guidance also makes it clear that the equipment might also be provided as a carer's service. This guidance, however, states that councils retain the discretion to charge for equipment where the costs exceed this amount. Carers UK urges local councils to think about providing this equipment free of charge given the negative impact of charging on disabled or older people and carers.

Free intermediate care services

The regulations make intermediate care services free of charge to the person to whom it is provided for up to six weeks. Intermediate care is defined in s.2(b) of the regulations (SI 1196 2003) as "a qualifying service which consists of a structured programme of care provided for a limited period of time to assist a

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person to maintain or regain the ability to live in his home”.

The way the provision is written removes the local authorities power to charge for certain services provided through intermediate care. The relevant sections include; accommodation provided under Part 3 of the National Assistance Act 1948 and s. 17(2)(a) to (c) and (f) of the Health and Social Services and Social Security Adjudications Act 1983. This means that the following services provided under intermediate care would be free because the local authority no longer has the power to charge for them:

- * recreational facilities
- * personal care
- * day care
- * occupational therapies
- * home helps
- * laundry services
- * rehabilitation services
- * any carers’ service provided under s. 2 of the Carers and Disabled Children Act 2000.

Carers’ services are not prescribed in legislation, except that they must, in the local authority’s view, “help the carer to care”. They cannot be personal care services for the disabled person (although these could be provided directly to the older person as a free service under intermediate care).

What is intermediate care?

A working definition of intermediate care is contained in a local authority and health circular HSC 2001/01: LAC (2001) published on 19 January 2001. It defines intermediate care as services which fit **all** the following criteria:

- * targeted at people who would otherwise face unnecessary prolonged hospital stays or inappropriate admission to acute in-patient care, long term residential care or continuing NHS in-patient care
- * provided on the basis of a comprehensive assessment
- * have a planned outcome of maximising independent and typically enabling the patient/user to live at home
- * are limited i.e. normally no longer than six weeks
- * involve cross professional working with a single assessment framework, etc.

The guidance states that intermediate care should, “be designed to help ensure the highest possible standards of care, promoting the best outcomes for patients/users and playing a supporting role to carers”.

How do carers’ services come into intermediate care?

There are a number of ways that carers' services could be part of intermediate care. The key test is if the support to the carer helps to avoid a hospital stay, a person going into hospital or long term residential care. For example, if an older woman is about to be discharged from hospital and needs a high level of support and all the family needs is for the daughter to have a direct payment to help pay for someone to take her child to school whilst she cares for her mother for a few weeks, after a carer's assessment. This would be intermediate care if it avoided longer stays in hospital or residential care. If a carer needs a piece of equipment to help them care for someone for a short period, then this could also be a carers' service under intermediate care.

How does this fit in with carers' assessments and hospital discharge?

It is anticipated that Part I of the Community Care (Delayed Discharges etc.) Act 2003 will largely come into force in October 2003. This Part of the Act would ensure that a carer who requests an assessment before the patient is discharged, must be assessed before they leave and have any carers' services or extra services provided to the person they care for, before the patient leaves hospital. At this point, many carers and older people could qualify for intermediate care services, provided free.

However, the legislation is also clear that a person does not have to be leaving hospital in order to receive free services. If a short period of service needs to be put in to prevent admission to hospital or long term residential care, this could also be provided free.

What about other community care services?

Councils still retain the power to charge for other community care services and, if services last longer than six weeks, they can still charge. Although councils have the power to charge, they do not have to and some local authorities still provide free services. Carers UK has urged councils to exercise their discretion and provide essential services free of charge. For those who do not, Carers UK, local carers' groups and individuals continue to campaign for essential services to be provided free. If you want to join the campaign visit:
www.mencap.org.uk/coalition

How do we find out what is going on in our area?

Plans for intermediate care are support to be part of wider plans for Local Action Plans (LAPs) for the National Service Framework for Older People and Joint Investment Plans (JIPs) between the NHS and the local council. However, it is unlikely that these will include much detail. To find out more regarding your local area you could:

- * Write to the local Director of Social Services or the Chief Executive of the NHS Trust to find out which services are provided under intermediate care

and would be free.

- * Ask how each agency intends to implement the Community Care (Delayed Discharges etc.) Act 2003 in relation to carers.
- * Ask how carers will be identified and offered an assessment of their needs at the point of hospital discharge.

Further information

The following key papers can be found on the Department of Health website under www.doh.gov.uk/jointunit/delayeddischarges

Community Care (Delayed Discharges etc.) Act 2003 and Explanatory Notes
Community Care (Delayed Discharges etc.) Act (Qualifying Services) (England) Regulations 2003

Changes to Local Authorities Charging Regime for Community Equipment and Intermediate Care Services – LAC(2003)14 – June 2003

Intermediate Care – HSC 2001/01: LAC(2001)1 – January 2001

Carers UK has written a parliamentary briefing, published in April 2003, on the 2003 Act, which is available from www.carersonline.org.uk or by telephoning: 020 7566 7617. Carers UK will continue to update briefings as changes arise.

Advice for carers

Carers UK has a number of booklets providing advice for carers including: How Do I Get Help (detailing carers' assessments), Coming Out of Hospital, Benefits, Carer's Allowance, etc. To order call Publications on: 020 7566 7626.

Training for professionals

Carers UK will be exploring this and other legislation in more depth in our various courses run by leading community care lawyers, policy makers and practitioners. Relevant forthcoming courses over the next three months include:

10 September	Community Care Law: Recent Developments
16 September	Charging for Community Care
17 September	Carers and their Rights

Where there is a group locally of 8 people or more, Carers UK can arrange courses in-house on various topics. Visit our website for more information on courses including costs: www.carersonline.org.uk or telephone the training unit on: 020 7566 7632

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