

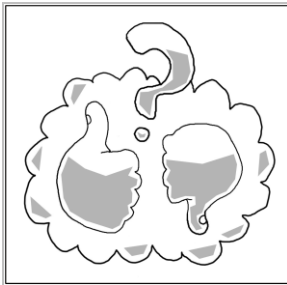


Outline of ideas for a new Adult Social Care Statute



We are the Law Commission. We want adult social care rules to work better. So we are thinking about changing some of the rules we have now.

We want to put the rules in a new **statute**. This is an important place where all the rules are easy to find. We want to make sure that the changes do not mean less adult social care.



Here you can read some of our ideas for the **statute**. The ideas are not finished. We want to know if people like them.

Main beliefs



We want a list of **main beliefs** about how to do adult social care. The people who decide things about adult social care must then think about these **main beliefs**. We want people to tell us some ideas about good **main beliefs** to have.

Getting an assessment



A person normally must have an **assessment** before they can get care. We think the local council must do an **assessment** if a person maybe needs care. Maybe if a person asks for an **assessment**, the council must do it. If a person needs care very quickly, the **assessment** can be done later.

How to do an assessment



We think the assessment must find out a person's **needs** and **outcomes**. **Needs** means what the person can and can't do. **Outcomes** means what the person wants to be able to do. The assessment should not say if a person will fit in with care services. And there should be rules about how to do an assessment.

Who can get adult social care



After an assessment, the council will decide if a person gets care. We think if a person has the right type of needs, they must get care. We think the rules should be the same for everyone. Maybe the local council must decide on a set amount of money to care for each person.

Care Plans



A **care plan** says how a person's care must be done. We think the local council **MUST** make a **care plan** for **EACH** person getting care. We think there should be rules about how to make a **care plan**.

Carers



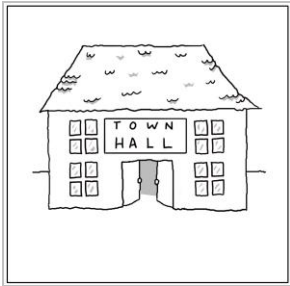
A **carer** is a person who takes care of another person. We think a **carer** should be able to get help more easily.

Deciding what types of care to give.



We think the best way to decide about care is with the **assessment**.

And with the rules about who can get care and the **care plan**.



Some care is given by groups that are not the local council.

For example, some care is done by the NHS.
The local council should not try to do jobs that the NHS does already.



We think there should be a **list of services** available.
The list should not be too strict.
The list could be like this:

1. giving homes
2. help at home
3. social workers and advice
4. help centres
5. training courses and events.

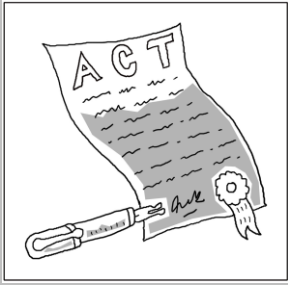


We think that we should not have a **definition** of a disabled person.

A **definition** is like a list of the things that mean a person is disabled.

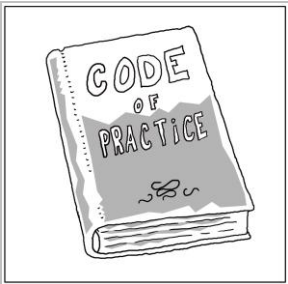
We think having a **definition** would make it harder for some people to get care

Section 21 of the National Assistance Act 1948



This is a law that says the council must give homes to some people. A new **statute** for adult social care may mean we don't need this law any more. But if losing this law would stop some people getting care, then we should keep it.

Code of practice

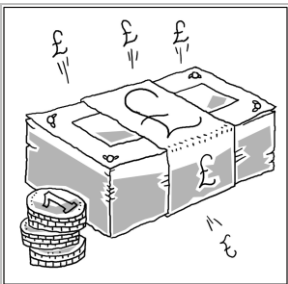


We think there should be a **code of practice** about adult social care. This is like all the extra information about how to do social care the right way. The **code of practice** will help people to understand the **rules** and the **main beliefs**.

Choice and control

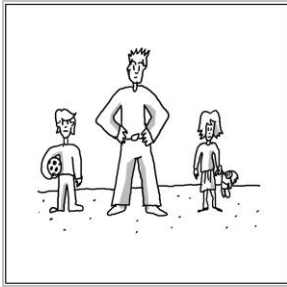


An assessment can say that a person should choose where they live. If so, we think the council must make sure this happens.

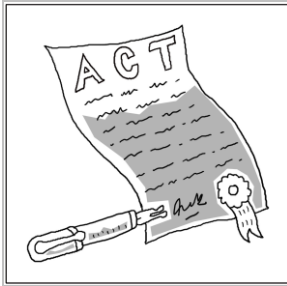


We think **direct payments** are good. They should carry on. We think a good way to give choice and control is to allow **direct payments** for accommodation.

Children and young people

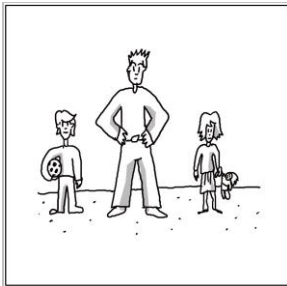


Adult social care rules are for people 18 years old or older. There are other rules for children.



The new **statute** will replace a lot of the old rules for adults. But we think we should keep bits of some of these and make them only for children.

Two of these laws are: **The Chronically Sick and Disabled Persons Act 1970**. And the **Carers Act 1995**.



When a person is 16 or 17 they are nearly an adult. We think that sometimes the adult social care rules can be used for them too.

Working together

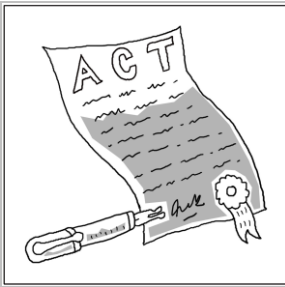


We think the social services must work closely with other groups. Like housing and education and health authorities. We think the other groups must try to help the social services.

Keeping adults safe



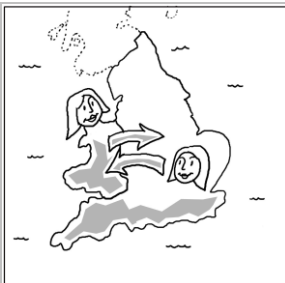
We think the council must look out for people **at risk**. A person **at risk** might be treated badly. The council can work with the police.



The local council have the power to move a person from where they live. The law or rule that allows this is called **Section 47 of the National Assistance Act 1948**. We are worried about this rule. We think this rule should be thrown away.

But we must still protect property if a person goes into hospital.

Care in different areas

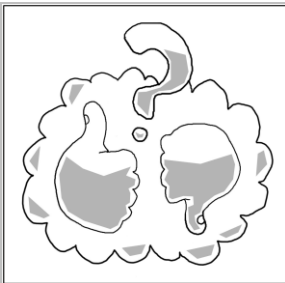


We think the local council **MUST** care for people that normally live in the local area. And the council **CAN** care for people who come to the local area. Even if they don't normally live there.

This rule is called **ordinary residence**.

We think different councils must talk to each other more and help each other.

What do you think?



What do you think about our ideas to change social care for adults?