



Law
Commission
Reforming the law

The Draft Care and Support Bill: an update on social care

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The Public Law Project – 12 July 2012

Structure of reform

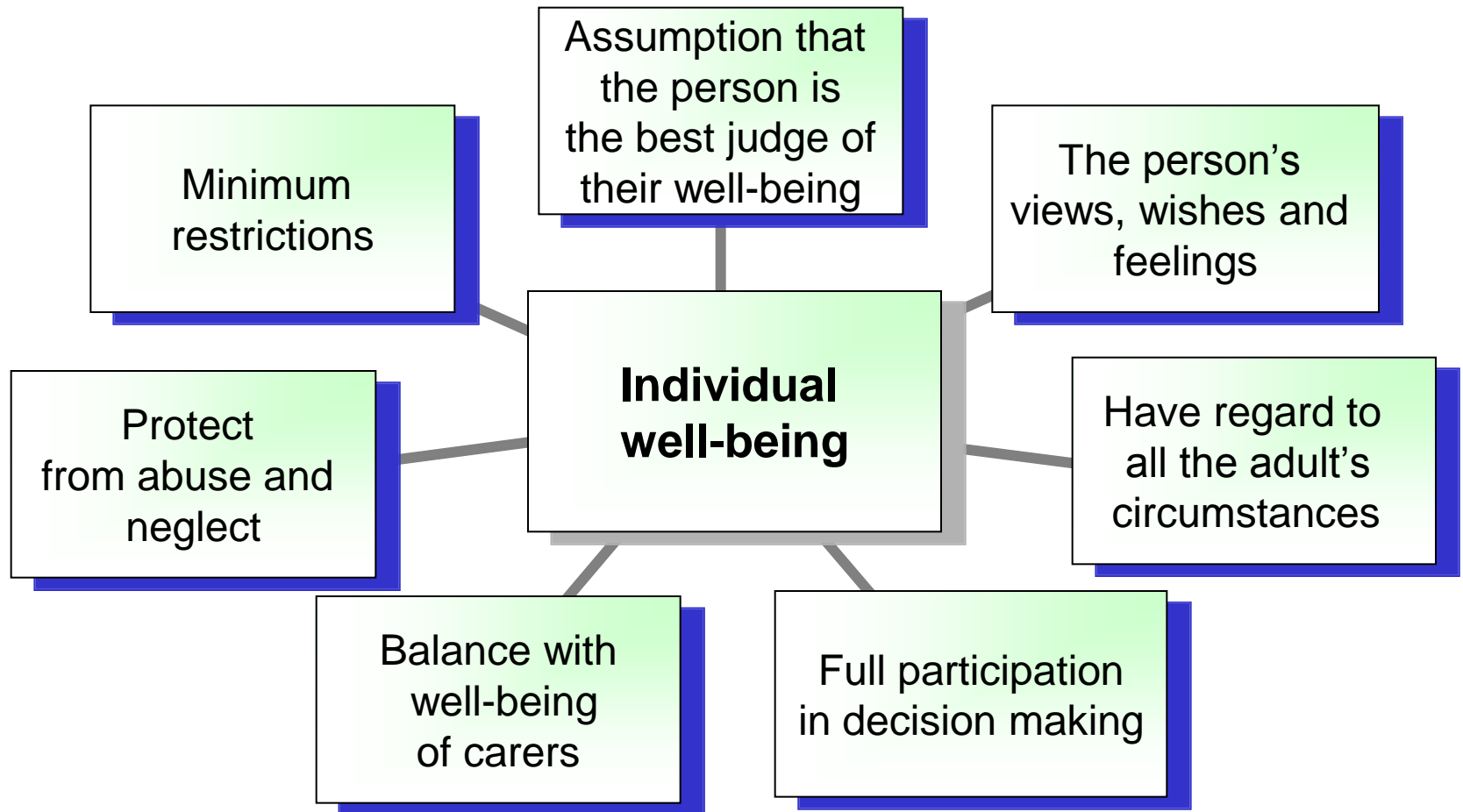
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- Single statute
- Repeal Government power to issue directions
- A statutory code of practice
- Well-being principle

Care & Support Bill

- Single statute
- Minimal use of directions
- Non-statutory code of practice
- Well-being principle

Clause 1: promoting individual well-being



Clause 9: assessing needs

- ❖ Duty to assess where adult appears to need care and support
- ❖ Right to refuse an assessment
- ❖ Duty to consult service users, carers and any other named person
- ❖ Community care assessment regulations

Clause 13: eligibility criteria

- ❖ A single eligibility framework for all services
- ❖ Duty on Government to set out the framework in regulations
- ❖ Councils (or national Government) to set eligibility criteria
- ❖ Repeal of section 21 of the National Assistance Act 1948

Clauses 10-13: carers' rights

- ❖ Duty to assess any carer who appears to have need for support
- ❖ No need to request an assessment
- ❖ No substantial/regular requirement
- ❖ Eligibility criteria for carers' services

Clauses 34 & 36: safeguarding

- ❖ Duty to enquire in cases of abuse and neglect
- ❖ Statutory safeguarding boards
- ❖ Consultation on safeguarding powers
- ❖ Repeal of section 47 of the National Assistance Act 1948

Other reforms

Portable assessments		Transitional services for young people	
	List of services and outcomes		Reform of section 117 of the Mental Health Act
Rights to care and support plans		Duties to co-operate and promote integration	
	Duty to prevent needs for care and support		Statutory personal budgets

Next Steps

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Pre-legislative
Scrutiny

Legislation in
2013



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