

KNOW YOUR RIGHTS, OWN YOUR LIFE



Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

THE CARE ACT 2014

What You Need to Know and How It Can Help You

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OVERVIEW

The Care Act 2014 is the primary legislative framework governing adult social care in England. It brings together responsibilities for care and support into a single statute, sets out clear duties for local authorities, and places individual wellbeing at the centre of decision-making.

At its core, the Act establishes general responsibilities of local authorities, including:

- Promoting individual well-being
- Preventing needs for care and support
- Promoting integration of care and support with health services
- Providing information and advice
- Promoting diversity and quality in the provision of services
- Co-operating generally and in specific cases

The Act places clear responsibilities on local authorities to prevent or delay the development of care needs, promote integration between social care and health services, provide universal information and advice, encourage diversity and quality in local care markets, and cooperate with partner organisations. It establishes a single national system for assessing adults and carers, determining eligibility, and meeting needs through structured care and support planning, personal budgets, and direct payments.

Alongside this, the Act introduces statutory safeguarding arrangements for:

- Safeguarding Adults Boards
- Safeguarding enquiries and reviews
- Market oversight of large care providers
- Temporary duties when providers fail
- Ordinary residence rules and cross-border placements
- Appeals and default powers of the Secretary of State

It also sets out rules on charging, financial assessments, deferred payments, hospital discharge, and continuity of care when people move between local authority areas.



GUIDANCE FOR FAMILIES/CHILDREN

The Care Act 2014 establishes clear rights for adults, carers, children, and families to access assessment, planning, support, and safeguarding. Central to the Act is the principle that individuals and those who support them should be actively involved in decisions about care and outcomes.

Assessments for Adults, Carers, Children and Young People

Local authorities must carry out an **assessment of an adult's needs for care and support** where it appears that the adult may have such needs (section 9). In parallel, they must assess a **carer's support needs** where it seems the carer may have them (section 10). These assessments must consider the outcomes the person wishes to achieve and how their needs affect their wellbeing, and must involve the individual and, where appropriate, their family or others they wish to involve.

The Act also provides specific protections for children and young people approaching adulthood. Local authorities must carry out:

- An **assessment of a child's needs for care and support** (section 58),
- An **assessment of a child's carer's needs for support** (section 60), and
- An **assessment of a young carer's needs for support** (section 63),

where it appears that they are likely to have needs once the child or young person reaches 18. These provisions enable early planning and support continuity during transition to adult services. Further requirements ensure that these assessments are appropriate and proportionate and actively involve the child, young person, or carer concerned (sections 58–65).

Eligibility and Next Steps

Following assessment, local authorities must determine whether needs meet the **eligibility criteria** (section 13). Once this decision is made, authorities must take specified steps under section 24, including deciding how needs should be met.

Where eligible needs are identified, the authority has a **duty to meet an adult's needs for care and support** (section 18) and a **duty and power to meet a carer's needs for support** (section 20), subject to certain statutory exceptions.

Care and Support Planning and Personal Budgets

After eligibility is confirmed, the local authority must prepare:

- A **care and support plan** for adults, or
- A **support plan** for carers (section 25).

These plans must set out the person's needs, which needs the authority will meet, how those needs will be met, and include a **personal budget** showing the cost of meeting eligible needs (section 26). Plans must be kept under review, allowing individuals and families to request changes where circumstances evolve (section 27).

Adults may also express a preference for particular accommodation (section 30), reinforcing choice and involvement in decisions about living arrangements.

Direct Payments and Choice

The Act enables adults to request direct payments instead of arranged services (sections 31–33). In certain circumstances, **this also applies to adults who lack capacity through suitable representatives.** Direct payments give individuals and families greater flexibility and control over how care and support are delivered.

The Act also **allows for further flexibility in how direct payments are managed**, including circumstances where **payments may be made to a third party or managed on behalf of an adult who lacks capacity, provided appropriate safeguards are in place** (sections 32–33).

Additionally, adults may have an independent personal budget (section 28) and a care account (section 29), providing a clearer view of how eligible needs are met and how personal contributions toward care are recorded. These provisions support transparency and informed decision-making, helping individuals and families track support arrangements, understand costs, and exercise meaningful choice over services while remaining within the local authority's statutory framework.

Safeguarding Adults at Risk

Where an adult is experiencing, or is at risk of, abuse or neglect, the local authority must make or cause safeguarding enquiries to be made (section 42). Safeguarding Adults Boards (sections 43–45 and Schedule 2) coordinate local safeguarding arrangements and must publish strategic plans and annual reports. Safeguarding Adults Reviews must be undertaken in specified circumstances to promote learning and improvement. These provisions ensure that adults and families can raise concerns and expect formal protective action when risks are identified. **Safeguarding responsibilities are reinforced by duties on organisations and individuals to supply information to support safeguarding enquiries and reviews** (section 45), ensuring that concerns can be properly investigated.

The Act also provides for the **protection of property for adults being cared for away from home** (section 47), **offering reassurance to families during hospital admissions or temporary placements**. Together with **Safeguarding Adults Reviews** (section 44), which examine cases where serious harm or death has occurred, these **measures ensure accountability across agencies and promote continuous learning**, giving adults and families confidence that risks will be taken seriously and addressed through coordinated action.

Hospital Discharge and Continuity of Care

The Act also protects continuity of care. Sections 37–38 address situations where an adult moves between local authority areas, ensuring care does not stop during transitions. Schedule 3 and section 74 set out arrangements for the discharge of hospital patients with care and support needs, requiring coordination between NHS bodies and local authorities so that assessments and support are in place following discharge.

In addition, **the Act sets out formal processes for assessment notices, discharge notices, and cooperation between NHS bodies and local authorities** (Schedule 3), **helping prevent unsafe or rushed discharges**. Where discharge is delayed, provisions allow for financial and procedural adjustments between authorities, encouraging timely coordination of care.

The Act also establishes **rules on ordinary residence** (sections 39–41), **clarifying which local authority remains responsible for meeting needs, particularly when someone moves or receives care in another area.** These safeguards help individuals and families avoid gaps in support, reduce uncertainty about who is responsible for care, and ensure continuity during major transitions, such as hospital discharge or relocation.

This is how knowing our rights can change lives.

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. Now, meet Elliot, who faced many restrictions while staying in the hospital, and his behaviour started escalating. Today, with the right support, Elliot faces fewer challenges, has left the hospital after 4 years, and is living in his own home.

MORE



OBLIGATIONS & DUTIES FOR COMMISSIONERS/ PUBLIC BODIES / LOCAL AUTHORITIES

The Care Act 2014 places extensive statutory responsibilities on local authorities, public bodies and partner organisations.

General Duties

At the highest level, local authorities must:

- Promote individual wellbeing (section 1)
- Prevent or delay the development of care needs (section 2)
- Promote integration with health services (section 3)
- Provide information and advice (section 4)
- Promote diversity and quality in service provision (section 5)
- Co-operate with relevant partners (sections 6–7)

Assessment and Eligibility

Authorities must assess adults and carers and determine eligibility in accordance with national criteria (sections 9–13). They must take specified steps following assessments (section 24).

The Act also requires that assessments actively involve the individual and, where appropriate, their carer or family, and must consider the outcomes the person wishes to achieve in daily life. Following assessment, local authorities must apply the national eligibility criteria and then take clear next steps, including deciding whether needs are eligible and informing the person of that decision. Where needs are eligible, authorities must proceed to care and support planning and the setting of a personal budget.

Importantly, even where needs are found not to meet eligibility thresholds, local authorities must still provide information and advice and consider preventative services, helping people understand alternative support options and how to reduce or delay future needs.

Duty to Meet Needs

Where eligibility is met, authorities have:

- A duty to meet adults' needs for care and support (section 18)
- A duty and power to meet carers' needs (section 20)

Exceptions are set out for immigration status, health services, and housing (sections 21–23).

In practice, the duty to meet needs means that once eligibility is confirmed, the local authority becomes legally responsible for ensuring those needs are addressed in a suitable and person-centred way. This includes preparing a care and support plan or support plan and keeping it under review as circumstances change. The Act also allows authorities flexibility in how needs are met, enabling tailored solutions.

For individuals and families, this creates a clear entitlement to ongoing support, not just a one-off intervention, and provides a framework for requesting reviews if needs increase, outcomes are not being achieved, or arrangements are no longer appropriate. These duties give people a firm legal basis to expect continuity, responsiveness, and proportionality in their care arrangements.

Financial Responsibilities

Authorities may charge for care (section 14), must assess financial resources (section 17), and operate personal budgets and care accounts (sections 26–29). Deferred payment agreements and loans are addressed in sections 34–36.

Alongside powers to charge for care, the Act places strong **emphasis on transparency and fairness in financial assessments**. Local authorities must assess:

- **a person's financial resources**
- **clearly set out what they are required to contribute, while also**
- **establishing a personal budget that shows the total cost of meeting eligible needs.**

Mechanisms such as care accounts and deferred payment agreements are designed to help people plan for care costs over time and avoid being forced into immediate property sales. The Act also includes protections against deliberate deprivation of assets to avoid charges.

What does this mean for families and individuals? It means the financial process must be explained, documented, and open to challenge, enabling individuals and families to understand their liabilities better, explore available financial arrangements, and make informed decisions about long-term care planning.

Market Oversight and Provider Failure

Sections 48–57 introduce a market oversight regime. **Local authorities have temporary duties when providers fail, while the Secretary of State oversees the financial sustainability of large providers.** This ensures continuity of care during provider collapse.

The market oversight provisions are **particularly important for people who rely on large or specialist care providers.** Under this regime, **the financial sustainability of certain providers is monitored at national level, and local authorities must step in temporarily if a provider fails, ensuring that care continues without disruption.** These duties exist to **protect individuals from sudden loss of services due to organisational collapse. For families, this offers reassurance that, even in cases of provider instability, a statutory safety net is in place, with local authorities required to maintain continuity of care while alternative arrangements are made.** This strengthens system resilience and **prioritises people's wellbeing over commercial risk.**

Safeguarding Infrastructure

Local authorities must:

- Lead safeguarding enquiries
- Establish Safeguarding Adults Boards
- Participate in safeguarding reviews
- Supply relevant information

Safeguarding duties extend beyond individual enquiries to a coordinated local system of protection. **Safeguarding Adults Boards must publish strategic plans and annual reports to promote transparency and shared learning across agencies.** Reviews must be conducted in specified circumstances to understand what went wrong when serious harm or death occurs, thereby helping to improve future practice.

Appeals, Enforcement, and Oversight

The Act provides for:

- Recovery of charges and prevention of asset transfer to avoid fees (sections 69–70)
- Appeals (section 72)
- Default powers of the Secretary of State where authorities fail (sections 72A–72B)

The Act provides formal routes for challenge and intervention where duties are not met. Individuals can appeal certain decisions, while local authorities have powers to recover charges and prevent avoidance through asset transfers. Crucially, where a local authority fails in its responsibilities, the Secretary of State holds default powers to step in. These provisions reinforce accountability across the system. **For people using services, this creates multiple layers of protection: decisions can be questioned, financial practices scrutinised, and systemic failures addressed at national level.** Together, these mechanisms ensure that rights under the Act are not merely theoretical but supported by enforceable structures designed to uphold fairness, consistency, and lawful practice.

Integration with Health, Education, and Research

This section covers:

- Care standards and Care Quality Commission functions
- Health Education England and workforce planning
- Health Research Authority governance

- Integration funding
- Information governance
- Hospital discharge
- Prisoners and after-care under the Mental Health Act
- Delegation of local authority functions

These ensure that care and support operate within a regulated, integrated national system.

HOW INDIVIDUALS AND FAMILIES CAN TAKE PART AND BENEFIT FROM THE ACT

The Care Act 2014 empowers individuals, families, and carers to engage with their care actively.

↳ Request assessments

Any adult or carer who appears to have needs has the right to an assessment. Financial status does not prevent assessment. Young people and carers can request transition assessments before adulthood.

This allows individuals to formally document needs and desired outcomes.

↳ Understand eligibility and planning

After assessment, eligibility is determined. Individuals can then participate in care and support planning, ensuring their wishes are reflected in:

- Care and support plans
- Support plans
- Personal budgets

Plans must be reviewed, giving people the right to request changes as circumstances evolve.

↳ Use personal budgets and direct payments

Personal budgets show the cost of meeting needs. Through direct payments, people may arrange their own support, increasing choice, flexibility, and control.

↳ **Choice in accommodation**

Adults can express preferences for particular accommodation, helping shape where and how they live.

↳ **Access to safeguarding protection**

If someone is at risk of abuse or neglect, they or their family can trigger safeguarding enquiries under section 42.

Safeguarding Adults Boards provide system-wide oversight and learning.

↳ **Continuity of care**

When moving area or leaving hospital, sections 37–38 and Schedule 3 protect continuity of care, ensuring services do not abruptly stop.

↳ **Challenge decisions and seek accountability**

The Act provides routes for appeals and protections against unfair charging or asset transfer practices.

↳ **Use information and advice services**

Local authorities must provide information and advice (section 4), enabling people to understand:

- Available services
- Financial arrangements
- Rights under the Act
- How to access support

By engaging with these statutory entitlements, individuals and families can:

- Secure assessments early
- Influence care planning
- Access personal budgets and direct payments
- Safeguard themselves or loved ones
- Maintain continuity during transitions
- Hold authorities accountable

Original Sources:

www.legislation.gov.uk/ukpga/2022/31/enacted/data.pdf

Introduced by: **Jeremy Hunt MP, Secretary of State for Health (Commons),**

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