

Know your rights – social care

1. Information and support

Your local authority has a duty to provide you with information and advice about the care services available in your area. This information and advice should be available in a format that is easily accessible to you.

Information and advice should cover

- How your local authority works and operates in your area
- What types of care and support, and choice of provider are available in the local area;
- How you can access care and support services
- How you can access independent financial advice on matters relevant to meeting your needs for care and support
- How you can raise concerns about the safety or well-being of an adult who has needs for care and support.ⁱ

2. Assessing your needs

Your local authority must, by law, carry out an assessment of your needs, if you request this, or if a third party (e.g. your GP) refers you to them. This is called a needs assessment. The purpose of this assessment is to understand whether you have a need for care and support; and if you do, what your needs for care and support are.

A needs assessment must include an assessment of:

1. The impact of your needs for care and support on your well-being
2. The outcomes you want to achieve in day-to-day life
3. Whether, and to what extent, receiving care and support can help you achieve these outcomes.ⁱⁱ

Your needs assessment must involve

- You
- Any carer you might have
- Any other adult you ask the local authority to involve.ⁱⁱⁱ

Your local authority must also consider if you could benefit from its prevention or information and advice services, or any other services that might be available in your local area.

3. Meeting your needs

Your local authority must determine whether you are responsible for meeting your needs for care support, or if you are eligible for them to meet your needs for care and support.

You are eligible for a local authority to meet your needs for care and support if

- Your needs arise from a physical or mental illness.
- Your needs mean that you are unable to achieve two or more specific outcomes.
- Your needs have a significant impact on your well-being.^{iv}

The outcomes are:

- (a) Managing and maintaining nutrition**
- (b) Maintaining personal hygiene**
- (c) Managing toilet needs**
- (d) Being appropriately clothed**
- (e) Being able to make use of the adult's home safely**
- (f) Maintaining a habitable home environment**
- (g) Developing and maintaining family or other personal relationships**
- (h) Accessing and engaging in work, training, education or volunteering**
- (i) Making use of necessary facilities or services in the local community including public transport, and recreation facilities or services**
- (j) Carrying out any caring responsibilities the adult has for a child.^v**

Even if your care and support needs are eligible to be met by the local authority, this does not mean the local authority necessarily has a duty to cover the cost of meeting those needs.

However, there are some care support services that the local authority must always provide free of charge, to anyone with an eligible care need. These are:

- Community equipment (aids and minor adaptations costing £1000 or less);
- Aids must be provided free of charge whether provided to meet or prevent/delay needs. A minor adaptation is one costing £1000 or less;
- Intermediate care, including reablement care, which must be provided free of charge for up to 6 weeks;
- Care and support provided to people with Creutzfeldt-Jakob Disease;
- After care services and support provided under section 117 of the Mental Health Act 1983;
- Any service or part of a service which the NHS contribution is under a duty to provide including continuing health care and the NHS contribution to registered nursing care.^{vi}

4. Paying for care and support services

Alongside your needs assessment, the local authority will also conduct a financial assessment to find out whether you should pay for your care and support, whether the local authority should pay for all your care and support, or whether you and your local authority should contribute towards the cost of meeting your care and support needs.

Upper and lower capital limits

- The 'upper capital limit' determines whether you are entitled to some or whole financial support. It is set at £23,250.
- If you have assets and capital of more than £23,250 you won't be entitled to any financial support from your local authority.
- If you have income and assets of between £14,250 and £23,250 you will be eligible for some financial support from your local authority and you will be expected to make some contribution.
- If you have income and assets of less than £14,250, then you are eligible for your local authority to pay the full costs of your care and support needs.^{vii}

If you decide to go into a residential care home to meet your care and support needs, and you own your own home, then the cost of your home will be included in an assessment of your assets and income.

If you receive care in your home to meet your care and support needs, your home is not included in an assessment of your income and assets.

ⁱ Department of Health and Social Care (2016). Guidance: Care Act fact sheets; Fact sheet 1.

<https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets/care-act-factsheets#factsheet-1-general-responsibilities-of-local-authorities-prevention-information-and-advice-and-shaping-the-market-of-care-and-support-services>

ⁱⁱ Department of Health and Social Care (2016). Care and support statutory guidance 2017.

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs>

ⁱⁱⁱ Department of Health and Social Care (2016). Care and support statutory guidance 2017.

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#first-contact-and-identifying-needs>

^{iv} Department of Health and Social Care (2014). The care and support (eligibility criteria) regulations 2014.

<http://www.legislation.gov.uk/ukdsi/2014/9780111124185>

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^{vi} Department of Health and Social Care (2014). Care and support statutory guidance.

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^{vii} Department of Health and Social Care (2017). Care and support statutory guidance.

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance#charging-and-financial-assessment>