



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

Navigating Social Services

Factsheet 5: Meeting your needs



The Older People's Commissioner for Wales

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales. The Commissioner and her team work to ensure that older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services that they need.

The Commissioner and her team work to ensure that Wales is a good place to grow older, not just for some but for everyone.

How to contact the Commissioner:

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Meeting your needs

A Local Authority can fulfil their duty to meet your care and support needs (or support needs for carers) in a number of ways.

This may include:

- providing you with a service
- arranging for another person or organisation to provide you with a service
- providing, or arranging for something to be provided, to someone else (for example to your carer) in order to meet your needs

Examples of this could be care and support at home, accommodation in a care home, counselling and advocacy, home adaptation or providing you with information and advice.

It is important to note that the Local Authority would not be required to meet your care and support needs if they are being met by a carer (if a carer is meeting part of your needs, the Local Authority would only be required to meet your remaining needs). Where a carer has agreed to provide care and support to meet your needs, they will be doing this instead of the Local Authority, even though you may have been entitled to have your needs met by the Local Authority. The Local Authority must ensure that the carer is both willing and able to provide care and support to you (Section 35 of the Act).

Carers have a right to request that the Local Authority in which the person whom they cares for lives is the authority that meets their support needs, rather than the Local Authority in which they live. The Local Authority in which the person receiving care and support lives can agree to do this but they are not required to do so under the new Act (Section 45 of the Act).

For further information on meeting care and support needs, please refer to Section 34 of the Act and Part 4 of the Code of Practice (Meeting Needs).

Care in your own home

For care and support needs met in your own home (e.g. Domiciliary Care), the Local Authority must be satisfied that the length of the visit is long enough to provide the care and support that is needed.

For further information, please refer to Section 34 of the Act and Part 4 of the Code of Practice (Meeting Needs), Page 24.

Choice of Care Home Accommodation

If your care and support needs are going to be met through accommodation in a care home, you have a right to choose which care home you wish to live in and the Local Authority must provide your preferred accommodation if certain conditions are met. These conditions include:

- o that your needs (as set out in your Care & Support Plan) can be met by a care home;
- o your preferred choice of care home can meet your needs (as set out in your Care & Support Plan);
- o your preferred accommodation choice of care home is available; and
- o where the preferred accommodation is not provided by the Local Authority (i.e. an independent provider), the provider of your preferred accommodation agrees to the Local Authority's terms.

If your preferred choice of care home costs more than the Local Authority would normally expect to pay, the Local Authority must still provide your preferred accommodation if they are satisfied that you (or someone of your behalf) is able and willing to pay the additional amount (i.e. top up) for the expected duration of the person's stay. 'Top-up fees' should never be used to pay for, or subsidise the cost of, basic care and should not be necessary to ensure that your needs are met.

A Local Authority can refuse to provide your preferred choice of care home but they must provide a written statement as to why this is not possible.

For further information, please refer to The Care and Support (Choice of Accommodation) (Wales) Regulations 2015.

Direct payments

Direct payments allow people to make their own choices about their care and support (or support for carers). You are entitled to have a 'direct payment' towards the cost of meeting your care and support needs (or support needs for carers). This can happen only if:

- the payment is made direct to you directly, you agree to this arrangement (and you have the mental capacity to do so),
- the Local Authority thinks that this is a good way of meeting your care and support needs, and
- you are able to manage the payments by yourself (or with help from a person or organisation).
- Or, in cases where a person does not have capacity to agree:
 - there needs to be someone else who is a suitable person to management the direct payment and they will act in the person's best interest,
 - this suitable person has agreed to this arrangement,
 - the Local Authority thinks that the direct payments are a good way of meeting the person's care and support needs and,
 - the necessary consent has been given to allow the person to receive these direct payments.

A Local Authority must not refuse to give you a direct payment on the basis that you are unable or worried about managing one. A local authority must explore all options to support you to manage your direct payment. They must ensure that you have the correct level of support that you need to manage your direct payment.

For further information, please refer to Section 50 of the Act, the Care and Support (Direct Payments) (Wales) Regulations 2015 Part 4 of the Code of Practice (Meeting Needs), Page 24.

Care and Support Plans

Where a person meets the National Eligibility Criteria (or where a Local Authority considers it necessary to a person's needs in order to protect the adult from abuse or neglect) the Local Authority must prepare a Care and Support Plan.

You have a right to be involved in the creation, review and adjustment of your Care and Support Plan (or Support Plan) and the Local Authority must keep it under review. Where a Local Authority thinks that your circumstances have changed in a way that affects the plan, the Authority must carry out any assessments as it considers appropriate and revise the plan.

A Care and Support plan could relate to a single service, meeting one or more care and support needs, or be more complex and involve mapping out several different services, meeting one or more needs. A care and support plan could include actions that are self-managed alongside those that are managed by the Local Authority.

A Care and Support Plan (and Support Plans for carers) must include the following:

- your eligible needs;
- your personal outcomes;
- the actions to be taken by the Local Authority and the by other people (if applicable) to help you achieve your personal outcomes
- the arrangements to monitor the whether your personal outcomes have been achieved; and
- the arrangements for the review of the plan (including a clear review date, which should be agreed with the individual and/or family).

If some or all of your needs are to be met through direct payments, a Care and Support plan (or a Support Plan for carers) must also contain:

- the eligible needs which are to be met through direct payments, and;
- the amount and frequency of the direct payments.

Care and Support plans may also set out the roles and responsibilities of the individual, carers and family members, and practitioners, as well as the resources (including financial resources) required from each party.

Where enquiries have been made by the Local Authority in accordance with its duty to investigate whether a person is at risk of abuse or neglect, the care and support plan for the individual who is the subject of those enquiries must contain a record of the conclusion of the enquiries.

For further information, please refer to Section 54 of the Act, The Care and Support (Care Planning) (Wales) Regulations 2015 and Part 4 of the Code of Practice (Meeting Needs), Page 13.

Moving to a new Local Authority

If you have told your Local Authority that you plan to move to another local authority area and they are satisfied that the move is likely to happen, your Local Authority must inform the new Local Authority.

They must ensure that the new Local Authority has the information from your assessment and care and support plan (or support plan for carers). Once this is received, your new local authority must carry out a new assessment, taking into account any changes that the move may have on your care and support needs (or support needs for carers).

If your new local authority has not carried out an assessment by the time you move to their area, they must meet your care and support needs as set out in your existing Care and Support Plan (or Support Plan for carers) in so far as is reasonably possible until a new assessment is carried out.

