

Social Care

Care and support planning under the Care Act 2014

If you are entitled to social care, you can plan what care and support you will get from your local authority (LA). This is called care and support planning. This factsheet explains how you can plan your care, who is involved and when you have to pay for services. This factsheet is for anyone with a mental illness that is entitled to social care from their LA. If you care for someone with mental illness, you may also find this information helpful.

Key Points.

- If you have eligible needs, you will get a care and support plan.
- Your care and support plan will show how your local authority (LA) will meet your needs.
- If your carer can get support, you can have a joint care and support plan with them.
- You can combine your care plan from your NHS mental health team with your care plan from the LA.
- You will get a personal budget which says how much your care and support will cost.
- You can choose for the LA to give you the money to pay for services yourself. These are called direct payments.
- Your local authority should support you if you move to another area.
- You may have to pay for your care and support. But any care or support you get under section 117 of the Mental Health Act will be free.

This factsheet covers:

1. [What is care and support planning?](#)
2. [How will the local authority meet my needs?](#)
3. [What will be in my support and care plan?](#)
4. [What is my personal budget?](#)
5. [What if my situation changes whilst I am getting services?](#)
6. [Will I have to pay for social care?](#)
7. [What if I am under Section 117 aftercare?](#)
8. [How can I deal with problems with social care?](#)
9. [Frequently asked questions \(FAQs\)](#)

The 'local authority' or 'LA' is the organisation which manages public services in your area. Your local authority is responsible for social services. You may hear your local authority being called the 'local council' or 'council'. Local authority will be shortened to LA in this factsheet.

1. What is care and support planning?

If you need help to support and take care of yourself, then you can have an assessment of your needs by your local authority (LA). This assessment will look at all your needs before deciding if you are eligible for care and support services.¹ If you are eligible it means you'll meet the LA's criteria for getting social care.

The LA will decide if you have 'eligible needs' at this assessment. If they decide you do, you will get a care and support plan.² This plan will agree how the LA will meet your eligible needs.

This factsheet looks at the care and support plan. You can find more information about '**Social care assessment**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

2. How will the local authority meet my needs?

Once the local authority (LA) has assessed you as having eligible needs, they must meet these needs.³

If you want to be involved, the LA has to involve you in making your care and support plan.⁴ You are at the centre of the assessment and support planning. The LA shouldn't tell you how they will meet your needs. You should decide how you want it to happen. You need to agree on the final plan with the LA.

Some examples of how the LA may meet your needs are:⁵

- giving you support and care at home,
- making sure you're able to play an active part in the community,
- giving you information, advice and advocacy, or
- arranging a care home or other accommodation.

Your needs are specific to you. The LA must offer services that meet your needs. Your LA should consider your individual and diverse situation.

Something shouldn't be offered to you, just because that service is available. Anything that is offered to you, should be something you want too. ⁶

The LA won't arrange medical treatment or other health services that the NHS should give you.⁷

The LA can meet your needs in the following ways. ⁸

- Arranging services for you.
- Providing services themselves.
- Giving you the money to pay for services yourself. This is called giving you 'direct payments'.

The LA is still responsible for your care and support plan even if you use direct payments.⁹

You can find more information about '**Direct Payments**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

What if I'm already getting support?

If another service is already meeting your needs, the LA doesn't have to meet these needs. But they have to do an assessment to make sure the support you get meets your needs. They have to put this in your care and support plan and review it.¹⁰

The LA doesn't have to:^{11,12,13}

- arrange treatment or a health service that the NHS should provide,
- do anything that the housing authority should, or
- arrange care that your carer is already giving you.

If you have a carer, the LA must check that your carer is still willing and able to continue caring for you. The LA has to write this in your care plan and review it.¹⁴

What if I don't have eligible needs?

If you don't have eligible needs the LA doesn't have to meet your needs. They will write to you to explain why they made their decision.¹⁵ They have to send this letter to your advocate if you ask them to.¹⁶

If you have needs but they aren't eligible, the LA has to give you information and advice about how you can reduce them. And what can be done to prevent or delay the development of these needs in the future.¹⁷

The LA should use your assessment to decide on what advice to give you. The advice should be personal and specific based on your needs assessment. It shouldn't be generalised advice asking you to visit a website, for example.¹⁸ The advice should directly point you towards what action you can take.

They need to make sure you can use the information they send you.¹⁹ For example, they shouldn't ask you to look at a website if you don't use a computer.

What if I have some needs that are eligible and some that aren't?

You may have some needs that are eligible and some that aren't. The LA has to give you a care and support plan to meet your eligible needs. And they have to give you information and advice about your other needs. This information should be given to you in a way that you understand.²⁰

[Top](#)

3. What will be in my care and support plan?

You will work with someone from the local authority (LA) to write your care and support plan. This plan will explain:²¹

- what your needs are,
- how these needs will be met,
- how this plan meets your needs and wishes,
- how the support will help you do the things you want to do,
- details of your personal budget,
- information and advice about how you can reduce your needs, and
- if you are using direct payments for your support, what you will use them on and how much this will cost.

The LA should involve you in developing your plan. You should tell them how you want to achieve your goals, what your wishes are and

what is important to you. You should be involved as much or as little as you want.²²

Your needs may change during the year, these are called fluctuating needs. Your plan should explain what services or support is available if you have a crisis or if your needs change suddenly.²³

How long will it take to make my plan?

The law doesn't say how quickly the LA should complete your plan. They should take time to get it right but make sure that it is finished as quickly as possible.²⁴

Can someone help me with my plan?

If you find it hard to make the plan you can ask someone to help you, like family or friends. If you can't understand the information you can ask the LA for an independent advocate. An advocate can help you understand the information and get your views across.

The local authority must get you an advocate if:²⁵

- you have substantial difficulty in dealing with the assessment, and
- there is no other suitable person to help you.

A suitable person could be a friend or relative. A person who gets paid to care for you isn't a suitable person. You can ask for an advocate at any point of the process.

You can find more information about '**Advocacy**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I have a joint plan with my carer?

If you have a carer, they may also have eligible needs. In this case your needs can be assessed together and you can have a joint plan. You can only have a joint plan if both you and your carer agree to it.²⁶

You can find more information about '**Carers' assessments**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I combine plans from different services?

Your plan should have a holistic approach. This means it should include information about other needs you may have, not just your eligible social care needs.²⁷

The local authority (LA) needs to find out if you have plans with other services. For example, you might have a care plan from your NHS community mental health team (CMHT). If you do, they can combine the different plans together.²⁸

You might be under something called the Care Programme Approach (CPA). Your care and support plan for your social care needs should be included within your CPA care plan.²⁹

Combining plans will make sure that two different services aren't both doing the same things for you. If two services are combining their plans for you, they will decide which of them will monitor your plan.³⁰

You can find more information about the '**Care Programme Approach**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

When will my plan begin?

Your care and support will begin when you agree to your final plan and sign it off. You, the local authority (LA) and anyone else who is involved in the plan have to agree on your final plan. Everyone needs to agree on:

- if the information in your plan is right,
- how much your personal budget is, and
- how your needs will be met.

This is a big part of the planning process. You will have a copy of the agreement in your plan.³¹

If you have agreed a large personal budget or an uncommon plan the LA may have to send the plan to an approval panel. The approval panel should have proper training and skills to decide whether to approve your plan. The LA should only use approval panels in exceptional situations.³²

If the LA won't agree to your plan, they need to tell you why. You may have to go back to parts of the planning process. You should still get support while you are agreeing the right plan. If you can't agree on a plan the LA should signpost you to their local complaints procedure.³³

When you agree, the LA will sign off your plan and give you a copy. They should write your plan in a way you can understand it. You can ask them to give a copy to your carer or advocate. The LA can give a copy to other professionals you have contact with if you want them to. For example, your GP.³⁴

You can find more information about '**Complaints about the NHS and social care**' at www.rethink.org. Or contact our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

When will the local authority (LA) review my plan?

Your plan should be reviewed regularly.

The review is to make sure your plan is meeting your needs. The LA may decide your needs have changed and you need another assessment.

You may need to change your plan. This is called revising the plan.³⁵ The LA can review your carer's plan at the same time as yours.

There are 3 types of review.

- **Planned review:** the LA should review your plan 6 to 8 weeks after it is signed off and agree how often they will review your plan with you.³⁶
- **Unplanned review:** This happens if your circumstances change. For example if you go into hospital.³⁷
- **Requested review:** You, your carer or advocate can ask for a review at any time. The LA can refuse to do a review if they feel the plan is correct and your circumstances haven't changed.³⁸ They need to tell you why if they refuse to do a review.³⁹

When the LA reviews your care plan they need to think about the following things.⁴⁰

- Has your situation or care needs changed?
- What works, what isn't working and what you might need to change?
- Do you have any new outcomes you want to meet?
- Do you need more support to achieve your outcomes?
- Can you meet your needs with the personal budget?
- Do you need to think about a different way of meeting your needs, such as direct payments?
- Is your personal budget enough to meet your needs?
- Has your social support changed and how it is affecting you?
- Are you at risk of abuse or neglect?
- Are you and your carer or advocate happy with the plan?

If the LA decides to change the care plan you have to go through the assessment and planning stages. You don't have to start from the beginning, you can use information in the plan that is still right.⁴¹

[Top](#)

4. What is my personal budget?

The local authority (LA) should give you an idea how much your personal budget will be when you start planning. This is called an indicative amount.⁴² This will change as you make your care plan.⁴³ The personal budget is the final budget contained in the care plan.

Your personal budget will explain:⁴⁴

- how much your care costs,
- how much you may have to pay for your care, see [section 6](#), and

- how much the LA may pay for your care.

Who will manage my budget?⁴⁵

Your personal budget lets you choose how money is spent on your care. You can choose how your personal budget is managed. You can:

- ask the LA to manage it,
- use direct payments to manage it,
- get another organisation to manage it – this is an individual service fund (ISF), or
- a combination of all these options

Asking the LA to manage your personal budget

If you ask the LA to manage your personal budget, they will organise services for you that meet your needs.

Using direct payments

You can use direct payments to buy your own care or services for your needs in the plan.⁴⁶ For example, you can pay for a personal assistant, someone to do household chores or a gym membership.

If you are paying for your care you could broker a service. This means the LA can help you decide who you want to get support from. If you pick a service outside of the LA, they must make sure that service will meet your needs.⁴⁷

Using an individual service fund (ISF)

You can ask the LA to organise an individual service fund. An individual service fund is when the LA gives your budget to another service to hold.

You are still in control of the budget if you have an individual service fund.⁴⁸ But there is not as much responsibility as having a direct payment because someone else is managing the money for you. ISFs aren't available in all areas.⁴⁹

How does the LA decide how much my personal budget is?

Your personal budget should be enough to meet your care and support needs.

Your personal budget will say how much your care costs.⁵⁰ The LA will do a financial assessment with you to see how much you can afford to pay. You will only have to pay what you can afford. The LA might pay some or all of your care costs.⁵¹ See [section 6](#) of this factsheet for more information.

You may get money from somewhere else to meet your needs. For example, you might have a personal health budget from the NHS. If you do have other budgets, your personal budget may have information about these.⁵²

You can mix your personal budget with someone else's, so you have more money to buy a service. This is called pooling your budget. You can pool your budget with someone you live with, your carer or other people in your community with the same needs. You could then buy a service together.⁵³

The LA must explain how they worked out how much your personal budget is.

There are different ways that an LA can work out your personal budget. The LA needs to make sure you understand how they do this.

The LA can use any process they want but it must follow the rules below.⁵⁴

- **Transparent:** they need to tell you how they calculate your budget. They need to make sure you understand how they decided your indicative budget and final budget. If the process is complicated, they need to find a way to explain it so you can understand it.
- **Timely:** they should give you an indicative budget when you are starting the care and planning process. This will help you develop your plan quicker. Your final budget may be different to the indicative budget. This is so there is the right amount of money to meet your needs.
- **Sufficient:** the LA need to make sure your personal budget is enough to meet your needs.

Your personal budget may change if you move area because the cost of local services may be different.⁵⁵

The LA may give you your personal budget as direct payments. This means you can buy goods and services yourself rather than them being given to you.

If you are getting direct payments, it might cost you more money to pay for your services than is in your personal budget. For example, the local authority might get a discount for paying for a lot of services all at once. But you might not get the discount if you are paying yourself using a direct payment. If this happens, the local authority should arrange the service for you or increase your direct payment.⁵⁶

You can find more information about '**Direct payments**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

5. What if my situation changes whilst I am getting services?

What happens if my health changes?

Your needs may change during your support and care plan. During your assessment you will look at how your needs may change over time. This is called having fluctuating needs.⁵⁷ Your plan will explain what care you will get when your needs change.

If you are getting direct payments and your condition gets better the local authority (LA) may temporarily stop your direct payments.⁵⁸

Your health might change a lot. Or it might change for a long time. If this happens you will have a new assessment to see if you have eligible care needs. Or if your plan still meets your needs.⁵⁹

You, your carer or advocate can request a review at any time.

What happens to my social care if I want to move to another LA area?

If you move to another Local Authority (LA) area you should have care and support during the move.⁶⁰ The LA where you are moving from needs to organise your care and support with the LA of the area you are moving to.⁶¹

The LA you are moving to should assess your needs before you move. If they can't do this, they need to continue the care and support plan you already have until they do their own assessment.⁶²

If you decide to move area you need to tell your LA so they can contact the LA where you are moving to. The LA you are moving to needs to make sure you are serious about moving. They have to give you and your carer advice and information about services and care in the area.⁶³ You will have a named person from both local authorities. They will work together to support you to move.⁶⁴

If you have direct payments, you might have signed a contract pay for services in the area you live. The LA should give you advice to make sure you understand how long you are supposed to pay for the services for.⁶⁵

Your LA needs to send the following things to the LA that you are moving to.⁶⁶

- Your current plan.
- Your carer's plan.
- Any other information about your care.

Both LAs need to keep in touch with you during your needs assessment and care and support planning. They need to make sure you know what is going on and what progress they are making.⁶⁷

If your personal budget is different in the LA you are moving to they have to explain why.⁶⁸ They need to show you how they decided on your personal budget. See [section 4](#) of this factsheet for more information.

If you have health needs, the LA you are moving to needs to work with the NHS. This is to ensure you get the support you need.⁶⁹

You can find more information about '**Social care assessment**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

6. Will I have to pay for social care?

The LA may charge you for social care services if you can afford to pay.⁷⁰

If you have eligible needs for social care you will have a financial assessment. This is to work out if you must pay anything towards your care.

Your assessment will be free. If you must pay towards your care, it is up to you if you would like the support or not.⁷¹

Depending on your financial circumstances you might have to pay for none of your care, some of it or all of it.

You can find more information about '**Social care – Charging for non-residential services**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

7. What if I am under section 117 aftercare?

If you have been in hospital for treatment under certain sections of the Mental Health Act 1983, you may get free after-care under Section 117. The local authority will still assess your social care needs in the way we have explained in this factsheet.

If you are eligible for Section 117 aftercare, your health and social care needs are usually arranged using the Care Programme Approach (CPA). Your social care assessment will be included in your CPA plan. But the duty to give you after-care still comes under the Mental Health Act.

The LA can't charge you for any care and support that you get under Section 117 of the Mental Health Act 1983.⁷²

You can find more information about:

- Section 117 aftercare
- Care programme approach

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

8. How can I deal with problems with social care?

You can deal with problems with social care services informally or formally. The LA should make sure you know how to appeal their decisions or complain if you want to.

What informal options are there to getting my social care problems resolved?

It is best to try and deal with the problem informally first. You can contact the professional who oversees your care plan about your concerns. If you don't have a care plan you can contact the person who did the assessment. You can ask them to explain their decision or discuss your concerns. Be specific about what your issue are.

You can make contact verbally or in writing.

If you speak to someone keep a note of:

- The full name of who you spoke to,
- when you spoke to them, and
- what you discussed.

If you are under the Care Programme Approach (CPA), discuss any problems with your care coordinator or key worker.

What formal options are there to getting my social care problems resolved?

How can I complain?

If you want to complain you have to use the local authority's (LA) complaints procedure.

You can find more information about '**Complaints about NHS and social care**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

How can I take legal action?

You should be able to deal with most problems informally or through the complaints procedure. However, if you feel that your LA isn't following the law, you could get legal advice. You can speak to a community care solicitor.

You may be entitled to legal aid but there are rules around this. Civil Legal Advice will tell you if you qualify for legal aid. They can give you information about local solicitors who accept legal aid.

Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Phone: 0345 345 4 345

Minicom: 0345 609 6677

Website: www.gov.uk/civil-legal-advice

Disability Law Service may also be able to give you advice about your situation.

Disability Law Service

Provide free legal advice to people with disabilities and their carers.

Telephone: 0207 791 9800

Email: advice@dls.org.uk

Website: www.dls.org.uk

You can find more information about 'Legal advice' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

9. Frequently asked questions

Will my personal budget affect my benefits?

In most cases your personal budget won't affect your benefits. Direct payments aren't counted as income when the DWP are assessing a benefits claim. So, if you get direct payments they won't affect the amount of money you get through benefits.

You must tell the DWP about any other money you are getting. Letting them know early can help to make sure you don't get overpaid which can cause problems in the future.

When the local authority (LA) is deciding your personal budget, you will need to tell them about all your income, including your benefits. This is so the LA don't pay for something you are already getting benefits for. Sometimes, the LA may ask you to pay for some of your own social care.

You can find more information about '**Charging for social care**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I employ someone using my direct payments?

You can use your direct payments to employ someone, for example to do paperwork or clean your house.

If you employ someone you have certain legal responsibilities. But if you use your direct payment to pay for an agency worker or someone who is self-employed, you aren't an employer.⁷³

You can find out more about You can find more information about '**Social care – direct payments**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Will social services take my children away from me because of my mental illness?

Social services can't take your children away just because you have a mental illness. If they did, they would be discriminating against you and going against your human rights.

They will only take action to protect your children if:

- you are a serious risk of harm to them, or
- you can't protect them from harm.

If you need support for you and your family, you should contact social services.

The LA can make sure you have services to support you to look after your child. Your needs assessment will look at what support you need to do this. Social services will try and keep you and your children together.

I will be discharged from hospital soon. Can I get a social care assessment before I am discharged?

If you are in hospital, you may need care and support from the LA when you leave. The hospital needs to tell the LA that you need an assessment. This is called an assessment notice.⁷⁴

The hospital needs to give this notice to the LA where you are an ordinary resident. Ordinary resident means the place where you normally live. If they don't know where you are an ordinary resident, they need to give it to the LA where the hospital is.⁷⁵

The hospital should send the LA the assessment notice as soon as they know they are going to discharge you.⁷⁶ The LA should normally do the assessment before the hospital discharges you.⁷⁷ If the hospital sends the notice late the LA have to assess you within 2 days of receiving the

notice.⁷⁸ If the LA doesn't assess you in time this could mean you have to stay in hospital for longer than you need to.

I've just been discharged from the Care Programme Approach (CPA). Can I still get help from social services?

You might be getting services as a result of a social care assessment whilst you were under CPA. These services shouldn't be taken away just because you have been discharged from CPA. You will only stop getting services if a review decides you don't have eligible needs. See [section 3](#) of this factsheet for more information.

You can find more information about '**Care Programme Approach**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

[Top](#)

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- ² Department of Health. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.9.
- ³ s8(1) (Care Act 2014) c23.
- ⁴ Department of Health. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.2.
- ⁵ s8(1) Care Act 2014 c23.
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¹⁸ Department of Health. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.29.

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²⁶ s25(11). Care Act 2014, c23.

²⁷ Department of Health. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.73.

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Rethink Mental Illness Advice Service

Phone 0808 801 0525

Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org



Patient Information Forum

Did this help?

We'd love to know If this Information helped you

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or write to us at Rethink Mental Illness:

RAIS

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We're open 9:30am to 4pm

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Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

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