

Adult Social Care Policies and Procedures

CONTINUITY OF CARE

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CONTENTS

CONTINUITY OF CARE

POLICY VERSION CONTROL

1. POLICY STATEMENT

2. KEY DEFINITIONS AND PRINCIPLES

3. PROCEDURES

- 3.1 Making an informed decision to move to a different local authority
- 3.2 The continuity of care process: Confirming the intention to move
- 3.3 Supporting people to be fully involved
- 3.4 Preparing for the move
- 3.5 How authorities must work together
- 3.6 Assessment of Needs
- 3.7 Care and Support Planning
- 3.8 Arrangements for the day of the move
- 3.9 Personal Budgets
- 3.10 Integration with health care
- 3.11 Equipment and adaptations
- 3.12 Documentation
- 3.13 What happens if the second authority has not carried out an assessment before the day of the move?
- 3.14 Matters local authorities must have regard to when making arrangements
- 3.15 When the adult does not move or the move is delayed
- 3.16 Disputes about ordinary residence and continuity of care
- 3.17 People receiving services under children's legislation

4. RELATED DOCUMENTS

5. EQUALITY IMPACT ASSESSMENT

POLICY VERSION CONTROL

POLICY NAME	Continuity of Care		
Document Description	This document sets out the county council's response to obligations placed on it by Sections 37-38 of the Care Act 2014 in relation to ensuring continuity of care for individuals who wish to move to another area within England.		
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1. POLICY STATEMENT

Just like anyone else, people with care and support needs may decide to move home.

Where people do decide to move to a new area and as a result their ordinary residence [LINK] status changes it is important to ensure that care and support is in place during the move, so the person's wellbeing is maintained.

Where a person is receiving support from the county council and moves to a new home within the county council area, the person remains ordinarily resident within the county council and we must continue to meet their needs.

Where the person chooses to live in a different council area, the local authority that is currently arranging care and support (the "first authority") and the authority to which they are moving (known as the "second authority") **must** work together to ensure that there is no interruption to the person's care and support.

In some cases Lancashire County Council will be the first authority; at other times the county council will be the second authority – depending on whether the individual concerned is moving *into* or *away from* the county council area.

This means that the county council **must** work with other councils when people we support move to another area and when a person moves to the county council area from another area. That is, we must always work with other councils whether we are the first or the second authority.

Lancashire County Council will contact a second authority as soon as possible upon notification of an individual's intention to move to that authority's area. The county council would therefore expect that other authorities (in cases where Lancashire is the intended second authority) to act in a similar manner upon learning of a person's intent to move to Lancashire.

The aim of this policy and procedure is to ensure that the person with care and support needs will be able to move with the confidence that arrangements to meet their needs will be in place on the day of the move. This means ensuring that the authority to which the person is moving has completed a needs assessment [LINK] and developed a care and support plan [LINK] for the individual prior to the day of the move.

The timescales within which the county council would notify and work with a second authority or would expect to be notified and work with a first authority are determined entirely by the proposed date of the move.

It is possible that the second local authority might be unable to complete a needs assessment [LINK] prior to the day of the move due to the logistics of assessing a person a long distance away or because they want to assess the adult in their new home. If the second authority has not carried out the assessment prior to the move, it **must** continue to meet the person's needs and take into account outcomes identified in the adult's current care and support plan until it has carried out its own assessment.

The best way to make sure that a person's care is continued is to work closely with other councils and to put the person (and their carer, if they are continuing to care for the adult) at the centre of the process.

Therefore to fulfil its duty under Sections 37-38 of the Care Act 2014 the county council will, working with its statutory, voluntary and private sector partners, comply with the national threshold relating to care and support that is relevant, coherent, timely and sufficient.

The county council will make all reasonable adjustments to ensure that all disabled people have equal access to participate in the eligibility decision in line with the Equality Act 2010.

The geography and population of Lancashire is diverse and our Adult Social Care Policies and practice will aim to deliver services and supports that are representative of the communities in which we work.

The county council will follow the Care Act and other relevant legislation, policies and guidance to ensure our practice is of high quality and legally compliant. Where our customers or those we come into contact with wish to challenge or raise concerns in regard to our decisions, regarding eligibility the county council's [complaints procedures](#) will be made available and accessible.

This document sets out the process the county council must follow to ensure that the person's care and support continues, without disruption, during and after the move. These procedures also apply where the person's carer is receiving support and will continue to care for the adult after they have moved. In addition to meeting our responsibilities in these instances, county council staff must always bear in mind other requirements of the Care Act during the moving process, (i.e. wellbeing, prevention, information and advice, integration, assessment and eligibility, and care and support planning).

2. KEY DEFINITIONS AND PRINCIPLES

2.1 Adult

An adult is the person who needs care and support, and is or is intending to move to another authority.

2.2 Carer(s)

A carer(s) is the person who has decided to continue to care for the adult after they have moved to the new area.

2.3 New carer

Refers to any new person who will take over the caring role when the adult moves to the new area

2.4 First authority

The local authority where the person lives and is ordinarily resident prior to moving. This will be Lancashire County Council in some cases.

2.5 Second authority

The local authority the person is wishing to move to. This will be Lancashire County Council in some cases.

2.6 Assessment

This means both an assessment of needs [LINK] and a carer's assessment [LINK]

3. PROCEDURES

3.1 The role of Information & Advice in making an informed decisions

When contemplating the possibility of moving, an adult may want to find out information about the care and support available in one or more authorities. Local authorities may already make much of this information publicly available in accordance with its general duties under the Care Act (i.e. to provide information and advice) and they should provide any extra information requested by the adult and where relevant, their carer.

Local authorities can provide the adult and their carer with relevant information or advice to help inform their decision. When providing relevant information and advice, local authorities should guard against influence over the final decision. The authorities can, for example, provide advice on the implications for the individual's care and support (and their carer's support), but the final decision on whether or not to move is for the adult and, if relevant, the carer to make (unless the county council has concerns relating to a person's ability to make an informed decisions and/or there are safeguarding concerns. See section 3.3. below for more information).

The prompt provision of this information will help the adult make an informed decision and assist the process if the adult decides that they want to move.

3.2 The continuity of care process: Confirming the intention to move

The continuity of care process starts when the second authority is notified of the adult's intention to move. Local authorities may find out about the person's intention to move from the individual directly or through someone acting on their behalf, who may contact either the first authority or the second authority to tell them of their intentions.

If the person has approached the first authority and informed them of their intention to move, the first authority should make contact with the second authority to tell them that the person is planning on moving to their area. This must happen well before the day of the proposed move to ensure sufficient time for the second authority to discharge its duties under the Care Act.

When the person has confirmed their intention to move with the second authority, that authority must assure itself that the person's intention is genuine. This is because the duties in the Act flow from this point.

To assure itself that the intention is genuine, the second authority should:

- establish and maintain contact with the person and their carer to keep abreast of their intentions to move
- continue to speak with the first authority to get their view on the person's intentions
- ask if the person has any information or contacts that can help to establish their intention

When the second authority is satisfied that the person's intentions to move are genuine, it must provide the adult (and the carer if they are also intending to move), with accessible information about the care and support available in its area. This should include but is not limited to, details about:

- the types of care and support available to people with similar needs, so the adult can know how they are likely to be affected by differences in the range of services available
- support for carers
- the local care market and organisations that could meet their needs
- the local authority's charging policy [\[LINK\]](#), including any charges which the person may be expected to meet for particular services in that area

If the person receives a Direct Payment (see 3.9)

Where the person moving currently receives a direct payment to meet some or all of their needs, the first authority should advise the person that they will need to consider how to meet any contractual arrangements put in place for the provision of their care and support. For instance, any contracts a person may have with personal assistants who may not be moving with them.

3.3 Supporting people to be fully involved

Considering capacity

The person may request assistance from either the first or second authority in helping them understand the implications of their move on their care and support, and the county council should ensure that the person has access to all relevant information and advice. This should include consideration of the need for an independent advocate in helping the person to weigh up their options. [\[LINK\]](#)

There will be situations where the adult may lack capacity to make a decision about a move, but the family wish to move the adult closer to where they live.

The county council must in these situations first carry out supported decision making, supporting the adult to be as involved as possible and must carry out a capacity

assessment and where necessary then take 'best interests' decisions. The requirements of the [Mental Capacity Act 2005](#) [LINK] apply to all those who may lack capacity.

3.4 Preparing for the move

Once the second authority has assured itself that the adult's (and, where relevant, the carer's) intentions to move are genuine, it must inform the first authority.

At this stage, both authorities should identify a named staff member to lead on the case and be the ongoing contact during the move. These contacts should make themselves known to the person and lead on the sharing of information and maintaining contact on progress towards arranging the care and support for the adult and support for the carer. These contacts should be jointly responsible for facilitating continuity of care within an acceptable timeframe, taking into consideration the circumstances behind the adult's intention to move, such as a job opportunity.

3.5 Sharing information between councils: How authorities must work together

When the first authority has been notified by the second authority that it is satisfied that the person's intention to move is genuine, the first authority must provide the second authority with:

- a copy of the person's most recent care and support plan [LINK]
- a copy of the most recent support plan [LINK] where the person's carer is moving with them
- any other information relating to the person or the carer (whether or not the carer has needs for support), that the second authority may request.

The information the second authority may request may also include the most recent needs assessment [LINK] if the person's needs are not likely to change as a result of the move, the adult's financial assessment [LINK], any safeguarding plan [LINK] that have been completed for the individual, and, where a Deprivation of Liberty has been authorised for a person who is moving to a new local authority area, then a new referral for a Deprivation of Liberty must be made to the new local authority [LINK].

Throughout the assessment process, the first authority must keep in contact with the second authority about progress being made towards arranging necessary care and support for the day of the move.

The first authority must also keep the adult and the carer informed and involved of progress so that they have confidence in the process. This should include involving them in any relevant meetings about the move. Meetings may not always be face-to-face where there are long distances between the local authorities involved. Having this three-way contact will keep the individuals at the centre of the process, and help ensure that arrangements are in place on the day of the move.

3.6 Assessment of Needs

If the person has substantial difficulty and requires help to be fully involved in the assessment or care planning process [LINKS] and there is no other suitable person who can support them, the law requires that they **must** be provided with an independent advocate [LINK]. In this case the advocate should be provided by the second authority because it takes over the responsibility for carrying out the assessment and care planning with the individual.

The second authority must contact the adult and the carer to carry out an assessment of needs and to discuss how arrangements might be made. The second authority should also consider whether the person might be moving home in order to be closer to a new carer and whether that new carer would benefit from an assessment.

All assessments for adults with care and support needs, and for carers, must be carried out in line with best practice and should include all of the elements of good assessments generally. Assessments must identify the person's needs and the outcomes they want to achieve. These could be the same as the outcomes the first authority was meeting or they could have changed with the person's circumstances. In carrying out the assessments, the second authority must take into account the previous care and support plan (or support plan) which has been provided by the first authority.

3.7 Care and Support Planning

Similarly, following the assessment of needs and after determining whether the adult or carer has eligible needs, the second authority **must** involve the adult, the carer and any other individual the person requests, in the development of their care and support plan [LINK], or the carer's support plan as relevant, and take all reasonable steps to agree the plan.

The second authority should agree the adult's care and support plan and carer's support plan, including any personal budget, in advance of the move to ensure that arrangements are in place when the person moves into the new area. This should be shared with the individuals before the move so that they are clear how their needs will be met, and this must also set out any differences between the person's original plan and their new care and support or support plan. Such differences could arise where the range of services in one local authority differs from the range of services in another. The second authority must also explain to the adult or carer where there are any differences in their needs.

3.8 Arrangements for the day of the move

The care and support plan should include arrangements for the entire day of the move. This should be agreed by the adult, the carer(s) (existing and new as relevant) and both the first and second authorities. The first authority should remain responsible for meeting the care and support needs the person has in their original home and when moving. The second authority is responsible for providing care and support when the person and their carer move in to the new area.

The person moving is responsible for organising and paying for moving their belongings and furniture to their new home.

3.9 Personal Budgets

In considering the person's personal budget, the second authority should take into consideration any differences between the costs of making arrangements in the second authority compared with the first authority and provide an explanation for such a difference where relevant. Where there is a difference in the amount of the personal budget, this should be explained to the person. It should also look to ensure that the person's direct payment is in place in a timely manner since, for example, the person moving may have a personal assistant that is also moving and will require payment.

3.10 Integration with health care

The adult and their carer(s) may have health needs as well as care and support needs. Both the first and second local authorities should work with their local clinical commissioning groups (CCGs) to ensure that all of the adult's and carer's health and care needs are being dealt with in a joined-up way.

Guidance for working with CCGs is set out in [Who Pays? Determining Responsibility for Payments to Providers](#).

If the person also has health needs, the second authority should carry out the assessment jointly with their local CCG. Alternatively, if the CCG agrees, the second authority can carry out the assessment on its behalf. Having a joint assessment ensures that all of the person's needs are being assessed and the second authority can work together with the CCG to prepare a joint plan to meet the adult's care and support and health needs. Where relevant, the local authority may use the cooperation procedures set out in the Care Act to require cooperation from the CCG, or other relevant partners, in supporting with the move [LINK too Integration and Cooperation PPG].

Providing joint care and support and health plans will avoid duplication of processes and the need for multiple monitoring regimes. Information should be shared as quickly as possible with the minimum of bureaucracy. Local authorities should work alongside health and other professionals where plans are developed jointly to establish a 'lead' organisation which undertakes monitoring and assurance of the combined plan. Consideration should be given to whether a person should receive a personal budget and a personal health budget to support integration of services.

3.11 Equipment and adaptations

Many people with care and support needs will also have equipment installed and adaptations made to their home. Where the first authority has provided equipment, it should move with the person to the second authority where this is the person's preference and it is still required and doing so is the most cost-effective solution. This should apply whatever the original cost of the item. In deciding whether the equipment should move with the person, the local authorities should discuss this with the individual and consider whether they still need it and whether it is suitable for their new

home. Consideration will also have to be given to the contract for maintenance of the equipment and whether the equipment is due to be replaced – in which case it may be preferable to negotiate with the receiving area about provision rather than the county council replacing the item.

As adaptations are fitted based on the person's accommodation, it may be more practicable for the second authority to organise the installation of any adaptations. For example, walls need to be checked for the correct fixing of rails.

Where the person has a piece of equipment on long-term loan from the NHS, the second local authority should discuss with the relevant NHS body. The parties are jointly responsible for ensuring that the person has adequate equipment when they move.

3.12 Documentation

The second authority must provide the adult and the carer(s) and anyone else requested with a copy of their assessments. This must include a written explanation where it has assessed the needs as being different to those in the care and support plan or the carer's support plan provided by the first authority. The second authority must also provide a written explanation if the adult's or carer's personal budget is different to that provided by the first authority.

3.13 What happens if the second authority has not carried out an assessment before the day of the move?

The second local authority is generally expected to have carried out their needs assessment of the persons moving prior to the day of the move. However, there may be occasions where the authority has not carried out the assessments or has completed the assessments but has not made arrangements to have support in place. This might happen where the second authority wants to assess the person in their new home and consider if their needs have changed, for example because they have started a new job or are now in education, or they have moved to be closer to family. The second authority must still have made contact with the adult and their carer in advance of the move.

Where the full assessment has not taken place prior to the move, the second authority must put in place arrangements that meet the adult's or carer's needs for care and support as identified by the first authority. These arrangements must be in place on the day of the move and continue until the second authority has carried out its own assessment and put in place a care and support plan which has been developed with the person.

The second authority must involve the adult and carer(s), and any relevant independent advocate, as well as any other individual that either person may request, when deciding how to meet the care and support needs in the interim period. The authority must take all reasonable steps to agree these temporary arrangements with the relevant person.

3.14 Matters local authorities must have regard to when making arrangements

The Care and Support (Continuity of Care) Regulations 2014 require the second authority to have regard to the following matters when meeting the person's needs in advance of carrying out their own assessment:

Care and support plan

The adult's care and support plan, and the carer's support plan if the carer is also moving, which were provided by the first authority. The second authority should discuss with the adult and the carer how to meet their eligible needs and any other needs that the first authority was meeting that are not deemed as eligible but were included in either plan.

Outcomes

Whether the outcomes that the adult and the carer(s) were achieving in day-to-day life in their first authority are the outcomes they want to achieve in the new authority, or whether their aims have changed because of the move.

Preferences and views

The preferences and views of the adult and the carer on how their needs are met during the interim period.

Equipment

As at 3.11, consideration should also be given to any contract(s) for the maintenance of any equipment used by the individual and whether the equipment is due to be replaced – in which case may be preferable to negotiate with the receiving area about provision rather than the county council replacing the item.

Changes in circumstances

The second authority must also consider any significant difference to the person's circumstances where that change may impact on the individual's wellbeing, including:

Support from a carer: Whether the adult is currently receiving support from a carer and whether that carer is also moving with them. Where the carer is not moving the second authority must consider how to meet any needs previously met by the carer, even if the first authority was not providing any service in relation to those needs.

Suitability of accommodation: Where the new accommodation is significantly different from the original accommodation and this changes the response needed to meet the needs. For example, the adult may move from a ground floor flat to a first floor flat and now need assistance to manage stairs.

Where the person has received equipment or had adaptations installed in their original home by the first authority, the procedures set out in 3.11 apply.

Access to services and facilities: Where the services and facilities in the new area are different, and in particular fewer than those in the originating area; (for example, access to food deliveries or other food outlets, access to public transport, or access to leisure or recreational facilities, or the person's workplace – a move from an urban to a rural environment could bring this about).

Access to other types of support: Where the person was receiving support from friends, neighbours or the wider community and this may not readily be available in their new area. Or this could also happen where the person previously made use of universal services such as drop in support, or befriending schemes, and these are not available in the new area

Access to an advocate: If the person has substantial difficulty in being fully involved in the assessment, care planning or review process the second authority should consider whether the person needs an independent advocate or whether their original advocate is moving with them (see 3.3, above).

The second authority should ascertain this information from relevant documentation sent to them or by talking to the individuals involved, and the first authority.

The adult or carer(s) should not be on an interim care and support (or support) package for a prolonged period of time as a tailored care and support (or support) plan must be put in place. The second authority should carry out the assessment in a timely manner.

3.15 When the adult does not move or the move is delayed

There are a range of reasons why a person might not move on the designated day. This may be, for example, because they have become unwell, or there has been a delay in exchanging contracts. Where there has been a delay because of unforeseen circumstances, both the first and second authorities should maintain contact with the person to ensure that arrangements are in place for the new date of the move.

If the person's move is delayed and they remain resident in the area of the first authority, they will normally continue to be ordinarily resident in that area and so the first authority will remain responsible for meeting the person's and the carer's needs. Both local authorities may have incurred some expense in putting arrangements in place before the move was delayed. In such circumstances each of the authorities should consider agreeing to cut their losses incurred in preparing continuity of care.

In circumstances where the second authority has not assessed the person prior to the move and is planning to meet needs based on their original care and support plan, but it transpires that the individual does not move to the second authority (and so the first authority remains responsible for providing care and support), the Care Act does provide for the second authority to be able to recover any costs it incurred from the first authority. In deciding whether to recover these costs the second authority may want to consider, for example, whether the first authority was aware that the person was not going to move and had not told the second authority or whether the first authority was not aware and was unable to advise the second authority not to make arrangements. The second authority should consider whether it would be reasonable to recover their costs depending on the circumstances of the case.

The county council reserves the right to consider request for recovery of costs and to respond appropriately and proportionately.

3.16 Disputes about ordinary residence and continuity of care

Where local authorities are in dispute over application of the continuity of care provisions, the authorities who are parties to the dispute must not allow their dispute to prevent, delay or adversely affect the meeting of the person's needs. Where the authorities cannot resolve their differences, the steps described in our Ordinary Residence PPG [LINK] regarding disputes must be taken to ensure that the person is unaffected by the dispute and will continue to receive care for the needs that were identified by the first local authority.

3.16 People receiving services under children's legislation

Continuity of Care will not apply for people receiving services under children's legislation. Where such a person has had a transition assessment [LINK] but is moving area before the actual transition to adult care and support takes place, the first local authority should ensure that the second is provided with a copy of the assessment and any resulting transition plan. Similarly, where a child's carer is having needs met by adult care and support in advance of the child turning 18 (following a transition assessment), the first local authority should ensure that the second is provided with a copy of the assessment and the carer's support plan.

3.17 Making complaints

It is important that individuals have confidence in the assessment process and the wider care and support system. Therefore any individual can make a complaint and challenge decisions where they believe a wrong decision has been made.

Anyone who is dissatisfied with a decision made by the county council should be aware of the county council's [statutory complaints procedure](#).

4. RELATED DOCUMENTS

POLICY, PROCEDURE AND GUIDANCE (PPG) DOCUMENTS	PPG intranet site
LEGISLATION AND REGULATIONS	Care Act Statutory Guidance (updated February 2018) Sections 37-38 of the Care Act 2014 The Care and Support (Continuity of Care) Regulations 2014

5. EQUALITY IMPACT ASSESSMENT

The Equality Act 2010 requires the county council to have "due regard" to the needs of groups with protected characteristics when carrying out all its functions, as a service provider and an employer. The protected characteristics are: age, disability, gender identity/gender reassignment, gender, race/ethnicity/nationality, religion or belief, pregnancy or maternity, sexual orientation and marriage or civil partnership status.

The main aims of the Public Sector Equality Duty are:

- To eliminate discrimination, harassment or victimisation of a person because of protected characteristics;
- To advance equality of opportunity between groups who share protected characteristics and those who do not share them. This includes encouraging participation in public life of those with protected characteristics and taking steps to ensure that disabled people in particular can participate in activities/processes;
- Fostering good relations between groups who share protected characteristics and those who do not share them/community cohesion.

It is anticipated that the guidance on Care and Support Planning in this document will support the county council in meeting the above aims when applied in a person-centred, objective and fair way which includes, where appropriate, ensuring that relevant factors relating to a person's protected characteristics are included as part of the process.

More information can be found on the Equality and Cohesion intranet site on

<http://lccintranet2/corporate/web/?siteid=5580&pageid=30516>