

Reviewing your care package: your rights

When and how should social services review your care package?

Social Services are planning to review everyone's care packages, they do this on a regular basis approximately once a year. However this time they are wanting to cut costs as much as possible this is why EDA is producing this fact sheet so that you can understand exactly what your rights are in the review process.

What is the Care Act?

The Care Act 2014 is a piece of law which tells social services what care services they should be providing and how this should happen. The legislation does not tell social services how to do this in fine detail but in more general terms. The Care Act 2014 brings together and changes lots of pieces of law. The aim of the act was to make the eligibility criteria and process for getting community care services easier and it also strengthened carer's rights. There are a few key important principles which the care act should follow the main one is the principle of wellbeing.

Principle of wellbeing and prevention

Local authorities must promote wellbeing when they carry out care and support this includes in the assessment process. They must actively promote wellbeing in all of the area listed below. The key here is the word 'actively'. Social services must make sure that your needs are met in a way that ensures that your quality of life is acceptable to you.

Wellbeing is described as:

- personal dignity and respect
- physical, mental and emotional wellbeing
- protection from abuse and neglect
- having control over your everyday life
- participation in work, education, training or recreation
- social and economic wellbeing

- Domestic, family and personal relationships and suitability of living accommodation

Social services should pay attention to things they could put in place which would help to maintain quality of life and help to prevent your health getting worse. This is called prevention. If the way in which needs are met might make things worse for you then this is not the right way to meet the need.

What criteria should social services be following?

The Care Act brought in 10 national criteria under which you will be assessed. The criteria are below, but it is important to understand that Social Services should take into consideration whether:

- You are able to carry out the activity at all?
- If you are able to carry it out, are you able to carry it out without any impact on your health? For example: if carrying out an activity would cause you so much pain that you would not be able to do anything else afterwards.
- Are you able to carry it out safely?
- Are you able to do this within a reasonable time period? Does it take you a long time?
- Are you exhausted after carrying out the activity?
- If so, does it have an impact on what you are able to do with the rest of your day?

There are 10 criteria they assess these are:

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of the adult's home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships

- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community including public transport, and recreational facilities or services and
- Carrying out any caring responsibilities the adult has for a child.

How should they involve you?

Social Services are obligated to involve you in the planning of your support. They must take the lead from you about what you want and need. You must have clear information about the process and your options including the option of a Direct Payment. Enfield Council like people to have Direct Payments if they are eligible but you are not obliged to have one if it is not suitable or you do not want one. Information must be given to you in a way that you understand this includes, language if you need the information to be interpreted this should be provided. If you have a lot of difficulty engaging with the process of planning your care and support you may be provided with an advocate. Social Services should do this as soon as they know that you have **'substantial difficulty'**.

The support plan should reflect your needs and your goals as much as possible. They should ask you relevant questions about the barriers you face and your life including things which are important to you such as your beliefs, your religion, and your friends and family. The plan should be developed with whoever you would like to involve. Social Services should not make assumptions based on your ethnicity or cultural background.

How should they justify changing your care package?

Social Services are allowed to review your care package to see if anything has changed regarding your care and support needs. They also should check whether you are happy with the way that your support is being provided and whether you would like to change this. If they think that you no longer have a need which was identified before they can then reduce your support.

This should be clearly stated on a new assessment and care plan. You should understand what they have done and why. Do not sign care plans and support plans if you do not agree. Seek advice and help.

They **cannot** reduce your support by saying that there is no money for that particular service anymore. They also **cannot** reduce your support by saying that they do not provide that service anymore. They **cannot** justify any reduction in support by saying that there is no money.

What to do if social services cut your care package?

If Social Services cut your care package you should first ask for an explanation, you should then complain. There are 3 stages to the complaint process and you can get support from EDA to do this. We have a template letter and can help you with the process. If they do not change their decision you should then get legal advice. You can get legal aid for many community care cases but this depends on your income. EDA would encourage you to complain and get together with others who are complaining about their packages to ensure that everyone tells the council what their obligations are and to try and make sure that they get all the support they are entitled to.

Where to get support and advocacy

EDA can support you. We will have a drop in on the 2nd Wednesday every month starting from:

- **14th September 2016**
- **12th October 2016**
- **9th November 2016**
- **14th December 2016**

We are working with TV Edwards and Irwin Mitchell to support you with this.