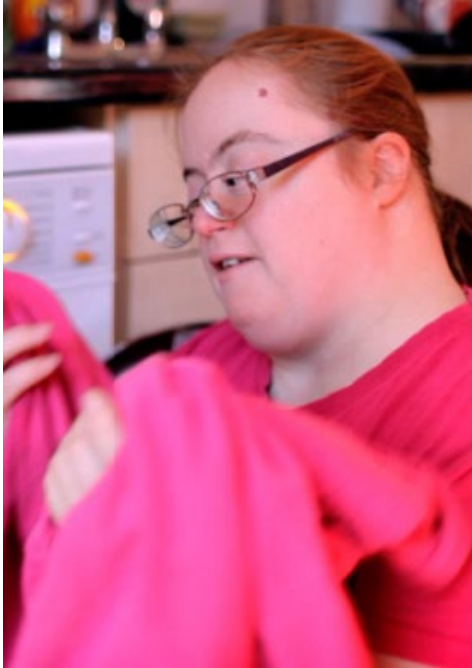




**Down's Syndrome
Association**

A Registered Charity No. 1061474

Social care and support



Getting the care and support plan right

Our resources and Information Team are here to help

Please see our website for up-to-date information: www.downs-syndrome.org.uk
If you have any questions, please get in touch with our helpline by calling 0333 1212 300 or by emailing us on info@downs-syndrome.org.uk.

Helpline Monday - Friday 10am-4pm | Telephone: 0333 1212 300

The supported person has had their assessment and the local authority has gathered all of the necessary information about them, their circumstances and the outcomes they would like to achieve, **so what happens next?**

The Eligibility Decision

The local authority will let you know if the person you are supporting is either eligible for support or not eligible.

If the person has needs the local authority have determined are not eligible for care and support to be provided, they must give you a written explanation as to how they have arrived at this decision.

If a person is deemed to have needs that are not eligible for support, the local authority must provide information and advice about what can be done to:

- Meet or reduce the person's needs
- Prevent or delay the person's needs from developing further (this should include providing information about services available locally that may benefit the person)

If the person has eligible needs, this is when the Care and Support Planning stage should begin.

If there is a disagreement, at this stage, over whether a person's needs are eligible, see our information 'what if things aren't working out?' below.

What is the Care and Support Planning stage?

The Care and Support Planning stage is where the person, and anyone the person wishes to be involved, works with the local authority to decide how their eligible needs will be met.

In contrast to the assessment stage, the Care and Support Planning stage tends to be much more positive and includes working together to look at how the individual can achieve their goals. This stage should take into account where a person wishes to live and how they wish to be supported.

Where do we start with Care and Support Planning?

The Care and Support Planning stage is an opportunity for the person and their supporters to work with the local authority to identify ways the person can be supported to meet their eligible outcomes.

The person's eligible outcomes should be the starting point. As everyone will have different outcomes it will be important to think about the things raised here in relation to the supported person and their individual eligible outcomes.

It is generally good for a person's wellbeing if they do not have to rely solely on paid staff or services to meet their needs. Working with the local authority to be creative and think outside the box can result in the design of exceptional support, tailored around the individual person.

A lack of choice and control over our daily lives can lead to frustration and have an adverse effect on our emotional and mental health. The more a person can do for themselves the better they will feel about themselves and the better protected their wellbeing will be.

Any care and support a person receives should be enabling.

For example, it should support the person to develop their skills and work towards greater independence.

Think about whether there is any equipment or assistive technology that would promote greater independence by enabling the person to perform tasks that they are otherwise reliant on others to achieve. The local authority should be able to offer advice on equipment and assistive technology. and assistive technology.

Think about:

- **The person's strengths and interests**
- **Whether there are informal networks the person could tap into to achieve their outcomes**

If the person is happy for this to happen, are there any:

- Friends or family who are willing and able to support the person with achieving any of their outcomes?
- Community resources such as social groups, community activities, local volunteering or befriending services the person could access that would help them to achieve any of their outcomes?

What skills and interests does the person have that they could contribute to society and help them meet their outcomes? For example, might they be interested in **working or**

volunteering for a local business or charity? It may be that the person needs **support from a paid support worker** to be able to get to their place of work or to engage in

Support staff should be viewed as enablers to help the supported person meet their outcomes.

It should be possible to see the positive difference support staff and services make to the person's life over time.

The positive difference may be enabling a person to maintain or make new friendships, access the community and local services or meet other outcomes they have identified.

work itself.

It may be that alongside assistive technology, support and services available in the local community and from willing family and friends, the person has other needs for care and support that will need to be met through specialist services such as:

- Support for the person where they currently live
- Supported Living arrangements (living in the community – this is likely to combine assistive technologies with support from support staff)
- Residential Care
- Shared Lives placements (support provided within the Shared Lives carer's home)
- Intentional Communities (supportive communities where members usually hold common social, religious or spiritual views and share responsibilities and resources)

In addition, depending on the person's needs and wishes, day/educational services may also be provided.

Care and Support Planning needs to happen in collaboration with the local authority.

Where supported people and their families have a good relationship with their local authority, they tend to achieve more creative and enabling ways of receiving support. Working in this way enables individuals to tap into the **rich local knowledge the local authority has about local services.**

If the supported person is under 25, looking at the **Local Offer** may also be helpful. The local offer is information produced by local authorities about services available for children and young people with special educational needs (SEN) aged 0-25. The local offer should be available on the local authority's website.

It may also help (once a person has received notification of their Indicative or Personal Budget – explained below), to speak to **local care and support organisations** to find out what services and support they can offer. You can look on the [Care Quality Commission website](#) or search more generally online for local care and support services.

The local authority should also be able to provide information about local care and support organisations and provide information on local services and activities.

You might also find it helpful to look at the DSA employment programme [Workfit](#) and sports and activities programme [DSActive](#).

Personal Budgets

The Care and Support Plan will include a Personal Budget. This is the amount of money the local authority will pay to meet a person's eligible needs as identified through their Needs Assessment. The money in this budget must be enough to meet the person's the eligible needs.

Before the Care and Support Plan is finalised the local authority may provide an Indicative Budget before the Personal Budget is set. The purpose of an Indicative Budget is to enable the supported person to explore the options they have in meeting their eligible needs before the Personal Budget is set.

In what ways can care and support be arranged?

There are various options regarding how a Personal Budget can be used to arrange the care and support a person is eligible to receive. This could be through the local authority:

- Delivering direct services
- Commissioning services to be delivered through another agency
- Providing a Direct Payment to enable the person to arrange their own support and services
- Providing a mixture of the options above

Another option is to request an Individual Service Fund (ISF).

Individual Service Funds (ISFs)

The right for any person, in receipt of a personal budget or assessed as needing one, to request an ISF was written into the Care Act in 2014. An ISF is like a direct payment except that it is held on behalf of the person by an organisation (such as a care provider) and is used to meet their outcomes in accordance with their wishes and care plan outcomes.

The person can nominate the organisation that they want to manage their ISF – usually this is from a list kept by the local authority. An ISF allows full choice and control but with much less administration required by the person or their family

There is further information about ISFs on our Paying for support page.

Direct Payments

Direct Payments are designed to give people **more choice and freedom** about how they meet their eligible needs. Agreeing to a Direct Payment means taking on more responsibility, however, a person may be able to use a Direct Payment even if they need support to manage it. Most people who wish to have a Direct Payment should be able to have one.

Whether a person uses their Direct Payment to buy services from other organisations or to become an employer in their own right, will result in **different levels of responsibility**.

Direct Payments must only be used to meet the eligible needs identified in a person's Care and Support Plan.

Direct Payments are optional. If a person does not want the responsibility of a Direct Payment, the local authority cannot insist they accept one. Additionally, a person who chooses to have a Direct Payment may decide, at a later stage, to stop receiving a Direct Payment. In this instance the local authority must then instead deliver direct services or commission them on the person's behalf.

If a Direct Payment is arranged, the person themselves can choose the services and organisations that meet their eligible care and support needs.

The local authority '*must not restrict choice or stifle innovation by requiring that the adult's needs are met by a particular provider, and must not place undue burdens on people to provide information to the local authority*' (Statutory Guidance, 2017).

Employing Personal Assistants

If the person has needs that require staff support, **they can employ their own personal assistant(s)**.

Becoming an employer, through employing staff using a Direct Payment, brings employer responsibilities.

Employers must adhere to the legal duties employers have. For example, they must provide employees annual leave and pay pension contributions. The Direct Payment must be enough to cover the cost of meeting a person's eligible needs including the associated costs the person has if they become an employer.

Buying a Service from a Provider

Alternatively the person may decide to use their Direct Payment to buy a service or support from an organisation.

Doing this means the organisation retains the employer responsibilities towards the staff they employ to meet the person's eligible needs. **This can be an attractive option for**

people who do not wish to have the employer responsibilities but wish to have more choice and control over how their eligible needs are met.

The local authority should be able to provide more information on Direct Payments. The local authority should also have options available to help support people to manage the responsibilities of a Direct Payment.

What should be in a Care and Support Plan?

Needs assessments and Care and Support Plans are legal documents.

They define the legal duties a local authority has in meeting an individual person's needs.

In cases where the local authority is to provide direct services or arrange these on a person's behalf, the Care and Support Plan should detail:

- The Personal Budget
- The eligible and ineligible needs/outcomes the person has (including needs others will support the person to meet)
- Which needs the LA will meet (eligible outcomes)
- How the person's needs will be met
- The services that will be provided, by whom and how often
- Information and advice on what the person can do to reduce or delay their needs from further developing

In cases where the person has a Direct Payment, and is therefore arranging their own care and support services, the Care and Support Plan must detail:

- The Personal Budget
- The eligible and ineligible needs/outcomes the person has (including needs other will support the person to meet)
- Which needs are eligible to be met through the Direct Payment (eligible outcomes)
- The amount of money that will be provided as a Direct Payment (this should match the Personal Budget)
- Information and advice on what the person can do to reduce or delay their needs from further developing

Detailing the eligible outcomes others are going to support the person to meet, in the Care and Support Plan temporarily removes the duty on the local authority to meet these eligible outcomes.

However, ensuring all the person's eligible needs are recorded provides the supported person and their family security in knowing the local authority have a duty to meet these needs in the event something in their life changes.

Local authorities are required to take **all reasonable steps to reach agreement** with the supported person as to how their needs will be met and with any **third party**

involved with the preparation of the plan'. 'This agreement should be recorded and a copy placed within the plan'.

If agreement cannot be reached the local authority should **'state the reasons for this and the steps which must be taken to ensure the plan is signed off.'** (Statutory Guidance, 2017).

Planning for emergencies

Ensuring the local authority has accurately captured information about the informal support the person receives that enables them to meet their eligible needs **will make certain the local authority have the information they would need in the event of an emergency.**

For example, should the person's situation change, the local authority would have the information they need about the arrangements that need to be made to adequately support the person.

Reviews

Care and Support Plans should be initially reviewed **within 4–6 weeks of the initial plan being put into place.**

Thereafter, there is a general duty to keep the plan under review.

In principle this means if a person's needs or situation change, the local authority must hold a review. This means there **may not be** an annual review if the person is happy with their support and it is felt their needs have not changed.

It is possible to request a review at any time if the person is not happy with how their Care and Support Plan is working out or if something has changed.

It is also possible to request a re-assessment at any time if the person's needs have changed and the level of support they are receiving under their current Care and Support Plan is no longer at the right level.

Can my services be changed?

We hope the supported person gets a Care and Support Plan that works for them without any problems.

However, sometimes there can be problems. **If a person has been assessed as having eligible needs, then by law, the local authority must provide for these needs.**

The local authority, however, does have professional discretion in assessing and meeting needs.

Whilst they must consider evidence of a person's needs when carrying out their social care functions, provided they can demonstrate how a person's eligible needs can be met,

it is likely they may legitimately provide a different level of support or service to that the person themselves may be hoping for.

There must not be a cut or reduction in the level of support a person receives without a re-assessment.

However, services can be changed as long as they still meet the eligible needs stated in the Care and Support Plan.

This may mean a person's budget can be readjusted in the event there is a change in cost of meeting their eligible needs. This may happen without the need for a re-assessment taking place.

If this were to happen, the level of support a person receives should not change and their wellbeing must not be substantially affected by the change.

A cut or reduction in services or support provided to the person can only happen following a re-assessment that has found a person's needs have changed.

Services may be stopped if the person is deemed to no longer have eligible needs.

If the local authority proposes a cut or reduction in the level of support a person receives, they must provide evidence of how the person's needs have changed.

They must demonstrate using evidence (from a suitably qualified person) that the person no longer needs the level of support they have previously been assessed as needing.

There is further information at our page about 'Reductions to a person's support package'.

What if things aren't working out?

If there is a disagreement with the local authority over the person's assessment or Care and Support Plan, make sure you have written copies of the paperwork. If you disagree with the content of the assessment, discuss this with the worker that has undertaken the assessment or with their manager to see if you can reach an agreement. If you are still unhappy with the outcome, you can follow these steps:

- Write to the local authority and ask them to explain how they reached their decision. You have a legal right to a written explanation.
- Get a copy of the local authority's complaints procedure – this should be on their website or you can contact the local authority to request a copy.
- Follow the local authority's complaints procedure - write to the local authority (you may like to copy in the Monitoring Officer) stating clearly that you are making a formal complaint. Explain what you feel the local authority has not taken into consideration about the person's circumstances. Remember to explain their needs and how their wellbeing is affected.

- If you are not happy with the local authority's response, write to them to request a review of your case copying in the Monitoring Officer

If having followed the complaints procedure, you are not happy with the local authority's response you can take your complaint to the [Local Government Ombudsman](#) (England)

You will find further information at our 'Making a complaint to a local authority' page

If the problem is not with the person's Care and Support Plan but is to do with the support the person is receiving – the first step is to talk to the provider of the service. If this does not resolve the issue you could follow the provider's formal complaints process or you might wish to contact the local authority and ask them to become involved.

We can help

If you have any questions about social care, please contact us using Tel: 0333 1212 300 or Email: info@downs-syndrome.org.uk . If our information officers are unable to help, they will refer you to our social care adviser.

The Down's Syndrome Association provides information and support on all aspects of living with Down's syndrome.

We also work to champion the rights of people with Down's syndrome, by campaigning for change and challenging discrimination.

A wide range of Down's Syndrome Association publications can be downloaded free of charge from our website.

Contact us

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www.dsactive.org



www.langdondownmuseum.org.uk



www.langdondowncentre.org.uk

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