



I have completed a care assessment, and my eligibility has been assessed, what are the next steps that I can take?

At Irwin Mitchell we want to support you through each step of the process of the new Care Act regulations. With a range of care and support plans available, we have provided this fact sheet to help you understand what applies to your situation.

Once the local authority has carried out a needs assessment, and determined which of a person's needs are 'eligible', the local authority will need to establish how the needs can be met. This fact sheet gives more information about the types of plans that are available to you.

Next steps

Section 24 of the Care Act states that the next steps for the local authority to take are:

- To prepare a care and support plan for the adult (or a support plan for a carer)
- To tell the adult which of their needs may be met via the provision of direct payments
- To help the adult with deciding how the needs should be met.

Section 18 of the Care Act 2014 says that the local authority is under a duty to meet all eligible needs. Therefore a care plan should ensure that all of those needs can be met by the provision set out in the care and support plan.

Statutory guidance

Paragraph 10.5 of the statutory guidance which supports the Care Act states that the "guiding principle" is for the care and support plan to be "person-centred and person-led". The wishes and views of the individual receiving support are therefore very important. The Care Act places great emphasis on the individual being at the heart of the care planning process.

Ultimately, there are a number of ways in which needs can be met, including:

- The local authority providing some type of support, such as reablement, or short-term respite service
- The local authority arranging for a care and support provider to provide some type of support
- Making a direct payment which allows the person to purchase their own care and support: or
- A combination of the above criteria.

If the local authority determines that some of the individual's needs are already being met, such as through the support of a carer, or if an educational establishment or other institution is already involved with that person, they will need to be satisfied that the person's needs are being met. However they would not be under a duty to provide any further services to meet that person's needs.

In all other cases, there needs to be enough direct provision or direct payments, to ensure that all of the identified eligible needs are met. This should be done through consultation with the individual, and setting out what specific services or support could be provided.

Whilst the local authority is allowed to consider its own finances and budgets when considering what services to provide in order to meet a person's needs, it is not allowed to affect whether it meets the identified needs, and neither should the local authority set arbitrary upper limits on the costs that it is willing to pay in order to meet a person's eligible needs.

“Everyone was very professional, yet we felt we were given a very personal service. We were always kept informed, and when we were anxious, we were given support and reassurance.”

- Anonymous

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