



FACTSHEET 9

The Care Act – continuity of care when moving between areas

“Many disabled and older people can’t consider moving to another area because they can’t be sure that they will get equivalent levels of care and support in the new area.”

Disability Rights UK

This factsheet describes how the Act supports people to move between local authority areas in England, without suffering a gap in the care they need when they arrive in the new area.

What is “continuity of care”?

“Continuity” means making sure that, when an adult who is receiving care and support in one area of England moves home, they will continue to receive care on the day of their arrival in the new area. This means that there should be no gap in care and support when people choose to move.

Why do we need to change the law?

People with care and support needs will sometimes want to move to a new area, just like anyone else – for instance, to get a new job, or to move closer to family.

At the moment, the law does not provide protection for people who want to move to a different area. People often say that this makes them less likely to move, because they are worried that they will lose their care and support in the new area.

What does the Act do?

The Act describes a process to be followed so that local authorities know when someone wants to move areas, and what must happen to make sure that their needs are met when they arrive in the new area. This applies in a number of circumstances:

- An adult is receiving care and support from one local authority, and wants to move to a new area;
- An adult is receiving care in a type of accommodation (e.g. a care home), which is organised by a different local authority to the one where the accommodation is located. The person wants to leave the care home but stay in the local area; and
- From 2016/17, an adult is arranging their own care and support, but has a “care account” because the costs of meeting their eligible needs count towards the cap on care costs (see **factsheet 6**).

Notifying before moving

In any of these circumstances, the adult (or someone on their behalf) must tell the local authority where they plan to move (the “second authority”) of their intentions.

After the second local authority has been informed, and it is satisfied that the intention to move is genuine, it must then inform the “first authority”. The “first authority” is the local authority where the adult is currently living, or which is responsible for their care and support at that time.

The second authority may take steps to make sure that the person wants to move to their area, for instance, by speaking to them about their intentions.

Sharing information

When the first authority is informed that the adult wants to move, it must do a number of things:

- It must provide a copy of the adult's care and support plan, so that the second local authority knows what the adult's needs are;
- It must provide a copy of the "care account", if there is one;
- If the adult has been arranging their own care and support, it must provide a copy of the "independent personal budget", as well as the most recent assessment;
- It must also provide any other information that the second authority requests, such as their financial assessment.

If the adult has a carer who is also moving with them, the first authority must also provide a copy of the carer's support plan.

When it receives this information, the second authority must carry out its own assessment of the adult's needs. If a carer is moving with the adult, then the second authority must also assess the needs of the carer.

Both assessments can take place before the adult moves to the new area, to help ensure that the right care and support is in place when they arrive.

Adults' needs may change when they move home. For instance, if they are nearer to family, they may have more sources of support. Alternatively, being in a new place may mean that they have new needs. It is important that the new local authority assesses them, so that the person receives the right care and support for their needs.

If the second authority finds any needs which are different to those in assessed by the first authority (and in the care and support plan or most recent assessment provided), it must explain in writing why that is the case.

The first authority must keep in contact with the second authority to keep track of progress on putting services in place, and it must keep the person informed about the contact and involve them in this part of the process.

The day of arrival

The above assessments should mean that the second authority will know about the adult's needs before they arrive and will have services in place for the day of the move.

If on the day of the move the local authority has not carried out the assessments, for example because it wants to assess the person in their new home, or if they have not yet put in place care and support, then the "continuity duty" is triggered.

This requires the second authority to meet any of the needs that were being met by the previous (first) authority, from the day that the person arrives in the new area. (This also applies to the needs of any carer moving with the person). The second authority will use the information shared in the care and support plan or recent assessment to decide what services to put in place to meet those needs.

The continuity duty continues until the second authority has carried out its own assessment and put in place all necessary care and support on the basis of that assessment. This should ensure that that people won't experience any gap in their care.

How do I comment on the proposals?

We have published regulations and guidance for local authorities that set out how they should carry out their responsibilities under the Care Act. This guidance is open for discussion and we want to receive your comments to make it right.

More information, including how to comment, is available at: www.careandsupportregs.dh.gov.uk