



## Social care in the UK

### What is social care?

**Social care** is personal care and practical support for people who need help.

This could be; children, adults with physical disabilities, learning disabilities, or physical or mental illnesses, as well their carers (people who look after them).

The care and support system is complicated and can be confusing, with many organisations involved. The rules on how you pay for care and support can also be difficult to understand and it's important to know what you are entitled to. However, there is help and advice available and, with a bit of planning, it is possible to find good care which meets your needs.

In the UK, **Social Services** deals with social care matters and the **NHS (National Health Service)** deals with health care. It's not always clear if you need help for a social care problem or health problem or both. Often the local authority and the NHS work together by having shared jobs and budgets and by making plans together.

### Finding social care support

In the UK, **Social Services** deals with social care matters. This is a department run by your **local authority** (or Council). Contact its social services department or contact centre:

- **England:** ● <http://local.direct.gov.uk/LDGRedirect/Start.do?mode=1>
- **Scotland:** ● <http://www.cosla.gov.uk/scottish-local-government>

### Who can get support?

#### Support for children

'**Children in need**' get more protection from the council than adults. Homeless children are a priority. The local authority has a duty to:

- provide accommodation to a child in need
- protect the welfare of all children in need
- help families to look after their children.

Anyone under the age of 18 is considered to be a child.



## What is a child in need?

A child in need is one who is disabled or needs help to have a reasonable standard of health or development.

For example, a child with no home or an inadequate home (e.g. through overcrowding or domestic abuse) is likely to be considered a child in need.

Support can be given directly to the child or to their family (or family member) to help them protect and promote the child's welfare. This could include cash assistance to a family.

Although the Local Authority can provide housing to a child in need, it has to act in the best interests of the child and that might not be housing away from their parents. If Social Services says it can only help a child by **taking the child into care**, it may be acting unlawfully and you should make sure you know your rights. Visit your **local Law Centre** or **Citizens Advice Bureau** for advice.

## Support for adults

If you're elderly, disabled or have an illness, you may be able to get care and support arranged by your local council to help you live as independently as possible.

Many services are called **Community Care** – residential and nursing care in care homes, help and personal care in your own home, support to help you become more independent, respite care, holidays, adaptations, day centres, meals on wheels etc.

Care and support services might include:

- equipment
- help in your home
- community support and activities
- day centres
- home adaptations
- residential care
- financial support
- information, advisory and advocacy services
- support for carers
- other care support.

## Support for carers

If you are looking after an ill, disabled or frail relative or friend, you are a carer.

Carers are vital for helping arrange social care support for the person they care for and they can also get support to help them do this job.

There are charities that support particular groups of carers, including sibling carers and young carers. If you want to talk to someone about how to get support, call the **Carers Direct** helpline on ☐ 0300 123 1053.



## Who is eligible?

The social care system in the UK is facing rising need, reduced local authority spending and reductions in benefits. In practice, this means that eligibility criteria are getting stricter and there are fewer ways to get help without paying for it yourself.

The local authority has a set of **targets** (called 'specified outcomes') which an adult should be able to achieve. They include:

- managing to prepare food and drink and feed themselves
- being able to wash themselves and their clothes
- managing toilet needs
- being able to dress appropriately, for example, during cold weather
- keeping their home sufficiently clean and safe
- having family or other personal relationships to avoid loneliness or isolation
- being able to move around safely, in the home and outside
- being in work, training, education or volunteering
- being able to safely use services in the local community such as public transport and recreational facilities
- carrying out any caring responsibilities, such as for a child.

**Local authorities must consider whether the person's needs:**

- come from physical or mental impairment or illness
- make them unable to achieve **two or more targets** (*see above*)
- mean there is likely to be a significant impact on their wellbeing if they can't meet these targets.

An adult has to meet **all three** of these conditions to be eligible for a service.

## Assessments

Each local authority will have its own assessment procedure. Information about this should be available on their website.

The law says that you should have an assessment **within a reasonable time**, and that the wait for this should be shorter if your needs are more urgent. If social services believe you have health or housing needs, they must invite the local NHS trust and the housing authority to help in the assessment.

Even if you are unlikely to qualify for any help under the local authority's eligibility rules, you are **still entitled to a full assessment**. This means that a social worker (or sometimes an occupational therapist or nurse) will ask you questions about what you find difficult on a daily basis. The assessment will be used to work out what your levels of need are and what support can be provided. You should be provided with a copy of this **care and support plan**.

You should always be offered information and advice to help you understand the social care system, whether or not you are eligible for services. Local authorities will also provide an up-to-date list of local care providers and can tell you about other services.



## If you are refused social care

If you are **refused social care** you should ask for a written statement of the reasons. You should also ask for details of the local authority's eligibility criteria for getting help. Check that you have provided all the evidence necessary to meet the eligibility criteria.

If you disagree with the reasons they give for not offering you help, get advice from a CAB (**Citizens Advice Bureau**) or from your **local Law Centre**. You could also make a complaint to the local authority's complaints team.

## Charges for social care

Most people pay something towards their care. How much you'll have to spend depends on your personal and financial circumstances. Social Services will usually do a financial assessment to decide this.

If you do qualify for assistance, it may be provided by the local authority or they may offer you **direct payments** so that you can arrange this for yourself.

## Social care for EEA nationals

If you ask Social Services for help with housing or financial support, they will check why you cannot get help from the local Housing Department or from the Department for Work and Pensions with state benefits, which means **checking your immigration status**. They will often check this with the Home Office. They may also check **where else you have lived**, to decide which social services department is responsible for your care.

## If you have a right to reside in the UK

If you have a right to reside in the UK you can apply for social care services in the usual way described above. You will usually need to demonstrate your right to reside.

## If you do not have a right to reside in the UK

EEA nationals with no right to reside in the UK might be refused social care.

Some adults are excluded from accessing support because of their **immigration status**. In this case, Social Services may do an assessment to establish whether refusing to provide them with support would violate human rights law. They will also consider whether this could be avoided by assisting a family to return to their home country.

If you do not have the right to reside but are **homeless and destitute** (without enough money to buy basic food or shelter) you might still get limited help with housing and financial support from Social Services. They will consider your family and health circumstances.

If you are not entitled to social care or homelessness assistance then the local authority may offer to pay for your **return home**. If it is impossible for you to return to your home country because of your family or health circumstances or because you would not be safe if you went home, you can **apply to stay in the UK**. While you make the application you may be able to get housing and living costs from Social Services.



The law on this is complicated and you should seek legal advice and help before making an application.

## Making a complaint

Social care professionals have a **legal obligation to provide high quality care**. This means you could consider taking legal action against them or the organisation they work for if they fail to provide care of a reasonable standard.

To make a complaint:

- firstly, speak to the person providing the care or their manager. This could sort out the problem quickly
- talk to your local councillor about your concerns
- use the local authority's complaints procedure or the complaints procedure of the care provider (if this isn't the local authority)
- report your complaint to the **Local Government Ombudsman (Social Care) in England** or the **Care Inspectorate in Scotland**
- take legal action, for example, for personal injury, negligence, discrimination or for breach of your human rights.

## Local Government Ombudsman (Social Care) in England

The Local Government Ombudsman investigates all complaints about adult care services. It does not matter if your care is provided by a council or paid for by yourself.

You will need to tell them what your complaint is about and how this has affected you. You will also need to tell them why you are not happy with the council or organisation's response - send them a copy of the last letter you received from the organisation after it considered your complaint.

You don't need to pay a professional person, like a solicitor, to complain for you.

### For help with making a complaint:

*The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH*

☐ 0300 061 0614

● <http://www.lgo.org.uk/adult-social-care/>

## The Care Inspectorate in Scotland

### For help with making a complaint:

*Headquarters: Compass House, 11 Riverside Drive, Dundee, DD1 4NY*

☐ 0345 600 9527

● <http://www.careinspectorate.com/>

## Scottish Public Services Ombudsman (SPSO)

If you are unhappy with the outcome of a complaint to **The Care Inspectorate** in Scotland, you have the right to ask the **Scottish Public Services Ombudsman (SPSO)** to look into their decision.



## Useful contacts

### Law Centres

**Law Centres** give legal advice to people who cannot afford a lawyer. You can find one in your area here:

● [www.lawcentres.org.uk/i-am-looking-for-advice](http://www.lawcentres.org.uk/i-am-looking-for-advice)

### Citizens Advice Bureau

● **England:** ☐ 03444 111 444: ● [www.citizensadvice.org.uk/index/getadvice.htm](http://www.citizensadvice.org.uk/index/getadvice.htm)

● **Scotland:** ☐ 0808 800 9060: ● <http://www.cas.org.uk/>

### Carers Direct

If you want to talk to someone about how to get support as a carer, call the **Carers Direct** helpline on ☐ 0300 123 1053.

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