# Guide to social care (England)

For up-to-date advice tailored to your circumstances, please call the RNIB Helpline on **0303 123 9999**, from 8am – 8pm weekdays or 9am – 1pm Saturdays.

## What is social care?

Your local council’s social services department is there to give you the help and support you need to continue to lead an independent life. This can include things like:

* personal care at home
* domestic help
* help with shopping
* meals on wheels
* services in day centres
* getting out in your community
* provision of equipment, aids and minor adaptations to the home
* care in residential or nursing homes.

To access this type of help, you will normally need to be assessed by social services. The Care Act 2014 governs how adults' access social care in England. This factsheet does not apply if you live in Wales, Scotland or Northern Ireland.

Depending on where you live, we have other guides to social care on our website together with a wide range of information resources and toolkits. All the resources mentioned in this guide, can be found here:

**rnib.org.uk/information-everyday-living-your-rights/social-care**

If you have any questions about social care, you can call our Helpline on **0303 123 9999** or email us at **helpline@rnib.org.uk**.

This factsheet is designed to guide you through the process of accessing social care in England. You might not need to read all of it depending upon your circumstances and where you are in the process. You can use the ‘contents’ below to see what is covered in this factsheet and decide which sections apply to you.

## Contents

* What is a needs assessment and how do I get one?
* When should I get a needs assessment?
* How do I prepare for my needs assessment?
* How is the needs assessment carried out?
* Who decides if I’m eligible for help?
* What if they decide I am not eligible for help?
* What happens next if I am eligible for help?
* Do I have to pay for help from social services?
* What are direct payments?
* Changes in circumstances and reviews of your needs
* How do I make a complaint about social services?

## What is a needs assessment and how do I get one?

A needs assessment is for adults (people who are 18 years and over) who may need help through social services due to their disability, ill health or old age. You should be assessed on your care and support needs and whether you are eligible for any extra help through social services.

If you think you need an assessment, the first step is to contact your local social services team and ask for a needs assessment to be carried out. If you’re unable to make the call yourself or are uncomfortable doing so, then someone can do this on your behalf instead.

You can find your local council’s social services telephone number in the phone book, directory enquiries or online. You can also contact our Helpline on **0303 123 9999** and we’ll find the number for you.

When you call social services, you’ll need to make it clear that you’re blind or partially sighted and that you would like an assessment of your needs. You should be able to speak to a specialist team within social services (often called a “Sensory Impairment Team”). It can be useful to keep a record of who you speak to throughout the process.

## When should I get a needs assessment?

Once social services are made aware that you may have a need for care and support, they are legally obliged to carry out a needs assessment.

Sometimes, before a needs assessment is carried out, social services may offer you a period of **rehabilitation**. This is a type of support aimed at helping you to learn or relearn certain activities to maintain your independence and prevent or reduce your need for further social care. It can include daily living and mobility training, as well as access to a range of free equipment, gadgets and minor adaptations. You can find out more about accessing rehabilitation in our “Staying Independent (England)” toolkit which can be accessed on our website.

However, if you have care and support needs that cannot be prevented through rehabilitation, or there is a lengthy waiting list for rehabilitation services, you should still be entitled to a full needs assessment from social services within a reasonable amount of time.

Good practice is for your assessment to be carried out within four to six weeks, but people often wait longer than this. How quickly your assessment is completed will partly depend on the severity of your needs and how much risk you are at, but social services should tell you how long you’re likely to wait for an assessment.

If you feel you’ve waited too long for an assessment, or if your needs are urgent, then you may need to make a formal complaint. For more information on this, see “How do I make a complaint to social services?” below. We also have a template precedent letter our website that you can complete and send to social services to complain about delays and request an assessment.

## How do I prepare for my needs assessment?

Once your social services department has informed you of the day and time of your assessment, it can help to spend some time preparing for it by thinking about any difficulties that you have.

We have an online “Social Care Assessment Toolkit” on our website which you can complete, that will generate a document that you can print off and give to the assessor on the day to make sure nothing is missed.

You may also wish to read through our factsheet on “Preparing for your needs assessment”, which covers the areas in the assessment eligibility criteria, so you can determine how this applies to your situation. You can request a copy of this factsheet by calling our Helpline on **0303 123 9999**.

## How is the needs assessment carried out?

Your needs assessment should be carried out by a professional who is appropriately trained and understands your condition such as a rehabilitation worker for blind and partially sighted people, social worker or care manager. This will usually take place in your home, to get a better understanding of your home life. Sometimes the assessment may be carried out at other places such as a social services office, a day centre or a resource centre.

If you will have difficulties understanding and taking part in your assessment the social worker should make a referral for an independent Care Act advocate to help you. This should happen before you start your assessment.

The person carrying out your assessment should look at how your sight problem affects your independence, what you can and cannot do, and what you could do with support. They will look at your overall needs, including your health and housing needs and refer you on to the appropriate organisation, such as the housing department in your local authority or your GP. Your emotional, social, religious and cultural needs should also be considered.

It can often help to have someone with you during the assessment. This could be your partner, a carer, a relative or a friend, or someone from a local advocacy service. They can also speak on your behalf if you prefer.

If someone helps to look after you, they should be offered a separate Carer's Assessment. This may or may not be provided at the same time as your needs assessment and will identify any support needed to help them in providing care to you.

Social services must give you a copy of your assessment and your care plan.

## Who decides if I’m eligible for help?

Once your social services department has completed your assessment and has the full view of your needs, they must next decide if you’re eligible to receive care and support.

All local authorities follow the same national eligibility criteria which considers your ability to carry out certain activities (called “outcomes”), and if being unable to carry them out significantly impacts on your wellbeing. You can find out more about the eligibility criteria in our factsheet on “Preparing for your social care assessment”.

## What if they decide I am not eligible for help?

If social services decide that you are not eligible to receive care and support, they must explain why. This will be by a letter in your preferred format, which should also include advice and information on:

* accessing care and support in your area
* accessing support organisations (local societies for the blind)
* where to get financial advice (in relation to benefits or debt)
* how to prevent or reduce care needs developing in the future.

You can challenge social services’ decision that you are not eligible for services, through your local authority’s complaints procedure (see “How do I make a complaint to social services?” below).

## What happens next if I am eligible for help?

If your needs meet the eligibility criteria and they cannot be met without support from social services, then social services have a legal duty to meet these needs if you want them to.

The next step is for the professional carrying out your assessment, to work with you, or someone acting on your behalf, to draw up a written care and support plan to record all the important details of how social services will ensure that your needs are met and how future care needs may be prevented.

When working out how they can meet your needs, social services should involve you in developing and shaping your own care plan, so that it meets your needs as an individual. There are different ways social services can meet your eligibility needs, for example:

* they can provide you with care and support directly
* they can arrange for care and support to be provided through another organisation
* they can provide you (or someone else on your behalf) with a sum of money to pay for care and support, called a direct payment (see “What are direct payments?” below)
* they can provide you with a combination of the above options.

Part of this plan will include developing a personal budget, which is a sum of money calculated by the local authority as an appropriate amount to meet your needs. You should get a copy of your care plan in a format suitable for you, such as large print, audio or braille.

## Do I have to pay for help from social services?

Some types of help from social services should be free of charge, regardless of your income and savings, such as:

* rehabilitation
* specialist aids, equipment and adaptations costing £1000 each or less.

However, social services will usually charge for most other care and support they provide if your income and/or savings are above a certain level. Therefore, alongside developing a care and support plan, social services will normally carry out a financial assessment to see whether you need to contribute to the cost of your care and if so, how much this will be. The possible outcomes could be that:

1. Your income and savings are low enough that you do not have to contribute towards the cost of your care and support
2. Your income and/or savings are high enough that you have to contribute something towards the cost of your care and support, but not all of it
3. Your income and/or savings are so high that social services would expect you to pay for the full cost of the care and support yourself.

If the third situation applies to you, you can still ask your council to arrange support for you, but you’ll have to pay for the full cost of care, plus an administrative charge.

When carrying out the financial assessment, social services must follow national guidance which covers:

* how your income and savings are calculated
* the minimum amount of money you should be left with after any charges.

Your council cannot withdraw a service solely because you’re unable to pay the charge. You can ask for a review of the charges if you believe that they are too high in relation to your circumstances. You can read more about disputing charges for any care you are entitled to in our “Toolkit for Challenging home care charges” on our website.

### What are direct payments?

Direct payments are one way that you can ask social services to meet your needs if you are assessed as eligible for care and support. Instead of the local authority arranging your care and support, direct payments are cash payments that allow you to choose who you pay to provide your care and support. This is subject to social services agreeing that your choice in care and support meets your assessed needs.

Social services must also be sure that you, or a suitable person on your behalf, can manage the direct payments. While direct payments give you more flexibility and choice around choosing your care, there are some important things to consider if you choose to pay for your care using them, for example:

* you will need to keep records and submit accounts to social services to show how the payments have been used
* if you hire a personal assistant or care worker, you will take on the legal responsibilities of being an employer
* where you use a direct payment to purchase care and support, you cannot normally make a complaint to social services in the way that you could if the care and support had been arranged directly by them.

Social services should support you with any help you may need with managing your direct payments and can give you details of independent brokerage services in the area that can assist with managing your direct payments.

You don’t have to accept your personal budget as a direct payment if you don’t want to. In these situations, your council would be responsible for arranging your care and support for you.

## Changes in circumstances and reviews of your needs

Once your care and support plan is in place, this should be reviewed after six to eight weeks to make sure it is working for you. Following this, you should receive a more in-depth review of your care and support plan every 12 months.

If your circumstances change in between any of these periods (e.g., if your condition deteriorates or your carer stops providing care) then you should inform social services so that they can reassess your need for care and support to see if your care package should be increased.

If following a review, the council decides you no longer qualify for care and support, it must provide you with a written explanation of why. This may be provided in a new care plan or in a separate letter in a format you can read. Your council should never reduce or withdraw a service from you without first reassessing your needs.

You can make a complaint if social services are refusing to reassess you following a change of circumstances, or if you are not happy with the result of the reassessment (see “How do I make a complaint to social services?” below).

### How do I make a complaint to social services?

If you’re not happy with how social services have treated you or you disagree with a decision that they have made (e.g., in relation to your needs assessment), you can challenge this by making a formal complaint. Every council has a complaints procedure and must offer you help and support in using this.

In some cases, it may be worth starting off by speaking with the member of staff concerned as a quick way of sorting out the problem. However, if this does not resolve your problem, you can make a complaint face-to-face, in writing, or by email.

If you make the complaint face-to-face, you should be given a written record of the complaint if it has not been resolved by the end of the next working day.

The complaint should be acknowledged within three working days of it being received and an offer to discuss how the complaint will be dealt with and investigated to achieve a resolution. The council should also inform you how long it will be before you will receive a written decision.

If you are not happy with the outcome, you can take the complaint further, to the Local Government Ombudsman.

You can ask your local councillor, or voluntary organisations for support in making your complaint. You can also call our Helpline on **0303 123** **9999** to speak to one of our advisers, and depending on your circumstances, our Legal Rights service might be able to help you.

## How we can help

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with a number of other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999.**

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

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