

Community care

Finding help
when you need it

*Will I have to pay for
the care I receive?*

*What kind of
care is available?*

*Where can I ask
for help?*



0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone
numbers and website addresses

A free and confidential advice
service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS:

- provides leaflets with advice on a range of problems, and
- can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

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*Community
Legal Service*



What is community care?

If you or someone you know or look after has difficulty with day-to-day living, you may be able to get help called community care. Community care can be for people who have a disability or illness, or for people who look after someone who cannot look after themselves.

Community care can be for people of any age, but many people need it when they get older. Community care can help if you – or your family and friends – need assistance with everyday tasks.

This leaflet looks at some commonly asked questions about community care:

- how to ask for it
- what is available, and
- how it must be paid for.

Several organisations can give you free, confidential, expert advice if you're worried about how to ask for care, or if you don't believe you're getting the help you need – see 'Where can I get further advice?' on page 10.

What kind of care is available?

There are two types of care you could receive: **community care** (also called 'social care'), and **healthcare**.

Community care can include, for example:

- help with personal care: for example, getting up and dressed, bathing and laundry
- meals on wheels
- help with occasional jobs, such as gardening
- aids and adaptations to your home to make basic tasks easier and safer
- a community alarm, to call for help if you need it
- a place at a day centre or care home
- respite care (a short stay, for example, in a care home so your carers can take a break).

Healthcare includes:

- medical care from your GP
- visits from other community health providers, such as a district nurse
- services such as chiropody, occupational therapy or physiotherapy, and medical equipment such as wheelchairs
- a place in a nursing home.

In general, community care arranged by social services is 'means-tested'. This means you may have to pay for some or all of it, depending on your income and savings. Healthcare is provided by the NHS, and is free.

How do I get community care?

To get community care, you must first have a 'care assessment', which looks at what you help you need. Contact your local council's social services department, tell them about your situation, and ask for an assessment.

You can also ask for an assessment if you need help because you care for someone regularly (called a 'carer's assessment'). Ask the social services department to arrange this or give you more information about it.

Some areas of the country have a 'care trust', which arranges care. If there is one in your area, social services will put you in touch with it.

What is a 'care assessment'?

The assessment aims to:

- find out what sort of support you need, and
- decide which services you could receive.

It may also look at your finances to decide how much you should pay towards the cost of those services.

During the assessment you may be asked about:

- the tasks you can and can't do
- the tasks you find difficult some of the time
- whether you have to follow a special diet, and
- whether you have special needs (because of your religious or ethnic group, for example).

The assessment will normally take place in your home, but it could also take place at a social services centre, a day centre or your GP's surgery. You (and anyone who cares for you) should also be involved, and have the chance to say what you feel you need.

The person assessing you will normally be a social worker from either the council's social services department or the care trust, and other professionals (for example, an occupational therapist) may also be involved.

The social worker may ask the council's housing department about your accommodation, for example whether it believes you should move to sheltered housing.

How does the council decide what help I can get?

Once the care assessment has been completed, the council decides whether it will provide or arrange care services for you. It does this by comparing your needs with its 'eligibility criteria' for community care services. Each council is allowed to decide how severe a person's need has to be before it will provide support – so whether you get this kind of help depends on where you live.

If the council decides that you meet its eligibility criteria, it will prepare a 'care plan' for you.

If the council decides that you don't meet its eligibility criteria, and it won't provide help, it should tell you why in writing. If you don't agree with the council's decision, you can challenge it (see 'What if the council's assessment isn't right for me?' on page 09).

Even if you're not eligible for help, the council should still give you information and advice about getting care services.

What is a 'care plan'?

A care plan should set out:

- what you need
- what you should get
- who will provide it
- what you may have to pay for it, and
- when the plan will be reviewed.

If you have a carer, your plan should also show what help your carer has agreed to give you. The council should give you a copy of your care plan.

Once your care plan has been drawn up, you should start getting that care promptly. If you have to wait for a service you need (for example, because there is a shortage of trained staff), then the council should make other arrangements for you in the meantime. If you are not getting the care that is set out in your care plan, see 'What if the council's assessment isn't right for me?' on page 09.

The council should look at your care plan from time to time, normally within three months of first providing the help and then at least once a year after that. But if your circumstances change at any point, you can ask for another assessment.

Will I have to pay for the care I receive?

This depends on how much money (income and savings, for example) you have. The council will look at this when it assesses you. You may have to pay for none, some or all of your community care. However, any care you receive that is healthcare, provided by the NHS, is free for everybody.

The situation is more complicated if you need to go into a care home. If you or someone you know needs care in a care home, you should get advice about this from **Age Concern, Help the Aged** or **Counsel and Care**. See page 10 for their contact details.

Can I get help to pay for care myself?

If you are eligible for care, the council must normally offer you the option of 'direct payments', which is money for buying your own care.

You can use the money to pay for almost any care you need. For example, if you can't do your shopping alone, you could use a direct payment to help you do it yourself – for example, by paying for a taxi or a home delivery – or to pay someone to do it for you. Or if your carer normally does it, you could pay for some care while they have a break.

You can't normally use direct payments to pay for care provided for you by your husband, wife, civil partner or other partner, or a close relative who lives with you. The council may let you do this only in certain circumstances, for example if you have severe learning disabilities or mental health problems.

What if the council won't give me an assessment?

If the council refuses to assess you, or is very slow about arranging an assessment, you can complain to its social services department. Social services departments must tell you how to make a complaint, and how they will deal with it.

If you complain, but the council still refuses to assess you, or if you don't accept its reasons for not assessing you, you can take your complaint to a 'formal' stage. This usually involves an investigation by either:

- an independent person, not involved in the local service, or
- the council's complaints manager (in England) or complaints officer (in Wales), or someone they appoint.

If you are unhappy with the result of the formal stage, you don't have to give up. But you should seek advice on whether it is possible, or worthwhile, to take your complaint further. **Age Concern**, **Help the Aged** or **Counsel and Care** will be able to help you with this. See page 10 for their contact details.

What if I think the council's assessment isn't right for me?

If you think your assessment won't give you the care you need, or you think it's not being provided properly, you should complain to the council's social services department. Social services departments must tell you how to complain, and how they will deal with it.

If you are unhappy with the council's or trust's response to your complaint, your complaint may go to a 'formal' stage. This usually involves an investigation by either:

- an independent person, not involved in the local service, or
- the council's complaints manager (in England) or complaints officer (in Wales), or someone they appoint.

If you are unhappy with the result of the formal stage, you don't have to give up. But you should seek advice on whether it is possible, or worthwhile, to take your complaint further. **Age Concern**, **Help the Aged** or **Counsel and Care** will be able to help you with this. See page 10 for their contact details.

Where can I get further advice?

The best place to start is one of the three charities that can provide advice on getting community care:

- **Age Concern:** phone **0800 009966** (England), **029 2043 1555** (Wales), or visit www.ageconcern.org.uk
- **Help the Aged:** phone **020 7278 1114** (England), **02920 346 550** (Wales) or visit www.helptheaged.org.uk
- **Counsel and Care:** phone **0845 300 7585** weekdays 10am-4pm except Wednesdays: 10am-1pm or visit www.counselandcare.org.uk.

Community Legal Advice

If you have a low income, including if you receive benefits, and qualify for legal aid, you can call us for independent advice about debt, education, benefits and tax credits, employment and housing problems.

If you don't qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice centres or services that can help. We can also direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles are usually more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website, www.communitylegaladvice.org.uk.
- Text 'legalaid' and your name to **80010** and we'll call you back within 24 hours.

Help on the internet

If you have internet, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law
- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing with rent problems**
- C2 Domestic abuse**
- C3 Fair treatment at work: your rights if you are disabled**
- C4 Your rights at work**
- C5 Dealing with debt**
- C6 Losing your home**
- C7 Claiming benefits**
- C8 Problems with school**
- C9 Mental health laws**
- C10 Community care**
- C11 Divorce and separation**
- C12 Living together**
- C13 Medical accidents**
- C14 Dealing with the police**
- C15 Care proceedings**
- C16 Claiming asylum (available August 09)**
- C17 Removal and deportation (available August 09)**
- C18 Dealing with a will (available August 09)**

You can order any of these leaflets free by:

- phoning **0845 3000 343**
- fax **0845 5438 258**, or
- emailing orderleaflets@communitylegaladvice.org.uk.

All of these leaflets are also available in Welsh, Braille and Audio.



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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