

Adult Social Care and Health DCALDMH and OPPD

Continuity of Care when an adult moves to a different local authority.

Practice guidance

To be read with the up to date [Care and Support Statutory Guidance](#) issued under the Care Act 2014 by the Department of Health.

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Version	Issue date	Summary of change
1a	02/12/15	Typing error section 3.2 Sharing Information, the word “second” replaced with “first.” Now reads “ <i>Once the intention to move has been established as genuine, the practitioner must contact the first authority to request the following...</i> ”
2	01 /03/2016	<p>Kent will not fund a support package when the person has moved to another authority, even on a temporary basis. See section 4.</p> <p>Removed reference to care account and independent personal budgets due to delay in Care Act funding reforms until 2020.</p> <p>Guidance about equipment and adaptations (see para 5.3)</p>
2 a	24/03/16	<p>Minor amendments: Disputes between LA must not prevent, delay or adversely affect the meeting of the person needs.</p> <p>Clarity that the second authority is responsible to provide an Independent Advocacy as required (see para 3.3).</p> <p>Second authority to provide accessible information about charging for care and support (see para 3)</p>
2b	01/04/16	<p>Amendment to paragraph 4.5</p> <p>New paragraph about disputes between local authorities- responsibility to meet needs (5.4)</p>
3	11 February 2019	<p>Introduction expanded to reference ASCH Ordinary Residence Practice Guidance when deeming provision applies.</p> <p>3. Moving to Kent, the following text: inserted: c) Provide full contact details of the Kent locality practitioner/social worker to the first authority and the adult/carer i) Issue “General ASCH Privacy Notice” (and “Third Parties ASCH Privacy Notice” as appropriate).</p> <p>3.2 Sharing Information amended to reference GDPR compliance.</p> <p>4. Moving from Kent: new paragraph added (4.4) explain that Kent DP will cease when person moves (first day).</p> <p>5.3 Equipment and adaptations has been updated to provide specific guidance when person moves from Kent.</p> <p>Appendix one: Overview when moving to Kent updated: point 5: Issue Privacy Notice point 6: includes providing information about KCC charging</p>

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PRACTICE GUIDANCE

Introduction

When a person is receiving care and support in a local authority and decides to move to another local authority, under Section 37-38 of the Care Act 2014 and The Care and Support (Continuity of Care) Regulations 2014, local authorities must ensure that care and support is in place during and after the move, so the person's wellbeing is maintained.

As a result of the move, their ordinary residence status changes (See Ordinary Residence Practice Guidance on KNet for full details)¹

1. Key Principles

1.1 Before a person moves to another authority, that new authority must assess whether the person has eligible needs for care and support, and if does, what those needs are.

1.2 When a person decides to move home to another local authority area and as a result, their ordinary residence status changes, the following must be applied:

- Care and Support is in place during and after the move
- The local authority that is currently arranging care and support and the new local authority to which they are moving work together
- There is no interruption to the persons care and support
- The person is confident that arrangements to meet their needs are in place

1.3 Where local authorities are in dispute about the continuity of care provisions, the dispute must not prevent, delay or adversely affect the meeting of the person's needs.

2. Definitions

2.1 For the purpose of this practice guidance the following meanings apply:

- **Adult** means the person who needs care and support and is or is intending to move to another authority.
- **Carer(s)** refers to any carer(s) that the person may have who has decided to continue to care for the adult after they have moved to the new area.
- **New carer'** refers to any new person who will take over the caring role when the adult moves to the new area.
- **Person or individual** refer to both the adult needing care and support and the carer.
- **First authority** means the local authority where the person lives and is ordinarily resident prior to moving.
- **Second authority** means the local authority the person is wishing to move to.
- **Assessment** refers to both a needs assessment and a carer's assessment.

¹ When a person moves to or from Kent because the assessment and care and support planning process has determined that:

- to meet an eligible need, a move to another local authority area is necessary and
- requires a specified type of accommodation under the Care Act 2014

the person placed 'out of area' is deemed to continue to be ordinarily resident in the area of the first authority (placing authority) and does not acquire an ordinary residence in the second authority (host).

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3 When Moving to Kent (second authority)

3.1 In practice, the adult would be expected to notify Kent directly (or Kent should be notified on the persons behalf) of their intention to move.

3.2 The person receiving the first contact must try to obtain as much information as possible at this point. When first starting to engage with an individual, the General ASCH Privacy Notice must be issued. Record this on the system as a case note.

3.3 When it has been established which locality in Kent the person is planning to move to (e.g. through ARMS referral or direct contact by the person to any Kent Social Care team), the following actions needs to be implemented.

3.4 When notification has been received, and it has been established which Kent locality it affects, the Kent locality practitioner/social worker **MUST**:

- a. Be satisfied the adults intention to move is genuine (see 3.5 below)
- b. Notify the first authority that Kent is satisfied the adults intention to move is genuine
- c. Provide full contact details of the Kent locality practitioner/social worker to the first authority and the adult/carer
- d. Provide the adult with accessible information e.g. care and support available in the area, charging for care and support and other information publically available to help inform decisions (<https://www.kent.gov.uk/social-care-and-health/care-and-support>)
- e. Provide an Independent Advocate (if required)
- f. Carry out a needs assessment to establish eligible needs
- g. Develop the Care and Support Plan/support Plan, Personal budget allocation
- h. Implement the Care and Support plan/Support Plan
- i. Issue "General ASCH Privacy Notice" (and "Third Parties ASCH Privacy Notice" as appropriate). Record on the system as a case note. Both notices available on KNet ASCH policy, document and template area page [click here](#)

3.5 Establishing if intention to move is genuine

The Kent practitioner/social worker must:

- Establish and maintain contact with the person and their carer to keep abreast of their intentions to move
- Continue to speak with the first authority to get their view on the person's intentions
- Ask if the person has any information or contacts that can help to establish their intention.

3.6 Sharing Information

Once the intention to move has been established as genuine, the Kent practitioner/social worker must contact the first authority to request (as a minimum) the following:

1. Copy of signed current Care and Support Plan
2. Copy of any Personal Budget
3. Copy of most recent needs assessment which includes the eligibility criteria determination

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4. If adult has a carer and that carer is to continue as the adult's carer after the move, a copy of any carer current Support Plan
5. Related information such as safeguarding plans, financial assessment.

3.6.1 Personal information should only be shared with a third party in line with GDPR and the legal bases identified in the directorate's Privacy Notice.

3.6.2 It is the duty of every member of staff who handles personal information to ensure that it is kept safe, secure, and only shared with those who have a legitimate reason to see it.

3.6.3 Staff should only share information with a third party where they have confirmation that the requesting person is who they say they are, and the staff member is authorised to share such information. Practical steps how to share information securely by post, telephone, fax, or email can be found in Guidance on Sharing Personal Information Securely.

3.6.4 All correspondence containing any information about a service user must be categorized using KCC Protective Markings. See Protective Marking Policy.

3.7 Needs Assessment

3.7.1 To make sure the right care and support are in place before a person arrives in Kent, the following needs to take place as soon as practicably possible:

- Assess whether the adult has needs for care and support, and if so, what those needs are,

and

- Where the adult has, or is proposing to have a carer, undertake a carers assessment of what the carer's needs are or are likely to be

3.7.2 When carrying out the need's assessment, the Kent practitioner/social worker must have regard to the Care and Support Plan and Support Plan provided by the first authority.

3.7.3 The Kent practitioner/social worker is responsible to arrange an Independent Advocate if the person has substantial difficulty and requires help to be fully involved in the assessment or care planning process.

3.7.4 If needs identified by an assessment undertaken by the Kent practitioner/social worker differ from the first authority, the Kent practitioner/social worker must provide a written explanation about the differences to the adult, any carer, any other person to whom the adult asks the local authority to provide the explanation.

3.7.5 If the needs assessment and/or the other steps required has not been carried out for whatever reason (unless there were unforeseen circumstances- see 5.1 below) before the day the adult has moved to Kent, the Kent locality practitioner/social worker **must:**

- Put in place arrangements that meets the adult or carer's needs for care and support, which the first authority has been meeting (i.e. outcomes identified in the first authorities Care and Support Plan and Support Plan).

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3.8 The Care and Support Plan /Support Plan

3.8.1 Kent must involve the adult, and any person the adult asks to be involved (or if lacking capacity, the person who appears to Kent to be interested in the adult's welfare) in deciding and agreeing how to meet eligible needs.

3.8.2 If a carer is continuing as the adult's carer after the move, Kent must involve the carer, the adult needing care (if carer asks Kent to do so) and who the carer wants involved in deciding and agreeing how to meet eligible needs.

3.8.3 The development of the Care and Support Plan or carer's Support Plan should include consideration of whether the person would like to receive a direct payment. See Direct Payment Policy and Care and Support Planning Policy and Support for Carers Policy for further details.

3.8.4 The Kent practitioner/social worker must make sure arrangements for any services and support, documented in the Care and Support Plan and Support Plan are in place on the day of the move to Kent.

3.8.5 SWIFT/AIS need to be updated and create a Case File adhering to the Case Recording Policy.

4 When Moving from Kent (first authority)

4.1 When the adult has informed the Kent practitioner/social worker of their intention to move from Kent, it is expected the adult advises the second authority, however the Kent practitioner/social worker should also contact the second authority to ensure arrangements are in place for the day of the move. See 3.2.1 above about sharing information with a third party.

4.2 When the second authority has informed Kent that it is satisfied the move is genuine, the Kent practitioner/social worker must provide information to the second authority when requested. See 3.6 above for list.

4.3 Pending the move, the Kent practitioner/social worker must keep in regular contact with the person and the second authority to ascertain the progress made to meet the needs in the Care and Support Plan and Support Plan.

4.4 If Kent direct payment used, explain to the person/carer that this will cease when the person has moved (first day) to the second authority. Arrangements will be made to recover unspent monies etc in line with Kent Direct Payment Agreement terms and conditions. Practitioner/social worker discuss with the Direct Payment team and keep team updated on progress for move. See 5.1 below if delay with moving.

4.5 If the needs assessment and /or other steps required have not been carried out for whatever reason (unless there were unforeseen circumstances- see 5.1 below) by the second authority by the time the adult has moved from Kent, **the second authority must** put in place arrangements that meet the adult's or carer's needs which Kent has been meeting (i.e. the outcomes identified in the Kent Care and Support Plan and Support Plan).

4.6 Kent is not required to fund or arrange any care and support packages in the second authority area when the adult has moved, even on a temporary basis while the second authority

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is arranging the needs assessment or putting arrangement in place. The second authority is responsible to meet the person's needs. See 5.4 about disputes.

4.7 The arrangements must be put in place by the second authority on the day of the move and continue until the second authority has carried out its own assessment and put in place a care and support plan which has been developed with the person and (if applicable) a carer's support plan.

4.8 The Kent practitioner/social worker must inform any services and support arranged by Kent Social Care of the person's intention to move and when, including informing the Direct Payments team (if involved) so appropriate arrangements made to end the payment. Update SWIFT/AIS.

4.9 See section 5.3 with regards to equipment and adaptations when person moves from Kent.

5 Other considerations

5.1 Delayed Move

5.1.1 There are a range of reasons why a person might not move on the designated day e.g. they become unwell, delay in exchanging contracts. Where there has been a delay because of unforeseen circumstances, both authorities should maintain contact with the person to ensure that arrangements are in place for the new date of the move.

5.1.2 If the person's move is delayed and they remain living in the area of the first authority, they will normally continue to be ordinarily resident in that area and so the first authority will remain responsible for meeting the person's and the carer's needs (see Ordinary Residence practice guidance).

5.1.3 If the person does not move to the second authority (and so the first authority remains responsible for providing care and support), the second authority may recover any costs it incurred in making arrangements, from the first authority, depending on the circumstances of the case.

5.2 Health needs

The adult and their carer may have health needs as well as care and support needs. Both local authorities should work with their local Clinical Commissioning Groups (CCGs) to ensure that all the adult and carer's health and care needs are being dealt with in a joined-up way. The second authority should carry out the assessment jointly with their local CCG.

5.3 Equipment and adaptations

5.3.1 When the person is moving from Kent (first authority) if the equipment is a core (basic) we would collect. We would do this as we receive a financial sum back (credit) from NRS Healthcare. The item can then be recycled several further times.

5.3.2 If the equipment is bespoke, it may be appropriate it moves with the person to the second authority if this is the person's preference and, it is still required and, doing so is the most cost-effective solution. Consideration needs to be given to the contract for maintenance and whether the equipment is due to be replaced. Kent (first authority) should discuss with the second authority

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about taking over the maintenance contract. If second authority do not agree to take over the contract, then the equipment will be collected on the day of the move.

5.3.3 For adaptations, it may be more practical for the second authority to organise the installation of any adaptations, when considering that adaptations are based on the person's accommodation.

5.3.4 Equipment on long- term loan from NHS, the second authority should discuss with the relevant NHS body. They are jointly responsible for ensuring the person has adequate equipment when they move.

5.4 Disputes between local authorities-responsibility to meet needs

5.4.1 Where local authorities are in dispute about the application of continuity of care, the dispute must not prevent, delay, interrupt or adversely affect the meeting of the person's needs.

5.4.2 The local authority, which is meeting the needs on the date of which the dispute arises, must continue to meet needs until the dispute is resolved.

5.4.3 If no local authority is meeting the needs on the date of the dispute, the area in which the person is present, must meet needs until the dispute is resolved.

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Appendix one

Overview when person moving to KENT

Step	Action Notification received from either the person or other Local Authority
1	Contact the person direct -adult and Carer (when appropriate) to ensure intention to move is genuine. Issue Privacy Notice. Establish proposed move date with person Provide full contact details of Kent practitioner /social worker to person/carer/ first authority.
2	Notify first authority that Kent is satisfied the move is genuine and exchange named contact details. Ask first authority for documents listed (see 3.6) to be sent (e.g. copy of Care and Support Plan, recent Needs Assessment etc.)
3	Provide information to the person about care and support available in Kent and other information requested to help inform their decision.
4	Create SWIFT/AIS and Set up Case File
5	Before the person moves , carry out a Needs Assessment with the person having regard to the Care and Support Plan and Support Plan received from the first authority. Arrange an Independent Advocate if person has substantial difficulty to be fully involved in the assessment or care and support planning process. Issue Privacy Notice.
6	Following needs assessment and after determining whether the person has eligible needs, develop the Care and Support Plan (Support Plan for carer) with the person. Independent Advocate required? Finance Assessment Referral Provide relevant information about charging for care and support (charging booklets/letter)
7	Keep in contact with first authority
8	Reaffirm move date with the person
9	Put in place the Care and Support Plan, Support Plan ready for day of arrival. Kent Direct Payment set up

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Appendix two

Overview when person moving from KENT

Step	Action
1	Notify the second authority the persons intention to move to their area
2	When requested by the second authority (once they have confirmed they are satisfied intention to move is genuine), send documents listed to be sent (e.g. copy of Care and Support Plan, Personal Budget, recent Needs Assessment etc.)
3	Keep in contact with second authority
4	Keep person informed of contact with the second authority Explain arrangement to cease DP payments in line with DP Agreement terms and conditions. Inform Direct Payment team change in circumstance, so team can make arrangements to end DP when person moves to the other local authority area
5	Reaffirm move date with person
6	Inform services and support that person moving to another authority. Make arrangement for any equipment removal (if required) for day of move.
7	Update and Close SWIFT/AIS Archive Case File following Records Management Policy and Case Recording Policy