**Letter to second local authority**

‘First’ local authority is the authority which is providing X’s current care. ‘Second’ local authority is the authority which is taking over X’s care.

There is a separate letter you should send to the first local authority.

We have assumed X will have a carer. If there is no carer just delete those references.

Please do note that you may wish to seek legal advice on these issues now and certainly once you receive a response if it is not favourable, or if no response is forthcoming within 14 days

DELETE THIS BOX BEFORE SENDING THIS LETTER

Name

Address

Date

Dear [ ]

**Failure to arrange continuity of care on moving to another local authority area**

I am writing to you to raise a concern. I am [*explain what relationship person sending letter has to X* ]. X has [*a care and support package/care account with [first authority*].

On [*date*] [*I/X*] notified [*first authority/second authority*] by [*email/telephone/letter*] of [*his/her*] plans to moves from [*his/her*] current address at [*current* *address*] to [*new address*] on [*date of move/estimated date]*. So far [*state what has happened, including if nothing has happened. Refer to any communications between X and either local authority including the date*.]

I am concerned that so far [*second authority] [has failed to carry out a Needs Assessment* *and/or* *no/no adequate*] arrangements have been put in place to ensure that X will receive continuity of care when [*he/she*] moves.

You will be aware that under Sections 1, 37 and 38 of the Care Act 2014, [*second authority*] has a statutory duty to do the following:

* Promote X’s well-being. (Section 1)
* Provide X and X’s carer with appropriate information (Section 37 (4))
* Assess whether X has needs for care and support and if so what those needs are, and assess whether X’s carer has needs for support and what those needs are likely to be. (Section 37 (6))
* Have regard to the care and support plan provided by [*first authority*] to X and X’s carer (Section 37 (7))
* Provide a written explanation of any difference between X’s needs identified by [*second authority*] and [*first authority*] (Section 37 (11))
* Provide a written explanation of any difference between the costs of [*second authority*] in meeting X’s needs and the costs of (Section 37 (12))
* Provide a written explanation of any difference between X’s carer’s needs identified by [*second authority*] and the needs identified by [*first authority*] (Section 37 (13))
* Take over from [*first authority*] in meeting the needs of X and X’s carer [and in keeping the care account] if on the day of the move [*second authority*] has not carried out a Needs Assessment or liaised with [*first authority*] to arrange suitable continuous care (Section 38 (1)).

If no assessment has taken place by the day of the move then under the Care and Support (Continuity of Care) Regulations 2014, [*second authority*] will have to take into account, when arranging suitable continuous care:

* Existing care plan of X and carer
* Outcomes desired by X and carer
* Views and preferences of X and carer
* ‘Relevant difference’ in facilities between old and new placements concerning:

access to a carer;

suitability of living accommodation;

location of living accommodation in terms of its proximity and accessibility to necessary facilities or services in the local community including—

medical services,

public transport,

educational facilities, and

recreational facilities or services; and

the availability of support from family members, friends, neighbours and the wider community

Chapter 20 of the Statutory Guidance to the Act also says [*second authority*]:

* 20.2 Must work together with [*first authority*] to ensure that there is no interruption to X’s care and support.
* 20.4 Is expected to achieve continuity of care by ensuring that it has completed a needs assessment and developed a care and support plan for X prior to the day of the move.
* 20.5 Ensures that X and [*his/her*] carer are at the centre of the process.

**[If X lacks/may lack mental capacity include the following paragraphs 2.17 and 20.23]**

* 20.17 X may request assistance from either [*first authority*] or [*second authority*] in helping them understand the implications of their move on their care and support. That authority must first carry out supported decision making, supporting X the adult to be as involved as possible and must carry out a capacity assessment and where necessary then take ‘best interests’ decisions. The requirements of the Mental Capacity Act 2005 apply to all those who may lack capacity.
* 20.18 Should identify a named staff member to lead on the case and be the ongoing contact during the move. This contact should make him/herself known to X and lead on the sharing of information and maintaining contact on progress towards arranging the care and support for X and [his/her] carer. This staff member should be jointly responsible with the lead from [*first* *authority*] for facilitating continuity of care within an acceptable timeframe.
* 20.23 If X has substantial difficulty and requires help to be fully involved in the assessment or care planning process and there is no other suitable person who can support them, the Act requires that they must be provided with an independent advocate. In this case the advocate should be provided by the [*second authority]*.
* 20.30 The care and support plan should include arrangements for the entire day of the move. This should be agreed by X, X’s carer and both authorities. [*First authority*] should remain responsible for meeting the care and support needs the person has in their original home and when moving.

**[If X has health needs which are being met by a CCG include the following paragraphs 20.32 and 20.33]**

* ‘20.32. Both local authorities should work with their local clinical commissioning groups (CCGs) to ensure that all of X’s and X’s carer’s health and care needs are being dealt with in a joined-up way.
* 20.33 If X also has health needs, [*second authority*] should carry out the assessment jointly with their local CCG. Alternatively, if the CCG agrees, [*second authority]* can carry out the assessment on its behalf.

**[If X has specialist equipment or adaptations include the following paragraphs 20.35 and 20.37]**

* ‘20.35 Where [*first authority*] has provided equipment, it should move with X to [*second authority*] where this is X’s preference and it is still required and doing so is the most cost-effective solution. This should apply whatever the original cost of the item. In deciding whether the equipment should move with X, the local authorities should discuss this with X and consider whether X still wants it and whether it is suitable for X’s new home. Consideration will also have to be given to the contract for maintenance of the equipment and whether the equipment is due to be replaced.
* 20.37 Where X has a piece of equipment on long-term loan from the NHS, [*second authority*] should discuss with the relevant NHS body. The parties are jointly responsible for ensuring that the person has adequate equipment when they move.
* 20.43 Consider any significant difference to the person’s circumstances where that change may impact on the individual’s wellbeing, including:

Support from a carer

Suitability of accommodation

Access to services and facilities

Access to other types of support

* 20.46 X should not be on an interim care and support (or support) package for a prolonged period of time as a tailored care and support (or support) plan must be put in place. [S*econd authority*] should carry out the assessment in a timely manner.

X is getting very anxious that [*he/she*] will not have the support in place which he/she is entitled to when [*he/she*] comes to move.

Please can you confirm that [*first authority*] is aware of X’s planned move and is liaising with [*second authority*] to ensure that [*a needs assessment is carried out as a matter of urgency/specify anything else X wants to happen*].

Given that X’s move is now only [ number of *days/weeks*] away I look forward to hearing from you within [*7/14 days (depending on how close the move is)*].

Yours sincerely