**Letter to first 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 can send to the second local authority

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 7-14 days, depending on how urgent this is

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 X’s plans to move 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 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, [*first authority*] has a statutory duty to do the following:

* Promote X’s well-being. (Section 1)
* On being notified by [*second authority*] that X is moving, provide [*second authority*] with copies of [*delete as applicable]*
* X’s Care and support plan
* X’s Independent personal budget
* X’s most recent needs assessment if there is no care package but there is a care account
* X’s Care account
* X’s Carer’s support plan

(Section 37 (5))

* Keep in contact with [*the second authority*] in order to ascertain the progress that [*the second authority*] is making in preparing to meet any needs for care and support of X and [*his/her*] carer (section 37 (9))
* Keep X and X’s carer informed about [*first authority*]’s contact with [*the second authority*] and involve X and [*his/her*] carer in that contact (Section 39 (10)).

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

* 20.2 Must work together with [*second 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 [*second authority*] has completed a needs assessment and developed a care and support plan for X prior to the day of the move.
* 20.5 Ensure that X and [*his/her*] carer are at the centre of the process.

**[*If X has told the first authority but not the second about the move then include the following paragraph 20.10]***

* 20. 10 Is under an obligation to inform *[name second authority]* of the proposed move.’

**[If X lacks/may lack mental capacity include the following paragraph 20.17]**

* 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 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 his/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 [*second authority*] for facilitating continuity of care within an acceptable timeframe.
* 20.25 Must keep in contact with [*second authority*] about progress being made towards arranging necessary care and support for the day of the move. Must keep X his/her carer informed and involved of progress. This should include involving them in any relevant meetings about the move.
* 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 X has in their original home and when moving.

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

* 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.’

**If X has specialist equipment or adaptations include the following paragraph 20.35**

* 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.

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 [ ] [*days/weeks*] away I look forward to hearing from you within [*7/14 days depending on how close the move is*].

Yours sincerely