[insert recipient name and address

Note that needs to be sent to both public bodies]

 [insert provider address]

[insert date]

Dear [insert name of provider]

**Re. Funding Dispute**

**Name of individual: [insert]**

**D.O.B. [insert]**

**Address: [insert]**

As you will be aware, there has been an on-going funding dispute between [insert] LA and [insert] CCG/LA in relation to [insert name of individual since [insert date]. The back pay owed as of [insert date] is £[insert]. [insert name of individual] is currently without an agreed package of care. [insert name of individual] has been without an arranged package of care since [insert].

[insert provider name] has a long history of working collaboratively with public bodies to arrange care and support for people with a learning disability. We believe that it is in [insert individual’s name] best interests to continue to reside at the above address. We wish to continue to work with you to provide the highest level of care for [insert name of individual] and we have accordingly sought to maintain the placement for as long as possible. However, given the significant sums accruing, the position as it stands is unsustainable for [insert name of provider].

It is our position that [insert name of CCG and LA] are failing to work together to ensure that arrangements are made to meet [insert name of individual]’s eligible needs, this is placing [insert name of individual] at risk of eviction and is a failure of the duty to act in his best interests. We are writing to respectfully urge you to act swiftly to remedy this situation to protect the best interests of [insert name of individual].

**The facts**

[insert name of individual] has resided at [insert address] since [insert]. On [insert date] [insert name of LA] ceased payment of the agreed sums [as per the contract dated – if there is a contract]. [On [insert date] we wrote to the LA requesting payment and we were informed that it is the local authority’s position that [insert name of individual]’s needs are health needs. Since then we have sought payment for the outstanding sums, together with agreement of an interim package of support for [insert name of individual] whilst the dispute is resolved, to no avail. – amend as appropriate]

**The law**

Section 6 of the Care Act sets out a clear duty to cooperate. This duty requires you to work together [with the NHS body/ local authority – insert and delete as appropriate]; to ensure that the needs of Mr Cowman are met in the interim, whilst the funding dispute is resolved.

The case law is clear on this point. In the Ombudsman Complaint no. 96/C/3868 against Calderdale MBC 24th November 1998 para 30, the local authority and the NHS body failed to put support in place whilst negotiating over costs. The Ombudsman held that this conduct was unreasonable.

Further in R(AM) v (1) Havering LBC and Tower Hamlets LBC [2015] EWHC 1004 (Admin) para 46, the High Court held that even where it was reasonably clear which public body is responsible for arranging care, it was an inexcusable failure of good social work practice for the public body who was not responsible for arranging care to ‘wash its hands’ of the family.

**Next Steps**

Given the substantial sums which have accrued whilst the funding has been in dispute, we respectfully request that [insert name of CCG/LA] and [inset name of LA/CCG] take immediate steps to resolve this situation. A copy of this letter has been sent to both parties.

We look forward to:

* receiving a substantive response to this letter within **7 days** confirming that the outstanding sums will be paid within **14 days**;
* receiving payment of the outstanding sums within 14 days
* receiving confirmation within **7 days** that an interim package of support has been agreed as well as the details of said interim package of support
* receiving [monthly payment] for the interim package of support whilst the final agreed package of support is agreed and arranged.

If we do not hear from you in this regard by [insert date 7 days from date sent]; we will be left with no option but to seek further legal advice in relation to this matter, and to give notice to the official solicitor that you are not meeting your duties in relation to meeting the care and support needs of [insert name of individual].

Yours sincerely,

[insert name]

cc.

monitoring officer care of the Director of legal services

[note that a copy of the letter sent to the CCG must be sent to the LA and vice versa]