# Guide to social care (Wales)

## Introduction

Your local authority’s social services department is there to give you the help and support you need to continue to lead an independent life. This can include the following types of assistance:

* rehabilitation including mobility training and daily living skills
* personal care at home
* domestic help
* answering correspondence
* help with shopping
* services in day centres
* provision of equipment, aids and minor adaptations to the home
* care in residential or nursing homes

To access this type of help, you will normally need to be assessed by social services. The Social Services and Well-being (Wales) Act 2014 governs how this process works in Wales. If you need further information on social care assessments in England, Scotland or Northern Ireland, you can call our Helpline on **0303 123 9999** or email us at **helpline@rnib.org.uk** for further advice.

## What is a needs assessment?

A needs assessment is for people who may need help because of a disability, ill health or old age. It should assess what your care and support needs are and if you are eligible for any help through social services.

If you think you need an assessment, the first step is to contact your local social services team and request for one to be carried out. If you’re unable to make the call yourself or are uncomfortable with doing this, then someone can do this on your behalf instead.

You can find your local authority’s social services telephone number through directory enquiries or online. You can also contact our Helpline and we’ll find the number for you.

When you call social services, you’ll need to make it clear that you’re blind or partially sighted and that you would like an assessment of your needs. You should be able to speak to a specialist team within social services, often called a “Sensory Impairment Team”. It can be useful to keep a record of who you speak to throughout the process.

## When should I get a needs assessment?

Once social services are made aware that you may have a need for care and support, they have a legal obligation to carry out a needs assessment.

Sometimes, before a needs assessment is carried out, social services may offer you a period of sight loss rehabilitation. This is a type of support aimed at helping you to relearn certain activities following sight loss to maintain your independence and prevent or reduce your need for longer term care and support. Rehabilitation services can cover the following areas:

* orientation and mobility skills
* independent living skills
* communication skills.

However, if you have care and support needs that cannot be prevented through rehabilitation, or there is a lengthy waiting list for rehabilitation services, then you should still receive a full needs assessment from social services within a reasonable amount of time. While there are no specific legal timeframes when the assessment should be completed by, the legal guidance says completion of the assessment should be “timely and responsive to the urgency of the individual’s needs”.

Therefore, if you feel you’ve waited too long for an assessment, or if your needs are urgent, then you may need to make a formal complaint. For more information on this, see “How do I make a complaint to social services?” below. You can also contact our helpline, as RNIB’s Legal Rights Service may be able to assist you.

## How do I prepare for my needs assessment?

Once your social services department has contacted you to let you know the day and time of your assessment, it can help to prepare for it by thinking about any difficulties that you have.

Our factsheet on “Preparing for your social care assessment (Wales) goes through some top tips for preparing for your assessment. You can request a copy of this factsheet by calling our Helpline or by visiting:

**rnib.org.uk/social-care**

## How is a needs assessment carried out?

A named professional who is appropriately trained and understands your condition should carry out your needs assessment. This will often be a professional such as a rehabilitation worker for blind and partially sighted people or a social worker. They will usually do this in your home, so that they get a better understanding of your home life. Sometimes they may conduct the assessment at other places such as a social services office, a day centre or a resource centre.

The assessment should be proportionate to your circumstances and consider:

* the outcomes you want to achieve
* the barriers you face to achieving these outcomes
* the risks if these outcomes are not achieved
* your strengths and capabilities.

It can often help to have someone with you during the assessment. This could be your partner, carer, a relative or friend, or someone from a local advocacy service. They can also speak on your behalf if this is what you prefer.

## Who decides if I’m eligible for help?

Once your social services department has completed your assessment and has the full view of your needs, they next need to decide if you are eligible to receive care and support.

All local authorities in Wales follow the same national eligibility criteria which considers your ability to carry out certain activities (called “outcomes”), and if being unable to carry them out significantly impacts on your wellbeing. You can learn more about the eligibility criteria in our toolkit on “Preparing for your social care assessment (Wales)”. You can request a copy of this factsheet by calling our Helpline or by visiting **rnib.org.uk/social-care**.

## What happens if I am not eligible for help?

If your needs are identified as not meeting the eligibility criteria, your council should still provide you with advice, information and assistance with accessing services in the community, such as those from the voluntary sector or charities.

If you have been found ineligible for care and support but think that you should have qualified for this, then contact our helpline, as RNIB’s Legal Rights Service may be able to assist you.

## What happens next if I am eligible for help?

If you are assessed as having eligible needs, then the local authority has a legal obligation to meet these needs. There are different ways social services can meet your eligibility needs, for example:

* they can provide you with care and support directly
* they can arrange for the care and support to be provided through another organisation
* they can provide you (or someone else on your behalf) with a sum of money to pay for care and support yourself, called a direct payment. This is subject to social services agreeing that your choice in care and support meets your assessed needs. Social services must also be sure that you, or a suitable person on your behalf, can manage the direct payments. While direct payments give you more flexibility and choice around choosing your care, you will take on the legal responsibilities of being an employer and not be able to make a complaint to social services in the way that you could if the care and support had been arranged directly by them
* they can provide you with a combination of the above options.

The process of discussing which type of support is appropriate for meeting your eligible needs is called “care and support planning”. You and any carers should be actively involved in this process. A written care and support plan should be drawn up by the local authority, and include the following information:

* your eligible needs
* your personal outcomes
* the actions to be taken by local authority and others to help achieve the personal outcomes and/or meet their eligible needs
* the arrangements for monitoring the extent to which the personal outcomes have been achieved and for review of the plan.

Upon completion of the plan, you should be provided with a copy of this in an accessible format.

## Do I have to pay for help from social services?

Some types of help from social services should always be free of charge, such as sight loss rehabilitation services.

However, in most cases you will have to pay something towards the cost of your care received at home, although some people may be entitled to care and support for free. There is a maximum charge of £100 per week for non-residential care charges. You cannot be charged more than this in any circumstances, but you may be charged less if the cost of your care is less than this to deliver or if your income and savings are low enough. Your local authority will carry out a financial assessment (means test) to determine how much you should contribute towards the cost of you care and support.

If you have savings or capital of £24,000 or over (excluding the home you live in), then the local authority can charge you the maximum £100 per week or the full cost of your care if it is less than this.

If you have less than £24,000 in capital, then the council must assess your income levels to see how much of a contribution you can afford to pay towards your care and support. When doing this, local authorities must leave you with a minimum income to live off each week after charges for care and support are considered. This weekly amount is equivalent to:

* your basic entitlement under Income Support or Pension Credit
* a buffer of 35% of the above entitlement
* plus, an allowance of at least 10% of the basic entitlement to account for ‘disability related expenditure’ you may have. If you have a disability related expenditure more than this amount, then the local authority should also take this into account.

There are different rules on charges on residential care. You can call Age Wales for more information on residential care charges on **0800 022 3444** or email **advice@agecymru.org.uk**.

If you think you are being overcharged for your care and support then contact our Helpline, as RNIB’s Legal Rights Service may be able to assist you.

## Changes in circumstances and reviews of your needs

Your local authority must keep your care and support plan under review to ensure your needs are being met and whether your circumstances have changed. The date of your next review should be contained in your care and support plan (which you should have been provided a copy of) and should be completed after 12 months of having care and support in place.

However, a review can be carried out more frequently if you report a change in your circumstances. You can request a review at any time if this applies to your situation.

## How do I make a complaint about social services?

If you’re not happy with how social services have treated you, or disagree with a decision that they have made, then you can challenge this by making a formal complaint.

In some cases, it may be worth starting off by speaking with the member of staff concerned as a quick way of sorting out the problem. However, if this does not resolve your problem, you can make a complaint face-to-face, in writing or by email.

There are two stages to local authority complaints procedures:

1. local resolution – provided by the council themselves
2. formal investigation – the council will need to appoint an independent investigator to attempt to resolve the issue.

If the two stages have been exhausted and your complaint has not been adequately resolved, you can escalate your complaint to the Public Service Ombudsman (PSO). The PSO is an independent and impartial body.

You can ask your local councillor, or voluntary organisations for support in making your complaint. You can also call our Helpline to speak to one of our advisers, and depending on your circumstances, our Legal Rights Service might be able to help you.

## How we can help

If you would like any more information about social care assessments, you can speak to our Advice team by calling or emailing our Helpline.

### RNIB Helpline

If you need someone who understands sight loss, call our Helpline on **0303 123 9999**, say **“Alexa, call RNIB Helpline”** to an Alexa-enabled device, or email **helpline@rnib.org.uk**. Our opening hours are weekdays from 8am – 8pm and Saturdays from 9am – 1pm.

### Sight Advice FAQ

Sight Advice FAQ answers questions about living with sight loss, eye health or being newly diagnosed with a sight condition. It is produced by RNIB in partnership with a number of other sight loss organisations. **sightadvicefaq.org.uk**

### Connect with others

Meet or connect with others who are blind or partially sighted online, by phone or in your community to share interests, experiences and support for each other. From book clubs and social groups to sport and volunteering, our friendly, helpful and knowledgeable team can link you up with opportunities to suit you. Visit **rnib.org.uk/connect** or call **0303 123 9999**.

The factsheet gives general guidance only and is not an authoritative statement of the law.



**RNIB Legal Rights Service**

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